



**STATEMENT BY H.E. MRS. SORAYA ALVAREZ NÚÑEZ, AMBASSADOR OF CUBA IN THE KINGDOM OF THE NETHERLANDS AT THE 18<sup>TH</sup> ASSEMBLY OF THE STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT. THE HAGUE 2-7 OF DECEMBER 2019.**

Mr. President:

It is a great honor to participate once again as a delegation in an observer capacity in this Assembly and wishes to express its gratitude to the President and the Prosecutor for the reports presented. Cuba has always supported international efforts in the struggle against impunity of the crimes severely affecting international security and peace. Cuba looks forward for the International Criminal Court to play a positive role in this regard.

Mr. President:

The International Criminal Court has come of age and has been able to expand its membership to all geographical regions.

However, in different occasions controversy has arisen regarding its proceedings and impartiality and even there have even been questionings about his performance. In the current extremely complex international context, the Parties must prevent that any shadow may fall on its proceedings, considering, apart from the intrinsic weaknesses of the Rome Statute, those related to its foundation, which in virtue of Article 16, granted full faculties to the United Nations Security Council for the triggering of the Court.

Cuba maintains serious reservations on this Article, which limits the required juridical independence. This is a question that not only contravenes this central principle but also the transparency and impartiality in the Court's triggering mechanism and that for the delivery of justice. The referrals to the Court by the Security Council confirm a negative trend that is seen with concern by Cuba.

Regarding the definition of crime of aggression reached during the Review Conference held in Kampala, it is acknowledged the intent to reach in the definition of one of the serious crimes affecting international peace and security and which was a fair aspiration of numerous States since the preparatory process of the Rome Statute.

Cuba considers that this definition lacks important elements and as well as on the activation of the jurisdiction of the Court over the crime of aggression are extremely controversial. By refusing to a generic definition of the Crime of aggression, which covers all forms of aggression that take place in in the international relations among States, the International Criminal Court would be remise in acknowledging the blatantly grave crimes derived from the indirect use of force which are brutal violations against humanity and enjoy impunity.

In view of these difficulties and others related to cooperation among States, as well as the fact that some States Parties have considered to withdraw from the Rome Statute, there is an urgent need that the Court learns its lessons and take concrete measures to improve its authority and credibility.

Mr. President:

The principle of complementarity in the Rome Statute is the fundamental pillar for the jurisdiction of the International Criminal Court and is one of the incentives used for the campaign to achieve the universality of the Statute. However, the information produced by the media and the image projected to the international public opinion and to society at large on the jurisdiction of the Court, are far from being clear and understandable regarding this principle, on its role and the real competence of the Court. This constitutes a weakness for the Court's recognition and prestige.

The Assembly of States Parties should adopt initiatives that benefit the real and accurate knowledge of the Rome Statute and the existing scope of the Court competence and jurisdiction, which are complementary to the national criminal jurisdictions and that was not created to replace the national courts in accordance with the provisions of the Rome Statute.

The Rome Statute of the International Criminal Court shall be applied in accordance with the general principles of International Law, and the Law of the treaties on the consent of the State to bind itself to a treaty, and in this respect, Cuba expresses its concern for the opening of court proceedings against nationals from States that are not Party to the Rome Statute. Likewise, we would like to draw attention to the respect of the obligations in accordance with the Rome Statute and those under general international law. The actual Statute establishes that the general international law shall not be violated.

The International Criminal Court shall, in the delivery of justice, take into account the interpretation and approach of different legal systems regarding the Rome Statute in order to ensure fair trials and achieve full acknowledgment.

In addition, it is essential that the Court applies and interprets the Rome Statute in a uniform manner to prevent any "double standard" practice. All the States Parties to the Rome Statute will be equal before the Court and in all the stages of the proceedings, including the preliminary examinations.

The improving of interaction between the International Criminal Court with the United Nations General Assembly could be a positive space to raise the Court's authority and acknowledgement of its activities in that universal *par excellence* organ, in accordance with the provisions of the Relationship Agreement to the United Nations.

Mr. President:

Cuba reiterates its willingness to positively observe the work conducted by the Assembly of States Parties to the Rome Statute of the International Criminal Court and will continue to participate in the same with the purpose of making positive contributions to improve aspects that limit the Court's role and prestige, as well as the negotiation process related to this institution, specially the resolution entitled: "Report of the International Criminal Court", adopted by the General Assembly every year.

Cuba reaffirms its commitments to confront impunity and with the principles of international criminal justice, with adherence to the principles of complementarity independence and impartiality, and also highlights the crucial importance of the application of the Rome Statute of the International Criminal Court, in accordance with general International Law to achieve the efficacy of the Court in favor of international peace and security that intended to be universal.

Thank you very much.