

Statement of Italy to the 15th Assembly of States Parties to the International Criminal Court

Monsieur le Président, ladies and gentlemen,

I align myself to the statement of the European Union.

In her latest address to the General Assembly of the United Nations the President of the International Criminal Court highlighted the wide range of achievements and the invaluable contribution the Court has provided in combating impunity and ensuring accountability for war crimes and crimes against humanity. In particular, Italy congratulates the Court for the judgements which it rendered over the last year and for the increasingly demanding trials it has been successfully undertaking. In this respect, it is important to stress that the judgment on the Al-Mahdi case was a very commendable effort to tackle the crime of destruction of artistic heritage and cultural identity. Italy, who has heeded UNESCO's call in this sector and created a model "Unite4Heritage" task force which is fully operational, encourages work by the Court and the Member States in this area. It also commends the Prosecutor's decision to open an investigation on the Georgia case, as well as it encourages the Court to pursue the current preliminary exams and investigations.

These significant achievements should encourage the Court to further streamline its judiciary performance, so that accused, victims, witnesses and also Governments may act in a framework of legal certainty and rule of law. It would be highly commendable to have judgements released in a shorter period of time while ensuring a balanced approach between civil law and common law in the proceedings of the Court.

Mr President,

As an historical strong supporter of the Court since its early establishment, Italy is still fully convinced that the principle of irrelevance of official capacity vis-à-vis crimes of war and against humanity, solemnly enshrined in Art. 27 of the Statute, remains the central pillar of the treaty adopted in Rome in 1998. This overarching principle stands as the cornerstone of the Treaty, and is valid for all States Parties, as well as for

the entire architecture of the international criminal justice. Immunity shall not result in impunity, regardless of the geographical area. Italy underlines the importance of the cooperation of States Parties with the Court's requests, and urges non cooperating States to comply with the obligations stemming from the Statute of Rome. For Italy this is a global principle which must continue to be pursued globally. This is why the integrity, independence and legitimacy of the Court must be preserved. Its competence in interpreting and implementing the Statute must also be upheld, bearing in mind that its tasks are of last resort, when national justice fails to intervene.

In this regard, Italy expresses appreciation for the speech delivered by the Prosecutor to the United Nations Security Council on November 9th. In that occasion, she stated that "atrocities crimes demand unequivocal and universal condemnation, and accountability. In adopting the Rome Statute, States not only recognized this reality but also the intrinsic link between accountability for atrocities crimes and sustainable peace and security. The Court remains fully committed to its mandate to help end impunity for the world's gravest crimes, and in so doing, contribute to the prevention of future atrocities."

Mr President,

for these reasons the universality of the Rome Statute must continue to be actively pursued in order to tackle the numerous allegations of crimes against humanity and war crimes that we continue to witness unfortunately on a daily basis. From this perspective, it is regrettable that the International Criminal Court is currently facing the first major challenge since its foundation in 2002.

The recent signs of unease from some States stem from a crucial problem of perception, which must be addressed by clarifying that the Court is only called on intervening whenever Governments fail to uphold the universal principles embodied in the Statute of Rome, which remains the ultimate and irreplaceable achievement of international criminal justice. Italy strongly encourages Governments not to shy away from the responsibility to ensure the advance of international law, to the benefit of their citizens and of the respect of international law, and the most

fundamental human rights and freedoms. Those are among the crucial priorities of Italy's mandate in the UN Security Council in 2017.

On the issue of the Court's budget, Italy urges the Court to pursue policies aimed at increasing synergies and efficiencies, taking into account the budget constraints that several States Parties, including Italy, are facing. Whilst fully understanding the increasing tasks of the Court's judicial activity, Italy strongly believes that the Court's budget can be streamlined significantly in order to meet more conservative targets. Moreover, Italy considers with concern the worrisome amount of arrears of contributions from several States and urges States in arrears to duly comply with the legal obligation to pay their contributions to the ordinary budget, because untimely and partial payments raise concerns on the cash flow of the Court.

I have the honour to announce that the process of ratification by Italy of the Kampala amendments on the crime of aggression is well under way, and we expect to be able to announce a precise timing for the ratification soon. The activation of the Court's jurisdiction over this crime must occur through a fully transparent and inclusive process, and in line with the decisions already taken by consensus at the 2010 Review Conference.

Mindful of its longstanding legal tradition and consistently with its commitment to international criminal justice, Italy has always been a strong advocate of the universality of the Statute and the judicial independence of the Court. For this reason, Italy has decided to present the candidacy of Judge Rosario Aitala as a Judge to the Court for the years 2018-2027. Italy is of the view that Judge Aitala has all the necessary professional characteristics, especially legal insight and judicial experience, to provide an essential contribution to the Court according to its high legal standards.

I thank you all for your attention.