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Lettre datée du 1^{er} décembre 2023, adressée au Président du Conseil de sécurité par les Représentants permanents du Japon et de la Suisse auprès de l'Organisation des Nations Unies

Nous avons l'honneur de vous transmettre ci-joint un résumé, établi par la présidence, de la réunion organisée selon la formule Arria sur le thème « Vingt-cinquième anniversaire du Statut de Rome : la contribution de la Cour pénale internationale au maintien de la paix et de la sécurité internationales », qui s'est tenue le 18 juillet 2023 (voir annexe I)*. La note de cadrage correspondante figure à l'annexe II*.

Plusieurs intervenants, des membres du Conseil de sécurité ainsi que des États Membres et des États observateurs se sont exprimés. On trouvera à l'annexe III une compilation de toutes les déclarations prononcées dans le cadre de cette réunion et des déclarations écrites reçues par la suite**.

Nous vous serions reconnaissants de bien vouloir faire distribuer le texte de la présente lettre et de ses annexes comme document du Conseil de sécurité.

L'Ambassadeur extraordinaire et plénipotentiaire,
Représentant permanent du Japon
auprès de l'Organisation des Nations Unies
(Signé) **Ishikane** Kimihiro

L'Ambassadrice extraordinaire et plénipotentiaire,
Représentante permanente de la Suisse
auprès de l'Organisation des Nations Unies
(Signé) **Pascale Baeriswyl**

* Distribuée uniquement dans la langue de l'original.

** Distribuée uniquement dans les langues de l'original.



Annex I to the letter dated 1 December 2023 from the Permanent Representatives of Japan and Switzerland to the United Nations addressed to the President of the Security Council

Chair's summary of the Arria-formula meeting of the Security Council on the 25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security

1. On 18 July 2023, the Security Council held an Arria-formula meeting on the subject of the 25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security.
2. Organised by Japan and Switzerland, the meeting was co-hosted by the following members of the Security Council, as well as incoming members, that are States Parties to the Rome Statute of the International Criminal Court: Albania, Ecuador, France, Gabon, Ghana, Guyana, the Republic of Korea, Malta, Sierra Leone, Slovenia and the United Kingdom. The President of the Assembly of States Parties to the Rome Statute, Ms. Silvia Fernández de Gurmendi, the Executive Director of the Trust Fund for Victims, Ms. Deborah Ruiz Verduzco, Professor of Public International Law at the University of Oxford, Dr. Dapo Akande, and the Acting Convenor of the Coalition for the International Criminal Court, Ms. Melinda Reed, provided briefings. Representatives of the Council members and other Member and Observer States present at the meeting also took the floor.
3. The Arria-formula meeting, chaired by the Permanent Representative of Japan to the United Nations, Ambassador Kimihiro Ishikane, and the State Secretary of Switzerland, Ambassador Corinne Cicéron Bühler, focused on the contribution of the International Criminal Court to international peace and security. In cooperation with States, the Court contributes to the global fight against impunity and aims to hold those responsible accountable for their crimes in order to prevent these crimes from happening again.
4. On the occasion of this anniversary year, the meeting provided a timely opportunity for States to reaffirm their commitment to the Rome Statute, and to reflect on how the Court contributes to peace and security through complementarity and cooperation within a holistic approach to justice. A summary of these reflections is set out below.
5. Incorporating these reflections in the summary and compilation does not necessarily represent an endorsement of any views or proposal contained therein.

Summary of reflections on the contribution of the International Criminal Court to the maintenance of international peace and security

6. There was a broad consensus on the link between peace and justice, as well as on the importance of the fight against impunity to avoid an international order based on force. Many delegations emphasized that the International Criminal Court has contributed to international peace and security through its efforts to combat impunity, its victim-centered and restorative approach and its deterrent effect,
7. States reaffirmed their support for the International Criminal Court as the first permanent and independent international criminal judicial institution. The International Criminal Court occupies a fundamental position in the international system for combatting impunity.
8. The importance of the UN Security Council's role in supporting the International Criminal Court was emphasized. The Council received a call to actively support the Court's operations by facilitating its work, assisting in the apprehension of fugitives. Some delegations also insisted on the importance of coordinating sanctions in alignment with the Court's actions. Numerous statements expressed regret over the Council's underutilization of accountability mechanisms, notably the lack of referrals to the International Criminal Court, and the exclusion of individuals from non-States Parties from the Court's jurisdiction during referrals. Moreover, there was broad support for both the Accountability,

Coherence and Transparency (ACT) Group Code of Conduct and the French/Mexican "Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity". Many delegations urged the Permanent Members of the UN Security Council to abstain from exercising their veto power in cases involving mass atrocities.

9. Numerous delegations reaffirmed their commitment to the independence and the impartiality of the Court, and to defend it against attacks. It was noted that the Court must seek to judge all crimes under its jurisdiction independently and without regard to the situation or nationality of the perpetrators.
10. Many States argued that the Court requires increased human, financial, and legal resources. Several delegations also voiced their support for the Review Mechanism and candidate verification processes, which they believe enhance the Court's legitimacy. Furthermore, there is a pressing necessity to bolster equality and geographical diversity within the Court.

Summary of reflections on how to interpret the principles of complementarity and cooperation to contribute to international peace and security

11. Numerous delegations reaffirmed their commitment to and respect for the principle of complementarity, which has been repeatedly emphasized as the foundation of the International Criminal Court's system. The Court's efforts to implement the principle of positive complementarity have been widely commended as playing a significant role in strengthening national institutional capacities and criminal law. Some delegations expressed appreciation for the efforts of the International Criminal Court in their respective countries.
12. It was emphasized that, in the future, the international community should support States in fulfilling their primary responsibility to prosecute international crimes. At the same time, some delegations suggested that the term "unable or unwilling" should be interpreted cautiously and based on objective criteria that uphold the rule of law and respect the sovereignty of states.
13. There was also a broad consensus on the importance of cooperation between the International Criminal Court and States. As the International Criminal Court has no power of enforcement, cooperation with States is essential for investigations, the arrest of suspects and the serving of sentences, and thus for its operability.

Summary of reflections on the contribution of the International Criminal Court to restorative justice

14. It was repeatedly highlighted that the creation of the International Criminal Court was fundamentally centered on prioritizing the interests and rights of the victims. Many statements praised the victim-centered and intersectional approach of the International Criminal Court, its restorative dimension and the work of the Trust Fund for Victims. They highlighted the importance of continuing to support the Trust Fund for Victims and to strengthen the proximity between the International Criminal Court and survivors.
15. Some delegations also highlighted that the International Criminal Court has given hope to affected communities and issued decisions that have advanced understanding and jurisprudence, particularly in the area of conflict-related sexual violence.

Summary of reflections on the promotion of the universality of the Rome Statute

16. Many delegations stressed the importance of the principle of universality and called on all States to ratify the Rome Statute and its amendments.
17. Numerous statements called for the ratification of the Kampala amendments, and some delegations noted that the effective implementation of these provisions remained difficult. There were also calls for harmonization of the Court's jurisdiction over the four international crimes. In addition, many delegations called on all States to ratify the amendment qualifying the use of starvation of civilians as a war crime also in non-international conflicts.

Annex II to the letter dated 1 December 2023 from the Permanent Representatives of Japan and Switzerland to the United Nations addressed to the President of the Security Council

Concept note for the Arria-formula meeting of the Security Council on the 25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security



Concept Note

United Nations Security Council Arria Formula Meeting organized and co-sponsored by the following Members of the Security Council and the incoming Members, that are States Parties to the Rome Statute of the International Criminal Court

Japan and Switzerland

Republic of Albania, Ecuador, France, the Gabonese Republic, Ghana, Co-operative Republic of Guyana, Republic of Korea, Malta, the Republic of Sierra Leone, the Republic of Slovenia, and the United Kingdom

25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security

Tuesday, 18 July 2023, 3 p.m. – 6 p.m.
ECOSOC Chamber, UN Headquarters

Introduction

This year marks the 25th anniversary of the adoption of the Rome Statute of the International Criminal Court (ICC). This historic milestone was reached after many years of aspirations and efforts for the creation of a permanent international court to ensure justice for the most serious crimes. In cooperation with States, the Court contributes to the global fight against impunity and aims to hold those responsible accountable for their crimes and to prevent these crimes from happening again.

The ICC investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, crimes against humanity, war crimes and the crime of aggression. Its work relies on two fundamental principles: the principle of complementarity and the principle of cooperation. A pillar of the Rome Statute is the **principle of complementarity**, according to which States Parties have the primary responsibility to prosecute the most serious crimes. The ICC may only exercise jurisdiction where the concerned States are unwilling or unable to do so. Collaboration between the ICC and States is thereby crucial. Indeed, the Court cannot fulfill its mandate alone, and **cooperation** from State Parties in obtaining evidence, facilitating witness protection and ensuring the enforcement of its orders is as essential as ever. Ending impunity will hence only be possible when both the Court and the States fulfill their respective obligations and the ICC's active engagement with States to encourage and support their efforts in investigating and prosecuting international crimes is fundamental. It can do so through cooperation, capacity-building and technical assistance, with the aim to strengthen national legal systems and to promote the administration of justice at the domestic level. Cooperation is also essential with the United Nations

Security Council. The mandates of these two bodies – the ICC’s pursuit of individual criminal accountability and the Council’s role in maintaining international peace and security – must be mutually reinforcing. This link between justice and peace is underlined by the referral and deferral powers of the Council as provided for in the Rome Statute. Collaboration between the United Nations Security Council and the ICC is, and will continue to be, crucial.

Justice is an essential condition for lasting peace. International justice can help bring long-term peace and stability to post-conflict societies. Adopting a holistic approach of justice, the role of the Court is **not only retributive but also restorative**. One way the ICC contributes to restorative justice is through its Victim Participation and Reparation programs, notably through the Trust Fund for Victims. The Rome Statute recognizes, unprecedented in international criminal justice, the rights of victims to participate in the proceedings, to present their views and concerns, and to seek reparations for the harm they have suffered. This ensures that victims have a voice in the justice process. It helps restore their dignity and move on to a lasting peaceful solution. The ICC’s engagement with local communities and civil society organizations is another crucial element in promoting restorative justice. Through outreach programs, capacity-building initiatives and collaboration with local partners, the ICC fosters dialogue, education and awareness about the importance of accountability. Such a holistic vision of justice should promote reconciliation, sustainable peace and the prevention of grave crimes, thus contributing to the maintenance of international peace and security.

On the historic occasion of this anniversary year, this meeting provides an opportunity for States to re-state their commitment to the Rome Statute, and to consider the way in which the Court contributes to peace and security in a holistic approach to justice by way of complementarity and cooperation.

Guiding Questions

Participants are encouraged to base their interventions on the following questions:

- Over the last 25 years, how has the ICC contributed to the maintenance of international peace and security? What are the lessons learned? What are opportunities ahead of the ICC to effectively deliver on its mandate? How can UN Member States better support the ICC to expedite the fulfillment of its mandate? How do you assess the ICC and the UNSC’s collaboration and how could it be improved to achieve international peace and security?
- How should we interpret the principles of complementarity and cooperation with the aim of contributing to international peace and security? How can the ICC contribute to strengthening national legal systems, judicial institutions and reparation processes?
- How does the ICC contribute to restorative justice, in particular through its engagement with the victims, and how does that relate to sustainable peace?
- How can regional organizations and other stakeholders such as civil society organizations support the Court?
- How should we promote the universality of the Rome Statute?

Modalities

The Arria-formula meeting will be chaired by H.E. Ms. Corinne Cicéron Bühler, State Secretary, Federal Department of Foreign Affairs of Switzerland, and H.E. Mr. Kimihiro Ishikane, Ambassador, Permanent Representative of Japan to the United Nations. All UN Member States and Permanent Observers are invited to participate.

The following speakers are invited to brief:

- Ms. Silvia Fernández de Gurmendi, President, Assembly of States Parties to the Rome Statute
- Ms. Deborah Ruiz Verduzco, Executive Director, Trust Fund for Victims
- Dr. Dapo Akande, Professor of Public International Law, University of Oxford
- Ms. Melinda Reed, Acting Convenor, Coalition for the International Criminal Court

The meeting will take place in the ECOSOC Chamber from 3 p.m. to 6 p.m. on 18 July 2023. The meeting will be broadcast on UN Web TV. Interpretation into the official languages of the UN will be provided.

To facilitate participation by as many delegations as possible, interventions should not exceed three minutes. To inscribe in the speakers' list and deliver a statement, please send the delegation's name as well as the name and title of the speaker to newyork.un.unsc@eda.admin.ch by **16 July 2023 at 6 p.m.** with the subject line: "*UNSC Arria meeting ICC*".

Delegations are also invited to send written versions of their statements by 31 July 2023 for inclusion in a compilation.

Annex III to the letter dated 1 December 2023 from the Permanent Representatives of Japan and Switzerland to the United Nations addressed to the President of the Security Council

Compilation of Statements

Briefers:

1. Ms. Silvia Fernández de Gurmendi, President, Assembly of States Parties to the Rome Statute
2. Ms. Deborah Ruiz Verduzco, Executive Director, Trust Fund for Victims
3. Dr. Dapo Akande, Professor of Public International Law, University of Oxford
4. Ms. Melinda Reed, Acting Convenor, Coalition for the International Criminal Court

Statements made by Members of the United Nations Security Council:

5. Switzerland – H.E. Ms. Corinne Cicéron Bühler, State Secretary at Swiss Federal Department of Foreign Affairs
6. Japan
7. Ecuador (*including a joint statement on behalf of the Members of the Security Council and Incoming Members, that are States Parties to the Rome Statute of the ICC*)
8. United Kingdom
9. Albania
10. Gabon
11. France
12. Ghana
13. Malta
14. United States – H.E. Ms. Beth Van Schaack, United States Ambassador-at-Large for Global Criminal Justice
15. China
16. Brazil
17. Russian Federation
18. United Arab Emirates
19. Mozambique

Statements made by other United Nations Members States and Permanent Observers:

20. Canada (*on behalf of Canada, Australia and New Zealand*) – Hon. Robert Oliphant, Parliamentary Secretary to the Minister of Foreign Affairs
21. Slovenia – H.E. Mr. Marko Štucin, State Secretary at the Ministry of Foreign and European Affairs of Slovenia
22. Estonia – H.E. Mr. Andres Parmas, Prosecutor General of the Republic of Estonia
23. Mongolia – Mr. Erdenebalsuren Damdin, Justice of the Supreme Court of Mongolia
24. Lithuania – H.E. Ms. Giedrė Balčytė, Chancellor of the Government of the Republic of Lithuania
25. Denmark (*on behalf of the Nordic countries*) – H.E. Ms. Lotte Machon, State Secretary for Development Cooperation
26. Italy – H.E. Ms. Maria Tripodi, Undersecretary of State for Foreign Affairs and International Cooperation of Italy
27. The Kingdom of Netherlands – H.E. Paul van den Ijssel, Ambassador for International Organisations for the Kingdom of the Netherlands
28. Tanzania (*on behalf of the African States Parties*)
29. Vanuatu (*on behalf of Austria, Belgium, Costa Rica, Estonia, Germany, Liechtenstein, Luxembourg and Vanuatu*)
30. Guyana
31. Republic of Korea

32. Uganda
33. European Union
34. Guatemala
35. Chile
36. Liechtenstein
37. Myanmar
38. Luxembourg
39. Colombia
40. Spain
41. Ukraine
42. Austria
43. Poland
44. Mexico
45. Bangladesh
46. Ireland
47. Argentina
48. Portugal
49. Costa Rica
50. Romania
51. Slovakia
52. Germany
53. Observer State of Palestine
54. Sri Lanka



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**Address to the United Nations Security Council at the Arria-formula meeting
on the theme "25th Anniversary of the Rome Statute: The Contribution of the
International Criminal Court to the Maintenance of International Peace and Security"**

Ms. Silvia Fernández de Gurmendi

Excellencies,

I am honoured by the opportunity to address this meeting. I congratulate the organising missions on this initiative, which could not be more appropriate. Considerations of peace and justice permeated the Rome Statute negotiations and remain central to current efforts to achieve justice.

The United Nations Security Council explicitly recognised the contribution of justice to peace by establishing the *ad hoc* Tribunals for the Former Yugoslavia and Rwanda. The Council then declared itself convinced that the prosecution of persons responsible for atrocious crimes would contribute to the restoration and maintenance of peace.

A few years later, the international community as a whole adhered to this postulate by establishing the International Criminal Court (the "ICC"), as it is clearly stated in the Preamble of the Rome Statute. This decision followed in the footsteps of the tribunals established by the Security Council and those of the post-war Nuremberg and Tokyo tribunals established fifty years earlier.

However, establishing the first permanent international criminal jurisdiction introduced a key paradigm shift. Unlike previous tribunals, the ICC could decide by itself where to investigate. This possibility implied powers never granted to any other tribunal, raising fundamental questions about the relationship between internationalism and sovereignty and between peace and justice.

The Statute's main answers to these questions are well known. First, the Court was not designed to replace or compete with national systems but intended as a complementary institution of last resort. Second, despite its global vocation, the Court was not endowed with universal jurisdiction, so in principle, it may only act when certain directly involved States are parties to the Statute. The jurisdictional constraints are particularly severe in relation to the crime of aggression. Thirdly, two particularly important - and still highly controversial - keys were given to the Security Council to "open" or "close" the Court's jurisdiction. Indeed, the Council, acting under Chapter VII of the Charter, may refer situations to the Court or request it to refrain from intervening.

Excellencies,

During the quarter century that followed the adoption of the Statute, the Court has demonstrated its ability to investigate and prosecute very serious crimes in situations in Africa, Asia, the Americas, and Europe, integrate victims into its proceedings, and provide reparations to thousands of victims with the assistance of the Trust Fund for Victims.

However, because of its statutory limitations, the Court cannot deal with any situation in the world equally. This leaves affected societies without hope and generates perceptions of double standards that undermine trust in justice. More seriously, it undermines the possibility of gradually replacing a culture of impunity with one of justice that could contribute more effectively to peace and security.

For these reasons, achieving universal participation in the Rome Statute is a top priority. As long as this is not achieved, only the Security Council may remedy these limitations by referring to the Court situations of crimes within its jurisdiction, without selectivity. So far, it has done so only twice, in Darfur and Libya, in 2005 and 2010, respectively. Unfortunately, other situations of extreme gravity have not been dealt with in the same way. As the General Assembly of the United Nations has consistently reiterated, Security Council referrals are necessary to enable the Court to exercise its jurisdiction fully.

The Council's efforts to effectively follow up on the situations it refers to the Court are also sorely needed, as are other initiatives to promote cooperation with all its operations and to protect its integrity and independence against threats and attacks. Political support and cooperation are prerequisites for the Court to realise its full potential to deliver justice and contribute to maintaining international peace and security.

Excellencies,

Twenty-five years after the historic adoption of the Rome Statute, we live in a world in turmoil, where atrocities are multiplying, and the hard-won gains in building an order based on the rule of law seem to be vanishing. We even wonder whether establishing the International Criminal Court would be feasible today.

That we cannot know, but we do know that, against all odds, the Court was created, it has consolidated itself through its activities and has laid the foundations for a global system or ecosystem of justice. Indeed, its establishment has reaffirmed the duty to investigate and prosecute; more and more States are willing to exercise jurisdiction over international crimes, and initiatives are multiplying to deliver justice or assist those who can do so by setting up mechanisms for the collection and preservation of evidence, or by adopting more efficient instruments to facilitate cooperation.

In light of all these efforts, the question is not whether it would be possible to create the Court today. Rather, we should reflect on how to strengthen this emerging system of justice that we increasingly recognise as an indispensable component of any stable peace.



25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security

United Nations Security Council Arria Formula Meeting organized by Japan and Switzerland and co-sponsored by the Republic of Albania, Ecuador, France, the Gabonese Republic, Ghana, Co-operative Republic of Guyana, Republic of Korea, Malta, the Republic of Sierra Leone, the Republic of Slovenia, and the United Kingdom

18 July 2023, ECOSOC, UN Headquarters

Your Excellencies,

It is an honor to brief the UN Security Council on behalf of the Board of Directors at the Trust Fund for Victims at the International Criminal Court, on this commemoration of an important milestone in the maturation of the international rule of law based order. I thank the Permanent Missions of Japan and Switzerland for organizing this event and to those States Parties to the Rome Statute who co-sponsored it.

The Rome Statute adopted 25 years ago established the ICC. As we know the Statute is groundbreaking in many ways, not least for providing for an institution that can enforce international norms. The ICC jurisdiction can be activated by the UN Security Council. This relationship exists because of the established link between accountability for genocide, crimes against humanity, war crimes and the crime of aggression to the maintenance of international peace and security.

Another key feature of the Rome Statute is its victim-centred nature, which I posit is also a feature that enhances the contribution that the ICC makes to international peace and security.

The Rome Statute provides for an International Criminal Court with jurisdiction over the core crimes, or the most serious crimes under international law with a restorative orientation. We see this restorative orientation in the guarantees of impartiality required from the Prosecutor, the absence of death penalty, or the absence of in absentia trials. These features guarantee a justice that is not of victors, but instead as universal and impartial as the cooperation from states can guarantee. Victims do not want revenge, they want justice and impartiality and due process delivers justice in a fair manner.

Also, victims' rights within the Rome Statute realize the reparative mandate. The Rome Statute ensures a right to participate in proceedings in the ICC, from as early as the situation level. Victims also have the right to be represented by independent counsel, which is paid by a legal aid regime paid by States Parties. Victims also have the right to be protected to facilitate their participation. Participation turns judicial processes into efforts that assign individual responsibility and that also have in itself a restorative effect in itself. Judges of the ICC and Legal Representatives of Victims can attest of the declarations of the importance that

participation in trials has had for the victim, even in cases of acquittals. More than 150,000 victims have participated in the judicial process before the ICC.

Further, the dissemination and interaction with the affected communities carried out by the Registry of the Court, society organizations and journalists who monitor and disseminate information about the process, increases the impact of participation of victims in the judicial process.

In order to fully realize the rights of victims, the Statute also incorporates the right to reparation by providing not only for the determination of criminal responsibility but also for a civil responsibility determined by judges against convicted individuals.

The establishment of a Fund for Victims makes it possible to operationalize said reparations, ensuring funds and programs that repair the damage caused by the crimes committed against the victims and their families. I would like to illustrate here how the reparations take place.

1. Right to reparations

Under international law, victims have a right to redress which include three components, effective, fair, impartial, genuine and prompt investigations; access to justice and reparations.

Reparations come in the form of restitution, rehabilitation, satisfaction, guarantees of non repetition and compensation, which is often monetary. Within those measures there are symbolic as well as individual or collective forms. And a wide range of providing measures that realize the right based on the harm and the preferences of victims. A key element is that reparations be given with a relation to the right of the victim, with their consultation and voluntary participation, and with trauma, gender and intersectional sensitivity. Because crimes are widespread community participation is often essential. Let's look at three examples.

2. Former Child soldiers

The Rome Statute characterizes the conscription, enlistment or use of children under 15 years old in hostilities as war crime. The first case at the ICC, against Thomas Lubanga Dyilo in the context of the situation in the Democratic Republic of the Congo resulted in the conviction of Mr. Lubanga as a co-perpetrator, of the war crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities from 1 September 2002 to 13 August 2003.

In the case of Thomas Lubanga, which is in a way narrow and only representative of a widespread practice, 2,462 victims have been identified.

Victims of Thomas Lubanga are women and men who during in their childhood were conscripted, enlisted and used to participate actively in the hostilities. The information collected from the participation forms used by victims, which has been scrutinized by judges at the proceedings at the ICC, documents the obvious harm caused by their conscription:

- Physical injury and psychological trauma at an early life stage
- Interruption and loss of schooling
- Separation from their families

- Exposure to an environment of violence and fear
- Difficulties socialising within the family and community
- Difficulties controlling aggressive impulses, and,
- Non-development of life skills placing them at a disadvantage especially regarding employment.

In the Lubanga case, the Trial Chamber also recognized indirect victims, such as family members of direct victims; the individuals who attempted to prevent the commission of a crimes; or other persons who suffered personal harm as a result of the offences.

They were recognised to have experienced psychological suffering, material deprivation, and, psychological and/or material sufferings as a result of aggressiveness on the part of former child soldiers relocated to their families and communities, among others.

Thomas Lubanga's liability was set at USD 10 million by the ICC. To address the multi-faceted harm suffered by the former child soldiers and their families, the TFV Board of Directors decided to complement the award and have raised to date nearly 75% of the liability award. The TFV also developed a reparations programme, approved and supervised by the Chambers, aimed at contributing to the improvement of the socio-economic situation of victims, and their physical and psychological rehabilitation.

- Collective service-based reparation awards such as treatment and medicines to remedy psychological difficulties;
- Support for families to help with reconciliation and organisation of discussion groups to enable victims to interact and share experiences; screening and/or initial medical diagnosis of the beneficiaries in coordination with local health structures associated with the programme;
- Socioeconomic rehabilitation through the payment of tuition, refresher training, university scholarships or language courses are provided;
- School fees are covered for dependants of victims; and
- Provision of vocational training to enable beneficiaries to conduct an IGA of their choice, creation of savings and credit associations.

The time it will take for victims, survivors, to heal will be enormous at the individual. One cannot deny the transgenerational and community trauma caused by such war crimes, but these programmes are starting to yield healing and building community peace. An important feature of them is that victims, in receiving these benefits, they do so accompanied by legal representatives, and in full cognition that these benefits are not charity or humanitarianism, but are delivered because of the right to redress for the harm they suffered. International solidarity makes possible the rights to be realized.

At the global level, her, a deteriorating security situation paired with limited opportunities can be a ticking bomb that may lead to the reintegration of some of these victims into hostilities, thus exacerbating a situation that the UN Security Council has already declared

3. Destruction of Cultural property

The Rome Statute grants the ICC jurisdiction over the war crime of attacking protected objects. In 2016, Mr. Ahmad Al Mahdi was found guilty by ICC judges as a co-perpetrator of the war crime consisting in intentionally directing attacks against religious and historic buildings in Timbuktu, Mali.

There are individual victims, those working in the mausolea who were killed in the attack, but overall it is the community of Timbuktu who was deemed the main beneficiary.

