



**Cour
Pénale
Internationale**
**International
Criminal
Court**

Le Président
The President



Judge Tomoko Akane
President of the International Criminal Court

**Special session on the review of the amendments on the crime of
aggression**

Opening remarks

New York, 7 July 2025

Madam President,
Excellencies,
Ladies and gentlemen,
Good morning.

The adoption of the Statute in Rome in 1998 was without doubt one of the greatest day for international law and for the fight against impunity for the most serious crimes. States subsequently agreed on a definition of the crime of aggression in Kampala in 2010 and activated the crime of aggression in 2017.

Given the background, and the inherent difficulties, the fact that States agreed on a definition of the crime of aggression in Kampala was definitely a huge success for those who seek accountability for perpetrators of the crime. However, unlike for other crimes that are under the competence of the Court, Article 15*bis* (5) of the Statute stipulates that 'In respect of a State that is not a party to this Statute, the Court shall not exercise its jurisdiction over the crime of aggression when committed by that State's nationals or on its territory.' Article 15*bis* (4) also allows States Parties to opt-out of the jurisdictional regime concerning the crime. In practice and unlike for other crimes, the Court seemingly can exercise jurisdiction over the crime of aggression in only certain limited circumstances.

As you are aware, the ICC is currently facing unprecedented measures that attempt to undermine the independence of an international judicial institution which operates under the mandate from 125 States Parties from all corners of the globe. These measures also show that international justice is not merely symbolic but that it matters.

It is therefore important to think, not only about how we can improve the existing framework, but also about how we can better use the existing framework in the meantime. The effectiveness of the current provision on the crime of aggression depends largely on the number of acceding States and we should encourage more States to ratify the Kampala amendments without delay. Currently, there are only 48 States Parties that ratified the amendment, and this is insufficient for the effective use of the provision.

To strengthen the Rome Statute system, I also encourage all States who haven't done so yet to commence the ratification of the Agreement on Privileges and Immunities (the 'APIC') as it clarifies and solidifies the scope of privileges and immunities enjoyed by elected officials and their families as well as staff of the Court, ensuring that their work is free from external pressures and interference. This is an important step to

support the work of the Court by strengthening its legal framework, and it therefore contributes to the advancement of international justice and a rules-based international order. Let me add that non States Parties to the Rome Statute can also ratify the APIC if they wish.

Ladies and gentlemen,

Like any other international judicial body, the ICC and its legal framework need to undergo a gradual and continuous process of refinement and improvement. In the over 20 years of its existence, ICC proceedings have consistently evolved to become more efficient and effective in achieving its mandate. There are countless examples of adjustments and refinements through amendments to the legal framework and caselaw that aim to make the ICC more efficient and effective.

It is easy to lose sight of the fact that at this very moment, countless civilians live in ruins, subject to treatment contrary to international law, and that the Court was created precisely to be a glimmer of hope for these victims. It is our collective duty to cherish this precious project created by the wisdom of mankind.

I firmly believe that, united by our unwavering commitment to international justice, we can further strengthen our collective bond and ensure that this important institution continues to thrive.

The decision to amend the Statute is of course a sovereign decision to be taken by States Parties and I wish you fruitful discussions during this Special Session.

Ladies and gentlemen,

The States Parties to the Rome Statute created the Court, determined to put an end to impunity of the most serious crimes of concern to the international community as a whole. I therefore encourage you to seize this moment of togetherness to show your unity in supporting the Court and its vital work.

Thank you very much.

[end]