

Draft Intervention on behalf of the European Union and its Member States for the plenary session at the 19th Assembly of States Parties to the Rome Statute in December 2020

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 Albania,* Bosnia and Herzegovina,* Montenegro,* Republic of North Macedonia,* Serbia,* as well as Ukraine, align themselves with this statement.

At a time when the world is fighting the pandemic and our collective focus should be on supporting and protecting the most vulnerable in society, the risk of impunity for the most serious crimes of concern to the international community is increasing. Yet, while international criminal justice is needed more than ever to enforce international law, the International Criminal Court continues to face severe external challenges.

As the central pillar of a global system of international justice, the ICC is a key element of the rules-based international order. As such, it requires our support and engagement. The European Union objects to all measures that unjustly interfere with the exercise of the Court's judicial functions. Neutrality and independence of the ICC are paramount to its proper functioning. The European Union will continue to support fully the independence of the ICC and will relentlessly protect the Court and its staff against any external pressures or threats.

Mr. President,

This Assembly of States Parties carries particular importance with the forthcoming election of a new Prosecutor and new judges as well as the Review Process.

The European Union insists on the fundamental importance of electing the most highly qualified judges and prosecutor to the Court in accordance with the Rome Statute. A credible and transparent process of election is crucial to ensure the legitimacy of the Court.

We attach great importance to our common efforts aimed at reviewing the functioning of the Court, to make it stronger and more effective. The Court and States Parties must follow up on the report of the Independent Experts Review to implement reforms with a view to strengthening the Rome Statute system as well as the efficiency and governance of the Court. We look forward to a process that is inclusive and transparent. This process must be a collective endeavour to which the Court, States Parties and civil society contribute. It must safeguard and strengthen the integrity of the Rome Statute and the judicial independence of the Court.

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.

Mr. President,

The ICC has the vital mandate to provide justice for victims of the most serious crimes of concern to the international community as a whole. The European Union encourages States Parties and the Court to keep victims' needs and rights to justice and reparation at the heart of their efforts to fight impunity.

We also note with concern the serious challenges that the Court continues to face in relation to its requests for cooperation. We call upon all States to ensure full cooperation with the Court, including on arrest warrants and voluntary cooperation with the Court. At the same time, we reiterate the importance of the Court engaging and cooperating with other international mechanisms established to ascertain facts related to alleged violations of international human rights and international humanitarian law, in view of facilitating the prosecution of these crimes.

Universal adherence to the Rome Statute remains our ultimate goal. The EU will renew its efforts to encourage the widest possible participation in the Rome Statute and to preserve its integrity, together with States Parties, international and regional organisations as well as civil society. States Parties need to adopt effective national legislation to implement the Rome Statute and to reinforce their national capacities. In the end, the role of the ICC is to complement, not to replace existing national judicial systems.

Mr. President,

The European Union will continue to re-affirm its unwavering support for the ICC in multilateral fora and in bilateral dialogues and to provide consistent assistance – political, financial and technical – to the Court. In a concerted effort, we will continue to shield the ICC from external pressure. The EU stands firm against all attempts to undermine the international system of criminal justice by hindering the work of its core institution.

For us impunity is not an option and the International Criminal Court is essential for fighting impunity. It is our collective responsibility to ensure the Court's ability to carry out its mandate,

despite the challenges it faces. The way forward is to make the Court stronger and more effective. This must be our collective goal.

I thank you.

***Albania, Bosnia and Herzegovina, Montenegro, Republic of North Macedonia, and Serbia continue to be part of the Stabilisation and Association Process.**