Statement on behalf of the European Union and its Member States

By

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at the General Assembly

on

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- CHECK AGAINST DELIVERY -
Mr. President,

I have the honour to speak on behalf of the European Union and its Member States

The Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina as well as Georgia, align themselves with this statement.

At the outset, we thank President Song for his presence in New York and comprehensive presentation, and we thank the International Criminal Court (ICC) for its Tenth Annual Report to the United Nations, covering the period from 1 August 2013 to 31 July 2014, detailing what is described as another increasingly busy year for the ICC.

We are staunch supporters of the International Criminal Court and our strong policy in this respect has a firm institutional foundation in a detailed 2011 Council Decision and a 2011 Action Plan on implementation that is adjusted to the evolving activity of the Court.

We note from this year's report that with 21 cases in 8 situations at different stages of the proceedings, and a further 10 situations under preliminary examinations, the ICC is facing increasing workload. The Prosecutor is currently investigating more allegations than in the previous reporting period. We acknowledge in this regard the opening of preliminary examinations concerning allegations of crimes occurring in the Central African Republic, Iraq, Ukraine, and the conclusion of the preliminary examination of the situation in the Republic of Korea. We welcome the first final verdict of the ICC in the case Prosecutor v. Germain Katanga of June 2014.

The Court has given hope to the victims of the most serious crimes, and during the reporting period, more than 3000 applications for participation and 2500 applications for reparations were registered. We welcome the fact that 20 States have contributed to the Trust Fund for Victims and we encourage others to do the same.

Mr. President,

The recent report of the ICC describes the efforts that the Court has made in fulfilling its mandate. It also describes the challenges that the ICC is facing.

Although no new state has ratified the Rome Statute or the Agreement on the Privileges and Immunities of the Court, during the reporting period, we note that 8 states ratified the amendments on the crime of aggression and nine states ratified amendments on certain crimes in non-international armed conflicts. We welcome that Ukraine, a non-State party,

* The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.
accepted the jurisdiction of the Court through a declaration of 17 April 2014 on alleged crimes committed on its territory from 21 November 2013 to 22 February 2014.

The universality of the Rome Statute, which continues to be one of the main challenges faced by the ICC, is essential for ensuring accountability for the most serious crimes of concern to the International Community. Perpetrators of such crimes, regardless of their status, must be held accountable for their actions: a key element in the Rome Statute is its equal application to all persons without distinction based on official capacity. We need to continue to work tirelessly to make the Rome Statute truly universal. During the reporting period, we continued to engage in promoting the universality of the Rome Statute and in extending the participation in the APIC as well as promoting a better understanding of the Court's mandate through demarches and dialogue in third States and international organisations such as the Arab League and the African Union, through the organisation of dedicated local or regional seminars, through systematic inclusion of an ICC clause into agreements with third countries, and through financial support to civil society organisations lobbying for the universality of the Rome Statute. Since 2003, the EU has provided more than 30 million Euros to the global ratification campaigns undertaken by the civil society and to projects of the ICC.

Primary responsibility for bringing offenders to justice lies with States themselves in conformity with the relevant provisions of the Rome Statute. Complementarity is a core principle in the Rome Statute: in order to make it operational, all States Parties need to prepare and adopt effective national legislation to implement the Rome Statute in national systems. We are currently conducting demarches to identify needs to assist countries in enhancing their institutional and legal capacity to integrate the Rome Statute domestically.

Mr. President,

Another fundamental challenge remains in the necessity to ensure cooperation with the ICC and, in particular, how to react to instances of non-cooperation of States that are in violation of their obligations with regard to the ICC. Cooperation with the Court and enforcement of its decisions are indeed equally essential for the Court to be able to carry out its mandate. This applies to all States Parties to the Rome Statute as well as when the UN Security Council has referred a situation to the Court in accordance with Chapter VII of the UN Charter.

We note with concern that arrest warrants issued by the Court – some since 2005– remain outstanding. We recall that non-cooperation with the Court in respect of the execution of arrest warrants constitutes a violation of international obligations and stifles ICC’s capacity to deliver justice. We call upon all States to take consistent actions to encourage appropriate and full cooperation with the Court, including the prompt execution of arrest warrants. We also reiterate the crucial importance for all States to refrain from helping to shelter or hide the perpetrators of the most serious crimes and to take the necessary steps to bring those perpetrators to justice in order to end impunity.
A further additional challenge remains that the Court's proceedings must be fair and expeditious, while preserving the rights of the accused. We, therefore, support the Court’s work in seeking to expedite proceedings.

Mr. President,

We welcome the actions undertaken by States, international organisations and civil society to increase their cooperation with, and assistance to, the ICC. We particularly praise the ongoing cooperation of the UN with the Court, at the headquarters, at the level of UN specialized institutions and at the field missions level, which is acknowledged in the Report. We also welcome the recent UN practice of informing the Prosecutor and the President of the Assembly of States Parties to the Rome Statute beforehand of any meetings with persons who are the subject of arrest warrants issued by the Court that are considered necessary for the performance of United Nations-mandated tasks, developed following the guidance issued by the UN Secretary-General in 2013.

The European Union and its Member States undertake, on their part, to pursue their efforts in the area of the fight against impunity notably by giving the Court full diplomatic support.

For the first time this year, on the basis of the 2006 Agreement between the International Criminal Court and the European Union on cooperation and assistance, a joint EU-ICC roundtable was set up to consult and to ensure regular exchange on matters of mutual interest, including cooperation, complementarity, diplomatic support and mainstreaming, as well as public information and outreach.

Our common goal continues to be the same: to further strengthen the Court to fulfil its mandate effectively. There are States Parties to the ICC across all parts of the world, and all States Parties share ownership of the Statute. We will continue to encourage the widest possible participation in the Rome Statute, and are dedicated to preserving the integrity of the Rome Statute, to supporting the independence of the Court, and ensuring cooperation with the Court. We are also committed to fully implementing the principle of complementarity enshrined in the Rome Statute by facilitating the effective and efficient interplay between national justice systems and the ICC in the fight against impunity.

I thank you.