

Statement of Canada

22<sup>nd</sup> session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

December 2023

Madam President,

25 years ago, States worked tirelessly to elaborate the Rome Statute establishing the International Criminal Court. This collective achievement marked a pivotal moment in the history of international law. Together, we created a *permanent* institution to help ensure the delivery of justice to victims and survivors of the most serious international crimes.

The Court has certainly come a long way since then. Indeed, this past year's activities have seen the Court dealing with 15 active situations, 3 ongoing trials, and a fourth on which the

judges are deliberating. This demonstrates the increasing level of States' needs and expectations for justice.

In this regard, we recognize the work of all those who contribute to the Court's achievements. To the outgoing judges, we commend your dedication and express our sincere appreciation for the valuable contributions you have made to the Court. To President Hofmanski, we particularly applaud your leadership within the Court's Chambers. To the new judges, we are confident that your diverse experiences will greatly benefit the Court.

Madam President,

Today, the Court is under unprecedented threat. Arrest warrants have been issued against 7 of its high officials, simply

for carrying out the mandate that we — as States Parties — entrusted to them. This is unacceptable. All States must respect the independence of the Court. States Parties must also ensure respect for the privileges and immunities of the Court's elected officials, including after the expiry of their terms of office.

Canada is also deeply concerned by the targeted, highly sophisticated, and ongoing attempts to compromise the Court's cyber infrastructure. These acts of intimidation divert the Court's resources and hinder its efforts to fulfill its core mandate. They also place the personal safety of witnesses and victims at risk. We thus support the Court's efforts to improve the security and resilience of its digital systems.

Madam President,

Continuous improvement of the Court remains essential to ensure that it optimizes its resources in the fight against impunity. Canada was pleased to work closely with many of you on several governance issues this year, including on legal aid, the travel expenditures reform, and the establishment of a permanent due diligence procedure for elected officials. This excellent collaboration is a testament to what we can achieve together. We also appreciate the continued engagement with civil society, including with respect to the adoption of a vetting process for ICC elected officials at this Assembly session.

Canada acknowledges the costs associated with the Court's growing workload, and recognizes the need for the Court to have an appropriate budget to effectively and efficiently deliver on its mandate. Nevertheless, we continue to encourage the Court to work within the reality of finite resources and to make the best use of the means at its disposal. We are pleased with the payment by

some States Parties of their arrears this year. The Court's success depends on the timely payment of assessed contributions. We urge all States Parties to pay their contributions in time and in full each year.

Madam President,

The principle of complementarity is a key pillar on which the Court rests. It cannot be the role of the Court to investigate all Rome Statute crimes when States Parties have the capability and willingness to do so themselves. Strengthening the capacity of national jurisdictions to prosecute Rome Statutes crimes strengthens the Rome Statute system as a whole. We call on States that are not yet parties to ratify the Statute and contribute to delivering the promise of justice to more victims and survivors. In this respect, we applaud Armenia's recent ratification and welcome them as our newest State Party. We also recognize the

Court's outreach activities aimed at enhancing global understanding and support for the Rome Statute system and promoting cooperation.

Cooperation is vital for the work of the Court. 16 individuals, in 8 different situations, are now subject to outstanding public arrest warrants. As much as the increased number of arrest warrants over the years testifies to the activity of the Court, the fact that the number of outstanding arrest warrants has also increased reveals the need for greater cooperation from States.

Madam President,

As this 25<sup>th</sup> anniversary year draws to a close, we challenge States Parties to revive the energy that drove the creation of the

Court in 1998 to spur the changes needed to strengthen this key institution for the next phase of its existence.

Finally, I could not conclude without thanking, on behalf of Canada, Vice-President Sequensova, Vice-President Rae and President Fernandez for their outstanding leadership role over the past 3 years. I wish their incoming successors a fruitful mandate.

Thank you, Madam President.