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**THIRTEENTH SESSION OF THE ASSEMBLY OF STATES PARTIES  
TO THE ROME STATUTE OF  
THE INTERNATIONAL CRIMINAL COURT**

**GENERAL DEBATE**

**STATEMENT ON BEHALF OF THE EUROPEAN UNION AND ITS  
MEMBER STATES**

**BY**

**PROFESSOR MAURO POLITI**

**CHAIR OF COJUR-ICC**

**(NEW YORK, 10 DECEMBER 2014)**

**Check against delivery**



Mr. President,

I have the honour to address the Assembly of States Parties on behalf of the European Union and its Member States. The Candidate Countries the former Yugoslav Republic of Macedonia\*, Montenegro\*, the Republic of Serbia\* the Republic of Albania\* and the Republic of Moldova\*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina align themselves with this statement.

In this capacity, I congratulate you on your appointment as President of this Assembly. The EU and its Member States are committed to supporting you in this crucial role, and we look forward to working closely with you. Your predecessor, Ambassador Tiina Intelmann, served with distinction in the role and we thank her for the contribution she made to the development of the Court during her Presidency. We firmly believe that you will continue on the path of strengthening the Court's role within the international community.

The EU and its Member States wish to thank the outgoing judges for their devoted service and to congratulate the newly elected judges.

Mr. President,

Many events in 2014 have once again highlighted the importance of promoting rule of law and the issue of accountability for the most heinous crimes of international concern. The EU and its Member States unreservedly condemn the atrocities, killings and human rights abuses perpetrated by ISIL/Da'esh and other terrorist groups in both Syria and Iraq as well as by the Assad regime in Syria. Jointly, we call on the Security Council to refer the situation in Syria to the International Criminal Court. We also call on Iraq to accede to the Rome Statute.

With regard to the crisis in eastern Ukraine, we maintain that the necessary political, sustainable solution to be found would also need to include that those directly and indirectly responsible for downing of MH17 flight should be held accountable and brought to justice as soon as possible, preferably through national

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\* *The former Yugoslav Republic of Macedonia, Montenegro, the Republic of Serbia, the Republic of Albania and the Republic of Moldova continue to be part of the Stabilisation and Association Process.*

proceedings. We welcome Ukraine's declaration under article 12 (3) of the Rome Statute, accepting the Court's jurisdiction over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014 and call upon Ukraine to proceed with the ratification of the Rome Statute.

Mr. President,

The most heinous crimes should not go unpunished, no matter where or by whom they are committed. It is also of great significance for the victims to see that perpetrators of these crimes are brought to justice. While roughly two thirds of all states have become States Parties, the majority of mankind still lives outside the remit of the Rome Statute, apart from the possibility of Security Council referrals. This needs to change. The EU and its Member States are committed to continue playing a very active role in bringing about this change. And we strongly feel that all States Parties gathered in this Assembly – we all – should reflect on what each of us can do even more to make the Rome Statute truly universal. We note the new ratifications of the Kampala amendments.

Mr. President,

This year's Assembly of State Parties will also discuss a number of issues that will influence the continued development of the Court, including the crucial issue of cooperation with the Court and its interaction with the principle of complementarity. The European Union and its Member States welcome the fact that this question will be addressed under a stand-alone agenda item during this Assembly; this corresponds to the great importance of the subject.

This Assembly is also tasked to consideration and adoption of the budget for the thirteenth financial year. In this respect, we welcome the election of the new members of the Committee on Budget and Finance. Since the creation of the ICC, EU Member States continue to be collectively its major contributors, while the EU has provided additional direct and indirect financial support to the Court. Yet, as the fragile economic climate continues, it remains the responsibility of all governments and international institutions to manage their budgets efficiently. This means that the Court's activities have to be based on careful financial assessments, taking into account what the States can provide. At the same time,

there is a clear need to provide the Court with sufficient resources to function effectively, also in view of its increasing caseload.

In preparation of the Assembly, the Bureau has also handled the continued discussions of the issue of proposed amendments to the Rome Statute and the Rules of Procedure and Evidence. The EU and its Member States are supportive of an open and constructive dialogue on this issue. However, while we recognize that the work and functioning of the Rome Statute system is neither beyond scrutiny nor improvement, we should always remember that the Rome Statute is an essential achievement in international criminal justice and has been accepted by all States Parties. It is crucial that we all work towards preserving its integrity. In this respect, the irrelevance of the official capacity of the person concerned with regard to his or her personal criminal responsibility, in proceedings before the ICC, has been an essential achievement in international criminal justice. It has been accepted by all States that have ratified the Rome Statute, or acceded to it and should not be questioned. This is a fundamental principle that underpins the Court's work to end impunity for the perpetrators of the most serious crimes.

We welcome the ongoing efforts aimed at improving the efficiency of the Court, including by the Court's Registrar, the Prosecutor and the Judges of the Court. We also welcome the discussions on the ways to improve the functioning and efficiency of the work of the Assembly of States Parties.

Mr. President,

The EU and its Member States remain staunch supporters of the ICC and its work towards the prevention of crimes of international concern and the ending of impunity for perpetrators of such crimes. We will proudly continue our consistent assistance – political, financial and technical – to the effective functioning of the ICC and the promotion of its independence.

We look forward to working constructively with all the States Parties, officials of the Court and members of the NGO community to achieve a successful outcome of this Assembly, which enables the Court to continue successfully fulfilling its mandate and thus further strengthens the international system of justice.

Thank you.

