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Official Records

President: Mr. Muhammad-Bande (Nigeria)

*In the absence of the President, Ms. Young (Belize),
Vice-President, took the Chair.*

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

Agenda item 73 (continued)

Report of the International Criminal Court

Note by the Secretary-General (A/74/324)

Reports of the Secretary-General (A/74/325 and A/74/326)

Draft resolution (A/74/L.8)

Mr. Suan (Myanmar): First and foremost, my delegation wishes to state that Myanmar's participation in the debate on this agenda item should not be in anyway construed as Myanmar's recognition of the International Criminal Court (ICC) or its jurisdiction over my country, Myanmar, which is not a party to the Rome Statute of the International Criminal Court.

Paragraphs 38 to 40 and 43 to 45 of the ICC report (see A/74/324) present an account of the ICC Prosecutor's illegitimate attempts to open a case against Myanmar and obtain authorization for an investigation into the alleged deportation of members of the so-called Rohingya people from Myanmar to Bangladesh. Following the case built by the Prosecutor, on 6 September 2018 Pre-Trial Chamber I decided that the Court may exercise jurisdiction over the alleged deportation to Bangladesh of the so-called Rohingya people from Myanmar, a State not a party to the Statute. Furthermore, the Prosecutor requested

Pre-Trial Chamber III to authorize an investigation against Myanmar.

The Government of Myanmar strongly rejects the ICC's ruling of 6 September 2018. The ruling itself is the result of faulty procedure and is of dubious legal merit. My delegation would like to reiterate our firm position that Myanmar is under no obligation to respect the ruling of the Court, since it has no jurisdiction over Myanmar. Nowhere in the Rome Statute does it say that the Court has jurisdiction over a State that is not a party to the Statute.

It is obvious that the Prosecutor has disregarded the legal merits of the Myanmar Government position as well as its determination and efforts to resolve the present humanitarian problems in Rakhine state, particularly in terms of the repatriation of displaced persons. What the Prosecutor is attempting to do is to override the principles of respect for national sovereignty, territorial integrity and non-interference in the internal affairs of States. She has blatantly acted in contravention of the principles enshrined in the Charter of the United Nations and recalled in the preamble to the Rome Statute.

The Prosecutor has built her case with politically motivated intent and emotional self-interest. Her request for an investigation does not include the atrocious crimes committed by the Arakan Rohingya Salvation Army (ARSA) against Hindus and other ethnic people in Rakhine. She deliberately omitted the undisputed fact that the Army's actions precipitated the mass displacement. In addition, the Prosecutor relied

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heavily on human rights reports that contain factual errors and unsubstantiated narratives.

The issue of Rakhine is neither one of religious persecution nor of an act of deporting a group of people out of the country. The Government of Myanmar strongly rejects its labelling by anyone as a crime against humanity or ethnic cleansing. It is in fact a political and economic issue involving cross-border migration that has been going on since colonial times, when the British brought in people from Bengal, primarily from the Chittagong region, to Rakhine. There was also another wave of mass migration across the border during the Bangladesh independence war in 1971.

The immigration problem in Rakhine was also exacerbated by poverty, the absence of the rule of law, and insecurity. There have long been deep-rooted tensions, mutual mistrust and fear between the local ethnic communities and the migrant community. The democratic Government of Myanmar attempted to solve the long-neglected problem by setting up the Advisory Commission on Rakhine State led by the late Kofi Annan. On the day the Commission presented its recommendations, ARSA launched multiple armed attacks on dozens of security posts in northern Rakhine, precipitating a humanitarian crisis in the form of a massive exodus of people to Bangladesh.

People have never been deported from Rakhine to anywhere. ARSA was the real culprit behind the massive displacement. The Government of Myanmar is working hard in cooperation with Bangladesh, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the Association of Southeast Asian Nations. With the help of our friends in the region, it is also working to ensure the voluntary, safe and dignified repatriation of people displaced from Rakhine.

The threat of ARSA is a major impediment to the repatriation of displaced persons and the restoration of security, peace and harmony in Rakhine. Despite the intimidation and threats posed by ARSA, so far over 400 people have returned of their own free will and under their own arrangements. We welcome the return of all verified former residents to Rakhine. We will continue to work to procure the safe, dignified and voluntary return of displaced persons, in accordance with the signed bilateral agreements and arrangements concluded between Myanmar and Bangladesh.

With regard to the issue of accountability, Myanmar is determined to seek accountability for all crimes committed by anyone, anywhere in the territory of Myanmar. Following the 2016 and 2017 ARSA terrorist attacks in Rakhine, we set up an independent commission of inquiry to investigate allegations of human rights violations. The commission is preparing its report and will submit it to the President, along with recommendations for further action. We are willing and able to address the question of accountability.

The Court's overextended application of jurisdiction challenges the fundamental principle of legal certainty and is contrary to accepted principles of public international law. It has created a dangerous precedent and erodes the moral authority of the Court. My delegation firmly rejects some Member States' unlawful call for a referral of Myanmar to the ICC, and in particular that of the representative of Canada in her statement in this Hall earlier today (see A/74/PV.25).

We also seriously question the true intention and sincerity of those supporting the ICC Prosecutor's dubious decision to bring Myanmar before the ICC, when she herself is currently facing a formal complaint that could see her suspended from duty for allegedly committing serious human rights violations and crimes against humanity during the rule of the 1994-2002 military dictatorship in her own country, the Gambia.

Finally, my delegation wishes to put it on record that Myanmar dissociates itself from the adoption of draft resolution A/74/L.8.

Mr. Jinga (Romania): Romania aligns itself with the statement delivered this morning by the observer of the European Union (see A/74/PV.25). I would now like to make a few remarks in my national capacity.

I would first like to thank Judge Chile Eboe-Osuji, President of the International Criminal Court (ICC), for his inspiring briefing this morning. The practice of presenting the Court's annual report to the United Nations (see A/74/324) is a good opportunity to re-emphasize the common core values of these two organizations, both of which play an important role in protecting the interests of humankind and should cooperate closely, wherever appropriate, in supporting the cause of peace and justice.

There have been truly impressive achievements in the area of international criminal justice over the past two decades. The ambitious project of creating a general

and permanent criminal court has paid dividends beyond a mere deterrent effect. The broader Rome Statute system has changed the way the world has come to respond to the most serious crimes. The existence of the ICC has been a catalyst for passing relevant domestic legislation and consolidating national justice mechanisms in accordance with the complementary character of the Court. Moreover, there is mounting evidence that international justice can support peace and reconciliation by sidelining those who seek to undermine the peace process and by offering victims a much-needed public recognition of the suffering they have endured.

The Court's continued heavy workload over the reporting period and the extended geographic scope of its activity confirm that the international community remains a firm supporter of international criminal justice and the Court's role in ensuring a rules-based global order. At the same time, we are seeing a widening gap between the Court's aspirations at its founding and some of its results, which makes it vulnerable to attacks and undermines its authority. In the current volatile political context, with populism and xenophobia on the rise, we cannot afford to let new doubts take root or question the relevance of this institution. Now is the time for strengthening the Court to ensure its effectiveness and legitimacy.

We should not forget that the ICC is actually an organization of limited competence, circumscribed by its founding treaty and its reliance on State support at operational, political and financial levels. We must therefore move away from idealistic discourse and start thinking about the Court with the existing challenges in mind. Against that backdrop, we support the ongoing efforts aimed at reviewing the Court's judicial and managerial functions, including by means of an independent assessment aimed at kick-starting a State-driven reflection on how to redress the shortcomings in the ICC's functioning. At such a galvanizing moment for change, we would also encourage the Assembly of States Parties to boldly fulfil its oversight responsibilities.

The promise embodied by the Court to address the impunity gap for the most serious crimes cannot be fulfilled without State cooperation. In this context, we would like to reiterate Romania's support for the Court and add our voice to the calls for enhanced cooperation between the States Parties and the ICC, including by

responding promptly to the requests transmitted by the Court.

The fight against impunity requires a synergetic global justice system in which national, regional, international and hybrid institutions coexist and are mutually reinforcing. The ICC was conceived as a court of last resort for the worst and most difficult cases. Enabling local justice mechanisms to address international crimes is still the most effective way of combating impunity. As a focal point for complementarity, Romania has persistently called for renewed attention to support for national proceedings, including by mainstreaming the Rome Statute concepts into relevant assistance programmes dedicated to the development of the rule of law.

Addressing international crime almost always raises sensitive topics and creates political hurdles. However, a culture of the rule of law, accountability and trust cannot be developed if egregious crimes are left unaddressed. We remain committed to raising awareness of the Court's mandate, defending the impartial and independent conduct of its functions, fostering its improved performance as a judicial institution by improving the nomination and election processes for the judges and the Prosecutor, among other things, and encouraging the widest possible participation in the Rome Statute.

Mr. Oña Garcés (Ecuador) (*spoke in Spanish*): My delegation thanks the President of the International Criminal Court, Judge Chile Eboe-Osuji, for his briefing (see A/74/PV.25) on the report of the Court on its activities during 2018 and 2019 (see A/74/324).

We also welcome the draft resolution on the report of the International Criminal Court introduced today by the Netherlands (A/74/L.8), of which Ecuador is a sponsor and which we hope will be adopted by consensus.

Ecuador has consistently defended the role of the International Criminal Court in the maintenance of international peace and justice and the defence of the rule of law and as an essential component in conflict prevention and reparation to the victims of the most serious crimes. In the General Assembly today we reiterate our support for the Court as a unique mechanism for combating impunity, and we call on all States to lend their support so that it can effectively and concretely exercise its jurisdiction over persons with

respect to the crimes considered the most serious by the international community.

For Ecuador, the progressive universalization of the Rome Statute and the jurisdiction of the International Criminal Court is an inalienable goal. Beyond situational political considerations, it is vital that we make progress towards an authentic universal criminal justice that guarantees that impunity will be combated and ensures that those found responsible will be punished. It is clear that it is possible to effectively try crimes of genocide, crimes against humanity, war crimes and crimes of aggression, which are subject to the complementary jurisdiction of the Court, if States adhere universally to the Statute and provide the cooperation the Court requires.

However, as we have already pointed out, universality means not only that all States are party to the Rome Statute but that the Court can investigate all crimes against humanity taking place in the world today, wherever they are committed, without double standards and beyond the reach of political or economic interests that can mean that similar situations are measured by different yardsticks. In this regard, we recognize and support the unflagging work of the Court, whose procedural load has included a total of 27 cases, involving 45 suspects or accused, since it began operations, as well as the Prosecutor of the Court, whose work has contributed to the issuance of new arrest warrants during the reporting period and the continuation of pending proceedings. We encourage the continuation of the ongoing open investigations into the 11 situations and pending preliminary examinations.

Ecuador incorporated non-applicability for actions and penalties for crimes of genocide, crimes against humanity, war crimes, forced disappearance of persons and crimes of aggression into its 2008 Constitutional and domestic criminal legislation. In our country, none of those crimes are subject to amnesty or a statute of limitations, which is fully consistent with the foundation of the Rome Statute, the fight against impunity. A few weeks ago, with the same commitment, Ecuador submitted its instrument of ratification of the amendments to the Rome Statute relating to the crime of aggression and signed the code of conduct regarding Security Council action against genocide, crimes against humanity and war crimes.

I would also like to reiterate our position on the principle of the complementarity of the Court. It has

special importance for us as a mechanism that enables States to cooperate in their fight against impunity and is a uniquely important ingredient in strengthening national capacities. Through its complementarity, the International Criminal Court provides support for national legislation. It is not a substitute for it.

It is essential to ensure that the Court has the funding it needs to enable it to meet the mandates in the Rome Statute, especially at a time when its caseload, the investigations in the Office of the Prosecutor and the Court's overall workload have increased. It is also essential to strengthen the mechanisms for obtaining resources and mobilizing the international community's cooperation for the Trust Fund for Victims, given that the Fund supports the work of the Court on such inherent elements of justice as the protection of and reparation for victims of crimes covered by the Rome Statute.

