

**Statement on behalf of the EU and its Member States for "General Debate"
at the 15th Assembly of States Parties to the Rome Statute in November 2016**

Mr. President,

I am honoured to address the Assembly of States Parties on behalf of the European Union and its Member States. The Candidate Countries the former Yugoslav Republic of Macedonia and Albania, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina as well as Ukraine, Republic of Moldova and Georgia align themselves with this statement.

In this capacity, I congratulate you on another successful year in office as President of this Assembly. The EU and its Member States are committed to continuing supporting you in this crucial role.

Mr. President,

We welcome the important judicial developments achieved this year. With twenty-three cases in ten situations at different stages of the proceedings, eleven situations under preliminary examinations and one new investigation by the Prosecutor, the ICC is, this year again, facing an increasing workload. It is worth noting that the ICC is now conducting preliminary examinations and situation investigations in most regions of the world - that is in Latin America, in Asia, in Africa and in Europe. The Office of the Prosecutor has also undertaken important work, elaborating a comprehensive Policy Paper on Case Selection and Prioritisation as well as Draft Policy on Children.

The EU is concerned about the fact that the relationship between the ICC and some governments has faced renewed challenges. We stand ready to listen to the concerns raised and welcome constructive discussion. And indeed, we must strengthen the dialogue and communication among us all. Yet, it is essential that concerns about the Court and its proceedings do not fall beyond the framework and principles of the Rome Statute.

Mr. President,

We note with appreciation that El Salvador became the 124th State Party to the Rome Statute on 3 March 2016. We warmly welcome El Salvador in our midst. We hope that the ratification by El Salvador will be followed by more ratifications.

The EU promotes a rules-based global order with multilateralism as its key principle. We firmly believe that we have an interest in promoting agreed rules to contribute to a peaceful and sustainable world. This is precisely why the new

Global Strategy for the European Union's Foreign and Security Policy, titled "Shared Vision, Common Action: A Stronger Europe" and released in June 2016, explicitly commits the EU to promote international criminal law and encourage the widest acceptance of the jurisdiction of the International Criminal Court.

The EU and its Member States are committed to continuing working together with you and all other stakeholders towards this common goal of achieving universality. It is also in this context that we note the recent ratifications of the Kampala Amendments, particularly the Amendments on the Crime of Aggression, and take note that the threshold of thirty ratifications has been met allowing the activation decision to be taken in 2017.

Mr. President,

The Rome Statute is an essential and unique achievement in international criminal justice. The existence and functioning of the ICC remains an important guarantor of the respect of international humanitarian and human rights law in all countries. The decisions by South Africa, Burundi and The Gambia to withdraw from the Rome Statute raise serious concerns of the EU and its Members States. Such action could weaken the perception that the "*rule of law*" is strong and that justice is delivered to the victims across the globe, in particular in countries concerned. It would stimulate those seeking justice to take the law into their own hands. We regret those decisions and align with your invitation, Mr. President, to the States concerned for a constructive and open dialogue, however with full respect for the principles and integrity of the Rome Statute.

Mr. President,

The EU and its Member States are absolutely aware of the fact, that rendering justice at the highest level possible is financially demanding. However, the Court should strive for consistent budget proposals based on careful, transparent and strict financial assessment. The budget reform ensuring an exhaustive internal communication within the Court among its organs resulting in elaboration of just a single budgetary proposal of the whole Court represents a step in the right direction, however, further steps towards prioritization and synergies are needed.

The EU and its Member States are concerned about the high amount of arrears burdening the Court's ability to responsibly manage its operations. We appeal to all States Parties to pay their annual contributions in time.

Mr. President,

Syria is in its sixth year of conflict. All those responsible for breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes or crimes against humanity, must be brought to justice, including those committing crimes against religious, ethnic and other groups and minorities. Impunity for crimes committed is unacceptable and thus the EU will continue to support efforts to gather evidence in view of future legal action.

The EU recalls its conviction that the situation in Syria should be referred to the ICC and renews its call upon the UN Security Council to take action in this respect. The EU and its Member States will seek to explore possibilities of concerted action *inter alia* through the UN General Assembly and, with regard to the situation in the wider region, call on Iraq to accede to the Rome Statute.

Mr. President,

The ICC does not replace national courts. It only steps in if they cannot fulfil their duty. In this sense, the ICC is indeed a key complementary institution to fight impunity and seek justice for victims, where this is not possible at the national level for whatever reason. The Court only intervenes if the state concerned is unable or unwilling to exercise its jurisdiction. The implementation of the principle of complementarity requires effective national legislation to implement the Rome Statute in national systems as well as effective inter-state cooperation in the fight against impunity for atrocity crimes, including through improved ways for mutual legal assistance. The recent judgement of 30 May in the Habré case illustrates again to all of us what international criminal justice can achieve.

Mr. President,

In order to address atrocity crimes seriously, there must be a unified and comprehensive response from the international community. The EU remains dedicated to working with all Governments and civil society to support the rule of law and the ICC as the key institution in the fight against impunity of the most serious crimes. We look forward to working constructively with all the States Parties, officials of the Court and members of the NGOs community to achieve a successful outcome of this Assembly and – by doing so – further strengthening international criminal justice.

Thank you.
