

Special Session of the Assembly of States Parties
On the Review of the Amendments on the Crime of Aggression
General Debate, 7 July 2025

Group of Friends for the Review of the Rome Statute
Review of the Kampala Amendments on the Crime of Aggression

Joint Statement on behalf of members of the Group of Friends Austria, Belgium, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Iceland, Ireland, Liechtenstein, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Sierra Leone, Slovakia, Slovenia, Spain, State of Palestine, Sweden, Switzerland, Timor Leste, Vanuatu, Ukraine, Zambia

Madam President,

I am honored to address the Assembly of States Parties on behalf of Austria, Belgium, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Iceland, Ireland, Liechtenstein, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Sierra Leone, Slovakia, Slovenia, Spain, State of Palestine, Sweden, Switzerland, Timor Leste, Vanuatu, Ukraine, Zambia and my own country who are members of the Group of Friends on the review of the ICC's jurisdiction over the crime of aggression which was formed in the run-up to this Special Session.

Today's meeting of the Assembly is unlike any other. In fact, it is the first time since the ICC's inception that we convene in a Special Session. This in itself signals the gravity and importance of the moment. It is an occasion that we must not miss.

The International Criminal Court was created to address the most serious crimes of concern to the international community as a whole as the first permanent international criminal tribunal. Aggression is at the very heart of the core crimes under international criminal law, since those are often committed in the wake of an act of aggression. Since 1998, the crime of aggression has been listed under the Rome Statute in article 5 at the same level as the other three core crimes.

While the creation of the court was a major milestone in the pursuit of international justice, it took us States Parties another decade to agree on the definition of the crime of aggression. At the Review Conference in Kampala in 2010, we as States Parties also agreed on a jurisdictional regime. However, the result was a significant limitation of the jurisdiction of the Court over the crime of aggression. As it stands, the rules mean that the Court will regularly not have jurisdiction should a State Party suffer an act of aggression committed by citizens of a non-State Party or a State Party who has not ratified the Kampala amendment on the crime of aggression. And as a consequence we see a glaring accountability gap, we are faced with the perils of impunity and selective-justice.

While the representatives at Kampala already knew about the need for review, they did not imagine the dangerous trends with respect to the threat and use of force that would trouble us in 2025. They did not know of the severe challenges to the international legal order and to the International Criminal Court rendering our support to the ICC and to the international legal order even more essential today. It is crucial that we stand together, and make this Special Session a success for the Court through a show of unity and common purpose of the States Parties.

Some might draw the conclusion that at this juncture we should lower our ambition; that chances of reducing the accountability gap are slim.

We beg to differ. The Kampala Amendments are already the most widely ratified amendments to the Rome Statute, despite the limited protection it offers. Indeed, these limitations seem to be one of the reasons for non-ratification. Even more importantly, they put the authors of current aggression beyond the remit of the court, thereby limiting its very purpose.

To harmonize the jurisdictional regime for all four core crimes now will send a strong political message from States Parties:

- that States Parties stay united in our support for the court in times of adversity.
- that States Parties remain committed to the ICC as a robust enforcement mechanism to deter and sanction aggression
- that States Parties continue to invest in the rule of law at the international level especially in times when it is the most needed

On behalf of the 34 States that support this statement, let me call upon all of us: Let us make this Special Session count. Let us truly review the amendments and seek to improve them. We consider the Harmonization amendment submitted by Costa Rica, Germany, Sierra Leone, Slovenia und Vanuatu on 4 April and the draft resolution submitted by Liechtenstein on 3 July a solid base for our discussions leading us towards the successful adoption of a decision to harmonize the Court's jurisdiction.

Thank you.