The programme has included a ceremony of recognition, pardon from the convicted person, compensation to killed victims, restoration of the building in collaboration with UNESCO, and community based programmes to restore the historic and economic value of the site for the benefit of the Timbuktu communities. Considering that the investigations of the Prosecutor focused on acts around Timbuktu but other communities in other regions were also attacked, the TFV reparations programme is complemented by another programme for the benefit of victims in areas outside of Timbuktu. Our programme is closely supporting transitional justice initiatives by national authorities and therefore will be sustainable to the extent that will inform and could be eventually taken over by Malian authorities, in their efforts of reconstruction and peacebuilding.

4. Sexual violence

Sexual violence is proscribed by the Rome Statute both as a crime against humanity as well as a war crime. Numerous cases have been prosecuted in relation to sexual violence, although some have resulted in acquittals. Programmes of assistance with reparative value have been implemented by the TFV for instance in the Central African Republic providing medical, psychosocial but also community based programmes to eliminate stigma and reinforce agency of survivors in reactivating their life after the violence they have experienced. Similar programmes are in place in other countries where sexual violence was prevalent in the context of post-electoral violence. Accountability and reparations for sexual violence are essential for prevention, which in itself constitute measures to maintain peace and security.

Complementarity

The Trust Fund for Victims takes from jurisprudence in regional courts the notion of reparations and enriches and is enriched by domestic initiatives providing administrative reparations. The future is local, and thus for instance, the Ljubljana-The Hague treaty which incorporates provisions to ensure reparations for victims of international crimes at the domestic level, along with our integration in local initiative will ensure the rights of victims at the global level.

There are legal and political elements of the relationship of the ICC with peace and security, and within that relationship the realization of the rights of victims enhances the impact that security, peacebuilding and accountability initiative can have.

United Nations Security Council Arria Formula Meeting

18 July 2023

**25th Anniversary of the Rome Statute: The Contribution of the International Criminal
Court to the Maintenance of International Peace and Security**

Statement of Professor Dapo Akande, University of Oxford

1. I am very grateful to the co-chairs of this meeting for inviting me to brief the meeting.
2. 25 years ago, the international community committed itself to the pursuit of international accountability with respect to international crimes with the adoption of the Rome Statute. The third paragraph of the ICC Statute recognizes that these grave threaten the peace, security and well-being of the world. These international crimes are the very manifestation of a breakdown of the peace, and a reflection of the lack of security for the peoples of the communities that have experienced those crimes and indeed a reflection of lack of international security. This is clearly the first link between the work of the ICC and maintenance of international peace and security – the ICC operates in responses to the breaches of the peace.
3. The second question though is whether the work of the ICC can contribute to the maintenance of international peace and security.
4. Justice is an essential condition for lasting peace. As then Secretary General Kofi Annan said - “Justice and peace are not contradictory forces. Rather, properly pursued, they promote and sustain one another.” He went on to say that “The

question, then, can never be whether to pursue justice and accountability, but rather when and how”.

5. Although justice in response to international crimes may be pursued in different forms, including sometimes through restorative justice mechanisms, the ICC’s role in pursuing individual criminal responsibility, can form a core component of helping to bring about long-term peace and stability to post-conflict societies.
6. The work of the ICC has brought hope to victims of international crimes in various situations around the world. It is probably fair to say that the ICC has not always fulfilled the hopes of victims but it is also fair to say that it has not always been given the tools with which to accomplish its goals. The Court is a fine institution but with lofty goals but it cannot achieve those goals without the cooperation of states. States need to do more in order to enhance the ability of the Court to achieve its goals.
7. If the ICC is one of the tools for the maintenance of international peace and security then it shares that responsibility with the UN Security Council. The question then is how can both institutions work together to achieve this common aim.
8. The Security Council has on numerous occasions recognized that international crimes constitute a threat to international peace. It is time that the Council and its members recommit to establishing accountability by ensuring there is appropriate investigation and prosecution of these crimes.

9. The ICC is the obvious vehicle through which the UNSC can bring about investigations of international crimes through referrals of situations to the court. The UNSC should continue to do this where international crimes have been committed and the ICC otherwise does not have jurisdiction.
10. However, even beyond the referrals to the ICC of situations where international crimes are being committed, there is more the Council can do to enhance the work of the Court. Ultimately, the ICC is dependent on the cooperation of states in order to fulfil its mandate. This Council can promote cooperation by states with the ICC in various ways.
11. When the Council refers situations to the ICC, it can enhance the effectiveness of those referral. For example,
- the Council can impose obligations of cooperation on all states;
 - the Council should not bar UN funding for ICC investigations and prosecutions arising from ICC referrals;
 - the Council should not seek to limit the persons over whom the ICC may prosecute as a result of referrals the Council has made to the Court;
 - Finally, when referring any situation to the ICC, the Council should adopt explicit language lifting any immunities that might hinder ICC prosecution.
12. Furthermore, there are a number of measures the Council may take to either promote state cooperation with the ICC or to address cases of non-cooperation when investigations and prosecutions are ongoing. For example:

- The Council could establish a process to consider whether to impose targeted sanctions on individuals wanted by the ICC.;
- UN peacekeeping missions operating in states that are also ICC situations should be given an explicit mandate to cooperate with the ICC,

13. [Finally, even where referrals of situations to the ICC have not taken place, steps can be taken to improve the prospect of accountability by ensuring that credible investigations of international crimes takes place in a manner which provides future opportunities for prosecution either at the international or domestic level. This Council has established an investigative mechanism for the crimes committed by ISIS and similar investigative mechanisms have been established by other UN bodies with respect to Syria and Myanmar. Various commissions of inquiry and fact-finding missions are regularly established by the Human Rights Council with a mandate to investigate international crimes. However, in order to improve the fulfilment of the accountability mandates of these investigations, proposals have recently made for the creation of a UN investigative support mechanism that could provide a coordinating role with respect to the various mandates that have an investigative function or which could itself be triggered by a competent UN body to carry out investigations.]

14. Your excellencies, thank you for your time.



Remarks at a UN Security Council Arria-Formula Meeting on the 25th Anniversary of the Rome Statute of the ICC

Delivered by Melinda Reed, Coalition Acting Convenor
17 July 2023

Excellencies, Ladies and Gentlemen. It is my honor to speak on behalf of the Coalition for the International Criminal Court

The Coalition for the ICC is the world's largest partnership advancing the cause of international justice. With member organizations in 150 countries, the Coalition leads the global fight to end Rome Statute crimes.

Twenty-five years ago in Rome, civil society organizations advocated for the adoption of the strongest possible treaty, and we then campaigned for its entry into force. As yesterday's anniversary event demonstrated, tremendous progress has been made to translate the treaty's ambitions into reality. And yet, there is still much work to be done to ensure that all victims around the world can access justice. A key question we face at this moment is: how do we move toward the Rome Statute system's greater delivery of impartial and equitable justice?

First, the relationship between the UN Security Council and the ICC is critical to ensuring that the vision for the Court is continuously realized. To be frank, the Council needs to find the political will to do more. It must back up ICC referrals with cooperation, including in the critical area of arrests, and take meaningful steps to address non-cooperation findings referred by the Court's judges. The Council's mandate to uphold international peace and security is inextricably linked with that of the Court, given the clear relationship between meaningful justice and sustainable peace. And yet this can only be achieved where double standards do not block victims' access to justice. The Coalition supports state-led initiatives calling on Council members to restrain the use of the veto when mass atrocities are concerned. In particular, the P5 should refrain from using the veto when dealing with Rome Statute crimes.

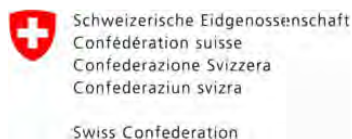
Second, the system needs to be increasingly survivor-oriented, not only in rhetoric but also in reality. We know the ICC exists for victims. Victims are its first constituency. This Arria formula briefing is a unique opportunity for the Security Council to hear from civil society organizations, and going forward it should seek out opportunities to also hear directly from victims and their representatives. The Court can be a model for meaningful justice, not least of all through robust victim participation and the Trust Fund for Victims. International justice mechanisms, whether in The Hague or even in national courts, can feel distant to victims of conflict. We must ensure strong public outreach and engagement to deliver meaningful justice beyond the walls of the courtrooms. It is essential that victims be involved in meaningful two-way dialogue, not only in siloed, single-sided discussions. This is critical to sustainable peace and real support for victims, and is crucial when we reflect on what will often be the real challenges of procedural obstacles, overturned decisions, and proceedings that may span many, many years on the journey to justice.

Third, beyond political support, cooperation not only by the Council but by all states parties and other international partners is essential to the successful functioning of the Court. States Parties are obligated to cooperate with the Court to implement its decisions, including executing arrest warrants. To meet the demands and expectations of victims, there must be continued political support, and provision of resources. The resources available to the Court are still far below the demands placed upon it. Sufficient resources to work evenly across all situations before the Court is crucial to protect the Court against threats to its independence and ensure its legitimacy, to avoid selective approaches to justice that may raise perceptions of double-standards in its work. We should never forget that the Court is after all a court of last resort, and it needs the support and resources to meet the legitimate expectations of victims who truly have nowhere else to turn.

Fourth, to ensure universal access to justice for victims all across the globe and deter future crimes, the Court must be universal, and so too must be the laws that enable effective prosecution of Rome Statute crimes in national courts. It is remarkable that to date, 123 countries have joined the ICC, voluntarily becoming party to its founding treaty. We call on all UN members-including members of the UNSC- that have not yet joined the ICC to ratify its Statute. The central principle of the Rome Statute is complementarity. States should incorporate Rome Statute crimes and principles into national legislation. They should investigate and prosecute Rome Statute crimes before domestic courts and cooperate with the Court. Implementing the Rome Statute is a chance to reform national criminal systems and strengthen the rule of law, peace and security. We should capitalize on opportunities to encourage national accountability efforts to align with the ICC's interventions, including during preliminary examinations, investigations, trials, and reparations proceedings.

Finally, for the system to work, we ask States and the United Nations to support and protect civil society and human rights defenders across the globe. HRDs face threats and reprisals for their work with victims and survivors, and with the ICC. It is not only the 25th anniversary of the Rome Statute, but also the 25th anniversary of the UN declaration on Human Rights Defenders. Human rights defenders are at the frontline of justice efforts: they are the first ones to respond when crimes take place, the ones who hold the hands of survivors in the road to justice, are sometimes survivors themselves, and are often the loudest voices when it comes to defending the court when it faces threats. With your support, together we can work toward our shared vision of a more just and peaceful world.

Thank you.



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Conseil de sécurité

Réunion Arria ICC

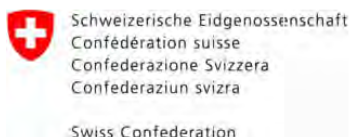
New York, le 18 juillet 2023

Déclaration de la Suisse

Mesdames et Messieurs,

Dans le cadre de l'un des exercices législatifs les plus prometteurs depuis la Seconde Guerre mondiale, 160 pays, plus de 20 organisations internationales, 14 agences spécialisées des Nations Unies, quelques 200 organisations non gouvernementales et 474 journalistes accrédités ont participé à une conférence de cinq semaines organisées par l'Assemblée générale de l'ONU. Lorsque le vote en faveur du Statut de Rome a eu lieu dans la nuit du 17 juillet 1998, nous savions que nous avions écrit l'histoire.

Aujourd'hui, nous célébrons le 25^{ème} anniversaire de l'adoption, à Rome, du document fondateur de la première juridiction pénale internationale permanente. Cette étape cruciale a envoyé un message fort : l'impunité pour les auteurs de tels crimes ne peut être tolérée. À cet égard, l'engagement de la Suisse est aujourd'hui, encore et toujours, sans faille. L'obligation de rendre des comptes est un fil rouge du travail de la Suisse au Conseil de sécurité, en lien étroit avec la construction d'une paix durable et à la protection des civils. La Suisse soutient pleinement la Cour pénale internationale en tant qu'institution judiciaire indépendante et le travail important qu'elle entreprend dans toutes les situations relevant de sa juridiction.

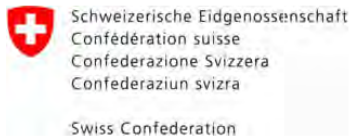


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Je souhaite évoquer trois points :

Premièrement, nous tenons à souligner l'importance fondamentale de la justice en tant que prérequis essentiel à une paix durable. Comme en témoigne l'action du Conseil de sécurité lorsqu'il a déferé la situation dans la région du Darfour au Soudan, puis celle en Libye, la justice et la paix sont interdépendantes. Ensemble, le Conseil de sécurité et la Cour pénale internationale représentent les jalons de notre vision commune d'un monde plus juste, plus sûr et plus pacifique. Traduire les auteurs de crimes en justice contribue aux processus de réconciliation et empêche la perpétuation du cycle de la violence.

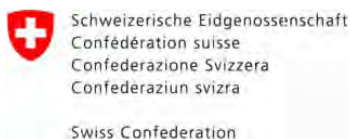
De plus, les procédures judiciaires permettent aux victimes d'être entendues, de demander réparation et de reconstruire leur vie. À cet égard, nous nous félicitons du rôle central accordé aux victimes dans les procédures de la CPI et des efforts déployés par son Fonds au profit des victimes. Selon les mots d'une survivante de 26 ans : « Le Fonds nous a donné de l'espoir et l'opportunité de participer au développement de notre communauté. » En outre, nous saluons l'engagement important des organisations de la société civile, qui complètent les efforts de la Cour par leur assistance aux victimes, en sensibilisant au mandat de la Cour et en recueillant des preuves.



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Deuxièmement, nous rappelons que la CPI n'a pas vocation à se substituer aux tribunaux nationaux. Conformément au Statut de Rome, la Cour n'intervient ainsi que lorsque les États n'ont pas la volonté ou la capacité de mener leurs propres enquêtes. La CPI travaille ainsi en étroite collaboration avec les juridictions nationales, car elle dépend de leur soutien à de nombreux égards, tout en les aidant si nécessaire à renforcer leurs capacités. Nous ne saurions trop insister sur l'importance de la coopération avec la Cour. Nous nous engageons au Conseil pour que les mandats des missions de maintien de la paix de l'ONU continuent d'inclure des références à la reddition des comptes. Pour mettre en œuvre cette obligation de rendre des comptes, la coopération avec la CPI est cruciale. Les membres du Conseil devraient par ailleurs renoncer à voter contre les projets de résolution crédibles visant à prévenir ou mettre fin à des atrocités de masse. Nous invitons tous les États membres à souscrire au Code de conduite élaboré par le groupe ACT, auquel 129 pays ont adhéré à ce jour.

Troisièmement, la Cour doit pouvoir compter sur un statut solide et un soutien universel. Nous invitons donc tous les États qui ne l'ont pas encore fait à ratifier le Statut de Rome. Ces dernières années, l'Assemblée des États parties au Statut de Rome a adopté plusieurs amendements dans le but de le renforcer. Nous appelons l'ensemble des États parties à ratifier ces amendements, notamment celui introduit par la Suisse pour que l'affaînement des civils soit poursuivi également dans les situations de conflits internes ainsi que les amendements de Kampala. Ceci contribuera à renforcer l'efficacité de la justice pénale, tant au niveau national qu'international.



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Mesdames et Messieurs,

L'anniversaire du 17 juillet 1998 nous offre une occasion d'honorer le passé, mais il est tout aussi important de se tourner vers l'avenir. La fondation de la CPI il y a 25 ans a été le fruit d'une action collective, qui mérite d'être soutenue de manière constante et résolue. La Suisse réitère son soutien indéfectible à la CPI et elle est déterminée à défendre les principes et les valeurs qui sont au cœur du Statut de Rome, et à préserver son intégrité. Le Statut de Rome est un pas décisif vers la construction d'un monde plus sûr et plus juste. Un pas qui nous rapproche du monde envisagé par la Charte des Nations Unies.

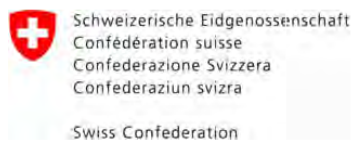
Je vous remercie.

Unofficial translation

Ladies and Gentlemen,

In one of the most ambitious legislative efforts since the Second World War, 160 countries, more than 20 international organisations, 14 specialised UN agencies, some 200 non-governmental organisations and 474 accredited journalists took part in a five-week conference organised by the UN General Assembly. When the vote in favour of the Rome Statute was cast on the night of 17 July 1998, we knew we had made history.

Today we celebrate the 25th anniversary of the adoption in Rome of the founding document of the first permanent international criminal court. This crucial milestone sent out a strong message: impunity for the perpetrators of such crimes must not be tolerated. In this respect, Switzerland's commitment remains unwavering. Accountability is a common thread running through Switzerland's work in the Security Council, which is closely linked to building sustainable peace and protecting civilians. Switzerland fully supports the International Criminal Court as an independent judicial institution and the important work it undertakes in all situations under its jurisdiction.



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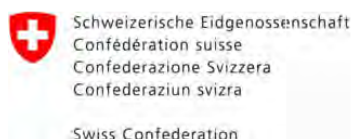
I would like to highlight three points:

Firstly, we would like to stress the fundamental importance of justice as an essential prerequisite for lasting peace. As demonstrated by the Security Council's action in referring the situation in the Darfur region of Sudan, and subsequently in Libya, justice and peace are interdependent. Together, the Security Council and the International Criminal Court represent milestones in our shared vision of a fairer, safer and more peaceful world. Bringing the perpetrators of crimes to justice contributes to reconciliation processes and prevents the perpetuation of the cycle of violence.

Moreover, legal proceedings allow victims to be heard, to seek redress and to rebuild their lives. In this respect, we welcome the central role given to victims in ICC proceedings and the efforts made by the ICC Trust Fund for Victims. In the words of a 26-year-old survivor: "The Trust Fund has given us hope and the opportunity to participate in the development of our community." In addition, we welcome the important involvement of civil society organisations, which complement the Court's efforts by assisting victims, raising awareness of the Court's mandate and collecting evidence.

Secondly, we reiterate that the ICC is not intended to replace national courts. In accordance with the Rome Statute, the Court only intervenes when States are unwilling or unable to conduct their own investigations. The ICC therefore works closely with national jurisdictions, as it depends on their support in many respects, while helping them where necessary to strengthen their capacities. We cannot stress the importance of cooperation with the Court enough. We are committed in the Council to ensuring that the mandates of UN peacekeeping missions continue to include references to accountability. To implement this accountability, cooperation with the ICC is crucial. Council members should also refrain from voting against credible draft resolutions aimed at preventing or ending mass atrocities. We call on all Member States to subscribe to the Code of Conduct developed by the ACT Group, to which 129 countries have so far signed up.

Thirdly, the Court must be able to count on a solid statute and universal support. We therefore call on all States that have not yet done so to ratify the Rome Statute. In recent years, the Assembly of States Parties to the Rome Statute has adopted several amendments to strengthen it. We call on all States Parties to ratify these amendments, in particular the one introduced by Switzerland to ensure that the starvation of civilians is also prosecuted in situations of internal conflict, as well as the Kampala amendments. This will help to make criminal justice more effective, both nationally and internationally.



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Ladies and Gentlemen,

The anniversary of 17 July 1998 provides us with an opportunity to honour the past, but it is equally important to look to the future. The founding of the ICC 25 years ago was the fruit of collective action, which deserves constant and resolute support. Switzerland reiterates its unwavering support for the ICC and is determined to defend the principles and values at the heart of the Rome Statute and to preserve its integrity. The Rome Statute is a decisive step towards building a safer and fairer world. A step that brings us closer to the world envisaged by the United Nations Charter.

Thank you very much.

Japan

PERMANENT MISSION OF JAPAN TO THE UNITED NATIONS



**Statement by H.E. Mr. ISHIKANE Kimihiro
Permanent Representative of Japan to the United Nations
United Nations Security Council Arria Formula Meeting
(18 July 2023)**

Merci, Corinne.

It is my pleasure to co-host this Arria formula meeting on this auspicious occasion of the 25th anniversary of the adoption of the Statute of Rome. Japan has chosen “the Rule of Law” as the theme of the signature event at the January presidency, and given the challenging circumstances we face today, it is opportune more than ever to contemplate together through today’s meetings and beyond where we stand after 25 years, and where we need to go from here.

I shall now make a statement in my national capacity.

Over the past 25 years, the International Criminal Court (ICC), as the only permanent international court for the most serious crimes committed by individuals, has played a significant role in our fight against impunity. It holds accountable those responsible for their crimes and prevents these crimes from happening, thereby contributing to the maintenance of international peace and security.

The principle of complementarity and cooperation are two important pillars. We see both opportunities and challenges here. States Parties have the primary responsibility to prosecute the most serious crimes. The ICC may only exercise jurisdiction where the concerned States are unwilling or unable to do so. Even in the cases where the Court exercises jurisdiction, it cannot fulfill its mandate

alone, and cooperation from States is critical. The challenges we are facing in the two Security Council referral cases – Libya and Sudan – corroborate the importance of States' cooperation. We welcome the Court's active engagement with States through capacity building with the aim to strengthen national legal systems.

In any fight against impunity, the clock is always ticking. The longer it takes, the more witnesses and pieces of evidence are lost, thereby making it harder for the ICC to conduct a thorough investigation, followed by timely prosecution and a speedy trial. Justice delayed is justice denied – expediting the Court's work is also a strong demand from victims. To aid and empower victims, we highly appreciate the initiatives taken by the Trust Fund for Victims (TFV) and other important activities by civil society.

Justice under the rule of law is one of the prerequisites for maintaining international peace and security, and the UN Member States, especially Security Council members, should follow up cases of referral to help the ICC fulfill its mandate of addressing the situations in Sudan and Libya. For the Council, it would be worth having a deeper discussion on how the current collaboration between the Council and the ICC can be improved for maintaining international peace and security. Promoting the universality of the Rome Statute is another important agenda for filling gaps in the international criminal justice. We hope today's discussion contributes to raising people's awareness on such points.

A quarter of a century after its inception, the current situation in the world is demonstrating the importance of the ICC more than ever. Japan renews its full support to the Court's activities. We reiterate our commitment to defend the principles and values enshrined in the Rome Statute, and to preserve the ICC's integrity undeterred by any threats against the Court, its officials and personnel, as well as those cooperating with it.

I thank you. *I now resume my functions as Co-Chairs.*



Misión Permanente del Ecuador ante las Naciones
Unidas en Nueva York

**FÓRMULA ARRIA DEL CONSEJO DE SEGURIDAD:
25 ANIVERSARIO DEL ESTATUTO DE ROMA:**

**LA CONTRIBUCIÓN DE LA CORTE PENAL INTERNACIONAL A LA
MANTENIMIENTO DE LA PAZ Y LA SEGURIDAD INTERNACIONALES**

18 de julio de 2023, 3:00-6:00pm
ECOSOC Chamber

Cotejar con alocución

Gracias señora Presidenta,

1. Felicitamos a Japón y Suiza por convocar a esta Fórmula Arria, que complementa los asuntos tratados en el evento conmemorativo que tuvo lugar ayer y que Ecuador se complace en copatrocinar. Agradecemos también a los ponentes por sus comentarios introductorios.
2. La adopción del Estatuto de Roma en 1998 dio origen al primer órgano judicial permanente capaz de investigar y llevar ante la justicia a los individuos acusados de cometer las violaciones más graves del derecho penal internacional, del derecho internacional humanitario y los derechos humanos.
3. Este hecho, que constituye uno de los logros más notables de la diplomacia multilateral, fue posible gracias a un sentido compartido de humanidad frente al sufrimiento causado a las víctimas.
4. Veinte y cinco años después, la Corte Internacional de Justicia ha sentado valiosos precedentes y ha puesto a las víctimas en el centro de sus actividades. Las Enmiendas de Kampala han demostrado además la voluntad de los Estados Parte de perfeccionar el alcance del Estatuto.
5. Esto ha permitido que la Corte se consolide como un actor integral de la estructura internacional para defender el estado de derecho, fomentar el respeto de los derechos humanos y combatir la impunidad.
6. En un contexto internacional con el mayor número de conflictos violentos desde la Segunda Guerra Mundial, el adecuado funcionamiento de la Corte es fundamental. Por ello, es oportuno reflexionar acerca de los desafíos que enfrenta, de entre los cuales destacamos los siguientes:



Misión Permanente del Ecuador ante las Naciones
Unidas en Nueva York

7. En primer lugar, las Naciones Unidas deben contribuir a afrontar los gastos derivados de las remisiones hechas por el Consejo de Seguridad a la Corte. El no hacerlo puede poner en riesgo la sostenibilidad financiera de la Corte.
8. En segundo lugar, es necesario seguir impulsando la universalización del Estatuto de Roma. Cada nuevo Estado Parte no solo protege su población, sino también fortalece el sistema de justicia penal internacional y es una expresión de solidaridad con las víctimas.
9. En tercer lugar, la complementariedad es un principio clave en el Estatuto de Roma. Para que funcione, es necesario que los Estados Partes aprobemos leyes para aplicar las disposiciones del Estatuto en sus sistemas nacionales, tarea en la que la asistencia técnica de la Corte puede ser de mucha ayuda.
10. En cuarto lugar, se debe robustecer la alianza con la sociedad civil, cuya colaboración es esencial para lograr mayor efectividad de los esfuerzos de la Corte en contra de la impunidad y de atención a las víctimas.
11. En quinto lugar, las iniciativas orientadas a apuntalar su independencia y eficiencia, como asegurar su financiamiento y optimizar los procesos de designación de jueces, merecen ser apoyados y profundizados.
12. Como uno de los 123 Estados Parte del Estatuto de Roma, Ecuador reitera su respaldo a la Corte Penal Internacional y al papel crítico que cumple para la rendición de cuentas por los crímenes más graves que preocupan a la humanidad y su contribución al mantenimiento de la paz y seguridad.

Muchas gracias,

Joint statement on behalf of the Members of the Security Council and the Incoming Members, that are States Parties to the Rome Statute of the International Criminal Court:

I would like to make the following statement today on behalf of the Members of the Security Council, as well as incoming Members, that are States Parties to the Rome Statute of the International Criminal Court (ICC): Albania, Brazil, France, Gabon, Ghana, Guyana, Japan, Malta, the Republic of Korea, Sierra Leone, Slovenia, Switzerland, the United Kingdom, and my own country Ecuador.