My delegation would like to express its support for the efforts of the United Nations system to improve its channels of cooperation with the Office of the Prosecutor and other organs of the Court, and we call on Member States to provide every possible support for the implementation and enforcement of orders issued by the relevant authorities of the International Criminal Court.

Finally, my delegation would like to pay special tribute to the work of the Registry of the Court, as well as the secretariat of the Assembly of States Parties, whose efficiency and effective work in coordination and support have made it possible to achieve its results.

Ms. Durney (Chile) (*spoke in Spanish*): Chile appreciates the comprehensive report of the International Criminal Court on the activities of the Court between 1 August 2018 and 31 July 2019 (see A/74/324).

We take note of the activities of its various organs, including their judicial and prosecutorial proceedings and the steps taken by the Registry of the Court during that period. My delegation would like to highlight the fact that despite the limited resources available to it, the Office of the Prosecutor has been able to take on an intense amount of activity, as evidenced by the 10 preliminary examinations and 11 investigations currently under way. My country supports and is a sponsor of draft resolution A/74/L.8.

As on other occasions, my delegation would like to highlight Chile's commitment to strengthening

international criminal law, as demonstrated during the negotiations that led to the establishment of the first permanent international criminal court. Today, as it did in Rome in 1998, Chile advocates the existence of a robust and effective International Criminal Court. Twenty-one years after the Court's founding, it is a source of great satisfaction for our country to hear the progress that it has made towards strengthening international criminal justice, which aims to respond to the terrible suffering that humankind may experience as a result of the most serious kinds of crimes.

Today we consider it essential to reiterate the appeal to all States to cooperate fully with the investigations and prosecutions of the Court and contribute actively to helping it overcome the challenges and criticisms it faces. I shall now turn to some aspects of the report to which my delegation would like to pay special attention.

I would first like to refer to the first-instance judgments relating to crimes within the jurisdiction of the International Criminal Court. During the reporting period, the Court issues some acquittals and a conviction. We have the utmost respect for the impartiality of the Court and the fact that it administers justice at the international level in way that reflects a commitment to due process and the principle of equality of procedural means.

We also want to emphasize that the Court exercises its jurisdiction in delicate situations that require enhanced cooperation with States parties. This aspect is related to another key element of the international criminal justice system that is incorporated in the Rome Statute, which is the principle of complementarity. States parties must exercise their jurisdictional competencies in a way that is consistent with the principle of complementarity provided for in the Rome Statute, in order to assume their responsibility for prosecuting and trying the crimes defined in the Statute.

With regard to the cooperation between the Court and the Security Council, we believe it is crucial to improve their dialogue, coordination and joint action, since the blessings that the Rome Statute seeks to safeguard — peace, security and the well-being of humankind, as expressed both in its preamble and enshrined among the purposes of the United Nations set forth in Article 1 of the Charter — should be reflected in a collective response to the grave implications of inaction in the face of impunity and recurring behaviour

that flies in the face of the international legal order. In that regard, my delegation welcomes the fact that the report of the Court addresses this matter and supports its call for strengthening international cooperation aimed at ending impunity for atrocity crimes. As we pointed out last year, special attention must be paid to ensuring the Security Council's effective follow-up of situations that it refers to the Court (see A/73/PV.28).

With regard to the treaty matters referred to in paragraph 90 of the report of the Court, my delegation considers it important to note that in 2016 Chile ratified the amendments to article 8 of the Rome Statute and to the creation of article 8 *bis* following the 2010 Kampala Conference. We currently have a bill pending in the Senate of the Republic of Chile that is aimed at incorporating into our domestic legal system criminal definitions corresponding to those amendments that pertain to certain war crimes and to the definition of the crime of aggression. We are also grateful to the Court for providing us with support from professionals from its Registry in the examination of our draft cooperation law, the objective of which will be to effectively implement the provisions of the Rome Statute related to the activities of our internal bodies.

My delegation wishes to reiterate its appreciation for the crucial work of the Trust Fund for Victims, which must be equipped with the means to carry out its work of ensuring reparations and assistance in order to provide physical and psychological rehabilitation support to victims and to provide material support to the survivors of crimes that fall within the jurisdiction of the Rome Statute. Furthermore, my delegation reiterates its appreciation for the work carried out by the secretariat of the Assembly of States Parties, whose functional independence and structural integrity are central to ensuring the effective work of our countries and their participation in the system.

Finally, we reiterate our commitment to the universality of the Rome Statute and our full confidence in the importance of the role of the International Criminal Court in fighting impunity and preventing acts that shock the conscience of humankind and threaten international peace and security. We reiterate our concern about the withdrawal of two States from the Rome Statute, but we hope that we can all continue to work to ensure that such situations can be reversed and that adherence to the Statute will gradually increase among members of the international community.

Mr. Lauber (Switzerland) (*spoke in French*): In the past few years we have seen an increase in attacks on international institutions and multilateralism in general. The International Criminal Court (ICC) has not been spared, even if it represents a central achievement of multilateral diplomacy and a milestone in the development of international law. However, in a context where atrocities continue to be committed around the globe and where States still fall short of sufficiently combating impunity for the most serious crimes, the ICC is more necessary than ever. It is therefore crucial that States reaffirm their commitments to the rules-based international order and to the Court.

The ICC's mandate is to hold powerful individuals accountable for committing very serious crimes under international law. It therefore does not come as a surprise, though it is no less regrettable, that the ICC is regularly subjected to political attacks. The fact is that all States are obligated to prosecute and punish atrocities, and the Court can intervene only if they are unable or unwilling to do so. Before criticizing the Court, States should therefore first take on their own responsibilities. The Court is independent and bound only by respect for the rule of law. It cannot become the target of political pressure. In this regard, Switzerland reiterates its continued and principled support for the ICC. We are resolute in our defence of an international order based on the rule of law.

The ICC was created to fight impunity, contribute to sustainable peace and help victims. As detailed in the report before us (see A/74/324), the ICC is carrying out its role. It has been conducting preliminary examinations and investigations on situations in every region of the world and it has rendered judgments. Switzerland would like to take this opportunity to thank the Court, its staff and all who support the institution.

Every institution should be continually strengthened. The ICC should also become more efficient and effective. An independent expert assessment of the ICC, which should be launched shortly, will be essential to ensuring its success. States parties must always respect the independence of the Court and preserve the founding principles of the Rome Statute, including during the assessment process. They also have the responsibility of nominating and electing only the most qualified officials to the ICC, as well as of cooperating fully with the Court.

It is also important to ensure that the ICC is able to address current forms of criminality. It is therefore crucial to ratify the amendments that pertain to war crimes and the crime of aggression. I want to highlight Switzerland's proposed amendment to the Rome Statute to include the war crime of using the starvation of civilians as a method of warfare in domestic armed conflict. The amendment aims to close a legal gap and respond to an urgent need, given that almost all ongoing conflicts are domestic in nature. Switzerland strongly encourages all States parties to support the proposed amendment so that it can be adopted at the upcoming session of the Assembly of States Parties.

In the light of the numerous challenges that face us, we must reaffirm our collective commitment to ending impunity for the perpetrators of the most heinous crimes and bringing justice to victims. Our support for the ICC and its mission must not weaken.

Mr. Park Chull-Joo (Republic of Korea): At the outset, I would like to express my sincere appreciation to Judge Chile Eboe-Osuji, President of the International Criminal Court (ICC), for his comprehensive briefing (see A/74/PV.25) on the report of the Court (see A/74/324). My delegation also commends the joint efforts of the Presidency, Chambers, Office of the Prosecutor and Registry of the Court in helping to end the impunity of the perpetrators of the most serious crimes of concern to the international community.

We cannot overemphasize the significant role that the ICC has played in sustaining the three pillars of the United Nations — peace and security, development and human rights. Ensuring criminal justice for the perpetrators of heinous crimes that shock the conscience of humankind is part and parcel of the rule of law, which provides a solid basis for the successful implementation of Sustainable Development Goal 16. Recognizing the remarkable progress the Court has made on its path to ending impunity, I would like to discuss some points on which my delegation places great emphasis.

First, as an international court, the ICC cannot sustain itself without the active cooperation of multiple stakeholders, especially the States parties to the Rome Statute, at each and every step of the process. In that regard, the Republic of Korea supports the view that the ongoing discussions of the review of the ICC should be driven mainly by States parties to the Statute, in close cooperation with the ICC and related entities.

Secondly, the success of our fight against impunity hinges not only on adequate cooperation but also on the universal application of the Rome Statute. Greater participation by States parties to the Statute would undoubtedly lead to stronger support for the Court. New ICC member States would be investing not only in the protection of their territories and their people but also in the protection of future generations and the creation of a more just world. We need to raise awareness on the fact that ratification of the Statute does not equate to a concession of sovereignty, in the light of the principle of complementarity.

The Republic of Korea, together with Australia, co-hosted an ambassador-level side event on 7 June for the universality of the Rome Statute in the Pacific region, with the participation of the President of the Assembly of States Parties, Mr. O-Gon Kwon. We also supported the universality event hosted by the President of the General Assembly in Vanuatu in May. In addition, on 29 October, we hosted an ambassador-level universality event for the Asia-Pacific region in Seoul, during the visit of the Registrar of the ICC. The Republic of Korea will continue to be committed to enhancing the universality of the Rome Statute, and we hope that these events will provide valuable insights into our joint efforts along these lines.

Last but not least, next year will see an important event, the election of the next ICC Prosecutor. The Republic of Korea appreciates the leadership and dedication of the President and Vice-Presidents of the Assembly of States Parties, who have adopted the terms of reference and who made up the Committee on the Election of the Prosecutor and its panel of experts within the timeline we prescribed. Next year, after the submission of the Committee's final report, the President of the Court, in consultation with his Bureau, will undertake a consultation process with a view to identifying a consensus candidate among States parties and civil society. We look forward to once again seeing leadership and dedicated efforts in the consultation process for electing a qualified ICC Prosecutor.

In conclusion, the Republic of Korea has been a staunch supporter of the ICC since its inception and will continue to be an important part of the concerted efforts of the international community to ensure that the ICC is a responsible, universal and efficient institution for ending impunity for the perpetrators of the most serious crimes against humanity.

Mr. Guillermet-Fernández (Costa Rica) (*spoke in Spanish*): My delegation thanks Judge Chile Eboe-Osuji, President of the International Criminal Court (ICC), for the report on the activities carried out by the Court during the 2018-2019 reporting period (see A/74/324).

Costa Rica aligns itself with the joint statement to be made by the Permanent Representative of Liechtenstein, Ambassador Christian Wenaweser, immediately following this statement, which I am making in my national capacity.

This has been a difficult year for the Court, not only because of the volume of work it took on, as detailed in Judge Eboe-Osuji's briefing this morning (see A/74/PV.25), but because it was subjected to attacks both on its jurisdiction and the legality of its work. In addition, Court officials were subjected to measures taken against them. In the period in question, we also saw that some of the outcomes of the Court's activity left some feeling displeased and provoked criticism from multiple directions. These results, which were worse than expected, overshadowed the Court's good work, a product of the tireless efforts of its personnel.

Although we all agree that the Court has filled a void in the international criminal justice architecture, all of these issues lead us to reflect and ask whether this is the Court that we visualized two decades ago when we proudly concluded our discussions and approved the Rome Statute. But today, as we did then, we must give our full support to the institution and its staff in order to avoid weakening its important role in the fight against impunity for the most heinous crimes. That is why my country believes this to be the right time for an evaluation, an idea that has been gaining momentum in recent months.

We agree that this review should be carried out by a group of independent experts, who will indicate objectively and professionally the areas where the Court should be improved and propose changes where required. This approach is within the framework of the Rome Statute, without prejudice to the fundamental role of the States parties and its decision-making body, the Assembly of States Parties. For the sake of transparency and participation, the review process must take into account the views of civil society and non-governmental organizations. We are approaching a time of important personnel changes in the Court, including the election of judges, a new Prosecutor and

a new President of the Assembly of States Parties, all which will take place in 2020. It is therefore important to have a preliminary result from the review prior to these changes so that we make the appropriate decisions.

