



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

S T A T E M E N T

*BY*

**MR. KONRAD MARCINIAK**

**DIRECTOR OF THE LEGAL  
AND TREATY DEPARTMENT**

**MINISTRY OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF POLAND**

THE HAGUE, DECEMBER 3<sup>RD</sup>, 2019

**Mr. President,**

**Excellencies,**

**Distinguished delegates,**

To begin with, let me thank Judge O-Gon Kwon for a subsequent year of his strenuous work on the position of the President of the Assembly of States Parties.

My cordial thanks also go to the Director of the Secretariat of the ASP, Mr. Renan Villacis. Last but not least, I would like to express my gratitude to Judge Eboe-Osuji for another year of presiding the Court.

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

For the Court and its States Parties, the year 2019 has passed on seeking ways of improving its functioning, which resulted in initiating a review process.

For this process to be successful, it must be carried out by independent experts under the States Parties' control and in cooperation with the Court. All parties must share the major goal – to enhance the Court and make it more efficient and effective.

We believe that the above mentioned activities will bring positive changes. We should not undermine the role of the human factor which is crucial in such a process. Namely, the most important positions in the Court should be held by the best specialists in their fields who are devoted to the International Criminal Court mission and open to a dialogue with legal experts outside the ICC. The next year election of new judges and the prosecutor will be a responsibility test for States Parties and a measure of their commitment to establishing international justice system with the central role of the International Criminal Court. Poland supports all endeavours aimed at working out a better mechanism of candidates' selection. This can be achieved by broadening the scope of competences of the Advisory Committee on Nominations as well as improving the transparency of the process, e.g. through carrying out public interviews of the candidates. It is the States, however, who nominate candidates, and it is the States who should guarantee their best value at the first stage of nomination.

The above mentioned process must rebuild confidence between the Court and States Parties (and beyond) as confidence is a condition for effective work of the International Criminal Court. It is confidence that allows principles of complementarity and cooperation, on which the Rome Statute system is based, to be fully implemented and operationalised. Finally, confidence also makes it easier to ensure relevant funding.

We appreciate the Court's efforts for streamlining its functioning. We believe the Court needs a stability period, time to build on its own case law, time free from attempts to satisfy all parties at any cost, time free from major pressures. Of course, the Court will never sail quiet seas only, hence we have to navigate well to preserve the course taken. This is primarily the task for the prosecutor and the judges.

**Ladies and Gentlemen,**

Soon, on 27 January 2020 we will be commemorating 75. anniversary of the liberation of Auschwitz–Birkenau Concentration and Extermination Camp built during the WWII by German Nazi authorities on the German-occupied territory of Poland. ICC judges visited the camp in 2017 while on judicial retreat in Cracow. In her entry in the Guest Book of the Auschwitz Memorial, the then President of the ICC Silvia Fernandez de Gurmendi wrote: „The atrocities committed here still resonate today. Justice for such crimes must remain humanity's common goal and endeavor. The judges of the International Criminal Court are committed to this end.”

These words remind us the reasons for which ICC was established. Let them be an imperative for us to fight impunity, to prevent crime and save other peoples from being victims of atrocities. Let these words unify all countries, including the States Parties to the Rome Statute, in building international criminal justice.