



Permanent Mission
of the Islamic Republic of Afghanistan
to the United Nations – New York

STATEMENT

BY

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to the Rome Statute of the ICC

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Mr. Vice President,

At the outset, we wish to commend Honorable Sidiqi Kaba, former President of the Assembly of States Parties (ASP) for his dedicated efforts in leading the work of the Assembly over the past three years. We also congratulate the incoming President and judges on their recent election.

The Rome Statute on the International Criminal Court is recognized to be an important pillar of the international architecture for upholding universal human rights, justice, rule of law – and above all, for ensuring current and future generations that crimes against humanity and their perpetrators should have no place in any society.

Our commitment to protection of humanity from egregious crimes is manifested by the fact that we were among the first countries to join the Rome Statute in 2003. Fourteen years later, we remain steadfast in our support of the objective on which this institution was established. This commitment is best illustrated by the courage and determination of our sons and daughters who are making the ultimate sacrifice in fighting international terrorism, which constitutes a grave violation of human rights and crimes against humanity.

Mr. Vice President,

The importance of the Court's mandate in helping to prevent heinous crimes is evident to us all. Having said that, it remains clear that the success of the Court in discharging its duties requires the support and cooperation of the international community. To this effect, we also welcome the collaborative engagement between the Court and the UN, based on the Relationship Agreement, as well as respecting the decision of some member-states to re-consider their disassociation from the Rome Statute.

Mr. Vice President,

The situation in Afghanistan has been one of ten cases on which the Office of The Prosecutor (OTP) has conducted a preliminary examination. The Taliban, including the Haqqani Network, Daesh and other terrorist and extremist groups commit atrocities against every segment of our society, which constitute a blatant violation of the UN Charter, the Universal Declaration of Human Rights and most often constitute war crimes and crimes against humanity. The truck bombing in Kabul on the 31st of May, which killed more than 150 people and wounded more than 500, and the coordinated massacre of villagers by the Taliban and Daesh in Mirza-Olang village of Sari-Pul province are only two recent examples of these atrocities. A comprehensive report was provided to the Office of the Prosecutor on the second incident mentioned.

With respect to other aspects of the preliminary investigation, we maintain close contact and constructive collaboration with the OTP on all relevant issues of the inquiry, for which we continue to provide necessary information. Our interactions and cooperation, which also included visits by two high-ranking delegations to the ICC headquarters thus far, is ongoing in a steady and effective manner, within the framework of the Road Map of cooperation, between our Government and the OTP. In this process, we are also paying special attention to processing all requests made from the OTP in previous years.

To this effect, an inter-ministerial and agency commission, comprised of the Ministries of Foreign Affairs and Interior; Special Representative of the President for the ICC; Attorney General's Office, National Directorate for Security, as well as experts in international criminal law remains actively engaged on all related issues. Various measures have been taken by our criminal justice system in the investigation and prosecution of crimes under the Rome Statute, including those for which the Office of the Prosecutor has requested information.

The National Unity Government deems the rule of law and ensuring justice to not only be a moral and legal responsibility, but an imperative for our long-term stability. We are steadily implementing our comprehensive reform agenda, of which an overhaul of our judicial bodies remains a key part. In that effort, major steps include the appointment of a new Attorney General; replacement of hundreds of judges and prosecutors with competent officials and amendment of our penal code to unify all our criminal legislations and to incorporate all crimes under the Rome Statute into our domestic criminal legal system. The law is now in effect and has already empowered our justice sector to fulfill complementarity obligations under the Statute.

Our commitment to human rights protection and promotion is all encompassing, and also applies to conditions in our detention centers. To this end, we are now fully subscribed to the Convention against Torture and recently signed the Convention's Optional Protocol. All cases of mistreatment are being investigated along with some where the command responsible was held accountable.

In the context of the ICC's preliminary investigation of the situation in Afghanistan, we believe it is imperative to ensure ample time for a clear, thorough and accurate observation of judicial measures taken by our relevant institutions on related incidents. Moreover, consistent with the Statute's key principles of "*national ownership and complementarity*" we hope the ICC's engagement will serve beneficial in enabling us to fulfill our role and obligations in enforcing the rule of law and ensuring accountability and justice. Accordingly, we had preferred for the Office of the Prosecutor to have held off on its request for an authorization for a full investigation from the Pre-Trial Chamber.

The unique set of circumstances of our stabilization efforts requires a comprehensive approach that aims to ensure justice, while preserving the political stability which is fundamentally important in any post-conflict setting. We will continue to remain engaged with the OTP on relevant issues, including on the investigation of acts that are perpetrated by terrorist groups, whose leadership are sheltered in the region.

Mr. Vice President,

Moving forward, we will make every effort to promote the universal application of international law and to advance a more just and prosperous world, governed by the rule of law, and where the security, well-being and human rights of all peoples are protected. We therefore stand fully committed to the noble goals on which the ICC was established.

Thank You.