Costa Rica would like to emphasize its absolute support for the International Criminal Court and its commitment to continuing to support its universalization, independence and integrity so that together with the other States parties and with the support of the international community, we can guarantee respect for and fulfilment of international justice. We must remember that the International Criminal Court is a court of last resort and was not created to replace domestic courts. The responsibility for prosecuting and investigating crimes committed under their jurisdiction rests primarily with the justice systems of each State. However, seeing as that is not always the case, the complementarity of the ICC is an essential part of the international criminal justice system.

When the jurisdiction of the Court is activated, States parties must comply with the inalienable responsibilities emanating from the Rome Statute, for example by providing the required support to the prosecutor's investigations, facilitating access to evidence and fulfilling their obligation to execute arrest warrants in force. We must also bear in mind that a lack of cooperation not only prevents perpetrators from being brought to justice but denies victims the protection and justice they call for and deserve.

In recognition of that obligation, Costa Rica enacted a law on the promotion of cooperation and judicial assistance with the International Criminal Court that came into force in February. Those norms seek not just to regulate and apply the provisions of the Rome Statute but above all to cooperate with the Court. The new law includes aspects such as giving shelter to traumatized victims in the country or witnesses who may be at risk. It also provides for receiving in Costa Rica those who are subject to an interim release order issued by the Court while they are being investigated, and those who are finally released will be able to remain in the country, with their basic needs covered. Lastly, we will cooperate in implementing judgments, aware that the International Criminal Court does not have permanent detention centres.

Furthermore, in its commitment to strengthening the work of the International Criminal Court, in July of

this year Costa Rica hosted a visit by two officials of the Court's Registry, which strengthened links with the various national institutions called on to cooperate with the work of the Court so as to harmonize and ensure an effective response when requested by The Hague.

I should not conclude without highlighting a very important point in the report presented to us this morning, which is the Trust Fund for Victims and the dual function it has been fulfilling, both in terms of reparation and assistance. With regard to reparations, we understand that collective as well as individual reparations are being made. With regard to assistance, we are very pleased that a mechanism has been developed to identify the beneficiaries. Equally noteworthy are the medical assistance activities for victims of sexual violence and psychological rehabilitation for those who have suffered traumas such as mutilation, amputation or burns. That reflects the importance and the role of the International Criminal Court not only in applying international criminal law but also for the victims of mass atrocity crimes.

Mr. Wenaweser (Liechtenstein): The International Criminal Court (ICC) is a central institution for ensuring accountability for the most serious crimes under international law. Firmly anchored in the principle of the primary responsibility of States, which is usually referred to as the principle of complementarity, the Court has jurisdiction over genocide, crimes against humanity, war crimes and the crime of aggression.

Even a cursory look at the discussions here at the United Nations makes it clear how much we need this institution. Several United Nations bodies have concluded that the crimes committed against the Rohingya population in Myanmar were the result of genocidal intent. The conflict in Syria has been characterized by the commission of crimes against humanity, a systematic and widespread attack on the country's civilian population for more than eight years. Numerous conflict situations, the most shocking probably in Yemen, are characterized by blatant disrespect for international humanitarian law, resulting in widespread war crimes. The provisions of international law governing the use of force, a cornerstone of the Charter of the United Nations, are being violated by various States under the watch of the Security Council.

More than 20 years after the adoption of the Rome Statute, the success of the founding treaty of the

International Criminal Court is impressive. Nearly two thirds of the States Members of the United Nations have accepted its jurisdiction, which is far more than the number of States that have accepted the International Court of Justice's compulsory jurisdiction. A third of States parties to the Rome Statute have also ratified the ICC's amendments on the crime of aggression. The Court is active in 21 countries and in all regions and has had an impact in many others that are not under its direct scrutiny. It is capable of having an enormous impact simply by the sheer reach of its jurisdiction, as was the case with the situation in Colombia. And for the many victims of atrocity crimes around the world it is a beacon of hope, an ever-present statement that the most serious crimes are of concern to the international community as a whole and, in short, that we who are assembled in this Hall care.

The sad reality, of course, is that very often we do not care enough, at least not in a manner that manifests itself through collective action. Even in the most obvious cases where the crimes committed threaten international peace and security, the Security Council has failed to make use of its competence to refer situations to the International Criminal Court. Such a referral with respect to Syria was vetoed five years ago (see S/PV.7180). In the cases of Myanmar and Yemen, it has not even been discussed, let alone formally proposed.

But the full picture is more complex. The referrals that the Council has made, on Darfur and Libya, were not backed up by political support and relevant measures for ensuring cooperation, so they have had a very limited impact. While the political change in the Sudan also shows that it is important to create the basis for making accountability a policy option, it is certainly true that at best the Council's referrals have been a mixed blessing for the International Criminal Court. In the current political climate, any thinking about how best to frame future Council referrals is most likely to be an academic exercise. Nevertheless, supporters of the ICC should still look at the modalities that should be applied by the Council when considering referrals. Relevant ICC activities are mandated by the United Nations and should therefore be financed from United Nations resources.

While the need for support for the International Criminal Court is obvious, it is nevertheless very much an institution that is under pressure, for various reasons. On the one hand, there is a trend to undermine or even

undo some of the big multilateral achievements of the past decades. In the attempts to erode a rules-based international order, the ICC is an obvious prime target. It is also an institution that has lived through political adversity before and emerged successfully. It can do so again, but that requires genuine political backing from the vast majority of States assembled in this Hall, which have accepted its jurisdiction and pledged their cooperation. Some of the most powerful States have decided to stay outside the Rome Statute system. It may be a long time before they view the Court differently.

We share the frustration expressed by others about aspects of the Court's performance. We want to see a Court that is more effective and efficient, well managed and able to communicate the powerful message reflected in the Rome Statute. We are confident that positive change is possible if States parties work with the Court in a way that includes all of us who support it. We are also encouraged by the positive dynamic that has been created over the past few months and hope that important steps can be taken in the near future to move this discussion forward. There is no reason to wait, and we cannot afford to do so.

But even a significantly improved Court will not be able to take on every impunity crisis, if only because of the lack of universality of its jurisdiction. In such cases, there must be no complacency and no exclusive focus on creating ICC jurisdiction, which is very often an elusive goal. The Assembly showed almost three years ago that alternative paths to accountability exist when it established the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, an accountability mechanism that has since been replicated for the situation in Myanmar. There is much room for creative thinking and developing other accountability models on the basis of the principle of complementarity. Justice for the most serious crimes is not just something that we owe to the victims as a small acknowledgement of their individual and collective suffering, but also an indispensable element in securing sustainable peace and peaceful societies. As much as anything else, our political investment in justice is an expression of our commitment to the 2030 Agenda for Sustainable Development.

I also have the honour to deliver an additional message on behalf of Austria, Belgium, Costa Rica,

Cyprus, the Czech Republic, Estonia, Finland, Iceland, Luxembourg, Portugal, Slovenia, Sweden, Switzerland and my own country, Liechtenstein, all States Members of the United Nations that are strong supporters of the ICC and its mission to end impunity for the worst crimes known to humankind.

Our delegations will join the consensus on the draft resolution before the Assembly today (A/74/L.8) because we strongly believe in the work of the ICC. We have decided to sponsor the draft resolution because it includes many important points and because we want to express our commitment to the Rome Statute system. However, we would also like to point out what we consider to be a significant deficiency in the text to be adopted later.

We would like to stress that as a bare minimum the resolutions that the Assembly adopts should always include technical and factual updates. We are therefore making this statement to highlight a number of major international law developments that have taken place in recent years that have sadly been omitted from the draft resolution. Such developments include the historic activation of the ICC's jurisdiction over the crime of aggression, the adoption of amendments to add three new war crimes to the Rome Statute, and important cooperation between the ICC and the recently established Independent Investigative Mechanism for Myanmar. The historic significance of these developments must not be left out of relevant resolutions.

The ICC is a major achievement in the development of international law, and its States parties continue to develop international law even in a tough political climate, which should be reflected and applauded. Two years ago, States parties to the ICC adopted three new amendments to article 8 of the Rome Statute on war crimes. Those three new war crimes make the use of microbial, biological or toxin weapons, weapons that injure by fragments undetectable by X-rays and blinding laser weapons a crime in both international armed conflicts and armed conflicts not of an international character.

The ICC's jurisdiction over the crime of aggression came into effect in July of last year, marking the first time that humankind has had a permanent independent international court with the authority to hold individuals accountable for their decisions to commit the worst forms of the illegal use of force. And this year, States parties are gearing up to enable the ICC to prosecute

the intentional starvation of civilians as a war crime in non-international armed conflicts. Such progress illustrates the value of the Rome Statute system, to which two thirds of the States Members of the United Nations belong.

The omissions in this year's draft resolution are significant. But even if the developments were of more limited relevance, we would still want to see a General Assembly resolution reflect them. Whether for the ICC or any other issue, we must not allow the Assembly to adopt texts that are not factually updated.

Mrs. González López (El Salvador) (*spoke in Spanish*): We wish to begin our statement by expressing our gratitude to the President of the International Criminal Court, Judge Chile Eboe-Osuji, for his briefing (see A/74/PV.25) on the report of the Court (see A/74/324), which details its administrative and judicial activities and which has been submitted to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of resolution 73/7.

My delegation would like to highlight the twenty-first anniversary of the Court's founding treaty, the Rome Statute, which took place on 17 July, and we underscore the importance of the Court's mandate to the international community, as well as that of strengthening the international criminal justice regime.

We are pleased that the International Criminal Court continued to maintain a high workload over the past year. The period was characterized by intense activity and many important events in the pretrial, trial and appeals stages of the Court's proceedings and in the investigations and preliminary examinations carried out by the Office of the Prosecutor. We firmly believe that the International Criminal Court plays a fundamental role within the Rome Statute system of international criminal justice, which aims to end impunity for the most serious crimes of concern to the international community and also helps to prevent them.

With regard to the reparations mandate of the Trust Fund for Victims, we appreciate the fact that it is playing a more important role in the work of the Fund. We want to highlight the three cases that are in the reparations stage with respect to the various crimes that in different ways cause damage to victims, their families and the communities affected. Where individual reparations are concerned, we believe it is important to design

an administrative selection mechanism, as well as to identify the beneficiaries. El Salvador also welcomes the initiatives carried out at the international level on the implementation of Sustainable Development Goal 16, such as the Humanity against Crimes campaign, which is an important effort aimed at enabling the international community to join forces to combat atrocity crimes.

We are aware that the International Criminal Court has had great achievements in the past few years, but we also recognize that much remains to be done and that the path ahead is full of challenges and opportunities in advancing the process we have undertaken, which will open doors for the prosecution of serious human rights violations and the possibility of trying those who have committed crimes under the Rome Statute. In the light of the foregoing, our country calls on States to adhere to the Kampala amendments, and we especially welcome the activation in July 2018 of the Court's jurisdiction over the crime of aggression, based on the decision adopted by the Assembly of States Parties in New York in December 2017, which reinforces the jurisdiction and competence of the International Criminal Court.

As part of our commitment to the international community and the International Criminal Court, and with the aim of strengthening our normative and operational structure, we have launched internal initiatives, in line with our national legislation, with a view to ratifying the Agreement on the Privileges and Immunities of the International Criminal Court, as soon as possible, as we believe that this instrument will facilitate the achievement of its objectives as well as the discharge of its functions.

Finally, I want to conclude by reiterating our country's deep commitment to and support for the work of the International Criminal Court, and we urge those who have not yet ratified the Rome Statute and its two amendments to continue their processes of analysis with a view to achieving full universality in the near future in order to promote justice and accountability at the global level.

Ms. Ioannou (Cyprus): My remarks today are aimed at complementing the statements delivered by the observer of the European Union this morning (see A/74/PV.25) and by the representative of Liechtenstein a moment ago.

