



STATEMENT BY AUSTRALIA
TO THE 17TH SESSION OF
THE ASSEMBLY OF STATES PARTIES TO
THE INTERNATIONAL CRIMINAL COURT
BY
H.E. AMBASSADOR MATTHEW NEUHAUS

Mr President, honourable Ministers, colleagues.

May I commence by congratulating you, Judge Kwon, on your election as President of our Assembly. We look forward to continuing to work with you, also in the Bureau.

Twelve months ago, in New York, we, as an Assembly, made some truly significant decisions.

We elected six new judges.

We agreed to three new war crimes amendments, applicable in the context of non and international armed conflict.

And, by consensus, we activated the International Criminal Court's jurisdiction over the crime of aggression.

This year we celebrate twenty years since we created the Court's founding treaty – the product of our common resolve to end impunity for the most serious crimes of concern for the international community as a whole, borne from the suffering wrought by the atrocities and horrors of the last century.

For the first time, the international community established a permanent judicial institution, empowered as a court of last resort to exercise jurisdiction over mass atrocity crimes – war crimes, crimes against humanity, genocide and the crime of aggression.

The ICC has issued important judgments concerning the most serious international crimes, including sexual and gender-based crimes and recruitment of child soldiers.

Mr President,

The Court must be fully engaged in the pursuit of its core mandate: holding to account, where national jurisdictions are genuinely unwilling or unable, those responsible for the most egregious crimes under international law.

The cooperation of States, within the terms of the Rome Statute or consistent with relevant Security Council referrals, is crucial to ensure the Court is able to deliver on its mandate.

Australia emphasises - like many others here - the critical importance of the principle of complementarity – the cornerstone of the Rome Statute.

The role of national jurisdictions in ensuring that those responsible for serious international crimes are held to account is fundamental. Communication between the Office of the Prosecutor and relevant States, and respect for robust domestic processes is essential for the successful operation of this principle.

Since 2017, Australia has worked as co-focal point with Romania on complementarity, facilitating dialogue on significant issues such as admissibility, States' obligations and rights and the role of national jurisdictions. We encourage all stakeholders to participate in this dialogue.

Mr President,

The rules-based international order should be strengthened and protected. We must redouble our efforts to ensure our international institutions are credible, efficient and effective.

This Court has a critical role to play within that order, as a key forum for realising the international community's commitment to accountability for serious international crimes, to ensure such crimes are not forgotten or ignored when national jurisdictions are unable or unwilling to act.

Consistent, impartial justice must be central to our response to crimes committed in an armed conflict. History has demonstrated, time and again, that without accountability there can be no lasting and sustainable peace. We owe it to the victims.

As a longstanding supporter of the ICC and accountability, Australia is committed to providing the Court with the support it needs to fulfil its mandate and reiterates the importance of the Court's focus on its core mandate. We will continue to work with all States Parties and other stakeholders to ensure the Court is a robust institution, and as effective as it can be.

This must include through modernisation and efficiency with an outcomes orientated culture. Continuous improvement must be the objective for all organisations including the ICC. We are committed to the dialogue we need to achieve these goals.

We congratulate the members of the Board of the Trust Fund for Victims on their election, and welcome the vital contribution that their expertise will bring to ~~delivering on~~ the Court's reparations mandate.

We also congratulate the members of the Advisory Committee on the Nomination of Judges on their election.

The credibility of this Court is inextricably linked to the coherence of its jurisprudence and the expertise and consistency its judges apply to the cases before them.

~~For Australia, m~~ Merit must be the overriding factor in the election, by the Assembly, of the Court's officials. We strongly support the adoption, by the Assembly, of procedures and processes to ensure this remains so.

While we are clear-eyed about the challenges ahead, the international community simply must not tolerate impunity: those who are responsible for serious international crimes must be held to account.

This is the mission of the Court. It must also be the mission of all States Parties and the wider international community.

Thank you.

