Mr. President,

Estonia aligns itself with the statement delivered on behalf of the European Union.

I thank President Song for his presentation of the Report of the International Criminal Court (ICC) on its activities in 2013/14. The Report illustrates the continuously increasing caseload of the Court, which in turn reflects the demands for justice worldwide. There are now nine active situations under the Court’s consideration, of which a considerable number were referred to the Court by the States themselves. In addition, the Prosecutor is seized with numerous communications and preliminary analysis from all over the world. Estonia hopes that States Parties will keep the growing workload of the Court in mind when negotiating the Court’s budget at the upcoming Assembly session and provide the Court with the necessary resources to fulfil its mandate.

President Song has made a compelling call for the universal ratification of the Rome Statute. Although no new State has ratified the Rome Statute in the past year, Ukraine has accepted the Court’s jurisdiction under article 12(3) of the Rome Statute over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014 and the Office of the Prosecutor has opened a preliminary examination into the situation. Estonia hopes that Ukraine will also promptly ratify the Rome Statute to enjoy the full protection of the Rome Statute system. Estonia also calls on all UN members that have not yet done so to ratify the Rome Statute.

While the ICC is an independent judicial institution, it is connected to the United Nations through its genesis and shared values. This natural relationship was institutionalized ten years
ago, in 2004, through an agreement negotiated between the UN General Assembly and the Court. The UN-ICC Relationship Agreement provides a general framework for cooperation for these two institutions. The continued cooperation and crucial assistance the Court receives from the UN, as evidenced in the report, is much appreciated. However Estonia feels that it is time for a new phase in the relationship. One in which this cooperation and assistance are not provided solely on a reimbursable basis.

Considering the Office of Legal Affairs is the focal point for ensuring cooperation within the entire UN system on all aspects of the relationship with the Court, Estonia encourages all UN actors to systematize their cooperation with the Office of Legal Affairs. It is also the Legal Counsel who implements the practice of informing the Prosecutor and the President of the Assembly of States Parties beforehand of any meetings with persons who are the subject of ICC arrest warrants, which were considered necessary for the performance of UN-mandated tasks, on the basis of the UN guidelines on non-essential contacts with persons subject to an ICC arrest warrant issued by the UN Secretary-General as document A/67/828. Estonia welcomes the guidelines and calls for the continuation of this practice.

The relationship between the Court and the Security Council should also be strengthened – an assessment many UN Member States share as evidenced during last week’s Security Council Open Debate on Working Methods. Ideas on practical steps on how to create greater synergies between the Council and the Court can also be found in the Court’s report to the Assembly of States Parties on the status of ongoing cooperation between the ICC and the UN, including in the field (ICC-ASP/12/42).

The Security Council has authorized the missions in the Democratic Republic of the Congo and Mali to cooperate and support the Court. Considering the 13 warrants of arrest issued by the Court that remain outstanding and the common goal of the Council and the Court - to prevent mass atrocities which constitute a threat to international peace and security - we encourage the Security Council to mandate peacekeeping missions throughout to arrest ICC fugitives and to equip them in such a manner that the missions are able to fulfill their mandate. Estonia also calls upon all UN member states to contribute to ending impunity by working together to execute the pending arrest warrants.
The failure to bring individuals responsible for the most serious crimes under international law to justice means failing the victims of these crimes. The victims are the raison d’être of the Rome Statute system. The Court has given hope to the victims of atrocity crimes and more than 200’000 victims have already benefitted directly or indirectly from the concrete assistance programs of the ICC Trust Fund for Victims. Estonia has also this year contributed to the Trust Fund and we call upon others to do the same.

Mr. President,
As the report highlights, the Court was never intended to and never could replace national Courts. Given the States’ primary responsibility to ensure accountability, it is of the utmost importance that States, the UN, and other international, regional and non-governmental organizations assist States in building the national capacity to investigate and prosecute Rome Statute crimes domestically. The increasing attention that the UN has recently given to the strengthening of domestic capacity to address Rome Statute crimes is most welcome and Estonia hopes these efforts will continue. Estonia has allocated development cooperation resources to promote the strengthening of national judicial capacity in this regard, working closely with civil society organizations which play a crucial role in assisting states in domesticating the Rome Statute, and we call upon all UN member states in a position to do so to do the same.

There are States Parties to the ICC across all regions of the world and all States Parties share ownership of the Statute. The work of the Assembly conducted inter-sessionally is open to all States Parties, and it is indeed expected that that all States Parties engage actively in the Assembly’s work and its Working Groups at all diplomatic levels.

As the mandates of the current President of the Court and President of the Assembly will come to an end soon, we would like to use this opportunity to thank Judge Song and Ambassador Intelmann, one of our own, for their tireless efforts in enhancing States’ support for the Court and cooperation between the Court and the UN. Estonia will continue to be committed to the ICC: we pledge to defend the independent mandate of the Court, and the election of the most qualified Judges. Estonia will also extend the same level of support to the incoming President of the Assembly, His Excellency, Mr. Sidiki Kaba, Minister of Justice of Senegal.

I thank you.