



# General Assembly

Seventy-seventh session

**22**<sup>nd</sup> plenary meeting  
Monday, 31 October 2022, 10 a.m.  
New York

Official Records

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

*The meeting was called to order at 10 a.m.*

*(spoke in French)*

## Expression of sympathy in connection with the terrorist attack in Mogadishu

**The President:** I want to take a moment to express my sympathy following the latest attack in Mogadishu. I stand in solidarity, and I think I can speak on behalf of the rest of the membership as well, with the Government and the people of Somalia against violent extremism.

### Agenda item 71 (continued)

#### Report of the International Criminal Court

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

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

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

**The President:** “The hope of impunity is the greatest inducement to do wrong.” That was said by the Roman statesman Marcus Tullius Cicero 21 centuries ago. Apparently, the exemption of certain people from justice has been a problem for quite some time.

I thank everyone for joining today’s debate on the annual reports of the International Criminal Court (ICC). The ICC, which is celebrating its twentieth anniversary, was founded on principles shared by the United Nations — the promotion of a universal culture that respects and upholds the rule of law, human rights and human dignity.

The International Criminal Court was established to combat impunity, holding those who perpetrate the gravest crimes accountable. It was created to deliver the much-needed justice and redress to the victims of those most serious crimes.

*(spoke in English)*

Today the ICC is an intrinsic part of the fabric of the multilateral system. It is a central institution of the global justice system. More than that, it is a key institution.

*(spoke in Arabic)*

In these troubled times, we see especially clearly how important it is that the rule of law be kept and protected.

*(spoke in English)*

Critical institutions like the ICC send a clear message that there should be no place in 2022 for genocide, crimes against humanity, war crimes and the crime of aggression.

*(spoke in Russian)*

But when such events unfortunately do occur, the international community must reaffirm that it will hold perpetrators accountable.

*(spoke in English)*

In recent years the Court has embarked on an important process of reflection and reform. As has been

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).

22-66282 (E)



Accessible document

Please recycle



discussed in these halls, reform is not a bad thing. “Fear not to reform” was said by another ancient philosopher, Confucius, as early as 25 centuries ago. Indeed, it is crucial for an institution to hold a mirror up to itself and to have an honest, transparent conversation about what it can do better. I commend the States parties to the ICC on their efforts.

We all want to see a successful ICC that sets and then protects the highest legal and professional standards; a court that is a paragon of governance and institutional culture; a court that holds those guilty of the gravest crimes accountable and serves both as a deterrent and as a model for domestic criminal law systems. I call on all here to support the important mission of the ICC and to achieve the ultimate goal of the universal ratification of the Rome Statute. I look forward to a meaningful debate today — a debate that will continue to strengthen relations between the United Nations and the Court and contribute to ending impunity once and for all.

I give the floor to Judge Piotr Hofmański, President of the International Criminal Court.

**Judge Hofmański:** It is an honour for me to appear for the second time before the Assembly to present the annual report of the International Criminal Court (see A/77/305). In accordance with established practice, I will restrict my remarks to an overview of the Court’s current state of affairs and selected topical issues, while the written report contains a comprehensive account of the Court’s activities in the reporting period.

This year, 2022, is a special year for the International Criminal Court (ICC), as we celebrate the Court’s twentieth anniversary. On 1 July 2002, the Rome Statute entered into force after the 60th ratification of the Statute had been deposited with the Secretary-General. That marked the beginning of the jurisdiction of the ICC and made it possible for the Court to be officially set up and gradually start its work.

It was a historic moment for the international community’s efforts to ensure accountability for the most serious crimes under international law: genocide, crimes against humanity, war crimes and the crime of aggression. The United Nations was heavily involved in the long process of creating the ICC. The International Law Commission had worked on an ICC Statute as far back as the 1950s, inspired by the international military tribunals set up in Nuremberg and Tokyo after the Second World War. But, as we all know, the Cold

War stopped that process. The world was too divided to agree on establishing an international criminal court.

The idea was revived in this Hall, notably by the then Prime Minister of Trinidad and Tobago, A.N.R. Robison, in 1989. The new spirit of international cooperation in the 1990s made it possible to reactivate the process. The United Nations tribunals created by the Security Council for the former Yugoslavia and Rwanda in 1993 and 1994 paved the way, and after three years of intense negotiations under the auspices of the United Nations, culminating in a five-week conference in Rome, the Statute of the ICC was finally adopted in 1998 and came into force four years later.

And now the ICC is here to stay. During 20 years of operations, the ICC has done much more than many imagined it would do. The Court has opened investigations in sixteen countries on four different continents: Africa, Asia, Europe and South America. Thirty-one cases involving fifty-one suspects or accused have been brought before the Court so far. Individual cases have addressed a wide variety of crimes, including sexual violence in conflict, the use of child soldiers, attacks on civilians and peacekeepers, forcible displacement, destruction of cultural heritage, and much more.

The ICC has ushered in a concept of international criminal justice that gives victims a strong role in the process. Global awareness of the ICC is higher than ever, and the Court has beyond any doubt become one of the pillars of the international legal system. The Statute has inspired numerous States to update their criminal legislation so that they can prosecute cases in their national courts if necessary, just as they should.

The ICC and its Statute have anchored key legal principles of international criminal law, serving as a bedrock for all those who are striving to strengthen the fight against impunity for the gravest crimes. And there is growing scientific evidence that the ICC and the Rome Statute are having a deterrent effect in those countries that have joined the treaty. Naturally, it is not a magic wand, but on average, adherence to the system does in the long term have a positive influence on preventing conflicts and atrocities. In sum, I dare say that the ICC has achieved more in 20 years than many thought possible.

The past 12 months have been marked by a stark increase in the Court’s workload. We have had a record number of five cases on trial this year, four of them

currently in the phase of hearing the presentation of evidence. Accordingly, our three courtrooms are constantly full of activity, and that will continue to be the case next year as well.

As I reported last year (see A/77/PV.29), ICC trials never stopped during the pandemic, as we kept hearings going with technological solutions and necessary safety measures to protect the health of the participants. In April this year, in coordination with the host State authorities, we were finally able to lift the restrictions on entering the ICC building, and the trials are again open for physical attendance by visitors, while staff too have returned to work at the premises.

Two of the four cases currently on trial arise from the situation in the Central African Republic II. In the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, the Prosecution's presentation of evidence continued throughout the reporting period. The trial in the case of *The Prosecutor v. Mahamat Said Abdel Kani* commenced just over a month ago, and the Prosecution is now presenting evidence. In the trial in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, concerning alleged crimes in Timbuktu, Mali, the prosecution case has concluded, and the defence is now presenting evidence. And in the trial of Ali Muhammad Ali Abd-al-Rahman, the Prosecution case is ongoing. This is the first ICC trial in the situation in Darfur, Sudan. I hope to see improved cooperation so that other cases from that situation can follow as soon as possible. The arrest warrants have been outstanding for far too long.

In addition to the ongoing trials, another five cases are at the victim reparations stage, also an all-time high. In the cases of *The Prosecutor v. Germain Katanga* and *The Prosecutor v. Thomas Lubanga Dyilo*, the implementation of reparations to victims in the Ituri district of the Democratic Republic of the Congo is well advanced. In the case of *The Prosecutor v. Bosco Ntaganda*, also concerning crimes against victims in Ituri district, the implementation of reparations has begun.

The reparation order in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, concerning the destruction of mausoleums in Timbuktu, has been partially implemented and the work on reparations continues.

In the case of *The Prosecutor v. Dominic Ongwen*, which is the Court's first trial concerning Uganda and

the Lord's Resistance Army, the Trial Chamber has received submissions and will issue a reparation order. However I should note that the conviction is not final, with an appeal pending before the Appeals Chamber.

In the Pre-Trial Division, three new arrest warrants were issued during the reporting period, in the situation in Georgia, and one arrest warrant was unsealed in the situation in the Central African Republic. In that same situation, Mr. Mokom was transferred to ICC custody pursuant to an arrest warrant, and the confirmation of charges hearing will be held at the end of January. If the charges are confirmed, the case will go to trial.

If the judges and the Registry of the ICC are busy coping with an unprecedented workload, so is the Office of the Prosecutor. Not only is the Office of the Prosecutor involved in all the ongoing judicial proceedings, but it is also the organ responsible for conducting the ICC's investigations. In the past 12 months, the Prosecutor has opened three new investigations, into the situation in the Philippines, with judicial authorization; into the situation in Venezuela, following a referral by a number of States parties; and into the situation in Ukraine, also following referrals by several States parties. The Prosecutor's Office has been active in Ukraine since the opening of the investigation and now has a continuous presence on the ground. The Prosecutor is also collaborating with various national authorities in the context of that investigation.

The Governments of the Philippines and Venezuela have each informed the ICC Prosecutor that their national authorities are investigating the alleged crimes in question, and accordingly have asked the Prosecutor to defer to their national investigations. Under article 18 of the Rome Statute, the Court's Prosecutor must comply with that request unless the Pre-Trial Chamber, on the Prosecutor's application, decides to authorize the resumption of investigative activities. The Court's Prosecutor has made such a request in relation to the Philippines situation, which is pending, and signalled his intention to do the same in the Venezuela situation. It will then be for the judges of the Pre-Trial Chamber to determine whether the State in question is indeed discharging its responsibility to investigate the alleged crimes in question.

That, obviously, goes to the issue of complementarity, which is a key principle of the Rome Statute. By all means, it is the most desirable course of action that alleged crimes be addressed by competent national

authorities, rather than by the ICC. Ideally, the very existence of the ICC will increase the likelihood that that will happen. In other words, the Court's shadow can be and has proven to be an incentive for national authorities to take action against impunity.

The ICC has no desire to get involved, if justice is achievable by national jurisdictions; on the contrary, we want to see them succeed, and we are happy to support capacity-building efforts where we can. On that note, I am happy to report that earlier this month, the ICC and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) signed a cooperation agreement, which among other things foresees collaboration between the Court and UNAFEI in the training of lawyers. Still, while we encourage national jurisdictions to do the job, it is important that the ICC remain available as a court of last resort or as a backup mechanism when justice cannot, for whatever reason, be delivered domestically.

Here, we can see the significance of the ICC to the goal of ensuring access to justice for victims, which is one of the key objectives under Sustainable Development Goal (SDG) 16 of the 2030 Agenda for Sustainable Development. The ICC is an avenue for justice when other avenues do not exist or are blocked. The Court is proud to contribute to SDG 16 by helping to reduce violence, by supporting the rule of law and strong institutions and by enhancing victims' access to justice.

As I alluded to earlier, victims have a very strong position at the ICC compared to earlier international tribunals, where their role in the judicial proceedings was largely limited to that of witnesses. In contrast, the Rome Statute gives victims the right to participate in the proceedings and to request reparations for the harm they have suffered. The ICC invests a great deal of time, energy and resources into making the victim-centred vision of justice a reality.

Staff of the ICC Registry based in the Court's country offices travel to the smallest villages to inform victims and affected communities about the legal process. They inform victims about their rights, and they assist those interested in applying for participation in the proceedings. Free legal aid is available to enable the representation of victims in the judicial proceedings by competent counsel.

The ICC Trust Fund for Victims is a big part of the Court's commitment to victims, as it raises donations

from States and other entities to make it possible for reparations to take place even when the convicted person does not have the necessary means. To demonstrate the scale of the Court's victim-oriented work, let me cite some numbers. More than 21,000 individual victims have formally participated in ICC proceedings so far. Close to 3,000 individual victims have received court-ordered reparations, and that number is rising all the time as implementation progresses. Almost 100,000 individuals have directly benefitted from projects of the Trust Fund for Victims under its assistance mandate.

Reparations and assistance to victims can take many different forms, including psychological or physical rehabilitation, monetary compensation, community projects for education and health care, symbolic measures such as monuments, ceremonies or apologies, and so forth. The measures are always tailored to the particular circumstances of each case and the type of harm suffered by the victims.

I take this opportunity to appeal to all States represented here to make donations to the Trust Fund for Victims to support its crucial work. With the current progression of cases at the ICC, the need for those resources is higher than ever before and will continue to rise. Without sufficient funds, we risk failing the expectations of victims. We must not allow that to happen.

At a time of much uncertainty about the future of the world and grave threats to the rules-based international system, the commitment of the Court's 123 States parties to cooperating with the ICC and support its operations is immensely valuable. By electing to join the Statute, those 123 States have obtained legal protection against the gravest atrocities, they have shown solidarity with victims worldwide, they have demonstrated commitment to the rule of law at the international level, and they have become active participants in shaping the Rome Statute system from the inside.

I call upon all other States to follow that path, in the interest of humanity, the international community as a whole and, last but not least, for their own benefit. I hasten to stress that joining a treaty is, naturally, a sovereign decision for each country. It can never be forced. At the same time, I strongly believe that each country should give the matter very serious consideration. All people should have access to justice, regardless of their gender, religion or ethnicity.

