

Statement by H. E. Martin Smolek, Deputy Minister of Foreign Affairs of the Czech Republic at the 18th session of the Assembly of States Parties to the Rome Statute

Mr. President,

The Czech Republic fully aligns itself with the statement made by Finland on behalf of the European Union and wishes to add a few remarks in its **national capacity**.

We wish to quote from the statement on behalf of the European Union that the “ICC is an **independent and impartial** judicial institution”. This indeed means **more than a repetition**, both explicit and implicit, of the preamble of the Rome Statute. In this regard, several issues deserve to be highlighted.

[First], as it is a court of law, **nomination and election** of judges and prosecutor in line with Articles 36 and 42 of the Rome Statute is essential. We should have this particularly in mind as the **next Assembly of States Parties is tasked with elections**.

When it comes to the election of judges, the **Advisory Committee on Nomination** has proven itself to be a **helpful body**, and it should be further explored how to use its **capacities and expertise** while respecting the non-binding and informative nature of its analysis.

[Second], the **obligation to cooperate** with the Court as a part of obligations stemming from the Rome Statute for States Parties, and from United Nations Security Council resolutions **also** for non-states parties reflects the independence and impartiality as well. All states are on the same footing when it comes to this obligation. In the same vein, we note that a withdrawal does not discharge a State from its obligations to cooperate with the Court arising from the Rome Statute while it was a Party to it.

Full cooperation with the Court is essential in order to fulfill its mandate. A proper and a consistent follow-up in cases of non-cooperation in situations referred to the ICC by the Security Council would be, among others, a meaningful step toward perception of independent and impartial court.

[Third], the independence of the Court and its decision-making must be protected as it is exactly independence and impartiality of the Court that shall ensure that neither the preliminary examination nor the investigation is **politicized**. In this regard, we certainly hope that any measures taken against Court’s officials will be discontinued.

Mr. President,

The Czech Republic firmly supports the Court. We are about to finish the internal procedures for ratification of amendments to Article 8 adopted at the 16th Assembly of States Parties. We support the latest proposal to amend Article 8 in order to include starvation of civilians as a method of warfare in non-international armed conflict among war crimes committed in non-international armed conflict. However, any further amendments should be dealt with by a review conference.

In conclusion, let me mention that the Czech Republic has consistently supported and thus it contributed *again* this year to the **Court’s Trust Fund for Victims**.

Thank you, Mr. President.