

**Statement by H. E. Roman Bužek, Ambassador Plenipotentiary and Extraordinary of the Slovak Republic to the Kingdom of the Netherlands**

**At 17<sup>th</sup> Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court**

*The Hague, 5 December 2018*

Mr. President, Excellencies, Ladies and Gentlemen,

Aligning my delegation fully with the statement made by Austria on behalf of the European Union, I have the honour to address the Assembly with some observations from our national perspective.

Mr. President,

Firstly, I would like to congratulate you for your successful first year as President of the Assembly and at the same time thank you for all your efforts to strengthen the Court, its effectiveness and efficiency. I would also like to highly appreciate the hard work and support from the Secretariat of the Assembly throughout the entire year. My sincere congratulations go as well to the Judge Eboe-Osuji for his election as President of the Court and for his commendable leadership from the very beginning of his tenure. In times of increasing attacks and threats towards the Court, which are just a sign that the Court really matters, having a resilient leadership is inevitable. Moreover, we believe that further enhancement of the Court's effectiveness is an adequate response to all those actions. In this regard, Slovakia as a staunch supporter is determined to continue providing the Court with its full support as well as to protect its integrity.

Mr. President,

This year, we are commemorating the 20<sup>th</sup> anniversary of the Rome Statute establishing the one and only permanent impartial and independent judicial organ to prosecute perpetrators of the most heinous crimes. It was indeed a milestone. Together, we sent a firm message that the international community is no longer willing to accept impunity for the atrocity crimes. Yet, this cannot be considered as a job done. The universality of the Rome Statute is what we should all strive for. Only then, we will reach our noble goal of international criminal justice. We have been witnessing throughout the years that there is truly no peace without justice. Unless there exists no safe haven for perpetrators, we cannot be satisfied.

Bearing in mind the principle of complementarity, we urge all non-States Parties to ratify or accede to the Rome Statute in order to achieve international criminal justice, a goal presumably common to the whole international community of States. The principle of complementarity

ensures that the Court exercises its jurisdiction only in cases when a State is not able or willing to prosecute on its own.

It is in this context that we express our deep regrets by the decision of the Philippines and encourage them to retain their commitment to the Rome Statute and to seek solution of their concerns within the system. We also encourage all non-States Parties willing to join the Rome Statute system to even mainstream their efforts so that we can soon welcome them amongst us.

Mr. President,

The universality of the Rome Statute is not the only challenge the Court faces. A thorough cooperation with the Court is essential in order to allow the court to fulfil its mandate. If States are unwilling to fulfil their own obligations, we cannot expect the Court to live up to its full potential.

The cooperation of States with the Court is interconnected with the universality. In order to demonstrate that the ICC system is fully functional, we need to see successful examples of real cooperation. In this regard we would like to commend the Central African Republic for such an example the most recently. Unfortunately, we have been still witnessing certain opposite instances. Hence, we appeal to all States to follow the example of the Central African Republic. As a proof of Slovakia's commitment in this field, we are resolved to conclude a voluntary agreement with the Court in the near future.

Mr. President,

It has already been two years we failed to adopt a decision on the provisional amendment of Rule 165. It should be of our utmost importance to abide strictly by the provisions of the Rome Statute. Thus, it is fundamental it is not us that impairs the Court. The way how we dealt with the amendment, created dangerous legal uncertainty and might be perceived as a wrong precedent. Therefore, we reiterate our strong call to the Assembly to rectify this situation and to clarify the status of the amendment.

Mr. President,

We note with satisfaction this year's budget proposal, which reflects the efforts to optimise the functioning of the Court and to find efficiencies. We support the Court in further efforts to improve the budgetary mechanism. Allocation of appropriate resources is however a material precondition for the successful operation of the Court. Given the expert advice by the Committee on Budget and Finance and the proposed lowest annual budget growth ever, we believe that we will find a speedy compromise without consequences to the proper fulfilment of the Court's tasks. We also re-suggest considering biennialisation of the Court's budget.

Mr. President,

2018 has once again been a busy year for the Court bringing some memorable moments, particularly the opening of a preliminary examination of alleged deportation of Rohingya population from Myanmar to Bangladesh. This has been a pressing issue for the whole international community. Together with the Mechanism for Myanmar, we expect the alleged crimes to be duly investigated.

We welcome the increased focus on victims. The Court's role is not only to bring perpetrators to justice, but equally to deliver justice to those primarily affected by crimes committed. With reference to the Court's strategy in relation to victims, we leave open the question of potential necessity of its revision. Additionally, I am pleased to announce that Slovakia will make a voluntary contribution to the Trust Fund for Victims as an obvious demonstration of our support.

Mr. President,

Looking ahead for the forthcoming election of the ICC Prosecutor, we encourage all States Parties to engage in a constructive manner in order to ensure the election process is transparent and timely resulting in highly qualified candidates with aspiration to elect new Prosecutor by consensus.

Concluding with an emphasis on our full and strong support for the Court and its role, we are looking forward to working constructively with all the States Parties, officials of the Court, members of the NGOs community and other participants to achieve a successful outcome of this Assembly session.

Thank you.