Before I finish my remarks, I would be remiss not to thank the United Nations for its crucial support and cooperation with the Court, under the leadership of the Secretary-General. The wide-ranging assistance provided by the United Nations on a reimbursable basis continues to be essential to the effective conduct of the Court's mandate, whether it comes in the form of field support, communication or conference services, security coordination, exchange of personnel, provision of information or judicial assistance. All of this is part and parcel of the Court's daily activities, and we are grateful to work hand-in-hand with the United Nations for the rule of law and the protection of human rights.

Indeed, the main objectives of the United Nations and the ICC are closely aligned. As I said a week ago on United Nations Day, global cooperation and a rules-based international order are key to addressing the gravest threats facing humankind. The Court always endeavours to stay in regular contact with relevant UN entities and look for ways to further develop our cooperation. In this context, I am delighted to report that, earlier this month, the Court and the United Nations Development Programme (UNDP) concluded a new framework agreement that will facilitate UNDP operational support to the ICC worldwide and serve as a legal basis for more specific agreements to be concluded with UNDP branches in different countries where the ICC may be operating. That will be very helpful for the Court's concrete activities in the field that are critical to our trials and investigations. I am grateful to the Administrator of the UNDP for helping us to take this important step forward in our partnership, in the spirit of shared objectives under Agenda 2030.

The cooperation of States remains one of the pillars on which ICC operations rest. From access to evidence, the protection of witnesses, the arrest of suspects, the freezing of assets and the enforcement of sentences, the Court needs members' help every step of the way. It is of particular concern that 14 arrest warrants issued by the Court remain outstanding. I call upon all States to cooperate in executing those arrest warrants so that the accusations may be heard in a court of law, with all guarantees for a fair trial.

For the States parties, cooperation with the ICC is a binding legal obligation, and it is so also for the Sudan and Libya, pursuant to the Security Council's resolutions under Chapter VII of the Charter of the United Nations. For other States, there are no obligations arising from the Rome Statute, as a treaty binds only

the parties to it. However, customary international law — not least in light of many resolutions adopted by this very Assembly — urges States to cooperate and make good-faith efforts to ensure that war crimes and crimes against humanity are investigated and prosecuted. Indeed, many States that are not parties to the Statute do so. On that note, I take this opportunity to thank all States and entities for the cooperation extended in the past year to the Court, as well as to defence teams in ICC proceedings, which is essential to ensuring fair trials.

In pursuing our aspirations, we often take two steps forward, one step back, and so forth. But the creation of a permanent court is a step that cannot be undone. The ICC is here to stay. It has elevated the fight against impunity irreversibly onto a new plane. It is an immensely challenging endeavour, but one we cannot give up on. We may be far from eradicating impunity, but we can make it clear every day with our actions that we do not tolerate it.

**The President:** I now give the floor to the representative of the Netherlands to introduce draft resolution A/77/L.7.

**Ms. Brandt** (Netherlands): The Kingdom of the Netherlands aligns itself with the statement to be given by the observer of the European Union. We would like to thank President Hofmański for his briefing and for the important work that he and his colleagues are doing every day.

The Netherlands is proud to be the host State and a firm supporter of the International Criminal Court (ICC). Please allow me this morning to address the following two issues: the fight against impunity and the need to further strengthen the Court. I shall then introduce draft resolution A/77/L.7.

With respect to the fight against impunity, as the previous speakers have also noted, this year marks the twentieth anniversary of the International Criminal Court. The adoption of the Rome Statute in 1998 was a major step in the development of the international legal order and a breakthrough in the global fight against impunity. The Rome Statute gave legal expression to the moral imperative that the most serious crimes known to humankind must not go unpunished.

With the entry into force of the Rome Statute, the ICC — the only permanent international criminal court — was established. It is a unique institution

because, as the first treaty-based Court, it unites countries around the world in their ambition to end impunity, and because of its mission to provide justice for the victims of international crimes. President Hofmański has just shared how the ICC is implementing that part of its mission.

As you said earlier, Mr. President, it is significant that over the past two decades, the Court has established itself as an indispensable part of the multilateral system in the fight against impunity. We realize that much more needs to be done, but we are grateful that we have come this far. The Kingdom of the Netherlands will continue its strong support for the Court, because achieving accountability and fighting impunity are essential pillars of all our policies.

That brings me to my second point. Over the past two decades, the ICC has come of age. The Court is now investigating situations around the world, from the Central African Republic to Ukraine, and from Myanmar to Venezuela. At the same time, many States parties have implemented major criminal law reforms, enabling them to prosecute international crimes before their domestic courts. Nevertheless, it is crucial to further strengthen this system, especially at a time when the most fundamental legal norms are being flagrantly violated. Let me share some suggestions.

First, the Netherlands welcomes the fact that the implementation of the recommendations of the external review is on track. The review process is aimed at further strengthening the Court and its overall performance, and it could serve as an additional incentive for member States that have not yet done so to ratify the Rome Statute and to join the fight against impunity.

Secondly, over the past two decades, the number of States parties has more than doubled, from 60 to 123. The Netherlands is proud to be the focal point for the promotion of the universality of the Rome Statute, together with the Republic of Korea. In the coming year, we intend to redouble our efforts to gain universal support for the Court's mandate and the principles that underpin the Rome Statute, because we feel that this is now more important than ever.

Thirdly, as President Hofmański has just told us, the workload of the ICC has again increased significantly. It is essential that the institution have adequate resources to implement its mandate. We therefore feel that a significant increase in the budget for 2023 is justified.

Fourthly, in order to further strengthen the Court, States should cooperate more closely with the Court, including by promptly executing outstanding arrest warrants, in line with their obligations under the Rome Statute. In addition, the voluntary cooperation of States is vital for the effective and efficient functioning of the Court.

Finally, it is my honour to introduce the draft resolution contained in document A/77/L.7. The draft resolution welcomes the most recent report of the Court on its activities and acknowledges the role of the International Criminal Court in a multilateral system that aims to end impunity, promote the rule of law, promote and encourage respect for human rights, achieve sustainable peace and further the development of nations, in accordance with international law and the purposes and principles of the Charter of the United Nations.

Last year, we communicated our intention to start discussions to update the resolution. And indeed, this year's draft resolution includes a long overdue update. I would like to thank delegations for their active participation and constructive engagement during the negotiating process, including through the three informal meetings, on the draft resolution. I would also like to thank all the States that have sponsored the draft resolution.

Because there are no indications that there will be a call for a recorded vote, I present the draft to the General Assembly for adoption without a vote.

**The President:** I now give the floor to the representative of the European Union, in its capacity as observer.

**Ms. Popan** (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries Montenegro, Albania, Ukraine and the Republic of Moldova; the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina; as well as Georgia and San Marino align themselves with this statement.

This year, the International Criminal Court (ICC) turned 20. On this occasion, we celebrate the Court's achievements and its crucial role in ensuring accountability for the most serious international crimes. Yet we live in challenging times, in which crimes under ICC jurisdiction continue to occur. It is of

the utmost importance that “at a time like this, the law cannot be a spectator”, as ICC Prosecutor Mr. Karim Khan has said. To achieve that, we call on all States to cooperate fully with the Court, from the investigation of alleged crimes to the execution of arrest warrants and thereafter, so that we can, in unity, put an end to the impunity for the gravest international crimes. Equally, we call on members of the Security Council to refrain from using the right of veto in cases of mass atrocities and to use the Council’s right of referral, as appropriate. We recall that referrals by the Security Council enable the Court to exercise jurisdiction over all four crimes under the Rome Statute, including the crime of aggression, with regard to States parties and non-States parties alike. The EU recognizes the importance of the relationship between the ICC and the Security Council, and welcomes the Arria Formula meeting convened by Ireland this summer, which considered practical ways of enhancing that relationship.

We commend progress in the assessment of the Independent Experts Review recommendations. The review mechanism established by the ICC Assembly of States Parties is important work towards strengthening the ability of the Court and the Rome Statute system to deliver of justice. The Court should strive towards increased efficiency. The Court and States parties must continue to ensure gender balance, inclusion, multilingualism, diversity in legal systems and equitable geographical representation. We believe that the ICC mission would greatly benefit from universal ratification of the Rome Statute and the cooperation of all States. The universality of the Rome Statute continues to be an important goal for the EU and its member States. Efforts should also be strengthened to protect the Court from outside political pressure in order to allow it to maintain its judicial integrity and fulfil its mandate, for the good of current and future generations.

The Rome Statute includes an extensive range of sexual and gender-based crimes. It criminalizes persecution based on gender as a crime against humanity. Grievously, those crimes continue to occur around the world as we speak. We encourage the Court to continue extending its accountability efforts to the full range of civilians who are persecuted on account of gender during armed conflict. That will advance accountability for gender-based persecutions and help deliver justice to the most vulnerable. Redress for victims of international crimes and their journeys to

justice are the very reason for the Court’s existence, as the Court is in many cases their last hope.

We remind all States of the principle of complementarity and urge them to build their national capacities to the best of their ability so that they are able to pursue investigations and ensure fair and efficient domestic trials. The ICC is a court of last resort and may exercise jurisdiction only when States are unwilling or unable to do so.

In closing, the European Union and its member States reaffirm their unwavering commitment to the Court and pledge our continuous diplomatic and financial support. It is only by nurturing international law, multilateralism and cooperation, and by reaffirming our collective faith in human rights and the dignity of the human person that we can maintain international peace and security. We have high expectations of the Court to deliver justice and we believe in the integrity of its work in all situations under investigations.

**Mr. Tammsaar** (Estonia): I have the honour to speak on behalf of the three Baltic States: Latvia, Lithuania and my own country, Estonia. The Baltic States align themselves with the statement made on behalf of the European Union (EU) and its member States.

We would like to thank Judge Piotr Hofmański for his briefing today and for his dedicated work as President of the International Criminal Court (ICC).

As this year we celebrate the twentieth anniversary of the entry into force of the Rome Statute, we congratulate the International Criminal Court on its remarkable 20 years of activity. The ICC continues to play a vital role in the maintenance of the rules-based international order, respect for and promotion of international law, and ensuring accountability for the most serious international crimes. We express our firm support to the role and mandate of the ICC in responding to atrocity crimes and fighting impunity.

We would like to congratulate the two new Deputy Prosecutors and new members of the Board of Directors of the Trust Fund for Victims, elected during the reporting period by the Assembly of State Parties, as well as the new Chair and Vice-Chair elected by the Board of Directors of the Trust Fund, and wish them all every success in their endeavours.

We commend the progress made in the implementation of the Independent Experts Review recommendations aimed at strengthening the efficiency

and effectiveness of the ICC in delivering justice during the reporting period. As we just heard from President Hofmański, the reporting period marked significant progress and expanded activities in the Court's investigations and judicial proceedings. As indicated in the report (see A/77/305), with the commencement of two trials, the continuation of two trials and the onset of preparations for a fifth case, the Court's trial activities have been brought to an unprecedented level. We commend the opening of investigations with regard to 17 situations in different regions of the world, from Africa and South America to Europe. This year, the Baltic and a considerable number of EU member States have provided additional financial and/or operational support to the Court to tackle its heavy workload.

The efficiency of the Court inevitably depends on the cooperation of the States with the Court. We call on all States and stakeholders to offer their full cooperation to the Court. All States need to fully engage and cooperate with the Court in the arrest and surrender to The Hague of the 15 individuals against whom the Court has issued arrest warrants. Regarding our own region, we take note of the issue of three arrest warrants in relation to crimes allegedly committed during the 2008 armed conflict between the Russian Federation and Georgia.

The Baltic States were among 43 States that referred the situation in Ukraine to the ICC, and we commend Prosecutor Khan for the swift opening of the investigation. The perpetrators of atrocity crimes must be brought to justice. In that context, we call on all States that have not done so to accede to the Rome Statute and accept the relevant amendments of the Rome Statute to allow ICC jurisdiction to also investigate the crime of aggression.

The Baltic States cooperate also in the framework of the European Union Agency for Criminal Justice Cooperation (Eurojust) in order to investigate core international crimes committed in Ukraine and have joined other States and the ICC in the joint investigation team (JIT) established with the assistance of Eurojust. The main purpose of the JIT is to facilitate investigations and international judicial coordination. We commend Eurojust and the ICC Office of the Prosecutor for publishing practical guidelines for civil society organizations on documenting core international crimes, which is practical assistance in efforts to collect and preserve information and evidence that may become admissible in court.

The Security Council has a special task to uphold and promote international law by responding decisively to grave violations of international law, including international humanitarian law and human rights. We support the views expressed in the report that the dialogue between the Court and the Security Council on matters of mutual interest, both thematic and situation-specific, could be enhanced further with a view to strengthening synergies between the mandates of both entities and further developing their working methods.