I want to thank the President of the International Criminal Court (ICC) for his briefing this morning

on this year's report of the Court (see A/74/324), and to welcome the intense level of the Court's activity during the reporting period, with 11 situations under investigation by the Prosecutor, 10 ongoing preliminary examinations and three trial proceedings.

Cyprus remains a staunch supporter of the Rome Statute system. The ICC continues to be the centrepiece of the global system of international criminal justice and an essential institution for promoting an international rules-based order, ensuring accountability and attaining sustainable peace through reparative justice. Despite the difficulties it has encountered and its inherent limitations, the Court has made significant progress since its establishment, including by opening 27 cases involving 45 suspects or accused persons, conducting investigations into 11 situations and reaching the reparations stage in three cases. We have also witnessed the historic activation of the Court's jurisdiction over the crime of aggression and the amendment to the Statute to add three new war crimes, thereby extending the criminalization of the use of certain weapons to non-international armed conflicts. In addition, States parties will soon consider another important amendment to the Statute, which will seek to allow prosecutions in relation to the intentional starvation of civilians in non-international armed conflict. Cyprus supports that amendment because we recognize that even though starvation as a method of warfare is prohibited under international humanitarian law, there is a gap in ensuring accountability for this atrocity crime.

For the Court to achieve what it was created to achieve, it has to constantly evolve and improve. It must remain an independent and credible judicial institution whose work is of the highest standard. It must edge closer to universality with each passing year, and it has to find its rightful place within the international system and benefit from synergies with the United Nations and other institutions with similar objectives. We are keenly aware of the many challenges still facing the Court, such as the 15 arrest warrants and requests for surrender that remain unexecuted to this day and the withdrawal of one State party to the Rome Statute during the reporting period. They are objective challenges that reflect an increasingly complex international environment, and we must persevere in order to overcome them. But not all of its challenges are beyond the Court's control. It is the Court's own responsibility to maintain a high standard in its judicial

work, as well as with regard to its independence and integrity. It is also the responsibility of States parties to help safeguard the Court's credibility by presenting and voting for candidate judges of exceptional skill and quality.

International criminal justice was the one pillar missing from the architecture of the global order that we built after the Second World War. Nearly 75 years later, we are still trying to embed international criminal justice in a comprehensive accountability framework that not only reliably administers justice but also deters the commission of egregious crimes by both States and individuals. Today's reality makes it clear that we have a long way to go for that to happen. The jurisdictional and impunity gap resulting from the Court's lack of universality is not an excuse. The Rome Statute made the necessary institutional link with the existing international collective-security system by among other things ensuring the possibility for the Security Council to refer cases to the Court when the exercise of its jurisdiction is otherwise not possible. The Council must refer all such cases to the Court, because sustainable peace is simply not possible without justice and because the victims of atrocity crimes deserve nothing less.

For the quintessential battle between the rule of law and the rule of might to have the desired outcome, we must recognize the rightful place of the ICC in the global rules-based order as the vehicle for delivering criminal justice at the international level. The United Nations remains instrumental in consolidating the Court's standing as an indispensable institution of that global order. We firmly believe that only full support and cooperation, synergy and complementarity between these two teleologically convergent institutions can enable them both to fulfil their mandates.

Mr. Imnadze (Georgia): At the outset, I would like to thank Mr. Eboe-Osuji, the President of the International Criminal Court (ICC), for his comprehensive presentation, and to welcome the report of the Court (A/74/324).

Georgia aligns itself with the statement made earlier by the observer of the European Union (see A/74/PV.25), and I would like to add the following comments in my national capacity.

Achieving universality and further strengthening cooperation with the Court are key factors that can enable the ICC to work effectively to end impunity

for the perpetrators of the most egregious crimes that threaten international peace, security and well-being. I want to reaffirm our continuing support for a strong and effective ICC with the potential to send a powerful message that will be heard by both victims and perpetrators. We believe that the role of the ICC is to complement rather than replace existing national judicial systems. The primary responsibility to investigate and prosecute crimes remains with individual States.

Last year marked the twentieth anniversary of the adoption of the Rome Statute of the ICC, and several commemorative events were held to celebrate that milestone worldwide, including in my country, Georgia. In recognition of our excellent cooperation with the Court, we hosted the ICC high-level regional cooperation conference, entitled "Opportunities for cooperation and exchange of experience at 20 years of the Rome Statute". Since ratifying the Rome Statute, Georgia has harmonized the relevant pieces of its domestic legislation with the provisions of the Rome Statute, enacted a stand-alone law to establish a flexible legal regime exclusively for cooperation with the Court and concluded special cooperation agreements to facilitate the investigation process. Most recently, in January, the Government of Georgia and the ICC concluded an agreement on the enforcement of sentences. Under the agreement, people convicted by the ICC may serve their prison sentences in Georgia if it is so decided by the Court and accepted by the Government of Georgia. The Georgian penitentiary system has thereby joined the limited number of systems designated by the ICC for sentence enforcement, demonstrating the Court's confidence in its high standards.

We strongly support the initiatives that are most crucial to enabling the Court to meet current challenges. They include reaching agreement on the activation of jurisdiction over the crime of aggression, which is a milestone achievement and a historic opportunity for the international community. Since 2017, Georgia has voluntarily contributed to the Trust Fund for Victims for the benefit of victims and their families worldwide, and in December of last year Georgia's Deputy Minister of Justice, Mr. Vazha Lortkipanidze, was unanimously elected to represent Eastern Europe at the Trust Fund. Georgia welcomes the Court's efforts to investigate alleged crimes in the context of the situation in Georgia. We have been providing relevant materials to

the Court in accordance with our obligation under the Rome Statute, and will continue to do so.

Georgia is grateful to the ICC for opening an office in Tbilisi in 2017, the first ICC field office outside Africa. The ICC investigation of crimes committed in Georgia during the Russian aggression in 2008 represents the first time that the Court has ever entered Europe's legal geography. It also serves as a litmus test for the Court's efforts to uphold the values of the Rome Statute. The Government of Georgia stands ready to continue working with the ICC to ensure that more than a decade after the alleged crimes occurred, they can be effectively investigated and justice is served, because the victims of those heinous crimes deserve no less.

Mrs. Zappia (Italy): Italy aligns itself with the statement delivered earlier by the observer of the European Union (see A/74/PV.25) and joins others in thanking the President of the International Criminal Court for introducing the report (see A/74/324) today. I would like to make two additional points in my national capacity.

I first want to reaffirm Italy's strong support for the International Criminal Court and its activities. I cannot emphasize enough the importance of the principles and purposes that inspire the Rome Statute system, including the impartiality and independence of the Court, as well as the continuing relevance of the binding norms of international law that are codified in the Rome Statute. These are fundamental achievements for the international community as a whole, and we must cherish them. The report introduced this year proves that the Court is a solid institution that is making progress on a number of situations and cases. Italy supports any steps undertaken in cooperation with the Court to improve its efficiency and effectiveness, as long as they do not encroach on its impartiality and independence.

Secondly, I would like to remind the Assembly that the Court is a judicial body of last resort that operates only in cases where national jurisdictions are unable or unwilling to prosecute. The primary responsibility for prosecuting and adjudicating the most heinous crimes lies with States, in particular, through their national judicial institutions. Our task is to work together through capacity-building, technical assistance and other forms of cooperation, including judicial cooperation, which will enable domestic jurisdictions to discharge their primary function of bringing justice to victims of the

most heinous crimes. We believe that the completion of the International Law Commission's work on crimes against humanity is an important step in that direction, and Italy will cooperate constructively with a view to transforming the draft articles into a convention, as well as with all international efforts aimed at facilitating horizontal judicial cooperation.

Italy will continue to lend its support to the Court in the fight against impunity and in strengthening accountability measures for the most serious crimes.

Mr. Guerra Sansonetti (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela is grateful for the report of the International Criminal Court (ICC) (see A/74/324) and for Judge Chile Eboe-Osuji's briefing on it (see A/74/PV.25). We are grateful to him for his leadership of the Court.

We want to express our commitment to the fight against impunity for the most serious crimes of international concern, which is undoubtedly an essential step towards maintaining peace and the rule of law at the international level. We recognize the work it has been doing, evidenced by the cases currently in process, the conclusion of some cases and the start of new investigations, all of which reflect the Court's fulfilment of its mandate and the consolidation of the principle of international criminal justice.

Venezuela was one of the first countries to sign and ratify the Rome Statute. We are pleased that last year it marked the twentieth anniversary of the establishment of the Statute as well as the activation of the Court's jurisdiction over the crime of aggression, in an affirmation of the importance of international law and criminal justice. We consider cooperation to be one of the fundamental pillars of the Court's proper functioning, and we recognize the importance of the principle of complementarity in safeguarding the priority of national courts with respect to the investigation and prosecution of crimes under the Rome Statute. Accordingly, we urge State parties and non-State parties to cooperate in such areas as the execution of arrest warrants, the surrender of defendants, the presentation of evidence, the relocation of witnesses, the protection of victims and the enforcement of sentences, among other things.

As a party to the International Criminal Court, Venezuela supports its work and endorses its activities as long as they strictly adhere to the Statute and thereby ensure that they are not used for contrary

purposes. The application of justice by any Power and its subordinates must be depoliticized, transparent and non-selective. In this regard, we reject the opening of a preliminary examination by the Office of the Prosecutor of the Court against the constitutional President of the Bolivarian Republic of Venezuela, at the request of a group of countries that in various ways have stated that they are seeking to overthrow him. The argument this is based on is the existence of systematic violations of the human rights of demonstrators during the opposition's violent protests in April 2017.

We believe that this examination represents a legal attack, as it seeks to override the work of our national courts in investigating and prosecuting those allegedly responsible for the crimes committed during the protests. Nevertheless, our country reaffirms its commitment to collaborating with the Prosecutor by providing her with the information she requires so that she can verify that our judicial system has been focused on uncovering these facts from the beginning.

The International Criminal Court is not a body created to replace national courts. Rather, as article 1 of the Rome Statute states, it is complementary to the national criminal jurisdiction of any State party to the Statute. The States continue to reserve the right and duty to initially prosecute and try individuals responsible for the most serious crimes committed against humankind.

It is striking that the group of countries that accuse Venezuela of systematically violating the human rights of its citizens should remain silent in the face of the ongoing practices of aggression and violent intimidation by the United States against other countries and judges of the International Criminal Court. We condemn the use by the United States of its power to classify the Court as illegitimate and to threaten its judges with sanctions if it initiates criminal proceedings against the United States military and allied countries.

The ICC is a tribunal created to provide universal justice and prosecute people for the perpetration of the most serious crimes, such as genocide, crimes against humanity, war crimes and now the crime of aggression. Consequently, its jurisdiction is unique, independent, transparent, impartial and based on its own legal framework, which is the Rome Statute, adopted by the countries that endorse it.

In conclusion, we reiterate our support for the Court and recognize it as the only international

tribunal for combating impunity and prosecuting persons who commit the most serious crimes when the State concerned is unable or unwilling to do so. We also support its universalization, independence, integrity and transparency in order to ensure that those responsible for such crimes are brought to justice, regardless of their nationality.

Mr. Kingston (Ireland): Ireland associates itself with the statement made earlier on behalf of the European Union and its member States (see A/74/PV.25).

My delegation would particularly like to emphasize its strong belief in the legitimacy of the International Criminal Court (ICC) and its full confidence in the impartiality and integrity of its judges and Prosecutor. We thank them for their courage and work in the service of international justice.

I want like to thank the International Criminal Court for its annual report to the United Nations (see A/74/324), covering the period from 1 August 2018 to 31 July 2019, which outlines a year of activities encompassing a number of developments in relation to many aspects of the Court and its work. I also thank President Chile Eboe-Osuji for his thorough briefing on the report and the work of the Court (see A/74/PV.25).

