



Nineteenth Session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court

S T A T E M E N T

BY

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**Mr. President,
Excellencies,
Distinguished delegates,**

At the outset, I would like to commend President Eboe-Osuji, Prosecutor Bensouda, Registrar Lewis and all Court officials for their dedicated efforts to support the global fight against impunity. I also thank President O-Gon Kwon, Vice Presidents Horslund and Mlynár for their skillful leadership in these difficult times. I would like to express my gratitude to the Secretariat team and Director Villacis for the quick and successful adaptation to the new reality, which enabled us to continue our work and hold the 19th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court in exceptional circumstances.

The economic and social effects of the current situation will be felt for a long time to come, even assuming that the fight against COVID-19 is soon won. International organizations financed through contributions from Member States will also face financial difficulties. The International Criminal Court will be no exception. That is why it is so important to manage financial resources more scrupulously, as they may become more and more scarce as the crisis grows/progresses. We appreciate this year's budget proposal which fully reflects the Court's and State Parties' efforts to find significant savings without detriment to the proper performance of judicial and prosecutorial activities. In this context we underline the importance of timely contributions of States Parties as indispensable to finance the activities we have agreed to. Poland, as every year, intends to make an early contribution, before the end of this year, to help the ICC avoid risks of liquidity shortfall. We urge other States Parties to consider this possibility.

2020 turned out to be special for the Court, not only because of the pandemic, but also because of unexampled external pressure exerted upon the Court and its officials, which High Representative Josep Borrel called "unprecedented measures that attempt to obstruct the Court's investigations and judicial proceedings". In a joint statement in the general debate of this year's session, the EU and its Member States commit themselves to „protect the Court and its staff against any external pressures or threats". The external situation of the ICC is beyond its control - it can adapt to it as far as possible, and the States Parties' obligation is to cushion the negative impact of these external circumstances on the functioning of the Court and to continue to work towards bringing those responsible for most heinous crimes to account.

But the adversities must not obscure the need for an in-depth reform of the Court's functioning - this is the third sign of 2020 - the year of the review of the Court's functioning by a panel of independent experts. And this time everything is at the discretion of the Court itself and the States Parties. Let me reflect on this topic for a moment as the IER deserves recognition. Its report is a structured source of knowledge about the Court, gained through hearing and reading the opinions of other experts and actors, including states, academics and officials/employees of ICC, and contains recommendations, most of which deserve implementation and all of them deserve a serious discussion. The IER deserves recognition also for the frankness

with which it describes the practices of the Court's organs, as well as the factual nature of the description and the courage of some of its proposals. Poland by all means supports the draft resolution of the Assembly of States Parties establishing a follow-up mechanism responsible for monitoring the implementation of recommendations. In this resolution we sketch a plan for the practical part of the review process so that the work of the IER would not be wasted and would improve the functioning of the Court. We appreciate efforts already undertaken by the Court to enhance the transparency and efficiency of its work. These steps in the right direction must continue. We count on harmonious cooperation between the Court and the States Parties in the field of assessment, prioritization and implementation of the IER recommendations.

We would like to take this opportunity to thank the experts and collaborators for doing a great job. We are especially pleased that the Polish expert, judge Anna Bednarek, was the IER member and that she contributed to its valuable work – thanks Anna.

The last, but no less important, sign of 2020 was the preparatory process for the elections of six new judges and the Court's new prosecutor in New York. Poland hopes that the responsibility and prudence of the States Parties will result in the election of competent judges and a high-profile prosecutor, who will be capable of meeting the challenges the ICC is facing and who will contribute to our common goal – strengthening the International Criminal Court and the Rome Statute system.