We regret that the Security Council has not fulfilled its task in responding decisively to grave violations of international law by referring situations to the ICC, and that some permanent members have misused their right of veto. We repeat our call on members of the Security Council to refrain from using the right of veto in cases of mass atrocities and to use its right of referral to the ICC of situations where one or more crimes, including the crime of aggression, appears to have been committed.

The ICC plays an important role in delivering justice to victims. We express our appreciation of and support for the continued important work of the Trust Fund for Victims in offering reparations for victims of the most serious crimes, their families and communities. We encourage all States to consider making voluntary contributions to the Fund.

Finally, we once again call on all States to ratify the Rome Statute in order to further strengthen the system of international criminal justice and enable it to provide truly universal protection.

**Ms. Kalkku** (Finland): I have the honour of speaking on behalf of the five Nordic countries: Denmark, Iceland, Norway, Sweden and my own country, Finland.

At the outset, let me thank the International Criminal Court (ICC) for its annual report to the United Nations (see A/77/305), and the President of the ICC for his briefing. We note with appreciation the significant progress made by the ICC during the reporting period, despite the continuing challenges caused by the coronavirus disease pandemic.

The ICC continues to serve as the beacon of accountability for the most serious international crimes. This year, we celebrate the twentieth anniversary of the entry into force of the Rome Statute. The International Criminal Court has come a long way



since its establishment. Today the ICC is involved in an ever-growing number of situations and a record number of active cases in court proceedings. One of those is the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*, in which trial opened in April. The situation in Darfur was the first referred by the Security Council to the ICC, in 2005. As Prosecutor Khan has pointed out, that case has a tremendous impact on the people of Darfur, who have long waited for justice.

Uganda was the first State to refer its situation to the ICC, in 2004. While Joseph Kony, the leader of the Lord's Resistance Army, remains at large, the Trial Chamber rendered an important judgement in the case of *The Prosecutor v. Dominic Ongwen*. At the moment, that case is before the Appeals Chamber.

Some situations are now in the phase of reparation orders. We have taken due notice of the orders in the case of *The Prosecutor v. Bosco Ntaganda*. In that regard, we would like to highlight the need to effectively implement the reparation orders by the Court. If the accused is found indigent, the ICC must rely fully on the Trust Fund for Victims. The Nordic countries are long-standing contributors to the Fund, and we call on others to join us in contributing to the Trust Fund for Victims so that it can continue its important work to make justice meaningful for victims of atrocity crimes, in particular. The ICC needs to deliver on the rightful expectations of the victims. That is a crucial aspect of the Rome Statute system.

Some situations have just recently been opened for a full investigation. The Nordic countries were among the States parties that participated in the group referral of the situation of Ukraine to the ICC by an unprecedented number of States. Joint referrals send a strong signal and strengthen the ICC's role.

The universality of the Rome Statute is a key priority for the Nordic countries. We urge all States that have not ratified the Rome Statute to consider doing so as a matter of priority. In that regard, it is important to underline the complementary nature of the ICC. The ICC is a Court of last resort. It does not replace national judicial systems, but strengthens and complements them. The ICC only steps in when necessary, when national judicial systems do not take legal action or are unable or unwilling to investigate and prosecute.

Furthermore, we stress the importance of the cooperation of all States with the ICC. Cooperation has many forms, from the execution of arrest warrants to

voluntary cooperation agreements with the Court for the relocation of witnesses or enforcement of sentences. We also encourage the United Nations to consider sharing the financial burden with respect to the situations the Security Council has referred to the ICC.

Two years ago, the States parties and the Court together embarked on a wide-ranging review process to strengthen the Rome Statute system. The aim is to improve the performance, efficiency and effectiveness of the Court. We welcome the dedication that the Court has shown throughout the process. In particular, we value the Court's efforts to assess the many recommendations contained in the Independent Expert Review report.

Despite its vital mission, the ICC still faces opposition and attempts to undermine its work and legitimacy. The Nordic countries take this opportunity to restate our unwavering commitment to the independence and impartiality of the ICC, and its important role in the global fight against impunity.

**Ms. Niamke** (Côte d'Ivoire): I have the honour to deliver this statement on behalf of the African States parties to the Rome Statute of the International Criminal Court (ICC).

We welcome the debate on the Court's annual report (see A/77/305) on the activities undertaken by the Court during the period under review. Those activities illustrate the key role played by the Court since the entry into force of the Rome Statute, which include investigating and trying individuals charged with the gravest crimes of concern to the international community, namely, crimes of genocide, war crimes, crimes against humanity and the crime of aggression.

The African States parties take note with satisfaction of the note by the Secretary-General (A/77/305), the report on expenses incurred and reimbursement received by the United Nations (A/77/306) and the report on the implementation of article 3 of the Relationship Agreement between the United Nations and the ICC (A/77/307). The latter report attests to a steady improved cooperative relationship between the two institutions and the positive progress in the implementation of the Relationship Agreement.

The International Criminal Court was created in 1998 with the legitimate ambition to bring to justice the perpetrators of the most serious crimes that affect the entire international community, and above all to

contribute to the prevention of such crimes. This year, as we celebrate the twentieth anniversary of the Court and as we look forward to commemorating the twenty-fifth anniversary of the entry into force of the Rome Statute, we are pleased to note that the Court has opened 31 cases in 17 situations. Most of those situations are in countries affected by armed conflicts. That confirms the continued relevance of the Court in the search for international peace and justice.

Indeed, the Court not only fulfils a judicial function, but also contributes to sustainable peace, given that crimes falling within its jurisdiction are considered a threat to the peace, security and well-being of the world. In that regard, African States parties attach great importance to the work of the ICC, as an independent and impartial judicial institution, and reaffirm our unwavering support for and commitment to combating impunity for the most serious crimes of concern to the international community.

As we welcome the leadership of the Court to New York, we are also pleased to welcome the ongoing process for the election of the Registrar of the ICC. The role of Registrar is central to realizing efficiency and effectiveness. The presidency, Chambers and Prosecutor rely on a range of services in the enforcement of judicial decisions and in the administration of justice. Therefore, it is important to consider the principle of geographical representation and the importance of gender balance. In the process of electing the new Registrar and other similar processes, it is always fundamental to reflect the universal character of the Court through the geographic representativeness of its leadership at any given moment in time, respecting the Court's diversity and avoiding any appearance of regional hegemony.

We take this opportunity to pay tribute to Mr. Peter Lewis, elected Registrar of the Court on 28 March 2018, for a period of five years. We thank him for his dedication and important contributions to the Court's work. He has effectively led the Registry during a most difficult period for the Court, with respect to the coercive measures that were imposed. Significantly, he has provided the leadership necessary for the Registry to cooperate fully on the review process to strengthen the Court, including its efficiency and effectiveness.

All victims, no matter where they come from, deserve equal access to impartial justice. We note and support the important work of the Trust Fund for Victims. The report indicates that during the reporting

period, the Trust Fund was engaged in implementation Court-ordered reparations in four cases and assistance projects in several countries, benefiting more than 17,000 victims. Indeed, victims are at the core of the Rome Statute system, and the Court must stand up for all victims.

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

The African States parties remain convinced that a peaceful world and justice for all are achievable. We believe that the fight against impunity and the rule of law is a universal mission to be carried out by the international community as a whole. We recognize the role of the ICC as the world's first and only permanent international criminal court and as an integral part of the multilateral architecture upholding the rule of law.

The principle of complementarity is at the heart of the Rome Statute. The African States parties support the ongoing efforts of the Court and within the Assembly of States Parties to promote that principle, which is the backbone of the Rome Statute system.

Working towards enhancing complementarity by strengthening the capacity of national judicial systems to deal with the most serious crimes is key to achieving accountability. Indeed, the primary responsibility for investigating and prosecuting crimes under the Rome Statute rests with States. The ICC is the Court of last resort and steps in only when States are unwilling or unable to genuinely conduct national proceedings.

*(spoke in French)*

Allow me to recall that African States played a key role in the creation of the ICC and that they have continued to participate actively in various aspects of the Court's work, notably within the framework of the Assembly of States Parties and cooperating with the Court in carrying out its mandate. We strongly believe that those who commit atrocity crimes anywhere in the world must be held accountable.

African States parties constitute the largest regional group of the Assembly of States Parties. We

are committed to the universality of the Rome Statute and believe that increasing the number of States parties will ensure access to justice for victims from all geographic regions of the world. We therefore call on all States that have not yet ratified the Rome Statute to consider signing and ratifying it. The universal ratification of the Rome Statute and the incorporation of those standards into the domestic law of States must be a reality if we want all victims everywhere to have a chance to obtain justice.

Allow me to conclude by emphasizing that African States parties support the work of the review mechanism, which seeks to strengthen the Court and the Rome Statute system, including by improving its efficiency, legitimacy and capacity. In that regard, the African States parties reiterate the decision of the African Union Heads of State and Government on the ICC, which urges them to engage in the review process and address the issue of the politicization of the Court. We express our deep satisfaction with the progress made by the review mechanism, and urge that, through the review process, the persistent challenge posed by the failure to address the issue of representation and/or equitable geographical distribution be reflected in all aspects of the Court.

African States parties are ready to continue the dialogue with the Court on ways to strengthen cooperation between our regional group and the Court. Together, we will strive to breathe new life into relations between the ICC and all regions of the world through frank and constructive dialogue within the Assembly of States Parties.

Finally, the African States parties express their full support for draft resolution A/77/L.7 and strongly request its adoption without a vote. If a vote is called for, we urge Member States to express their support for the fight against impunity and for justice for victims everywhere in the world, by voting in favour of the draft resolution.

**Mrs. Maille** (Canada): Once again, it is a pleasure for me to share Canada's observations on the activities and achievements of the International Criminal Court over the past year.

Celebrating twenty years of operation, the Court remains a key institution in combating impunity for the most serious international crimes, ensuring justice for victims and strengthening respect for the rule of law and the proper functioning of a rules-based international

order. The Court is a young institution that, as President Hofmański said, has already accomplished many things. The Court is busier than ever. As highlighted this morning, its judicial and prosecutorial activities are in full swing. That underscores the importance of the Court and its contribution towards achieving accountability.

Canada congratulates Ms. Nazhat Shameem Khan and Mr. Mame Mandiaye Niang as newly elected Deputy Prosecutors. Reflecting our goals of striving for gender equity and better representation of both the common law and civil law traditions, the elections of those individuals will further enable the Court to be truly effective. The election of a new Registrar is also forthcoming. Like the African States parties, we are thankful to Mr. Peter Lewis for his excellent services. We are pleased to see compelling candidates among those being considered for the future Registrar.

Reflecting on the Court's work and role over the past two decades further reinforces the relevance of its mandate, even as the international system faces tremendous challenges that undermine global peace and stability. Ongoing commitment and sustained efforts are required to enable the Court to fulfil its mission, however, with effective and comprehensive cooperation being at the core of its success.

Canada welcomes the transfer of one suspect to the Court, but echoes the concern expressed by its President that outstanding arrest warrants remain a critical challenge, with the number having increased from 12 to 15 this year. Canada therefore continues to call on States to give effect to those arrest warrants and provide assistance to the ongoing investigations. We applaud the much-valued assistance and operational support provided to the International Criminal Court by the United Nations and many States parties.

The beginning last April of the trial related to the situation in Darfur, which was undertaken following a referral by the Security Council, demonstrates the relevance of the Council in the fight against impunity and in its ability to promote and strengthen the international accountability framework. In that respect, we continue to appeal to the Security Council to engage with the Court and refer the ongoing situation in Myanmar to the Court.

We can celebrate the commitment made by all States parties to holding the perpetrators of the most serious international crimes accountable. Canada commends the efforts of civil society in raising

awareness of the Court, as well as in promoting the full national implementation and universalization of the Rome Statute. That said, it is incumbent upon all States parties to raise the issue, which is why Canada reiterates its call on non-States parties to ratify the Rome Statute.

Another element of importance that we cannot ignore remains the financial liquidity of the Court, which negatively impacts its operational capacity. The Court's budgetary shortfalls have worsened in recent years. In light of this concern, for the third year in a row Canada has again provided a portion of its assessed contribution to the Court in advance for the coming year.

However, the Court's persistent liquidity issues cannot be adequately addressed without the full and proper payment of contributions by States that are currently in arrears. As a strategic priority for the continued sustainability of the Court's operation, we reaffirm that pressing need. We urge those States to pay their contributions, especially given the increased workload of the Court. Through our discussions on ways to improve and strengthen the functioning of the Court, Canada will seek to explore new means of encouraging the payment of contributions by States on time and in full.

The dual impact of rising inflation and increasing operational pressures on the Court have resulted in a request for a substantial budget increase this year. While it may be difficult to accede to the full desired increase proposed by the Court, we commit to participating in a constructive process once again this year.