As always, the Court's annual report to the United Nations provides us with a very useful overview of its work, and in particular shows how it complements that of the United Nations. The activities with which the Court has been engaged during the reporting period cover an ever-increasing range of judicial and prosecutorial activities with a wide geographical scope. Good progress has been accomplished in a number of these situations, which is to be welcomed.

Notwithstanding the progress, however, the range of issues dealt with by the Court over the reporting period also shows us the many challenges that the Court continues to face. The Court operates in a complex environment and seeks to carry out its investigations and prosecutions in the most difficult of circumstances. As always, Ireland remains ready to assist the Court in dealing with those challenges. We will do what we can to enable the Court to carry out its mandate as fully as possible.

Ireland believes in the rule of law as an essential element of a sustainable future, in accordance with Sustainable Development Goal 16. Furthermore, we strongly believe in the value of multilateralism systems

that are committed to the rule of law. As our President, Michael D. Higgins, said in his address to the Assembly in September,

“It is multilateralism ... that has enabled us to develop mechanisms for conflict resolution, peacekeeping and peacebuilding. The progress made in the development of international law is a testament to the significant steps for humankind that we can take when the international community works in harmony.” (*A/74/PV.6, p.27*)

Ireland is firmly of the view that the ICC, as a permanent criminal court that sits at the heart of a system of international criminal justice, can only enhance the prospects for peace and security in the world. Its focus is on a list of crimes that are of such serious concern that they are to be accepted as such by the international community as a whole. It is accepted that the commission of these crimes can threaten international peace and security. The ICC seeks accountability for the perpetrators of such crimes and promises justice for the victims of such crimes. Last, but far from least, it seeks to prevent the commission of those crimes. For all of these reasons, Ireland is committed to the ICC and to its future development.

One strand of the ICC’s work that deserves particular mention is the work of the Trust Fund for Victims, which is critical in responding to the needs of victims who have experienced the horror of atrocity crimes. The annual report highlights the developments regarding the Fund’s reparations mandate and its ongoing work under its assistance mandate. Ireland will make a further contribution to the Fund this year, and we encourage others to consider doing the same.

A significant portion of the annual report is also focused on the ongoing cooperation and assistance essential to its functioning that the Court receives from the United Nations and its entities and from numerous States, international organizations and civil society. It is heartening to see the many areas of cooperation that are working well, notwithstanding the ongoing challenges. Ireland should be counted among the countries that provide ongoing cooperation to the Court.

We note how the Court particularly values the support it is given by the United Nations system. Ireland fully recognizes the importance of the existing relationship and links with the United Nations at all levels, and we would like to see such links being strengthened further. For example, increasing the

cooperation and coordination between the Security Council and the ICC would significantly contribute to the international community’s response to atrocity crimes. The Council has the power to refer situations to the ICC. We believe that this power should be used consistently, and we strongly support the political declaration on the suspension of veto powers in cases of mass atrocity and the Accountability, Coherence and Transparency group’s code of conduct on Security Council action against genocide, crimes against humanity and war crimes. The Council could also play an enhanced role in dealing with non-cooperation with the Court, in particular in relation to referrals that the Council itself has made to the Court.

Ireland is seeking election as a non-permanent member of the Security Council for the 2021-2022 term, and if elected, we will seek to encourage the Council to support the work of the Court as part of the international community’s efforts to secure accountability for atrocity crimes.

In conclusion, we reiterate our commitment to achieving the universality of the Rome Statute. In many of the current crisis situations throughout the world, the Court does not have jurisdiction. The need for a more effective international criminal justice system is clear. We urge the international community as a whole to support the Statute and to work for its universality. Ireland remains firmly committed to the rule of law and to building an effective international criminal justice system. We have a responsibility to make sure that institutions such as the ICC, which we have set up in furtherance of those principles, will succeed.

Mr. Kanu (Sierra Leone): My delegation welcomes the opportunity to deliver this statement in the context of agenda item 73, entitled “Report of the International Criminal Court”, in accordance with the 2004 Relationship Agreement between the United Nations and the International Criminal Court (ICC). In welcoming the President of the ICC, Judge Chile Eboe-Osuji, to New York, I wish to pay tribute to him and the staff of the Court for their unwavering service and commitment to international criminal justice. I thank the President of the Court for briefing the General Assembly (see A/74/PV.25) on the annual report of the Court on its activities in 2018 and 2019 (see A/74/324), and the Secretary-General for preparing it. As a sponsor of draft resolution A/74/L.8, we also thank the Permanent Representative of the Netherlands for introducing it this morning.

The report clearly indicates that the Court was intensely engaged on many substantive issues and had a high workload during the reporting period, including the issuance and enforcement of two arrest warrants, the holding of a confirmation-of-charges hearing in one case and the conclusion of trials leading to the conviction of one person and the acquittal of two accused on all charges. Those acquittal decisions are now subject to appeal. We have also taken note of the number of situations in which the investigations by the Prosecutor remain open.

We welcome the geographic spread of the investigations and examinations, which illustrate the global focus of the Court. At the heart of the Court's work are the victims, on whose behalf we have this accountability system. Accordingly, we welcome the participation of 13,391 victims in the cases before the Court during the reporting period.

On more specific matters, my delegation notes with appreciation the notable jurisprudential developments cited in the report, particularly the Appeals Chamber judgment on the question of cooperation. In the seventeenth meeting of the Assembly of States Parties, Sierra Leone called for the increased use of judicial means to resolve differences of interpretation of the Rome Statute in order to preserve the integrity and independence of the Court.

We acknowledge that a judicial decision brings about a measure of legal certainty. The outcome may not be universally accepted, but the judicial mechanism has importantly been used to address a difficult question. In the same light, we will continue to closely monitor the progress of the appeal of the decision of Pre-Trial Chamber II to reject the request of the Prosecutor for authorization to investigate the situation in Afghanistan.

My delegation further notes with appreciation the issuance of the Court-wide strategic plan for the period from 2019 to 2021 and the strategic plans of the Office of the Prosecutor and the Registry in July. We commend the efficiency in the simultaneous issuance of the three plans and the external consultations. Consultations in New York, where all States parties have representation, are necessary and indispensable for the legitimacy of the Court in all State-led processes. We look forward to the full actualization of the 10 strategic goals, clustered into three categories of judicial and prosecutorial performance, cooperation and complementarity,

and organizational performance. Significantly, the strategic plans must drive the process of closing the impunity gap.

Sierra Leone attaches great importance to the work of the ICC and the effective functioning of the Rome Statute system. We therefore affirm our strong and continuing commitment to the Court and our unwavering belief in the necessity of its complementary role within the Statute system.

The adoption of the Rome Statute has significantly transformed the landscape of international criminal justice, especially with respect to transitional justice in conflict and post-conflict societies, of which Sierra Leone's recent history exemplifies the role of accountability as a fundamental building block for the consolidation of peace and the pursuit of economic and social development. Sierra Leone's experience with the Special Court, a hybrid criminal tribunal, has deepened and consolidated our abiding commitment to the effectiveness of international criminal justice through ownership and partnership at the domestic and international levels. Strengthening and protecting the integrity of the Rome Statute system and the effectiveness and independence of the ICC therefore requires the collective will of the States parties, cooperation with the United Nations and continued robust support of civil society.

It is against that backdrop on 17 July that the Mission of Sierra Leone joined the Permanent Missions of Argentina, Ecuador, Liechtenstein, the Netherlands, Norway, Senegal and Spain, as well as Parliamentarians for Global Action, in sponsoring a high-level event here at the United Nations entitled "The crucial role of international criminal justice in achieving Sustainable Development Goal 16", in which the President of the Court participated.

Accordingly, we welcome the 17 high-level and technical events organized during the reporting period, in particular the retreat to promote dialogue with African States parties held in Addis Ababa, with the close cooperation and participation of the Office of the Legal Counsel of the African Union. The involvement of more than 600 participants and 140 States and other entities in the cooperation events within the reporting period is laudable. We believe that there is room for greater cooperation and synergy among States parties and non-State parties and entities to further strengthen the Court and the Rome Statute system.

In closing, notwithstanding the challenges and threats to the Court, Sierra Leone remains firmly committed to the Court's mandate and to its status as an independent and impartial judicial institution. This commitment is for the victims. We want to underscore that the ICC and the Rome Statute system are not against any actor but rather that the Court acts for the victims on the basis of complementarity. In that regard, my delegation would like to acknowledge and commend the Trust Fund for Victims in providing assistance and enabling the increased participation of victims in trial sessions of the Court, as well as the payment of reparations.

Finally, Sierra Leone fully supports the vision of the Court as it strives to be a universal, responsive, flexible and resilient organization with a consistent drive towards continued improvement.

Ms. Mägi (Estonia): Estonia aligns itself with the statement made on behalf of the European Union and its member States (see A/74/PV.25).

Estonia would like to thank the President of the International Criminal Court (ICC) for his presentation of the annual report (A/74/324) and his ongoing service to the Court. We greatly appreciate this debate with the President about the activities of the Court during the reporting period, which also serves as a great opportunity for States to join in expressing their common support and commitment to the ICC.

As a long-standing supporter of the ICC, Estonia is committed to promoting respect for international law and the rules-based international order. We would like to take this opportunity to reiterate that the ICC is an essential tool for fighting impunity and contributing to peaceful societies and that it has a crucial role in the maintenance of a world order based on rules and values.

We acknowledge with appreciation the fact that the reporting period was marked by intense activity and many important developments in the Court's pretrial, trial and appeals proceedings, and in the investigations and preliminary examinations conducted by the Office of the Prosecutor.

The report gives an honest overview of the heavy workload that the Court is facing through situations under investigation by the Prosecutor, ongoing preliminary examinations and trials, and the many missions in the framework of investigations or preliminary examinations. The number of cases and

situations before the ICC and the rising number of communications demonstrate that there is wide trust in it, which is testimony to the good work that it has done.

The increasing workload, however, creates challenges for the ICC in its efforts to remain efficient and effective. We welcome the concrete initiatives taken by the ICC in reviewing and streamlining its administrative and judicial processes and maximizing the use of available resources. We also encourage all States parties to the Rome Statute to fulfil their financial obligations to the Court and to continue their efforts to strengthen it and enhance its efficiency and effectiveness in cooperation with the ICC and other stakeholders.

We are glad that concrete steps are currently under discussion in the Bureau of the Assembly of State Parties and will also be brought up at the upcoming Assembly. At the same time, we continue to stress the importance of the impartiality and independence of the ICC, its judges and the Prosecutor.

As indicated in the report, the arrest and surrender of individuals subject to the Court's warrants remains a critical challenge. The ICC has undertaken initiatives in that regard, and we acknowledge its launch of a social media campaign, creation of a webpage and publication of a booklet. The effectiveness and efficiency of the ICC in fulfilling its mandate inevitably depends on States' full cooperation with the Court. We would like to recall that it is the primary duty of States to prevent and respond to international crimes, and we stress that the ICC complements national courts rather than replacing them.

We further welcome the fact that the report pays attention to the Court's dialogue with the Security Council, and we support the views expressed that a structured dialogue between the Court and the Council on matters of mutual interest, both thematic and situation-specific, could improve the implementation of Council referral resolutions and enhance the fight against impunity.

We would also like to recall that the Security Council has to uphold and promote international law by responding decisively to grave violations of international law, including humanitarian law and human rights law. It is the prerogative of the Security Council to refer a situation to the ICC, which can promote accountability in countries where grave

crimes may have been committed but where the Court lacks jurisdiction.

The ICC plays an important role in delivering justice to victims. We also need to do more to offer important protection for victims and witnesses that have suffered or witnessed crimes. We want to express our appreciation and support for the continued work of the Trust Fund for Victims in offering reparations for victims of the most serious crimes, their families and communities. The report contains a call to States by the Trust Fund for Victims to make voluntary contributions for the benefit of victims and their families. We are glad to report that Estonia has regularly contributed to the Trust Fund and that we have recently decided to increase our contribution considerably. We encourage States, whether they are States parties to the Statute or not, and other donors to consider making voluntary contributions to the Trust Fund.