The adoption of the Rome Statute 25 years ago is a cornerstone in the fight against impunity by the international community regarding genocide, war crimes, crimes against humanity and aggression. The work of the International Criminal Court continues to be as relevant and necessary as ever given that, despite our collective efforts, these crimes continue to be committed.

In its relatively short lifespan, the ICC has been joined by 123 States Parties from all regions of the world, which represents a large majority of the international community. This reinforces its aspiration to universality and we take this opportunity to invite all of those States who have not yet done so to become parties to the Rome Statute of the ICC.

We also reaffirm our unwavering support for the Court as an independent, impartial, and judicial institution of last resort which complements national courts, which have the primary competence to investigate and prosecute Rome Statute crimes in line with the principle of complementarity, without replacing them.

We are convinced that the ICC is an essential means of promoting respect for international humanitarian law and international human rights law, thus contributing to freedom, security, justice and the rule of law, as well as to the prevention of armed conflicts, the preservation of peace, the strengthening of international security and the advancement of post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, in accordance with the purposes and principles of the Charter of the United Nations.

In this sense, the relationship between the ICC and the Security Council, in the terms referred to in the Rome Statute, is essential. We wish to recall that Security Council PRST/2013/2 noted that the fight against impunity and accountability for the most serious crimes of international concern has been strengthened through the work on and prosecution of these crimes in the International Criminal Court, in accordance with the Rome Statute.

We also recall the capacity of the Council to refer situations to the ICC, which has been used twice, with respect to the Darfur situation in 2005 and Libya in 2011. As the organ charged with primary responsibility for maintaining international peace and security, the Council should consider this power of referral as another tool for

accountability in situations where international crimes are being or have been committed. It is therefore of the utmost importance for the Security Council to effectively follow-up on such referrals.

The Council can also play a key role in cases of non-cooperation by States with the Court. We therefore call for the strengthening of the mutual engagement between States Parties and the Council on this matter.

We also encourage the Court to further engage with the relevant Sanctions Committees with a view to improving their cooperation and achieving better coordination on matters pertaining to areas of mutual concern. We also welcome a number of examples of successful cooperation between UN peacekeeping operations and the ICC, some of which have led to the arrest of individuals sought by the Court, and encourage enhanced cooperation in this regard.

In conclusion, national reconciliation and reconstruction of the social fabric goes hand in hand with establishing the truth and justice: justice and peace are complementary and mutually reinforce each other. We therefore welcome the efforts and achievements of the Court in these 25 years in bringing those most responsible for the crimes under the Rome Statute to justice and thus to contribute to the prevention of such crimes.

By giving our full support to the Court and promoting the universality of the Rome Statute, we defend the progress we have made together towards an international order based on international law, of which international justice is an indispensable pillar.

Thank you.



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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS SECURITY COUNCIL – ARRIA FORMULA MEETING

International Criminal Court

18 July 2023

Delivered by Ambassador Barbara Woodward

First I would like to thank the co-chairs Switzerland and Japan for convening this meeting, and thank our excellent briefers. The establishment of the International Criminal Court is a remarkable achievement. Created as the first permanent body of its kind, it has now become one of the major pillars of the international legal system.

As the prosecutor has remarked, international humanitarian law does not apply just to states - its protections, its obligations belong to all.

This is why we urge those that have not yet done so, to accede to the statute.

But the Court has no police force and it has no prisons. It relies on the cooperation of the States Parties. The UK urges others to support the Court in these practical matters without which the process of justice will stall.

And let me translate that abstract idea into some concrete examples.

The UK's practical support to the Court includes sentence enforcement, witness relocation and the training of investigators in modern techniques, including the interviewing of vulnerable victims and witnesses such as children.

We have also provided expert secondees to assist the Court across the breadth of its work, and the war crimes team of our largest police service has dedicated officers for each of the situations the Court is investigating.

Now, of course, the Court must have adequate resources to undertake its work. And I want to reassure colleagues that the UK is playing its role here.

We have provided a further \$3.3 million in funding over and above our budget contribution to the Court's trust funds to enhance its technology, to digitise its evidence collation and improve its psychosocial support to vulnerable witnesses and victims. The UK has also provided an additional \$560,000 to the Trust Fund for Victims, including for those who have suffered in Uganda and in the DRC.

The atrocities that we are witnessing around the world, in Sudan, in Ukraine and in Mali are a stark reminder that without accountability, there can be no lasting and just peace. And as Professor Akande reminded us, quoting the words of Kofi Anan, "Justice and peace are not contradictory

forces.” Justice and the rule of law are fundamental for the fulfilment of everyone’s human rights. Rights which are enshrined in the UN Charter.

The International Criminal Court is a testament to its States Parties’ determination to end impunity for those responsible for the most serious international crimes.

We congratulate the Court on this anniversary and this milestone and we wish you an enhanced role in promoting justice and peace in the future.

Thank you.



Remarks by Arian Spasse
Political Coordinator of Albania

Arria-formula meeting

“25th anniversary of the Rome Statute: The Contribution of the International Criminal Court to the
Maintenance of International Peace and Security

July 18, 2023 Tuesday, 18 July 2023, 3 p.m. – 6 p.m.

ECOSOC Chamber, UN Headquarters

Thank you, Madam Chair,

I thank Japan and Switzerland for convening today’s most timely meeting on ICC and international justice, which Albania gladly co-sponsored.

I thank the briefers for their valuable insights.

Mme. Chair,

The establishment of the ICC a quarter century ago is an event of great historic significance.

It is a concrete, momentous step to bend the arc of history towards justice.

For the first time in human history, the individual takes primacy.

Not only in recognition of the inalienable rights of every human being in virtue of their humanity.

But also, the individual as an agent of violence and destruction—the leader who commits atrocity crimes with impunity.

No longer can leaders hide behind the shield of sovereignty to escape the call of the aggrieved for justice.

No one is above *jus cogens* and everyone has a duty to assist the ICC in fighting impunity for atrocity crimes.

This is epochal moral progress that we must cherish as a common achievement of humanity.

Yet, Madam Chair, 25 years is not enough for a Court to end impunity for atrocity crimes.

The Court faces many challenges, some of which are related to lack of adequate resources.

These are serious shortcomings but not obstacles that cannot be overcome, with a little bit of goodwill and commitment to universal justice.

But the most serious challenges to international criminal justice are political.

There is a concerted effort to tarnish the efforts of the ICC and to twist its quest for justice.

There is disregard for what the Court has achieved, and above all, for what the Court can, and ought to achieve.

There are those who disregard the great sacrifice—the millions of people who have had to perish for our collective conscience to develop and materialize in institutions like this permanent court to pursue individual accountability for atrocity crimes.

Having suffered ourselves as a nation from atrocity crimes, we are impatient to see the ICC triumph everywhere, in pursuit of justice and dignity.

Madam Chair,

We envisage a Court to be universally accepted, where all states cooperate in good faith to deliver perpetrators of atrocity crimes to justice.

We believe in a Court that addresses all cases of atrocity crimes with the same vigor and urgency, but we realize that there are limits to what the Court can do.

The demand for universal justice is too high for any institution to meet at once. Justice requires time, but it must never be delayed.

Yet, inability to act everywhere at the same time should never be used as a pretext to dismiss and denigrate the action of the Court somewhere, where it can make a difference.

Like in all things human, we must begin somewhere and pursue the universal aspiration to achieve justice everywhere, gradually and relentlessly, in concentric circles until justice triumphs all over the globe.

Nowhere is this more evident than in the case of the Russian aggression against Ukraine. We strongly support the ICC investigation into atrocities inflicted by the Russians in Ukraine.

We want this to be an example of how the Court can deliver justice, and to counter the narrative of bias and selectivity against African countries.

Mme. Chair,

We commend the excellent and diligent work of the Office of the Prosecutor of the ICC, in collecting and preserving evidence, and investigating crimes committed in the Darfur region, across Libya, and most recently in Ukraine. We urge the ICC to redouble its efforts in pursuing justice and accountability with particular focus on gender-based violence. At the same time, we remind the international community and those present of the collective responsibility they have to

continue supporting the ICC not only through words, but also through deeds, by ensuring it has the necessary resources to continue playing unhampered its indispensable role.

The ICC's victim-centered approach is yet another pioneering and important contribution to the success of international justice. Albania applauds the work done by ICC's Victims Participation and Reparations Section working under difficult circumstances to ensure the voice of the victims is heard and that efforts are made to provide adequate compensation.

Albania also expresses solidarity with the victims and reiterates its commitment that the demands of the victims for justice will be addressed.

In conclusion allow me to emphasize that justice must prevail for all crimes subject to the Rome Statute, no matter who the perpetrator is, no matter where these crimes are committed, no matter who are the victims, in line with the provisions outlined in the Rome Statute of the ICC.

I thank you!



Discours du Gabon à l'Occasion de la formule Arria

Consacrée au vingt-cinquième anniversaire de la Cour Pénale internationale : La Contribution de la Cour Pénale Internationale dans le maintien de la paix et de la sécurité internationales.

New York, le 18 juillet 2023.

Merci **Madame la Présidente**, pour l'organisation de cette formule Arria qui marque le vingt-cinquième anniversaire de la Cour Pénale internationale en se consacrant en particulier, à sa contribution dans le maintien de la paix et de la sécurité internationale. Je remercie également tous les intervenants pour leurs contributions qui démontrent le travail de longue haleine qui a conduit à la création de la Cour pénale internationale en tant que juridiction universelle. Le Gabon souscrit pleinement à la déclaration conjointe des États parties Membres du Conseil de sécurité, ainsi qu'à celle prononcée par le Représentant de la Tanzanie au nom des États africains parties au statu de Rome.

Madame la Présidente, la lutte contre l'impunité doit demeurer un impératif pour la communauté internationale. Les mesures destinées à prévenir et réprimer les violations graves du droit international, des droits de l'Homme et du droit international humanitaire affectant les populations civiles ou des ethnies prises pour cible dans les conflits, contribuent de manière importante au maintien de la paix et de la sécurité internationales. Le préambule du Statut de la CPI mentionne à cet effet, que « Les États parties au présent Statut affirment que les crimes les plus graves qui touchent l'ensemble de la communauté internationale ne sauraient restés impunis et que leur répression doit être effectivement assurée par des mesures prises dans le cadre national et par la coopération internationale »

Le Gabon tient d'emblée à souligner que malgré de nombreux écueils qui ont émaillé son existence, qu'il s'agisse de son champ d'application limité et des nombreux cas de non-coopération, la CPI demeure une institution indispensable de promotion de la justice pénale internationale et de la justice tout court.

Mon pays, qui a déposé son instrument de ratification du Statut de Rome, le 20 septembre 2000, voudrait réaffirmer ici, son attachement sans faille, à l'intégrité du Statut de Rome et à la promotion de l'État de droit, mais aussi sa ferme détermination à lutter contre l'impunité. C'est une position de principe à laquelle nous ne transigerons point.

Sans une institution permanente pénale Internationale telle que la CPI, les engagements pris pour renforcer la justice pénale internationale ne seraient que de vains mots. Par ailleurs, nous notons avec satisfaction que les nombreux cas soumis à la CPI depuis sa création, reflètent l'intérêt croissant des États Parties au Statut de Rome de porter à l'attention de la communauté internationale les questions relatives aux crimes graves pour lesquels les juridictions nationales restent d'une manière générale impuissante ou inadéquatement préparées.

Madame la Présidente,

Les efforts visant à mettre fin à l'impunité exigent par ailleurs que les chambres préliminaires de ces juridictions disposent de tous les éléments nécessaires à la conduite d'enquêtes impartiales.

C'est pourquoi, le Gabon voudrait souligner qu'une coopération effective passe par le renforcement des capacités nationales, là où les besoins pressants existent. Cela revêt une grande importance dans les efforts de promotion d'une justice pénale internationale qui soit compatible et complémentaire des processus nationaux essentiels à une réconciliation et une paix durable.

Pour conclure, **Madame la Présidente**, je voudrais réaffirmer le soutien du Gabon à la Cour pénale internationale, en particulier pour ses efforts visant à protéger les témoins. Nous l'exhortons à poursuivre son action délicate et vaste en toute impartialité.

Je vous remercie/.



**MISSION PERMANENTE
DE LA FRANCE AUPRÈS
DES NATIONS UNIES
À NEW YORK**

*Liberté
Égalité
Fraternité*

**ARRIA CPI
INTERVENTION DE MME DIARRA DIME-LABILLE,
CONSEILLÈRE JURIDIQUE DE LA FRANCE AUPRÈS DES NATIONS UNIES
A L'ECOSOC**

= Vérifier au prononcé =

New York, le 18 juillet 2023

Madame la Présidente,

Je remercie le Japon et la Suisse pour l'organisation de cette réunion, que la France est fière de coparrainer, et les intervenantes et intervenants. Leurs propos nous rappellent le rôle fondamental de la Cour pénale internationale (CPI), qui depuis 25 ans enquête sur les pires atrocités et répond au besoin de justice exprimé par les victimes. Comme la Ministre des Affaires étrangères Catherine Colonna l'a souligné hier lors de la célébration des 25 ans du statut de Rome, cette réunion organisée dans le cadre de cet anniversaire est l'occasion de réaffirmer notre soutien aux contributions de la CPI à la paix et à la sécurité internationales.

1/ Le message, en 1998 comme en 2023 est clair : il ne peut pas y avoir de paix durable sans justice. Seule juridiction pénale internationale et à vocation universelle, la CPI œuvre au service de la justice. En témoignent les récents mandats d'arrêt contre le président russe et Maria Lvova-Belova pour les crimes de déportation commis contre les enfants ukrainiens dans le cadre de l'agression illégale, injustifiée et injustifiable de l'Ukraine par la Russie.

Les responsables de crimes ne peuvent se soustraire à la justice.

2/, Les États parties jouent un rôle essentiel dans la promotion de ce message. Ceci passe par un soutien humain, financier, logistique et en matière de coopération judiciaire aux enquêtes de la CPI. La France a mis à disposition une des deux équipes d'experts participant à la collecte de preuves en Ukraine. Ces équipes ont apporté l'expertise spécialisée sur le site du dépôt pétrolier de Kalynivka ou encore sur le site d'un hôpital de Dnipro détruit le 26 mai 2023. D'autres experts ont également été détachés au Bureau du procureur de la CPI.

Pour s'acquitter de son mandat, la CPI a besoin de notre soutien continu et notre coopération. La France y prend toute sa part et a conclu un accord sur l'exécution des peines prononcées par la CPI, dont l'instrument d'approbation a été remis hier par la Ministre de l'Europe et des Affaires étrangères au président Hofmanski. La France est aussi l'un des premiers contributeurs à la formation des magistrats et des enquêteurs dans toutes les régions du monde en matière de crimes de guerre.

3/ Là où l'impunité règne, la paix et la sécurité ne sauraient durer. Cette réalité est illustrée par la situation au Soudan, où l'escalade des violences intercommunautaires au Darfour évoque les débuts de la guerre en 2003. Nous devons collectivement continuer à appuyer les efforts de reddition de comptes qu'engage la CPI au Darfour sur saisine de ce Conseil. Malgré un contexte difficile, les progrès enregistrés dans l'Affaire Abd-Al-Rahman soulignent l'importance de rendre justice aux victimes. Nous saluons le courage des témoins dans cette affaire.

Nous pensons également aux victimes des atrocités commises par le groupe Wagner. Là aussi, des comptes devront être rendus et les victimes seront entendues.

4/ Aux côtés de toutes les victimes, en Ukraine ou ailleurs, la France poursuivra ses efforts aussi longtemps que nécessaire pour que justice leur soit rendue.

Elle continuera à soutenir les efforts de la Cour pénale internationale en faveur de la justice, de la paix et de la sécurité internationales. La candidature de Nicolas Guillou à l'élection des juges de la CPI s'inscrit dans cette volonté.

A l'occasion de ce 25^{ème} anniversaire, nous appelons à la ratification universelle du Statut de Rome.

Je vous remercie./.



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**STATEMENT
BY
HAROLD ADLAI AGYEMAN
AMBASSADOR & PERMANENT REPRESENTATIVE**

**ARRIA FORMULA MEETING TO COMMEMORATE THE 25TH ANNIVERSARY OF
THE INTERNATIONAL CRIMINAL COURT**

**“25TH ANNIVERSARY OF THE ROME STATUTE ADOPTION: THE CONTRIBUTION
OF THE INTERNATIONAL CRIMINAL COURT TO THE MAINTENANCE OF
INTERNATIONAL PEACE AND SECURITY”**

18th July 2023

United Nations HQ
New York

Co-Chairs,

Distinguished Colleagues,

1. Ghana remains committed to the International Criminal Court and cherishes the Rome Statute's importance as a mechanism for addressing atrocity crimes and particularly for deterring potential perpetrators of such crimes.
2. It is for this reason that Ghana is pleased to have co-sponsored this Arria Formula meeting to coincide with the 25th anniversary of the Rome Statute of the International Criminal Court.
3. We reaffirm our support for the fundamental values of the Rome Statute and reiterate that adherence to those values by all are essential to the administration of international criminal justice and the maintenance of international peace and security.
4. We reiterate the importance of ensuring that the Court's activities are undertaken in a fair, impartial and transparent manner. This is particularly essential in view of the reservations of some States Parties, which led to their withdrawal from the Rome Statute during these twenty-five years.

Co-Chairs,

5. In light of persisting concerns that the Court is narrowly focused on cases in Africa, it must seek to address all alleged

crimes within its jurisdiction in a fair and impartial manner and without fear as to the nationality of perpetrators. Consequently, we urge the Court to undertake preliminary and further investigations into alleged crimes in all theatres of conflict where reasonable grounds exist that there has been egregious violations of the crimes under the Court's jurisdiction.

Co-Chairs,

6. Ghana has always strongly supported the key pillars and principles underpinning the Rome Statute, namely, complementarity, cooperation, independence and impartiality of the Court. We affirm the need for effective operationalization of the principle of complementarity in furtherance of the full realization of the objectives of the framers of the Rome Statute at the national level.
7. To this end, we call on States Parties with the required capacity to provide technical assistance to States Parties that need to develop their prosecutorial and judicial capacity to deal with crimes under the Rome Statute.
8. We recall the benefits that accrued when Ghana, in collaboration with other partners, hosted a conference in March 2016 on the theme “**The International Criminal Court and Africa: A Discussion on Legitimacy, Impunity, Selectivity, Fairness and Accountability**”. A key outcome of the

conference was the clarification it promoted to wipe away suspicions and scepticism on the ICC and its work.

9. In assessing the ICC's collaboration with the UNSC, Ghana would state that there is a working relationship between the court and the UN. However, on the issue of referrals from the UNSC, because of the five Permanent Members of the Security Council, one leg of Articles 12 and 13 provisions on referral by the Council to the Court appears a non-starter in view of the P5 veto.
10. Even though the crime of aggression was added to the Rome Statute following the 2010 Kampala negotiations and agreement, its operationalization is problematic. For the Court to assume jurisdiction over the crime of aggression, unlike articles 12 and 13 provisions of the Statute, there must either be a referral by the UNSC or the state of nationality of the suspect and the state of the territory of which the aggression took place or taking place must be parties to the Court (Art 15bis (5)).
11. Notwithstanding these practical difficulties of meeting the higher threshold of the crime of aggression, we commend the Prosecutor and the support of States Parties for their efforts in the gathering of sufficient and relevant evidence in the ongoing war in Ukraine on the breaches of the Rome-Statute and related international conventions on the Rules and Conduct of War

with a view to bringing to justice perpetrators of such crimes, regardless of the nationality of whoever is found culpable.

Co-Chair,

12. Ghana commends voluntary contributions being made to the Trust Fund for Victims of Crimes of the Rome Statute, covering, among others, the representation and involvement of victims in proceedings and payment of reparations to crime victims. The support to the Fund is important for restorative for victims.
13. Ghana also commends the ongoing engagement between the coalition of civil society groups with the court. Such dialogues ought to be strengthened in furtherance of public education on the operations of the Court and for individual victims to find a voice for the ventilation of their sufferings while enhancing legal aid for their effective representation and compensation.
14. In closing, Ghana would like to underscore the fact that overall, the establishment of the court is a good thing in deterring potential culprits and contributing to the maintenance of international peace and security. However, Ghana also believes the court needs to do more devoid of politicization by big powers in furtherance of their own interests.

I thank you, Co-Chairs



THE PERMANENT MISSION
OF MALTA TO THE UN NEW YORK



Malta
2023-2024
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Arria-formula meeting on the '25th Anniversary of the Rome Statute: The Contribution of the ICC to the Maintenance of International Peace and Security', 18 July 2023

Malta Statement delivered by Mr Darren Camilleri
Political Coordinator of Malta to the United Nations, New York

Thank you, Chair.

Malta thanks Japan and Switzerland for organising this Arria meeting, which we are pleased to co-sponsor. I also thank the briefers for sharing their thoughts and insights with us.

The creation of a permanent, treaty-based, international criminal court in 1998 had as its core-purpose ending impunity for the perpetrators of the most serious crimes of concern to the international community. This mission continues to govern the activity of the independent and impartial judicial institution.

As we celebrate this momentous anniversary, we learned in over two decades the importance of continuous and unwavering support that needs to be extended by Rome Statute parties, including through measures aimed at improving the efficiency of the Court, such as the Independent Expert Review.



In addition, we also acknowledge that the challenging security environments from which the ICC is operating are putting an extra strain on its budget. Within this context, Malta remains committed to support efforts to make sure that the Court is adequately funded.

Equally important is the relationship between the Court and the Security Council. We recall the Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocities launched by France and Mexico, that Malta has signed along with other 103 UN Member States.

A veto should not prevent the Security Council from taking action when crimes of genocide, crimes against humanity, war crimes, or the crime of aggression are committed. This also includes referrals by the Security Council.

The two key principles, complementarity and cooperation, form the basis of the relationship between the States and the Court.

In practice, the principle of complementarity can magnify the effectiveness of the ICC beyond what it could achieve through its own prosecutions, as it prompts a network of 123 States Parties to carry out consistent and rigorous national proceedings. This effect can be achieved through the prospect of the ICC exercising jurisdiction should national courts be unable or unwilling to investigate; through the Court's own exemplary and standard-setting proceedings; and through the Court's moral presence, which will strengthen the need for accountability.



Regarding the principle of cooperation, to ensure its full implementation, granting ICC officials unimpeded access to the territory of States is essential. So is maintaining good faith in applying the provisions of Part 9 of the Rome Statute.

Alongside with complementarity and cooperation, it is also fundamental to foster the universality of the International Criminal Court, which can be achieved through amplifying the trust of the international community. In this regard, we are in favour of developing a permanent vetting process for ICC officials, ensuring that only the ones with the highest qualification and moral standing are in office. We also support the ongoing discussions on a Due Diligence Process. Maintaining a high level of 'restorative justice coherence', while strengthening the Trust Fund for Victims, is also essential.

Moreover, we welcome efforts for further participation of NGOs at the bi-annual roundtables held by the ICC and as observers at the sessions of the Assembly of States Parties, as well as public consultations on important subjects. These include sexual and gender-based violence, and crimes against or affecting children.

In conclusion, we maintain our firm conviction that the International Criminal Court is an indispensable institution in the architecture of international criminal law and in the global endeavour to counter atrocities in all situations and hold perpetrators accountable. Harmonious cooperation with humanitarian actors enhances the success of such endeavours.



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We stand ready to participate in holistic efforts that would enable the Court to continue to effectively ensure justice for the most serious crimes.

I thank you.



Ambassador Beth Van Schaack
 Ambassador-at-Large for Global Criminal Justice
 New York, New York
 July 18, 2023

AS DELIVERED

Thank you so much, State Secretary Cicerón Bühler and Ambassador Ishikane, for sponsoring this timely discussion. It's really an honor to speak amongst this distinguished group of experts and delegates, as we reflect upon the pivotal moment in the Court's 25-year history.

Twenty-five years on, the ICC has achieved meaningful and significant advances in delivering justice—retributive and restorative—to victims and survivors of atrocity crimes. In so doing, it has brought hope to communities around the world desperate for some semblance of justice, the restoration of peace and security, and the ability to pursue their own life paths free from violence, persecution, and abuse.

As one important contribution, the Court during its lifespan, has issued groundbreaking decisions and judgments that have advanced our understanding of the prevalence of sexual violence in war, the vulnerability of precious cultural artifacts, the use of children as instruments of conflict, and reparations owed to victims.

It has generated valuable lessons learned in the prosecution of atrocity crimes. This includes the importance of continuing to support national legal systems as they strengthen domestic prosecutions for international crimes. This includes through professional exchanges with dedicated war crimes units, capacity building, and comprehensive national legislation, incorporating Rome Statute crimes.

These measures also include incorporating survivor-centered, trauma-informed practices in the work of prosecutorial authorities, applying an intersectional approach to violence against vulnerable communities, engaging in meaningful consultations with diverse cross-sections of stakeholders, and promoting restorative justice practices, including reparations.

The Court is now a key pillar in the international community's system of international peace and security alongside the UN Security Council, other UN Charter organs and entities, peacekeeping missions, and regional institutions. Indeed, the Court is working actively in many areas where the Council is also engaged: Libya, Sudan, Myanmar, and the Central African Republic.

All that said, and as others have mentioned, there is more that can be done to strengthen the collaboration between the Council and the Court, including when it comes to state cooperation to effectuate Security Council referrals, meaningfully addressing instances of non-cooperation, the tracking and capture of fugitives, financial support, and coordinating sanctions with arrest warrants.

As we know, the principle of complementarity is at the heart of the Rome Statute system. While states bear the primary responsibility to deliver justice for atrocity crimes, whether committed in their midst or against their citizens and those within their jurisdictions, the Court nonetheless carries out an important role when it encourages, catalyzes, and supports national prosecutions.

And in terms of advancing restorative justice, the Trust Fund for Victims offers critical support to survivors, often in areas where there are no other measures of support.

The Court, as we have seen, can work in collaboration with regional, national, and local justice institutions to apply and advance best practices. Such local institutions can help the Court by acting as key liaisons with victims, survivors, and their communities in ways that may be more cost-effective, sustainable, and culturally sensitive.