*(spoke in French)*

Canada agrees that international justice must include a focus on supporting survivors of the most serious international crimes. We recognize that such support is essential to helping those people heal with dignity. We welcome the legacy of the Court with regard to the participation of victims in judicial proceedings. Indeed, this year's annual report (see A/77/305) highlights that 13,000 victims took part in proceedings before the Court. That central place for victims enables the Court to contribute to redressing the harm caused by the most serious international crimes. Through its voluntary financial contribution of \$4 million, Canada is proud to continue to support the important work of the Trust Fund for Victims with survivors in Mali.

Canada is an active and long-standing supporter of the International Criminal Court. This year, together with others, we submitted the current situation in Ukraine to the Court. We have increased the number of our deployments to 10 police officers to support all the Court's investigations. We have also donated \$1 million to the ICC fund to investigate sexual and gender-based crimes, as well as crimes against children. We undertake those and other efforts because Canada believes in the Court's essential role in providing accountability and justice for victims of the most serious international crimes.

As the preamble to the Statute points out,

“[m]indful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity”,

may the Court remain a light at the end of a tunnel that, for many victims, has proven very long indeed. May the Court remain a beacon of hope in justice for all.

**Ms. Rodríguez Mancia** (Guatemala) (*spoke in Spanish*): Allow me to thank Judge Piotr Hofmański, President of the International Criminal Court, for his briefing on the report contained in document A/77/305, updating us on the activities of the International Criminal Court during the past year. The report informs us of the most important aspects of the proceedings of the International Criminal Court during the reporting period. We appreciate and take note of the information and the cases presented, as well as the preliminary examinations and new investigations carried out by the Prosecutor's Office.

Guatemala reaffirms its unequivocal support for the International Criminal Court, as well as its commitment to the fight against impunity. The International Criminal Court plays a fundamental role within the international justice system, with the aim of putting an end to impunity for the most serious crimes of genocide, war crimes and crimes against humanity. Its work also transcends and is the centre of an international system of justice with far-reaching global impact.

Proof of my delegation's support for the Court is the fact that, as every year, we are among the co-sponsors of the draft resolution on the report of the International Criminal Court, which we will adopt today (A/77/L.7). My delegation values the support and cooperation between the United Nations and the International

Criminal Court, not only because they strengthens the dialogue and relationship between both entities, but also because they serve to give visibility to the critical work of the International Criminal Court, thereby providing an opportunity to strengthen its authority and learn more about its mandate and the importance of cooperation among States.

Guatemala renews its call for respect for the principle of complementarity and the strengthening of national systems in order to guarantee accountability, which is a fundamental pillar of the Statute and a guiding principle of the Court's actions. As we have indicated previously, the International Criminal Court does not replace national courts, since national criminal jurisdictions have primacy in and responsibility for investigating or prosecuting those responsible for the crimes contemplated in the Statute. We believe, therefore, that it is necessary to improve cooperation between the Court and the Security Council in order to join forces, contribute to the prevention of crimes that undermine international peace and security, and strengthen efforts to combat impunity for those acts. In addition, it is useful to have regular exchanges between the Council and the Court, apart from briefings on referred situations.

Throughout history, we have witnessed the most serious inhuman acts committed against civilian populations, attacking their physical integrity, freedom and dignity in a systematic or widespread manner. Such crimes are of major significance for the international community as a whole, because they do not harm the affected populations alone; the victim is humankind itself. Crimes against humanity constitute an intolerable threat to international peace and security. Their prohibition is part of the imperative norms of international law; in other words, it is a norm that does not allow, under any circumstance, for an agreement to be reached against it. The duty to prevent and repress such inhuman acts falls on all of us, as States Members of the United Nations, who must act in concert to guarantee that no crime against humanity goes unpunished or is repeated.

As a State party to the Rome Statute, we recognize the complementary role played by the International Criminal Court in the suppression of crimes against humanity as the core of the international criminal justice system. We believe that the strong commitment, support and cooperation of the States parties are crucial to increasing the capacity of the Court to ensure timely

accountability for crimes, deliver justice and provide redress to victims, as well as help prevent future crimes, as provided for by the spirit of its Statute.

The States parties and the membership of the United Nations must strive to strengthen their cooperation and continually reaffirm the relevance and importance of international criminal justice in guaranteeing the rule of law and international peace and security. The fight against impunity is an objective of the States parties to the Rome Statute, but that objective must be accompanied by a commitment to providing the Court with the resources necessary to carry out its functions, in order to protect its integrity and independence. The lack of such resources can jeopardize the sustainability of its investigations.

My delegation calls for increased support for a universal regime. Each step towards universality will significantly reduce the risk of impunity and contribute to the consolidation of peace and the stability of States. The universal dimension of the Rome Statute must therefore continue to be promoted, maintaining the momentum for the ratification and accession process, since once it is universally ratified, it can guarantee that no individual is above the law.

In conclusion, we urge all Member States to support the draft resolution before us today. The adoption of the draft resolution will reflect the endorsement and the firm and constant support that the Court so badly needs from the international community to carry out its mandate.

**Mr. Košuth** (Slovakia): My delegation aligns itself with the statement delivered by the observer of the European Union, and I wish to make further remarks in my national capacity.

First of all, I would like to thank the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for his presentation of the Court's annual report (see A/77/305) and commend him for his able leadership of the Court. I wish to provide him assurances of the full support and cooperation of Slovakia in helping the Court to pursue its mandate.

This year marks the twentieth anniversary of the entry into force of the Rome Statute. Slovakia has always recognized the adoption of the Rome Statute and its entry into force as a major achievement. Looking back at it through the lens of today, that achievement seems even more monumental. We believe that the mere

establishment and operationalization of the ICC as an independent and impartial court of law with victims at its centre were a reflection of the firm conviction of the international community that accountability and justice for victims must form an integral component of all our policies. While the ICC might not be completely flawless, its mandate and principles make it a unique tool in the fight against impunity for the crimes most shocking to the human conscience.

The process of the independent review initiated in 2018 has demonstrated the joint commitment of the Court and the States parties to the Rome Statute to going further and looking at what can be done better in pursuing Court's mandate. Slovakia is pleased to see tangible results of the review already and anticipates further positive outcomes.

The annual report demonstrates the increasing relevance of the Court, resulting in its unprecedented workload. We have heard the comprehensive overview of judicial activities provided earlier by the President, but allow me to name a few developments. Two trials began, two trials continued and one more entered the preparation phase. Moreover, the Prosecutor opened an investigation into the situation in Ukraine following the referral by 43 States, including Slovakia. These and all other developments certainly put more pressure on the Court to make progress in all situations and cases, and invite greater scrutiny thereof. We have full confidence in the Court's ability to stand up to the current challenges and we will work with partners to make sure that the Court is best equipped to do so. This includes, among other things, our political and practical support, including adequate and sustainable financing. In that context, we recall the obligation on States parties to pay their contributions in full and on time.

The General Assembly debate on this item provides a platform for all 193 United Nations Member States to discuss the work of that unique judicial body. The Court can fully deliver on its mandate of ending impunity for the most heinous crimes only if it achieves universality. We have noted with great appreciation the recent increased momentum and support for accountability for the most serious crimes under international law among the Member States. The upcoming twenty-fifth anniversary of the adoption of the Rome Statute will provide a perfect opportunity for all States to seize this momentum and revisit their relationship with the ICC. We strongly encourage non-States parties to engage in a bona fide, open and constructive dialogue, based

on the shared values lying at the core of the ICC, to continue strengthening international criminal justice. Their eventual ratification of the Rome Statute can be only a natural and logical result thereof.

*Mr. Hikmat (Tajikistan), Vice-President, took the Chair.*

Besides the ratification of the Rome Statute, the ICC, like any international court or tribunal, relies on States when it comes to cooperation. I therefore extend an invitation to all States also to extend effective cooperation with the International Criminal Court. On our side, I reiterate the readiness of Slovakia to continue discussions with the Court on some arrangements supporting its practical operation.

I will move now to my last substantive remark. The possibility to make referrals pursuant to paragraph (b) of article 13 of the Rome Statute has broadened the spectrum of measures the Security Council can take when dealing with the maintenance of international peace and security. Slovakia encourages the Security Council to use that unique tool when any of the four crimes under ICC jurisdiction are committed and national authorities are not in a position to investigate them. We call on Security Council members to refrain from casting negative votes in cases of mass atrocities. It is equally important to add that the Security Council should properly follow up on its referrals, including by ensuring the cooperation of Member States.

In conclusion, allow me to thank the Netherlands for its transparent, inclusive and skilful way of coordinating consultations on this year's draft resolution (A/77/L.7), resulting in some important updates. Slovakia has co-sponsored the draft resolution and hopes for a consensual adoption. I also wish to reassure the International Criminal Court of Slovakia's continuing strong support.

**Mr. Costa Filho (Brazil):** Brazil thanks the President of the International Criminal Court (ICC) for his presentation of its annual report to the United Nations (see A/77/305).

As one of the founders of the ICC, Brazil recognizes its value as the first permanent tribunal conceived to fight impunity for the most serious crimes under international law. Ensuring that those accused before it are judged with fairness and in full respect for their rights, the Court is an important instrument for justice and peace. The twentieth anniversary of the entry into

force of the Rome Statute gives us an opportunity to celebrate the Court's achievements, such as the granting of reparations to victims and the successful outreach of its activities. It is also a time to reflect on shortcomings and how to overcome current challenges.

The ICC maintained a heavy workload in the reporting period. Brazil notes with satisfaction the high level of victims' participation in the Court's proceedings, with more than 13,000 applicants. That demonstrates the importance of the Court to the individual lives in situation countries and the impact it might have in bringing justice to the victims. Another encouraging development relates to the work of the Trust Fund for Victims. It is encouraging to see reports about the engagement of the Trust Fund in reparations proceedings and ongoing projects. That attests to the reconciliation of retributive and restorative justice for the ultimate benefit of victims, their families and affected communities.

Complementarity stands as a cornerstone of the Rome Statute. States have the primary responsibility to investigate and prosecute perpetrators of international crimes, and enabling them to do so remains an essential component of the fight against impunity. Positive complementarity activities may also give meaning to an integral view of the Rome Statute system, which is built upon a positive relationship between the Court and States parties. It goes beyond punishing individuals, and it rests on empowering victims and affected communities to allow them to establish their priorities and generate their own mechanisms for accountability, thereby helping to ensure that the crimes punishable by the Rome Statute never happen again.

All States parties have the standing responsibility to work for the improvement of the Rome Statute system, addressing challenges and extending support when needed. One important challenge relates to universality, which is instrumental to overcoming perceptions of selectivity in the application of international criminal justice. I am pleased to recall that the Latin American and Caribbean States represent the second largest regional group among States parties, behind only the Group of African States.

A second challenge relates to the relationship between the ICC and the United Nations. Brazil reiterates its long-standing concern on the financing of Security Council referrals. The greater involvement of the United Nations with the ICC should be accompanied

by greater responsibility of the United Nations in providing the means for the work of the Court. We reiterate our call for the implementation of article 13 of the Relationship Agreement and of article 115 (b) of the Rome Statute, so that costs from Security Council referrals are met, at least partially, by funds provided by the United Nations. As laid out in Article 17 of the Charter, the General Assembly has the exclusive responsibility to consider and approve the budget of the Organization. The proper funding of Security Council referrals would enhance the credibility both of the Court and of the United Nations. The current situation is neither fair nor sustainable.

A third challenge is to enhance the Rome Statute system. Brazil is engaged in the ongoing review process as an important exercise to carefully assess the recommendations of the independent experts and implement those that will effectively improve the work of the Court. Brazil would caution against pursuing expert recommendations that aim at amending the Rome Statute system, a measure that would be premature at this stage. Attempts to implement recommendations that do not enjoy broad support are also counterproductive, as consensus is key to ensuring an effective and legitimate review.

The quest for peace and justice is always challenging, and that challenge is inherent to the search for a more just and cooperative world order. Let us not fall into the trap of operating with false dichotomies that oppose peace to justice, as both values complement each other. They form part of the shared values that have made the first permanent, treaty-based International Criminal Court a reality. Brazil remains firm in its commitment to the Rome Statute system and to the values that motivated its creation.

**Mr. Greco (Italy):** Italy aligns itself with the statement delivered by the observer of the European Union. I wish to provide some additional remarks in my national capacity.

At the outset, I wish to thank the President of the International Criminal Court for presenting a very informative and comprehensive report on the activities carried out by the Court over the past year (see A/77/305).

Italy has always been at the forefront of the development of an effective international criminal justice system, and it considers the Court to be an indispensable institution and a bulwark against

impunity for the perpetrators of the most serious crimes of concern to the international community. As a strong supporter of the rules-based international order, Italy is fully committed to supporting the Court, promoting accountability and upholding the cause of justice, especially at a time in which the basic principles of international law, including humanitarian law, are blatantly disregarded. We therefore welcome the significant progress made by the Court in a number of investigations and proceedings, as highlighted in the report, and congratulate the President and all the Court's organs on their work.

