



Statement on behalf of the European Union and its Member States

at the International Criminal Court

Seventeenth Session of the Assembly of States Parties

General Debate

The Hague

5 December 2018

- CHECK AGAINST DELIVERY -

Mr. President,

I am honoured to address the Assembly of States Parties on behalf of the European Union and its Member States.

The Candidate Countries Montenegro and Albania, the EFTA countries Iceland, and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

In this capacity, I would like to express our thanks to His Excellency Kwon and congratulate him on his first year as President of the Assembly. We also congratulate Vice-President Horslund and the new members of the Board of Directors of the Trust Fund for Victims and the Advisory Committee on Nominations on their election.

Mr. President,

The European Union continues to strongly support the International Criminal Court and its work as an independent and impartial judicial institution. We are committed to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity. We believe that at a time when the rules-based international order is facing increased pressure, the strengthening of the international criminal justice system is an imperative. We need to stand united against impunity.

In the light of current conflicts and crises around the globe, the fight against impunity is today more important than ever. The Rome Statute is an essential and unique achievement in international criminal justice. The ICC remains an important guarantor of the respect of international humanitarian and human rights law. The Court has strengthened universal justice, beyond power politics and beyond geopolitical interests.

The European Union fully respects the impartiality and independence of the Judges and the Chief Prosecutor of the ICC in the performance of their functions and we welcome them continuing to do their work undeterred, in accordance with those principles and the overarching principle of the rule of law.

Mr. President,

The European Union and its Member States are appalled by the continued overt disregard for human rights and international humanitarian law in Syria. The EU reiterates its call to have the situation in Syria referred to the International Criminal Court. In the absence of avenues for international justice, the prosecution of war crimes under national jurisdiction where possible represent an important contribution towards securing justice. Moreover, we will continue to support efforts to gather evidence with a view to future legal action, including by the International, Impartial and Independent Mechanism (IIIM) for Syria. With regard to the situation in the region, the European Union and its Member States once again call on Iraq to accede to the Rome Statute.

The European Union and its Member States are appalled by the grave crimes under international law that are being committed against the Rohingya community. A referral by the Security Council remains one of the key means of achieving accountability in Myanmar. We encourage concerned States to cooperate with the Prosecutor of the ICC in the preliminary investigation concerning the alleged deportation of the Rohingya people from Myanmar to Bangladesh.

Mr. President,

The European Union promotes a global order based on the rule of law in which no shelter is afforded to the perpetrators of the most serious crimes under international law, including the crime of aggression. We welcome the activation by consensus of the Court's jurisdiction over the crime of aggression as of 17 July

2018, thereby completing the legacy of the Nuremberg Trials and of the Rome and Kampala conferences of 1998 and 2010.

Since its creation, the workload of the ICC has been constantly expanding. With ten preliminary examinations and eleven investigations conducted by the OTP it is imperative that the Court receives sufficient funding. In order for the Court to fulfil its important mandate we call upon all States Parties to continue to provide it with the necessary financial resources and to pay their annual contributions in time. Furthermore, we are very concerned about the high amount of arrears and urge States Parties to pay their outstanding contributions.

The European Union appreciates the Court's efforts to identify savings and efficiencies as outlined in the proposed budget for 2019.

We continue to encourage the Court to provide transparent and realistic budgetary proposals and to further streamline its administrative and judicial processes, manage its caseload efficiently and effectively, make more efficient use of its resources and strive to improve the impact of its action, as recommended by the Committee on Budget and Finance reports.

The authority of the ICC also depends on its exemplarity at each step of the procedure, concerning all actors of the judicial process. It is important for all ICC staff and elected officials to follow the highest professional and ethical standards, and for any allegations of misconduct to be dealt with appropriately and promptly.

The European Union encourages the continued integration of a gender perspective and analysis into all of its policies and notes with appreciation the work of the ICC in this regard. The European Union underlines the importance of a fair gender and geographical representation amongst the judges, prosecutors, counsels, officials and other staff at the Court, as well as representation of the principal legal systems of the world.