In closing, Madam Chair, while the United States is not a party to the Rome Statute, we of course recognize the right of all countries to make the sovereign decision to join the Court, and we welcome efforts by all states to enhance and strengthen the system of international justice however they can.

As we have in past decades, the United States is supporting the Court's work with practical assistance across a range of situations, and we are actively exploring additional ways to advance the work of the Court, including through support to victims, witnesses, and survivors.

We look forward to working with States Parties and Non-party States alike to continue to strengthen the system of international justice at the national, regional, and international levels for the years to come. Thank you.

###

纪念《国际刑事法院罗马规约》 通过 25 周年阿里亚模式会议的发言

(7 月 18 日 15: 00 经社厅)

主席女士：

今年是《国际刑事法院罗马规约》通过 25 周年。这是一个值得纪念、更值得反思的时刻。

《罗马规约》致力于惩处最严重国际罪行，维护公平与正义、促进和平与安全，推动和加强最广泛国际合作是其应有之义，也是其成功之基。然而，在其通过 25 年后的今天，《罗马规约》远未成为具有普遍性的国际条约。截至目前，超过三分之一的联合国会员国尚未成为《罗马规约》缔约国。现有缔约国所属人口不及世界人口总数的一半。全世界人口最多的 10 个国家中，超过半数并非《罗马规约》缔约国。近年来，还有缔约国选择退出《罗马规约》。这些现象值得深刻反思。

值此《罗马规约》通过 25 周年之际，国际刑事法院有必要审视自身发展得失，改进自身工作方法，通过实践赢得广泛信任和支持。为此，中方愿分享三点看法：

第一，国际刑事法院应始终恪守补充性管辖原则，充分尊重当事国司法主权。《罗马规约》明文规定了补充性管辖原则，当事国在案件调查和起诉方面具有优先地位。国际刑

事法院对相关原则和规定应予善意、忠实地解释和适用，不得任意扩大管辖权、侵害一国主权、干涉他国内政。

第二，国际刑事法院应始终秉持客观公正立场，坚决反对政治化和双重标准。法院是独立的国际司法机构，不应受任何政治势力操纵。短短 20 年间，法院的若干司法实践已在国际上引发争议。有的案件久拖不决，有的案件行动神速；有的当事方遭遇不公，有的施暴者逍遥法外。背后的原因到底是啥？推手究竟是谁？惟有深刻反思、恪守公正，才能维护法院的国际声誉。

第三，国际刑事法院应始终依法审慎行使职权，切实维护国际和平与安全。《罗马规约》在序言中“重申《联合国宪章》的宗旨和原则”，并“强调本规约的任何规定不得解释为允许任何缔约国插手他国的武装冲突或内政”。法院的运作应以此为遵循，不得以“法治”之名行干涉内政之实，应致力于促进局势稳定而非引发冲突升级。特别是在处理涉及非缔约国或退约国的案件时，必须严格遵守主权平等、国家同意和国家豁免原则。

主席女士，

中国一贯致力于促进国际法治，愿同其他国家一道，支持依法惩治最严重国际罪行。期待各方以《罗马规约》通过 25 周年为契机，在秉持独立、公正和非政治化立场的基础上，加强交流与合作，为捍卫国际公平与正义、维护世界和平、安全与福祉作出贡献。

谢谢主席女士。



**Statement by the Permanent Representative Ambassador
Sérgio França Danese in the Arria-formula meeting on the
25th anniversary of the Rome Statute**

July 18th, 2023

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Madam President,

I thank Japan and Switzerland for organizing this Arria formula meeting. It provides us the opportunity to celebrate the 25 years of the Rome Statute and to reflect on the role the International Criminal Court may play for the maintenance of international peace and security.

Brazil is a founding member of the International Criminal Court. We reiterate our commitment to uphold the founding principles of the Rome Statute.

Twenty-five years ago, we envisaged a permanent, independent, treaty-based international tribunal with the aim to ensure accountability for the most serious crimes under international law.

Instead of the so-called "universal jurisdiction", unilaterally enforced by domestic courts, the idea was to establish an

international tribunal based on a treaty that could achieve universal ratification.

Instead of "ad hoc" tribunals established according to the circumstances, a permanent court, agreed upon in a non-retroactive treaty.

Madam President,

We, the founding members, designed in Rome the project of a permanent, impartial and treaty-based tribunal. This is the identity of the International Criminal Court. The ICC may give an important contribution to international peace and security when sticking to the objects and purposes of the Rome Statute.

There is no sustained peace without justice for victims. The ICC, as a permanent tribunal, has the potential to deliver not only restorative but also reparative justice, based not on revenge, but on the rule of law. Its mere existence and well functioning should act as a powerful prevention against crimes under international law.

Brazil remains committed to the universality of the International Criminal Court, which should be achieved through universal adherence to the Rome Statute.

The cooperation among states parties to the Rome treaty remains of the ultimate importance to ensure justice for the most serious crimes.

Last, but not least, the importance of the ICC as an independent institution should not be underestimated. Only a permanent and impartial criminal court would be able to refrain from choosing sides in conflicts and addressing justice impartially.

Upholding the founding principles of the Rome Statute is of the essence to promote international peace and security through dialogue and cooperation.

Madam President,

Twenty-five years after the Rome Conference, Brazil reaffirms its faith in the fundamental principles that shall guide the activities of the ICC. We reiterate our deep-rooted commitment to international law and international justice and our support for a universal, permanent, independent and treaty-based international criminal court.

I thank you.

Постоянное представительство
Российской Федерации
при Организации
Объединенных Наций

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**ВЫСТУПЛЕНИЕ
представителя Российской Федерации
на встрече членов Совета Безопасности «по формуле Арриа»
по теме: «25-я годовщина Римского статута»**

За последние полтора месяца члены Совета в третий раз обсуждают так называемый международный уголовный суд (МУС). Год назад мы также собирались по «формуле Арриа» на какой-то другой юбилей этой структуры.

Возникает вопрос: на каком основании МУС занимает так много времени членов Совета? Ему удалось достигнуть каких-то впечатляющих результатов в реализации поручений СБ? – Нет. Он вообще достиг каких-то важных целей в преследовании за наиболее серьезные преступления по международному праву? – Нет. Не покидает ощущение, что членов Совета вовлекают в рекламную кампанию этой продажной структуры.

Буквально на днях мы рассмотрели очередной доклад-пустышку по Дарфуру, где один процесс за 17 лет подавался как какой-то оглушительный успех. Судан сползает в конфликт. И это, пожалуй, лучшая иллюстрация реального вклада МУС в достижение устойчивого мира. Еще есть Ливия, в разрушении государственности которой МУС принял самое непосредственное участие еще в 2011 году с фейками-небылицами про М.Каддафи. Они стали «фиговым листком» прикрывшим военную агрессию НАТО против этой страны. Реальные преступники из числа натовских военных наслаждаются полной безнаказанностью. Как, к слову, и те функционеры и судьи МУС, которые фабриковали заведомо ложные обвинения в отношении ливийского лидера. Теперь на обоих направлениях МУС имитирует работу.

Мы видели МУС в действии в Афганистане, Ираке и Ливии. МУС может собой гордиться: ни один натовский солдат ответственности за свои преступления не понес, не говоря уже о командирах, а уж тем более руководстве стран этого «сугубо оборонительного альянса».

Важно разобраться в достижениях этого Суда. Мы уже обратили внимание Совета на тот факт, что за время своего существования МУС предъявил обвинения 52 лицам, из которых 47 африканцев. Интересная статистика на фоне того, что самые массовые и кровавые зверства в современной истории совершили западные страны.

После этой статистики становится ясно, почему именно западные страны озвучивают самые громкие восторги по поводу МУС. Однако эти восторги не мешают этим странам вводить санкции против судей и прокурора МУС или принимать законодательство, допускающее применение силы для освобождения своих военных.

Применяя тактику "кнута и пряника" запад добился своего – сделал МУС инструментом своей политики.

Свежий пример. Стоило президенту Уганды выступить против колониальной политики Запада, навязывающего всем свои неолиберальные ценности и вступить в пикировку с США, как в сюжете сразу же нарисовался МУС с обвинениями в пытках.

Хочется спросить МУС – а как насчет секретных пыточных тюрем ЦРУ, разбросанных по странам Европы, участвующих в Римском статуте? Или это «совсем другое»?

И последнее. Тем, кто сегодня "пиарит" позорную деятельность МУС по украинскому сюжету, хотелось бы задать один вопрос.

Если киевский режим соблюдает нормы гуманитарного права и является сторонником МУС, почему Украина до сих пор не присоединилась к Римскому статуту? Почему для задействия его юрисдикции была направлена бумага, подписанная "майданным лидером" Турчиновым, в которой прямым текстом сказано, что юрисдикция МУС признается для целей привлечения к ответственности российских граждан. Это заявление является абсурдным с юридической точки зрения, но оно примечательно. Речь идет о том, что киевская верхушка боится ответственности за свои злодеяния и правильно делает.

Ведь после организованного США и ЕС кровавого майданного переворота (а уж уровень насилия там был куда выше, чем в Дарфуре в 2005 году) пришедшие к власти националисты развернули широкомасштабную кампанию по истреблению населения Донбасса. Все это началось в 2014 году – задолго до российской СВО и продолжается по сей день – теперь с использованием западных вооружений, данных разведки и даже прямых указаний. В Киеве

понимают, что за массовые военные преступления и преступления против человечности украинских нацбатов и военных придется ответить.

Сегодня киевский режим пользуется безнаказанностью, поскольку как "дрессированный пудель" выполняет все трюки, которые от него требует США: губит своих людей, бросая их в бессмысленные атаки, чтобы вернуть территории, жители которых выбрали Россию и не желают возвращаться под власть Киева.

Киевский режим правильно боится. История, учит, что когда «плохие, но свои парни» становятся больше не нужны – гегемон отправляет их в утиль через правосудие «западного образца». Нориега, Хусейн и Каддафи не дадут соврать.

"Дрессированный пудель" интересен, пока он в состоянии прыгать через американский обруч. Как только он не сможет взять очередную высоту, его с готовностью отправят в МУС, подыскав себе нового фаворита и инструмент для реализации гегемонистских планов.

В целом картина грустная. Действительно хорошая идея подлинно универсального международного трибунала провалилась. И мы, видимо, собрались, чтобы отметить похороны надежды на справедливое международное правосудие.



Permanent Mission of the United
Arab Emirates to the United Nations

COOPERATION, OPPORTUNITY & INNOVATION

Jul 18 2023 **Statement**

UAE STATEMENT AT THE ARRIA-FORMULA MEETING ON THE 25TH
ANNIVERSARY OF THE ROME STATUTE: THE CONTRIBUTION OF THE
INTERNATIONAL CRIMINAL COURT TO THE MAINTENANCE OF
INTERNATIONAL PEACE AND SECURITY

SHARE

—



Permanent Mission of the United
Arab Emirates to the United Nations

Delivered by: Nasra Al Rahma, First Secretary

Madam Chair,

Allow me to begin by expressing the UAE's appreciation to you and the co-organizers for convening this meeting. I wish to thank President Silvia Fernandez de Gurmendi for participating in today's meeting. I have also listened carefully to the other briefers.

Twenty-five years on, the conclusion of Rome Statute establishing – so many decades after proposals for an international criminal court were first floated – remains a significant achievement. But we must also acknowledge that the ICC has faced significant challenges, as well as criticisms, including from its own States parties as to whether it has lived up to expectations. Today's meeting is therefore a good opportunity to reflect on the Court's record and discuss the elements that should guide its work going forward. In this context, I would like to make three observations:

First, the principle of complementarity enshrined in the Rome Statute must remain the keystone of the ICC's work. Complementarity is the tool through which the Court achieves a balance between its objectives and the fundamental principle of sovereignty. The UAE firmly believes that the enduring responsibility of each State to protect its populations from atrocity crimes lies at the core of state sovereignty, and the ICC should support States to fulfil this responsibility when the latter is willing and able to do so. Moreover, it is important to recognise the continuing application of complementarity. Throughout the course of ICC investigations and prosecutions, the situation in the subject State may change dramatically, and when the State does develop the capacity and motivation to fulfil its responsibility to provide justice, it must be given ample opportunity to do so. This is not just a matter of effective use of Court resources: as experience shows, nationally-owned criminal justice initiatives can provide retribution for victims, restore trust in public authorities and build resilience against the recurrence of atrocities.

Second, in cases where the Court exercises its jurisdiction, it is critical for the Court and the Prosecutor to maintain a high standard of transparency, particularly for affected States. We further encourage the ICC to build on its engagement with, and outreach to, affected States and local populations. For these States and the survivors, victims and witnesses of the crimes concerned, even if the Court's facilities are half a world away, the justice the Court dispenses must not be.

Finally, I note that some of today's discussion has concerned the issue of universality, and I wish to conclude with an observation on what our objective should be with respect to universality, in the context of state sovereignty. The decision by a State to join the Rome Statute, or to refer a situation to the ICC, is an exercise of sovereign power. It must be respected as such. To be equally respected, as exercises of sovereignty, are the decisions by States to not join the Rome Statute, and the actions taken by States to fulfil their responsibility to address atrocity crimes in their territory and jurisdiction. Accordingly, what we must strive for is not a narrow



**Permanent Mission of the Republic of Mozambique
to the United Nations**

STATEMENT BY

**H.E. AMBASSADOR PEDRO COMISSÁRIO
PERMANENT REPRESENTATIVE OF THE
REPUBLIC OF MOZAMBIQUE TO THE UNITED NATIONS**

**AT THE ARRIA FORMULA ON THE OCCASION OF THE 25TH
ANNIVERSARY OF THE ROME STATUTE:
THE CONTRIBUTION OF THE INTERNACIONAL CRIMINAL
COURT TO THE MAINTENANCE OF INTERNATIONAL PEACE
AND SECURITY**

NEW YORK, 18 JULY 2023, At 3:00 PM

Madam Chair,

Mozambique warmly congratulates the initiative of convening this Arria Formula meeting on “**The Contribution of the ICC to the Maintenance of International Peace and Security**”.

We thank the speakers for their insightful contributions to this debate.

Madam Chair,

We recognize the importance of the International Criminal Court (ICC). As an international judicial institution created by a multilateral Treaty, it represents the commitment of the international community in fighting against impunity and promotion of accountability for the perpetrators of heinous international crimes.

In this context, the important role played by the ICC has been contributing for the maintenance of peace, stability and promotion of the rule of law.

We call upon the ICC to continue its work, guided by the principles of impartiality, independence and consistency.

I wish to highlight three following points:

First, the principle of complementarity is the cornerstone of the Rome Statute and the criteria for regulating the relationship between the ICC and national courts. This is fundamental for strengthening cooperation and coordination so that international peace and security are maintained.

Complementary plays an important role in contexts where national courts are unable or unwilling to adjudicate international crimes.

The primary responsibility in delivering justice relies with States. National jurisdictions have the duty to carry out the investigations, prosecutions and trials of the perpetrators who commit international crimes.

To achieve that end, resources are indispensable to enabling States to pursue their responsibility of ensuring fair trials to the persons that are brought before the Courts.

States must also enact national legislation to prevent and punish international crimes, as part of their role in the maintenance of international peace and security.

Bearing it in mind, Mozambique has recently updated its Penal Code, containing provisions that prevent and punish crimes against humanity, genocide, torture and war crimes.

Second, the concepts of *inability* and *unwillingness* of States to adjudicate international crimes need to be interpreted with due caution.

As established in the Rome Statute, national procedures will be complemented by an international court, only when national courts are unable or unwilling to carry out the investigation or prosecution.

Determining the meaning and the scope of the concepts of unwillingness and inability to judge must be guided by objective criteria, based on the

rule of law and with full respect to the sovereignty of States.

Lastly, strengthen cooperation between States and ICC is of utmost importance as a signal of common engagement and responsibility of combating impunity for peace and security over the world.

In this regard, we call the continued efforts by the ICC in supporting domestic judicial systems to effectively carry out their duties and tasks in fighting international crimes.

Justice must serve peace and peace must serve justice.

I thank you.

CANZ Statement

UN Security Council Arria-Formula Meeting

**“25th Anniversary of the Rome Statute: The Contribution of the
International Criminal Court to the Maintenance of International
Peace and Security”**

Statement delivered by

Robert Oliphant

Parliamentary Secretary to the Minister of Foreign Affairs of Canada

July 18, 2023

Thank you very much.

I want to thank the co-chairs of Japan and Switzerland for gathering us in this place on this important subject today.

I have the honour to speak on behalf of Australia, New Zealand and my own country, Canada. As we review the contribution of the ICC to the maintenance of international peace and security, I want to acknowledge one of Canada's contributions to the Court, Ambassador Rae, who has had the privilege to serve as Vice-President of the Assembly of States Parties over the last few years.

Twenty-five years ago, States came together to create the first permanent international, independent criminal court, in a further effort to fight impunity for serious international crimes. Since that historic milestone, the Court has become a vital part of the international framework for peace and security. The challenges faced in the past twenty-five years illustrate the critical role of the court as the first and only permanent international criminal court within the broader system of international and national accountability mechanisms.

Canada, Australia and New Zealand, collectively known as CANZ, continue to be steadfast supporters of the Court. Together, we remain committed to safeguarding the Court's integrity and independence, in the face of threats to the Court and its officials, as well as to civil society and all those cooperating with it.

Cet anniversaire est de plus une occasion de réfléchir à la manière dans laquelle la communauté internationale peut aider la Cour à mieux exercer son

mandat. Le Conseil de sécurité de l'ONU, un pilier au maintien de la paix et de la sécurité, a un rôle essentiel à jouer pour appuyer le mandat de la Cour. Le CANZ exhorte les membres permanents du Conseil à s'abstenir d'utiliser le veto pour empêcher de déférer à la Cour des situations où sont commis de graves crimes internationaux. Le CANZ regrette qu'en plus de vingt ans, le Conseil de sécurité n'ait déféré qu'à deux reprises une situation à la Cour. Le veto ne devrait pas être utilisé pour entraver la poursuite de la justice.

We also encourage the Security Council to do more to support the Court's implementation of its mandate, including addressing incidents of non-cooperation or non-enforcement of arrest warrants. CANZ regrets the number of arrest warrants that remain outstanding. We urge all States to cooperate with the Court, to ensure these cases can be heard and justice can be delivered to the victims. We recall the guidance of the Secretary-General on contact with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court.

Noting also that Australia and Uganda are co-focal points on complementarity, allow me to use this opportunity to reiterate that the principle of complementarity is a cornerstone of the Rome Statute, and critical to the Court's success in achieving its mandate, as a court of last resort.

All CANZ countries continue to support the Court's survivor-centred approach to accountability, in particular for sexual and gender-based crimes. In doing so, we acknowledge that it has been twenty-five years since the establishment of the Trust Fund for Victims, with its unique mandate that seeks to realize victims' rights to reparation and participation.

Finally, we value the universality of the Rome Statute, and call on all States that have not done so yet to join the Rome Statute in order for the Court to deliver its full potential.

CANZ looks forward to the continuing of our work together with the Court and States Parties to ensure a strong international court capable of achieving its important role in countering impunity.

Thank you very much. Merci beaucoup.



Statement by

H. E. Mr Marko Štucin
State Secretary at the Ministry of Foreign and European Affairs
of the Republic of Slovenia

at the

UN Security Council Arria Formula Meeting

**25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to
the Maintenance of International Peace and Security**

Tuesday, 18 July 2023

Excellencies,
Ladies and Gentlemen,

I would like to thank Japan and Switzerland for organizing this meeting on the occasion of the 25th Anniversary of the Rome Statute that through its referral and deferral provisions inextricably connects the International Criminal Court and the Security Council in their roles and mandates into the global peace and security architecture.

I would also like to thank briefers for their informative remarks.

We align ourselves with the joint statement delivered by Ecuador, and the joint statement regarding crime of aggression to be read by Vanuatu and would like to make some additional remarks in our national capacity.

It has been well established that there is no justice without peace and there can be no peace without justice and respect for human rights. The underlying condition for sustainable peace, however, is accountability, and the creation of the International Criminal Court marked a turning point in the pursuit of global justice. Ever since its establishment, the Court has played a pivotal role in ensuring accountability.

The ICC has an important role in delivering justice to victims of atrocities, giving them a voice by enabling them to participate in its proceedings, providing assistance and awarding reparations. It represents a beacon of hope for achieving justice in their eyes.

Slovenia is a strong supporter of the ICC and its role in the fight against impunity and of the UNSC's responsibility to ensure accountability when international law is breached.

The effectiveness and efficiency of the Court as well as the full potential of the Security Council to attain its goals, inevitably depend on States' cooperation in investigative processes and enforcement of the Court's decisions, including arrest warrants. States Parties have an obligation to cooperate with the Court in accordance with the Rome Statute or a decision of the Security Council. When States fail in this obligation, the ICC must be able, in relevant cases, to rely on the Security Council to intervene.

Excellencies,

In its past practice, the Council has increasingly defined gross human rights violations as threats to international peace and security and promoted international criminal accountability for war crimes and crimes against humanity in its resolutions and by creation and referrals to international courts and tribunals.

Despite this practice, there is still a lot of room for improvement. We therefore advocate for a more active role of the Council and increased use of accountability tools, such as ICC referrals, especially in situations when the most heinous crimes are committed, regardless of the circumstances and interests of individual states. Regrettably in the 25 years of the Rome Statute this mechanism has only been used by the Council twice, leaving a lot of potential unfulfilled.

The Council should avoid curbing the jurisdiction of the Court in ways that are inconsistent with the Rome Statute. Explicit exemptions from jurisdiction for nationals of States non-parties to the Rome Statute undermine the objective of an independent and credible international criminal justice for all and fuel criticism of the ICC, damaging its legitimacy and reputation.

When considering a referral, the Council should also consider options to secure appropriate funding for the increased workload of the Court. Referrals also require appropriate follow up. While periodic reporting is well established, it should also include responding to the Court's findings of non-cooperation. Security Council referrals are made under Chapter VII and therefore place obligations on all member states of the United Nations.

Excellencies,

To conclude, Slovenia supports increasing the cooperation between the Council and the ICC and bring together the peace and security and accountability as main elements of sustainable peace.

I thank you.

United Nations Security Council Arria Formula Meeting
25th Anniversary of the Rome Statute: The Contribution of the International Criminal
Court to the Maintenance of International Peace and Security
Tuesday, 18 July 2023

Let me start by thanking Japan and Switzerland and all co-sponsors for organizing this Arria meeting. I would also like to thank the distinguished briefers for their statements.

25 years ago, the ICC was established by a joint effort of the international community with the aim of having an independent permanent international court with jurisdiction over the most serious crimes and to bring justice to the victims. This year also marks the 5th anniversary of the activation of the ICC's jurisdiction over the crime of aggression. Hopefully we will soon see more States Parties to the Rome Statute ratify the Kampala amendments.

The ICC plays a vital role in the maintenance of rules-based international order and in ensuring accountability for the most serious international crimes, **wherever** and by whoever committed.

The Rome Statute reserves a unique role for the Security Council, as it can refer situations to the ICC that would otherwise not fall under its jurisdiction. Unfortunately, the Security Council has been held hostage with the **misuse of veto**, thereby discharging on its most important function – maintaining international peace and security. Such misconduct seriously undermines not only the Council itself but also the UN Charter. Council members must refrain from using the veto in cases of mass atrocities and instead use its right of referral to the ICC. A full and unequivocal support for the international law, UN Charter and the ICC should also guide States when addressing the Council reform.

As the ICC does not have jurisdiction over the crime of aggression in Ukraine and there is an impasse in the Security Council, the international community should find the political will to establish **a special mechanism** to prosecute for crime of aggression because this crime is of grave concern to the international community as a whole.

Based on my experience with the Trust Fund for Victims, the ICC plays an important role in **delivering justice to the victims**. Estonia appreciates and supports the important work of the Trust Fund for Victims in offering reparations for victims of the most serious crimes, their families and communities.

Estonia calls on all States who have not yet done so, to **accede to the Rome Statute** and accept its amendments in order to further strengthen the system of international criminal justice and enable it to provide truly universal protection.

Thank you.

Please check against delivery

STATEMENT
BY THE HONORABLE JUSTICE
ERDENEBAJSUREN DAMDIN, SUPREME COURT
OF MONGOLIA

UNITED NATIONS SECURITY COUNCIL ARRIA FORMULA

25TH Anniversary of the Rome Statute: The Contribution of the International
Criminal Court to the Maintenance of International Peace and Security
Tuesday, 18 July 2023
ECOSOC Chamber, UNHQ

Co-Chairs,

Distinguished colleagues,

At the outset, I would like to express my gratitude to the Permanent Missions of Japan and Switzerland and co-sponsors for organizing today's United Nations Security Council Arria-Formula Meeting on the occasion of the 25th anniversary of the adoption of the Rome Statute of the International Criminal Court. The ICC is the first permanent treaty-based body with the mandate of ensuring justice for the most serious crimes and maintaining international peace and security. As the principal international criminal court, it is of great importance for the ICC to foster universality, complementarity, cooperation, and outreach.

The principle of universality stands as a cornerstone for the ICC, emphasizing the importance of worldwide acceptance of the Rome Statute. The goal is to build a global community bound by a shared commitment to justice, accountability, and the rule of law.

Broad engagement at the international and regional levels is crucial to expand the ICC's outreach and promote universality.

In this context, Mongolia, one of the founding members of the ICC, will host the forthcoming ICC's Asia-Pacific Regional Seminar in August 2023. This event will convene both State and non-State parties of the Rome Statute, aiming to enhance their comprehension of the Court, foster dialogue and improve the cooperation framework, and advance universal accession efforts to the Rome Statute.

Maintaining good relationships with regional international organizations is another critical factor for the ICC. These organizations can serve as powerful advocates, persuading their member states to join the ICC. Moreover, civil society's role in raising public awareness and educating people about the ICC is indispensable.

However, as we aspire for universal ratification, it is equally crucial not to lose sight of the principle of complementarity. This principle ensures that the ICC operates as a court of last resort, stepping in only when national jurisdictions are either unable or unwilling to prosecute serious international crimes. It maintains a careful balance between national sovereignty and international justice, encouraging national legal systems to fulfill their primary responsibility in upholding perpetrators' accountability.