The universal acceptance of the Rome Statute remains a challenge to the international community. As indicated in the report, the number of State parties is currently 122, and there were no new ratifications of the Statute during the reporting period. At the same time, we are glad that some progress has been made in ratifying amendments to the Statute, including the amendments on the crime of aggression. We continue to call on all the Governments that have not yet ratified the Statute to do so. We should continue and intensify our efforts to make the Statute become a truly universal treaty. In this context, the ICC, in cooperation with States, also plays an important role in its own promotion and in the universalization of the Rome Statute.

Estonia remains committed to continue working together with all partners to further the work of the ICC and strengthen the system of international criminal justice.

Mr. Llorenty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): The Plurinational State of Bolivia is grateful for the report on the activities of the International Criminal Court (see A/74/324), which we were briefed about this morning (see A/74/PV.25) by its President, Judge Eboe-Osuji, to whom we express our full support for his important work.

As a pacifist State and promoter of a culture of peace in its primary commitment to respecting international law, Bolivia adheres to the purposes and principles of the Charter of the United Nations and the principles of complementarity and cooperation that the

Organization maintains with the International Criminal Court. Bolivia takes due note of the jurisdictional activities carried out by the Court, which demonstrate the efforts it is making to resolve the cases before it, as well as the tasks it is undertaking to consolidate the Court's complex institutional nature and improve its effectiveness and efficiency in tasks performed by its various components.

The progress that the Court has made in resolving its cases is notable, as is the increase in new investigations, which could lead to a greater caseload at a pace that will gradually consolidate the principles of international criminal justice. In this regard, we note the strategic plan of the Office of the Prosecutor for the 2019-2021 period, which takes into account good practices, the challenges it faces in carrying out its work, and the establishment of strategic goals to optimize its endeavours. We hope that they will be fully implemented and that periodic reviews will examine both the practices and internal procedures of the Office of the Prosecutor to achieve greater effectiveness and quality in its investigative and procedural work.

The discovery of truth through the gathering of evidence and witness testimony in very diverse cultural contexts is a complex task that requires both the full cooperation and complementarity of the judicial systems of the States that are requesting the Court's jurisdiction and the support of the United Nations in cases that are referred by the Security Council. In this context, we point out the need for greater coordination and follow-up by the Council in cases referred to the Court, as well as the effective use of the measures adopted by the Council through its subsidiary bodies to meet the Council and the Court's shared goals.

Twenty years after the signing of the Rome Statute, the Court has demonstrated an excellent capacity for resolving complex cases in sensitive areas. The scope of the Statute continues to be tested today. Overcoming the difficulties of launching an unprecedented model of universal criminal justice is a painstaking task. It is therefore important to bear in mind that the International Criminal Court is part of a global undertaking involving all States. In that regard, we stress the importance of cooperation in responding diligently to the Court's requests for assistance and arrest warrants issued by it in the discharge of its mandate and its jurisdictional duties. It is in just such situations that the idea of universal criminal justice assumes relevancy and demonstrates the imperative

need to continue to insisting on achieving the universality of the Rome Statute.

This year the Plurinational State of Bolivia has participated in and followed with special interest the timely and necessary initiatives of the working groups of the Assembly of States Parties aimed at reforming and strengthening the Court and the scope of the Rome Statute, which reflect the Court's experiences in its initial phase, address the shortcomings that limit its effectiveness in the fight against impunity and strengthen the universality of international criminal justice.

We continue to closely follow the reviews and recommendations issued by the panel of experts at the Assembly of States Parties on such sensitive issues as governance, complementarity, investigative effectiveness and judicial independence. Our delegation to the working group in The Hague has participated actively in facilitating discussion on the issue of revising the mandate of the Court's independent oversight mechanism, which provides indispensable assistance to the Assembly of States Parties and the organs of the Court in areas related to administrative effectiveness and transparency. During these deliberations, it is also considering the scope of its competency to address integrity-related issues concerning elected officials and former officials effectively and authoritatively, the principles of ethical conduct, disciplinary procedures and alternative mechanisms to guarantee the independence and integrity of the Court's judicial function.

Lastly, it is necessary to reiterate that we cannot let those who have committed or continue to commit atrocities that shock the conscience of humankind to enjoy impunity. For this reason, it is imperative to ensure that not only the States party to the Rome Statute but the international community in general spares no effort in its cooperation. We reiterate that all States, regardless of whether they are party to the Rome Statute, are primarily responsible for taking action and facilitating the Court's work. The International Criminal Court faces the challenge of developing its competencies to be able, together with every State, to effectively and independently carry out its mission in line with best practices, based on cooperation and complementarity, and thereby ensuring its full effectiveness.

Mrs. Telalian (Greece): Allow me to add a few remarks to the statement delivered earlier today by the

observer of the European Union (see A/74/PV.25), with which my country fully associates itself.

I would also like to thank President Eboe-Osuji for his comprehensive briefing (see A/74/PV.25) on the annual report of the International Criminal Court (see A/74/324). The report demonstrates that the past year was marked by a growing workload and significant jurisdictional developments.

Greece has always firmly believed, and continues to believe, that the International Criminal Court and the Rome Statute are key actors in the quest for accountability for the most horrendous crimes and their deterrence and for the establishment of lasting and sustainable peace in conflict-torn countries, objectives that are also shared by the United Nations. We would therefore like to take this opportunity to reiterate our strong support for the Court, as well as our commitment to joining the efforts to protect its independence and immunize it against any external pressure or interference.

It goes without saying that in order to fully achieve those objectives, the Court must first and foremost become truly universal. In this respect, we note that while the Rome Statute, as a treaty, has enjoyed broad success, large parts of the world still remain outside the Court's jurisdictional reach, and almost one third of the States Members of the United Nations have not yet joined the Statute. We therefore renew our call to States that have not yet ratified the Rome Statute to do so at the earliest opportunity.

As the report of the International Criminal Court demonstrates, the success of the Court in the fulfilment of its mandate is a collective responsibility and requires multi-stakeholder engagement. The need for full and effective cooperation with the Court cannot be overemphasized. In that regard, we would like to share the concerns expressed in the report about the outstanding arrest warrants against 15 individuals. Furthermore, while acknowledging and appreciating the crucial support and cooperation that has been extended to the Court by United Nations senior leadership and several United Nations entities, including in the field, we regret the fact highlighted in the report that the Security Council has not answered or acted in any substantive way on 15 findings of non-cooperation in connection with its referrals to the Court. We therefore reiterate our call for a structured dialogue between the Court and the Council in order

to improve the implementation of referral resolutions through effective follow-up.

The celebration last year of the twentieth anniversary of the adoption of the Rome Statute gave us an opportunity not only to take stock of the achievements of the Rome Statute system over the past two decades but also to reflect on the challenges that the Court faces in the fulfilment of its groundbreaking mandate. Some of them are long-standing issues, while others have appeared more recently. We are about to take a major step this year towards addressing those challenges by setting the parameters for a thorough review process with the aim of strengthening the operation of the Court and the Rome Statute system and enhancing their overall functioning. We believe that this is a timely exercise, given that a new Prosecutor and six new judges will be elected at the end of 2020.

Greece is ready to closely follow the relevant developments and join the efforts to ensure that a meaningful, transparent and comprehensive review process, including by independent experts, will be conducted in accordance with the Court's statutory framework and in full respect for judicial and prosecutorial independence.

Mr. Iteboje (Nigeria): My delegation appreciates the reports of the Secretary-General (A/74/325 and A/74/326) submitted to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court (ICC). We are also grateful to Judge Chile Eboe-Osuji, the President of the International Criminal Court, for the report before us today (see A/74/324). We applaud the President and his team for their exemplary execution of the activities of the Court during the reporting period. We also appreciate the Court's tireless efforts to carry out its mandate as an independent judicial institution charged with investigating and prosecuting individuals for the most serious crimes of international concern — genocide, crimes against humanity and war crimes.

We are deeply committed to the ICC, whose establishment we recognize as one of the great advances of international law. The Court's function of ensuring accountability for grave crimes is vital to the maintenance of lasting international peace and security. To strengthen its ability to effectively discharge that crucial responsibility, the Court relies on the cooperation of States, international organizations and

civil society, in accordance with the Rome Statute and international agreements concluded by the Court. That cooperation is critical to ensuring proper investigations, the execution of outstanding arrest warrants, the surrender of persons, the protection of witnesses, the enforcement of sentences and the enhancement of the Court's credibility as an effective tool for ending impunity and helping to prevent future crimes.

The Nigerian delegation considers victims a critical component of the justice system and believes that efforts must be made to bring about healing if they are to have the necessary closure. In that regard, Nigeria commends the Trust Fund for Victims, created in 2004 by the Assembly of States Parties pursuant to article 79 of the Rome Statute to support and implement programmes that address harm resulting from genocide, crimes against humanity, war crimes and crimes of aggression.

A cursory look at the Court's journey since its establishment unquestionably shows that the Court has endured numerous difficult times and challenges, many of which have threatened its existence as an international court. However, we commend the Court and its States parties for the resilience and capacity they have shown in weathering so many of the storms that the Court has gone through during those years and for the fact that it has recorded such tremendous achievements despite all the odds. Among others, those achievements include the number of cases that the Court has handled and is still handling, the number of high-profile convictions it has recorded so far and the recourse to justice that it has provided for victims of atrocity crimes worldwide.

Also worthy of commendation is the reminder that the Court has consistently sent to States parties that so many of the ugly events of the twentieth century, including those that took place during the two World Wars, no longer have a place in the international legal order, and that those who ignore the warnings and stubbornly and with impunity perpetrate evil will have nowhere to hide. But the fact is that the fight against impunity and atrocity crimes is still far from being won. The sanctity of human life is still being desecrated and banned weapons are still being used to commit mass murder, while perpetrators go unpunished. Meanwhile, victims' lives are ravaged and their peaceful communal coexistence is broken.

It is understandable that the tasks ahead of the Court are enormous and daunting. Nigeria renews its unwavering commitment to cooperating unconditionally and continually with the Court to ensure that the perpetrators of heinous crimes have no hiding place and are expeditiously brought to justice. Nigeria is currently being examined by the Court regarding eight potential cases, including six against Boko Haram terrorists and two against the military. It is on record that Nigeria has fully cooperated and will continue to cooperate with the Court in its efforts to unravel the facts and get to the bottom of the cases, in line with the principle of complementarity. Nigeria has demonstrated beyond an iota of doubt that it is capable and willing and indeed is arresting, investigating, prosecuting and convicting perpetrators of heinous crimes, where the facts of a case warrant it, in fulfilment of our primary national jurisdiction over Rome Statute crimes.

Several meetings have been held between officials of the Government of Nigeria and the team from the Office of the Prosecutor of the ICC, where questions were asked and answered and documents, including classified documents, were submitted in line with our obligation under the Rome Statute's article 86, on cooperation. Our cooperation with the Court is born of our strong belief in respect for the rule of law and human rights and our firm commitment to the sanctity of fundamental freedoms at the international and domestic levels, which is intrinsic to the objectives sought in establishing the Court. Nigeria will therefore work to safeguard the integrity of the Rome Statute and its cornerstone principles. Nigeria also commits to strengthening and defending the ICC's judicial and prosecutorial independence, including by ensuring a proactive, fair, informed and transparent search and selection process for the next ICC Prosecutor. In that connection, the July 2018 visit of President Muhammadu Buhari of Nigeria to The Hague to take part in the celebrations of the twentieth anniversary of the adoption of the Rome Statute, and our unprecedentedly formidable delegation, which included senior military officers, to the seventeenth session of the Assembly of States Parties, is testimony to the importance that Nigeria attaches to the Court.

