

PLEASE CHECK AGAINST DELIVERY

INTERNATIONAL CRIMINAL COURT

SIXTEENTH SESSION OF THE
ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

- GENERAL DEBATE -

STATEMENT BY

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At the outset, we would like to thank H.E. President Sidiki Kaba for his dedicated and skillful work at the helm of the Assembly in turbulent times for the Court.

Mr. President,

In a world marred by increasingly complex armed conflicts displaying a blatant disregard for international humanitarian law, the ICC is needed more than ever. Twenty years after the Rome Statute's adoption, the Court has established itself as an integral part of the international legal system, playing an essential role in the fight against impunity and the establishment of the rule of law worldwide.

Challenges to and controversy about the ICC's work will probably never fully abate, as the Court navigates in politically tensed environments. Yet, the independent judicial machinery of the ICC is staying the course. And for that it needs - first of all - the strong support of the States Parties.

In fulfilling its mandate, the Court is dependent on state **cooperation**. Despite clear obligations stemming from the Rome Statute, recurrent instances of non-cooperation, including for situations referred by the UN Security Council, affect the integrity of the proceedings and delay them, thereby reducing the Court's efficiency. States should ensure full and prompt cooperation with the ICC, including in the area of arrests and surrender of suspects. We would also like to welcome the renewed focus on addressing cooperation challenges with respect to financial investigations. We are grateful to France and Senegal, co-facilitators on cooperation, for organizing a useful conference on this subject in Paris this October.

Mr. President,

In our common strive to enhance the effectiveness and efficiency of the Court, we salute the **reform measures** undertaken by the ICC management to improve its performance and governance and encourage their further implementation, also with a view to ensuring the best use of its financial resources. At the same time, Romania is aware of the increased **workload** in the Court's activity during this last year and of the importance to provide this judicial body with the adequate resources to deliver high quality justice.

We would like to **congratulate the recently elected judges** and underline their significant contribution to the advancement of international criminal justice, impartially and consistently applied.

Mr. President,

Under the principle of **complementarity**, States Parties carry the primary duty to investigate, prosecute and bring to justice the perpetrators of crimes defined in the Rome Statute, ICC being a court of last resort. Therefore, strengthening the capacity of national jurisdictions is crucial to hold perpetrators of international crimes to account. *As ad country co-focal point for complementarity* since February 2017, Romania has been working, on an inclusive and transparent basis, to facilitate the exchange of information between the Court, States Parties and other stakeholders aimed at enhancing effective domestic implementation of the Statute.

Mr. President,

Achieving **universality** of the Rome Statute remains, from our perspective, the most powerful preventive approach to mass atrocities. We acknowledge the various obstacles to the ratification and full implementation of the ICC Statute, which require

joint, unrelenting and adapted efforts in order to overcome them. It is in this spirit that we should continue to work towards reaching this goal.

We welcome the decisions by South Africa and The Gambia to reverse their previous decisions to withdraw from the Rome Statute and regret the coming into effect of Burundi's notification of withdrawal. Building on lessons learnt in recent years, we plea for further developing a more constructive dialogue with States to understand their concerns and to better communicate about the Court's work, without affecting the integrity of the Statute.

Romania is ready to engage in the collective efforts of using next year's twentieth anniversary of the adoption of the Rome Statute to raise awareness of the Court's activity and promote its universality.

As part of measures undertaken at the national level, we would like to inform that Romania is in the final stages of the ratification process of the amendment to Article 124 of the Rome Statute.

Not least, Romania is keenly aware of the historic opportunity provided by this Assembly to decide on activating the Court's jurisdiction over **the crime of aggression**, thus giving full effect to the provisions of the Rome Statute. We firmly believe that activation would reinforce the prohibition of the illegal use of force enshrined in the UN Charter and would contribute to the prevention of wars. Delaying this decision could jeopardize this goal indefinitely.

Building on the unique momentum created by the Review Conference, we would support a consensual decision meant to bring to life the carefully balanced compromise agreed in Kampala. We encourage all delegations to show the necessary flexibility to work past their divergences with the view to safeguarding the universality of the Statute and keeping the Court away from political controversies.

To conclude, in our view, the ICC has made significant progress in holding high-level perpetrators of atrocities to account since its creation and, indirectly, has ensured fair and genuine criminal prosecutions under national jurisdictions. The ICC remains, thus, a sound investment in preventing the most serious crimes, building stable societies and advancing the culture of accountability globally.

Romania fully aligns itself to the statement delivered on behalf of the EU and its Member States.

Thank you.