While universality aims to expand the reach of the ICC, complementarity sustains its operational effectiveness. Together, these principles guide us toward a more equitable and just world order.

In conclusion, I call on all States not parties to the Rome Statute, to accede to the Rome Statute in order to expand the Court's reach and reduce the impunity gap around the world.

Thank you.

Statement on behalf of the Republic of Lithuania

by

H.E. Ms. Giedrė Balčytė

United Nations Security Council Arrria Formula Meeting

25th Anniversary of the Rome Statute:

**The Contribution of the International Criminal Court to the Maintenance of International
Peace and Security**

ECOSOC Chamber, UN Headquarters, New York

Tuesday, 18 July 2023

Distinguished co-chairs,

We are standing at one of the turning points in history, which will define whether we will live in the internationally agreed rules-based or brutal power-based world. Horrendous international crimes by state actors are on the rise. If we legitimize them by keeping silent, or by our inaction, or if we allow perpetrators to escape justice, then we may well wake up in a very different world of permanent cycle of wars and violence, where no continent would be immune to such a danger.

We must seek solution and take actions now. Therefore, I would like to thank Japan and Switzerland for organizing this meeting.

The ICC plays a crucial role in the maintenance of international peace and security. The ICC's investigations, prosecutions and arrests of the individuals accused of the war crimes in Uganda, Sudan or Democratic Republic of Congo is a clear example of that. ICC also acted as a deterrent to potential perpetrators, even if they hold positions of power or influence.

Lithuania reaffirms its unwavering support to the International Criminal Court and its contribution to the fight against impunity for serious international crimes.

Like the ones, we have been witnessing in Ukraine due to unprovoked, pre-meditated Russia's war against Ukraine and its people. Russia's horrendous and systematic crimes in Ukraine have horrified the world by its character, gravity and scale. These crimes constitute not only the most blatant violation of the core principles of the United Nation's Charter, but of humanity, and, in our view, falls under the jurisdiction of the Rome Statute.

The international community must strengthen its collective efforts to ensure, that perpetrators of all atrocity crimes committed will face justice.

Lithuania was the first State to refer the situation in Ukraine to the ICC on February 28, 2022, just 6 days into the Russia's brutal war in Ukraine and continues co-operation with the Prosecutor of the Court providing evidence relevant to ongoing investigations.

Lithuania has supported the Court with additional voluntary financial contributions, secondment, and forensic missions in order to help tackle the ever-increasing workload and achieve its goals. We have also contributed to the Trust Fund for Victims.

Ladies and Gentlemen,

Russia's war of aggression against Ukraine was pre-mediated and planned well in advance.

The aggression in itself is a crime under international law. It is a mother of all international crimes because it enables all other subsequent violations.

The crime of aggression is a leadership crime; therefore, the political and military leaders of Russia and its accomplice Belarus are responsible for this crime.

Since the ICC cannot exercise its jurisdiction in this case, we together with Ukraine and other like-minded countries advocate for setting up the Special International Tribunal for the Punishment of the Crime of Aggression against Ukraine with the involvement of United Nations to complement the role of the ICC. Sustainable international peace and security is unimaginable, if key political and military masterminds behind this aggression are allowed to escape justice.

Distinguished delegates,

We appreciate great work by ICC and very strong position of quite many states regarding Russia's war of aggression. But let me be frank here. There are still too many states which claim to be neutral, or which speak about "two sides of the conflict." But so-called neutrality always favours an aggressor and allows the aggression to continue.

We, as the international community, can choose a comfortable silence. But in this case, we will not be living up to the promises of UN principles, and the principles of human decency. We must speak up and act. We must stand up against perpetrators and masterminds of the crime of aggression and all those committing war crimes.

We must enable ICC to perform its mission. Only full cooperation with the ICC is a prerequisite for the Court's effectiveness. We call States Parties to fully cooperate with the Court, including by ensuring prompt execution of outstanding arrest warrants and entering into voluntary agreements.

We, as international community, must act together to build a world where no war criminal feels safe, and where potential perpetrators are deterred before committing their horrendous crimes.

And nowhere this is true as in the case of Russia's accountability for its aggression against Ukraine.

Thank you.

**Arria formula meeting of the Security Council on
“25th Anniversary of the Rome Statute: The Contribution of the
International Criminal Court to the
Maintenance of International Peace and Security”**

Statement by the Nordic countries

18 July 2023

I have the pleasure of speaking on behalf of the Nordic countries: Finland, Iceland, Norway, Sweden and my own country, Denmark.

We welcome this pertinent topic on the Council’s agenda on the occasion of the 25th anniversary of the adoption of the Rome Statute.

For the Nordic countries, the International Criminal Court and its contribution to the fight against impunity are essential for international peace and security in all regions of the world. Since its establishment, the Nordic countries have been strong supporters of the Court and today, we reaffirm our full commitment. An effective international criminal justice system is more important than ever.

The Court’s continued relevance is evident to us all. Unfortunately, the most atrocious crimes are still being committed around the world. International crimes threaten the peace, security, human rights, gender equality - and the well-being of the world. This includes the crimes committed against Ukraine and its population in the unprovoked war of aggression launched by the Russian Federation .

Accountability for all perpetrators must be ensured. All victims and survivors deserve justice and support, including victims of sexual and gender-based violence. Accountability is a prerequisite for lasting peace and security.

Madam/Mister Chair,

In order to realize the Court's contribution to international peace and security, its independence and integrity must be preserved. As the ICC, and those collaborating with it, face opposition and attempts to undermine their work and the Court's legitimacy, the Nordic countries take this opportunity to reiterate our unwavering commitment to the independence and the impartiality of the ICC, and its important role in the global fight against impunity.

We also stress the importance of full cooperation of all States with the ICC, including in ensuring respect for arrest warrants issued by the Court.

The UN Security Council, as the organ tasked by the UN Charter with the primary responsibility for the maintenance of international peace and security, has the power to support the Court in the common objective of seeking accountability. We urge the Council to look into further ways it can support the work of the ICC, in particular in relation to the situations it has referred to the Court.

Madam/Mister Chair,

The Rome Statute is based on the principle of complementarity. Since the ICC is a Court of last resort, it is first and foremost the responsibility of the states to

investigate and prosecute the most serious international crimes. The ICC does not replace national jurisdictions, but strengthens and complements them.

We call on states to adopt national legislation based on the Rome Statute to ensure effective cooperation with the Court, as well as the domestic prosecution of the crimes defined in the Rome Statute. The universality of the Rome Statute is a key priority for the Nordic countries. We also urge all States that have not ratified the Rome Statute to consider doing so as a matter of priority

Madam/Mister Chair,

To conclude, on this anniversary, we should all pledge to work harder to realize the mandate of the ICC and thereby strengthen the Court's contributions to international peace and security.

I thank you for your attention.



Permanent Mission of Italy
UN - New York

Security Council

Arria meeting “The Contribution of the International Criminal Court to the Maintenance of International Peace and Security”

ECOSOC Chamber – 18 July 2023

**Statement of Italy – delivered by H.E. Ms. Maria Tripodi, Undersecretary of
State for Foreign Affairs and International Cooperation of Italy**

- Check against delivery -

M. le Président/Mme. la Présidente,

L'Italie se félicite de cette réunion selon la “formule Arria” et remercie les organisateurs d'en avoir pris l'initiative.

Alors que nous célébrons le 25ème anniversaire de l'adoption du Statut de Rome, la Cour pénale internationale (CPI) demeure le modèle normatif et institutionnel le plus avancé en matière de justice pénale internationale. Ce modèle garantit, que les auteurs des crimes internationaux les plus graves répondent de leurs actes par l'intermédiaire d'une institution indépendante et impartiale fondée sur l'Etat de droit.

L'appui de l'Italie à la Cour est indéfectible. Il se reflète dans notre soutien constant à l'intégrité, à l'indépendance et au mandat de la Cour, ainsi que dans notre rôle de 5ème contributeur au budget de la Cour. Nous fournissons au Bureau du Procureur des ressources volontaires supplémentaires, tant financières qu'en nature, afin de l'aider à faire face à sa charge de travail croissante.

Les rédacteurs du Statut de Rome ont reconnu le lien entre la paix et la justice, par exemple en prévoyant la possibilité pour le Conseil de Sécurité de déférer une situation à la Cour et de suspendre une enquête pendant une période d'un an.

L'un des principaux obstacles à une relation efficace entre le Conseil et la Cour est la possibilité pour les membres permanents d'opposer un veto. L'agression russe contre l'Ukraine en est le dernier et le plus flagrant exemple.

Cependant, même lorsque des situations ont été déférées à la Cour, comme dans le cas de la Libye et du Soudan, l'efficacité des enquêtes et des procès à La Haye a été considérablement compromise par le manque de coopération entre États, ainsi que par les contraintes budgétaires.

Le bilan des vingt-cinq dernières années nous amène à penser que la communauté internationale doit chercher à remédier à ces lacunes en poursuivant les priorités suivantes :

Premièrement, l'exercice du droit de veto doit être fortement découragé, en particulier lorsque des atrocités sont commises. À cet égard, l'Italie soutient toutes les initiatives visant à limiter l'usage du veto par les membres permanents, y compris le code de conduite de l'ACTA et l'initiative franco-mexicaine de 2015.

L'Italie s'est également félicitée de l'initiative sur le veto, qui demande à l'Assemblée générale de se réunir automatiquement dans les 10 jours, si l'action du

Conseil de sécurité est bloquée par un veto. Si le Conseil de sécurité est incapable d'agir, nous devons explorer tous les moyens pour assurer un rôle plus important à l'Assemblée générale, conformément à ses responsabilités en matière de maintien de la paix et de la sécurité internationales.

Deuxièmement, lorsqu'une situation est déférée à la Cour, les missions de maintien de la paix des Nations Unies devraient être mandatées pour coopérer pleinement avec la Cour, y compris dans les enquêtes et dans la protection des témoins et des catégories vulnérables.

Troisièmement, lorsque des situations sont renvoyées à la Cour par le Conseil de sécurité, les activités d'enquête et judiciaires liées à ces cas ne devraient pas entièrement relever du budget de la Cour, mais l'ONU devrait assumer sa part de responsabilité financière.

En définitive, la CPI et l'ONU partagent le même objectif, rappelé dans le préambule de la Charte des Nations Unies, à savoir établir les conditions dans lesquelles la justice et le respect du droit international peuvent être maintenus.

Profitions de l'important anniversaire de cette année pour mettre en œuvre et réaliser cet objectif, en réexaminant et en améliorant la relation vitale entre la CPI et l'ONU dans la promotion de la paix et de la sécurité internationales.

Je vous remercie.

Speech by Paul van den IJssel, the Netherlands Ambassador for International Organizations at the United Nations Security Council Arria-Formula Meeting on 25th Anniversary of the Rome Statute: *The Contribution of the International Criminal Court to the Maintenance of International Peace and Security*. Tuesday, 18 July 2023.

Mr President,

Thank you for giving me the floor. I would like to congratulate you, and your country Switzerland together with Japan for organizing this important meeting on the 25th Anniversary of the Rome Statute. Let me also thank all of the co-sponsors of this Arria-formula meeting of the Security Council. It is an honour to be here.

The Kingdom of the Netherlands is proud to have been the Court's host State since 2002.

The ICC remains indispensable for fighting impunity, and by extension for the maintenance of international peace and security. 25 years after its establishment, the ICC has undeniably proven its relevance. Several countries and the UN Security Council have called on the ICC to investigate international crimes and prosecute the alleged perpetrators. In view of the gravity and scale of international crimes in the world around us, the Court remains necessary as a court of last resort. Justice and accountability are critical for sustainable lasting peace. It is clear that the mandates of these two bodies – the ICC's pursuit of individual criminal accountability and the Council's role in maintaining international peace and security – indeed are mutually interdependent. Close collaboration between the United Nations Security Council and the ICC, and addressing the existing gaps in that relationship, remain important. The

Netherlands is convinced that there can indeed be no durable peace without justice.

Allow me to make three observations in relation to the questions posed for this meeting.

First, on the relationship between justice and peace. Twenty-five years ago the international community embarked on an ambitious new path to end impunity for the most serious international crimes, once and for all. Crimes against humanity, genocide and war crimes should no longer go unpunished – accountability has been understood as critical both as a preventive measure through deterrence and as a necessary retributive measure that is a condition for sustainable lasting peace. Leaders worldwide agreed on the need for a permanent court to hold perpetrators of serious crimes to account. For this purpose, they adopted the Rome Statute, opening the door to the establishment of the International Criminal Court (ICC) and a new age of accountability. The Kingdom of the Netherlands regards the International Criminal Court as one of the principal institutions in the fight against impunity and as a requirement for sustainable peace.

The Rome Statute has given legal and practical expression to the moral imperative that the most serious crimes that are known to mankind must never go unpunished. The establishment of the ICC is the institutional response to our realization that in a world of potentially imperfect or impotent national jurisdictions, we need a complementary criminal court on the international plane. A court of last resort, that can deliver justice to the victims of unimaginable atrocities, when no response is forthcoming at the national level. A court that can deliver justice to the victims of atrocity crimes, when national

authorities fail to act. This is the essence of the principle of complementarity of the ICC.

Furthermore, in addition to the work of the Court, restorative justice measures contribute to justice to victims. Only by working with people directly and paying heed to their justice needs, we can move from technocratic, top-down justice processes to finding effective solutions to justice problems and to create conditions for sustainable peace. Ending impunity is often a key demand of not only victims but of large parts of the populations striving for democracy, liberty and peace; this must be reflected in political processes and transitions.

Second, on what has been achieved and the lessons learned. Over the past two decades, the number of States parties has more than doubled from 60 to 123. The ICC is now investigating situations around the world, from Central Africa to Ukraine, and from Bangladesh and Myanmar to Venezuela. At the same time, the States Parties have implemented major criminal law reforms, enabling the trial of suspected perpetrators of international crimes before their domestic courts.

In that light it is worth noting that the influence of the Rome Statute goes far beyond the ICC. Just over two months ago the Ljubljana – The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes was adopted. As the first major treaty in the field of international criminal law since the Rome Statute the Ljubljana – The Hague Convention will enable the effective and efficient cooperation between States in the investigation and prosecution of international crimes. Not only does this underline and strengthen the principle of complementarity as found in the

Rome Statute, it also incorporated the definitions of these crimes as found in the Rome Statute. In short: the Rome Statute system has established itself as an indispensable system and influence in the global fight against impunity. I would like to make use of this opportunity to inform you that the signing conference of the Ljubljana – The Hague Convention will take place on 14 and 15 February 2024 in the Peace Palace in The Hague.

The ICC is firmly established in a multilateral system that aims to end impunity, promote the rule of law, promote and encourage respect for human rights, achieve sustainable peace and further the development of nations. All in accordance with international law and the purposes and principles of the Charter of the United Nations.

Third, on the work that still remains. Looking back it is clear that the road we embarked upon in Rome has not been a straight line towards success. Nor did we expect it to. The road to impunity requires patience, as justice is hardly ever quick. There have been serious setbacks, like States withdrawing from the Statute and a lack of cooperation when it comes to arresting key suspects of the ICC. And although 123 States represent the majority of the international community, still many States – including some of the major powers – have not signed up to join the ICC yet. We call upon states to ratify the Rome Statute and we call upon those who already have to continue their support.

We all, the State Parties as well the Netherlands as a host State, see that the Court is confronted by new challenges. One of our responsibilities as the host State is to take all necessary measures to ensure that the ICC can function in a safe, efficient and independent manner. In recent months, the various

stakeholders have worked very hard to safeguard the conditions necessary to achieve that. We will continue doing all we can to support the ICC in its important task, as we face these new challenges.

To allow the ICC to fully fulfil its primary mandate, more political, financial and logistical support from State Parties as well as others, including this Council, is needed. The extent to which State Parties support the Court through cooperation provisions of the treaty has a direct impact on the effectiveness of the Court. Only when it gets the required cooperation, the ICC can fulfil its primary mandate.

In addition, as has been discussed yesterday at a ministerial side-event organized by Liechtenstein, we must also ensure that the ICC has the jurisdictional scope with respect to the supreme crime, the crime of aggression. Focused work in this area is needed in the coming time.

To conclude, I would like to add that the Kingdom of the Netherlands has been strongly committed to the fight against impunity and will remain a loyal ally to the ICC in its endeavors. Justice is hardly ever easy or swift, but indispensable to reach sustainable peace. In the end, with all of our help and support, it will be achieved.

TO BE DELIVERED ON BEHALF OF THE AFRICAN STATES
PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL
CRIMINAL COURT DURING THE UNITED NATIONS
SECURITY COUNCIL ARRIA FORMULA MEETING ON THE
OCCASION OF TWENTY-FIFTH ANNIVERSARY OF THE
ROME STATUTE OF THE INTERNATIONAL CRIMINAL
COURT

DELIVERED BY H.E AMBASSADOR HUSSEIN A. KATTANGA
PERMANENT REPRESENTATIVE OF THE UNITED REPUBLIC
OF TANZANIA TO THE UNITED NATIONS AND CHAIR OF
THE AFRICAN GROUP FOR THE MONTH OF JULY, 2023

New York, 18th July, 2023

Your excellency Ms. Corinne Cicéron Bühler, State Secretary, Federal Department of Foreign Affairs of Switzerland, H.E. Mr. Kimihiro Ishikane, Ambassador, Permanent Representative of Japan and all the co-sponsoring United Nations Security Council members for this event, and Your excellency, The President of the Assembly of the States Parties, Ms. Ms. Silvia Fernández de Gurmendi , distinguished delegates,

I have the honor to deliver this statement on behalf of the African States Parties to the Rome Statute of the International Criminal Court (ICC) during the Arria Formula Meeting. Allow me to congratulate the States Parties to the Rome Statute and the leadership of the international criminal court on the occasion of the 25th Anniversary of the Rome Statute of the International Criminal Court.

Madam President,

This year, as we celebrate the twenty-fifth anniversary of the adoption of the Rome Statute, the Court has opened 31 cases in 17 situations. Most of these situations are from countries affected by armed conflicts. This confirms the continued relevance of the Court in the search for international Peace and Justice. Indeed, the Court does not only fulfill a judicial function but also contribute to sustainable peace, given that crimes within its jurisdiction are considered a threat to *"the peace, security and well-being of the world"*.

Madam president, the United Nations Security Council and the Court have a role to play in strengthening the **complementarity** relationship between peace and justice. The Rome Statute Preamble makes it clear that prevention is a shared responsibility in stating that States Parties are “determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes.” Given these connecting and complementary mandates, the relationship between the Court and the Security Council should be nurtured by creating space for open discussions on thematic debates with States Parties. Such dialogue is crucial, as both the Security Council and the Court are committed to preventing mass atrocities which constitute a threat to international peace and security.

We stress the importance of ensuring that Justice is applied equally in all situations under consideration by the Court, including in the allocations of resources across all cases. Therefore, we continue to encourage all States parties when allocating resources to the Court, to ensure that the core activities of the Court are funded through the regular budget with allocation to all sections of the Court in order to support its activities in all situations and investigations.

All victims, no matter where they come from, deserve equal access to impartial Justice. We welcome and support the important work of the Trust Fund for Victims. The annual reports of the court continue to indicate that during the different reporting cycles, the Trust Fund was engaged in implementation Court-ordered reparations in four (4) cases and assistance projects in several countries, benefiting more than 17,000 victims. Indeed,

victims are at the core of the Rome Statute system and the Court must stand up for all victims.

Madam. President,

The African States Parties constitute the largest regional group within the ASP. We are committed to the universality of the Rome Statute and believe that increasing the number of States Parties will ensure access to justice for victims from all geographical regions of the world. We therefore appeal and call on all States that have not yet ratified the Rome Statute to consider signing and ratifying the Rome Statute. Universal ratification of the Rome Statute and the incorporation of these norms into the domestic law of States must be a reality if all victims around the world are to have a chance to obtain justice.

As we commemorate 25 years of the Rome statute, we look forward to reflecting on the progress made in the review mechanism and implementing the recommendations especially those recommendations that required “drastic action” such as addressing gender parity and geographical diversity gaps in high level positions and improving the efficiency of the court. The statistics received at the last Assembly of SP indicate that there is no female at the director level and likewise no African at that level. This concern should be addressed promptly.

Madam President, The African States Parties once again congratulate all the states parties and the court on the 25th anniversary of the Rome statute and stand ready to continue dialogue with the Court on ways to strengthen cooperation between our regional group and the Court. Together, we will

work to create a new dynamic into the relationship between the ICC and all regions of the world through a frank and constructive dialogue within the Assembly of States Parties.

I thank you all for your attention.

NEW YORK, 18 JULY 2023

UNSC ARRIA FORMULA MEETING

25TH ANNIVERSARY OF THE ROME STATUTE

STATEMENT BY H.E. ODO TEVI

PERMANENT REPRESENTATIVE OF VANUATU TO THE UNITED NATIONS

Madame President,

I have the honor to deliver this joint statement on behalf of **Austria, Belgium, Costa Rica, Estonia, Germany, Liechtenstein, Luxembourg, Slovenia and my own state Vanuatu** – States Parties to the Rome Statute that are steadfast supporters of the ICC and its mission to end impunity for the worst crimes known to humankind: the crime of genocide, crimes against humanity, war crimes, and the crime of aggression.

Madam President,

Yesterday did not only mark the 25th anniversary of the adoption of the Rome Statute, but also the 5th anniversary of the activation of the ICC's jurisdiction over the crime of aggression. These dual anniversaries offer a perfect opportunity to reflect on the relationship between the ICC and the UN Security Council. The United Nations membership looks at the Security Council as a guardian of the purposes and principles of the UN Charter and a guarantor of the rule of law at the international level.

A cardinal purpose of the UN Charter is the suppression of acts of aggression. And, in this respect, the Security Council is endowed with the primary responsibility for the maintenance of international peace and security. The Council is therefore granted important powers under the Rome Statute. First, to refer situations to the ICC – which complements the prohibition of the illegal use of force enshrined in article 2 paragraph 4 of the UN Charter and which it has done already twice in the past. And secondly, where an investigation into the crime of aggression is

initiated through the other triggers foreseen under the Rome Statute, the Council may make a determination that an act of aggression has been committed and thus enable the Prosecutor to expeditiously proceed with the investigation regarding a crime of aggression. The Security Council's determination of an act of aggression in accordance with article 39 of the UN Charter is therefore an important expedient for justice. Thirdly, the Council could even defer investigation or prosecution under article 16 of the Rome Statute, if measures for the maintenance of international peace and security under Chapter VII of the UN Charter demand such a request to the ICC. If the Council were to incorporate these meaningfully into its toolbox, it would have tremendous potential to deter illegal uses of force in the future.

The nexus between peace and security and accountability for the crime of aggression has never been clearer. The relationship between the Court and the Council has, however, been marred by the openly hostile posture of some Permanent Members of the Security Council, which makes future Council referrals and aggression determinations a very unlikely prospect. This is why we hope all States will redouble efforts to strive for the universality of the Rome Statute and that ICC States Parties will begin the important work of harmonizing the Court's jurisdiction over all four of its core crimes. Expanding the ICC's jurisdiction over the crime of aggression would provide the international community with an important tool to fight impunity and strengthen deterrence against the illegal use of force.

Thank you.

**Statement by Ambassador Carolyn Rodrigues-Birkett, the Permanent Representative of the Co-operative Republic of Guyana to the United Nations, at the Arria Formula Meeting on the “25th Anniversary of the Rome Statute Adoption: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security”
July 18, 2023, UN Headquarters in New York**

Chair

I thank the distinguished delegations of Switzerland and Japan for hosting this important meeting, which Guyana is pleased to cosponsor. Guyana aligns itself with the statement delivered on behalf of the ICC Caucus of the Security Council.

The Rome Statute, which established the International Criminal Court, was adopted 25 years ago on July 17, 1998. It was the culmination of years of negotiation. Indeed, it took some 50 years to agree on the format of the Court and to eventually adopt a Statute.

As we commemorate this 25th anniversary, we also recall Trinidad and Tobago’s role which, following their request, resulted in the General Assembly asking the International Law Commission in December 1989 to resume its work on an International Criminal court.

Chair

The adoption of the Rome Statute, after such a prolonged period, is testimony to the international community’s continued recognition of the need for an independent and permanent international criminal court; a Court of last resort that could provide an avenue for criminal accountability where States are unwilling or unable to act.

Guyana ratified the Rome Statute in September 2004, understanding the critical role of the Court in fighting impunity and ensuring justice for those who have suffered the worst crimes.

Sadly, over the years, the number of cases before the Court has grown, showing that the world is still plagued by grave atrocities. It might be tempting to see this as the Court not having the intended deterrent effect. Yet, we would never know what the situation would have been if there was no such Court.

In the face of challenges, the Court continues to contribute positively to peace and security, holding perpetrators accountable for their crimes and Guyana believes it does serve as a deterrent to such crimes happening again.

We encourage countries, who have not yet done so, to ratify the Rome Statute so that we can achieve its universality. It is also critical that the Court has sufficient resources and the support of States to function effectively and independently.

Cooperation with member States can be enhanced by regular updates from the Court, including on challenges faced, as well as technical assistance and capacity building to support the member States in fulfilling their obligations under the Rome Statute.

It is of note that the Court may exercise jurisdiction where the Security Council refers situations to the Prosecutor. Continuous monitoring by the Council of cases referred and encouraging national authorities to cooperate in investigations are among measures that can strengthen collaboration between the two bodies.

In closing, Guyana reiterates our commitment to uphold the principles enshrined in the Rome Statute and our strong support for the Court.

**Statement by H.E. Ambassador Joonkook HWANG
Permanent Representative of the Republic of Korea
Arria-formula Meeting on 25th Anniversary of the Rome Statute
New York, 18 July 2023**

Madam and Mr. Chair,

I would like to begin by thanking Japan and Switzerland for convening this important meeting. My gratitude also goes to the President of the Assembly of States Parties and other speakers for their enlightening briefing.

There is no doubt that the Rome Statute has significantly contributed to the global fight against the most serious crimes over the past 25 years. We have been witnessing signs of a growing deterrent effect as a result of the ICC's permanent presence. I firmly believe that the Rome Statute system has changed the way people think about gravest crimes and serious human rights abuses and how we respond to them.