In the past few years Nigeria has had its fair share of extremist terrorist activities, committed by Boko Haram in the north-eastern region of the country. Nigeria has also made great strides in degrading and

decimating Boko Haram terrorists and collaborating with the United Nations and other international partners to improve service delivery and enhance protection measures, both in communities and areas where civilians seek refuge. However, it must be underscored that unlike conventional warfare, in which enemies can be easily distinguished by their uniforms, the fight against terrorism anywhere in the world is unconventional and asymmetrical. Terrorism thrives on hit-and-run combat, typified by surprise aggression, brutal militancy and clandestinity. Many members of the Nigerian military have made and are still making the supreme sacrifice in this difficult fight.

Nevertheless, the Nigerian military has strict rules of engagement, and its armed forces are adequately briefed on them. The Government takes all allegations of human rights and other violations against military personnel extremely seriously and thoroughly investigates them, and, when they are credible, has brought some members of the military to trial. We therefore want to reassure the Court and States parties that we remain fully committed to our obligations under the Rome Statute.

As the 2018 African Union Anti-Corruption Champion in Africa, Nigeria was called on to champion the cause of exploring the possibility of subsuming cross-border corruption within the ambit of article 5 to make it a crime under the Rome Statute. The proponents of the idea argue that cross-border corruption is as serious a crime as genocide, crimes against humanity, war crimes and the crime of aggression.

They argue that more people have probably been killed by cross-border corruption than as a result of the other crimes mentioned in articles 5, 6, 7 and 8 of the Rome Statute. This idea is in line with the Nigerian President's speech on the issue at the twentieth-anniversary celebration of the adoption of the Rome Statute, in July 2018 at The Hague, and Nigeria takes it seriously. It is hoped that the ICC, in the near future, will expand the reach of accountability to include cross-border corruption.

In conclusion, we want to urge all States that have not yet done so to accede to the Rome Statute of the International Criminal Court as a matter of deliberate State policy, so that it can become a universal treaty.

Mr. Al Arsan (Syrian Arab Republic) (*spoke in Arabic*): At the outset I want to stress that my delegation

dissociates itself from the consensus on resolution 74/6, entitled "Report of the International Criminal Court".

My country's position vis-à-vis the International Criminal Court (ICC), with all due respect for the jurists working in it, remains based on a rejection of the injudicious and suspicious trend among the Governments of some Member States of attempting to broaden the concept of an international judicial mandate in an illegitimate and distorted manner. It is also based on our rejection of unwise practices by those same Governments, as well as United Nations bodies and committees that deal with the concepts of justice and accountability, which work selectively and in an unbalanced manner to ensure that there is no impunity, leading to greater discord within the United Nations and to infringements on the sovereignty of States as well as their national responsibilities and juridical mandates.

As members may recall, the Syrian Arab Republic was one of the first States to contribute effectively to the negotiations on the Rome Statute, which created the ICC and among the first to sign the Statute. Today, however, after many years, when we look at the current status of the work of the Court and its Statute, we unfortunately see a body that from the outset was fated to be able to confront only weaker States and utterly unable to confront States with military, economic and political influence. In fact, all of us here are aware of the impossibility of implementing the latest Kampala amendments on the crime of aggression, because by their very nature those amendments were the subject of political deals.

The latest report of the International Criminal Court on the item under consideration (see A/74/324) shows that for more than 30 years the ICC has been unable to exercise its presumed jurisdiction except in 27 cases, mostly in a single geographic region, with one or two exceptions, proving that equitable and honest international criminal justice is still far from a reality. We are practical and know that we live today in a world of economic and political polarization, a world where major States with economic, political and military influence attempt to control working procedures and decision-making mechanisms, both internationally and at the United Nations. We utterly reject any attempts to link the work of the ICC and Goal 16 of the 2030 Agenda for Sustainable Development. We stress that justice for all and the promotion of the role, status and position of the national, legal and juridical bodies in

each of our countries is primarily a national process with full national ownership.

We find strange, and indeed deplore, the statements by some representatives of States parties to the Rome Statute that call for greater effectiveness in the ICC's work and an expansion of its role and mandate to encompass the situations prevailing in some States. However, certain representatives have neglected to state here that their Governments signed bilateral agreements with a particular State in order to grant its military forces immunity from the mandate of the ICC. Surely the two are contradictory.

My country, Syria, rejects the attempts made by the representatives of certain States to refer the situation in Syria to the ICC or to deceptively promote the so-called International, Impartial and Independent Mechanism for Syria (IIIM). Let me stress from this rostrum that the Syrian Arab Republic will go forward with its political process despite all obstacles and challenges. This Syrian-owned and -led political process will deal with issues of transitional justice and accountability through national Syrian legal and judicial bodies, not an aberrant body based in Geneva that gathers so-called evidence without any respect for what is known in criminal justice as the chain of custody of evidence.

I shall not speak for much longer, but I would like to ask my colleagues to look at documents A/74/518, A/74/108, A/73/562, A/72/106 and A/71/799. They are some of the letters sent by the Permanent Mission of the Syrian Arab Republic to the Secretary-General and the President of the General Assembly concerning what is referred to as the IIIM. I want to refer specifically to the document A/73/562, to which we attached a legal study entitled "Wrongful acts cannot be promoted or legalized". That study, and the aforementioned documents, clearly illustrate the serious legal shortcomings undermining the General Assembly's process in adopting resolution 71/248, which created the so-called IIIM. As a result, from a legal and procedural point of view, any information or evidence that the so-called IIIM may gather, consolidate, maintain or analyse cannot be the basis for any legal or judicial process in the future, especially considering that the mandates given to the mechanism are not specified in terms of time, geography, controls or standards.

I therefore call on Member States that respect the principles of the Charter to do the right thing and refrain from recognizing the so-called IIIM. I call on them to

dissociate themselves from cooperation with it, because it is an aberrant body that departs from established United Nations frameworks. I call on Member States, especially this year, to resist the attempts by some delegations to involve the United Nations and impose on it the burden of financing this illegitimate body through the regular budget. Today the States that have supported and financed this mechanisms through voluntary funding for two years would like to unload that burden by making it the responsibility of the States Members of the United Nations, which this year is facing one of the most serious financial crises in its history, as the Secretary-General has admitted. Any such act on the part of certain States is irresponsible, and we call on the rest of the Member States to confront it.

In conclusion, I have a proposal for the various Governments that are trying diligently to ensure that an international criminal jurisdiction prevails over States' own judicial mandates. Today in the world there are tens of thousands of foreign terrorist fighters, who came to Syria, together with their families, from more than 100 States. They include thousands of European citizens from States whose Governments refuse to repatriate them, ignore their situation and are trying to evade their national responsibility for holding them accountable and working to rehabilitate and reintegrate them in their original communities. We suggest that those Governments shoulder their responsibilities both nationally and internationally by getting to work immediately on repatriating foreign terrorist fighters and their families who are citizens of their countries. A refusal to do so is legal and political hypocrisy, because it represents neglect of their national legal and judicial obligations while instead working to promote unilateral and controversial concepts such as that of universal criminal jurisdiction and its imposition within the framework of international law.

Mr. Bin Momen (Bangladesh): Bangladesh notes with appreciation the comprehensive report (see A/74/324) presented by the President of the International Criminal Court (ICC) on its activities for the period from 2018 to 2019. We commend the ICC and the Office of the Prosecutor for their efforts to ensure justice and accountability around the world. We also appreciate the work done by the Bureau of the Assembly of States Parties and its designated co-focal points in New York and The Hague in implementing its plan of action for promoting the universality and full implementation of the Rome Statute.

We strongly support mainstreaming the ICC in the United Nations system. With a view to acknowledging the ICC's potential contributions to international peace and criminal justice, it is critical that the Court's mandate and competence be recognized in the relevant discussions and resolutions at the United Nations. We appreciate the increased level of engagements and cooperation between the United Nations and the ICC through the exchange of information, the provision of services and facilities, judicial assistance, the appearance of United Nations staff members before the Court to give testimony, and field support. The Court's focus on highlighting the relevance of its mandate to Sustainable Development Goal 16, particularly its launch of a social media campaign entitled "Humanity against crimes" in support of that Goal, is worth mentioning.

The Court and the Security Council play different but complementary roles in addressing the gravest crimes of concern to the international community, which have the potential to destabilize international peace and security. In order to promote accountability in countries where grave crimes may have been committed but the Court lacks jurisdiction, the Security Council has the prerogative to refer a situation to the Court. In cases of such referrals, active follow-up is necessary to ensure cooperation between the Court and the Council, especially with regard to the arrest and surrender of individuals who are the subject of arrest warrants. We recognize the need for ensuring adequate resources for the Office to carry out its work in cases referred to it by the Security Council. As a lead contributor to United Nations peacekeeping operations, we will continue to extend the necessary cooperation to the Court in mission areas where our peacekeepers and military observers are deployed.

While appreciating the Court's numerous initiatives to ensure equitable geographical representation and gender balance in the recruitment of its staff, we underscore the importance of giving due consideration to the participation of developing countries. One of the most compelling narratives that has emerged from the Court is the significant number of victims it has supported through reparations and the Trust Fund for Victims. Sustaining the flow of resources to the Trust Fund and other mechanisms is critical.

Bangladesh takes note of the progress that has been made with the investigations and judicial proceedings in relation to the ICC's situation countries. We are

glad to hear that so far the Court has opened 27 cases involving 45 suspects or accused, and has conducted investigations into 11 situations. I appreciate the updates provided in the report on the ICC's judicial and prosecutorial activities in 13 situation countries this year, including Myanmar.

As the Assembly will be aware, Bangladesh is currently hosting 1.1 million Rohingya who were forced to leave Myanmar as a result of the atrocities committed against them there. The prolonged crisis is now in its third year, yet not a single Rohingya has been able to return to Myanmar, owing to the lack of safety, security, freedom of movement and a favourable environment in Rakhine state. We believe that accountability and justice for the crimes committed against them would be a critical measure for building confidence for their safe, voluntary and sustainable return.

I thank the Prosecutor for initiating the ICC judicial process to address the crime of alleged deportation committed against the Rohingya people of Myanmar. We are encouraged by the subsequent Pre-Trial Chamber I ruling that the Court may exercise jurisdiction over the crime against humanity of deportation if at least one element of a crime within the jurisdiction of the Court or part of it was committed in a State party to the Statute. On 4 July, the Prosecutor requested authorization for an investigation of the situation. The matter is currently pending a decision from Pre-Trial Chamber III. Meanwhile, pursuant to our obligation as a State party to the Rome Statute and as host to deported Rohingya, Bangladesh has been providing a great range of assistance to the Prosecutor and to the Victims Participation and Reparations Section (VPRS) of the ICC in reaching out to the Rohingya victims in Cox's Bazar. Bangladesh has also provided the necessary cooperation to the ICC Registry, including the VPRS team and the Office of the Prosecutor, in the preliminary examinations in Cox's Bazar. We have already signed a memorandum of understanding with the ICC to facilitate the investigation of the case of the forced deportation of Rohingya and subsequent proceedings.

It is unfortunate, however, that Myanmar continues to reject the ICC ruling in an attempt to deny well-documented atrocities and the resulting deportation of Rohingya, things that actually happened and are beyond denial. This cannot be seen as a jurisdictional issue or something to do with the persona of the Prosecutor. It is something much larger and quite fundamental to the upholding of the global legal order.

Our priority is to ensure the voluntary return of the Rohingya to their homes in Rakhine state in safety, security and dignity. We will continue our engagement with Myanmar to make that repatriation happen. We hope that the work of the ICC will help to create an environment in Myanmar conducive to the return of the Rohingya. In that regard, Bangladesh, as a country committed to ending impunity for war crimes, genocide, crimes against humanity and crimes of aggression, will remain actively engaged with the ICC to uphold the rule of law around the world.

Mr. Duclos (Peru) (*spoke in Spanish*): At the outset, I would like to thank Judge Chile Eboe-Osuji, the President of the International Criminal Court (ICC), for the report on the activities of the Court for the 2018-2019 period (see A/74/324), as well as the report on the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court (A/74/325).