States parties can and must contribute to consolidating this momentum. That implies a renewed commitment to preserving the integrity of the Rome Statute, promoting its universality, respecting the independence of the Court and ensuring that it is well equipped to carry out its mandate. In that regard, we note with concern the serious challenges that the Court continues to face in relation to its requests for cooperation, including in the execution of its outstanding arrest warrants, and we call on States parties to comply with their obligations under the Rome Statute. We also stress the obligations incumbent upon all United Nations Member States under international law, in particular in situations referred by the Security Council.

Italy will continue to do its part in supporting the Court. That includes the exceptional voluntary contribution, both financial and in terms of personnel, that we have committed to providing in order to assist the Court's investigations, while fully respecting the fundamental principles of independence and impartiality.

On another note, I wish to recall that last January Italy deposited the instrument of ratification of the Kampala amendments, which strengthen the capacity of the Rome Statute system to promote accountability, including for the crime of aggression.

Let me also mention that on 2 March, alongside more than 40 States, Italy referred the situation in Ukraine to the Prosecutor of the International Criminal Court.

We are also following with great attention the ongoing reform process, which offers an important opportunity to enhance the Court's delivery of justice, while ensuring full compliance with the principles enshrined in the Rome Statute.

We are glad to note that during the reporting period, approximately 13,000 victims participated in cases before the Court, with 2,300 new victim application forms. Italy welcomes the prominence that reparations to victims are gaining in the Court's work, as we are convinced that the focus on victims is an essential element of international criminal justice. For that reason, also this year, Italy has decided to contribute to the Trust Fund for Victims.

By holding the perpetrators of international crimes accountable and repairing the harm suffered by victims and communities, not only does the Court deliver justice, but it also contributes to creating the conditions for sustainable peace. Today we believe that this link needs to be reaffirmed, as there can be no lasting peace without justice.

Finally, Italy would like to thank the Netherlands for facilitating the negotiations over this year's draft resolution (A/77/L.7), which we have co-sponsored.

**Mr. Liu Yang** (China) (*spoke in Chinese*): China thanks President Hofmański for his report (see A/77/305) on the activities of the International Criminal Court (ICC) and congratulates the Court on its twentieth anniversary.

China has been closely following the work of the ICC and notes that, over the past year, it has engaged in cooperation with relevant countries and international organizations, and made strides in its investigations, judicial proceedings and implementation of reparations for victims.

The report of the ICC mentions that, in addressing the most serious crimes of concern to the international community that may undermine international peace and security, the ICC and the Security Council play different but complementary roles. China believes that, under the Charter of the United Nations, the Security Council bears the primary responsibility for the maintenance of international peace and security. By pursuing the most serious crimes in accordance with the law, the ICC promotes fairness and justice and contributes to international peace and security. China supports the Security Council and the Court in acting within the legal framework established by international instruments, including the United Nations and the Relationship Agreement between the United Nations and the ICC, and in engaging in cooperation in a manner in keeping with our respective duties, objectives and working procedures.] China welcomes



the Court's continued prioritization of addressing situations referred by the Security Council and its continuous communication with the Council through existing means, such as regular reporting.

China supports the international community's efforts to punish the gravest international crimes and promote the realization of judicial justice in the hope that the related efforts will ultimately help to promote peace and development and truly serve the well-being of the regions and peoples concerned. We have taken note of the fact that, over the past year, the ICC Prosecutors have kept in touch and communication, through such means as on-site visits, with countries such as the Sudan and Nigeria.

The post-conflict rebuilding of peace and stability is far from easy. We hope that the Court will work with more active engagement and communication, heed the views of the countries concerned on the situations in question, take various complex local factors into account, and follow the principle of complementarity between the Rome Statute and relevant international law in order to play a constructive role in properly resolving those issues.

We have also noted that some current judicial practices of the ICC have given rise to legal disputes. For example, the Court maintains that it may assert jurisdiction if at least one element of a crime within the Court's jurisdiction or part of that crime is committed on the territory of a State party to the Statute. That approach in fact allows the Court to exercise jurisdiction over non-States parties, which is an improper imposition of treaty obligations on the latter and lacks sufficient basis in international law.

In another example, the Court initiated an investigation into a State party that had withdrawn from the treaty. That involves the obligations of the withdrawn State with respect to cooperation with the Court, as well as such issues as respect for national sovereignty and the application of the principle of State consent. There is a need for further clarification in that regard.

China expects the ICC to take the twentieth anniversary of the entry into force of the Rome Statute as an opportunity to seriously review and examine the gains and losses in its own development, uphold an independent, impartial and apolitical stance, discharge its responsibilities strictly in accordance with international law, win broad trust and support through

its practices, and contribute to the promotion of judicial justice and the maintenance of international peace and security.

**Mr. Tun** (Myanmar): At the outset, I would like to thank the Secretary-General for his reports under agenda item 72. I wish also to thank the President of the International Criminal Court (ICC) for his statement and the report of the ICC on its activities for the period from 1 August 2021 to 31 July 2022 (see A/77/305).

During that particular time, the international community encountered unprecedented and unprecedented crises evolving from multiple dimensions, including man-made behaviours. We are of the view that respect for human rights, the Charter of the United Nations and international law has been growing extremely fragile, and that the subsequent negative factors are thereby posing serious threats to the maintenance of international peace and security, including the strengthening of the international justice system. Therefore, my delegation is strongly encouraged to see the continued enhanced relationship between the United Nations and the ICC. We also thank the United Nations for its support for and close cooperation with the ICC on a wide range of issues, including those that currently require intensive investigation by the Court.

In the report, the Court has provided investigative updates on the situation in Bangladesh and Myanmar. We thank the Court for its continued efforts on this case. I wish to recall that on 17 July 2021, Myanmar lodged an article 12 (3) declaration with the Registrar of the International Criminal Court, accepting the Court's jurisdiction over crimes committed in our territory since 1 July 2002. Through that declaration, the people of Myanmar have high hopes that the Court will open a preliminary examination or expand the scope of its current investigation. The people of Myanmar are in urgent need of meaningful international accountability for the historic and ongoing serious crimes committed by the military.

I say this because our domestic justice system has failed since the illegal military coup in February 2021 and we have been looking for help through the international justice system, including the ICC, to bring the perpetrators of heinous crimes committed in Myanmar to justice. The people of Myanmar remain helpless even in seeking accountability for the perpetrators and justice for the victims of the military's atrocities.

As I speak, the fascist military continues committing systematic, widespread and serious violations of human rights, including massacres, air strikes on civilians and wholesale arson. Let me inform members of recent inhumane air strikes by the military junta. In September, 13 people, including 7 children, were killed by the Myanmar military's air attacks on a school in Lat Yat Kone Village, in Depayin township, Sagaing. Those children were as young as seven-years-old. Last week, terrorist military fighter jets bombed and attacked civilians at a music concert held at A Nang Pa, in Phakhant, Kachin state, to celebrate the sixty-second anniversary of Kachin Independence Organization Day. Reportedly, it resulted in the deaths of around 100 people, including artists, women and children, and many injured.

According to credible information, the military junta will continue to conduct such air strikes in Kachin state. Such attacks will definitely be indiscriminate and disproportionate. Many civilians will fall victim of such attacks.

The Independent Investigative Mechanism for Myanmar (IIMM) and international legal scholars agree that the atrocities of the Myanmar military amount to crimes against humanity and war crimes. Those crimes clearly pose threats to international peace and security. Evidence of the crimes against humanity and war crimes of the fascist military is overwhelming. The IIMM has received millions of facts regarding such crimes. It is now high time to turn evidence into effective action. I appeal to the Security Council to use the admissible evidence of atrocity crimes being committed by the Myanmar military to refer the situation to the ICC.

As to the role of the ICC, in order to end the culture of impunity of the military junta and to bring justice for the victims of the military junta's atrocities, I wish to appeal to the ICC to listen to the voices of the people of Myanmar and to use all possible ways, including evidence received by the IIMM and the article 12 (3) declaration made by the National Unity Government of Myanmar, to hold the perpetrators accountable.

I wish to stress that it would be dangerous if international justice were seen to undermine democratic forces in a conflict State. That could cast doubt on the credibility of international law. I share the view of the ICC Prosecutor, Mr. Karim Khan, that "at a time like this, the law cannot be a spectator".

In conclusion, the National Unity Government of Myanmar is committed to ensuring accountability and ending impunity for all human rights violations. The Government also continues to draw attention to the ongoing serious crimes being committed by the military; it seeks justice for all past and ongoing crimes and is steadfastly working towards a future where Myanmar will be known for its international cooperation and adherence to international law. Myanmar looks forward to working with the ICC to that end.

Therefore, my delegation wishes to reiterate Myanmar's support for the further extension of the relationship between the United Nations and the ICC, based on respect for each other's status and mandates and aimed at promoting the effective discharge of each organization's respective responsibilities in a mutually beneficial manner. As we perceive the role of the Court to be vital for the purpose of achieving justice and sustainable peace, we wish to continue seeing the mainstreaming of the ICC in the United Nations system.

**Mr. Gómez Robledo Verduzco** (Mexico) (*spoke in Spanish*): Mexico thanks the President of the International Criminal Court (ICC), Mr. Piotr Hofmański, for presenting his report (see A/77/305) this morning. Mexico recognizes the outstanding work of the ICC, which on its twentieth anniversary continues to contribute to the fight against impunity for the commission of the most serious crimes of international concern. In these two decades of activity, that has resulted in 31 open cases, which have involved 50 people as suspects or accused.

We note with satisfaction that the International Criminal Court continues to engage in intense activity. In the period covered by the report, two trials began, two that were already under way continued, and a new procedure entered the preparation phase. In addition, one suspect was transferred to the ICC and three new investigations were opened.

Equally relevant is the work of the Office of the Prosecutor. Mexico recognizes the importance of the decision of the Prosecutor of the Court, Mr. Karim Khan, to initiate an investigation in relation to the situation in Ukraine, which was referred to him by 43 States parties to the Statute. Mexico reiterates the importance of opening investigations into possible crimes within the jurisdiction of the Court in all regions of the world, in response to the Court's universal vocation. We value the approach that has prevailed in the actions of the

Prosecutor, who has sought to obtain the cooperation of the States that have jurisdiction over the situations investigated by the Court, in application of the principle of complementarity.

On the other hand, we note with concern that, despite such progress, 15 arrest warrants issued by the Court have not yet been complied with. Mexico reaffirms its call on the authorities involved and the international community as a whole to cooperate with the Court, since the administration of justice and the search for truth must always be above political considerations. At the end of the day, however, it is the States that have the primary obligation to prosecute the crimes defined in the Rome Statute and the Court is a jurisdiction of last resort.

As has been evidenced by the serious events that have occurred this year, achieving the universality of the Rome Statute and its amendments must remain the priority of its States parties. Mexico, like other States, observes with concern the stagnation in the rate of ratifications of the Statute and calls on States that have not done so to ratify or adhere to the treaty. In that process, Mexico supports the amendments to article 8 of the Statute, which have already been approved by the Senate of our Republic and await publication in the official journal of the Federation.

Moreover, Mexico underlines the enormous importance of the Trust Fund for Victims. We are convinced that giving the victims full justice and reparation is as important as judging those responsible for the crimes over which the Court has jurisdiction. In particular, we underline the importance of offering psychological support to both the victims and their families. Likewise, we recognize the central role of civil society in the fight against impunity, and reaffirm our condemnation of all forms of intimidation and violence against them.

Cooperation between the International Criminal Court and the United Nations is also essential, beyond the two situations that the Security Council has referred to the Court. Mexico stresses the importance of the United Nations absorbing the costs associated with the situations that it refers to the Court.

Once again, we consider that the so-called right of veto enjoyed by the permanent members of the Security Council should not be used to prevent the referral of situations to the ICC, especially when the majority of the members of the Council consider it necessary. That

is the meaning of the Franco-Mexican initiative on the restriction of the use of the veto in situations of mass atrocities, which already has 106 signatories.

The International Criminal Court is one of the most valuable institutions at the disposal of the international community. Mexico will continue to support the Court in the certainty that offering justice, truth and reparations to the victims of the most heinous crimes is and must continue to be a priority for the international community.

**Mrs. González López** (El Salvador) (*spoke in Spanish*): The Republic of El Salvador thanks President Piotr Hofmański for presenting the annual report on the activities of the International Criminal Court to the General Assembly (see A/77/305).

My delegation takes note of the reports of the Secretary-General contained in documents A/77/305, A/77/306 and A/77/307, in which important activities corresponding to the work of the International Criminal Court during the period 2021-2022 are detailed and submitted to the General Assembly pursuant to article 6 of the Relationship Agreement between the Organization and the Court.

The Republic of El Salvador has been a party to the Rome Statute of the International Criminal Court since 2016, and as such has repeatedly maintained its support for the work and activities of that body. We recognize its essential function of promoting respect for international criminal law, international humanitarian law and human rights, contributing thereby to freedom, security, justice and the rule of law, as well as the strengthening of peace and international security.