The Republic of Korea has been a staunch supporter of the ICC since its inception. Our legal experts have served in many capacities, including as a founding judge, President of the Court, and President of the ASP. We are also currently serving as a co-focal point of the ASP to

promote the universality of the Rome Statute, together with the Netherlands.

Madam and Mr. Chair,

The adoption of the Rome Statute in itself was a great achievement, in that it introduced a new paradigm for implementation of international criminal justice. Now the question is whether the international community is prepared to sustain and further develop the Rome Statute system for the next 25 years and beyond.

By adopting the Rome Statute, States established not just a Court, but an entire system of international justice. It demands shared responsibilities, whereby the ICC carries out the judicial work, but enforcement is devolved to the States. Therefore, cooperation with States Parties is indispensable for the effective function of the Court. Cooperation with the Security Council is also essential, because the ICC's role is closely interconnected with the Council's mandate of maintaining international peace and security. In addition, the scope of cooperation is not limited to judicial issues, but should extend to political support considering the unprecedented and complex challenges that the Court is recently facing.

The success of the Rome Statute system also hinges on universality. To this end, we need to raise awareness that the ratification of the Rome Statute does not equate a concession of sovereignty in light of the principle of complementarity. The Court and States Parties should engage with non-States Parties and provide pertinent information so that they have enhanced understanding of and strong confidence in the value of joining the Rome Statute system. Moreover, I would like to highlight the urgent need to correct some misconception that the Court is western-oriented, by advancing universality and enhancing equitable geographical distribution not only in composition of the States Parties but also in the personnel composition of the Court.

Madam and Mr. Chair,

Korea, as an incoming member of the Security Council, is ready and willing to play a constructive role in the international community's collective efforts to end impunity for the perpetrators of the most serious crimes, implement restorative justice to the victims, and ensure the rule of law.

I thank you. /END/

**STATEMENT OF THE REPUBLIC OF UGANDA DURING THE ARRIA-
FORMULA MEETING ON THE OCCASION OF THE 25th
ANNIVERSARY OF THE ROME STATUTE OF THE INTERNATIONAL
CRIMINAL COURT
18th JULY, 2023 READ BY MRS. CELIA NABETA (MINISTER
COUNSELLOR)**

Madam President, Excellencies

I have the honour to deliver this statement on behalf of the delegation of Uganda. Your excellencies, Allow me to thank all the co-sponsoring United Nations Security Council members for this important event, and Your excellency, The President of the Assembly of the States Parties, Ms. Ms. Silvia Fernández de Gurmendi ,

Uganda aligns itself with the statement delivered by the representative of the Republic of Tanzania on behalf of the African Group of States Parties to the Rome statute of the ICC.

Madam president, my delegation would like to highlight the following points:

Twenty-five years ago, we came together to create this institution to fight impunity for the most serious crimes of concern to the international community and provide justice to the thousands of victims of these crimes. We recall the principles and values that guided us in 1998, and which remain relevant to this day. Adapting these values to today's world requires us as ICC states parties to take significant

steps forward in consistent and sustainable support: We “reconfirm our unwavering support for the independence of the court as an impartial judicial institution.

Uganda commits to effectively cooperating with the ICC to support the fulfilment of the crucial mandate with which it is entrusted, including through the execution of pending arrest warrants as well as other practical support. We call on all states parties to fulfil their obligation to cooperate with the court, particularly in the area of arrests.

To this end, we commit to providing the court with adequate resources to ensure that its organs can robustly and consistently play their respective roles across all situations. Voluntary contributions are not an appropriate funding model. We commit to an open dialogue between states parties and the court as to what adequate investment looks like to ensure sustainability and counter overly selective approaches in the court’s cases and situations that can drive double-standards in victims’ access to justice.

The principle of complementarity is at the heart of the Rome Statute. Uganda welcomes the ongoing efforts within the Assembly of States Parties to promote this principle which is the backbone of the Rome Statute system. We also welcome the recent announcements by the Registrar of the court stressing the importance of promoting accountability with a view to determining how justice may best be served under the shared framework of complementary domestic and international action working towards enhancing complementarity by strengthening the national judicial systems to deal with the most serious crimes, which is key to achieving accountability.

Madam. President,

Allow me to reiterate that Uganda was the first State in January 2004 to make a referral to the International Criminal Court following the coming into existence of the Court less than 2 years before, in 2002. Uganda has continued to contribute to the work of the Court, when called upon and we will continue to do more than meet our statutory obligations in every way possible.

Madam President,

As we commemorate 25 years of the Rome statute, we look forward to reflecting on the progress made in the review mechanism and implementing the recommendations especially those recommendations that required “drastic action” such as addressing gender parity and geographical diversity gaps in high level positions and improving the efficiency of the court. The statistics received at the last Assembly of SP indicate that there is no female at the director level and likewise no African at that level. This concern should be addressed promptly.

The review mechanism of the Court continues to play a key role and we welcome the review process initiated by the Assembly of States Parties at its eighteenth session, aimed at strengthening the Court and the Rome Statute system of international criminal justice which is an important priority.

Let me conclude, Madam President, by congratulating all the states parties and the court on the 25th anniversary of the Rome statute and Ugamda stands ready to continue dialogue with the Court on ways to strengthen cooperation. Together, we will work to create a new dynamic into the relationship between the ICC and all

regions of the world through a frank and constructive dialogue within the Assembly of States Parties.

I thank you.



**Statement on behalf of the European Union
by Ambassador Silvio Gonzato, Deputy Head of the European
Union Delegation to the United Nations**

**at the Arria meeting on
25th anniversary of the Rome Statute: the contribution of the ICC to
the maintenance of international peace and security**

United Nations

New York

18 July 2023

– CHECK AGAINST DELIVERY –

Madam Chair,

Thanks for convening us today. Indeed, the 25th anniversary of the Rome Statute is an occasion to celebrate. It is a milestone in the ICC existence and for international criminal justice more broadly.

For us, the ICC stands mainly for three things:

1. *First*, it stands for **accountability** and for a world without impunity for the most serious crimes.

And accountability is in high demand these days.

As the world's first permanent international criminal court, the ICC has an important task to deliver on accountability.

The ICC investigations into the many situations around the world attest to the need for accountability globally. We encourage and support the Court to deliver on its mandate and its quest for justice.

In the last two decades of its existence, the ICC has had an important impact on global justice. Besides the results in the ICC courtrooms, the dialogue between the ICC and the national courts has enriched international criminal law globally.

The Court has contributed to the equal application of the rule of law at international level. But it has also enriched criminal law at the national level as the ratifying States developed national laws and capacities to investigate and prosecute atrocity crimes in their jurisdictions.

2. *Second*, the ICC stands for **judicial independence**.

The Court is an independent judicial institution. In leading the fight against impunity, the ICC must be able to work independently and impartially. We remain committed to work together with all States Parties and other partners around the world to support the Court and to preserve and respect its independence.

To those undermining the Court's work and calling it 'the so-called Court and the so-called Prosecutor', we say: no one is above the law and justice will be made!

We also strongly say that any retaliatory measures against the Court, its Prosecutor, its judges and others involved in its judicial work are unacceptable and must stop immediately.

The ICC is an instrument of justice, not of retribution. It has no agenda other than to deliver justice for victims. That is why our support to ensuring its independence remains unwavering.

3. *Third*, the Court stands for **victims**.

Victims are the very reason of the ICC's existence. The Court is in many cases the last hope for victims.

With its victims-centered approach, the ICC plays a vital role. It provides accountability and acknowledgement of the crimes committed and ensures the active participation of victims and reparation.

We encourage the States Parties and others to continue to support the Trust Fund for Victims. The Fund assisted tens of thousands of victims with material support and physical and psychological rehabilitation. This is healing for victims.

I thank you.



**GOBIERNO de
GUATEMALA**
DR. ALEJANDRO GIAMMATTEI



**MINISTERIO DE RELACIONES
EXTERIORES**
MISIÓN PERMANENTE DE GUATEMALA ANTE
NACIONES UNIDAS, NEW YORK

**INTERVENCIÓN DE LA DELEGACIÓN DE GUATEMALA PARA LA
REUNIÓN DE FORMULA ARRIA TITULADA 'VIGÉSIMO
ANIVERSARIO DEL ESTATUTO DE ROMA: LA CONTRIBUCIÓN DE
LA CORTE PENAL INTERNACIONAL AL MANTENIMIENTO DE LA
PAZ Y LA SEGURIDAD INTERNACIONALES"
NUEVA YORK, MARTES 18 DE JULIO DE 2023**

Señor Presidente:

Agradecemos a las Misiones Permanentes de Japón y Suiza la realización de esta reunión que pone de relieve la importancia de la Corte Penal Internacional en el sistema de justicia internacional.

Este año celebramos el Vigésimo Quinto aniversario del Estatuto de Roma, el cual representa un significativo avance para la justicia internacional, ya que contribuye a garantizar sociedades más estables y pacíficas.

Guatemala reafirma su inequívoco respaldo a la Corte Penal Internacional, así como su compromiso con la lucha contra la impunidad. La Corte Penal Internacional desempeña una función fundamental dentro del sistema de justicia internacional, con la finalidad de poner fin a la impunidad por los crímenes más graves contra el derecho internacional, como los crímenes de guerra y de lesa humanidad. Esta función ha contribuido profundamente a prevenir y hacer cesar situaciones que han puesto en peligro la paz y la seguridad internacionales.

Mi delegación valora el apoyo y la cooperación entre las Naciones Unidas y la Corte Penal Internacional, no sólo porque fortalece el diálogo y relación entre ambas entidades, sino porque también sirve para darle visibilidad al trascendental trabajo de la Corte Penal Internacional, lo cual representa una oportunidad para afianzar su autoridad y conocer más sobre su mandato y la importancia de la cooperación entre los Estados.

Guatemala renueva su llamado al respeto al Principio de Complementariedad y la primacía de los sistemas nacionales para garantizar



la rendición de cuentas, el cual es pilar fundamental del Estatuto y principio guía del actuar de la Corte.

Creemos, por eso, que se hace necesario mejorar la cooperación entre la Corte y el Consejo de Seguridad, a fin de unir esfuerzos y contribuir a la prevención de crímenes, que van en contra de la paz y la seguridad internacionales y reforzar esfuerzos para combatir la impunidad de esos actos. Además, es oportuno mantener intercambios periódicos entre el Consejo y la Corte, independientemente de las reuniones informativas sobre las situaciones remitidas.

Señor Presidente:

La cooperación es uno de los pilares fundamentales en los que descansa el buen funcionamiento de la Corte Penal Internacional; por ende, el firme compromiso de los Estados parte es crucial para acrecentar la capacidad de la Corte, a fin de asegurar la rendición de cuentas, hacer justicia para las víctimas, así como ayudar a prevenir futuros delitos, según lo previsto por el espíritu de su Estatuto.

Los Estados parte y la membresía de las Naciones Unidas deben esforzarse por fortalecer su cooperación y reafirmar continuamente la pertinencia que tiene la justicia penal internacional para garantizar el Estado de Derecho, la paz y la seguridad internacionales.

La lucha contra la impunidad es un objetivo de los Estados parte en el Estatuto de Roma y también de las Naciones Unidas, pero ese objetivo debe ir acompañado del compromiso de proveer a la Corte de los recursos necesarios para cumplir sus funciones, con el fin de proteger su integridad e independencia. La falta de estos recursos puede poner en peligro la sostenibilidad de sus investigaciones.

Mi delegación hace un llamado a redoblar los apoyos para lograr un régimen universal. Cada paso hacia la universalidad reducirá significativamente el riesgo de impunidad y contribuirá a la consolidación



de la paz y la estabilidad de los Estados. Por esta razón debe seguirse promoviendo la dimensión universal del Estatuto de Roma manteniendo el impulso al proceso de ratificaciones y adhesiones, ya que universalmente ratificado se garantiza que ningún individuo este por encima de la ley.

Para concluir, reiteramos nuestro respaldo a la labor de la Corte Penal Internacional, su labor trasciende y es el centro de un sistema internacional de justicia con un impacto global de gran alcance, razón por la cual creemos que la Corte necesita el apoyo firme y constante de la comunidad internacional para llevar a cabo su mandato

Muchas gracias.

**United Nations Security Council Arrria-formula meeting
25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to
the Maintenance of International Peace and Security
Tuesday, 18 July 2023**

Sr/a. Presidente/a,

Chile agradece a los organizadores por esta actividad para celebrar el vigésimo quinto aniversario de la adopción del Estatuto de Roma, oportunidad para reflexionar sobre la relación entre la Corte Penal Internacional y el Consejo de Seguridad de las Naciones Unidas.

Asimismo, agradecemos a la Presidenta de la Asamblea de Estados Parte y a todos los panelistas por sus contribuciones.

El reforzamiento de la efectividad de la justicia internacional resulta esencial para garantizar el estado de derecho a nivel internacional y en ese sentido, Chile reitera su más pleno apoyo a la Corte Penal Internacional, en su calidad de Tribunal permanente. El establecimiento de la Corte constituyó un logro largamente anhelado por la Comunidad Internacional y forma parte de un proceso de estructuración jurídica para hacer imperar el estado de derecho.

El permanente apoyo de los Estados Parte del Estatuto, respetando y apoyando la autonomía e independencia de la Corte, es indispensable para el ejercicio pleno de sus funciones. En efecto, la Corte no sólo cumple un rol fundamental en la sanción de los más graves crímenes, dentro de su competencia, sino que también, su existencia y la eficacia de su acción jurisdiccional, constituyen un factor disuasivo de la comisión de crímenes y contra el flagelo de la impunidad.

Como bien lo señala la nota conceptual de esta reunión, el principio rector de la complementariedad y la cooperación de los Estados resultan esenciales para hacer efectivo el mandato de la Corte, por lo que las responsabilidades y obligaciones deben cumplirse con miras a perseguir y sancionar los crímenes internacionales.

Sr/a. Presidente/a,

Respecto de la relación entre la Corte y el Consejo de Seguridad, Chile considera que debe existir cooperación en el marco de las normas que la regulan. Si bien la Corte y el Consejo de Seguridad tienen ámbitos de competencia diferentes, no cabe duda que sus competencias se complementan.

En efecto, los bienes jurídicos que resguarda el Estatuto de Roma, la paz, la seguridad y el bienestar de la humanidad están consagrados también entre los propósitos de la Carta de las Naciones Unidas. Por ello, ambas organizaciones deben implementar acciones de cooperación para hacer frente a la impunidad y la reiteración de conductas contrarias al ordenamiento jurídico internacional. La paz y la seguridad internacional, tareas propias de Naciones Unidas, también tienen un componente de justicia.

Además, es tarea primaria del Consejo de Seguridad velar por la paz y la seguridad internacionales, por lo que también le compete la responsabilidad de promover la justicia internacional y velar por la rendición de cuentas. En este sentido, se requiere poner especial atención en el seguimiento por el Consejo de Seguridad de las situaciones que ha remitido a la Corte para asegurar la cooperación con ella.

Sr/a. Presidente/a,

En este vigésimo quinto aniversario del Estatuto, Chile reitera su compromiso permanente con el Derecho Internacional Humanitario y con la protección internacional de los Derechos Humanos. Nos preocupa la comisión de crímenes internacionales en diferentes partes del mundo y abogamos para que todos ellos sean investigados de manera independiente. En tal sentido, la Corte Penal Internacional y el Estatuto de Roma proveen un marco jurídico e institucional que garantiza investigaciones independientes e imparciales, que tengan en el centro al ser humano y su protección, en especial a las víctimas.

Finalmente, Chile considera que la universalización del Estatuto de Roma es indispensable y en este aniversario es pertinente hacer un llamado a los Estados no parte a incorporarse a esta institución fundamental para combatir la impunidad, así como a los Estados parte a ratificar las enmiendas, en especial la que castiga el crimen de agresión que solo tiene 45 ratificaciones a esta fecha.

Muchas gracias Sr/a. Presidente/a



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 18 JULY 2023

CHECK AGAINST DELIVERY

25TH ANNIVERSARY OF THE ROME STATUTE

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Madame President,

Thank you and the cosponsors for inviting us to this discussion. Indeed, the 25th anniversary of the adoption of the Rome Statute offers a perfect opportunity to reflect on the role of the ICC in the maintenance of international peace and security. The Rome Statute itself, in its preamble, has acknowledged this relationship in a prominent manner by “Recognizing that such grave crimes threaten the peace, security and well-being of the world”. Furthermore, the Rome Statute foresees a number of important functions for the Security Council on the work of the Court: The Council has both the power to refer situations to the Court and to defer investigations and prosecutions, under articles 13(b) and 16 respectively. Since the adoption of the Kampala amendments, the Council also has the competence to make a determination that an act of aggression has been committed and thus to open the path for the Court to investigate the crime of aggression. After two referrals, on the basis of which the Court is still conducting investigations, and a number of controversial applications of article 16, the Security Council has by and large abstained from exercising its powers under the Statute for long years now – since the vetoed referral of the situation in the Syrian Arab Republic in 2014.

The relationship between the Court and the Council has been marred by the at times openly hostile posture of Permanent Members of the Security Council, which makes future Council referrals a very unlikely prospect and committed work to promote universality an obvious necessity. The nexus between peace and security and the most serious crimes remains a stark reality though, most obviously in connection with the crime of aggression. Short of referrals to the ICC, the Council of course has other options to address accountability. It can ask States to live up to its obligation to investigate and prosecute Rome Statute crimes, in line with the principle of complementarity, and it can acknowledge and reference ICC investigations, but also other international justice mechanisms, such as the IIIM, that take place without mandate from the Security Council. In doing so, the Council would recognize the nexus between accountability and sustainable peace that it established in its Resolution 2282. Advocacy for a dynamic role of the Council on accountability matters remains of the essence, even when we are realistic about its prospects. We also wish to emphasize the strong relationship between the United Nations and the International Criminal Court, based on the relationship agreement between the two organizations. Member States – and those of us who are parties for the Rome Statute in particular – have an important role in the full implementation of this important agreement and the policies associated with it, such as the UN guidance on essential contacts.

Madame President,

After unprecedented sanctions by the former US administration against Court officials in the past, the Court and some of its senior officials are now under open attack from the Russian Federation, as a result of doing the work they are mandated to do under the Rome Statute. These attacks are aimed to undermine the judicial independence of the Court and result in significant financial and other costs, due to safety concerns. State Parties who will be called to shoulder the resulting financial burden should collectively take a stand in support of the Court, as we have done in the past.

In the current climate, constructive work on the basis of the Rome Statute is obviously not possible, but our voices in support of accountability in Council discussions are all the more important. In parallel, we must pursue accountability efforts in other fora that are more conducive to positive results. We continue to see significant potential in the work of the Peacebuilding Commission in particular, with a focus on transitional justice and on the dimensions of truth and reconciliation and restorative justice that you have highlighted in your concept note.

Thank you.



MYANMAR

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**Statement by Ambassador Kyaw Moe Tun,
Permanent Representative of the Republic of the Union of Myanmar,
at the UN Security Council Arrria Formula Meeting on the 25th Anniversary of the
Rome Statute: The Contribution of the International Criminal Court to the
Maintenance of International Peace and Security**

(New York, 18 July 2023)

Mdm. Chair,

We are pleased to join others in today's commemoration of the 25th Anniversary of the adoption of the Rome Statute. I would like to thank the Permanent Missions of Japan and Switzerland for organizing the meeting. Myanmar thanks the briefers for their insightful presentation.

Myanmar commends the member states for the achievement of the International Criminal Court (ICC) over last twenty-five years. We also acknowledge the commitment dearly upheld by the ICC to ensuring justice for the most serious crimes.

However, as we witness the alarming threat of serious crimes occurring around the globe, it is indeed high time for the international community to reflect on the Court's past contributions and its way forward to address, in a more timely and predictable manner, such issues which are critically impeding the international peace and security.

Mdm. Chair,

In Myanmar, the illegal military coup is now in its third year. As the inhumane military junta continues waging a campaign of violence and terror against the population, people are suffering on a daily basis. The situation of internally displaced persons, marginalized groups, Rohingya people and other minorities are extremely concerning. Nowadays, not only killings, abductions, arbitrary arrests, taking hostage of people, aerial attacks, heavy weaponry shelling, scorching villages and other serious violation of human rights, but also major transnational organized crimes are on the rise in the country.

Obviously, the military junta is the main perpetrator of all causes. The UN Independent Investigative Mechanism for Myanmar (IIMM), UN High Commissioner for Human Rights and UN Special Rapporteur on the situation of human rights in Myanmar

have concluded that the atrocious crimes committed by the inhumane military junta are amounting to crimes against humanity and war crimes.

Mr. Chair,

I wish to recall that on 17 July 2021, the National Unity Government of Myanmar lodged an article 12(3) Declaration with the Registrar of the International Criminal Court accepting the Court's jurisdiction over crimes committed in our territory since July 1, 2002. Through this declaration, the people of Myanmar have high hope that the Court will open a preliminary examination or expand the scope of its current investigation. The ICC's action is needed timely to save lives of the people of Myanmar.

The Concept Paper prepared for today's discussion made special reference to the principle of complementarity of the Rome Statute. Myanmar is a visible case where the illegal junta is overtly committing serious crimes against its own population, and where the people in Myanmar are helpless and need international support. As such, we are of the view that the international community must uphold its endowed responsibility. In doing so, the Security Council needs to effectively function its mutually reinforcing role. Efforts must be continuously built on the UNSC Resolution 2669 (2022). The Council must take concrete actions to put an end to the military's impunity and adopt a follow-up resolution which is enforceable for implementation without further delay. In this regard, I urge the members of the Council to start a negotiation process now.

Similarly, it is imperative that the ICC should further strengthen its role to bring all perpetrators accountable.

I wish to reiterate our appeal to the Security Council to refer the military junta to the ICC to bring the perpetrators accountable before sacrificing too many lives of Myanmar people. The National Unity Government of Myanmar is committed to and working towards ensuring accountability and ending impunity for all human rights violations, and will continue to seek justice in cooperation with the members of the international community.

In conclusion, my delegation wishes to reaffirm Myanmar's support on the further extension of the relations between the UN and the ICC based on respect for each other's status and mandates and aim to promote the effective discharge of their respective responsibilities in a mutually beneficial manner. As we perceive the role of the Court as vital for the purpose of achieving justice and sustainable peace, we wish to continue seeing the mainstreaming of the ICC in the UN system.

I thank you.



GRAND-DUCHÉ DE LUXEMBOURG
Représentation permanente auprès
des Nations Unies

Réunion « Arria » du Conseil de sécurité des Nations Unies

25^{ème} anniversaire du Statut de Rome : La contribution de la Cour pénale internationale au maintien de la paix et de la sécurité internationales

New York, le 18 juillet 2023

Intervention du Luxembourg

Madame la Présidente,

Le Luxembourg remercie la Suisse et le Japon et les co-parrains pour l'organisation de cette réunion « Arria » qui nous donne l'occasion de marquer le 25^{ème} anniversaire de l'adoption du Statut de Rome et de réfléchir sur les relations entre la Cour pénale internationale et le Conseil de sécurité.

Le Luxembourg souscrit à la déclaration de l'Union européenne et à celle du Liechtenstein au nom d'un groupe de pays. Permettez-moi d'ajouter quelques éléments à titre national.

La Cour pénale internationale s'est établie comme l'acteur incontournable de la justice pénale internationale et comme une source d'espoir de justice pour les victimes des crimes relevant de la compétence de la Cour.

Bien qu'ils soient investis de mandats distincts, la CPI et le Conseil de sécurité ont des fonctions complémentaires. Renforcer la justice et la redevabilité est essentiel pour assurer et maintenir la paix et la sécurité internationales. En effet, la paix et la justice vont de pair et se renforcent mutuellement et la lutte contre l'impunité constitue un élément indispensable pour réaliser une paix durable.

Nous encourageons le Conseil de sécurité à faire usage de son droit de saisine de la CPI lorsque des crimes relevant de la compétence de la Cour semblent avoir été commis. Le Conseil de sécurité a exercé son pouvoir de déférer une situation au Procureur de la CPI dans les cas du Darfour et de la Libye. Nous regrettons fortement qu'il n'ait pas été en mesure de le faire dans le cas de la Syrie et dans d'autres situations qui l'exigeaient. L'absence de redevabilité pour les actes commis dans le passé et le présent ne fait qu'encourager la commission d'autres crimes dans le futur. Le rôle de la CPI est ici crucial pour assurer la redevabilité et briser le cercle vicieux engendré par l'impunité.

Il est tout aussi important qu'après un renvoi, le Conseil de sécurité assure la coopération avec la CPI et mette en œuvre des mesures de suivi appropriées en cas de non-coopération et fasse un suivi plus efficace. Une option est d'étendre les critères de désignation des régimes de sanctions aux personnes sous mandat d'arrêt de la Cour.

La CPI est complémentaire des juridictions pénales nationales, qui constituent la première ligne de défense contre l'impunité. Le Conseil de sécurité peut jouer un rôle utile dans ce contexte aussi, en veillant par exemple à ce que les opérations de maintien de la paix qu'il mandate disposent des capacités nécessaires ou soient accompagnées de mesures adéquates pour soutenir le renforcement de l'état de droit et des juridictions nationales. Un bon exemple dans ce contexte est la Cour pénale spéciale en République centrafricaine.

Je salue également l'enquête en cours du Procureur de la CPI sur la situation en Ukraine en complémentarité avec les autorités judiciaires ukrainiennes. Toutefois, cette enquête ne couvre pas le crime d'agression, pour lequel le Conseil de sécurité a le pouvoir de saisir le Procureur de la Cour. Le Conseil n'étant pas en mesure d'exercer ce pouvoir, il convient d'examiner d'autres options pour que justice soit faite, y compris la création d'un Tribunal spécial international pour le crime d'agression contre l'Ukraine.

Madame la Présidente,

À ce jour, 123 pays ont adhéré au Statut de Rome. Ce 25^{ème} anniversaire devrait nous encourager à redoubler d'efforts pour atteindre l'objectif de l'universalité. Le Luxembourg invite tous les États qui ne l'ont pas encore fait à adhérer au Statut de Rome.

Je vous remercie.



Misión Permanente de Colombia
ante la ONU en Nueva York

**Intervención de Colombia
Embajadora Leonor Zalabata
Representante Permanente**

Consejo de Seguridad - Reunión bajo la fórmula Arria

organizada y copatrocinada por los siguientes Miembros del Consejo de Seguridad y los Miembros entrantes, que son Estados Partes en el Estatuto de Roma de la Corte Penal Internacional
Japón y Suiza

Albania, Ecuador, Francia, Gabón, Ghana, Guyana, República de Corea, Malta, Sierra Leona, Eslovenia y Reino Unido

25 Aniversario del Estatuto de Roma: La contribución de la Corte Penal Internacional al mantenimiento de la paz y la seguridad internacionales

*Martes 18 de julio de 2023, de 15.00 a 18.00 horas
(ECOSOC Chamber)*

4 minutos

Señores Presidentes:

- En primer lugar, Colombia se permite saludar y agradecer a sus delegaciones y a todos los restantes organizadores y copatrocinadores por invitarnos a discutir este tema tan vital.
- A su turno agradecemos a cada uno de los panelistas por sus muy interesantes reflexiones.
- Colombia y la Corte Penal Internacional tienen una relación muy especial. En efecto, en el año 2021 el Fiscal Karim Khan anunció su decisión de cerrar el examen preliminar que esa oficina había abierto 17 años antes para estudiar la situación en nuestro país.



Misión Permanente de Colombia
ante la ONU en Nueva York

- La decisión del Fiscal no solo sirvió para dar cierre al examen preliminar más prolongado en la historia de la Corte Penal Internacional; también fue propicia para que la fiscalía expresara su apoyo a las instituciones encargadas de impartir justicia en Colombia, tanto en la jurisdicción ordinaria como en la transicional.
- La nueva relación entre la Corte y Colombia es posible gracias a un Acuerdo de Cooperación suscrito en 2021, instrumento que ha planteado un esquema de trabajo colaborativo entre nuestras instituciones y la Corte.
- A través de este trabajo, tanto el gobierno como las distintas jurisdicciones del país podrán contar con la Fiscalía de la CPI como un importante aliado para el desarrollo de capacidades, con el fin de cumplir de mejor forma con la labor que se les ha encomendado.
- Es precisamente esa la principal ventaja de basar la relación con la Corte en una aplicación dinámica del principio de Complementariedad Positiva: las posibilidades que se abren para desarrollar las instituciones democráticas competentes y permitir que sean ellas, conocedoras del contexto y sus particularidades, las que asuman la responsabilidad de administrar justicia.
- Adicionalmente, esta labor plantea la posibilidad de que la experiencia colombiana enriquezca la experiencia y la capacidad de la Corte Penal Internacional. Es un proceso de apoyo mutuo.
- Por su parte, El Fiscal Khan ha reconocido en distintos escenarios internacionales el enorme valor de las instituciones colombianas, las cuales representan en sí mismas un importante desarrollo para el Derecho Penal Internacional.
- Gracias a ello, el próximo mes de agosto daremos inicio a una serie de capacitaciones a operadores de la Jurisdicción Especial para la Paz y la Fiscalía General de la Nación en materia de Crímenes Sexuales y por Motivo de Género. Será la primera



Misión Permanente de Colombia
ante la ONU en Nueva York

actividad incluida en la hoja de ruta pactada con el Fiscal Khan durante su visita a Colombia en junio.

- Adicionalmente, el ejercicio dinámico del principio de Complementariedad Positiva plantea la posibilidad de que la experiencia colombiana enriquezca la experiencia y la capacidad de la Corte Penal Internacional. Es un proceso de apoyo mutuo.
- Finalmente, esta nueva relación, a través de varias herramientas que se han desarrollado mutuamente, han repercutido de manera significativa en los esfuerzos para continuar la construcción de paz en nuestro país. Un fortalecimiento de las instituciones de justicia trae consigo más confianza de los ciudadanos. Todo esto sin duda son cimientos para la construcción de una paz estable y duradera, de una paz total.
- En resumen, Colombia entró en esta una nueva fase de cooperación con la Corte que puede ser vista como el camino a seguir por otros países con situaciones difíciles pero con instituciones dispuestas y capaces de administrar justicia para los crímenes de mayor relevancia para la comunidad internacional. Colombia está siempre dispuesta a compartir sus experiencias con otros países en circunstancias similares.

Muchas gracias.



ESPAÑA

**INTERVENCIÓN DE LA
EMBAJADORA REPRESENTANTE PERMANENTE ADJUNTA**

Sra. D^a. ANA JIMENEZ DE LA HOZ

**EN LA REUNIÓN FÓRMULA ARRIA
DEL CONSEJO DE SEGURIDAD DE NACIONES UNIDAS**

**25º Aniversario del Estatuto de Roma:
La contribución de la Corte Penal Internacional al
mantenimiento de la paz y la seguridad internacionales**

Nueva York, 18 de julio de 2023

**MISIÓN PERMANENTE DE ESPAÑA EN LAS NACIONES UNIDAS
245 EAST 47TH STREET , 36TH FL., NUEVA YORK , N.Y. 10017 TEL. (212) 661-1050**

Muchas gracias Sr. Presidente.

A lo largo de los últimos 25 años, la Corte Penal Internacional ha construido un acervo que refuerza el orden internacional basado en reglas, incluyendo el derecho internacional humanitario y la defensa de los derechos humanos.

Crímenes atroces como el genocidio, los crímenes de guerra, los crímenes de lesa humanidad o el crimen de agresión, no deben tener cabida en la sociedad internacional contemporánea. La Corte Penal Internacional no sólo sanciona su comisión, sino que repara los derechos de las víctimas y contribuye a la prevención de dichos crímenes, llenando un espacio ocupado por la impunidad en demasiadas ocasiones.

Señor Presidente,

En la actualidad, 123 Estados son parte del Estatuto de Roma de la Corte Penal internacional. No es suficiente. Aún estamos lejos de alcanzar la universalidad. La adhesión de más Estados al Estatuto de Roma es un fin que todos los que somos parte de él debemos perseguir. Como lo es también la cooperación con la Corte de aquellos Estados que no son parte, tanto en la fase judicial y posterior a la sentencia, como en las investigaciones.

En relación con la labor de investigación e instrucción, la colaboración de la Corte Penal Internacional con mecanismos específicos como el Centro Internacional para la Persecución del Crimen de Agresión (ICPA), que comenzó sus operaciones el 3 de julio en La Haya y que tiene como objetivo reforzar las investigaciones sobre el crimen de agresión contra Ucrania, puede ser un modelo para otras situaciones en las que se producen crímenes atroces de relevancia para toda la comunidad internacional.

Señor Presidente,

El caso de Ucrania es uno entre tantos otros contextos donde se producen crímenes atroces susceptibles de ser enjuiciados por la Corte Penal Internacional. En muchos casos esto no es posible porque los países donde estos se cometen no son parte del Estatuto de Roma y la Corte Penal Internacional no puede ejercer su jurisdicción.

España está convencida de que mejorar la sinergia entre el Consejo de Seguridad y la Corte Penal Internacional tendría consecuencias muy positivas en la lucha contra la impunidad. En los últimos 25 años, el Consejo de Seguridad ha remitido a la Corte únicamente dos casos: el de Darfur, en Sudán, y el de Libia. En algunas situaciones, incluyendo la de Ucrania, se ha impedido la remisión a través de un uso abusivo del veto. Apoyamos las iniciativas para restringir el veto en los casos de crímenes atroces, como la iniciativa franco-mexicana que va en dicho sentido.

Señor Presidente,

Finalmente, España desea rendir homenaje a la labor de la Corte estos años y, en concreto, a la centralidad que se ha dado a las víctimas, sobre todo a través del Fondo Fiduciario de Víctimas de la Corte Penal Internacional, invitado a esta sesión. Desde su fundación, el Fondo atiende a las víctimas de crímenes atroces. España considera que la atención a las víctimas, incluidas las de los grupos terroristas, debe ser una política transversal. Por eso hemos venido apoyando de manera clara dicho Fondo Fiduciario en los últimos años.

España continuará haciendo de la lucha contra la impunidad una prioridad y respaldando con pleno convencimiento la labor de la Corte Penal Internacional.

Muchas gracias Sr. Presidente.

Statement of the Delegation of Ukraine

**At the UNSC Arria Formula Meeting “25th Anniversary of the Rome Statute:
The Contribution of the International Criminal Court to the Maintenance of
International Peace and Security**

18 July 2023

Mr. President, Excellencies, dear colleagues,

At the outset let me thank to Switzerland and Japan for convening this important debate.

In the summer of 1998, at the Rome Conference, the foundation was established for the creation of the International Criminal Court (ICC), which aimed to eliminate the impunity associated with the gravest crimes through a permanent, treaty-based structure. The adoption of the Rome Statute reflected a vision of a future where the most horrifying atrocities would no longer go unpunished, safeguarding humanity's values.

Over the past 25 years, the ICC has played a significant role in its mission to end impunity for international crimes. Its efforts include holding those responsible for these crimes accountable and providing justice to victims and survivors.

Since the beginning of russian unprovoked aggression in 2014 Ukraine tightly cooperates with the Court to reinstate the rule-based international order, and to ensure bringing the Russian leadership to account. Since last year, following full-fledged invasion, our cooperation enhanced even further.

Thus, we commend the Office of the Prosecutor of the ICC for their outstanding efforts in relation to the situation in Ukraine, including authorization to launch an investigation, as well as for issuing arrest warrant against Putin and Lvova-Belova.

We urge all the States-Parties to the Rome Statute to arrest Putin or Lvova- Belova once they appear in your territories!

This situation serves as a remarkable illustration of complementarity. While national authorities are unable to investigate and prosecute Putin due to his personal immunity, the ICC has taken a proactive stance. The Office of the Prosecutor has demonstrated promptness and efficiency, and we strongly believe that these arrest warrants will also act as a deterrent, sending a clear message to all perpetrators to cease their atrocious actions.

We firmly believe that the International Criminal Court is an indispensable institution in the architecture of international law at the forefront of bringing the perpetrators to justice. And we are eager to actively participate in endeavors aimed at facilitating the successful prosecution of the gravest crimes by the ICC.

Our own situation is a vivid example of the paramount need to ensure the effective work of the ICC and its ability to prosecute most atrocious crimes. To make sure, that the crime of aggression won't be left unpunished. With this understanding, we support the idea of extending in the future the same legal regime for all international crimes, including the crime of aggression.

To do so, for the next decade, we, the international community, are tasked to enhance the retributive and restorative role of the ICC. So that each and every dictator around the world knows that he cannot go unpunished for committing international crimes. For the sake of future generations.

I thank you.

**United Nations Security Council Arrria Formula Meeting:
25th Anniversary of the Rome Statute:
The Contribution of the International Criminal Court to the
Maintenance of International Peace and Security
18 July 2023**

**Statement by Austria
H.E. Hans-Joachim Almoslechner
Deputy Permanent Representative of Austria to the United Nations**

Thank you Ms. President / Mr. President,

[Austria aligns itself with the statement delivered by the EU]

Let me thank ASP President, Ms Fernández de Gurmendi, and the other speakers for their briefings today.

Dear colleagues,

The ICC is the first permanent, treaty-based court to try persons accused of war crimes, crimes against humanity, genocide and the crime of aggression. Austria commends the tremendous achievements of the ICC and reaffirms its unwavering support for the Court. The ICC and the wider Rome Statute system play a crucial role in advancing the rule of law by holding perpetrators of most serious international crimes accountable.

The occasion of the 25th anniversary of Rome Statute invites us to recall that, as stated in the preamble of the Rome Statute, States established the International Criminal Court (ICC) to put an end to impunity and thus to contribute to the prevention of such crimes.

Similarly, the preamble of the UN Charter expresses the determination “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”. Undeniably, the ICC serves that purpose: the crimes under its jurisdiction reflect to a large part State obligations under treaties such as the Genocide Convention or the four Geneva Conventions. Thus, by providing for individual criminal responsibility for those crimes, the Rome Statute contributes to creating an environment conducive for justice and respect for international law.

Ending impunity is key for [another] objective of the UN, and of the Security Council in particular, namely maintaining international peace and security – an objective that is closely intertwined with bringing justice to individuals and communities. That is because there cannot be sustainable peace without accountability and justice for victims. Victims' access to justice is crucial to ensure legitimacy and quality of the justice delivered by a system that promises "no one is above the law". In this regard we reiterate our support for civil society organizations and human rights defenders who play a critical role in pressing for accountability and are often targeted for their work on behalf of victims.

But we must not forget that the ICC is a court of last resort, acting only when courts of States Parties are unable or unwilling to do so. The ability of the Security Council to refer situations to the ICC in line with the principle of complementarity is one of the most powerful tools at its disposal to interrupt cycles of violence. It can contribute to ending violence by prosecuting the actors that drive it, and it can ensure sustainable peace by providing justice and effective remedies to the victims. In cases of referrals to the Court, the Council must provide thorough follow-up.

Given the principle of complementarity, the ICC needs support and cooperation of States to effectively perform its mandate. States Parties to the Rome Statute should therefore be cognizant of their obligation to cooperate fully with the Court, including by executing outstanding arrest warrants.

Finally, dear colleagues, we all must act to promote universality. Only then can the fight against impunity become truly global. We must convince non-state parties of the added value of the ICC in bringing justice and thoroughly explain the principle of complementarity in this regard.

In conclusion, let me reiterate Austria's support for the work of the ICC. At the same time, we must not forget that our efforts to promote international criminal justice and the rule of law do not pursue an abstract goal, but they ultimately serve individuals and communities on their path to obtain closure and overcome the trauma of war and other situations of violence. Let's bear this in mind as we fight together for accountability and justice.

Thank you!



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STATEMENT BY THE REPUBLIC OF POLAND

UNITED NATIONS SECURITY COUNCIL ARRIA FORMULA MEETING

**25TH ANNIVERSARY OF THE ROME STATUTE:
THE CONTRIBUTION OF THE INTERNATIONAL CRIMINAL COURT
TO THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY**

NEW YORK, 18TH JULY 2023

Madam/Mr. Chair, Distinguished Delegates,

I wish to thank Japan and Switzerland for this excellent initiative and the briefers for their insightful remarks.

Let me start by underlying that the goals of the Rome Statute coincide with the principles and objectives of the UN Charter. The ICC has been granted jurisdiction over atrocity crimes that threaten international peace and security. Hence, the Court not only plays the central role in the international criminal justice system, but also contributes to the world's peace and security.

The recent activities of the Court and its Prosecutor's Office clearly illustrate that the ICC remains determined to put an end to impunity and to achieve accountability for the most heinous crimes.

They also show that the UN Security Council's current inability to refer cases to the Court - resulting from the excessive use of the veto - can be overcome. Referral of the situation concerning Ukraine by 43 State Parties, opening the investigation and issuing arrest warrants for Russia's top leaders prove that the provisions of the Rome Statute can be effectively applied in a difficult and constantly changing global environment. We support the Court's role in bringing justice to the victims of atrocities committed beyond our Eastern border and in all parts of the world.

Madam/Mr. Chair,

Without close cooperation between States Parties and the Court, the ICC cannot function properly. Fulfilment of the statutory general obligation to cooperate with the Court in its investigation and prosecution of crimes, as well as, timely provision of assessed contributions remain crucial for the successful administration of justice.

Another important aspect is the need for universal application of the Rome Statute, which we should promote, building on the principle of complementarity. Strengthening the Court's authority, respecting and executing its decisions, stressing its contribution to restorative justice, engaging with local communities and constructively addressing criticism expressed towards the Court may add to the Court's greater international recognition, facilitate the dialogue with non-State parties and enhance the Rome Statute's universality.

In conclusion, I wish to take this opportunity to appeal to all States to work towards safeguarding a more effective system of criminal justice, anchored in States' primary responsibility to prosecute the most serious crimes, complemented by fully operational and credible International Criminal Court.

I thank you.

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Misión Permanente de México
ante las Naciones Unidas



Intervención de México
Reunión en la fórmula Arria sobre el 25° aniversario de la
adopción del Estatuto de Roma
18 de julio de 2023

Señora Presidenta:

Mi delegación agradece la organización de esta reunión para conmemorar el 25° aniversario de la adopción del Estatuto de Roma.

Aprovechamos esta oportunidad para felicitar a Suiza y a Japón por su labor como coordinadores de dicho grupo informal, el cual mi delegación tuvo el honor de conducir durante su reciente participación como miembro electo del Consejo de Seguridad. Por ello, sabemos no sólo el reto que esto representa sino la importancia que tiene este caucus para apoyar la labor de la Corte Penal Internacional desde el seno del Consejo de Seguridad.

Más allá de su vinculación formal, la relación de la CPI con el Consejo de Seguridad es natural e inherente a las funciones de ambos organismos. Es prácticamente imposible imaginar un escenario en el que se estén cometiendo crímenes de guerra,

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genocidio, crímenes de lesa humanidad o actos de agresión, y que ello no represente un quebrantamiento de la paz y seguridad internacionales.

Y si es el Consejo quien, en primera instancia, debe tomar medidas para restablecer el orden, la CPI es la institución que puede consolidar los proyectos de paz sostenible y justicia transicional a través de la rendición de cuentas frente a los crímenes cometidos.

Es en ese contexto subrayamos las siguientes consideraciones que son fundamentales para el reforzamiento mutuo de la Corte y el Consejo.

Primero, el Consejo de Seguridad jamás debe ser un obstáculo para la labor de la CPI. Las posturas políticas de este órgano no pueden ni deben favorecer la impunidad, por el contrario, el Consejo debe remitir aquellas situaciones que ameriten su examen por parte de la CPI y colaborar con la Corte en la mayor medida posible en el ejercicio de su función judicial.

En consecuencia, como segundo punto, resulta inadmisibles e inconcebible cualquier veto que impida al Consejo remitir situaciones a la CPI. Las posturas individuales de los P5 frente a la Corte no deben privar sobre la voluntad soberana de un órgano que actúa a nombre de toda la Membresía. Un veto que tenga por

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objeto impedir la impartición de justicia ante crímenes atroces es una irresponsabilidad ética y es contrario a los principios y propósitos de la Carta de la ONU y al mandato mismo del Consejo de Seguridad. Por ello seguimos impulsando la iniciativa franco-mexicana de restricción del veto en casos de atrocidades masivas que cuenta ya con 106 Estados signatarios.

Tercero, en los casos en los que el Consejo decida remitir una situación a la CPI, éste debe facilitar el apoyo por parte de las Naciones Unidas para cubrir los gastos incurridos por la Corte.

Como cuarto y último punto, tratánsode de justicia penal, no puede haber cabida para dobles estándares. Esto significa, por un lado, que el Consejo debe remitir a la CPI aquellas situaciones sin distinguos en las que se han cometido crímenes bajo su jurisdicción y que, por el otro lado, la CPI debe dar la misma consideración a todas las situaciones de las que tiene conocimiento evitando priorizar casos a partir de valoraciones que no sean estrictamente jurídicas.

Antes de concluir quisiera destacar que, a pesar de su corta vida, la CPI se ha consolidado como un pilar fundamental del estado de derecho que ofrece a las víctimas que han sufrido las acciones más violentas e inimaginables una oportunidad de acceso a la verdad, de catarsis y de justicia.



Así, esta conmemoración nos permite a quienes somos Estados Parte del Estatuto de Roma, refrendar nuestro apoyo a la Corte, y a quienes aún no lo han hecho, les permite reevaluar su posición frente y, ojalá, sumarse a los 123 Estados que hemos ratificado el Estatuto para lograr consolidar a la Corte Penal Internacional como un tribunal universal.

Muchas gracias.



Statement by H.E. Mr. Muhammad Abdul Muhith, Permanent Representative of Bangladesh to the United Nations in New York at the UNSC Arria Formula Meeting on '25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security', 18 July 2023, 3-6 pm, ECOSOC Chamber

Distinguished Co-Chairs,

I thank the Permanent Missions of Switzerland and Japan for convening today's Arria Formula meeting to commemorate the 25th anniversary of the Rome Statute. I also thank the distinguished briefers for their insightful remarks.

The adoption of the Rome Statute in 1998 was an important milestone in the history of the international criminal justice system. Over the past 25 years, the International Criminal Court has played a crucial role in fighting impunity and providing justice and relief to the victims of most horrendous crimes. As we celebrate this special occasion, I wish to warmly congratulate the State parties to the Rome Statute, and express my Government's most sincere appreciation to all the members of the Court system - the Judges, prosecutors, staff members - for their tireless work in fulfilling the aspirations of all of us. Thank you!

As a nation that went through one of the worst forms of genocide during its liberation war in 1971, Bangladesh remains steadfast in its commitment to the Court, and its credibility and integrity as the principal judicial entity entrusted with the responsibility of ensuring justice and accountability for such crimes. Bangladesh has been the first country in South Asia and third in Asia to sign the Rome Statute 25 years ago. We continue to play our role as a State Party and a Bureau member in the efforts of the international community to further improve the work of the Court.

Allow me to share three key messages on this special occasion:

First, cooperation remains the key in helping the Court to fulfil its mandate and ensure justice to the victims for whom the Court remains the only hope. In this connection, I wish to refer to the ongoing investigation by the ICC Prosecution in the case of forced deportation of Rohingya Muslims from Myanmar. For decades the Rohingya Muslims have been suffering from State-sponsored persecution and other atrocity crimes which reached a new level in 2017 when nearly a millions of Rohingya were forcibly expelled and pushed to Bangladesh through a terror campaign called 'clearance operation'. Although Myanmar is not a party to the Statute, Bangladesh's membership to and cooperation with ICC led to the initiation of a historic investigation against the perpetrators. These proceedings have given hope to the victims of justice and dignity.

We thank the Prosecutor for his unwavering commitment to this investigation process and express our own commitment to continue providing cooperation to the team. We call upon all member States within and beyond the region to provide assistance to this investigation process.

Second, we believe the complementarity principle of the Court is an important tool to advance the objectives and purposes of the Court, without overburdening its own docket. This is particularly critical as the Court now faces quite an extensive list of cases. Bangladesh has benefited from this principle when it established the International Crimes Tribunals in 2010, to investigate and prosecute the perpetrators of 1971 genocide and other international crimes. We would like to call upon the ICC to invest more in raising awareness on these scopes of complementarity and also to extend technical support to national criminal justice mechanisms that are investigating and prosecuting genocide, war crimes, crimes against humanity and other crimes under international law.

At the same time, we call upon the Security Council which bears primary responsibility for maintaining international peace and security, to make use of ICC's critical complementary role in addressing atrocity crimes.

Finally and perhaps most importantly, universality of the Rome Statute has to be our most urgent call today. Ratification of the Statute by all UN member States including all the Security Council members is not only beneficial for the Court; it is rather imperative for securing greater credibility and legitimacy of Security Council's actions in response to the threats to international peace and security. The universality of the Rome Statute could

also be the ultimate means to prevent and counter all attempts to undermine the authority of the Court. We therefore call upon all Member States of the United Nations to ratify the Rome Statute and support its mandate as an independent and impartial judicial body in the realm of the global criminal justice system.

To conclude, Mr. President, we reaffirm Bangladesh's commitment to and support for all efforts of the ICC in combating impunity and acknowledge its contribution in fulfilling our shared vision of never again.

I thank you all.

The Contribution of the International Criminal Court to the Maintenance of International Peace and Security

Arria Meeting – 18th June 2023

Dear Friends

I would like to begin by thanking the Missions of both Switzerland and Japan for organising today's meeting on the contribution of the International Criminal Court to international peace and security. This is a very timely discussion as only yesterday many of us were here in this same building to commemorate the twenty-fifth anniversary of the adoption of the Rome Statute.

The authors of that great leap forward for international criminal justice knew too well that grave crimes threaten the peace, security and well-being of the world. We need only look to places such as Syria and Myanmar to see that where a justice is absent, peace is allusive.

The drafters of the Rome Statute also knew that an important factor to the success of the ICC would be its relationship with the UN. With this in mind, Ireland hosted an Arria meeting on the relationship of the Court and the Security Council last summer, during our recent term on the Council. I commend the Chair's summary published last September to everyone, especially the thought provoking ideas on ensuring that the relationship between these two important bodies can meet its full potential.

We have seen glimpses of this potential with the Security Council referrals with respect of Darfur and Libya. However, more frequently, we have seen the veto exercised, or its use threatened, to block or prevent the Council from referring other dire situations to the Court, even in the face of great atrocities. The use of the veto in this manner, preventing the Council responding to atrocity crimes, is completely unjustifiable.

If the ICC is to reach its truly deliver on its unique mandate, there must be no place where the perpetrators of the most heinous crimes can flaunt their impunity. The core principles underlying the Rome Statute are universal. We would therefore encourage all States that have not yet done so, to become States Parties to the Rome Statute. The story of the past 25 years has been about the Court establishing itself as an important institution in the rules base international order. The story of the next twenty-five years should be achieving the universality of the Rome Statute.

Reunión Fórmula Arria del Consejo de Seguridad

Sres. Co-Presidentes:

En primer lugar, agradecemos la convocatoria de esta importante reunión bajo Fórmula Arria, así como las exposiciones de la Presidenta de la Asamblea de Estados Partes del Estatuto de Roma, de la Directora Ejecutiva del Fondo Fiduciario para las Víctimas, y de los representantes de la sociedad civil.

Este año marca el 25 aniversario de la adopción del Estatuto de Roma y Argentina se congratula por ver una Corte Penal Internacional en pleno funcionamiento, cumpliendo el mandato que los Estados le conferimos en Roma. Durante estos 25 años, el Estatuto de Roma se ha constituido en un faro contra la impunidad, promoviendo un sistema de justicia penal internacional donde la rendición de cuentas y la colaboración con las jurisdicciones nacionales son los ejes rectores.

La justicia es una condición esencial para una paz duradera. La justicia internacional puede ayudar a traer paz y estabilidad a las sociedades que salen de un conflicto. Así, el papel de la CPI es fundamental en el mantenimiento de la paz y seguridad internacionales. Bajo esta premisa, los negociadores del Estatuto de Roma vislumbraron un esquema de interacción entre la Corte y las Naciones Unidas. En esta interacción, se destaca el papel del Consejo de Seguridad, al cual el Estatuto de Roma le reconoce diferentes atribuciones

Lamentablemente, las decisiones del Consejo de Seguridad se ven afectadas por su naturaleza política, especialmente dado el poder de veto de sus miembros permanentes. Ello, muchas veces, acaba en una selectividad de las situaciones que pueden ser remitidas a la Corte y este sesgo puede tener serias implicaciones

negativas para las percepciones de legitimidad e integridad de la CPI. Es fundamental que el Consejo actúe de manera imparcial para no minar el sistema de justicia penal internacional. Una estrategia más coherente del Consejo de Seguridad sobre rendición de cuentas, no sólo beneficiaría a la CPI, sino también podría clarificar las condiciones bajo las cuales el Consejo de Seguridad remite las situaciones a la CPI.

Un aspecto clave para el funcionamiento eficaz de la Corte es la cooperación. Como tribunal internacional, la CPI no puede sostenerse sin la cooperación activa de múltiples partes interesadas, especialmente los Estados Partes del Estatuto de Roma, en todas y cada una de las etapas de investigación y juicio. En este sentido, nos llena de orgullo haber sido el primer Estado Parte en concluir los cuatro acuerdos de cooperación sugeridos por la Corte.

En estos 25 años, la Corte ha recorrido un largo camino y se ha establecido como una institución clave del sistema internacional. Hoy, es indiscutible la existencia de un consenso general de que la impunidad frente a crímenes atroces ya no es aceptable. La CPI es la esperanza de miles de víctimas alrededor del mundo que buscan justicia. La CPI es la garantía de que nadie está por encima de la ley, independientemente del cargo oficial o del poder que detenta el perpetrador de los crímenes atroces.

Muchas gracias.

**25th Anniversary of the Rome Statute:
The Contribution of the International Criminal Court to the
Maintenance of International Peace and Security**

Tuesday, 18 July 2023, 3 p.m. – 6 p.m.

ECOSOC Chamber, UN Headquarters

Madam Chair,

The adoption of the Rome Statute a quarter of century ago was the culmination of a long process – and, at the same time, it was the beginning of a new dawn in the protection and promotion of fundamental rights of individuals and communities.

With the establishment of the ICC, those responsible for large scale atrocities learned to fear international criminal justice, while victims regained hope for further accountability. The fundamental link between peace and justice was brought into a new light.

In that sense, what we are celebrating is the commitment we made twenty-five years ago to pursue universal peace by fighting impunity for atrocities that deeply shock the conscience of humankind.

However, as the aggression against Ukraine and other abuses around the world keep reminding us every day, we still have a long way to go to achieve both peace and accountability for the most serious crimes.

Madam Chair,

Sustainable peace and security cannot be achieved without justice. Justice is also crucial in preventing conflicts and their reoccurrence, as it plays an instrumental restorative role in post-conflict situations.

We see various areas of common priority for both the ICC and the Security Council, where further collaboration would be appropriate and decisive:

- The protection of the rights of all civilians in times of conflict, including those of women and children;
- the effective protection of peacekeeping operations;
- the promotion of the rule of law at national and international levels – these are but a few examples.

Over the past 25 years there were multiple instances where the Court and the Security Council worked together, with benefits for international peace and security, exploring the different avenues for cooperation.

Building on this, and while reflecting on the lessons learned over the years, Portugal would welcome further engagement between both institutions on specific issues where such collaboration would support their respective mandates, and help strengthening accountability for the crimes that threaten peace and security.

Madam Chair,

We must remain committed to having a comprehensive and constructive dialogue and to address concerns raised regarding the Court, while respecting its integrity and independence as a judicial institution.

In this sense, Portugal praises the Review Process and welcomes efforts made by the Court and States Parties to address the Report of the Independent Experts and its recommendations.

We also must remain committed to adapting the Court to old and new challenges.

Accordingly, we need to reflect on the Court's ability to prosecute the crime of aggression. We agree with those who believe that the time has come to consider placing the crime of aggression at the same level as the other crimes under the Court's jurisdiction.

Moreover, the Court should be able to respond to emerging challenges, such as cyberwarfare, whose scale and impact we are now only beginning to understand.

Furthermore, we need to remain commitment to defend, preserve and respect the independence of the Court. We strongly condemn any

retaliatory measures against the Court, its Prosecutor, its judges, and others involved in its judicial work.

Allow me also to acknowledge the relevance of civil society in helping the Court pursuing justice and redress for victims – and to underline the importance and courage of victims and witnesses in their participation in the proceedings of the Court. We must do more to protect victims and witnesses, and we must do more to shield civil society representatives from threats and pressures that undermine their work.

Madam Chair,

Today, we bear the immense responsibility to continue building on what we have historically started in Rome, twenty-five years ago.

Our action and determination will have a tangible impact – for today's most vulnerable people and also for generations to come: a more just and accountable world would be a legacy to make us proud.

I thank you.



Arria Formula

25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security

H.E. Maritza Chan

Ambassador, Permanent Representative

New York, July 11, 2023

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Señor Presidente,

El deseo de establecer una Corte Penal Internacional permanente, robusta, independiente e imparcial se hizo realidad hace 25 años. Nunca antes en la historia una organización judicial había sido objeto de tanto fervor político, diplomático y jurídico como la Corte Penal Internacional.

A este respecto, permítanme hacer dos observaciones:

En primer lugar, la CPI ha demostrado que no es cierto que el precio de la paz sea la impunidad. La Corte no es una organización que se acomode a los poderosos. El hecho de que el Consejo de Seguridad haya hecho dos remisiones a la CPI demuestra que la comunidad internacional reconoce su papel en la lucha contra la impunidad y, fundamentalmente, en proporcionar una medida de justicia a los niños, mujeres y hombres víctimas de atrocidades inimaginables. Y estas remisiones hechas por el Consejo de Seguridad reconocen que la perpetración de graves crímenes internacionales amenaza la paz y seguridad internacionales y que la CPI desempeña un papel central en asegurar la justicia y, a su vez, la paz.

En segundo lugar, la relación de la CPI con misiones de mantenimiento de la paz como MINUSCA, MINUSMA y MONUSCO es otra contribución significativa. El marco de colaboración entre las operaciones de mantenimiento de la paz y la CPI ha permitido a las misiones de las Naciones Unidas desempeñar una función intermedia esencial de apoyo al Estado anfitrión en el cumplimiento de sus compromisos con la Corte si es un Estado Parte en el Estatuto de Roma. El transporte; el apoyo administrativo y logístico; el suministro de información, documentos, entrevistas y testimonios; la conservación de pruebas; la localización de testigos; la asistencia en los registros; y la provisión de seguridad y acceso para las investigaciones de la CPI son todas ellas áreas de cooperación. A petición del país anfitrión, las misiones de mantenimiento de la paz también pueden ejecutar órdenes de detención y citaciones. En el futuro, la protección de civiles (POC) podría abrir la puerta a una mayor colaboración entre las operaciones de mantenimiento de la paz y la CPI en la búsqueda de un enfoque más cohesionado de la justicia internacional.

Señor Presidente,

Si la comunidad internacional es renuente a comprometerse con la defensa de quienes hemos elegido para dar sentido al sistema de justicia penal internacional, la Corte será incapaz de cumplir su papel de piedra angular del sistema de paz y seguridad internacionales, por lo que debemos tomar medidas colectivas firmes y significativas contra las amenazas a sus funcionarios. Costa Rica nunca abandonará a ninguna de estas personas e invita a todos los demás Estados Partes a hacer compromisos comparables.

Mr. President,

The desire to establish a permanent, robust, independent, and impartial International Criminal Court was ultimately realized 25 years ago. Never before in the history of the rules-based system of international relations has a judicial organization been the subject of such political, diplomatic, and legal fervor as the International Criminal Court.



In this regard, please allow me to make two points:

First, the ICC has shown that it is not true that the price for peace is impunity. Recent actions by the Court show that this is not an organization that will accommodate the powerful. The fact that this Security Council has made two referrals to the ICC, shows that the international community recognizes the role of the ICC in the fight against impunity, and more fundamentally, in providing a measure of justice to the children, women, and men victims of unimaginable atrocities. And these referrals by the Security Council recognize that the perpetration of serious international crimes threatens international peace and security and that the ICC plays a central role in securing justice and, in turn, peace.

Second, the ICC's relationship with peacekeeping missions like as MINUSCA, MINUSMA, and MONUSCO is another significant contribution. The framework of collaboration between peacekeeping operations and the ICC has allowed UN missions to play an essential intermediate role in supporting the host State in meeting its commitments to the Court if it is a State party to the Rome Statute. Transportation; administrative and logistical support; the provision of information, documents, interviews, and testimonies; the preservation of evidence; the tracing of witnesses; assistance with searches; and the provision of security and access for ICC investigations are all areas of cooperation. At the request of the host country, peacekeeping missions can also execute arrest warrants and subpoenas. In the future, the protection of civilians (POC) might open the door to more collaboration between peacekeeping operations and the ICC in pursuit of a more cohesive approach to international justice.

Mr. President,

If the international community is reluctant to commit to defending those whom we have chosen to give meaning to the system of international criminal justice, the Court will be unable to fulfill its cornerstone role in the system of international peace and security, and we must take firm and meaningful collective action against threats to its officials. Costa Rica will never abandon any of these individuals and invites all other States Parties to make comparable commitments.

I thank you.



PERMANENT MISSION OF ROMANIA
TO THE UNITED NATIONS

United Nations Security Council Arria Formula Meeting

**“25th anniversary of the Rome Statute: The Contribution of the International
Criminal Court to the Maintenance of International Peace and Security”**

**Statement delivered by Ms. Andreea Mocanu,
Chargé d'affaires a.i.
Permanent Mission of Romania to the United Nation**

New York, 18 July 2023

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Madam President,

We thank Japan and Switzerland for this opportunity to reflect on the substantive contribution of the International Criminal Court (ICC) to the maintenance of international peace and security, on the occasion of the 25th anniversary of the adoption of the Rome Statute.

This is an opportunity to recall the reasons why, for decades, the international community has strived to put in place a permanent international criminal court with jurisdiction over the most egregious crimes that shock the human consciousness. It was to ensure accountability, to prevent and deter the occurrence of such crimes, but also to show victims that they are seen and heard and that justice will be made even in the toughest of circumstances.

I. In our view, the Court has an invaluable contribution to the maintenance of international peace and security.

Firstly, **the creation and functioning of the Court has had a standard setting role.** Investigating mass crimes is now the expected norm at the global level and the harshening tone of the Court's critics is just another indicator of the increased relevance of its work. The prominence of the topic of criminal justice and accountability here, at the United Nations, is just another example proving this positive evolution.

Secondly, **the ICC has a deterrent effect and a concrete contribution to punishing persons that have committed the most serious crimes of international concern.** The Court has tried and resolved cases that carry significant weight for international justice, shedding light on the crimes of using child soldiers, the destruction of cultural heritage, sexual violence, or attacks of innocent civilians.

Thirdly, **the ICC is an integral part of the global system of justice.** The core international crimes under the ICC competence are an assault on the rules-based global order and on the values of the UN Charter. The Court, as the first permanent tribunal established to prosecute and punish international crimes, provided an essential contribution to the fight against impunity and the establishment of the rule of law, ensuring access to justice for the millions of victims of atrocity crimes around the world.

Madam President,

II. The current anniversary of the adoption of the Rome Statute is also an appropriate moment to assess what we can do better to support and promote the Court.

Political support is crucial. Romania reaffirms its full trust in the independent and impartial ability of the ICC to bring justice in **all** the situations under its consideration. External threats and attacks against the Court, as well as acts of intimidation are unacceptable and we firmly condemn them!

The power and legitimacy of the Court also rests on internal factors, including on safeguards for high quality judicial work. The performance of the Court depends in part on the election of the best candidates for the positions of judges. In line with this conviction, **Romania has presented the candidacy of Judge Iulia Motoc, an established expert in human rights with extensive experience of relevance to the judicial work of the Court as a practitioner and an academic, including as a judge at the European Court of Human Rights.**

Lastly, it is relevant to touch upon the **relationship between the Court and the Security Council.** We welcome the fact that the Court continues to receive important support from the UN and salute the recent efforts of placing justice and accountability high on the Security Council agenda. However, we note there is plenty of room for strengthening the relationship between the ICC and the Security Council in the area of preventing and sanctioning the commission of Rome Statute crimes. We support concrete actions to further harness this cooperation potential to enable the realization of the Court's mandate.

This is a time for the Court's supporters to rally around and work towards strengthening it, especially given that so many international crimes continue to be committed in many parts of the world. As we celebrate the 25th anniversary of the adoption of the Rome Statute and reflect on the contribution of the Court to the effective maintenance of international peace and security, we remain committed to support the ICC and promote the universality of the Court's founding treaty.



PERMANENT MISSION
OF THE SLOVAK REPUBLIC
TO THE UNITED NATIONS

S T A T E M E N T

by

H. E. Mr. Róbert Chatrnúch

Chargé d'affaires ad interim
Permanent mission of the Slovak Republic
to the United Nations

UN Security Council Arria formula meeting

***25th Anniversary of the Rome Statute:
The Contribution of the International Criminal Court to the Maintenance of
International Peace and Security***

18 July 2023
New York

Check against delivery

Madam President,

At the outset, I would like to thank Switzerland and Japan as well as all the cosponsors for organizing this important meeting to reflect on the contribution of the International Criminal Court to the Maintenance of International Peace and Security on the occasion of 25th anniversary of the Rome Statute. I shall also thank all the briefers for their valuable insights into our discussion.

After adoption of the Statute in the Committee of the Whole of the Rome Conference in 1998, its Chairman Phillipe Kirsch said that it was the Committee's finest hour and, hopefully, some day the international community would be able to say it had been also humankind's finest hour. 25 years after, Slovakia is indeed able to say that the adoption of the Rome Statute in 1998 was a giant step in the history of mankind. after 50 years of collective efforts to establish the Court, it was the moment when national positions were put aside in the spirit of flexibility, compromise, and foremost in the spirit of justice and humanity. Using the words of the former UN Secretary-General Kofi Annan, "in the prospect of an international criminal court lies the promise of universal justice. That is the simple and soaring hope of this vision."

The mere establishment and operationalization of the ICC as an independent and impartial court of law was a reflection of the firm conviction of the international community that accountability must form an integral component of all our policies. The values embodied in the Rome Statute are common to the UN Charter and thus to all of us sitting in this room. With invitation to uphold our common values and return to the firm conviction and vision of 1998, we encourage all the Member States that have not yet ratified the Rome Statute to do so. By ratifying, a State does not lose its jurisdiction or sovereignty as some might falsely claim. On contrary, ratification of the Rome Statute is a tangible and concrete commitment towards own people to fulfil the primary obligation to protect them from the most serious crimes under international law by guaranteeing a last resort to the ICC in case of a failure.

Madam President,

Besides the establishment and functioning of the ICC itself being an immense contribution to international peace and security, I wish to make 3 additional points:

1. Accountability for grave international crimes is essential to bring justice to victims and has a critical role in fostering stability and durable peace. By contrast, impunity facilitates recurring cycles of violence, as witnessed for example in Sudan and the DRC. A strong and effective ICC has the potential to send a powerful message about the international community's commitment to accountability, and the rule of law, a message that will be heard by both victims and perpetrators. At the same time, such ICC serves as an efficient deterrent for perpetration of further crimes, thus indirectly helps protecting and promoting respect of human rights and freedoms as essential pillars of sustainable peace and security.
2. The right to make referrals and deferrals has broadened the spectrum of measures the Security Council can take to maintain international peace and security. However the Council has lately fell short of using this tool to bring justice and safeguard lives of thousands of victims on multiple occasions. Slovakia encourages the Security Council to use this unique tool and make referrals, whenever international crimes including crime of aggression are committed and the national authorities are unable or unwilling to investigate them. Members of the Security Council should not cast a negative vote, whenever there are credible reports that international crimes are being or likely to be committed. Such referrals must be followed-up with a proper support from the Security Council. While multiple aspects of such support might be considered, the crucial aspect is ensuring an effective and expeditious cooperation of all Member States with the Court, including an adequate action in instances of non-cooperation.
3. The Rome Statute has rightly placed the victims at the centre of the international criminal justice system. By recognizing their rights, including through reparations and assistance mandates, the ICC helps to promote reconciliation and sustainable peace. May the voices, needs and testimonies of victims and survivors be the guidance of all of actions to maintain peace and security also in this Chamber instead of superficial political interests.

To conclude, Madame President, Slovakia reconfirms its unwavering support for the International Criminal Court, including its independence and impartiality. As its investigations continue to attract politicized opposition and efforts to undermine its mandate, we reiterate our commitment to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats against the court, its officials and those cooperating with it. This includes support for civil society organizations and human rights defenders. I thank you.

**Statement of the German Permanent Mission to the United Nations in New York
United Nations Security Council Arria Formula Meeting
25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to
the Maintenance of International Peace and Security Tuesday, 18 July 2023, 3 p.m. – 6 p.m.
ECOSOC Chamber, UN Headquarters**

To be delivered by: Deputy Permanent Representative, Ambassador Thomas Zahneisen

Distinguished Chairpersons, State Secretary Bühler and Ambassador Ishikane, thank you for convening us today on the occasion of the 25th Anniversary of the Rome Statute.

In addition to the joint statement delivered by Vanuatu on behalf of a group of states, let me add in our national capacity:

Today's Security Council Arria format meeting underscores the International Criminal Court's significant contribution to fostering a culture of justice and deterrence, a necessary contribution to the maintenance of international peace and security.

I would also like to express my sincere appreciation to the briefers, Ms. Silvia Fernández de Gurmendi, Ms. Deborah Ruiz Verduzco, Dr. Dapo Akande, and Ms. Melinda Reed, for their invaluable insights.

Yesterday, in the adjacent Trusteeship Council, leaders from around the globe, including German Foreign Minister Annalena Baerbock, commemorated the establishment of the ICC.

25 years ago, 120 nations from different corners of the globe united over the Rome Statute, in response to the harrowing crimes of the 20th century.

While we acknowledge its limitations and imperfections, the ICC has stood the test of time and has driven positive change.

The Security Council twice referred violations to the ICC for examination:

The referral of the situation in Darfur through resolution 1593 of 2005 is still the basis for an ongoing ICC investigation into alleged genocide, war crimes and crimes against humanity.

We welcome last Thursday's announcement of ICC Prosecutor Karim Khan that the Court will also investigate crimes currently being committed in Darfur.

As a non-permanent member of the Security Council in 2011, we supported the referral of the Libya situation to the Court.

This decision also included a very important duty to cooperate.

We appeal to all States concerned to adhere to this duty, without which the Court cannot accomplish its essential task.

Distinguished Chairpersons,

Russia's war of aggression against Ukraine has led us to a critical juncture.

Russia's illegal, violent and inhuman annexation of Ukrainian territory and denial of its right to exist as a sovereign state constitute an unprecedented breach of international law.

In this context, it is crucial to recognize that the crime of aggression is the "supreme crime", committed against international order, peace, and stability.

To ensure accountability for the crime of aggression, Foreign Minister Baerbock advocated for closing a gap in international criminal law.

UN Member States should engage in constructive dialogue to consider the implications of Russia's war on the ICC's future and propose necessary adaptations to the Statute.

Ideally, the ICC should be able to hold all perpetrators of crimes of aggression accountable for their deeds.

Of course, such a reform of the Rome Statute will take time.

Therefore, we have no time to loose in approaching this challenge.

Madam and Mr. Chair

To deliver effectively on its mandate, the ICC requires the unwavering support of UN Member States and the collaboration of the UN Security Council.

An expansion of the Court's jurisdiction could ensure more accountability.

This in turn will deter more potential perpetrators and contribute to global peace and security.

This expansion could include more ratifications, more Security Council referrals as well as, possibly, the proposed amendment of the Rome Statute.

Amendments could concern the list of crimes or the conditions for the exercise of the court's jurisdiction over the crime of aggression.

Distinguished Chairpersons,

In closing, we urge all nations to join and ratify the Rome Statute, to ratify the Kampala Amendment, and to align their national criminal laws with the ICC's principles.

Closing gaps in international criminal law is an important contribution to international peace and security.

Thank you!

***Permanent Observer Mission
of the State of Palestine
to the United Nations***



البعثة المراقبة
الدائمة
لدولة فلسطين
لدى الأمم المتحدة

Statement by H.E. Dr. Riyad Mansour, Minister and Permanent Representative of the State of Palestine to the United Nations at the Arria Formula on the 25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security

New York, 17 July 2023

Dear Excellencies,

The State of Palestine has been consistent and clear in its firm position that accountability for the most serious crimes is essential for the integrity and sustainability of our international law-based order. Justice is the necessary pre-requisite for peace; it is the guarantor of freedom, dignity, equality, and security. This is why justice is blind and so is the Rome Statute and the Court's mandate that should be applied effectively and consistently across all situations under its jurisdictions.

The State of Palestine remains unwavering in its commitment to see justice prevail and to support the work of the Court and its general mechanisms in ensuring the implementation of the Rome Statute.

For the State of Palestine, supporting the Court is a matter of principle reflecting our deep commitment the rule of law. And for the Palestinian people, supporting the Court constitutes the legal and moral foundation of our just cause.

As we gather here to celebrate the 25th anniversary of the Rome Statute and its contribution to peace and security, we should speak about challenges and frustrations. We remain concerned with our ability to sustain a strong and effective Court for the next 25 years, when the "never again" is compromised, when justice is not dispensed fairly or impartially, and when political will to pursue accountability is selective.

The continued denial of the Palestinian people to justice is haunting the Court and entrenching mistrust. The inactive response in the face of Israeli intensifying criminality is inconsistent with the Rome Statute, undermines the Palestinian people's right to access to justice, and leaves international justice vulnerable to the critique that some are more equal than others. Only a principled approach to ensure long-term and sufficient resources provides the best protection for the Court's independence and guarantees a universal, responsive, flexible, and resilient institution.

The State of Palestine will continue to cooperate, fully and effectively, with the International Criminal Court and other international mechanisms and bodies, to ensure accountability for crimes and to uphold the rule of law.

**Commemoration of the twenty-fifth anniversary of the adoption of the Rome Statute of the
International Criminal Court**

United Nations Headquarters, New York 18 July 2023

**The Role of the International Criminal Court in Maintaining International Peace and Security:
Lessons, Opportunities, and Collaborative Efforts**

Sri Lanka wishes to commend the organizers and briefers of this debate. We welcome the opportunity that was given through the panel discussions that were held yesterday to discuss the cooperation between the International Criminal Court and Security Council lays possibilities for improvement. Sri Lanka recognizes the role played by the International Criminal Court in maintaining international peace and security. As a nation committed to upholding the principles of justice accountability and the rule of law Sri Lanka believes in the importance of reflecting on the lessons learned exploring opportunities and fostering collaborative efforts to enhance the effectiveness of the International Criminal Court.

Revisiting and acknowledging the significant lessons learned throughout the ICC existence has given us the impetus of impartiality, transparency and adherence to due process and in turn strengthening the credibility and legitimacy of the court. In light of this, the International Criminal Court has a crucial role to play in the new age of accountability characterized by a shift towards holding individual state officials accountable for human rights violations. As much as the justice cascade represents the increasing legitimacy and acceptance of the norms of individual criminal accountability for human rights violations, there has been a significant uprising of the need for other international and domestic institutions that could reflect the momentum and embody their principles of accountability in international law. This shift has been accompanied by the broader movement for accountability for human rights violations which includes transitional justice mechanisms such as truth commissions and its connection with reparations amnesties and other initiatives aimed at addressing legacies of past abuses through a restorative approach.

In this context, strengthening International Criminal Court to bring accountability and the fight against impunity for most serious crimes are paramount for ensuring justice and lasting peace. In order to implement this mandate cooperation of states with the International Criminal Court is vital and the role of Security Council is paramount in getting this mandate implemented around the world and in turn justice can be brought to those who are in need.

Some debates have highlighted that UN Security Council should also avoid minimizing and narrowing the jurisdiction of International Criminal Court and International Criminal Court must ensure that credible International Criminal justice for all without damaging the legitimacy and reputation of the code.

It is also important to note that International Criminal justice has important achievements in addressing genocide crimes against humanity and war crimes progress concerning the crimes aggression or crimes against peace as it was labeled during the Nuremberg tribunal has been very limited. In certain cases it has been evident that pursuing retributive justice has not being the most appropriate way to achieving justice as there is the need to fulfill socioeconomic needs of victims in the post conflict phase in order to achieve sustainable peace. Certain post conflict contexts has painted the big picture that transitional justice processes needs to look beyond punitive justice to ensure rights through distributive justice as the latter is vital for members of vulnerable groups to take part in transitional justice in a robust manner rather than being marginalized within the process.

In post conflict context such as Sri Lanka combining amnesty with reparative justice to build reparations is able to significantly contribute towards a successful peace building. Hence Sri Lanka wishes to note that implementing justice in different socio-cultural contexts for the context specific injustices occur during conflicts is challenging. Application of only legal justice cannot build trust among communities. However, connection between restorative and retributive justice can balance the issues that might arise if only one or the other was implemented. This is where it is possible to address victim dissatisfaction impartiality in order to achieve legal justice. Hence, we Lanka wishes to commend the victim trust fund of ICC which can contribute towards victim healing which is an integral component of recognizing individual needs and repairing the wounds of the victims of long term peacebuilding. In this manner Sri Lanka wishes to note that the next decade is bound to generate diverse contributions within the study of localized forms of bringing justice. The studies undertaken have underscored the popularity of amnesties and decrease of crimes by utilizing trials, but it is noteworthy that use of amnesties in most contexts allowed states to deal with issues of human rights violations that needs immediate attention leaving the rest of the issues to be handled later.

Sri Lanka also wishes to shed light that incorporating the lessons learned regarding gender sensitivity from experiences of previous tribunals into the Criminal Court practices is crucial for upholding principles of fairness equality and justice. By ensuring a comprehensive and gender sensitive approach to investigations and prosecutions can enhance its effectiveness, legitimacy and to combat impunity in turn contributing to the broad efforts for gender equality and aligning with the broader goals of international peace, security and respect for human rights.

A holistic vision of justice accountability reconciliation and prevention is essential for promoting international peace and security in order to build the foundation for sustainable peace. It is paramount that root causes of conflicts are addressed and reconciliation is promoted. Hence, in order to create a more just and peaceful world for all embracing a comprehensive approach to justice is crucial for promoting reconciliation.

Thank you.
