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**13th session of the Assembly of States Parties to the Rome Statute of the
International Criminal Court**

**Statement of the Russian Federation delivered by Ms. Diana Eloeva
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New York, “12” December, 2014

Mr. President,

Let me join other delegations in congratulating you, as well as new vice-presidents and all other Members of the Bureau with your election and to wish you every success in your future work.

The Russian Federation is firmly committed to the fight against impunity. While giving our voice in favor of the adoption of the Rome Statute we envisaged the ICC, as not only the instrument for punishment of offenders, but what is equally important, as the mechanism for facilitation of the development of national judicial systems and promotion of justice first of all by means of national courts.

Russia has been closely following the work of the ICC since the moment of its establishment and we are fully interested in continuation of our cooperation with the Court.

Being the permanent member of the UN Security Council we follow most closely the situations referred to the ICC by the decision of the Council, namely the situations in Sudan and Libya. With regard to both

cases we call on the Court to investigate crimes committed by all sides of the conflict. The consideration of the situation in Libya would not be complete without due investigation of the disproportionate and indiscriminate use of force during operations under the leadership of the North Atlantic Treaty Organization (NATO), which caused many victims among civilian population.

We also call on the Court and the Assembly to take into account in a most serious way all the concerns shared by the States of the African Union with regard to certain aspects of the work of the ICC. There should be made every effort to find mutually acceptable solutions for resolving above mentioned concerns. Implementation of the principal of complementarity, as the corner stone of the Rome Statute, should be duly respected here.

Let us also not forget that the ICC does not exist in a vacuum. The majority of cases, which are under consideration of the Court, deal with politically sensitive conflict and post-conflict situations. That is why it is so important to find the necessary balance between the interests of the fight against impunity, on the one hand, and national and international efforts for the restoration of peace and reconciliation, on the other hand.

Likewise it is equally crucial for the Court to investigate impartially and objectively crimes committed by all sides of conflicts.

Mr. President,

Now let me reiterate some of the concerns of my Delegation with regard to the issue of the crime of aggression. We support the definition of aggression, made in the Kampala amendments, since that definition is based on the resolution of the UN General Assembly of 1974. But unfortunately Kampala amendments did not take into full account the prerogatives of the

Security Council. In accordance with the UN Charter the authority to determine the existence of the act of aggression belongs solely to the Security Council. Based on this we find completely inappropriate the perspective of having situations in the future, in which the ICC could declare its jurisdiction over alleged crimes of aggression in the absence of any prior determination of the existence of the act of aggression made by the Security Council itself. We believe that both the SC and the ICC should cooperate with each other within the limits of their respective mandates and on the basis of mutual respect.

Certain aspects of the cooperation between the SC and the ICC should be further clarified.

Firstly, the resolutions of the SC, which authorized referrals of two cases to the ICC, did not touch upon the issue of the immunities of heads of states. It is in the view of my Delegation, that in the absence of any clear language in the SC's resolutions about the possibility of lifting such immunities, those resolutions should not be interpreted as undermining the effect of the norms of general international law, which grant immunities to the heads of states.

Secondly, in accordance with the Rome Statute, the referrals made by the SC should be based on decisions taken under chapter VII of the UN Charter, which, as it is known, can be triggered only with respect to threats to the peace, breaches of the peace and acts of aggression.

And I thank you, Mr. President.