



Twenty-third 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

MS. HENRYKA MOŚCICKA-DENDYS

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

THE HAGUE, DECEMBER 2ND, 2024

Madam President,

Excellencies,

Distinguished Delegates,

Poland aligns itself with the European Union's statement made on behalf of its Member States and would like to add some remarks in its national capacity.

At the outset, I wish to offer my sincere congratulations to the President, the Vice-Presidents, the new judges of the Court and the new President and the Vice-Presidents of the Assembly of States Parties on assuming their duties.

I would also like to take this opportunity to share with you how Poland supports Court's work through active participation in ICC management. To mention a few areas: we are a member of the Bureau, determined to play constructive role in both The Hague and New York Working Groups, and through our Ambassador to The Netherlands we hold the Vice Presidency of the Assembly of States Parties. Being fully aware of the role of voluntary agreements between the States Parties and the Court, we negotiated an agreement on the enforcement of ICC sentences, which is to be signed tomorrow by our Deputy Minister of Justice.

Madam President,

Just over a month ago we discussed the Court's annual report in the UN General Assembly. In this brief period, the tally of victims from conflicts around the world has risen considerably. The Court's role and responsibility to seek justice for these victims, especially the most innocent ones, has increased in equal measure. Recent ICC decisions testify to the Court's determination to try fairly the perpetrators of the gravest international crimes within its jurisdiction, regardless of where these crimes take place or the rank of their perpetrators. The international community, especially the community of States Parties, looks to the ICC with hope that it will be equal to the tasks before it.

Madam President,

States Parties stand in solidarity against all attacks and other actions aimed at derailing the ICC's judicial activity. The recent past has furnished plenty of examples of such obstruction, and unfortunately, more loom on the horizon. Let us do everything in our power to prevent them from coming to pass. And if they do occur, let us do all we can to counter these attempts to disrupt the Court. Ensuring the security of prosecutors, judges, ICC staff and witnesses, so that they can work free from threats, pressure and security concerns, is a serious challenge that consumes the energy and resources of both the Court and the States Parties.

Faced with such external threats, the ICC should take all possible measures to bolster its internal ethical standards along with organizational resilience, thereby when irregularities do occur, ensuring prompt, impartial and effective investigation. The Court should not provide its critics with additional arguments – like Caesar's wife, it must be above suspicion!

Distinguished Delegates,

Russia's invasion of Ukraine was a reminder of the accountability gap in the Rome Statute, since ICC jurisdiction over the crime of aggression is severely limited. Poland believes that this gap should be closed: genocide, crimes against humanity, war crimes and the crime of aggression must be treated and prosecuted equally. This could be achieved by simply removing the current restrictions on the crime of aggression. The upcoming review of the Kampala Amendments, which awaits States Parties in 2025, shall offer a good opportunity to do so. Poland is ready to work with partners to make this project a reality.

Excellencies,

States Parties have justifiably high expectations towards the ICC, but this in turn implies their obligation to ensure appropriate conditions for the Court to operate. The ICC shall be free from outside pressure, threats and attacks. Moreover, a comprehensive budget shall serve the purpose of active and effective ICC handlings. Having said that, I trust that in coming days we will find a consensus on the financial framework. Finally, it is essential that States Parties work together with the Court, including by complying with its decisions, especially when it comes to the execution of arrest warrants. Implementing the idea of international criminal justice requires cooperation even against one's political interests or preferred political choices.

Universal application of international criminal justice leads to its ultimate success. Therefore, Poland welcomes Ukraine's accession to the Statute and appeals to all States not yet parties to it to consider joining. Only by acting together can we ensure a strict and efficient system of criminal justice in a rule-based international order.

Thank you.