



22nd Session of the International Criminal Court Assembly of States Parties: General debate

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Statement by H.E. Mr James Larsen, Ambassador and Permanent Representative of Australia to the United Nations

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Madame President, honourable Ministers, Excellencies and distinguished delegates.

At the outset, let me express Australia's sincere appreciation to Silvia Fernandez de Gurmendi for her contribution as President of this Assembly over the last three years.

I also commend the six departing judges of the International Criminal Court for their distinguished service over many years, and welcome those elected this week.



Madame President,

Australia has remained a steadfast supporter of the International Criminal Court and its mandate to ensure accountability for serious international crimes.

We condemn recent cyber-attacks against the Court. We also condemn the unacceptable attempt by Russia to intimidate the Court's personnel by issuing arrest warrants against them.

These efforts to hinder the Court's work will not succeed. They will not deter the international community's commitment to justice and accountability.

Nor will they succeed in undermining the important role the Court has to play in this regard.

They only strengthen our resolve and our commitment to safeguarding the Court's integrity and independence.



Madame President,

We express our appreciation for the Court's continued commitment to its mandate over the course of the year.

We welcome the Prosecutor's release of papers on sexual and gender-based crimes and crimes against children.

We also welcome the Prosecutor's acknowledgement that particular conduct committed in cyber-space may contribute, facilitate or amount to international crimes under the Rome Statute.

Australia has long-recognised that international law, including international humanitarian law and international criminal law, applies in cyber space.

We welcome the Prosecutor's commitment to collect and review evidence of relevant cyber conduct, and share such evidence with national authorities to support domestic prosecutions.



Madame President,

The principle of complementarity is at the heart not only of the Court's mandate, but also of its success.

The Court cannot be judged solely by the number of convictions that it records, but also by the impact it has upon individual States and their own efforts to combat impunity.

As we can see, that impact continues to be significant.

Australia believes that accountability begins at home.

We commissioned a robust national inquiry into allegations of serious international crimes by Australian Defence Force personnel in Afghanistan. We have established an Office of the Special Investigator – a civilian body – to investigate such alleged crimes alongside the Australian Federal Police.



We have been encouraged by the ICC's Office of the Prosecutor's productive engagement, which reflects the commitments enshrined in the Preamble of the Rome Statute of effective national prosecutions, international cooperation and complementarity.

Australia's work in this regard is ongoing and will take time, as well as significant investigative, legal and policy capabilities and resources. But we remain committed to the task.

As the Assembly's co-focal point on complementarity, Australia would like to thank the Court and States Parties for their continued engagement on this critical issue.

We look forward to facilitating ongoing dialogue on complementarity, as well as continuing our work as co-focal point to support the Court's survivor-centred approach to accountability for sexual and gender-based crimes.



We also look forward to the release of the Office of the Prosecutor’s paper on complementarity and cooperation, which will provide useful insight into the Office’s approach to assessing complementarity and working with States to support national efforts.

Madame President,

As we reflect on the past year, Australia commends the Court, States Parties and civil society on their continued efforts at reform to strengthen the institution.

Australia will continue to work in partnership with you to ensure the Court is best placed to fulfil its important mandate in combatting impunity for the most serious international crimes.



Now more than ever, we need to stand by the rules, norms and institutions that prioritise the peaceful settlement of disputes and deter the commission of atrocities that undermine peace and security, human rights and sustainable development.

At a time when these foundations of the global order are under threat, we must continue to support the Court as a critical pillar of the international rule of law.

Thank you.