



Fifteenth Session of the Assembly of States Parties  
to the Rome Statute of the International Criminal Court

Check against delivery

STATEMENT

by

H.E. Mr. Jan BORKOWSKI

Ambassador

to the Kingdom of the Netherlands

Representative of Poland

The Hague, November 17<sup>th</sup>, 2016

Mr. President,

At the outset I would like to congratulate and thank you for the work that you have done since the last session of the Assembly of States Parties.

Poland aligns itself with the statement of the European Union. We would like to make the following remarks in our national capacity.

The 20th anniversary of the adoption of the Rome Statute is not far off. It was back then that the dream of setting up an institution that would fight the impunity of perpetrators of the most serious crimes became a reality. As the ICC was starting its operation in 2002, UN Secretary-General Kofi Annan said that that moment was “a gift of hope to future generations, and a giant step forward in the march towards universal human rights and the rule of law”. It was a widespread sentiment at the time when the most bloody century in human history was coming to an end. And yet, despite such high hopes, no one had any illusions that establishing and operationalizing the first permanent international criminal court would be easy. And easy it is not. In this respect, the last year has been exceptional in many ways.

On the one hand, there have been important judicial developments including the first case involving command responsibility, the first conviction for sexual violence and the first conviction for destroying religious monuments. For the first time ever, four cases are pending before the Trial Chamber. At the same time, the Prosecutor is conducting investigations and preliminary examinations in many regions of the world: America, Asia, Africa, and Europe. Such a number and diversity of cases go to show the enormous demand for justice. Poland realizes how significant the challenge facing the Court is, and expresses support for its historic role.

On the other hand, the ICC has to confront mounting challenges. Several African states have decided to withdraw from the Rome Statute. While we respect their sovereign decision, we do hope they might reconsider it. In this context, we subscribe to the opinion presented by the President of this Assembly, Mr Sidiki Kaba. Let’s make it clear: the ICC needs Africa; African states were instrumental in establishing the Court and continue to be its valuable asset. But equally, Africa needs the ICC too. What is key at this stage is that all the parties should engage in dialogue and discussion. It is necessary to hear the voices of all the States Parties, of the Court itself, and of NGOs.

The system of international criminal justice is founded on the principle of complementarity. The main responsibility for prosecuting perpetrators of the most serious crimes rests with States-Parties. Complementarity is a partial remedy for the very extensive territorial jurisdiction of the Court, which is a

major strength of the ICC but also poses certain challenges that we are now experiencing. Therefore, effective national proceedings continue to be of crucial importance. Above all they allow limiting the costs of the Court's operation.

Poland appreciates efforts undertaken by the Office of the Prosecutor to establish clear criteria for selecting cases that will be subject to preliminary examinations. One example of such actions is the publication of the Policy Paper on Case Selection and Prioritisation. The document is a step towards more transparent selection of cases to be examined, and an element of rational expense planning.

When deciding on next year's budget, we should take account of both the Court's unprecedented workload, and the limited capacities of the States Parties. The budget must therefore be based on a careful and transparent financial assessment. We are hopeful that the conditions offered by the Court's new seat will not only make proceedings speedier and more comfortable, but also contribute to using the available resources more effectively.

Despite some differences among the States Parties, we should all be united by the solemn pledge made nearly 20 years ago in the Rome Statute. In its preamble, the States declared their determination to put an end to impunity of perpetrators of most serious crimes, and expressed resolve to guarantee lasting respect for international justice. There is still a long way to go before these goals are attained. Poland believes that going together, we can reach them faster.

Thank you, Mr. President