30 October 2014

General Assembly
Agenda Item 73

Report of the International Criminal Court

Statement by Katrina Cooper
Senior Legal Adviser
Department of Foreign Affairs and Trade

(Check against delivery)

Mr President

From Australia’s vantage point as a member of the Security Council we are acutely aware that Rome Statute crimes are continuing to be committed in many locations on an alarming scale.

The preamble of the Rome Statute describes the crimes within the jurisdiction of the International Criminal Court as ‘unimaginable atrocities that deeply shock the conscience of humanity’. The fact that civilians - children, women and men - are victims of the most hideous, depraved and bloody deliberate acts of violence imaginable, does shock Australia. It shocks us and it galvanizes our determination to help do what we can to prevent such crimes occurring.
It is our unshakeable conviction that the investigation and prosecution of serious international crimes is critical to the prevention of the recurrence of such crimes and to the reestablishment of inclusive and lasting peace.

We note in this context that the Rome Statute’s preamble recalls that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes. The ICC, however, as a Court of last resort, has a vital role to play when States are unable or unwilling to take such action. This is why the ICC deserves the unfailing support of every member of the international community.

Mr President

The ICC has been asked by States Parties to carry out a complex and ambitious mandate in very challenging circumstances. We commend the Court on the efforts it has made to fulfil this mandate. Of particular note this year was the delivery of the trial judgment in the Katanga case, and the sentencing of the accused to 12 years’ imprisonment for one count of crimes against humanity and four counts of war crimes.

The Court’s activities expanded this year as a result of requests for its services from situation countries. The Court opened a second investigation into the situation in the Central African Republic, following a referral from the country’s transitional government. Similarly, the Prosecutor has opened a preliminary investigation into the situation in Ukraine, following the lodging of Ukraine’s Article 12(3) declaration accepting the jurisdiction of the Court over alleged crimes committed on its territory between 21 November 2013 and 22 February 2014.
Mr President

The ICC is only as strong as the commitment of States on whose cooperation and support the Court relies. In this context we underline our expectation that States fulfil their obligations to cooperate with the Court – whether those obligations derive from being a party to the Rome Statute, or from resolutions of the Security Council.

Above and beyond such legal obligations, Australia calls on all States to support the Court in its efforts, which reflect nothing less, and nothing more, than a desire to investigate and prosecute those accused of serious international crimes in accordance with international standards.

The United Nations, of course, has a critical role to play in this regard. The intersections and synergies between the separate and independent mandates of the ICC and the UN are obvious. Both institutions are working to achieve common goals. By working more effectively together the efforts of the two institutions can have a multiplying effect. Australia therefore warmly welcomes the Secretary-General’s guidance to the UN Secretariat on contact with persons subject to arrest warrants and calls on the UN to implement this policy strictly. We also welcome the recent meeting between the ICC Prosecutor and the new UN High Commissioner for Human Rights and the advice that they discussed ways to further strengthen collaboration between their respective offices.

During the remainder of our term on the Security Council, we will continue to advocate for at least the same level of cooperation to be extended by the
Council to the Court. Such cooperation is critical to the effectiveness of the ICC and in Australia’s view it is incumbent upon the Council to ensure that its rhetoric on accountability is backed by action.

Mr President

The ICC is a beacon of hope for those whose lives have been devastated by the worst excesses of mankind. Its promise can only be fulfilled, however, if it enjoys the support of the international community. For this reason, Australia calls on States that have not yet done so to ratify the Rome Statute as amended by the Kampala amendments. States should support a strong General Assembly resolution on the ICC and we call on all States to support the ICC in its fight against impunity.

Thank you.