



Seventeenth Session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court

STATEMENT

by

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*Mr. President,
Excellencies,
Distinguished Delegates,*

Let me begin by congratulating Judge O-Gon Kwon on his first year in office as President of the Assembly and the Director of the Secretariat of the ASP Mr. Renan Villacis. I also wish to congratulate the new President of the Court, Judge Chile Eboe-Osuji. I am confident that your work will contribute to further strengthening the international system of justice.

Poland aligns itself with the statement made on behalf of the European Union and its Member States. We would like to supplement it with remarks in our national capacity.

This year marks 20 years since the adoption of the Rome Statute, which fulfilled the dream of an institution that would fight the impunity of perpetrators of atrocity crimes. As the ICC was coming into operation in 2002, UN Secretary-General Kofi Annan said that that moment was “a gift of hope to future generations, and a giant step forward in the march towards universal human rights and the rule of law.” This sentiment was pretty much universal back then, when the world was leaving behind one of the bloodiest centuries in its history. Two decades on, that enthusiasm gave way to the daily struggle for accomplishing the Court’s mission, which is – in the words of the Rome Statute’s preamble – to put an end to impunity for the perpetrators of atrocity crimes.

In their statements at the last two general debates, States Parties showed concern over the withdrawals or imminent withdrawals from the Statute by African countries, which – it was alleged – was due to the Court paying too much attention to Africa. This year’s general debate is marked by reactions to criticisms of the Court coming from other parts of the world. This could be explained by the fact that the scope of the ICC Prosecutor’s interest has clearly broadened. May it serve as a reminder to the Court and the countries constituting it that the ICC operates and will always operate in a complex international environment. Therefore, it must take difficult decisions, weighing the needs of justice against the practicality of holding perpetrators to account, with the ICC having no power to try perpetrators in absentia. The ICC Prosecutor shoulders particular responsibility, especially when issuing arrest warrants. The inability or reluctance of states to execute such warrants casts a shadow on the Court’s reputation, and thwarts its mission. We must remember that achieving the promise of justice is a continuing process that requires mutual effort on the part of the Court, notably the Office of the Prosecutor, and States Parties alike. Poland would like to stress that the ICC itself does not have the resources necessary to ensure compliance with the ICC’s arrest warrants. Due to inadequate cooperation from states, the Court’s activity is in constant jeopardy.

The UN Security Council has a special role and responsibility in this context, in particular when situations are referred to the ICC. As a non-permanent member of the Security Council in the period 2018-2019, Poland realizes the Council's role as the critical partner of the Court. We favour granting the Court the widest possible support by the Council. In order to bring justice to every corner of the world we need to secure cooperation with the Security Council in executing arrest warrants.

It is worth recalling here that the principle of complementarity remains the bedrock of the international criminal justice system. Responsibility for prosecuting perpetrators of atrocity crimes rests mainly with states. Complementarity is a partial remedy to the problem of the Court's very extensive territorial jurisdiction. While being the ICC's great strength, complementarity also poses certain risks which we are now experiencing. Effective national proceedings set the right framework for the Prosecutor's discretionary power. They also make it possible to bring down the cost of the Court's operation. It is mainly our, that is to say states', responsibility to develop domestic capacities of our judicial systems, and to give the necessary assistance and support to other states. The ICC should be seen as a last resort, complementing national jurisdictions. No more and no less.

Distinguished Delegates,

With eleven situations under investigation and another nine preliminary examinations on the way, the Court's record is on its way to be translated into a legacy of lasting jurisprudence. Poland hopes that with more proceedings brought to conclusion, the Court will prove worthy of the trust of the international community.

Poland appreciates the broadening of the Court's mandate. The decision of the Assembly of States Parties to activate the Court's jurisdiction over the crime of aggression is a milestone in the quest for justice.

Poland reaffirms its commitment to the universalization of Kampala amendments. We remain hopeful that more states will ratify the amendments to help the Court effectively discharge the responsibility to punish the perpetrators of the crime of aggression.

The ICC was established not only out of the belief that the perpetrators of atrocity crimes need to be held accountable, but also to ensure that victims have a sense of justice and receive support, including the right to reparations. We should do our best to support victims of crimes under the ICC's jurisdiction and enable them to access their rights. The Trust Fund for Victims is the existing instrument which makes it possible. Poland contributes to the Fund on a yearly basis and calls on other states to follow suit.

I opened my statement by saying that the enthusiasm we saw when the Rome Statute was being adopted gave way to the daily struggle for accomplishing the Court's mission. Twenty years ago, we were united by a vision of putting an end to impunity for the perpetrators of international crimes. Let me conclude by calling on all of us to reignite the enthusiasm for working with and for the Court, and for guaranteeing lasting respect for international justice. We still have a long road ahead before we achieve that aim. But Poland believes that together we can get there.