



Statement of the Plurinational State of Bolivia

15th Session of the Assembly of
States Parties to the Rome Statute

17 November 2016

Mr. President, Ministers, Excellencies, Ladies and Gentlemen,

Mr. President,

The Plurinational state of Bolivia acceded to the Rome Statute in 1998 and has since then actively participated in the establishment of the Court and its development through the Assembly of State Parties.

Bolivia reiterates the importance of continuing to promote the universality of the Rome Statute, and in this regard welcomes the Republic of El Salvador as a new State Party.

As an elected Non-Permanent Member of the UN Security Council and in keeping with its pacifist vocation, the Plurinational State of Bolivia reaffirms its support and commitment with the ICC in the struggle against serious crimes of an international nature.

Mr. President,

The debate during this Assembly affords an opportunity to explore the achievements of the Court, however, it should also allow for a reflection and self-critique regarding the issues and challenges the Court currently faces. Those challenges include, amongst other matters, the achievement of greater efficiency and effectiveness in carrying out Court activities; the lack of sufficient support resources; the political difficulties with the implementing international judicial cooperation and achieving the desired universality in the face of the persistent refusal of several countries (three of which are permanent members of the Security Council) to join the Rome Statute. Parallel to these matters is the latest announcement by some countries of their withdrawal from the Rome Statute.

The structure of the International Criminal Court involves a complex model of convening, under a single Statute, bodies whose nature and functions are essentially independent, yet share a Registry and a budget that is decided upon by the Assembly of State Parties. The ICC was created to prosecute persons who commit the most serious crimes, but its jurisdiction is complementary to the criminal justice system of individual countries; it is not intended to replace or compete with them. It is therefore the responsibility of the States and the International Criminal Court to strengthen international criminal justice and the values it entails: peace and security; respect for human rights; the guarantees of due process; protection of victims and witnesses; and the end of impunity.

After its first fourteen years of existence, the ICC has prosecuted a reduced yet significant number of cases that have tested the viability of the Rome Statute and its main objectives of combating impunity and contributing to peace and international security. During this time the difficulties of conducting criminal proceedings in and from The Hague regarding events which occurred on other continents, thousands of kilometers away have also become evident. The search for truth through the collection of evidence and the testimony of witnesses in diverse cultural contexts is a slow and costly process, not to mention the political difficulties that arise in cooperation and complementarity by States.

Despite these difficulties, the Court continues to receive requests from various countries and the United Nations Security Council to investigate and address serious situations that cannot remain unresolved.

Mr. President,

In addition to the thirteen cases that are being processed during the current year and are at different stages, ten situations are under investigation and ten preliminary examinations are pending. The OTP Report on Preliminary Exam Activities of 2016, states that during the past year, there were 477 communications on possible cases, although merely 25% of them led to further analysis. It also reports that 12,022 communications were received between 2002 and 2016¹. This is a significant figure that requires further analysis so as to assess the origin and functioning of the Court's primary jurisdiction as well as the types of situations being reported to the Court and/or the political motivations, if any, which underlie these communications. It is reasonable to suggest, given these circumstances, that the OTP work more openly and constructively with each State in these situations to encourage complementarity and to avoid misuse of the ICC and its resources; a process which can be adopted without breaking any applicable rules of confidentiality related to case investigation.

This Assembly creates the opportunity to take positive action on the recommendations of the working groups in The Hague facilitated by the Bureau in light of its own experience. The Assembly can optimize tasks as well as working methods, improve coordination with the UN working groups in New York and, in that process, translate its efforts into effective contributions which facilitate the work of the Court while avoiding overly bureaucratic solutions.

It is also necessary to emphasize the importance of strengthening the mandate of the Assembly to provide the organs of the Court, the Presidency, the OTP and the Registry, with management oversight and supervision that should be complementary to and part of the consideration and determination of the budget. In doing so this Assembly must engage in an objective examination of the costs incurred by the Court, keeping in mind its broad legal mandate and the complexity of its tasks while also giving due consideration to cooperation, complementarity alternatives and existing cultural diversities

Mr. President,

Lastly, it is important to reiterate the spirit that motivated our States in negotiating and signing the Rome Statute. It is not acceptable to leave in impunity those who committed or continue to commit atrocities that violate human rights and affect the conscience of humanity around the world. All States, whether part of the Rome Statute or not, are responsible for taking action, so as to contribute to the prevention of such crimes. This International Criminal Court has the challenge of maximizing its capacities to achieve, together with all the States, an independent and effective performance, that consults the best formulas of cooperation and complementarity to make the vision of universality possible.

Thank you.

¹See: https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf