



# General Assembly

Seventy-seventh session

**23<sup>rd</sup>** plenary meeting  
Monday, 31 October 2022, 3 p.m.  
New York

Official Records

*President:* Mr. Körösi ..... (Hungary)

*The meeting was called to order at 3.05 p.m.*

*In the absence of the President, Mr. Fifield (Australia), Vice-President, took the Chair.*

Add.1), I should like to advise representatives that we are going to proceed to take a decision in the same manner as was done in the Committee, unless notified otherwise in advance.

## Agenda item 137 (continued)

### Programme budget for 2022

#### Report of the Fifth Committee (A/77/535/Add.1)

**The Acting President:** The positions of delegations regarding the recommendation of the Committee have been made clear in the Committee and are reflected in the relevant official records.

Therefore, if there is no proposal under rule 66 of the rules of procedure, may I take it that the General Assembly decides not to discuss the report of the Committee which is before the Assembly today?

*It was so decided.*

**The Acting President:** Statements will therefore be limited to explanations of vote.

May I remind members that, in accordance with decision 34/401, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee, and that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendation contained in the report of the Committee (A/77/535/

The Assembly has before it a draft resolution recommended by the Committee in paragraph 6 of its report.

We will now take a decision on the draft resolution, entitled "Revised estimates relating to the programme budget for 2022 under section 3, Political affairs, and section 36, Staff assessment: special political missions — United Nations Assistance Mission in Afghanistan". The Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 77/4).*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 137.

## Agenda item 71 (continued)

### Report of the International Criminal Court

#### Note by the Secretary-General (A/77/305)

#### Reports of the Secretary-General (A/77/306 and A/77/307)

#### Draft resolution (A/77/L.7)

**Mr. Espinosa Cañizares** (Ecuador) (*spoke in Spanish*): I thank the President of the International

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Criminal Court (ICC) for his briefing (see A/77/PV.22) and his leadership, which has allowed that body to continue to play a very important role in combating impunity for crimes that offend the shared values of the international community. We also appreciate the Secretary-General's report on the Court's activities in 2021 and 2022 (see A/77/305).

Draft resolution A/77/L.7, introduced by the representative of the Netherlands and co-sponsored by Ecuador, strikes a balance among the positions expressed by member States during its consideration in response to the appeal that the General Assembly adopt it by consensus.

On the twentieth anniversary of the Court's establishment, Ecuador reiterates its support for the work of the International Criminal Court and its management, complementing national jurisdictions, to ensure that those responsible for atrocity crimes are brought to justice. The Court is one of the key players in promoting and ensuring the rule of law at the international level. I take this opportunity to repeat my appeal to States to ensure the progressive universalization of the Rome Statute.

I recall that, as noted in the Secretary-General's report, since its establishment, the International Criminal Court has opened 31 cases, involving 50 suspects or accused. For Ecuador, as a member of the Bureau, it is a pleasure to note that the Court has made considerable progress during the past year and broadened its activities despite the difficulties caused by the pandemic, as evidenced by the two trials that have been launched, two others that continue, and a fifth that has entered the preparatory phase. Another element of relevance is the implementation of reparation orders in four cases, alongside assistance projects benefiting more than 17,000 victims.

Beyond its judicial activities, the Court plays an active role in the review process to strengthen the institution and the Rome Statute system as a whole. Ecuador continues to follow with interest the implementation of the recommendations deriving from that process. The achievements of the ICC were made possible thanks to the work of all its associates, including the judges, the Prosecutor, the Registry and the Assembly of States Parties. Its budget must be duly financed to ensure the proper functioning of the ICC, which is especially relevant in light of its increased activities. Ecuador stresses the importance

of the contributions of the States parties and the need to enhance the mechanisms that attract greater support and cooperation at the international level for the Trust Fund for Victims.

Multilateral cooperation represents one of the pillars of the good functioning of the Court because it contributes to the efficiency and fairness of its activities. Ecuador therefore appreciates and recognizes the United Nations support for the Court in various areas, as well as the support of States parties and other stakeholders.

Lastly, my country supports efforts to strengthen the programme to identify national experts, which is an effective tool to generate capacities under the Rome Statute and the Court's proceedings.

**Mr. Francis** (Trinidad and Tobago): Trinidad and Tobago welcomes the opportunity to contribute to this debate on agenda item 71, "Report of the International Criminal Court". We have taken note of the reports and the note of the Secretary-General contained in documents A/77/306, A/77/307 and A/77/305, respectively.

We wish to register our deep appreciation for the presence and participation of the President of the International Criminal Court (ICC), Judge Piotr Hofmański, whom we thank for his ample and informative presentation of the annual report of the Court (see A/77/PV.22).

As we celebrate the twentieth anniversary of the entry into force of the Rome Statute and the sixtieth anniversary of Trinidad and Tobago as a Member of the United Nations, permit me the latitude to briefly reflect on the contribution of a distinguished son of Trinidad and Tobago to the establishment of the International Criminal Court. I speak of none other than the late Arthur N. R. Robinson, former Prime Minister and President of Trinidad and Tobago who, in collaboration with others, worked indefatigably to bring the Court into existence.

In his autobiography entitled *In the Midst of It*, the late President chronicled that in 1971, he accepted an invitation from Professor Robert Woetzel to a meeting in Racine, Wisconsin, where he met "many distinguished scholars and eminent personalities". On that occasion, the late President planted a blue spruce tree to signify the beginning of the campaign to establish the International Criminal Court. In 2002, the author returned to Racine, where a ceremony was

held to recognize his work towards the establishment of the ICC.

Forming the backdrop of that event was the tree that he had planted over three decades earlier, which had grown over 30 feet tall. The spruce tree, by its very nature, has been associated by some to be the Tree of Birth or a symbol of resilience. It was that very spirit of dedication and resilience that inspired the late President to opine that

“my conviction is that in spite of whatever opposition exists or may arise in the future, the Court will be hailed as one of humanity’s greatest achievements”.

As we observe, often with horror and disbelief, what is happening in some parts of the world today, we cannot avoid the conclusion that, with the very existence of the Court and its near pristine record of performance, we are indeed reaping the fruits of that long-held vision for the creation of the world’s first permanent, treaty-based, international criminal court to investigate and prosecute the perpetrators of the worst crimes committed against humanity. While the primary mission of the Court is accountability, it also discourages impunity. Trinidad and Tobago therefore proudly reaffirms its unwavering commitment to the Court, contributing as it does to the elevation of humanity.

Trinidad and Tobago applauds the critical and necessary role played by the ICC in assisting States to strengthen their institutions, as well as promoting peace and justice, in alignment with Sustainable Development Goal (SDG) 16. As such, the ICC continues to be a beacon of hope for victims of atrocities who are seeking justice. Such victims often include the most vulnerable groups in society, such as women and children.

As a long-standing supporter and advocate of the Court, Trinidad and Tobago is convinced that events around the world confirm that if, in fact, the Court did not exist, it would have had to be created in order to ensure accountability for what appears to be an increasing number of acts of impunity. We therefore underscore the continuing importance of preventing such crimes and ensuring that those responsible do not escape justice. It is against that background that Trinidad and Tobago continues to urge States to cooperate with the ICC, as necessary, at all stages of investigations and proceedings, including in the issuance of arrest warrants and the transfer of suspects to be tried by the Court. In that regard, it is our considered view that

those that refuse to cooperate with the Court are, in effect, actively contributing to a culture of impunity, thereby weakening the rule of law; besides which, such inaction amounts to an affront to victims and survivors of the most egregious crimes against humankind.

Trinidad and Tobago is not unaware that there exists, in some quarters, a certain misconception of the Court as in some way posing a threat to national sovereignty. On the contrary, there is a pervasive lack of evidence to support that view, which seems to ignore the fact that, consistent with the principle of complementarity, the jurisdiction of the Court can be invoked only when States are either unable or unwilling to prosecute those accused of having committed crimes falling within the competence of the Court. Based on international law, the presumption of innocence has universal appeal and an individual is presumed innocent until proven guilty. Therefore, no individual or State should fear the ICC, as it is a court of last resort.

Trinidad and Tobago views the protection and advancement of gender equity and gender equality within the overall framework of the promotion and protection of human rights. We welcome the progressive initiatives the ICC has undertaken in the realm of gender equality and gender equity and commend the Court for its activism in that area. We have noted that gender perspectives are important considerations in ICC proceedings, including when reparations are ordered to victims. Further, Trinidad and Tobago remains hugely gratified that there is gender balance among the Court’s current 18 judges. We are honoured to be counted among those States that have contributed to the attainment of gender balance among the sitting judges, following the elevation of our learned countrywoman, Justice Althea Alexis-Windsor, to the bench in 2020.

In alignment with SDG 16, sustainable development can be achieved only where there is unwavering commitment to peace, justice and strong institutions. It is in this context that Trinidad and Tobago renews its encouragement to all States that have not yet done so to ratify and fully implement the Rome Statute of the ICC.

We continue to applaud the critical role played by the Trust Fund for Victims by assisting victims and survivors to return to a dignified livelihood in their communities. In that regard, it is very pleasing to note that over the reporting period, reparations to victims continued to gain prominence in the Court’s work, with the Trust Fund implementing reparation orders in four

cases, alongside projects benefitting more than 17,000 victims. We renew our call, yet again, on States and other entities in a position to do so to contribute to the Trust Fund.

Finally, in manifestation of our abiding faith in the Court and in its noble mission, I am pleased to confirm that Trinidad and Tobago has co-sponsored draft resolution A/77/L.7, on the report of the International Criminal Court, and that we will continue to advocate robustly for the universalization of the Rome Statute.

**Mr. Szczerski** (Poland): Poland would like to reinforce the support for the Court expressed by the observer of the EU with remarks in our national capacity.

At the outset, we wish to express our gratitude to President Piotr Hofmański for presenting the annual report (see A/77/305) of the International Criminal Court (ICC) for 2021-2022 (see A/77/PV.22). The report illustrates how active the Court has been over the past year and demonstrates how prominently it figures in the architecture of international criminal justice.

Poland has asked for the floor in this debate because a war continues to rage in Ukraine, just beyond our eastern border, with international crimes being committed by the Russian Federation on an unimaginable scale. Under such circumstances, we believe that the Court's role is of fundamental importance, as it has the mandate and authority to bring justice to the victims of international crimes and mete out punishment to the perpetrators, with no right of veto.

The world is now aware that atrocities have occurred in Ukraine on a scale not seen in Europe since the Second World War. That realization prompted 43 States parties, including Poland, to notify the ICC Prosecutor under article 14 of the Statute and ask him to open an investigation into the crimes committed in Ukraine. As Ukraine is not a party to the Statute, that step enabled the Prosecutor of the Court to exercise jurisdiction, arising from the Ukrainian declaration under article 12 (3) of the Statute in a more expeditious manner.

While both actions were a very much needed response to this unprecedented and ongoing situation, it is worth reflecting in that context the need for universal application of the Rome Statute. Currently, the ICC has limited jurisdiction, applicable to crimes committed on the territories of States parties, by nationals of States parties or in situations referred to the ICC Prosecutor by the Security Council. Only through universal

ratification of the Rome Statute by all States will the ICC jurisdiction — its power to investigate, prosecute and try cases — be enlarged to encompass allegations of international crimes committed by any person in any place. We should strive for such an optimal solution, for only then will the system of international justice based on the Rome Statute become airtight and effective. Poland therefore takes this opportunity to appeal to all States that have not yet done so to accede to the Rome Statute.

Poland also wishes to emphasize the vital importance of close cooperation between States and the Court, especially States parties to the Rome Statute. Without such cooperation, the Court cannot function properly. The ICC requires multidimensional support on the part of the States parties, particularly regarding the provision of necessary funding. Questions relating to funding will be discussed and resolved at the upcoming Assembly of States Parties in The Hague. However, I would like to underline one more thing right now — namely, the importance of timely contributions. They are absolutely indispensable to financing ICC activities and help determine its ability to deliver justice for victims.

In addressing the General Assembly, I would like to share our conviction that the underlying goals of the Rome Statute coincide with the principles and objectives of the Charter of the United Nations. The ICC has been granted jurisdiction over atrocity crimes because they are understood as threats to international peace and security. Thus, the Court deserves the full cooperation of all United Nations Member States. We encourage all States to consider the Court as a partner in the joint pursuit of justice and peace. Indeed, a strong and robust ICC constitutes a guarantee that the world will no longer suffer the mass atrocities that occurred in some of the darkest moments of our history.

**Mr. Wickremasinghe** (United Kingdom): The United Kingdom thanks President Hofmański for the annual report (see A/77/305) of the International Criminal Court (ICC) and his presentation today (see A/77/PV.22). We congratulate Nazhat Shameen Khan and Mame Mandiaye Niang on their election as Deputy Prosecutors of the Court.

The United Kingdom is pleased to note that the Court has been able to effectively deliver on its mandate in spite of the challenges posed by the pandemic. In particular, we note the commencement of the trial of

Ali Muhammad Ali Abd-Al-Rahman — the first trial following a referral by the Security Council — and the continuation of the trial of Alfred Yekatom and Patrice-Edouard Ngaissona; the issuing of three arrest warrants in the situation in Georgia; the commencement of an investigation into the situation in Ukraine, following a referral supported by 43 States parties; and the conclusion of a number of preliminary examinations, including those concerning Colombia and Venezuela. We note the impressive numbers of victims who participated in proceedings of the Court in the reporting period.

Ensuring accountability for the most serious crimes of international concern is a fundamental element of the United Kingdom's foreign policy. Accountability is vital to ensuring justice for victim and an important element in ensuring and maintaining sustainable peace. The ICC has a crucial role to play in delivering that accountability. Consequently, the United Kingdom is and will remain a consistently strong supporter of the Court, as it has been since its establishment under the Rome Statute. The United Kingdom also wants to see the Court strengthened so that it can best serve international justice.

The United Kingdom encourages all States parties to continue to support Prosecutor Khan in his endeavours to hold to account those who commit the most heinous crimes and to help achieve justice for the victims of those crimes. We welcome his stated wish, where possible, to work closely with States and to form partnerships with national authorities in line with the principle of complementarity. We also welcome his prioritization of cases referred by the Security Council and his openness to strengthening links with the Security Council where their respective mandates can be mutually reinforcing.

The Court has seen successes and significant change over the past year, but it still requires the active cooperation and support of States. The United Kingdom continues to provide significant financial, practical and political support to the Court and urges other States to do so also. The United Kingdom has been a supporter of the reforms necessary to enable the Court to address the range of challenges it faces efficiently and effectively.

The Court has a pivotal role to play in global efforts to end impunity for the most serious crimes of international concern by holding perpetrators to account and achieving justice for victims. The United

Kingdom remains committed to continuing to support the Court and to working together with States parties and the Court to ensure that it is an efficient and effective Court and that its vital mandate is fulfilled.

**Mr. Šimonović** (Croatia): I thank the President of the International Criminal Court (ICC), Judge Hofmański, for presenting (see A/77/PV.22) the Court's annual report (see A/77/305).

Croatia aligns itself with the statement delivered on behalf of the European Union and its member States, and I would like to add some remarks in my national capacity.

It is our consensually accepted responsibility to protect populations from atrocity crimes, reflecting the core values of the Charter of the United Nations. By combating impunity for the most serious crimes and punishing their perpetrators, the ICC also plays a deterrent role. For the past 20 years, it has sent the message that the perpetrators of atrocity crimes will be held accountable. Since those crimes remain real and present, universal ratification and the full national implementation of the Rome Statute are required. We call upon those Member States that have not yet ratified the Rome Statute, including its amendments, to do so.

Croatia suffered a brutal aggression in the 1990s, accompanied by war crimes and crimes against humanity. We looked to the International Criminal Tribunal for the Former Yugoslavia (ICTY), established by the Security Council, to shield our citizens from grave breaches of international humanitarian law and to punish perpetrators and their sponsors. The ICTY is a reminder that the Security Council can and should act to ensure accountability for atrocity crimes. Therefore, we call on the Security Council to refrain from using the veto in cases of mass atrocities and to use its right of their referral to the ICC, as appropriate. Such referrals empower the ICC to investigate all four crimes under the Rome Statute, including the crime of aggression, without any further conditions.

We must all work together to ensure that the perpetrators of the most serious crimes are brought to justice. We owe that to the victims of such horrendous crimes. The request of 43 States, including Croatia, that the ICC act on crimes that are being committed in Ukraine is a clear attempt to advance the fight against impunity and prevent such crimes from happening again anywhere around the world.

In order to make the Court stronger and more effective, we attach great importance to common efforts aimed at reviewing the functioning of the Court and commend progress in the assessment of the Independent Expert Review recommendations. It is our collective responsibility to ensure the Court's ability to carry out its mandate independently and impartially. We also reiterate the importance of the Court engaging and cooperating with other international mechanisms established to ascertain facts related to alleged violations of international human rights and international humanitarian law, in view of facilitating their prosecution.

The ICC is a court of last resort that complements but does not replace national courts, which have the primary responsibility for bringing offenders to justice. The subject of complementarity cannot be addressed without raising the question of cooperation, and we urge all States to ensure full cooperation with the Court. Compliance is imperative, since failing to cooperate with the Court undermines the effective administration of justice and the rules-based international order. It is of the utmost importance that the core principles of the Rome Statute not be called into question.

Croatia welcomes the fact that draft resolution A/77/L.7, entitled "Report of the International Criminal Court", includes updated language, and we hope that it will be adopted by consensus, as it has been on previous occasions.

To conclude, I would reiterate our strong support for the International Criminal Court as a powerful instrument to fight impunity, as well as to promote justice, accountability and the rules-based international order.

**Mr. Choi** (Republic of Korea): At the outset, I would like to express my sincere appreciation to President Piotr Hofmański for his comprehensive presentation (see A/77/PV.22). My delegation also welcomes the significant progress achieved in the fight against impunity during the reporting period.

There is no doubt that the International Criminal Court (ICC) has played a significant role over the 20 years since the entry into force of the Rome Statute and contributed to the successful implementation of the Sustainable Development Goals. There are already signs of a growing deterrent effect as a result of the permanent presence of the ICC. The question is whether the international community is prepared to sustain the

Rome Statute system for the next 20 years. By adopting the Rome Statute, States established not just a Court, but an entire system of international justice. The architecture of the system splits responsibilities, whereby the ICC carries out judicial work but enforcement is devolved to the States. Therefore, cooperation remains an area of vital importance to the judicial efficiency of the ICC and any lack of cooperation can seriously harm its functions.

The success of our fight against impunity hinges not only on adequate cooperation, but also on the universal jurisdiction of the Rome Statute. The Republic of Korea is currently serving as a focal point of the ICC Assembly of States Parties to promote the universality of the Rome Statute, together with the Netherlands. In Brussels in May, the co-focal points, together with the ICC and civil society organizations, hosted a high-level seminar on the universality of the Rome Statute and the importance of joining the International Criminal Court. In July in Seoul, the Republic of Korea also organized a luncheon meeting to commemorate the twentieth anniversary. I would like to take this opportunity to appreciate members' active participation in these events.

We welcome the efforts of States parties and the court to assess and implement the recommendations of the Independent Expert Review. I believe that our active engagement in the implementation of the recommendations will significantly contribute to overcoming obstacles the Court has been facing.

It is our hope that the Court will carefully consider equitable geographical representation in implementing related recommendations arising from the Independent Expert Review. My delegation emphasizes that equitable geographical distribution will benefit the Court by ensuring a diversity of perspectives, which increases creative approaches and remains crucial in addressing perception challenges and advancing the universality of the Rome Statute.

I would like to point out that the new Administration of the Republic of Korea is striving to strengthen our country's role as a global pivotal State, commensurate with its status in the international arena. In that vein, the Republic of Korea will continue our active involvement in and contribution to the development of the ICC.

**Mr. Ramírez Baca** (Costa Rica) (*spoke in Spanish*): Costa Rica thanks the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for presenting his report (see A/77/PV.22). The report (see

A/77/305) gives an account of the growing activity and progress of the Court, but its challenges are also evident.

Costa Rica joins in the celebration of the twentieth anniversary of the entry into force of the Rome Statute. In its 20 years of activity, the International Criminal Court has responded to the demand for justice from the victims of those intolerable crimes, convicting in particular those guilty of sexual violence, the illegal recruitment of child soldiers or the destruction of cultural heritage.

The International Criminal Court is more important today than ever. The international community needs to have the security and confidence that it has at its disposal an independent and impartial judicial body so that the worst international crimes, such as genocide, crimes against humanity, war crimes and the crime of aggression do not go unpunished. International criminal law is a necessity in the face of non-compliance with domestic criminal law. If the latter is the last option within the punitive system, international criminal law is the last ratio of the last ratio, when the entire punitive system has already failed to respond to the most serious crimes known to the human species.

In analysing the report, Costa Rica wishes to point out three aspects.

First of all, Costa Rica welcomes the initiation of a trial based on a referral from the Security Council as a positive sign that highlights the complementarity of the Court and the Security Council in those cases in which the Court lacks direct competence in seeking accountability for especially serious crimes. Much remains to be done to ensure peace and justice, but combating the culture of impunity and preventing future human rights violations through cooperation between the Security Council and the ICC is one way to do so.

Secondly, for Costa Rica it is essential that the States parties reinforce our firm political and financial commitment to meeting the growing volume of work, as evidenced by the report before us, and to further expanding the activities carried out by the Court in compliance with its mandate. Without the endowment of stable, predictable and sufficient resources, the international community is undermining its main tool to prevent and suppress atrocities.

Costa Rica sees the next Assembly of States Parties as a golden opportunity to seriously assess

the discrepancy between the high workload and the resources available to the Court and to analyse the effects of the zero-growth approach. That approach deprives the Court of the resources it needs to fulfil and strengthen its mandate and makes us dependent on voluntary contributions. This year's budget discussion will allow us to make necessary changes around the Court's resources with a view to long-term planning and sustainability, since voluntary contributions are a complementary mechanism that does not and will never replace obligations assumed by the States parties.

At this point, Costa Rica calls for the adoption of a budget that is consistent with all the Court's dependencies, under the principle of a single Court, and urges with the utmost respect those States parties that are behind in their quotas to update as soon as possible. It is impossible to carry out comprehensive investigations without funds, without basic security or without the cooperation — let alone the full consent — of the host country or the Security Council, which authorizes such investigations. Those are not incidental complaints, but speak to the feasibility of any successful ICC effort to end impunity and lay the foundation for sustainable national reconciliation.

Thirdly, the next Assembly of States Parties will also be a new opportunity to develop a strategy that includes mechanisms to increase and improve the architecture of cooperation with the International Criminal Court and that, in addition, directs us towards the universalization of the Rome Statute. However, improving our collaborative architecture requires courageously confronting the threats and attacks, in different parts of the world, against civil society organizations and human rights defenders who cooperate with the International Criminal Court. Cooperating with the Court should not be an act of extreme bravery that endangers the lives of people seeking justice and respect for the fundamental rights and freedoms of others.

If the international community aspires to sustainable peace, justice cannot be relegated to the background in the resolution of any conflict. Justice has often been sacrificed to achieve peace, which is why a culture of impunity prevails in many countries in conflict and post-conflict situations. However, we are in a new era — a new era of accountability in which perpetrators can no longer trust that their crimes will go unpunished.

**Mr. Wenaweser** (Liechtenstein): We thank President Hofmański (see A/77/PV.22) for presenting the annual report (see A/77/305) of the International Criminal Court (ICC) to the Assembly. Having discussed the work of the International Court of Justice in the context of International Law Week, today's debate gives us the opportunity for an exchange on the work of the ICC, one of the biggest achievements in the field of international justice. The strong participation today is testimony to the Court's continued central and, indeed, enhanced importance at a time when international law has come under systematic attack.

We welcome the continued global reach of the Court's work, in line with its mandate and as a reflection of events around the world. At the same time, its reach continues to be limited by a lack of progress with respect to the universality of the Rome Statute and the political deadlock in the Security Council, which has failed to refer any situation to the Court in over a decade, despite the obvious and urgent need to do so. With respect to the strategic decisions made by the Chief Prosecutor of the Court, we welcome the emphasis his Office is placing on the situations that have been referred to the Court by the Council and look forward to concrete outcomes in the Libya investigation, as well as greater cooperation between the Sudan and the ICC.

We also wish to commend the attention the Prosecutor is attaching to the investigation of the one crime committed in Myanmar over which the ICC is currently able to exercise jurisdiction. We hope that the full jurisdictional reach will be possible soon, particularly in light of the ongoing attack of Myanmar's military regime against its own civilian population.

We are glad to see that the Assembly has finally updated its resolution on cooperation between the United Nations and the ICC. The changes we have agreed on together are long overdue and the result of a dynamic and constructive negotiation. We thank our partners from the Group of African States, in particular, for the leadership role they have played in that process, as well as the Netherlands for facilitating the process inclusively and transparently. We welcome the fact that States that have yet to join the Rome Statute are engaging in this exercise, as the Court's work is indeed of direct relevance to the entire United Nations membership. The Convention on the Prevention and Punishment of the Crime of Genocide, replicated in article 6 of the Rome Statute, is among the most widely ratified treaties elaborated in the United Nations

system. The Geneva Conventions, on which article 8 is based, enjoy near universal support.

Recent months have starkly underlined the most immediate relevance of the Rome Statute to everyone assembled in this Hall. Article 8 *bis* of the Rome Statute contains the internationally agreed definition of the crime of aggression, which complements the core provisions of the Charter of the United Nations on the use of force by creating individual criminal responsibility for them. That definition, agreed by consensus in a process that involved all United Nations Member States, not just ICC States parties, is of crucial importance.

The General Assembly has determined, both in March and more recently earlier this month, that acts of aggression have been committed against Ukraine, in a manifest violation of the United Nations Charter by their character, gravity and scale. We very much regret that the ICC is unable to exercise its jurisdiction over that crime in this case, due to its restricted jurisdictional regime over the crime of aggression. Addressing that shortcoming will be a task for ICC States parties, which will meet about a month from now for their annual gathering in The Hague.

In the meantime, there are other ways for us in New York to ensure accountability for that most brazen attack on the United Nations Charter since the creation of the United Nations. The Security Council has the competence to refer the crime of aggression situation to the ICC and can thus underline the central role of the ICC in fighting impunity for all of the most serious crimes under international law. Absent that — or indeed, after a predictable veto in the Council — we recall that the Assembly can play a central role in creating a special tribunal to that effect. We remain committed to exploring options to do so. Our collective decision in that respect goes far beyond the aggression against Ukraine; it is a fork in the road on our path to ensuring accountability for the crime of aggression anywhere, committed by anyone and against anyone.

Next year, we will celebrate the twenty-fifth anniversary of the Rome Statute, one of the big achievements in the history of multilateral treaty-making. We hope that we will be joined by more partners in the community of State parties and that more States will ratify the Kampala amendments on the crime of aggression, as Peru has done just recently. We thank Peru for taking that important step. The Rome

Statute is a treaty of the highest quality that has stood the test of time. It is also a dynamic document that remains open to reflect the progressive development of international law.

In standing up for its integrity, we will continue to stand up for two key principles in particular that are at the core of its authority. The first is the principle of judicial and prosecutorial independence, which requires States to defend the Court when it comes under political attack, as has happened regularly in the past. In that respect, we must also protect civil society organizations cooperating with the Court from reprisals against them. The second is the principle of complementarity, which explicitly reaffirms the sovereign responsibility of States to investigate and prosecute Rome Statute crimes and stipulates that the Court becomes active only where States are unable or unwilling to live up to their obligations in that respect.

**Mrs. Dime Labille** (France) (*spoke in French*): France associates itself with the statement made by the delegation of the European Union (see A/77/PV.22). We also thank the Kingdom of the Netherlands for having coordinated and facilitated draft resolution A/77/L.7, on the report of the International Criminal Court. (see A/77/305)

I thank the President of the Court, Judge Piotr Hofmański, for his detailed presentation of the Court's annual report on its activities in 2021 and 2022 (see A/77/PV.22). I take this opportunity to congratulate Deputy Prosecutors Nazhat Shameem Khan and Mame Mandiaye Niang, elected last December. We reiterate our support and our confidence in them and wish them full success in the essential missions entrusted to them by the States parties.

France reiterates its constant and unwavering support for the International Criminal Court. It commends the central role of the Court in the fight against impunity for the perpetrators of the most serious crimes. It should be recalled, in that regard, that the Court is the only permanent international criminal jurisdiction with a universal vocation.

While Russia has been waging a war of aggression against Ukraine for more than eight months, France has mobilized from the start of the conflict to ensure that no one responsible for atrocities enjoys impunity. That is why, in addition to its annual contribution to the Court's regular budget, France has made an exceptional voluntary contribution of €500,000 and will make staff

from the Ministry of Justice and the Ministry of the Interior available to the Court Prosecutor's Office to help it cope with the increase in its activities. France calls on all States parties to the Rome Statute to fulfil their obligations in respect of contributions to the regular budget of the Court without delay.

My delegation would also like to emphasize four points.

First, the cooperation, assistance and support of States — whether or not they are parties to the Rome Statute — and of the United Nations continue to be essential for the Court to be able to carry out its missions. We urge all States to cooperate closely with the Court, in particular by ensuring the speedy execution of arrest warrants. Cooperation with the Court also requires that it be provided with the financial means necessary for the success of its mandate.

Secondly, my delegation recalls its attachment to the independence of the Court, enshrined in articles 40 and 42 of the Statute, and undertakes to firmly combat any attempt at interference aimed at obstructing the proper exercise of justice.

Thirdly, a review process aimed at strengthening the Court and making it more effective is under way. The recommendations of the independent experts are being considered by the Court and the States parties, and measures have already been implemented. France welcomes that commitment and reiterates its support for reforms that will help make the Court's work more effective and strengthen its credibility.

Finally, my delegation stresses the importance of multilingualism and the balance of legal traditions, which constitute a guarantee of legitimacy and efficiency. The staff of the Court and its working methods must reflect those values and that diversity.

More than ever, France calls on the members of the Assembly to give their full support to the International Criminal Court. Almost 25 years after its signing, the Rome Statute is a pillar of a law-based international order and should be ratified by the international community as a whole.

**Mr. Smyth** (Ireland): Ireland associates itself with the statement made on behalf of the European Union and its member States (see A/77/PV.22).

I wish to take this opportunity to thank the International Criminal Court (ICC) for its annual report

to the United Nations (see A/77/305) and President Hofmański for his presentation today (see A/77/PV.22), outlining what has been an important and busy year in the life of the Court.

This year marks the twentieth anniversary of the entry into force of the Rome Statute. It is an opportune time to reflect on what the Court and the international community have achieved since the first ever permanent international court with the jurisdiction to prosecute the most serious international crimes opened its doors two decades ago. The ICC has experienced some growing pains since its establishment, as is to be expected in any significant endeavour. However, the Court's increasing workload, outlined in the annual report, demonstrates how the institution has matured and developed into a sustainable and integral part of the international criminal justice system.

This anniversary falls at a significant moment, when the need for an international system of criminal justice has rarely been more apparent. Ireland steadfastly supports the work of the Court as it pursues accountability and fights impunity in all situations outlined in its report. All States parties must uphold the independence of the ICC, just as they must protect the Court, its officials and those cooperating with it from threats, sanctions and attacks. In that regard, we are concerned by reports of threats and intimidation directed at some civil society organizations cooperating with the Court. We welcome the Bureau's adoption of a strategy for responding to attacks on the Court and look forward to updates from the President of the Assembly of States Parties on its implementation.

Real justice cannot be achieved without the meaningful participation of those most affected by the crimes being prosecuted. Victims have always been at the heart of the Rome Statute framework. The Trust Fund for Victims is, for many affected communities, the most potent presence of the Court in their lives. Of particular note is the recent increase in its reparations mandate, with the Trust Fund now overseeing reparations programmes in five cases. Those programmes are essential to promoting recovery among those who have suffered from the most appalling atrocities, contributing to lasting peace and stability in the affected regions.

Ireland continues to be a staunch supporter of the restorative vision of justice that informs the Trust Fund under the Rome Statute framework. We are pleased

that Ireland's former Ambassador to Uganda and to the Netherlands, Kevin Kelly, was appointed to the Trust Fund's Board of Directors during the reporting period, bringing his experience in promoting the rights of victims to the Board.

Furthermore, Ireland, in close cooperation with the Government of Uganda, was proud to lead a visiting delegation of representatives from 13 States and the European Union to observe the work of the Trust Fund in northern Uganda last month. The mission provided participants with an important opportunity to see the work of the Trust Fund and its implementing partners on the ground, as well as for victims to openly share details of their experiences and needs. It reinforced the importance of the Trust Fund for Victims and its essential role as the most visible aspect of the ICC in many affected communities. We encourage all States to support its work.

The importance of cooperation between States and the ICC is a thread that runs through every aspect of this year's annual report. The ICC depends on States parties to enforce the Rome Statute system. We join the Court in calling on States parties and others to provide the necessary assistance to the Court for the arrest and surrender of individuals subject to ICC arrest warrants.

Ireland is pleased to see that the present report outlines the strong level of cooperation ongoing between the ICC and the United Nations. We believe that the United Nations and the ICC have complementary mandates and should work to reinforce each other. As an elected member of the Security Council, Ireland is committed to strengthening the relationship between the Court and the Council. With the commencement of the first judicial proceedings in the Darfur referral, we have seen glimpses of what can be achieved through that relationship. It is in that spirit that Ireland, together with 11 sponsors, convened an Arria Formula meeting to discuss the relationship between the Court and the Council in June. Many useful suggestions on how to strengthen the relationship were discussed and are contained in the recently published Chair's summary of the meeting.

The Court has come a long way in its 20 years of operation. However, we are well aware that it has the potential to achieve more. States parties have a responsibility to make this happen for the sake of victims. That is why Ireland supports the provision of sufficient regular budget resources to the Court

to match its increasing workload. It is also why we support the work of the review process, aimed at further strengthening the ICC and Rome Statute system, particularly as we move from reviewing the recommendations of the Independent Expert Review to implementing them.

To conclude, in order to implement the principles of the Rome Statute it is essential that we work together. We are committed to the universality of the Rome Statute. The wider support for the International Criminal Court is, the greater the chance that the core principles underlying the Statute will be respected. We encourage all States that have not already done so to become parties to the Rome Statute.

**Mr. Germeaux** (Luxembourg) (*spoke in French*): Luxembourg fully subscribes to the statement made by the observer of the European Union (see A/77/PV.22). Allow me to supplement it with considerations in my national capacity.

I thank the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for his briefing on the activities of the Court (see A/77/PV.22). I also thank the Netherlands for introducing draft resolution A/77/L.7, on the ICC report (see A/77/305). Luxembourg is a co-sponsor and welcomes the fact that it is a substantial update compared to previous years' resolutions.

I would like to reaffirm Luxembourg's unwavering support for the international criminal justice system, embodied in particular by the International Criminal Court, the twentieth anniversary of which we are celebrating this year. The ICC is an indispensable instrument of the international community to fight impunity and promote an international rules-based order. As serious crimes that affect the entire international community continue to be committed, it is more important than ever to uphold the principles and values of international criminal justice enshrined in the Rome Statute.

The ICC is of paramount importance in ensuring the accountability of perpetrators for the most serious crimes and in bringing justice to victims, who must be at the centre of our efforts. In all situations before the ICC, the role of the Court is more crucial than ever. Luxembourg therefore welcomes the growing activity of the Court. The sharp increase in the number of trials and investigations demonstrates that the Court is working. It is important that the ICC have resources

commensurate with its workload, allowing it to fully discharge its mandate.

The promotion of criminal justice is essential to ensuring and maintaining international peace and security. Indeed, it cannot be stressed enough that peace and justice go hand-in-hand and are mutually reinforcing. That link between justice and peace appears even more clearly in the light of developments during the current year.

With regard to the situation in Ukraine, we welcome the fact that, back on 2 March, the ICC Prosecutor opened an investigation following reports of atrocities perpetrated by Russian armed forces in the context of Russia's war of aggression against Ukraine. Luxembourg fully supports the work of the Office of the Prosecutor and the investigators on the ground, who often work in difficult conditions.

The ICC investigation does not, however, cover the crime of aggression, for which the Security Council has the power to seize the Prosecutor of the Court. If the Council is unable to exercise that power, other options should be explored to ensure that this act of aggression against a sovereign State does not go unaccountable.

In carrying out the mission entrusted to it, the Court depends on cooperation to ensure that the perpetrators of the most serious crimes are held accountable. To date, 14 arrest warrants remain open, six of which relate to situations referred to the Court by the Security Council. It is essential that the Council ensure an effective follow-up in that respect.

Like President Hofmański and other speakers before me, I call on States that have not yet done so to ratify the Rome Statute. The universality of the Statute remains paramount, and each accession increases the collective strength of the international system based on the rule of law. The same goes for the ratification of the amendments to the Rome Statute, including the Kampala amendments on the crime of aggression, as well as the recent amendment including the deliberate starvation of civilians as a method of warfare among war crimes, over which the Court has jurisdiction in armed conflicts not of an international character.

It cannot be emphasized enough that the Court is complementary to national judicial systems and does not seek to replace them. States are called upon in the first instance to ensure effective and fair justice, with the Court acting only as a last resort. In order for

the Court to be fully prepared to face the challenges ahead, Luxembourg welcomes the progress made on the recommendations resulting from the review by the independent experts. Under the aegis of the Assembly of States Parties, the review mechanism is an important tool to further strengthen the Court's capacity to deliver justice.

I conclude by commending the action of civil society, which played an important role in establishing the Court and continues to defend the impartial and independent mandate of the ICC.

**Mrs. Frazier** (Malta): Malta welcomes the opportunity to reiterate our support for the International Criminal Court (ICC) and to highlight its importance as an integral component of the rules-based legal order and an essential feature of the collective pursuit of international criminal justice and the fight against impunity.

At the outset, I wish to thank the International Criminal Court for its annual report (see A/77/305). We also thank President Hofmański for his informative briefing on the important work of the Court (see A/77/PV.22).

Malta aligns itself with the statement made on behalf of the European Union (see A/77/PV.22) and its member States.

It is heartening to see the progress made over the past year, with the Court's trial activity being at an unprecedented level. The role of the ICC in ensuring accountability is as vital as ever because, regrettably, the most serious international crimes continue to occur in different parts of the world. In that regard, we welcome the opening of new investigations by the Prosecutor, including those concerning the situation in Ukraine, for which referral was made by various States, including my own. No effort should be spared to ensure timely accountability.

Malta welcomes the cooperation of the Court and the United Nations on various issues, and we encourage the operational assistance given to the court by United Nations entities in the field. Nevertheless, as an elected member of the Security Council for the term 2023-2024, Malta emphasizes that the relationship between the Court and the Security Council calls for improvement. The Rome Statute empowers the Security Council to refer situations to the Court, but only two situations — those in Darfur and Libya — have been

referred to date. There is a need for consistency and objectivity with respect to referrals if we truly want to pursue international criminal justice for all. Moreover, when a referral is made, the Security Council must ensure follow-up and call on the relevant States to cooperate with the Court.

The cooperation, assistance and support of States parties and other States remain essential to the Court's operations. We want to reiterate the call of the Court on all States to respect the independence and integrity of the Court and to cooperate actively with its investigations. Accountability cannot be achieved without our full cooperation.

Civil society organizations are critical partners in our joint efforts towards justice. The activities they undertake to raise awareness of the Court and promote the universal ratification and full implementation of the Rome Statute are commendable. In that regard, we welcome the practical guidelines for civil society organizations on documenting core international crimes, such as war crimes and crimes against humanity, issued by the European Union Agency for Criminal Justice Cooperation and the Office of the Prosecutor of the International Criminal Court.

Before concluding, let specifically mention the victims, who are and must remain at the centre of the Rome Statute framework. We must welcome the fact that reparations to victims continue to gain prominence in the Court's work. In that regard, the work of the Trust Fund for Victims is indispensable. Impunity sows the seeds of further violence. Ensuring accountability for the victims is therefore essential if we are to ever stop this cycle of violence. The ICC offers the hope that accountability can prevail over power, and it is for that reason that we support the universality of the Rome Statute and encourage all States that have not already done so to become parties.

For those reasons, we have co-sponsored draft resolution A/77/L.7, on the report of the International Criminal Court, and thank the Netherlands for its efforts in facilitating the draft text.

**Mr. Turay** (Sierra Leone): The delegation of Sierra Leone is pleased to join debate on the agenda item "Report of the International Criminal Court". My delegation aligns itself with the statement delivered on behalf of the African States parties to the Rome Statute of the International Criminal Court (see A/77/PV.22).

We welcome to our debate the leadership of the International Criminal Court (ICC) and commend their dedication in carrying out its important mandate as an independent and impartial judicial institution, committed to upholding and defending the principles and values enshrined in the Rome Statute, in the universal resolve to end impunity for atrocity crimes. That commitment to the mandate of the Court is needed now more than ever.

We thank the President of the Court, Judge Hofmański, for his presentation (see A/77/PV.22) and the Secretary-General for his note and reports, contained in documents A/77/305, A/77/306 and A/77/307, respectively. We thank the United Nations system for its vital cooperation with the Court and for providing facilities and services to the ICC.

Still on the subject of the leadership of the ICC, we note that the Assembly of State Parties and the Court are in the process of electing the next Registrar of the ICC. Like the African States parties, we take this opportunity to emphasize the need for the principle of equitable geographic representation, as well as gender balance in the election process, to be taken into account. That is significant if the Court is to attain and be seen to reflect the universal character to which it aspires.

We take this opportunity to pay tribute to the current Registrar, Mr. Peter Lewis, for leading the work of the Registry at a critical and consequential time for the Court. We thank him for his excellent contributions, his dedication and for implanting the sense of stability when it is needed the most.

In our statement on this item at the seventy-sixth session, we noted that

“With the current spate of continuing perpetration of atrocity crimes, the relevance of the ICC’s mandate cannot be overstated, and the need for continuing cooperation by and with the United Nations to address accountability gaps in line with the Charter of the United Nations cannot be overemphasized.” (A/76/PV.29, p. 12)

That is as true for last year as it is true today.

We acknowledge, as indicated in the report contained in document A/77/305, that the Court, in its twentieth anniversary year, has made significant progress and expanded its activities despite the challenges caused by the coronavirus disease pandemic. Since its establishment, the Court has opened 31 cases,

involving 50 suspects or accused. Investigations have also been opened with regard to 17 situations with an almost universal regional spread.

We take note of the notable judicial developments, including

“two trials commenced, two trials continued, and a fifth one entered the preparation phase, bringing the Court’s trial activity to an unprecedented level. Three new arrest warrants were issued, and a fourth one was unsealed; one suspect was transferred to the Court; and three new investigations were opened. Reparations to victims continued to gain prominence in the Court’s work, with the Trust Fund for Victims implementing reparation orders in four cases, alongside assistance projects benefiting more than 17,000 victims.” (A/77/305, summary)

On other notable developments, in addition to its judicial and prosecutorial activities, we are pleased to see that the Court continued to engage actively in the review process aimed at strengthening the institution and the wider Rome Statute system.

The delegation of Sierra Leone is pleased of its role and active engagement in the review process, and the work of the review mechanism. We continue to commend the review mechanism established by and under the auspices of the Assembly of States Parties, the work done and the results achieved thus far. We look forward to the conclusion of the work of the review mechanism, as informed by the comprehensive action plan.

Sierra Leone calls on States parties and all stakeholders to continue their support and constructive engagement with the Review Mechanism, and the Assembly of States Parties mandates undertaking the review-related work, aimed at improving the performance, efficiency and effectiveness of the Court’s operation. We commend the Court and its focal points for their efforts in the review process.

On issues relating to victims, Sierra Leone continues to reaffirm its support to the Court as a way of reiterating its commitment to the victims. It is critical to always remember that at the heart of the work of the Court are the victims, on whose behalf we have this accountability system. We therefore acknowledge and commend the Trust Fund for Victims for the discharge of its mandate. As the Assembly of States Parties and the relevant Court organs and bodies will engage on

governance of the Trust Fund for Victims and the evolution of its reparation and assistance mandates, we assure them of our political will and support.

Returning to the issue of cooperation between the ICC and the United Nations, I am pleased to inform the General Assembly of Sierra Leone's bid for a non-permanent seat on the Security Council for the term 2024-2025, with elections to be held in June 2023. With regard to the situation in Darfur, since the trial of Ali Muhammad Ali Abd-Al-Rahman, the first trial before the Court on the basis of a referral by the Security Council, began on 5 April, the significant role of the Security Council within the Rome Statute system has been clearly evident. The Court and the Security Council indeed have

“different yet complementary roles in addressing the gravest crimes of concern to the international community, which have the potential to destabilize international peace and security. The Council's prerogative to refer a situation to the Court can help to promote accountability in situations where grave crimes may have been committed but the Court lacks jurisdiction” (*ibid.*, para. 75).

Thus, in canvassing for Member States' support, we are further pleased to inform the Assembly that, as part of Sierra Leone's six priorities, we have prioritized ensuring that the United Nations is effectively able to maintain peace, safeguard human rights and pursue a culture of accountability. Sierra Leone believes that human rights protection and promotion builds confidence in democratic governance, bridges societal divides by strengthening a sense of common values and shared humanity, and, at the same time, promotes peaceful resolution of conflicts grounded in respect for the rights and dignity of all. Our membership of the Security Council will support the work to break the culture of impunity through engagement and action to foster a culture of accountability.

We therefore acknowledge the support of the Security Council and the key role that is played in this regard by the States parties to the Rome Statute serving on the Council. We therefore recall the statement by the President of the Security Council of 12 February 2013 (S/PRST/2013/2), in which the Council reiterated its previous call regarding the importance of State cooperation with the Court, in accordance with the respective obligations of States, with a commitment to

effective follow-up of the Security Council decisions in that regard.

In conclusion, in recognition of the important work of the Committee on Budget and Finance of the ICC Assembly of States Parties, the Government of Sierra Leone has nominated Mr. Sahr Lahai Jusu for the one seat allocated to the African States parties, with the election scheduled to take place during the twenty-first session of the Assembly of States Parties ASP, in The Hague from 5 to 10 December. We believe that Mr. Jusu's competence, qualifications and prior experience, among other things, at various regional and multilateral financial institutions, as well as his being the Government's principal adviser on economic and financial matters, make him valuable in advancing the principles, objectives and values of the Rome Statute. He is of high moral character, impartiality, integrity and has the requisite competence required of the members of the Committee on Budget and Finance. The nomination is consistent with the overall commitment of Sierra Leone to the Court and its effective and efficient discharge of its important mandate.

Finally, as a co-sponsor of draft resolution A/77/L.7, we thank the Permanent Representative of the Netherlands for introducing the said draft resolution (see A/77/PV.22) and for the work of the Mission of the Netherlands to ensure important updates, including recalling the activation of ICC jurisdiction over the crime of aggression as of 17 July 2018, and the amendments to articles 124 and 8 of the Rome Statute adopted by the Assembly of States Parties at the fourteenth, sixteenth and eighteenth sessions, respectively, calling upon all States parties to consider ratifying or accepting them.

We call on States Members of the United Nations to adopt the draft resolution without a vote, thereby giving true meaning to the Relationship Agreement between the United Nations and the International Criminal Court, which is based on respect for each organization's status and mandates and aimed at promoting the effective discharge of their respective responsibilities in a mutually beneficial manner. If a vote is requested, we urge member States to vote in favour of the draft resolution.

**Mr. Martinsen** (Argentina) (*spoke in Spanish*): At the outset, my delegation would like to thank Judge Piotr Hofmański for introducing the report (see A/77/305) on the activities of the International Criminal Court (see A/77/PV.22) and express our appreciation for the joint

efforts of the presidency, the Chambers, the Office of the Prosecutor and the Registry of the Court to continue administering justice in a context of great challenges. The various organs of the Court and its personnel have continued to demonstrate the professionalism, excellence and dedication that they have shown from the establishment of that young institution to this day in maintaining its efficacy and credibility in the service of the interests of justice and due process.

The International Criminal Court, with its outstanding activity since its establishment, shows us in deeds that it is a fundamental tool in the fight against impunity, the promotion of human rights and the consolidation of the rule of law at the international level. After nearly 20 years of Court operations, the Rome Statute remains the cornerstone of the international criminal justice system. The Court is the hope of thousands of victims around the world seeking justice. The Court is the guarantee that no one is above the law, regardless of the official position or power held by the perpetrator of heinous crimes.

The current times are a challenge for multilateralism in general and for the Court in particular. In recent years, the Court has had to face multiple internal and external challenges. That is why the States parties decided to initiate a review process, which is in its final phase. We believe that this exercise has allowed the entire Court system to carry out a complete evaluation of its functions, identify those aspects that require improvement and correct them.

Argentina has assigned the highest priority to the review process, and we express our satisfaction for the frank dialogue that has been established among the Court, the Assembly of States Parties and civil society on the recommendations of the group of independent experts, which without doubt will contribute to strengthening the system. We would like to highlight the efforts of the review mechanism to facilitate the implementation of the key recommendations of the group of independent experts and extend our support to their hard work.

The functioning of the Rome Statute system has endured critical moments. The independence of the Court and its ability to carry out its mandate have been threatened by external pressure. The States parties cannot allow such situations, and we must provide the Court with all the support necessary to underpin its integrity and independence. As a result of the

ongoing review process, the Bureau of the Assembly of States Parties recently adopted a strategy to deal with threats and attacks seeking to undermine the effectiveness of the Court. We welcome the adoption of that document, in the conviction that States parties have a shared responsibility to promote and protect the Court's mandate.

One important challenge for the Court relates to universality, which is essential to overcoming perceptions of selectivity in the application of international criminal justice. Increasing the number of ratifications of the Statute is crucial to closing the impunity gap. That is why we urge the States that have not yet done so to adhere to the Rome Statute. At the same time, we note with pleasure that following the activation of the Court's jurisdiction over the crime of aggression, the States parties continue to ratify the amendment.

Another key aspect for the effective functioning of the Court is cooperation. As an international court, the International Criminal Court cannot sustain itself without the active cooperation of multiple stakeholders, especially the States parties to the Rome Statute, at each and every stage of investigation and trial. In that respect, we are proud to have been the first State party to conclude the four cooperation agreements suggested by the Court.

Likewise, greater cooperation between the Court and the Security Council is necessary. We strongly urge all States to cooperate fully and effectively with the Court, in accordance with the Rome Statute and all applicable Security Council resolutions.

As we work to improve the performance of the Court, we cannot forget that States have the primary responsibility to investigate and prosecute the most serious crimes of international concern, in accordance with the principle of complementarity, which is the backbone of the Rome Statute. We call on all States that have not yet done so to include the crimes and principles of the Statute in their national laws, thereby ensuring effective complementarity.

In these 20 years of existence, the Court has come a long way and established itself as a key institution of the international system. Today the existence of a general consensus that impunity for heinous crimes is no longer acceptable is indisputable. Given our own history and based on our experience, Argentina is aware of the need to do justice to the victims. In that

conviction, our country will continue to firmly support the work of the Court and its judicial independence. Likewise, Argentina is a co-sponsor of draft resolution A/77/L.7 before us and firmly urges all States members of the Assembly to support it.

**Mr. Kuzmin** (Russian Federation) (*spoke in Russian*): Today we have heard many kind words with regard to the International Criminal Court (ICC). Let us now hear the truth.

The position of the Russian Federation regarding the activities of the International Criminal Court is well known and has not changed. Year after year, that judiciary body continues its downward spiral. Nothing remains of the lofty ideals of justice that guided States in preparing the Rome Statute of the ICC. Over the 20 years of its existence, the Court has become notorious for outrageous falsifications in the context of the Libyan dossier — concerning which I will have more to say later — and the unprecedented use of selective and politicized approaches in other cases.

Representatives of the collective West are now talking, unabashed, about the need to cooperate with the ICC to punish Russia, as we have also heard from this rostrum today. They do not even try to pretend that the Court is independent, neutral or objective. It is obvious that for them the ICC is just a tool for settling political scores. After all, if the guilty party has been identified in advance and the process paid for and coordinated by Western countries, what justice is there to speak of? This is all pure farce — nothing more than a cover-up for a shameful mock trial.

As Russophobic rhetoric in the international arena reaches new levels of absurdity, certain “fakes” evoke a strong sense of *déjà vu*. Those include accusations that Viagra is being distributed to the Russian military in order to use sexual violence as a military strategy. One United Nations official made mention of that only recently. Who in their right mind would believe such a thing? However, the Viagra-for-soldiers rumour was already played out by the West 10 years ago. This is one, but far from the only and or last shameful page in the history of the ICC.

The first Prosecutor of the Court, Mr. Luis Moreno Ocampo, in order to dehumanize the Libyan leadership and Mr. Al-Qadhafi personally, spread identical clumsy fakes. A video of him is still available on the Internet, giving interviews against the backdrop of the United Nations symbol, retailing fanciful stories that

formed the basis of the indictment against the Libyan leader concocted in just three days. There were two main narratives.

The first concerned Mr. Al-Qadhafi allegedly ordering his soldiers to rape hundreds of women in the course of suppressing the rebellion and supplying them with Viagra for that purpose. The second dealt with the use of certain dark-skinned mercenaries to commit atrocities that regular military units were allegedly incapable of committing. Is it any wonder that none of these stories was confirmed by the ICC? Even Human Rights Watch and Amnesty International refuted the fakes spread by the ICC Prosecutor’s Office. A scandal began to smoulder. In an attempt to quash it, the Court hastily launched an internal investigation. However, not a single person was subsequently found responsible for fabricating the alleged evidence.

However, the fakes hastily cobbled together by the ICC had already had their sinister effect. They were used by the collective West to justify its actions in Libya, which were nothing more than straightforward military aggression. The ICC then actually acted as an accomplice in a gross violation of Security Council resolution 1973 (2011) and the provisions of the Charter of the United Nations. With the blessing of the Court and under cover of the lies disseminated by its Prosecutor, NATO began carpet-bombing Libya, using a liberal interpretation of the Security Council’s decision to establish a no-fly zone. As a result, a once prosperous country was razed to the ground and its leader brutally murdered without trial or investigation. There followed years of devastation and the chaos of civil war, which claimed and ruined hundreds of thousands of lives. That nightmare for the Libyans has not ended to this day.

Instead of the ICC report, I would recommend reading the publication by the former head of the United Nations Support Mission in Libya, Mr. Ian Martin, in which he describes how NATO’s actions went beyond the Security Council mandate and the United Kingdom blocked negotiations with the Libyan Government. Another interesting point is that the Council referred the situation in Libya as a whole to the ICC. Thus, the Court had jurisdiction over acts committed as part of the unprovoked, unjustified and aggressive NATO war of choice against the Libyan State. However, no one from that military alliance has been held accountable. The relevant section in the reports of the Court grew shorter from year to year, and eventually disappeared altogether.

Cases involving so-called privileged Western defendants are rare indeed. There are civilian victims in such cases, but there are no perpetrators and never will be. The investigations themselves tend to simply fade away without a trace over time.

Let us recall the recent revelations of BBC journalists about the killings of at least 54 Afghan citizens by British soldiers in 2010 and 2011 in Helmand province, based on interviews with a group of retired and active British military personnel and with relatives of Afghan victims. The media directly pointed to a cover-up and interference in the process of investigating those incidents by high-ranking representatives of the British Ministry of Defence. Even Amnesty International called for an investigation through the ICC, citing an alarming level of impunity for the British military in Afghanistan. The answer was silence.

Another similar episode was the ICC preliminary investigation into the situation in Iraq. Former prosecutor Fatou Bensouda considered that there were good reasons to believe that British soldiers committed crimes against civilians, including deliberate killings, torture, abuse and sexual violence. In November 2020, ICC experts prepared a corresponding report. We know very well what happened then — the investigation was “deprioritized” and then, to put it simply, terminated. A similar fate befell the Afghan dossier of the ICC as soon as the question of prosecuting United States military personnel arose. That is selective justice for the select few.

Now the ICC is so carried away by the Ukrainian story that it has deprioritized all its other investigations. Rumblings of discontent with this state of affairs are increasingly heard even from Rome Statute parties that are developing countries. That is no surprise, since the resources of the Court are not sufficient even for such in-demand activities as the provision of technical assistance in strengthening national legal systems. Everything goes to Ukraine.

The Court’s priorities are easy to understand. Western countries generously and openly pay for this bespoke process. Their so-called voluntary contributions in 2022 broke all records and reached the limit set by the internal financial rules of the Court. That was no problem; loopholes for bypassing them were quickly found. The United States generally had to battle its own legislation prohibiting assistance to the ICC. After all, that country not only is not a party to the Rome

Statute, but even subjected the Prosecutor of the Court to personal sanctions just because he dared to initiate investigations against American soldiers. Of course, after the deprioritization of criminal investigations into their own military in Iraq and Afghanistan, the United States and Britain have become very comfortable supporting the ICC against Russia.

There is no hope for objectivity in the investigation in Ukraine by a court with such a track record, and there cannot be. It is no surprise to us that thousands of petitions from residents of the Donbas regarding crimes committed by the Kyiv regime over the eight years after the coup d’état in 2014 obtained no response or reaction from the International Criminal Court.

The United Nations should not involve itself in the activities of bodies that do not enjoy universal support and have a dubious reputation. We note the information contained in the report of the Secretary-General on the implementation of article 3 of the Relationship Agreement between the United Nations and the ICC (A/77/307). It seems to imply that the United Nations personnel were involved in giving interviews in connection with situations before the Court. We would like to know on what basis this was done and what was discussed?

In view of all this, the Russian delegation does not support regular consideration within the framework of the United Nations of the reports of the International Criminal Court. We wish to have nothing to do with such an institution.

**Mr. Odida (Uganda):** I have the honour to deliver this statement on behalf of the delegation of Uganda. My delegation aligns itself with the statement delivered by the representative of Côte d’Ivoire on behalf of the African States parties to the Rome Statute (see A/77/PV.22).

We welcome the debate on the annual report (see A/77/305) on the activities undertaken by the International Criminal Court (ICC) during the period under review. My delegation would like to thank the President of the Court for his leadership in conducting the work of the Court and for introducing the annual report. We also welcome the reports of the Secretary-General under this agenda item.

The principle of complementarity lies at the heart of the Rome Statute. My delegation therefore welcomes the ongoing efforts within the Assembly of States

Parties to promote that principle, which remains the backbone of the Rome Statute system. We also welcome the recent announcements by the new Prosecutor, 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 national judicial systems to deal with the most serious crimes, all of which are key to achieving accountability.

All victims, no matter where they come from, deserve equal access to impartial justice. We therefore note and appreciate the important work of the Trust Fund for Victims. The report indicates that during the reporting period, the Trust Fund was engaged in the implementation of Court-ordered reparations in four cases and assistance projects in several countries, benefiting more than 17,000 victims. Indeed, victims lie at the core of the Rome Statute system and the Court must stand up for all victims. My delegation therefore takes this opportunity to welcome the recent visit of the Trust Fund for Victims, led by the delegations of Ireland and the Kingdom of the Netherlands, to witness the great work of the Trust Fund that is being done in Uganda.

My delegation emphasizes the importance of the New York liaison office for the International Criminal Court and is of the view that the structure that was adopted by the Assembly of States Parties in 2005, based on the one court principle, should be retained. While the office is under the Registry for administrative purposes, its substantive functions cut across all the organs of the Court. It is important that the New York liaison office continue to function as one integrated and cohesive administrative unit, under the leadership of the head of office. That can be done provided that there are clearly defined administrative and technical lines of authority and reporting, depending on the subject matter.

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 a priority.

We welcome the ongoing process for the election of the Registrar of the International Criminal Court. The role of Registrar is central to realizing efficiency

and effectiveness. The presidency, Chambers and Prosecutor rely on a range of services in the enforcement of judicial decisions and in the administration of justice. Non-judicial services, such as ensuring the attendance of witnesses at court proceedings and ensuring the security and safety of officials and staff of the Court at the head office and in the field, all depend on the Registrar being a strong leader, decision-maker and developer and implementer of administrative processes and policies. It is therefore important that the Judges of the International Criminal Court consider the aforementioned attributes in selecting the Registrar of the Court.

Let me conclude by reaffirming that Uganda supports the review of the ICC and the Rome Statute system, as well as the work of the review mechanism, which is aimed at strengthening the Court and the Rome Statute system by, inter alia, enhancing its effectiveness and legitimacy and the capacity of the Court. In that connection, Uganda reiterates the African Union Heads of State and Government decision on the ICC, urging continued engagement in the review process of the Court.

**Mr. Stastoli (Albania):** Albania welcomes with appreciation the annual report of the International Criminal Court (ICC) to the General Assembly (see A/77/305) and the presence of the President of the ICC, Mr. Piotr Hofmański.

The ICC continues to underdeliver due to structural and political constraints, including limited jurisdiction, insufficient resources and lack of State cooperation at a time when, for the world's most vulnerable populations, the ICC remains their only realistic alternative for accountability and justice. That is especially true in the area of sexual and gender-based crimes, where the Rome Statute has crystallized the best customary international legal norms and become a catalyst for the creation of new ones. The ICC also represents the international community's commitment to the rule of law and to the principle of equality before the law.

The demand for justice is enormous and every step toward justice deserves appreciation and support. Albania welcomes the significant work done by the Office of the Prosecutor over the course of the past year. The expansion of the scope of the operation of the ICC is a particularly welcome development. That is the clearest answer to charges of selectivity and double standards. That is crucial because, for justice

to prevail, it is not enough that justice be done; it is equally important that the world public see that justice is done. That is because the public function of justice is vital for a sense of justice to mature in world opinion, where consistent action is paramount for the Court. Overcoming charges of selectivity and double standards is vital to the authority of the ICC and its rulings, especially when it comes to their full and effective implementation.

That is why we believe that we should do everything in our power to overcome all arbitrary obstacles to the work of the ICC so that the Court can pursue its noble mandate in concordance with the universal principles that justify its existence. Action inspired by that universal spirit will enable the Court to investigate crimes wherever they occur and deter potential crimes anywhere. It is the most effective way to hold to account any and all individuals who commit gross violations of basic universal rights. That is how we put our shared universal norms into practice, one case at a time, one ruling at a time. With time, this jurisprudence will grow into a firm foundation to expand the horizon of justice, with the aim of regulating relations amongst States and other entities by ever more demanding ethical standards. That is how we bend the arc of the moral universe towards justice. That does not happen automatically, but thanks to everyone's active efforts. Albania is driven by that universal spirit of justice and urges all others to embrace it.

The valuable work delivered by the ICC reflects an expanding consciousness of humankind that victims of gross violations of human rights are not alone and that impunity is no longer acceptable. With the ICC, we have a powerful instrument in our hands to make accountability for mass violations of human rights a reality, not just an aspiration. That is why we support the universal ratification of the Rome Statute and its full implementation at the national level. We are encouraged by the support that the Court receives from States, where civil society has a valuable role to play as well.

We are encouraged by the intensifying cooperation between the Court and the United Nations in pursuit of our common purpose for a more peaceful and just world. Equally, we believe that there is greater potential for such cooperation, especially with the Security Council in referring cases where the ICC lacks jurisdiction. We believe in stronger cooperation to fulfil the complementary roles of the ICC and the

Security in pursuit of peace and justice, which is also the reason why Albania invited ICC Prosecutor Karim Khan in April to work towards ensuring accountability for atrocities committed in Ukraine.

Finally, by cooperating with various Governments in domestic institutional capacity-building, the ICC ensures that the promise of the prosecution of war crimes, genocide, crimes against humanity and even, potentially, the crime of aggression is not limited to a distant Court in The Hague but is also accessible at the domestic level.

**Mrs. Falconi (Peru)** (*spoke in Spanish*): I thank the President of the International Criminal Court for introducing the report on the activities of the Court between 1 August 2021 and 31 July this year, contained in document A/77/305 (see A/77/PV.22).

It is important to highlight the indicators that the Court's judicial activity has reached an unprecedented level, despite the difficult circumstances imposed by the pandemic in 2021 and the first quarter of 2022. During the period covered by the report, two trials began, two others continued, a fifth entered the preparation phase, and approximately 200 court hearings were held. Likewise, three new arrest warrants were issued, three new investigations were initiated and four preliminary reviews were completed.

My delegation stresses the importance of reparations to victims in the framework of the work of the Court. The Trust Fund for Victims executed reparation orders in four cases and 17,000 victims were beneficiaries of assistance projects. The resources of the Trust Fund allow special attention to be paid to the protection and safeguarding of the rights of victims. In that context, we share the Court's concern about the lack of funding for the cases concerning *The Prosecutor v. Thomas Lubanga Dyilo*, *The Prosecutor v. Bosco Ntaganda* and *The Prosecutor v. Dominic Ongwen*, as well as the continuation of the assistance programmes in the coming period. In that respect, we encourage voluntary contributions to the Trust Fund in favour of the victims and their families.

We have taken note of the judicial proceedings followed by the Court in the situations referring to the Democratic Republic of the Congo, Uganda, the Central African Republic, Darfur, Kenya, Libya, Côte d'Ivoire, Mali, Georgia, Burundi, Afghanistan, Bangladesh, Myanmar, the State of Palestine, the Philippines, the Bolivarian Republic of Venezuela and Ukraine.

With regard to the situation in Ukraine, we highlight the active commitment of the Office of the Prosecutor, having been actively deployed in Ukraine and in the region, including through three missions carried out by the Prosecutor personally.

Regarding the situation in Darfur, the first trial to be initiated on the basis of a referral by the Security Council, we underline the relationship of cooperation and synergy between the Court and the Council, which is essential to accountability for the most serious crimes. In application of article 13 (b) of the Rome Statute, when any of the four crimes provided for in said instrument is committed and the national authorities are not in a position to investigate it, we encourage the Security Council to refer that situation to the Prosecutor of the International Criminal Court.

The delegation of Peru highlights the importance of the memorandum of understanding signed between the Bolivarian Republic of Venezuela and the Office of the Prosecutor of the International Criminal Court in November 2021, as well as the official visit of the Prosecutor to the Bolivarian Republic of Venezuela in March 2022, and the subsequent agreement to establish an office in Caracas. We hope that those efforts will strengthen the foundations of dialogue and cooperation.

My delegation agrees that, as the Court states in its report, national authorities have the primary responsibility for investigating and prosecuting the crimes defined in the Rome Statute. It is therefore essential that States undertake to include war crimes, crimes against humanity and the principles of the Rome Statute in their legal systems. They should establish or enhance national processes for cooperation with the Court and training legal professionals in the investigation and prosecution of international crimes, in particular as part of mandates to support judicial and correctional institutions in post-conflict situations.

Twenty years after the entry into force of the Rome Statute of the International Criminal Court, Peru, as a State party to that instrument, reaffirms its commitment to international law and the promotion and protection of human rights and humanitarian law, which are considered basic tenets for achieving peaceful and inclusive societies and delivering prompt, timely justice, respectful of due process, independent and especially capable of fighting impunity.

We firmly believe in an international rules-based order, and we are aware that access to justice

and accountability are essential to the maintenance of international peace and security. Peru therefore supports all initiatives aimed at guaranteeing that the perpetrators of serious violations of human rights and international humanitarian law are held accountable for their actions.

As evidence of the unwavering commitment of the Peruvian Government to the search for justice enshrined in the Rome Statute, on 14 October it deposited its instrument of ratification of the amendment to article 8 of the Rome Statute and the instrument of ratification of the amendments to the Rome Statute of the International Criminal Court relating to the crime of aggression.

In a context marked by conflicts and humanitarian emergencies, the International Criminal Court, as the first and only permanent international criminal court in the world, requires the firm support of the international community and the determined cooperation of the States parties so that it can fulfil its mandate to guarantee justice for the victims of war crimes and crimes against humanity. In that context, we stress that more and more States parties continue to ratify the amendments to the Rome Statute.

Peru supports the process of strengthening the International Criminal Court and the international criminal justice system of the Rome Statute. Valuing the recommendations presented in the report of the group of independent experts, Peru undertakes to make the greatest efforts with a view to guaranteeing success in each of the thematic areas mentioned in the report, from governance and human resources to strategic planning, the efficiency of the judicial process, the working methods of the judiciary, the strategies of the prosecution, investigations and prosecutions, defence and legal assistance, and the participation of victims and reparations.

To conclude, my delegation wishes to congratulate the two new Deputy Prosecutors, Nazhat Shameen Khan and Mame Mandiaye Niang, elected in March. The role of the officials of the Court is of special importance to preventing impunity and helping with the punishment of those responsible for the greatest atrocities that are committed in the world, thereby allowing to achieve sustainable peace.

**Mr. Khandamishvili (Georgia):** Georgia aligns itself with the statement delivered by the observer of the European Union (see A/77/PV.22) and I would like to add the following remarks in my national capacity.

We would like to thank the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for introducing the annual report (see A/77/305) and commend him for his dedicated work. We concur with the belief that the Court has a paramount role to play in upholding the rule of law and addressing the most serious crimes of concern to the international community.

As we mark 20 years since the inception of ICC, its role is as important as ever in the fight against impunity. With that in mind, Georgia was among the States that referred the situation in Ukraine to the ICC Prosecutor, and we look forward to the forthcoming progress in that regard. Russia's unprovoked, unjustified and premeditated aggression against Ukraine, which has already had the disastrous humanitarian consequences and a total disregard for human rights, once again proves the urgent need for accountability for violations of international law.

In that spirit, let me reiterate that, as a strong supporter of ICC system and the values of the Rome Statute, Georgia contributes to strengthening the Court with institutional and budgetary means, including through its donations to the Trust Fund for Victims.

Georgia also attaches significant importance to the upcoming election of the Registrar of the Court early next year. It is pivotal for the incoming Registrar to have all the expertise, institutional knowledge and dedication so necessary for the stewardship of the ICC and its system. In these tumultuous times, when demand for a reinvigorated fight against impunity is of critical importance, a nimble, effective and operational structure of the Court is indispensable for its success.

In 2016, Pre-Trial Chamber I authorized the Prosecutor to open an investigation *proprio motu* into the situation in Georgia, in relation to crimes against humanity and war crimes within the jurisdiction of the International Criminal Court in the context of an international armed conflict between 1 July and 10 October 2008. The situation in Georgia is the first case in which the ICC entered Europe's legal geography and launched an investigation into the complex international conflict between Russia and Georgia. In that regard, let me reiterate that the Government of Georgia is making intensive efforts on a daily basis to match the growing needs of the investigation.

Georgia's cooperation with the ICC has yielded concrete and tangible results within the investigation

on the situation in Georgia. Herewith, let me recall that on 30 June, the International Criminal Court issued arrest warrants for three individuals for war crimes committed during Russia's military aggression against Georgia in 2008. Thus, the ICC has confirmed Russia's responsibility for gross violations against ethnic Georgians, such as unlawful confinement, torture, inhuman treatment, outrages to personal dignity, hostage-taking and unlawful transfer. Georgia reiterates its strong support for the Court and expresses its readiness to further cooperate with the ongoing investigation to ensure that the individuals responsible for war crimes and crimes against humanity committed against the Georgian population, including during the active hostilities in August 2008, do not go unpunished.

We hope that the landmark judgment of the European Court of Human Rights (ECHR) of January 2021 — in which the European Court unequivocally confirmed the fact of Russia's occupation and effective control over the Abkhazia and Tskhinvali regions of Georgia and Russia's responsibility for heinous crimes against civilians and military personnel committed during the August 2008 war and ongoing occupation — will have a substantial impact on the ICC investigation. The aforementioned human rights violations established by the ECHR translate into war crimes and crimes against humanity under the Rome Statute.

To conclude, Georgia stands ready to continue our close cooperation with the Court in order to ensure that justice will be served for the victims of the most serious crimes of international concern in Georgia and elsewhere.

**Ms. Schwalger** (New Zealand): We thank President Hofmański for the report of the International Criminal Court (see A/77/305) and welcome the opportunity to discuss the International Criminal Court's contribution to the international rule of law and its ongoing relationship with the United Nations.

This year marks the twentieth anniversary of the International Criminal Court (ICC) and the coming into force of the Rome Statute. The creation of the ICC was a huge achievement, marking a crucial step forward in the global fight against impunity for the most serious crimes of concern to the international community as a whole. New Zealand continues to consider the Court to be a central pillar in the international rules-based order and the international criminal justice system. As the first and only permanent international criminal court,

the Court is a key institution within a broader system of domestic and international accountability mechanisms. While the Court has weathered significant challenges over the past two decades, we reiterate that an independent Court to act as a last resort to try the most serious crimes of concern to humanity is as necessary as ever.

We commend the significant progress the Court has made this year and the substantial judicial work it has accomplished despite the challenges caused by the coronavirus disease pandemic and the considerable demand on the mandate of the Court. We reaffirm our unwavering support for the Court and its mandate to hold to account those individuals responsible for the most serious international crimes. For that reason, we came forward as one of the group of countries to formally refer to the Ukrainian situation to the Court.

With the addition of four new active investigations to the Court's caseload this year, New Zealand's focus has been on ensuring the Court is sufficiently resourced to enable it to continue undertaking its investigations and prosecutions independently and impartially. New Zealand was pleased this year to be able to provide additional funding to the Office of the Prosecutor and the Trust Fund for Victims, as well as to deploy a specialized national expert to work with the Court.

We recognize that the Court operates as part of a broader system of international and national accountability mechanisms for international crimes. We acknowledge and commend all those working within that system, including civil society, to end impunity for international crimes and to emphasize accountability for atrocity crimes as part of the rule of law. We reaffirm the invaluable assistance that has been provided by civil society to the Court, and reiterate the importance of protecting all of those cooperating with the Court.

As we celebrate the Court's twentieth anniversary and its many successes and accomplishments over the past two decades, we look ahead to the next chapter of the Court's existence. We continue to support the ongoing review process to strengthen the Rome Statute system and enhance the effective performance of the Court's mandate. We welcome consideration of the comprehensive set of recommendations made by the Independent Expert Review in its final report, and encourage all States parties to ensure

their ongoing support for the Court in implementing appropriate recommendations.

New Zealand is committed to the Rome Statute and its underpinning principles of complementarity, cooperation and universality. The Court complements, rather than replaces, national courts as an independent court of last resort. The primary responsibility to take robust and appropriate measures when faced with the commission of international crimes lies with States.

Domestic courts and judicial processes, which secure accountability for the perpetrators of international crimes, are crucial to implementing the principle of complementarity. We encourage States parties that have not done so to consider incorporating Rome Statute crimes and principles into their domestic law. New Zealand calls on all countries that have not yet done so to ratify or accede to the Rome Statute. We strongly support universal membership of the Rome Statute, which will help end impunity and ensure that all victims have access to justice.

We will continue to demonstrate our support for the Court in order to ensure that the Court delivers justice for victims and accountability in respect of the most serious crimes of international concern.

**Mr. Lagatie** (Belgium) (*spoke in French*): Belgium aligns itself with the statement that was made on behalf of the European Union and its member States (see A/77/PV.22) . The annual presentation of the report of the International Criminal Court (see A/77/305) is essential and shows the extent to which the Court constitutes a central pillar of the world order and of the fight against impunity for crimes that shock the international community as a whole.

Armed conflicts, unfortunately, continue to strike all regions of the world today, and it is essential to combine our forces so that civilian populations, wherever they are, caught in a vice and suffering atrocious violence, can continue to hope in justice. In order to be able to carry out the fight against impunity with effectiveness and credibility, States must play their role, by inter alia, prosecuting crimes themselves, the Court intervening only as a complement to national jurisdictions; cooperating with the Court at all stages of the proceedings in cases where the Court prosecutes and judges; respecting and ensuring respect for the fundamental principles of impartiality and independence of the Court; and paying their obligatory

contribution to the annual budget of the Court on time so that it can properly fulfil its mission.

The support provided to the Court is essential. Obviously, it cannot be selective; victims in all situations within the jurisdiction of the Court all have the same rights to be recognized as such and to access justice.

**Mr. Diakite** (Senegal) (*spoke in French*): My delegation subscribes to the statement delivered by the representative of Côte d'Ivoire (see A/77/PV.22) on behalf of the Group of African States parties to the Rome Statute of the International Criminal Court (ICC), and warmly thanks President Piotr Hofmański for his leadership of the Court and for his rich and detailed briefing on the Court's activities from 1 August 2021 to 31 July 2022 (see A/77/PV.22).

I also commend our compatriot Mr. Mame Mandiaye Niang, Deputy Prosecutor of the ICC, for his outstanding election.

Senegal takes note with satisfaction of the reports of the Secretary-General contained in documents A/77/307 and A/77/306, on the application of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court and pursuant to paragraph 19 of General Assembly resolution 76/5 of 11 November 2021, respectively, which attest to a steady improvement in the ties of cooperation between the two institutions.

In an international context marked by the persistence of various crises resulting in human rights violations, the International Criminal Court remains more than ever an essential pillar of international criminal justice through the fight against impunity for atrocities massive. Senegal's attachment to the principles of international criminal justice made it the first country to complete the formality of ratifying the Rome Statute of the ICC, on 2 February 1999. That belief in the fight against impunity has justified my country's adherence to the initiative for a new multilateral treaty on mutual legal assistance and extradition for the national prosecution of the most serious international crimes, known as the MLA Initiative, alongside Belgium, the Netherlands, Slovenia, Argentina and Mongolia.

My delegation is of the opinion that the international community has a moral responsibility not only to prevent but also to suppress, where appropriate, the most serious international crimes and to provide all necessary assistance to victims, who are generally

in total destitution. That is the core meaning of the preamble to the Rome Statute, which reminds States parties of the need to fight impunity for the perpetrators of mass atrocities and to prevent their commission through deterrence. Reparations are an essential component of international criminal justice. In that regard, we welcome the progress made by the Trust Fund for Victims, which continues to provide support to victims, in accordance with its mandate.

Senegal welcomes the progress made by the International Criminal Court in its activities during the reporting period, and reiterates its unwavering support for the Court as an independent and impartial judicial institution responsible for combating impunity for perpetrators of the most serious crimes. It should be recalled that the Court cannot carry out its mission without the enhanced cooperation of the States parties. Cooperation between the Court and States was once again at the heart of the issues raised at the Dakar regional conference, held from 23 to 25 May, which was an opportunity for participants to discuss the strengthening the international criminal justice system and the fight against impunity.

As our Minister of Justice pointed out on that occasion:

"The effectiveness or success of the Court is dependent on compliance by the Court, as well as by the States parties, with the statutory provisions that govern their relations, but also and above all of the will of each of our countries to play its part in the distribution of criminal justice at the national level. All in all, the ICC cannot act without the cooperation of States, which have the monopoly of the police, and without which the identification and appearance of the accused, as well as of victims and witnesses, would be unlikely."

In the same vein, the President of the ICC, Judge Hofmański, also stated:

"Regardless of the continent and regardless of the nationality of the victims or the perpetrators, the ICC's mandate and purpose remains the same: to fight against impunity for the most serious atrocity crimes. We strive for accountability. We strive to provide justice to victims. And we strive to prevent future crimes. But the ICC cannot do any of this alone."

My delegation also salutes the key role of the ICC in the international architecture for the prevention and punishment of war crimes, crimes against humanity and the crime of genocide, and welcomes its cooperative relations with the Security Council, guarantor of international peace and security. Indeed, through the modes of interaction provided for, in particular in articles 13 and 17 of the 2004 Relationship Agreement between those two bodies, international crimes must no longer go unpunished. Therefore, it is important for all States parties to the ICC to focus on preserving the independence and integrity of the Court for the proper execution of its mandate.

The universal ratification of the Rome Statute and the incorporation of its standards into the domestic law of States are essential conditions for enabling victims of international crimes to obtain justice. In that regard, we invite all States Members of the United Nations to engage in a constructive dialogue to remove all forms of misunderstanding in order to further strengthen the credibility of the judicial institution.

In conclusion, my delegation calls for maintaining our commitment to strengthening complementarity by supporting national judicial systems so that they are able to try the most serious crimes that offend the conscience of the international community.

**Mr. Prytula (Ukraine):** At the outset, I would like to thank the President of the International Criminal Court (ICC) for his comprehensive presentation of the Court's annual activities (see A/77/PV.22).

Ukraine welcomes the 2021-2022 report of the Court (see A/77/305). We highly appreciate the prompt decision of the Prosecutor of the International Criminal Court, in a moment of the cruellest violation of international humanitarian law, to proceed with the opening of investigations into the situation in Ukraine, based on 40 referrals of States parties, the number of which has since increased to 43.

It is important that in this extraordinary time, the Court continue to receive cooperation from the United Nations on a wide range of issues. However, let me underline the direct linkage between the cooperation, assistance and support of States parties and the effectiveness of all Court's activities, from ongoing investigations to judicial activities. Providing such cooperation is an additional contribution to preventing and fighting against impunity for the most serious crimes.

We are grateful to all States and specialists who contribute to this work with their financial, technical, analytical, legal and expert support. And I firmly believe that the International Criminal Court will be able to create a historical precedent of an absolutely legal response to the heinous crimes committed by the Russian occupiers, as large-scale as the Russian war against Ukraine itself.

For many years, the world has been looking for ways to prevent the recurrence of a full-scale war in Europe and to ensure the inevitability of punishment for war criminals, wherever they are and wherever they commit crimes against the basics of human life. Thanks to those searches and the efforts of many conscientious people, we now have, in particular, the International Criminal Court — one of the most important global legal institutions that ensures justice and protects humankind.

Strongly believing in that court of last resort, on 17 April 2014 the Government of Ukraine lodged a declaration under article 12 (3) of the Rome Statute, accepting ICC jurisdiction over crimes committed on its territory from 21 November 2013 to 22 February 2014. On 8 September 2015, the Government of Ukraine lodged a second declaration under the same, accepting the exercise of jurisdiction by the ICC in relation to crimes committed on its territory starting on 20 February 2014 — the beginning of the Russian military aggression against Ukraine. Today eight months after Russia's full-scale invasion of Ukraine, let me once again reiterate that these declarations have been made for an indefinite duration.

The scope of the investigation opened by the ICC Prosecutor on 2 March encompasses any past and present allegations of war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person from 21 November 2013 onward. Following ICC jurisdiction, which Ukraine has accepted for crimes committed on its territory, we consider the ICC to be a real mechanism for holding the individual perpetrators to account. Ukraine is fully committed to cooperation with the Office of the Prosecutor of the International Criminal Court, including interactions with that Office's team on the ground in Ukraine and within the joint investigation team.

At the same time, we underline that if the original crime of aggression is to receive a fair answer as well, we must supplement the activities of the International

Criminal Court. A special tribunal should be established for the crime of aggression against Ukraine so that it can punish those who, unfortunately, cannot be reached by the International Criminal Court or any other available judicial institutions of the world. In that regard, we invite every State in the world that values international law and order to work with Ukraine on the establishment of such a tribunal for the crime of aggression against Ukraine.

The demand of the people of Ukraine for justice, prosecution and holding to account all perpetrators of grave crimes committed in Ukraine grows only stronger, as does Ukraine's support for the work of the ICC. Russia's ongoing brutal full-scale invasion and war actions all over the territory of Ukraine challenge the whole system of international law, and we will pursue every possible means to ensure justice.

**Mr. Peñaranda** (Philippines): The Philippines disassociates itself draft resolution A/77/L.7, which welcomes the report of the International Criminal Court (ICC). The report (see A/77/305) contains references to the Philippines in the section on updates on judicial and prosecutorial activities in relation to crimes within the jurisdiction of the Court allegedly committed in the territory of the Philippine. The Philippines finds deeply regrettable the actions by the Prosecutor and his zeal in proceeding with the investigation of the situation in the Philippines.

The Philippines underscores the establishment of an inter-agency review panel headed by the Secretary of Justice of the Philippines precisely to reinvestigate cases involving fatalities in the campaign against illegal drugs, and is steadily proceeding with its work. In that regard, we have asked the Prosecutor to defer to our national investigation. The Rome Statute requires the Court and the Office of the Prosecutor to respect and defer to the primary criminal jurisdiction of a concerned State party while proceedings are ongoing in the latter. The move of the Prosecutor, as indicated in the ICC report (see A/77/305), is inconsistent with the principle of complementarity, a core principle of the Rome Statute.

The Philippine Government, in partnership with the United Nations, is implementing a joint programme on human rights, the first of its kind, which puts together the capacities and resources of the United Nations in support of a wide range of national institutions. All these affirm the adherence of the Philippines to human

rights norms and its long track record of constructive engagement with international and regional partners in human rights promotion and protection.

Notwithstanding our withdrawal from the Rome Statute, which was due to a principled stand against those who politicize human rights, the Philippines affirms its commitment to fighting impunity for atrocity crimes. The ICC may exercise jurisdiction only where national legal systems fail or are unable to do so. The ICC was never conceived or created as a substitute for national courts.

Finally, the International Criminal Court is a court of last resort. The State parties to the Rome Statute envisioned a court with a complementary, not primary jurisdiction for the prosecution of the persons most responsible for the most serious crimes of international concern.

**Mr. Nagano** (Japan): This year marks the twentieth anniversary of the entry into force of the Rome Statute. In recognition of this milestone year, I would like to reiterate that Japan, with renewed determination, remains a staunch supporter of the International Criminal Court (ICC) and is committed to the fight against impunity and to promoting the rule of law in the international community.

Japan firmly believes that strengthening the rule of law based on respect for international law will benefit all countries and regions, leading to sustainable growth and the development of a healthy international community. As such, Japan will take every action to reinforce the rule of law in the international community. To that end, we will work closely with the ICC, given its central role in the prosecution and punishment of the most serious crimes, including war crimes.

The international community's interest in and expectations for the ICC have steadily grown, in particular after the referral of the situation in Ukraine. Japan remains dedicated to helping the Court to function effectively and sustainably. In addition to being a Bureau member, we are the largest financial contributor, and we provide qualified human resources, including judges and other ICC personnel. At the same time, Japan is counting on the leadership of the ICC President to take proactive measures to ensure appropriate budget and organizational management under the one court principle.

With the ICC's greater relevance in light of the current international situation, it is imperative that the Court strive to promote universality with the wider membership. In that regard, Japan commends President Hofmański, who visited Japan earlier this month, for his active outreach activities. We also applaud Prosecutor Khan for his nuanced and practical approach to addressing situations in which the interests of non-States parties are at stake. Japan will work hand-in-hand with the ICC in the promotion of universality.

In closing, let me stress once again that Japan will spare no effort in working to enhance the functions of the ICC and will work cooperatively to promote the rule of law in the international community.

**Mr. Weinstein** (United States of America): I thank President Hofmański for his briefing (see A/77/PV.22) and for his leadership as President of the International Criminal Court (ICC).

As noted in the Court's report on developments between August 2021 and August 2022 (see A/77/305), the Court's trial activity is now at an unprecedented level. The ICC has significantly advanced justice for victims around the world, including in situations in which the ICC was invited to act by national Governments. The United States welcomed the opening of trial in April in the case against a former Janjaweed commander known as Ali Kushayb. That marked the first trial against any senior leader for crimes committed by the Omar Al-Bashir regime and Government-supported forces following the genocide and other atrocities in Darfur.

The ICC has also made meaningful progress in advancing justice for atrocities committed in the Central African Republic. The United States commends the ICC for progress on those cases and for closely coordinating with Central African national authorities in the Special Criminal Court of the Central African Republic. The ongoing trials against Alfred Yekatom, Patrice-Edouard Ngāissona and Mahamat Said Abdel Kani for crimes against humanity and war crimes represent a strong blow against impunity.

ICC activities in situations around the world underscore its important role as a key piece of the global architecture for accountability and a reminder of the imperative for justice, even when it may take time to achieve. With regard to the situation in Mali, the Court continued the trial against the individual known as Al Hassan on charges of crimes against humanity and war crimes committed in Timbuktu between 2012 and 2013.

Furthermore, the Prosecutor has opened investigations into the situation in Venezuela, and the United States welcomes his Office's ongoing efforts.

I must also address the horrific war in Ukraine, where civilians face brutal attacks on a daily basis, carried out by Russian forces. The United States supports a range of international investigations into atrocities in Ukraine, including those conducted by the ICC, the United Nations and the Organization for Security and Cooperation in Europe. We will continue to stand with Ukraine in the face of Russia's brutal aggression and in seeking justice and accountability.

While commending the achievements of the ICC over the past year, the United States is troubled by the large number of outstanding arrest warrants, a matter that should concern all States. Individuals subject to warrants of arrest by the ICC must face justice before fair, independent and credible judicial proceedings. The United States continues to encourage the authorities in the Sudan to transfer suspects to the Court, and we continue to offer monetary rewards for information leading to the arrest of Lord's Resistance Army (LRA) leader Joseph Kony, to provide justice for victims of the LRA. We call on all States to cooperate in ensuring that Nouradine Adam, accused of crimes against humanity in the Central African Republic, faces justice.

The ICC plays an important role in relation to broader efforts to seek justice for atrocity crimes. Across the world, a range of national, hybrid and other international tribunals are also making progress in the fight against impunity for atrocity crimes. That includes the commencement of the trial against Félicien Kabuga, indicted for genocide and crimes against humanity by the International Residual Mechanism for Criminal Tribunals; the opening of trials in the Central African Special Criminal Court; the war crimes convictions in Ukrainian national courts; and the increasing number of prosecutions by national authorities, including in Germany, of atrocities committed in other States, such as Syria.

Such efforts, especially where prosecutions are not possible before international courts or courts in the jurisdiction where the crimes were committed, ensure that there is no safe haven for those responsible for crimes that shock the conscience of humankind. National systems must be the first and foremost venue for accountability, and the United States continues to

assist countries to build their own domestic capacity in that regard.

Turning back to the ICC, the United States is pleased to announce that we intend to participate in the upcoming Assembly of States Parties as an observer delegation. As the Court reflects on its first 20 years and charts a course for its future, the United States is committed to engaging with States parties, the Court and others to ensure that the Court achieves its core mission as a court of last resort in punishing and deterring atrocity crimes. While we maintain our concerns about the ICC in certain areas that are well known, we believe that our concerns are best addressed through engagement with all stakeholders.

We strongly commend all organs of the Court, States parties, civil society and victims, who have engaged over the past several years in considering a broad review to address issues to help the Court better achieve its core mandate, including those identified by the Independent Expert Review of the ICC.

Justice is not only a moral imperative, but it is essential to the maintenance of international peace and security. The United States is a strong supporter of meaningful accountability and justice for the victims of atrocities. Those are core values, best advanced through a shared commitment, and the ICC is an integral component of that shared commitment to justice.

**Mr. Malovrh** (Slovenia): My delegation welcomes this opportunity to discuss the annual report (see A/77/305) of the International Criminal Court (ICC).

Slovenia fully aligns itself with the statement delivered by the observer of the European Union (see A/77/PV.22) and would like to contribute further to this debate in its national capacity.

I would like to begin by congratulating the ICC on its significant achievements and its crucial role in the global fight against impunity over the past 20 years. This year's report shows that the International Criminal Court has been facing a significant increase in its workload, in addition to the crisis in Ukraine. We commend the Court for its remarkable response and reaffirm our continued diplomatic and financial support for the Court's mandate of ending impunity and promoting justice.

The Court must have sufficient resources available for its operation in order to take account of the high expectations of the States parties and other stakeholders

for greater effectiveness and efficiency, as well as for ensuring the integrity of its work in all situations under investigation. It is high time to provide a long-term sustainable budget that will suffice for an ever-increasing caseload and, more importantly, to urgently address the issue of arrears in order to find an effective solution regarding the collection of outstanding financial contributions from the States parties.

The current crisis demonstrates the importance of cooperation among the States parties, the Court and all other stakeholders in order to ensure effective accountability. In that context, Slovenia considers that the Security Council's referrals of situations that would not otherwise fall under the jurisdiction of the ICC would significantly contribute to the prevention of atrocity crimes, as well as improve the Court's effectiveness and credibility.

The States parties must ensure the independence and impartiality of the ICC in the exercise of its jurisdiction in all situations under its mandate and protect the Court from external political pressure. We call on the States parties to demonstrate greater initiative in assisting the Court. We would like to see the States take concrete action to ensure the execution of outstanding warrants and implement the principle of complementarity. That could be achieved by improving their national capacities, which would enable them to pursue investigations and ensure fair and efficient domestic trials.

The ICC turned 20 in one of the most challenging years since its inception. The events of the past year have shown that the most unimaginable crimes are not a thing of the past and that support for the pivotal role of the ICC in ensuring accountability and justice is now more crucial than ever. The victims must not be left to bear the burden of the failure of the international community.

Never before has it been so crucial to promote the universality of the Rome Statute system. Once all States decide to take that step and ratify or accede to the Rome Statute, the whole world will be a step closer to justice and peace. As already mentioned by ICC Prosecutor Karim Khan, the world is currently holding its breath, questioning whether we are heading towards peace or even more violence and suffering. The world is reflecting on the role of international law and the International Criminal Court amidst all this suffering and destruction.

Our common future depends on the willingness of States to ensure respect for the rule of law, which is an intrinsic part of our human coexistence.

**Ms. Solano Ramirez** (Colombia) (*spoke in Spanish*): At the outset, Colombia pays tribute to Judge Piotr Hofmański and hopes that he will continue to enjoy success as President of the International Criminal Court (ICC). We also thank him for the annual report of the Court (see A/77/305) on its activities in 2021-2022, introduced pursuant to article 6 of the Relationship Agreement between the United Nations and the ICC.

It is important to note that this year has seen major challenges for the Court, owing to international circumstances, including the referral of the situation in Ukraine by a group of countries, including Colombia. The Court has been able to meet those challenges and its relevance and importance are now clearer than ever.

This has also been a very special year for Colombia in its relations with the ICC. A year ago, Prosecutor Karim Khan announced his decision to conclude the preliminary investigation that his Office had opened 17 years earlier to consider the situation in our country. The Prosecutor's decision not only served to put an end to the longest preliminary inquiry in the Court's history, but was also an opportunity for him to express his support for those bodies entrusted with delivering justice in Colombia, both in the ordinary and in the transitional justice systems.

A few days ago, a team from the Prosecutor's Office concluded an official visit to Bogotá, during which it had worked with a broad range of national authorities, international partners and members of civil society striving to address crimes committed in Colombia within the jurisdiction of the Rome Statute. That visit was undertaken by the Prosecutor's Office in the context of the cooperation agreement reached with the Government of Colombia and was one of an ongoing series of meetings and exchanges that had taken place with the Office and the authorities of Colombia in the previous year.

The Colombian authorities and the Prosecutor have made significant progress over the past year, including

a decision by the Special Jurisdiction for Peace to establish a fact-based framework for relevant major cases, assigning responsibility for the perpetrators of crimes and holding public hearings to air the truth. Important progress was also made by Colombian institutions in their search for justice in cooperation with all international and national partners.

As I said earlier, the cooperation agreement represents a new phase in relations between the Prosecutor's Office, the Court as a whole and Colombia. The agreement reflects an innovative partnership based on two sets of basic commitments. The first includes the commitments made by the Government of Colombia to ensuring the preservation of the legislative, constitutional and budgetary framework to support accountability, prevent undue interference and ensure full cooperation between our institutions. The Prosecutor's Office committed in turn to continuing to support accountability efforts in Colombia under its mandate. That innovative system highlights the important role of positive complementary and could help to launch a new generation of relations between the Court and member States. We believe that the Colombian dossier is the best example of positive complementarity, as the work of the ICC in our country will contribute to developing the transitional and traditional justice systems.

Colombia has entered a new stage in its relationship with the ICC that could be emulated by other countries in difficult situations requiring jurisdictions ready and able to deliver justice for crimes of the greatest interest to the international community. Colombia is ever ready to share its experiences with other countries in similar situations.

In the light of all this, Colombia welcomes its new relationship with the ICC, which, under the leadership of President Hofmański and Prosecutor Khan, promises strengthened institutionality and new impetus in identifying and prosecuting the perpetrators of the most serious crimes offending the human conscience. To that end, Colombia will continue to be a strategic partner and a State committed to the future of the ICC.

*The meeting rose at 6 p.m.*