The International Criminal Court must be preserved forever as a permanent, independent institution of universal vocation that, through the exercise of the principle of complementarity with national jurisdictions, can guarantee reduced incidences of impunity for the commission of the most serious crimes of greater importance to humankind. In that regard, and 20 years after the entry into force of the Rome Statute, my delegation echoes the preambular imperatives of that fundamental instrument, stating that the most serious crimes of concern to the international community as a whole must not go unpunished. and that, to that end, measures must be adopted at the national level and international cooperation must be stepped up to ensure that they are effectively brought to justice.

For my delegation, one component that remains of great importance in the work of the Court is, without a doubt, reparations to the victims. We therefore welcome the recent progress in the execution of the Trust Fund for Victims, particularly the execution of reparation orders in four cases, resulting in 17,000 victims benefitting from assistance projects. My delegation once again reiterates the importance for the reparation orders for victims to maintain an intersectional approach, pursuant to which reparations must comprehensively address the specific needs of the various population groups and take into consideration particular characteristics based on their age, gender, disability and immigration status, among others.

From that point of view, El Salvador also attaches importance to the strengthening of legal assistance, as evidenced by my delegation's commitment to coordinating the working group on legal assistance, which is currently considering reform proposals for the Court's legal assistance system. In that regard, we will closely follow the valuable feedback provided by the member States so to ensure adequate legal representation for victims and the impartiality of the judicial proceedings, including the rights of the accused.

In short, my delegation wishes to reiterate its commitment to supporting and defending the principles enshrined in the Rome Statute of the International Criminal Court, reiterating our full readiness to preserve the integrity of the Court as the organic system instituted by the Rome Statute which, due to its content, embraces a universal vocation that will guarantee, in its fulfilment, that international justice is respected and put into practice in a lasting way.

**Mr. Zukal** (Czechia): First, let me express our thanks to Judge Piotr Hofmański, President of the International Criminal Court (ICC), for his presentation of the annual report of the Court (see A/77/305).

Secondly, I wish to align myself with the statement delivered by the observer of the European Union, and to add a few remarks in my capacity as representative of the Czech Republic.

On 1 July, we celebrated the 20-year anniversary of the entry into force of the Rome Statute. Over these 20 years, the ICC has become an irreplaceable part of the system to fight impunity for the most serious crimes under international law, built on the principle of complementarity. The current number of 123 States

parties serves as proof of the high relevance and authority of the ICC. We call on States that have not yet ratified the Rome Statute to do so. Such a step will contribute to our common endeavour to end impunity for crimes under international law, and will also contribute to the prevention of such crimes, as highlighted in the preamble of the Rome Statute.

The ongoing ICC investigation into the crimes committed in Ukraine, in consequence of the Russia's shameful aggression, proves once again that an efficient international criminal justice system is more important than ever. The Czech Republic strongly supports the Court in that respect, including by making available additional resources, both personal and financial, to the Office of the Prosecutor.

The heavy workload of the Court may also illustrate how relevant the Court is. We welcome the beginning of the first trial with regard to the situation in Darfur. That situation was referred to the Court by the Security Council. We are convinced that the Security Council should use its referral powers in a consistent manner with regard to all situations that deserve an investigation by the ICC. The situation in Syria is certainly one of those. The Security Council referral should be considered as an opportunity for independent and impartial investigation.

Full cooperation with the Court is an obligation arising from the Rome Statute or from the relevant Security Council resolutions in country-specific situations. Full cooperation is necessary if the Court is to be efficient in fulfilling its mandate. We continue to be convinced that the prerogative of the Security Council to refer situations to the Prosecutor of the Court should be followed by effective, appropriate action whenever instances of non-cooperation occur.

The best way to promote the universality of the Rome Statute is, simply, the existence of an efficient, independent and impartial Court. The ICC is such a Court. Let me to assure the General Assembly and Judge Hofmański of the Czech Republic's full support to the Court.

**Mr. Feruță** (Romania): The Romanian delegation thanks President Piotr Hofmański for his comprehensive presentation before the General Assembly. We would like to congratulate the International Criminal Court (ICC) on its achievements in terms of accountability and capacity-building at the national level, accomplished in its first 20 years of existence.

This is an opportunity to remember the reasons why, for decades, the international community strove to put in place a permanent international criminal court with jurisdiction over the most egregious crimes that shock the human conscience. We did so in order not only to ensure accountability in absolute terms and to prevent and deter the occurrence of such crimes, but also to show victims that they are seen and heard and that justice will be served even in the toughest of circumstances. This is also the right time to ponder the challenges the Court has faced in these 20 years and the proper means to address them, ensuring the wide functionality of that judicial system.

Unfortunately, this moment of reflection finds us in even more challenging circumstances than in previous years. We are witnesses to blatant violations of international law, acts of aggression and widespread atrocities. To our deepest regret, core international crimes continue to be perpetrated in many parts of the world, as reflected by the huge amount of the work of the Court, which now counts 31 cases, 17 investigations and 2 preliminary investigations. The situation in Ukraine following the illegal and unjustified war of aggression conducted by the Russian Federation, one of the permanent members of the Security Council entrusted, in that capacity, with maintaining the peace and security in the world, has added to the already complicated and burdensome agenda of the ICC.

These new events, which are unfolding in the immediate vicinity of my country, have determined the international community to act with a sense of urgency and to grant renewed attention to international justice and accountability. An unprecedented effort to mobilize resources has taken place, including for the benefit of international justice, as the world is more united than ever by the goal of safeguarding the relevance and integrity of fundamental legal norms. It is against that background that our political and diplomatic efforts have to target the promotion of the ICC as an essential pillar of the international criminal justice system, which is ultimately fundamental for peace and stability.

I take this opportunity to reaffirm Romania's full trust in the independent and impartial ability of the ICC to serve justice in all situations under its consideration. We will continue to support its vital global role in the fight against impunity and in providing assistance and reparations to victims of mass atrocities.

The functionality of the Court is closely related to the availability of necessary financial resources. States parties have to fulfil their financial commitments to the Court by making contributions to the regular budget in full and on time and avoiding arrears. That is particularly important at this juncture, when the Court is preparing for very intense judicial activity in 2023.

Voluntary contributions can also have an important impact. We have contributed to the Trust Fund for Victims and responded to the Prosecutor's appeal, made earlier this year, for additional financial resources. We are currently involved in the process of selecting experts who could be seconded within the Office of the Prosecutor. All of our efforts have fully complied with the principle and imperative of respect for the independence of the Court.

We continue to extend our support to the ongoing review process. It is important to maintain good momentum and finalize the assessment of the recommendations of the independent experts in order to move to the implementation phase. Romania stands ready to contribute to that complex process from our position as a member of the Bureau and as one of the focal points for non-cooperation.

Promoting the universality of the Court's founding treaty should remain a long-term goal to be pursued jointly by the Court and the States parties as an expression of our commitment to international law and to peace and security. We should also continue to strive to avoid the fragmentation of the Rome Statute by ratifying its amendments. This year, Romania has ratified all the amendments to article 8 of the Statute.

We extend our gratitude to the Netherlands as the facilitator of draft resolution A/77/L.7, on the report of the International Criminal Court, for skilfully steering us through an inclusive negotiations process. Romania fully supports the changes to the text reflecting the adoption of amendments to the Rome Statute and has co-sponsored the text, as it did at previous sessions. We remain hopeful that the text will continue to be adopted by consensus, as it has been in the past, as a reflection of the value of the Court to the entire international community.

I would like to conclude by emphasizing that our collective efforts towards peace, stability and security, which we believe cannot be fully achieved without justice, should remain relentless. All of our common and consistent efforts to support the Court

and its activities are, in fact, dedicated to achieving the purpose of bringing justice to the victims of the most atrocious crimes. Let that idea be the catalyst that guides our actions.

**Mr. Pérez Ayestarán** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Allow us, first of all, to thank the President of the International Criminal Court (ICC) for the presentation of the report contained in document A/77/305, of which we have taken due note and which provides an overview of the judicial activities carried out by that judicial body in compliance with its mandate, including matters related to the cases in process, the conclusion of some of them and the new investigations currently under way.

The Bolivarian Republic of Venezuela is firmly committed, both in its national legislation and in practice, to respect for and the protection and promotion of all human rights and fundamental freedoms. We therefore express our categorical rejection of the commission of crimes against humanity, war crimes, genocide and ethnic cleansing, all identified in the Rome Statute of the International Criminal Court. At the same time, we reiterate the central role of States as guarantors of the fundamental rights of their populations at all times, as well as our strong support for justice to be served in cases where such heinous crimes have been committed.

In that respect, our country reaffirms its unwavering commitment to the Rome Statute and the fight against impunity for the most serious crimes of international concern, aware that this constitutes an essential step in guaranteeing the primacy of the state of law at the national and international levels, as well as in guaranteeing the maintenance of international peace and security.

In February 2020, our country made a referral to the International Criminal Court to investigate and determine the criminal responsibilities of those who, within the Government of the United States of America, had perpetrated acts of extermination against the Venezuelan people, including the illegal application of a cruel and inhuman economic, commercial and financial blockade that, among other things, prevents our people from accessing food and medicine and that, due to its systematic nature and deliberate intent, clearly constitutes a crime against humanity under the provisions of article 7 of the Rome Statute. We hope that concrete steps will soon be taken from the ICC Prosecutor's Office to move forward with this cause and

ensure that justice is served in the face of the ongoing aggression against all our people.

Now, as is only natural, and despite the fact that we may occasionally have differences and not share the criteria or visions of the Office of the Prosecutor of the Court when adopting its decisions, Venezuela, as a responsible member of the international community, has expressed its full willingness to collaborate actively with the Office of Prosecutor Karim Khan, in accordance with the principle of complementarity. Thus, our country, unlike others that have chosen to impose unilateral coercive measures against those who have the mandate to investigate the alleged commission of heinous crimes, has been strengthening its cooperation with the ICC Prosecutor's Office by signing a memorandum of understanding, which even includes the establishment of an office in our country to, among other things, provide technical assistance and support the efforts of the Venezuelan judicial system aimed at establishing the truth and doing justice.

The Bolivarian Republic of Venezuela reaffirms that the International Criminal Court is a court of last resort that establishes a system of justice for the most serious international crimes, rooted in national courts. National authorities therefore have the primary responsibility for investigating and prosecuting the crimes established in the Rome Statute, and the Court becomes involved only when States are unwilling or unable to act within their jurisdiction to carry out the corresponding national procedures.

Our country, through its Public Ministry, in addition to guaranteeing respect for constitutional guarantees in judicial processes and ordering and directing criminal investigations when punishable acts are perpetrated, has been carrying out a series of reforms and adopted a set of innovative measures to ensure the effective administration of justice in the national territory and the provision of reparations to potential victims, in full compliance with its national and international obligations in the matter, including those derived from the Rome Statute, and in full correspondence with the spirit of cooperation of the memorandum of understanding signed in 2021.

To conclude, in reiterating our support for the International Criminal Court in its efforts to end impunity for the commission of the most serious crimes, as well as our commitment to the principle of positive complementarity, we call for the preservation

of the independence, objectivity, non-selectivity, impartiality and transparency of the work of the Court and for preventing it from being instrumentalized to advance political interests that are detrimental to the spirit of the Rome Statute and undermine its credibility on such issues as the primacy of justice, the rule of law and human rights.

**Mr. Hasenau** (Germany): Germany fully subscribes to the fight against impunity and the search for accountability. The point of reference in that endeavour is the International Criminal Court (ICC), which this year marked the twentieth anniversary of its jurisdiction. The ICC is a fundamental development in support of the rule of law. As such, the ICC — together with, in particular, the International Court of Justice, the International Tribunal of the Law of the Sea and the Permanent Court of Arbitration — is of fundamental importance to the international rules-based order, with international law at its core.

In 1998, a vast majority of the international community established the International Criminal Court through a United Nations treaty. It is the first permanent judicial body set up to try individuals, up to the highest levels of Government, for the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. Germany is one of the 123 countries that are State parties to the Rome Statute of the ICC.

In its 20 years of existence, the Court has faced enormous challenges, from withdrawals from the Rome Statute to lengthy proceedings, selectivity of situations and cases, and lack of cooperation. As a State party to the Rome Statute, we do our utmost to support the Court in the face of those challenges, while respecting its independence and impartiality. The current review and reform process is a critical initiative towards our common goal of advancing the Court's effectiveness and professionalism. It serves to strengthen the Court in the face of unwarranted criticism and prepares the institution for the tasks ahead.