I reaffirm Peru's commitment to international law, the promotion and protection of human rights, fundamental freedoms and the rule of law, which we view as fundamental components for building peaceful and inclusive societies. We are also committed to strengthening a rules-based order as a cornerstone of multilateral action in tackling threats to peace and security, with full respect for the purposes and principles of the Charter of the United Nations, which are embodied in the new approach to sustainable peace promoted by the Secretary-General. We realize that accountability and access to justice are fundamental to that objective, which is why my country supports all initiatives aimed at ensuring that the perpetrators of serious violations of human rights or international humanitarian law are held accountable.

Against a current global backdrop marked by conflict and humanitarian crises, the Court needs strong political support from the international community and determined cooperation from States parties more than ever. At a time when various States are questioning the role of the Court, Peru firmly believes in its validity and in the values underpinning the Rome Statute. In that regard, and in keeping with our fight against impunity domestically and externally, Peru has joined with five other countries under article 14 of the Statute to request that the Office of the Prosecutor open an investigation into the crimes against humanity committed in Venezuela since 12 February 2014, with

a view to determining whether one or more specific persons should be prosecuted for such crimes.

In the Security Council, Peru continues to advocate for closer relations between the Council and the International Criminal Court. In that regard, we stress that the Council's primary responsibility for maintaining international peace and security, and the jurisdiction of the Court over the most serious crimes, must be understood and implemented as complementary and interdependent tasks. However, we regret that the Council has not maintained a standing, coherent and systematic commitment regarding the referral of situations to the International Criminal Court. We must correct such shortcomings. In that regard, we welcome proposals aimed at establishing specific procedures for the Security Council to follow up on cases of non-compliance with orders issued by the Court. We also reiterate our concern about the Court's financing, especially with regard to cases referred by the Security Council. We must find ways to ensure predictable financing that enables the Court to properly examine all cases submitted to its jurisdiction.

In conclusion, I would like to reaffirm our conviction regarding the important role of the International Criminal Court in preventing impunity and helping punish those responsible for the most serious atrocities. Peru has learned first-hand that implementing accountability mechanisms is the best way to prevent the recurrence of serious violations of human rights and international humanitarian law, and to achieve lasting peace.

The Acting President: I now give the floor to the observer of the Observer State of Palestine.

Mr. Bamya (Palestine): At the outset, I would like to thank the International Criminal Court (ICC) for its annual report to the United Nations (see A/74/324) and the President of the ICC for his presentation of the main issues in the report (see A/74/PV.25). I also want to express our appreciation to the host country of the ICC for promoting the Court and its role during its tenure on the Security Council.

Almost 75 years ago, in response to the horrors of the Second World War, including the Holocaust, humankind established the United Nations and its Court, the International Court of Justice. It established its first criminal courts and adopted the Universal Declaration of Human Rights and the Geneva Conventions. It did all of this to save future generations

from the scourge of war and to honour the pledge made then — “Never again”. But history had taught us that in the absence of accountability and with the persistence of double standards, atrocity crimes would happen again and again. The idea of a universal court to sanction grave violations of these rules existed at the time, but bringing it into being took another half-century. The ICC was established to help end impunity, deliver justice to victims and prevent the recurrence of crimes. That long-gestating achievement deserves to be supported and protected.

Those who think we are immune from the horrors that humankind experienced 75 years ago are deeply and dangerously mistaken. Everywhere around us we are reminded of the persistent power of hatred, of the continuing denial of others' humanity and of the disregard for life, liberty and legality. Impunity fosters criminality and criminality festers in the absence of accountability. Accountability is as much about providing justice for the victims of past crimes as it is about sparing possible victims of future crimes. There are those who want to take us back to a time when there was no international court to judge those responsible for war crimes, crimes against humanity, genocide and the crime of aggression, or when international courts would judge the vanquished and spare the victors, or when the powerful would judge whether a situation merited a measure of justice on a case-by-case basis. We oppose justice that is denied, delayed or selective.

How can we explain to future generations that we lived in a time when judges were attacked and criminals shielded? We cannot. And we must therefore act to defend the Court and its independence in order to enable it to pursue its noble objective undeterred by threats. How can we explain that at a time when knowledge and the circulation of information have reached unprecedented levels, we continued to ignore the commission of such horrific crimes anywhere around the globe? We cannot. And we should therefore act with consistency and promote universal adherence to the Rome Statute, including the Kampala amendments on the crime of aggression. How can we justify delays in providing justice to those who need it most, while crimes continue to claim new victims every day? We cannot. And we should therefore pursue the objective of improving the speed, efficiency and effectiveness of preliminary examinations, investigations and prosecutions.

We are deeply concerned about the fact that after five years of preliminary examination of the situation

in the State of Palestine, investigations have yet to be opened, despite the overwhelming information available about ongoing crimes, which should have required immediate attention, not delay. The State of Palestine provided jurisdiction to the Court through a declaration under paragraph 3 of article 12 of the Rome Statute, as well as through a referral. It has spared no effort in cooperating with the Court, providing it with all the requested information and cooperating with the Prosecutor and her Office. We remain committed to supporting the Court and to advancing its mandate and role, and we hope it will do so in a timely manner when it comes to the situation in Palestine.

We joined the Court informed by our experience of the cost of impunity, a cost that our people endure in their flesh. But we also did it to save others. We joined it seeking justice, not vengeance. We call on the international community never to become numb to the horrors taking place anywhere around the globe. Life is sacred, and if humankind forgets the value of any life, it does not deserve to be called humankind. No one should take lightly the assault against the multilateral rules-based order. We should always remember the origins of this international system and that if we lower our guard or do not continue to sustain our immune system, we are vulnerable to a resurgence of the evils that caused and continue to cause terrible suffering across the world.

In conclusion, the Court has a primary responsibility not to us, the States parties, but to victims everywhere. It has a duty to work relentlessly to advance justice. It has an obligation to be a power for holding perpetrators accountable and to be a force of deterrence. The State of Palestine will continue supporting it in delivering on that sacred mandate.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/74/L.8, entitled "Report of the International Criminal Court".

I give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): I should like to announce that since the submission of the draft resolution and in addition to those delegations listed in the document, the following countries have also become sponsors of

draft resolution A/74/L.8: Albania, Andorra, Austria, Bangladesh, Barbados, Bosnia and Herzegovina, Brazil, El Salvador, the Gambia, Georgia, Ghana, Latvia, Liechtenstein, Lithuania, Malta, Mexico, Montenegro, Nigeria, North Macedonia, San Marino, Trinidad and Tobago, Ukraine, Uruguay and Vanuatu.

The Acting President: May I take it that the General Assembly decides to adopt draft resolution A/74/L.8?

Draft resolution A/74/L.8 was adopted (resolution 74/6).

The Acting President: Before giving the floor for explanations of position after adoption, I would like to remind delegations that explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. Giordano (United States of America): The United States has historically been and will continue to be a strong supporter of meaningful accountability and justice for victims of atrocities through appropriate mechanisms. The perpetrators of atrocity crimes must face justice, but we must also be careful to recognize the right tool for each situation.

I must reiterate our continuing and long-standing principled objection to any assertion of the jurisdiction of the International Criminal Court (ICC) over nationals of States that are not parties to the Rome Statute, including the United States and Israel, in the absence of a Security Council referral or the consent of those States. We also want to reiterate our serious and fundamental concerns about the ICC Prosecutor's proposed investigation of United States personnel in the context of the conflict in Afghanistan. The United States remains a leader in the fight to end impunity and supports justice and accountability for international crimes, including war crimes, crimes against humanity and genocide. The United States respects the decision of those nations that have chosen to join the ICC, and in turn we expect that our decision not to join or place our citizens under the Court's jurisdiction will also be respected. Accordingly, the United States dissociates itself from the consensus on resolution 74/6.

Mrs. Zabolotskaya (Russian Federation) (*spoke in Russian*): We have shared our views on the activities of the International Criminal Court (ICC) repeatedly and in detail. The past year, unfortunately, has been cause for even more pessimistic assessments. We are

disappointed that the text of resolution 74/6, on the report of the ICC (see A/74/324), has once again been updated only technically. A stock resolution such as this one does not reflect the true state of affairs in or relating to the Court. How can new parties be welcomed to the Rome Statute when States are not only not joining it but actually withdrawing from it? On what basis can the resolution affirm the role of the ICC in ensuring the rule of law, respect for human rights and the establishment of sustainable peace and the development of nations?

We are well aware of the terrible situation in Libya. In what way has the activity of the ICC helped that country emerge from crisis?

Even greater doubts about the appropriateness of such language in the resolution arise in connection with the Court's decision of 6 May on the existence of a norm of customary international law whereby a Head of State does not have immunity before a competent international court. That decision runs counter to judicial practice and *opinio juris*, which, as we know, form the basis of customary law.

Another interesting verdict was presented to us on 12 April. The Court told the international community straight out that under certain conditions, justice can be disregarded. The interests of victims and the gravity of crimes are secondary categories for the ICC. The main criterion is the so-called interests of justice. From now on, in the interests of justice, the ICC has the right not to open an investigation if, first, it has doubts regarding the feasibility of the investigation given the active non-cooperation of the interested parties, for example, through the introduction of personal sanctions against members of the Court and the Prosecutor, and, secondly, if there are budgetary limitations. However, neither a limited budget nor dubious prospects for cooperation are preventing the ICC from expanding its jurisdiction without grounds and pulling States that are not party to the Rome Statute into its orbit. The situation with the supposed deportation of the Rohingya is an example of that.

There are many arguments about the current contribution of international judicial organs to the fight against impunity. The International Criminal Court displays all the shortcomings of international justice without any of its benefits. That is particularly obvious against the backdrop of the high hopes that the international community had for it. In that connection,

I have a question. How long will the General Assembly continue under the illusion that the ICC is a good thing and that everything it does is right? While the desire of States to combat the most serious crimes under international law is completely understandable, at this point it is now clear that the ICC is not a fit instrument for achieving that goal.

We also want to point out that the ICC is unfortunately being used by a number of countries as an instrument for political manipulation in order to cover up crimes they are committing or have committed. For instance, the delegation of Ukraine told us about its cooperation with the Court, making absurd accusations about my country that are part of the political propaganda put out by Ukrainian media and have no connection to reality. We hope that Ukraine's cooperation with the Court includes information on the systematic and serious crimes committed by its armed forces against the civilian population of south-eastern Ukraine, and that it will also shed light on the horrific events surrounding the people who were immolated in a fire at Odessa's trade union building in 2014.

As for the statement by the representative of Georgia, we would suggest that Georgia focus its cooperation with the Court on the crimes committed by the Saakashvili regime against the civilian population of South Ossetia. I would like to remind the Assembly of the well-known fact that the events of August 2008 were the result of an attack by the Saakashvili regime on the peaceful city of Tskhinvali.

It is important not to lose one's common sense and to make an honest assessment of any situation one may find oneself in. The resolution that has just been adopted does not reflect objective reality and does not take into account the position of States that are not party to the Rome Statute, or even those that are party to it. My delegation therefore cannot support the resolution and dissociates itself from the consensus on it.

The Acting President: We have heard the last speaker in explanation of position on adoption.

I shall now call on those delegations that have requested to speak in exercise of the right of reply. I would like to remind members that statements in exercise of the right of reply are limited to 10 minutes for the first statement and five minutes for the second, and should be made by delegations from their seats.

I give the floor to the representative of Georgia.

Mr. Mikeladze (Georgia): I would like to respond to the explanation of position provided by the representative of the Russian Federation.

The Office of the Prosecutor of the International Criminal Court (ICC) has been conducting a preliminary examination of the situation in Georgia since 2008, including the alleged war crimes and crimes against humanity committed in Georgia that year. In January 2016, the ICC's Pre-Trial Chamber I authorized the Prosecutor to proceed with the investigation of the situation in Georgia, focusing

on alleged crimes committed in the context of the international armed conflict that broke out as a result of the Russian aggression. In that regard, we call on the Russian Federation to cooperate with the Office of the Prosecutor as part of the ongoing investigation.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 73?

It was so decided.

The meeting rose at 5.55 p.m.