

Statement by Romania
on the occasion of the 18th session of the
Assembly of the States Parties to the ICC
- 3 December 2019 -

Delivered by H.E. Brândușa Predescu,
Ambassador of Romania to the Kingdom of The Netherlands
Head of Delegation

Mr. President,

Romania has been a constant and enthusiastic supporter of the International Criminal Court since its inception. We firmly believe that the adoption of the Rome Statute represents a remarkable achievement that made *accountability* the rule and investigating atrocity crimes the expected conduct and not a rare exception.

Accountability for the gravest crimes has become ingrained into the rule of law worldwide. Furthermore, the ICC has greatly contributed to the strengthening of democracy, through consolidating State institutions, and to the reconciliation of war-torn societies proving that the binome justice-peace represents faces of the same coin, which cannot exist one without the other.

The Court is still in its youth and it needs guidance and assistance of the States in order for the purpose for which it was created to be attained. A world free of atrocity crimes cannot be achieved in the absence of an **independent and effective** Court. States parties must ensure the independence of the ICC and contribute to its effectiveness by engaging into concrete cooperation and lending needed assistance to the Court. Non-State parties have on their own at least the obligation to respect the independence of the International Criminal Court and, where applicable, ensure its effectiveness by complying with their assumed international obligations.

Nobody can afford to put into question the core principles of the Rome Statute and trample the promise of hope for millions of victims, which is a promise of humanity and dignity.

As previously acknowledged, the ICC is not devoid of problems, but any criticism should be dealt with in a constructive manner, taking into account both the limitations imposed by its treaty-bound competence and the possibilities to further improve its activity. From this perspective, we welcome the launch of the **review** of the International Criminal Court and the Rome Statute system and the corresponding resolution to be adopted at this ASP. We plea for an inclusive and transparent exercise, with appropriate inputs from all those involved – the Court, the States

parties and the civil society. We further salute the idea of feeding an independent expert evaluation into this process, while also encouraging the Court to continue relevant internal demarches in this area, as well as the ASP to boldly exercise its oversight responsibilities, as well as to reconfirm the collective commitment to the essential role of the ICC system.

In this context, we also support the resolution of the **nomination and election of judges**, which brings a much-needed focus on the importance of enhancing the national procedures for the nomination of highly qualified candidates for election to the Court. At the same time, we salute the progress in the election procedure for the next **Prosecutor** and highlight the requirement to anchor this crucial decision on objective criteria of merit, experience, and integrity.

Mr. President,

As emphasized already, the promise embodied by the ICC to address the impunity gap for the most serious crimes cannot be fulfilled without **State cooperation**. We should remain committed to strengthening the cooperation regime, by lending the Court the necessary assistance to carry out its work effectively. Instances of non-cooperation not only hamper the Court's activity but challenge the credibility of the Rome Statute system. In this context, we join the repeated calls for an effective follow-up to situations referred to the ICC by the UN Security Council.

Mr. President,

We should be cognizant that the ICC serves only as a court of last resort and only for the worst and most difficult cases. Hence, enabling national justice mechanisms to address international crimes remains the most adequate manner to combat impunity. The mere existence of the ICC has been a catalyst for passing relevant domestic legislation and for consolidating national judicial infrastructures. As ad country co focal point on **complementarity**, Romania has constantly called for greater attention from all relevant actors to supporting local proceedings, including by mainstreaming the Rome Statute concepts into the assistance programmes dedicated to the development of the rule of law.

To conclude,

Achieving the universality of the Rome Statute remains an essential prerequisite for lasting global deterrence for the most serious crimes of international concern. Demarches to this end should be complemented by activities aimed at increasing judicial cooperation and at garnering diplomatic support and greater awareness of the Court's mandate.

Romania expresses its hope that the current window for change will be properly used to help the Court deal with existent challenges and to increase its potential, in support of the common cause of justice and peace globally.