



Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

17th Assembly of States Parties to the Rome Statute of the International Criminal Court

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The Hague, The Netherlands

Statement by **Mrs. Barbara Lochbihler**, Vice-Chair of the Human Rights Sub-Committee of the European Parliament, PGA Board Member and Convenor of the International Law and Human Rights Programme and the Rome Statute Campaign

*President and Vice- Presidents of the International Criminal Court,
Prosecutor of the International Criminal Court,
Distinguished honourable delegates from all regions of the world,
Dear representatives of international organizations and civil society:*

On behalf of Parliamentarians for Global Action, a global parliamentary network of 1,400 legislators in 138 democratically elected parliaments in the world, it is my distinct pleasure to address you on this important occasion.

This year marks the 20th anniversary of the adoption of the Rome Statute that established the ICC. Through its unique mandate and being governed by the general principles of international law the ICC has demonstrated its potential in making a real difference in the advancement of the fight against impunity. Nevertheless, this historic moment offers an opportunity to assess the external and internal challenges that the Rome Statute system is facing today. Such critical evaluation might trigger constructive changes enabling the Rome Statute system to meet the expectations to deliver the justice it was created for.

20 years following the adoption of the Statute, we still continue witnessing atrocities being committed, with the international community shying away from adequately addressing them. While the ICC was created to bring perpetrators to justice, States continue to fail to support the Court for instance by not effectively exercising their primary jurisdiction and executing pending arrest warrants issued by the ICC. While the Rome Statute system has equipped States with necessary tools to advance justice for international crimes by exercising their domestic jurisdiction, there has been insufficient efforts at national level.

As such, the activation of the principle of complementarity by States Parties to the Rome Statute, recognised in the Rome Statute as “*the duty of every State to exercise its criminal jurisdiction*” on the most serious international crimes, has been less than satisfactory.

In November this year, PGA organised its Consultative Assembly of Parliamentarians for the ICC and the Rule of Law, in Kiev. It was reiterated by more than 77 members of parliaments from 38 countries that it is only through the universal ratification and full implementation of the Rome Statute that the application of the principle of equality of all before the law, can be addressed and fulfilled, supported by action that prevents any perceived double-standards in relation to the selection of situations and cases.

Nevertheless, certain regions, namely Asia, the Middle East and North Africa, remain underrepresented, limiting the jurisdiction of the ICC over crimes of serious concern to the international community. We therefore welcome pledges and concrete progress towards ratification or accession and renew the appeal to 72 Member States of the United Nations that have not yet ratified or acceded to the Rome Statute to do so. While we welcome the decisions by two States, The Gambia and South Africa, to revert their withdrawal process, we regret that one State, The Philippines, has started the process of withdrawal from the Statute.

Even more so, we express serious concerns that some of the strongest supporters of the Rome Statute – two prominent Filipino Senators who are members of PGA – have been detained or confined to home arrest in the framework of the on-going attacks against those who are perceived to be political opponents to the government.

To overcome external challenges, we call on all States Parties to execute the decisions and requests for assistance on cooperation by the ICC and fully implement the Rome Statute in their domestic legal orders, enabling the ICC to operate effectively.

In this respect, we welcome the progress that has been made in several domestic legislations by State Parties in the last year as a result of the engagement of committed PGA members, who played a key role in adopting comprehensive cooperation laws in Costa Rica and the Dominican Republic.

It is imperative for the Court as a judicial and prosecutorial international organization to overcome also its internal challenges. As identified during a conference of eminent jurists, government officials and policy-makers, held in Rome in July this year, these relate to the limited productivity of the ICC in terms of the case-load and the maximization of human resources that could be deployed by the organization itself, to serve the best interests of the fight against impunity.

In this respect, we encourage States Parties to consider available avenues by changing the procedure of domestic nomination and international election of the Judges. Inspired by the European Court of Human Rights' system, which led to a significantly enhanced judicial productivity in the last decade, we invite States to present a proposal reforming the current procedures. For instance, States shall ensure higher level of transparency of the nomination at domestic level, issuing public calls for applications without which candidatures for the top jobs at the Court shall be deemed as un-receivable.

Let me conclude by reiterating that the Rome Statute system is a powerful tool for the prevention of mass atrocities. If each State does its part to ensure the efficiency of the system, we may achieve a rules-based international order for peace, justice, and the respect of fundamental human rights.

Thank you very much for your attention.