Currently, the International Criminal Court faces important new proceedings in the situation of Ukraine. Accountability is key to responding to Russia's war against Ukraine. The investigation opened by the Prosecutor of the International Criminal Court in March remains of undiminished importance, given the incessant reports of atrocities and violence against civilians in Ukraine. The ICC and its Prosecutor must be

sufficiently equipped to carry out their work. Germany is a staunch supporter of the ICC, and in particular of its investigation into the events in Ukraine:

Germany was among the 43 countries that referred the situation in Ukraine to the Office of the ICC Prosecutor. That allowed matters to be expedited and the ICC prosecutor to immediately proceed with active investigations into any past and present allegations of war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person after 21 November 2013, without the need to seek authorization from the ICC Pre-Trial Chamber. Germany is the second largest donor to the ICC and supports the Court with almost €18 million per year. As the ICC's work significantly increased with the opening of investigations into the events in Ukraine, we provided an extra €1 million and seconded eight experts.

The message is clear — there is no safe haven for perpetrators of international crimes. The International Criminal Court is critical in our fight against impunity.

**Mr. Fifield** (Australia): I thank President Hofmański for his briefing on the important work of the International Criminal Court (ICC) over the past year and his insights on the challenges ahead. Australia has been a steadfast supporter of the Court since it was established 20 years ago. Like the United Nations, the Court is a vital part of the international framework for ensuring peace and security.

Accountability is critical to sustaining peace, yet the legacy of the International Criminal Court is not merely in its successful prosecutions. The Court has also played an important role in deterring the commission of serious international crimes and encouraging national efforts to hold perpetrators to account. This is why Australia was pleased to co-sponsor the draft resolution (A/77/L.7) before us today. We welcome cooperation between the United Nations and the Court towards the shared goals of peace and security.

As co-focal point on complementarity since 2017, Australia reiterates that this principle is crucial to the Court's success in achieving its core mandate, as a court of last resort, in investigating and prosecuting serious international crimes. As part of that mandate, we continue to support the Court's survivor-centred approach to accountability for sexual and gender-based crimes.

We must remember that victims remain at the heart of international justice. The 13,000 victims who participated in cases before the Court over the past year remind us of the vital role the Court plays in fighting impunity. Australia commends the continued work of the Trust Fund for Victims. In particular, its work in providing physical, psychological and material assistance is an important initiative that has been transformative for survivors and their families. We welcome the strengthening of the Trust Fund's mandate to deliver effective justice to victims.

Australia welcomes the commencement earlier this year of the first trial on the basis of a Security Council referral, yet we regret that the Council has only twice referred a situation to the Court for investigation, despite atrocities occurring across the world. In that regard, Australia welcomes the General Assembly initiative aimed at ensuring responsible use of the veto by the five permanent members. We urge the permanent members to refrain from using the veto in the face of serious international crimes.

Australia also regrets that arrest warrants remain outstanding for 14 individuals. We urge all States to provide cooperation to the Court to ensure that those cases can be heard. Australia also encourages the Security Council to do more to support the Court's implementation of mandates that are based on Security Council referrals.

The current investigation into the situation in Ukraine demonstrates now, more than ever, the importance of an independent and impartial international court. As atrocities continue to occur across the world, Australia remains committed to supporting the Court in achieving its important role in countering impunity. That is why we have committed one million Australian dollars in additional funding and two professional staff to support the Prosecutor's Office at this pivotal time.

Australia welcomes continued support from the United Nations for the International Criminal Court to achieve the shared goals of justice, accountability and the maintenance of international peace and security.

**Mr. Pereira Sosa** (Paraguay) (*spoke in Spanish*): On behalf of the delegation of the Republic of Paraguay, we express our appreciation for the presentation of the annual report of the International Criminal Court document (see A/77/305) and we commend its work in 2021 and 2022.

As a court of last resort whose work is complementary to national jurisdictions, we highlight the cardinal importance of the International Criminal Court and the Rome Statute bodies in the investigation and prosecution of the perpetrators of the most serious crimes that affect our international community as a whole.

As a court of universal vocation, my country advocates the universalization of the Court and calls on other countries, regardless of their status as parties to the Rome Statute or its amendments, and on all actors in the international community to cooperate with the International Criminal Court to ensure its independence and impartiality, facilitate its investigations and enforce its decisions.

The Constitution of Paraguay accepts the fundamental principles of international law, recognizes a supranational legal order that, in equality with other States, guarantees the validity and respect of Human Rights, and declares torture, genocide, the forced disappearance of persons, kidnapping and homicide for political reasons to be imprescriptible. In that regard, we call for ties of closer cooperation between the Court and Governments. Legal and administrative cooperation is essential to allowing the institutions of the Rome Statute system to fully carry out their functions, especially those of an investigative nature.

The role of the Court as an organization that defends values considered essential by the international community compels us to make the necessary collective efforts to strengthen and affirm its institutionality and tirelessly ensure that the exercise of its mandate is carried out under the highest standards of professionalism, independence and impartiality.

For Paraguay, the International Criminal Court represents a victory for the collective efforts of the international community to prevent impunity for the most heinous crimes and ensure justice and reparations for victims of international crimes within the framework of international law and the Charter of the United Nations. That is why we highlight the work of the Court related to reparations to victims and the work of the Trust Fund for Victims, which has executed several orders of reparation to victims in different cases, and the implementation of assistance projects for victims. We believe that adequate compensation to the victims is an important element in the performance of the Court's work.



We are pleased that the Office of the Prosecutor has started new investigations. We emphasize the importance of providing means to strengthen the cooperation of national authorities in the investigative work of the Office of the Prosecutor.

Finally, we value the contribution of non-governmental organizations, civil society and the academic world regarding the work of the International Criminal Court.

**Mr. Chrysostomou** (Cyprus): My remarks today are complementary to the statement delivered by the observer of the European Union.

My delegation would like to thank President Hofmański for the introduction of this year's report, which is contained in document A/77/305, and to express our appreciation and recognition of the high judicial, prosecutorial and investigative activity of the International Criminal Court (ICC) during the reporting period, including the commencing of two trials, the continuation of two others, the entry of a fifth trial into the preparation phase, the issuance of new arrest warrants and the opening of three new investigations. Furthermore, we single out the high participation of victims in the Court's proceedings and the continuation of the implementation of reparation orders and assistance orders by the Trust Fund for Victims.

We welcome the continued active engagement of the Court in the review process aimed at enhancing the performance and effectiveness of the institution and the wider Rome Statute system, a process that my country fully supports. We also note the election of two Deputy Prosecutors at the twentieth session of the Assembly of States Parties, and we believe that it should remain a high priority in order to continue strengthening the selection process of the Court's high officials.

Cyprus has always been a strong supporter of the ICC system and has striven, along with other States parties, to consolidate it as an independent and impartial judicial institution of the highest quality. We will also continue to work for the universal ratification and full implementation of the Rome Statute.

Cyprus has proudly co-sponsored draft resolution A/77/L.7, entitled "Report of the International Criminal Court", and we call upon all Member States to support it as well. The draft resolution contains new language on the prohibition of the illegal use of force enshrined in the Charter of the United Nations, as well

as on genocide, war crimes, crimes against humanity and the crime of aggression. On the latter, we wish to recall that Cyprus, which itself is a victim of foreign aggression, was one of the first countries to ratify the Kampala amendment to the Rome Statute on the crime of aggression, which has been embedded in the jurisdictional regime of the Rome Statute since July 2018, and we urge all State parties to do likewise.

While the ICC has evolved into a key instrument in combatting impunity, serious crimes and atrocities continue unabated around the world. Much more is needed to effectively address those crimes and grave human rights violations wherever they occur, and it is in our hands to strengthen the international justice system for accountability for atrocities and thereby to realize the objectives of both the United Nations and the ICC.

Among other things, impunity is partly owing to the lack of referrals by the Security Council. The ability of the Security Council to refer situations to the ICC is one of the most powerful tools at its disposal to interrupt the conflict cycle, ensure sustainable peace and provide justice and effective remedies to the victims. We also believe that Security Council referrals should be in line with the spirit of existing commitments — namely, the French-Mexican initiative and the code of conduct elaborated by the Accountability, Coherence and Transparency group — to refraining from the use of the veto in order to prevent the Council from acting to end the commission of atrocity crimes.

**Mr. Muhith** (Bangladesh): This year marked the twentieth anniversary of the entry into force of the Rome Statute of the International Criminal Court (ICC). As one of the principal global criminal justice institutions, we recognize the important role played by the Court in upholding justice and rule of law over the past 20 years. As a party to party to Rome Statute, Bangladesh remains steadfast in its commitment to supporting the independent and impartial judicial nature of the Court. We also reiterate our commitment to upholding and defending the principles and values enshrined in the Rome Statute and to preserving its integrity.

My delegation takes note with appreciation of the report (see A/77/305) presented by the President of the Court on its activities in the last reporting period. We acknowledge the efforts of the Court to continue exercising its functions during the reporting period, despite various practical challenges. As a member of

ICC review mechanism, we note with appreciation the steps taken by the Court as part of the review process initiated by the Assembly of the State Parties at its eighteenth session, aimed at strengthening the Court and the Rome Statute system.

We believe that ensuring justice is critical to the resolution of global conflicts. We are all the more convinced of this in having to bear the brunt of a conflict situation in our neighbourhood which, as the Assembly is aware, has forced over a million civilians to take shelter in Bangladesh.

Upon authorization by the Court, the ICC Prosecution is currently conducting an investigation into alleged crimes against humanity, namely, the forced deportation of the Rohingya minorities from Myanmar to Bangladesh. As a State party to the Rome Statute, Bangladesh is providing full cooperation to the Court and the Prosecution in connection with the investigation process, including access to the victims currently sheltered in Bangladesh.

We call upon Myanmar to cooperate with the International Criminal Court so that the perpetrators of crimes committed against the Rohingya can be brought to justice. The investigation process could be an important confidence-building measure for the safe and voluntary return to Myanmar of the Rohingya, who remain concerned about their safety in Myanmar in the absence of any accountability for the perpetrators.

We also recognize the critical importance of ICC work in Palestine and appreciate its cooperation with relevant stakeholders including the civil society organizations.

The Trust Fund for Victims plays a critical role in responding to the harm suffered by victims as a result of crimes that come under the Court's jurisdiction. We attach high importance to its mandate and efficiency, which is reflected in our contribution to the Fund. We take note with satisfaction that throughout 2021 and 2022, the Fund's activities grew significantly. We call upon the member States to enhance voluntary contributions to the Trust Fund for Victims in order to deliver on its reparation and assistance mandates.

The Court and the Security Council play complementary roles to each other in addressing the gravest crimes of concern to the international community. The Council's prerogative to refer a situation to the Court can help to promote accountability in

situations where grave crimes may have been committed but the Court lacks jurisdiction. The dialogue between the Court and the Security Council on matters of mutual interest can be enhanced further with a view to strengthening synergies between the mandates of both entities and further developing their working methods. In that regard, we welcome the Prosecutor's briefings to the Security Council on different situations that are referred to the Court.

We stress that the cooperation, assistance and support of State parties to the Rome Statute, as well as other States, remain critical to discharging the ICC mandate in a sustained and meaningful manner. In that regard, we support the efforts of the ICC to enlarge its cooperation network in the region and join call of the Court on all State parties to cooperate with its investigations, including Myanmar, in this regard.

As a State party, Bangladesh remains committed to promoting the universality and full implementation of the Rome Statute. We suggest that the Court continue its outreach efforts, including through seminars and other cooperation arrangements with relevant international and regional organizations, to promote the universalization of the Rome Statute agenda.

To conclude, we reiterate the need to uphold solidarity among State parties and the integrity and credibility of the ICC as the Court of last resort in the overarching interest of fighting impunity for the gravest crimes under international law under its jurisdiction.

**Ms. Silva Walker** (Cuba) (*spoke in Spanish*): The Cuban delegation takes note of the report of the International Criminal Court for the period 2021-2022 (see A/77/305). At the same time, it expresses its commitment to the fight against impunity for crimes that affect the international community.

Cuba notes with concern the international situation, characterized by the withdrawal of some members from the Rome Statute, an element that is detrimental to the principles of international law, for which the presence of a judicial institution that serves justice is necessary now more than ever. However, based on that which is regulated under articles 13 (b) and 16 of the Rome Statute, the reality is that this institution is far from being independent, taking into account the broad powers that the aforementioned articles grant to the Security Council in relation to the work of the International Criminal Court. That scenario reflects the gradual deterioration of the essence of the jurisdiction

of that body, violating the principle of the independence of judicial bodies and transparency and impartiality in the administration of justice.

The prerogative of the Security Council to refer situations to the Court, as reflected in the report before us, confirms the negative trend to which our country has referred on several occasions, since international law is constantly violated in the Council's referral processes, evidencing a selective policy towards developing countries in the name of a supposed fight against impunity. Cuba therefore reiterates its position in favour of the establishment of an international criminal jurisdiction that is impartial, non-selective, effective, fair, complementary to national justice systems, truly independent and, thus, exempt from subordination to political interests that could distort its essence.

