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INTERNATIONAL CRIMINAL COURT  
SEVENTEENTH SESSION OF THE  
ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

- GENERAL DEBATE -

STATEMENT BY  
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At the outset, my delegation would like to thank H.E. President O-Gon Kwon for his skillful stewardship of this Assembly.

Romania aligns itself with the statement delivered by the distinguished representative of Austria on behalf of the European Union.

*Mr. President,*

The adoption of the Rome Statute 20 years ago was a remarkable achievement, which has changed the paradigm of international criminal justice. Its establishment has offered hope that the most egregious crimes will no longer go unpunished and, indeed, its deterrent effect is increasingly evident. Investigating mass crimes is now the expected norm – primarily by national courts and, if failing that, by the International Criminal Court (ICC).

This year's anniversary context has put an increased spotlight on both achievements and challenges in the institutional-building process and functioning of the Court.

With active cases at all stages of proceedings and a large body of jurisprudence on many fundamental legal issues, the ICC has turned into a **leading actor** in the area of the enforcement of international justice.

From this perspective, we reiterate our support for the ongoing efforts of the Court to implement the necessary **reforms meant to improve its performance, as well as the efficiency of its activities**, also with a view to ensuring the best use of its financial resources. The Court is acting to match the trust awarded by States and the international legal community, in accordance with its visionary mandate under the Rome Statute.

Nevertheless, the Court is also beset with **inherent limitations and difficulties**, due to its treaty-bound competence and limited capabilities, as well as to the lack of cooperation by some States Parties and recent notifications of withdrawal.

As a response to criticism, we cannot overemphasize the fact that the ICC is dependent on governments to execute its arrest warrants or other judicial orders and to assemble the necessary evidence and witnesses. **State cooperation** is vital to achieving accountability. However, despite clear obligations stemming from the Rome Statute, the Court is grappling with recurrent instances of non-compliance, including for situations referred by the UN Security Council, which affect the integrity of the proceedings and delay them. At the same time, we hear that the process of incorporating the ICC crimes and general principles into national laws is still lagging.

Against this backdrop, we would like to join the call to all States Parties to remain committed to the fight against impunity, by lending the necessary assistance to the world's only permanent judicial criminal institution, as well as by adopting domestic legislation necessary to implement the provisions of the Rome Statute.

Moreover, protecting the **neutrality and judicial independence of ICC** has become paramount in the current tensed political environment, marred by multiplying threats to the Court's global authority. The ICC's activities cannot be derailed by volatile relationships with States, changing political priorities or availability of funds. Hence, States must respect the fact that political considerations are not part of the judicial process.

Along the same lines, we should remind ourselves that the Court was not created to solve every international crimes committed in this world. The ICC is a court of last resort as the primary responsibility for Rome Statute crimes rests with national jurisdictions. Yet, the impact of the Court on national judicial systems has also been significant, including by catalyzing national trials.

As ad-country co-focal point for this topic since 2017, Romania strongly supports the implementation of the **complementarity principle**, which represents the cornerstone of the ICC machinery. The strength of the Rome Statute should come from the ability and willingness of Member States to investigate and prosecute crimes in their jurisdiction. Therefore, we encourage all relevant actors to include capacity-building elements for judicial reform in assistance programmes devoted to the development of the rule of law.

*Mr. President,*

Achieving **universality** of the Rome Statute remains, in our view, the most powerful preventive approach to mass atrocities. This year's various anniversary events have well-served the purpose of raising awareness of the Court's activity and promoting its universality.

We are mindful of the various obstacles to the ratification and full implementation of the ICC Statute, which may require context-specific solutions. Building on lessons learnt in recent years, we plea for further developing a more constructive dialogue with all States to understand their concerns and better communicate about the Court's work, without affecting the integrity of the Statute.

We are also cognizant of the fact that the Rome Statute itself has evolved. At the end of last year, the ASP took the historic decision to **activate the jurisdiction of the Court over the crime of aggression**, as well as to extend its competence over **new war crimes**, taking into account the latest technological developments. More specifically, the activation of the ICC jurisdiction over the crime of aggression reinforced its symbolic power as conflict-preventing instrument, by making both policymakers and citizens focus on the question of the legality of war and the responsibility of individuals for them.

*Mr. President,*

**Romania** has been a constant supporter of the ICC since its creation. In light of the complexities of the Rome Statute system, the Court's effectiveness cannot be judged solely on the convictions it passes. We remain firm in our belief that this judicial institution has a key role in preventing the most serious crimes of international concern, building stable societies and advancing the culture of accountability globally.

As part of concrete measures undertaken at the national level, we would like to inform that Romania has accepted the amendment to Article 124 of the Rome Statute and has launched the internal procedure to accept both the Kampala and New York amendments to Article 8 of the Statute on war crimes.

**Last but not least**, we would like to express our appreciation to **non-governmental organizations** working in this field for their tireless efforts in promoting and supporting the activity of the ICC.

At this important junction, the Court needs both continued political and diplomatic support and concrete action. We are ready to engage in constructive and fruitful discussions during this ASP session, under our common struggle to prevent atrocity crimes and strengthen universal justice as a foundation for reconciliation and lasting peace.

Thank you.