Mr. President,

The role of the ICC is to complement rather than replace existing national judicial systems. The primary responsibility to investigate and prosecute crimes remains with each and every state. Only when national jurisdictions are unwilling or unable to prosecute crimes of international concern, the ICC steps in. The European Union will continue to offer technical assistance to enable proper implementation of the Rome Statute in national legal orders and the strengthening of domestic judicial systems as well as inter-state cooperation.

The effectiveness and efficiency of the ICC vitally depend on the cooperation provided by its States Parties. In particular, the prompt execution of arrest warrants is one of the key obligations to cooperate with the Court. Instances of non-cooperation need to be addressed. In this regard, we highlight the important role of the Security Council in situations referred to the ICC. It is the individual duty of each State Party and our collective duty as the international community to take action to ensure that violations of the obligation to cooperate are dealt with in a more effective way.

The European Union urges all States Parties to comply fully with their obligations under the Rome Statute. Various forms of voluntary cooperation, such as the conclusion and implementation of framework agreements on the relocation of witnesses and enforcement of sentences, constitute a vital contribution to the effective and efficient functioning of the Court. The Court also needs increased cooperation in the area of financial investigations and asset recovery and we are committed to address these issues.

Mr. President,

Twenty years after the adoption of the Rome Statute we must not forget the essential motive that led to the creation of the Court: to deliver justice to victims of atrocity crimes and to provide assistance and award reparations to them. Justice

is not an enemy of peace and reconciliation, but rather the contrary - accountability for violations of international human rights law and international humanitarian law is central to rebuilding post-conflict societies and ensuring lasting peace. The ability of the ICC to award reparations to victims is a critical component of its overall framework to ensure the rights of the victims. We therefore encourage the Court to update its Revised Strategy in Relation to Victims and we encourage States Parties and other possible donors to step up their voluntary contributions to the Trust Fund for Victims to provide physical, psychological or material support. We also urge States Parties to support human rights defenders and civil society organisations which work for the protection of victims.

In this regard, we highlight the crucial work of the Trust Fund for Victims through its assistance mandate and in recent years through the implementation of the first reparation orders of the Court in the Lubanga, Katanga and Al Mahdi cases. We also welcome the important work of the Trust Fund for Victims in providing assistance to victims of sexual and gender based violence.

Mr President,

The European Union and its Member States are fully committed to continuing working together with all partners to further the activities of the ICC and strengthen the system of international criminal justice.

The European Union will continue to advocate for the universality of the Rome Statute through the various means at its disposal and invites all States that have not yet done so to consider joining the ICC to end impunity for the most serious crimes worldwide.

We deeply regret the Philippines' notification of withdrawal and urge its government to reconsider its decision. We note that a withdrawal would not discharge a State from its obligations to cooperate with the Court arising from the

Statute while it was a Party to it. Any concerns of States Parties to the Rome Statute should be addressed and discussed in the appropriate fora. We encourage States concerned to engage in constructive deliberations and work towards mutually beneficial solutions, in order to secure long-term gains for international criminal justice. The European Union and its Member States stand ready for a constructive dialogue about the ICC, both with States Parties and non-States Parties, as long as the core principles of the Rome Statute are not called into question.

Mr President,

Emphasizing the European Union's unwavering support for the Court, the EU Foreign Ministers on 16 July 2018 adopted Council Conclusions on the International Criminal Court on the occasion of the 20th anniversary of the adoption of the Rome Statute.

The 20th anniversary of the adoption of the Rome Statute provides an opportunity to highlight the Court's important work and the advancements in international criminal justice that have been achieved, but also to reflect and draw lessons for the future. The establishment of the ICC as the world's first and only permanent international court for the investigation and prosecution of the most serious crimes was a milestone in history. It is our responsibility to ensure the Court's ability to live up to the expectations set 20 years ago and to approach the challenges it faces. The way forward for us is to make the Court stronger and more effective.

Thank you, Mr. President