

**Intervention by panelist H.E. Brânduș Predescu, Ambassador of  
Romania to the Kingdom of the Netherlands**

**17<sup>th</sup> Session of the Assembly of States Parties to the Rome Statute of  
the International Criminal Court**

**Plenary session: Rome Statute 20 years -  
Addressing current and future challenges**

Friday, 7 December 2018

Mr. Vice-President,  
Distinguished delegates,

It is an honor to speak in such illustrious company – high officials of the International Criminal Court and of States Parties to the Rome Statute, people who share the same passion for justice and whose everyday life practically revolves around the International Criminal Court. And even more, in this celebrative year, which offered us a good opportunity to reflect upon achievements and lessons learnt in the functioning of the only permanent international criminal judicial institution

*[Achievement – the creation of the Court itself and the way it influenced the international legal system]*

The creation and the very existence today of the International Criminal Court represents the outcome of the efforts and strong belief in this project of the entire international community, being, as matter of fact, the standing proof of *the idea of international justice*, in which the negotiators of the fundamental document of the ICC, coming from all over the world, so strongly believed in.

The Court represents today, without a shadow of doubt and despite the criticisms that it receives, not only a community of States or ideals, but a fully functional institution and a key actor in combating impunity for the most serious crimes of concern for the international community as a whole.

Today, it is clearly accepted that what happened twenty years ago in Rome was a **defining moment for the international legal system**.

In addition, the effects of the Rome Statute have gone beyond the courtrooms of The Hague. With active cases at all stages of proceedings, the Court has developed its own body of jurisprudence, including standards that may set a **benchmark for the future**.

*[Achievement – sexual violence, destruction of cultural heritage, growing deterrent effect, investigation of mass crimes, victim-centered approach]*

Courts' contribution in establishing **sexual violence in conflict and destruction of cultural heritage and property as international crimes** is undeniable.

The **growing deterrent effect** of the ICC is increasingly evident. **Investigating mass crimes** is now the expected norm and the input of the Court to this end cannot be ignored.

At the same time, I would like to emphasize **the victim-centered approach** to criminal justice as one of the innovations brought by the ICC. Therefore, we all need to further encourage the Court and the States to focus on the victim participation and effective representation components, by tackling existent challenges in this field. Victims' confidence in the Court will remain a strong indicator of its legitimacy.

*[Complementarity]*

Another important aspect when evaluating the activity of the Court is to keep in mind that the ICC is an essential piece of the Rome Statute system, but not the only one. This is a **Court of last resort** that was not meant to and cannot solve every international crime committed in this world. The strength of the system should actually rest on the work of national courts that serve as the first line of accountability for the most egregious crimes.

As ad-country co-focal point for this topic since 2017, Romania strongly supports the implementation of the **complementarity principle**, which represents the cornerstone of the ICC machinery.

Part of our mandate as co-facilitators is to *encourage cooperation and dialogue, including on engaging international, regional and national actors in the justice sector, as well as civil society, in exchange of information and practices on strategic and sustainable efforts to strengthen national capacity to investigate and prosecute Rome Statute crimes and the strengthening of access to justice for victims of such crimes, including through international development assistance.*

In fulfilling our mandate, we were constantly working to facilitate the exchange of information between the Court, States Parties and other stakeholders aimed at strengthening domestic jurisdictions, including on complementarity related capacity-building activities.

In fulfilling this task, we did our utmost to be as inclusive as possible, both at the level of the civil society, as well as with the international organizations within our range.

One of our complementarity activities, last year, was to host, together with our Australian co-facilitator, an event dedicated to the ICC States parties not represented in The Hague. The enthusiastic and active participation of the **EU institutions**, such as EEAS, COM and Eurojust through its Genocide Network demonstrated, once more, the importance of creating such spaces for dialogue between States parties and the EU institutions. And as we will continue our activity as ad country focal point on complementarity of the Bureau of the Assembly of States Parties to the Rome Statute also in 2019, we look forward in continuing this exercise.

*[International Cooperation – UN and EU]*

As in 3 weeks we will take over the **Presidency of the EU Council**, we are committed to further enhance the EU dialogue and cooperation with the Court and continue the efforts to jointly strengthen the system of international criminal justice.

As you well know, the Court has a deep link and history of **cooperation with the EU**. Since its inception, EU has been there, politically, financially and technically supporting the Court.

From The Hague, Brussels is closer and handier, especially when you have the Presidency.

But we should not forget about the enormous importance for a more sustained effort, dialogue and cooperation **with the UN and its institutions**. UN is one of the main frameworks of dialogue, and subjects related to the Court were always on their agenda of interest. UN has a particular responsibility by virtue of its role assigned by the Rome Statute itself. Apart from this, and having a sound legal base in the Relationship Agreement, UN-ICC cooperation is constantly endorsed in the ASP resolutions.

I believe that we all agree on the necessity to double our efforts to bring them closer and to coordinate better on different cooperation programs of mutual interest, avoiding thus financial duplications. This cooperation could benefit much more from the wider use by UN of the potential of the Relationship Agreement and, from our part, we strongly emphasize and encourage this.

From the national perspective, Romania was always an active supporter of the Court and constantly advocated the need for a **better coordination and cooperation between the international organizations** and the need to reach all the relevant international, regional and national actors to include capacity-building elements for judicial reform in assistance programs devoted to the development of the rule of law.

*[Universality ]*

Ensuring the universality of the Court is nowadays a double challenge: to maintain the status quo in terms of membership and to encourage third states to join the system.

*[Concluding remarks]*

In this anniversary year, I believe **that the most important achievement was to understand the real added value of the Court**, to look at its flaws from a constructive angle and to build from the lessons learned. The harshening of the tone of Court's critics, which we witnessed in the last years, cannot but mirror its relevance.

But, most of all, we should not forget that any **criticism** should take into consideration that **we, ourselves, contributed to the Courts limitations**: its treaty-bound competence, reliance on the States support, including in the discharge of the judicial mandate (execution of arrest warrants, victims protection, execution of sentences) and financial constraints.

**To conclude**, the activity of the Court should not be evaluated in simplistic, quantitative terms, but with due consideration to its long-term impact, serving as a deterrent to the most serious crimes under international law and a powerful tool to advance the culture of accountability globally. The Court will remain one of the most important multilateral in the field of international criminal justice with, hopefully, fewer cases, and exercising mainly a deterrent and preventive role.

For the long run, our aim should be fewer cases for the Court, as more Member States are able and willing to investigate and prosecute crimes in their jurisdiction.

Thank you for your attention.

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