The International Criminal Court cannot ignore international treaties or the principles of international law. The Court must respect the principle of law regarding the consent of the State to be bound by a treaty, as endorsed in article 11 of Part II of the Vienna Convention on the Law of Treaties, of 23 May 1969. Once again, Cuba expresses its serious concern about the precedent created by the decisions of the Court to initiate judicial proceedings against nationals of States not party to the Rome Statute, which have not even accepted its jurisdiction, in accordance with article 12 of the Statute.

The International Criminal Court must report its activities to the General Assembly on the basis of the provisions of its Relationship Agreement with the United Nations. Cuba is willing to continue participating actively in the negotiation processes related to the International Court, especially the resolution "Report of the International Criminal Court", which is adopted every year by the General Assembly and which must reflect the positions of both States parties and non-Parties to the Court.

To conclude, Cuba reaffirms its will to fight against impunity and maintains its commitment to international criminal justice, and adherence to the principles of transparency, independence, impartiality and respect for international law.

**Mrs. Chanda** (Switzerland) (*spoke in French*): The Court is "a gift of hope to future generations", whom it should protect from the terrible crimes suffered by their ancestors. It was in those terms that Mr Kofi Annan, then Secretary-General of the United Nations, hailed

the establishment of the International Criminal Court (ICC). This year marks the twentieth anniversary of the entry into force of the Rome Statute, and the Court's message of hope is more relevant than ever given the growing number of cases brought before it.

Switzerland thanks the President of the International Criminal Court for his edifying report (see A/77/305). The Court's activities have reached an unprecedented level. The situations under review are from all regions of the world, the most recent of which, Ukraine, has presented it with significant challenges. Those developments show that the ICC meets a genuine need and is demonstrably able to respond to the realities we currently face. Switzerland would like to take this opportunity to express its thanks to the Court and its staff, and to reiterate its full support.

Directly or indirectly, the ICC concerns us all gathered here in this Hall. It shares core values with the United Nations system: peace, security, the rule of law and respect for human rights. Those values are undermined by the perpetration of the atrocity crimes that the ICC seeks to prosecute. That union of values is coupled with a cooperative relationship, anchored since 2004 in the Relationship Agreement between the United Nations and the ICC. Switzerland is pleased that this relationship encourages legal and logistical assistance, the sharing of information and support on the ground. In that context, we welcome the cooperation between the ICC and the United Nations-mandated accountability mechanisms. Such shared efforts are vital in the fight against impunity. However, despite those positive developments, there is still room for improvement. In particular, a coherent referral policy and active follow-up by the Security Council on such resolutions are needed.

Beyond the United Nations, States themselves have an important role to play. To be able to take effective action, the ICC relies on State cooperation, since it does not have any of its own means of enforcement. According to the report, there are outstanding ICC arrest warrants against 15 individuals, which we can only regret. We therefore call on all States to respect their obligations to cooperate under the Rome Statute. The ICC relies on States' full cooperation in order to be able to fulfil its mandate and ensure justice for the victims of the most serious crimes.

Fighting impunity requires universal support, and so does the ICC. We therefore ask all States that have

not yet done so to ratify the Rome Statute. It should be recalled that the Court is complementary to national jurisdictions. Under the Statute, States bear the primary responsibility for prosecuting the most serious crimes. The ICC can intervene only if States are unable or unwilling to do so. The ICC was established to prevent and investigate the most serious crimes, regardless of who commits them; it is thus an independent judicial institution and is bound only by law.

If the ICC is to carry out its work, it must also be able to rely on a solid Statute. In recent years, the Assembly of States Parties has taken major steps in that direction. Since 17 July 2018, the ICC can exercise its jurisdiction over the crime of aggression, a competence that complements the prohibition of the use of force under the Charter of the United Nations. The States parties also decided, by consensus, to add several new war crimes to the Rome Statute, including some relating to the use of specific weapons, and also the crime of intentional starvation of civilians in non-international armed conflicts. Switzerland initiated that amendment on starvation and is pleased to announce that it has ratified it this year. Switzerland calls on all States parties to ratify the amendments, which make a significant contribution to the protection of civilians and the prevention of further suffering, and which make the ICC more effective.

It is essential that those important changes be reflected in the General Assembly resolution on the ICC. Liechtenstein and Switzerland have made proposals to that end. Indeed, these new factual developments call for the update of the resolution to ensure that the work of the General Assembly remains as pertinent as ever. In that context, we welcome the efforts made this year by the facilitator, the Netherlands.

Fighting impunity for atrocities, bringing justice to victims and contributing to sustainable peace — these are all goals shared by the Assembly. The ICC is essential to achieving them. The ICC is a gift of hope, and we all have our part to play in making this hope a reality for the benefit of the victims.

**Ms. Cáceres Navarrete (Chile)** (*spoke in Spanish*): Chile appreciates the comprehensive report presented by the President of the International Criminal Court (ICC) regarding the activities carried out by the Court between 1 August 2021 and 31 July 2022 (see A/77/305). We take due note of the activities carried out by its different bodies, including its judicial and prosecutorial

actions, and the steps taken by the Secretariat during that period.

My delegation, as has been its position since the beginning of the process that led to the establishment of the Court 20 years ago, wishes to reiterate its fullest support for the Court and the tasks it carries out in compliance with the Rome Statute. Chile understands that the establishment of the Court was an achievement long sought by the international community and that it forms part of a process of creating a legal structure therefor. The permanent support of the States parties for the Statute in terms of respecting and supporting the autonomy and independence that are essential for the full exercise of their functions is vital for the achievement of their functions. Indeed, not only does it play a fundamental role in punishing the most serious crimes within its jurisdiction, but its existence also constitutes a strong dissuasive factor for the commission of such conducts.

Notwithstanding the foregoing, it is important to emphasize the role that also falls to the States parties to the Rome Statute in the prosecution of those crimes, which leads to complementarity as the basic principle of the jurisdiction of the ICC. Complementarity is not only an admissibility issue under the Rome Statute, but also a guiding principle of the Court's relationship with national jurisdictions. For Chile, complementarity means the right and obligation of the States parties to the aforementioned instrument to prosecute, within their legal systems, the crimes listed in the Rome Statute, to punish and to end impunity. That duality of the principle of complementarity must be consolidated through the practice of the States themselves, and thus achieve effective complementarity. In that sense, the primacy of the States in the investigations and prosecutions of the crimes established in the Rome Statute has the purpose of actively fighting against impunity.

Linked to this, the necessary cooperation of States in the investigations of the ICC emerges as a determining factor to achieve the ultimate goal of the Rome Statute, which is to render justice, serving as a response to the most serious suffering that humankind may experience as a result of the commission of serious crimes. Given the relevance of the matter, one section of the Statute is dedicated to international cooperation and assistance. In that way, cooperation makes it possible to ensure that those responsible for violations of human rights and international humanitarian law or their accomplices in attacks on civilians are held accountable for their

actions. Thus, the need to create bridges between the ICC and the States involved is essential to the success of an investigation of this level.

Chile has full confidence that the joint work of the States parties, effective dialogue with the Court and the necessary cooperation of States for the most adequate fulfilment of its functions constitute a commitment of the utmost importance that the States parties must assume. The Court must be able to count on such cooperation as one of the conditions for the performance of its functions.

The fact that the ICC does not have a police force or its own territory makes it dependent on the States parties to the Rome Statute. In that sense, the success of the International Criminal Court will be determined by the level of cooperation it receives from the States. We encourage States to enter into cooperation agreements with the Court, especially in the matters detailed in the report. In that regard, Chile welcomes the strengthening of cooperative relations between the United Nations and the Court, which have become a strong bond that contributes to allowing the latter's mandate to be fulfilled and guarantees accountability for the commission of crimes established in the Rome Statute. We are also pleased that the cooperation and assistance provided by States and international organizations to the Court during the reporting period was productive and allowed the Prosecutor's Office to carry out the investigations for which it is responsible.

Despite the achievements in this matter, the cooperation of the States in the investigation of cases is still a challenge. In that sense, and according to the report, 15 arrest warrants issued by the Court are pending. In that respect, we call on States parties and other entities to provide the cooperation and assistance necessary for the arrest and delivery of the suspects to the aforementioned Court. In light of this, we believe it necessary to recall that the ICC, pursuant to its nature and functions, must guarantee that its investigations are exhaustive and its sentences consistent. That issue makes the existence of optimal cooperation essential, with the States being the first to be called on to provide it, with the main purpose of not hindering the work of the Court.

Similarly, my delegation wishes to reiterate Chile's commitment to strengthening international criminal law, and advocates the existence of an increasingly robust and effective International Criminal Court. The

progress that the Court has achieved is a source of great satisfaction for our country, since it means that international criminal justice is strengthened through the fulfilment of the ultimate objective of the Court, which is to prevent impunity for the most serious crimes against humanity.

Therefore, within the framework of its permanent commitment to international humanitarian law and the international protection of human rights, the Government of Chile informed the Prosecutor of the Court of its decision to join the referral of the situation in Ukraine, communicated to the Prosecutor on 2 March by the Embassy of the United Kingdom on behalf of 39 States parties to the Rome Statute, whose purpose was to initiate an independent and impartial investigation of the facts, in order to render accounts and punish those responsible in the light of international criminal law.

Chile believes that cooperation between the Court and the Security Council within the framework of the rules that regulate it is critical to making progress in dialogue, coordination and joint action. Although the Court and the Security Council have different spheres of competence, there is no doubt that their powers somehow complement each other. Considering that the legal assets that the Rome Statute seeks to protect — that is, the peace, security and well-being of humankind mentioned in its preamble and enshrined among the purposes of the Charter of the United Nations in its Article 1 — that should be reflected in common visions about the gravity of inaction in the face of impunity and the reiteration of conduct at odds with the international legal order.

It is undeniable that in the preamble of the Statute, there is also an intrinsic link between the crimes that fall within the jurisdiction of the Court and international peace and security. Thus, since the primary responsibility of the Security Council is to ensure international peace and security, it is reasonable that this important United Nations organ should have some role on this issue. In that sense, and as we have pointed out in recent years, it is necessary to pay special attention to the active and effective follow-up by the Security Council of the situations which that organ has referred to the Court in order to ensure cooperation.

Chile therefore wishes to offer its congratulations for the start of the first trial before the Court, based on a referral by the Security Council. Chile hopes that this active and effective follow-up by the Security Council

will progress and take hold over time, in favour of the fight against impunity and the rule of law at the international level.

Chile stresses the need to rely on civil society as a constant support for the work of the Court and recognizes its contribution to the fight against impunity. In that light, we view with concern recent reports of threats and intimidation directed at some civil society organizations that cooperate with the Court. In that regard, our country calls for the protection of civil society and all who cooperate with the Court and for the firm rejection of any act of violence against them.

As a sign of its commitment to the Court, Chile, in addition to the ratification of the amendments to article 8 of the Rome Statute and the incorporation of article 8 *bis*, is currently seized the National Congress with a bill that is aimed at incorporating the crime of aggression and extending war crimes to non-international conflicts in our legal system. Similarly, a bill on cooperation between the State of Chile and the International Criminal Court is in legislation with a view to facilitating the cooperation that our country must provide to the Court, in addition to the amendments to article 8 of the Rome Statute adopted by the Assembly of States Parties in 2017.

My country wishes to highlight the work of the Trust Fund for Victims and recognizes that the existence of this international regime responds to the right to reparation of victims of crimes under the jurisdiction of the Court, as well as of their families. We call for the Trust Fund to be strengthened so that it can fulfil its dual mandate of being responsible for the implementation of reparation orders and for using the voluntary contributions it receives to carry out projects aimed at assisting broader groups of victims.

Chile is currently acting actively, as a focal point of the Group of Latin American and Caribbean States, in the review mechanism of the International Criminal Court

in charge of evaluating the recommendations included in the report of the group of independent experts and on subsequent measures it may propose. The task of the review mechanism is critical to the strengthening of the ICC and the improvement of its functioning, since its primary task is to present a proposal for a comprehensive action plan for the evaluation and implementation of the recommendations. To fully consider and implement them, we must pay special attention to the views of civil society, which we value as part of this reflection. That will help promote universal recognition of the central role of the ICC in the global fight against impunity.

In that role, Chile has sought to guarantee transparency and inclusion in the preparation of the comprehensive action plan, in support of the efforts of the representatives of Sierra Leone and the Netherlands, who lead that initiative. To achieve an action-oriented outcome, we believe that we must address the priorities and approaches suggested by different actors, such as putting victims and affected communities at the centre of the Court's work, ensuring the effectiveness of the rights of victims, or addressing issues of gender equality, among others.

We reiterate our commitment to the universality of the Rome Statute and our full confidence in the importance of the International Criminal Court in the fight against impunity and the prevention of acts that shake the conscience of humankind and threaten peace and security. international.

We emphasize and insist on the need to create bridges between the Court and States involved in its investigations, which is essential for the success of such a high-level investigation. We hope that adherence to the Rome Statute will progressively increase among the members of the international community, and we call on the States not party to the Statute in that regard.

*The meeting rose at 1.20 p.m.*