



Statement on behalf of the European Union and its Member States

*at the International Criminal Court
Sixteenth Session of the Assembly of States Parties*

General Debate

United Nations

New York

6 December 2017

— CHECK AGAINST DELIVERY —

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 Montenegro*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

In this capacity, I would like to express our thanks to His Excellency President Sidiqi Kaba who has led the work of the Assembly with great commitment during a period that presented many challenges.

Mr. President,

The EU reiterates its unwavering support for the ICC as an important tool of the international community for fighting impunity and contributing to peaceful societies. The gross violations of international humanitarian law and violations and abuses of human rights that we witness worldwide are a sharp reminder of the continuing relevance of the Court. We need to stand united against impunity.

The European Union and its Member States welcome the decision by The Gambia to rescind its notification of withdrawal from the Rome Statute. We regret that Burundi did not reconsider its decision to withdraw.

Mr. President,

The EU and its Member States are appalled by the continued blatant disregard for human rights and international humanitarian law in Syria. Therefore we reiterate our call for the UN Security Council to refer the situation in Syria to the ICC. Moreover, we will continue to support efforts to gather evidence in view of future legal action. With regard to the situation in the region, the EU and its member States once again call on Iraq to accede to the Rome Statute.

Mr. President,

The EU promotes a global order based on the rule of law in which there is no shelter for the perpetrators of the most serious crimes under international law, including the crime of aggression. The EU and its Member States therefore support the swift activation of the Court's jurisdiction over the crime of aggression and underline the importance of consensus in this regard.

During the last years the ICC has been faced with an increased workload. This increased activity has led to a significant increase of the financial cost. In order for the Court to fulfil its

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

important mandate we urge all States Parties to continue to provide the Court with the necessary financial resources. We furthermore urge States Parties to pay their outstanding contributions.

We also encourage the Court to provide transparent and realistic budgetary proposals and to further streamline its administrative and judicial processes, make a more efficient use of its resources and strive to improve the impact of its action as recommended by the Committee on Budget and Finance reports.

The EU would like to congratulate the new judges elected in this 16th session of the Assembly. The credibility of the ICC rests *inter alia* on the quality, impartiality and efficiency of the ICC judicial bench.

Mr. President,

The role of the ICC is to complement rather than replace existing national judicial systems. The primary responsibility to investigate and prosecute crimes remains with the individual States. Therefore, all States Parties need to adopt effective national legislation to implement the Rome Statute.

Effective international cooperation with the ICC is crucial for the Court to perform its mandate. We note with concern recurrent instances of non-cooperation, including for situations referred by the UN Security Council. We urge States Parties to take action to ensure full cooperation with the Court, from the opening of an investigation to the enforcement of a sentence, including by the prompt execution of arrest warrants and by eliminating restrictions in their legislation that hamper assistance. Through its various instruments the European Union remains committed to support initiatives aimed at encouraging States to cooperate in the fight against impunity and in defence of an impartial and independent justice system. Equally, various forms of voluntary cooperation, such as the conclusion and implementation of framework agreements on the relocation of witnesses and the execution of judgements, constitute a vital contribution to the effective and efficient functioning of the Court.

We welcome the Seminar on Financial Cooperation organized in Paris by the Cofacilitators on Cooperation.

Mr. President,

The EU also recalls that one of the core principles underlying the creation of the ICC is the commitment of the international community to also ensure the rights of the victims by holding to account those responsible for the world's worst crimes. The ability of the ICC to award reparations to victims is a critical component of its overall framework to ensure the rights of the victims. We encourage States Parties to consider making voluntary contributions to the Trust Fund for Victims to provide physical, psychological or material support to those who have suffered harm as a result of heinous crimes under international law. We also urge

States Parties to support human rights defenders and civil society organisations which work for the protection of the most vulnerable.

Mr President,

July 2018 will mark the twentieth anniversary of the adoption of the Rome Statute. This will be a good occasion for the international community to engage in a more concerted collective effort to bring constructive and positive attention to the work of the ICC, including through ratification campaigns to increase the number of States Parties to the Rome Statute.

The EU and its Member States are fully committed to continuing working together with all partners to further the work of the International Criminal Court and strengthen the system of international criminal justice.