



IRELAND

Eighteenth Session of the Assembly of States Parties to the Rome Statute of the
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Plenary Debate

Statement by H.E. Mr Kevin Kelly

Ambassador of Ireland to the Kingdom of the Netherlands

The Hague, 2 December 2019

Check Against Delivery

Mr President

Ireland associates itself with the statement made by Finland on behalf of the European Union and its Member States. At the outset, I wish to express our gratitude to you, Mr President, to the Bureau and to the Secretariat of the Assembly of States Parties for your work in preparing for this session. I want to acknowledge also the excellent contributions made by facilitators and members of The Hague and New York Working Groups.

This time last year, we reflected on the twentieth anniversary of the adoption of the Rome Statute. It was a moment that prompted the States Parties to acknowledge what the International Criminal Court has achieved since its establishment. However, more importantly, it was a moment for States Parties to consider again why we set up this Court, why it is so necessary, and what we need to do to strengthen it so that it can best achieve its objectives.

The ICC is of course necessary. As we continue to witness the commission of the most heinous crimes around the world, the demand for accountability will not diminish. We all know that accountability for such crimes is essential. It is necessary in order to deliver justice for the victims. It is necessary in order to ensure that there is no impunity for the perpetrators. It is necessary in order for communities that have endured such crimes to allow them to move forward to create peaceful and secure societies.

This year, the States Parties, the Court itself and other stakeholders in the Court have responded to the challenge of seeking to improve various aspects of the Court and the system which supports the Court. There has been much consideration and discussion around what can and should be done and how best to achieve improvements. Progress has been made. The Court itself and the States Parties have already taken steps in this regard. As part of this, the establishment of an Independent Expert Review has been proposed. Ireland welcomes this and any proposals arising from this review will be considered carefully.

In this context of seeking to strengthen systems, Ireland welcomes also the work of the States Parties this year around the nomination and election of judges. It is essential that we have in place a robust system to ensure the nomination of judges that meet the criteria set out in the Rome Statute. It is timely that this work is being done in advance of the judicial elections which will take place at next year's ASP.

Throughout this process of review, we must of course ensure that we respect the key principles enshrined in the Statute, which include the principles of complementarity, integrity and judicial and prosecutorial independence.

Mr President

Next year, we will deal with the key task of electing the next Prosecutor. It is of course a critical leadership role of the ICC. We therefore take this opportunity to thank the Committee on the Election of the Prosecutor for the important work it is doing in this regard.

Mr President

We would also like to mention the proposal to amend the Rome Statute to include the crime of intentionally using starvation of civilians as a method of warfare in the context of non-international armed conflict. Unfortunately, this crime, which involves a particularly high degree of suffering over a lengthy period of time, is a phenomenon in contemporary armed conflict for which there can be no impunity. We thank Switzerland for initiating this proposal that Ireland is proud to co-sponsor. We think that this amendment will reinforce the protection of civilians in times of armed conflict. It will also add to the coherence of the Rome Statute – as it is already included as a crime in the Statute in the context of international armed conflict.

Mr President

Another issue which I would like to highlight is the important role of the Court in relation to accountability for sexual and gender based violence. The engagement of the Court with this issue will undoubtedly set standards and influence the practices that will be followed by other relevant international and national institutions and courts. The Prosecutor has highlighted her commitment in this regard on many occasions. In 2014, her Office issued its Policy Paper on Sexual and Gender-Based Crimes. We support the Court's ongoing efforts in this regard. We also welcome initiatives which seek to identify ways to support the Court in relation to this, whether these come from the Court, States Parties or civil society. We all have a shared aim to combat sexual and gender based violence. Sexual and gender based violence is a crime which carries with it levels of trauma and stigma that have devastating effects on individual victims. When used as a weapon of war, which it is all too frequently, its damaging effects spread throughout whole communities.

Mr President

I want to mention the work of the Trust Fund for Victims which Ireland seeks to support every year. We recognize the critical role it has in delivering on reparative justice for victims. I am very pleased to inform you that Ireland has contributed €200,000 to the Fund this year. We call on other states to consider also making contributions to this Fund, in particular as its work continues to increase.

Mr President

We reiterate our strong commitment to the universality of the Rome Statute. We believe it is a central part of the international criminal justice system which should operate to protect the interests of all communities throughout the world. For that reason, I would like to welcome the fact that on 26 November Kiribati deposited its instrument of accession to the Rome Statute.

Finally, let me conclude by confirming that Ireland will continue to support the Court in every way that we can. We, the States Parties, have set it a difficult mandate and it faces many challenges in carrying this out. It is incumbent on us to assist it in fulfilling its mandate and rising to those challenges. Others in the international community, including the Security Council with respect to situations it has put before the Court, must also play their part. We are particularly concerned about measures taken against court officials. Respecting the independence and impartiality of the International Criminal Court is of paramount importance to Ireland. We are fully committed to supporting and defending the Court from any pressures or threats that aim to interfere with the work of the judges, the Prosecutor and all its officials in the performance of their functions under the Rome Statute in the pursuit of international justice.

Thank you.

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