

Statement of Mr Erki Kodar
Vice Minister, Undersecretary of Legal and Consular Affairs
Ministry of Foreign Affairs of the Republic Estonia
at the 22th session of the Assembly of States Parties to the Rome Statute
4-14 December 2023 in New York

Madame President,
Distinguished delegates,

Estonia aligns itself with the statement made on behalf of the European Union and its Member States.

This year we celebrate the 25th anniversary of the adoption of the Rome Statute of the International Criminal Court (ICC). Since its establishment, the ICC has played a vital role in the promotion of international criminal law, ensuring accountability for the most serious international crimes and delivering justice to the victims of atrocity crimes.

Estonia reconfirms its continued support to the ICC and to court's mandate. Estonia condemns the attempts made to undermine the ICC and the system of international criminal justice, including the recent series of cyber-attacks against the ICC. In this context, we particularly support the initiative of the Registrar to establish a Special Fund for Security to address the urgent need to invest in IT and cyber-security systems.

Estonia deplors the criminal proceedings initiated by the Russian Federation against the Prosecutor, the President and the judges of the ICC. This is an outrageous reaction to the ICC's arrest warrants against Vladimir Putin and Maria Lvova-Belova for the alleged war crimes of unlawful deportation and transfer of children from Ukraine to the Russian Federation. This is an attempt to obstruct the ICC's investigations and an attack against the ICC's independence and impartiality. The issuance of the arrest warrants was an important step towards accountability for atrocity crimes committed in Ukraine. Estonia commends the ICC for the establishment of the country office in Ukraine.

As the ICC does not have jurisdiction over the crime of aggression in Ukraine, discussions should continue how to hold Russia's political and military leadership accountable for the crime of aggression and to establish an international *ad hoc* tribunal with that aim. At the same time, we need to amend the Kampala amendments on the crime of aggression to harmonize the ICC's jurisdiction over core crimes, as all four Rome Statute crimes are crimes under general customary international law. The perpetrators of crime of aggression should be brought to justice wherever and by whoever it has been committed.

Estonia fully supports the ICC – financially, politically and with expertise – to cope with the rapidly growing workload. Currently three (3) experts seconded by Estonia work in the Office of the Prosecutor (OTP). The workload of the Court is continuously growing, including investigation into the Situation in the State of Palestine, which extends to the escalation of hostilities and violence since the attacks that took place on 7 October 2023.

Estonia calls upon all State Parties to seriously consider increase of the budget for 2024 to allow the Court to efficiently fulfil its tasks. We encourage all States to make payments at the earliest possible time and States that are in arrears to take steps to eliminate their arrears.

Madam President,

For many years, Estonia has been a regular donor of the ICC Trust Fund for Victims whose important work offers reparations and assistance to victims, their families and communities. A considerable number of individuals have already benefitted from its programmes but the Trust Fund needs continuous support. Estonia would like to repeat the call for all States and other stakeholders to support the Trust Fund for Victims.

The universal acceptance of the Rome Statute and its amendments remain a challenge to the international community. We are glad that Armenia has deposited the instrument of ratification and the Rome Statute will enter into force for Armenia on 1 February 2024. Estonia warmly congratulates Armenia for becoming the 124th State Party to the Rome Statute.

Estonia repeats the call on all governments that have not yet ratified the Rome Statute and its amendments, including the crime of aggression, to do so in order to further strengthen the system of international criminal justice and enable it to provide a truly universal protection. Estonia has initiated the ratification of amendments to article 8 of the Rome Statute and these are currently pending before the parliament. We hope to finalize this process at the beginning of the next year.

Thank you.