

Statement of Canada  
by  
Ambassador Lisa Helfand,  
Embassy of Canada to the Kingdom of the Netherlands

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Court

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Mr. President,

Canada continues to value the International Criminal Court, which was established to end impunity for those who committed serious international crimes. It is a pillar in the architecture of our rules-based international order. Canada remains impressed by the independence and professionalism of the Court and its officials, and believes the Court will continue to demonstrate these qualities in the face of political pressure or sanctions.

Mr. President,

In order to end impunity, all States Parties to the Rome Statute, as well as non-Party States as required in the case of Security Council-referred cases, must do their utmost to fulfil their obligations to cooperate with the ICC. Canada is concerned that requests for arrest and surrender remain outstanding against 14 individuals. The Court can only succeed in its work if all States give effect to arrest warrants, and fully and actively support ongoing investigations. Canada calls on all States to investigate and prosecute serious international crimes in accordance with the principle of complementarity, and ensure that they have the appropriate domestic legislation in place to do so. Canada will continue to help build the capacity of States to pursue accountability for international crimes.

Canada recognizes the importance of the Prosecutor's continued investigation into the situation in Myanmar and Bangladesh, while being cognizant of the inherent limitations presented by the Court's obligation to remain within its jurisdiction. For this reason, Canada continues to call for the United Nations Security Council to refer the situation in Myanmar to the ICC. Such a referral would ensure that the Court possesses the jurisdiction to investigate the full scope of crimes enumerated in the Rome Statute.

Canada is also pleased to note the Court's efforts to move investigations and preliminary examinations forward this year, to examine information provided in the context of investigations, and to ensure that the principle of complementarity is engaged, given that the ICC is a court of last resort only. Canada continues to support efforts to strengthen the prioritization of cases, to ensure that justice is achieved as expeditiously as possible.

Full and effective prosecution will also require the Court to take full recognition of existing best practices in solving challenges related to sexual and gender-based crimes, when these crimes amount to Rome Statute crimes. The ASP recognized this need at its session last year, and tasked the Bureau with identifying ways to support the Court in this regard. We look forward to the Bureau's continued work on this important issue and to a report on these efforts at the 20<sup>th</sup> session of the ASP.

Mr. President,

Because Canada believes so strongly in the independence and professionalism of the Court, we believe that the leadership of this Court must be chosen in an independent, professional, and transparent manner. Canada supported the establishment of the independent Committee on the Election of the Prosecutor as part of a fair, informed, transparent and merit-based search and selection process for the next Prosecutor. We thank all Committee members for their efforts.

While the Committee's shortlist did not result in the selection of a consensus candidate, their efforts and evaluations played a key role in a fair and transparent process. We continue to support President Kwon in his efforts to identify a consensus candidate, and we will help further develop the process to select the Prosecutor in future years. Similarly, we thank the Advisory Committee on Nomination of Judges for their invaluable input with respect to assessments of this year's judicial candidates.

Although we all are grappling with the limitations imposed by COVID, this has still been a monumental year in terms of working towards further strengthening the Court. Indeed, in adapting to these restraints, we have all had to learn to adapt and to use existing resources more efficiently. We recognize the importance of the Court putting forward the first budget reduction in its history, and we continue to support efforts to strengthen efficiencies. Canada recognizes the financial stresses that COVID has imposed on states, but is concerned by the financial pressure placed on the Court due to states falling into arrears. Canada was pleased to be able to provide €5M of our 2021 contributions early, to help ease this pressure. We also call on states in arrears to work with the Court to develop strategies to ensure continued financial support.

With belt-tightening likely for many states on the horizon, Canada believes it is all the more important to support the Court in finding ways to further improve budget efficiencies. In addition, Canada notes the important work done this past year as part of the Independent Expert Review of the Court, and fully supports efforts to implement its recommendations on how to better strengthen the Court.

Mr President,

Canada takes this occasion to extend our thanks and gratitude to Prosecutor Fatou Bensouda, President Chile Eboe-Osuji, and all the outgoing Judges of the Court for their courage and determination in the pursuit of international justice. Canada also thanks ASP President O-Gon Kwon for his hard work and invaluable leadership throughout his term.

Finally, Mr. President, our delegation would like to extend a special thank you to our civil society colleagues. In a year that has seen us all have to become our own IT specialists; where it seems to take twice as long to arrange a meeting; and when you never know how or when things might change next week, our partners in civil society organizations have not lost one step. They have continued to engage us on their perspectives of the Court, its strengths and weaknesses, areas for potential collaboration, and ways that States Parties can enhance and improve their engagement with both the Court and the Rome Statute itself. We states are not perfect, and we all benefit from the continued perspectives, efforts, and collaboration of our NGO partners. While we have been forced to be socially distant this year, we should all work together more closely than ever in the future.

Canada looks forward to continued engagement with governmental and non-governmental colleagues in support of our common goal of maintaining and strengthening the operation of the ICC within our international community.

Thank you. Merci.