



# General Assembly

Seventy-eighth session

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New York

Official Records

*President:* Mr. Francis . . . . . (Trinidad and Tobago)

*The meeting was called to order at 10.05 a.m.*

## Agenda item 74

### Report of the International Criminal Court

#### Note by the Secretary-General (A/78/322)

#### Reports of the Secretary-General (A/78/320 and A/78/321)

#### Draft resolution (A/78/L.6)

### Statement by the President

**The President:** Today we gather to consider the annual report of the International Criminal Court (ICC) (see A/78/322), a critical pillar of the international legal order. The ICC stands as a perennial symbol of our shared commitment to justice and to humankind's greatest aspirations. It serves as an emphatic reminder that no one — I repeat, no one — should be exempt from accountability for the most serious crimes of concern to the international community, and that regardless of their status, position or location, the perpetrators of such crimes will invariably face the weight of justice. Indeed, when it comes to the most egregious crimes against humanity, accountability knows no exceptions and justifiably so. In those grave and heinous cases when national legal systems prove unable or unwilling to bring the perpetrators to justice, the ICC must step in.

Accordingly, the ICC stands as a testament to our unshakeable resolve to end impunity and to deter others from the commission of such crimes in the future. The Court is indeed a truly unique embodiment of our

collective resolve to uphold the principles of justice and accountability. I express my full appreciation to the Court for its diligent efforts, as indeed to its judges and Prosecutor, as well as to the dedicated staff who have laudably committed to the pursuit of justice, and indeed to what is right.

The report highlights both the progress and the challenges that the ICC has seen this year, specifically with regard to the prevention and punishment of genocide, war crimes, crimes against humanity and the crime of aggression. Those principles are fundamental to our global vision of peace and integral to our mission of maintaining international peace and security, promoting respect for human rights and delivering justice to those who have suffered the gravest injustices.

We must acknowledge that the Court operates in a multifaceted international landscape. Its jurisdiction spans cases where States parties have brought situations to the attention of the Court, including situations referred by the Security Council. While it may present a unique set of challenges, that duality in referral mechanisms underscores the importance of international cooperation. And despite those challenges, our hopes for universal ratification of the Rome Statute and the Kampala amendments serve as a profound affirmation of the International Criminal Court's enduring commitment to justice. As more countries join and support the Court, the bold ambition of ending impunity for the most serious crimes becomes an increasingly realistic one. As we engage in today's discussion, let us remember the voices of the victims, whose suffering must compel us to take meaningful action.

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I underscore the need for universal cooperation with the Court among the States Members of the United Nations in our common pursuit of a more just and peaceful world. I call on States to support the ICC where it faces constraints in its pursuit of justice, including through the provision of the predictable funding it needs to carry out its investigations and prosecutions effectively. In line with the fundamental principle of complementarity, States should cooperate with the ICC and one another in investigations and prosecutions, including by sharing information and evidence with a view to upholding the rule of law and ensuring accountability for the most serious crimes. Let us remain committed to strengthening the international legal framework and ensuring that the ICC continues to fulfil its essential role in our global efforts to prevent impunity and injustice and promote lasting peace.

I thank everyone here and look forward to a fruitful discussion on this important matter.

I now give the floor to the representative of the Russian Federation, who has asked to speak on a point of order.

**Ms. Zabolotskaya** (Russian Federation) (*spoke in Russian*): Before we move on to the debate, I would like to propose that we put draft resolution A/78/L.6 to a vote and then proceed to the debate.

**The President:** On the question raised by the representative of the Russian Federation, I would like to advise the Assembly that I propose to conduct this meeting in accordance with established practice, which is that we will have the debate, at the end of which there will be a vote on draft resolution A/78/L.6.

I give the floor to the representative of the Russian Federation.

**Ms. Zabolotskaya** (Russian Federation) (*spoke in Russian*): We have the utmost respect for your proposal, Mr. President. It goes without saying that we will have a debate on it. Nonetheless, we believe it is important to vote on draft resolution A/78/L.6 first. The draft resolution is before us and its text has been submitted for the consideration of the General Assembly. We therefore ask that it be put to a vote. And we would be very grateful to you, Mr. President, if you could announce the commencement of the vote and then open the floor for the corresponding statements to be made before and after the voting.

**The President:** I now give the floor to the representative of Canada.

**Mrs. Maillé** (Canada): I want to thank you, Mr. President, and my colleague for her comments. I would like to point out to my colleague that the established practice of holding a debate prior to the voting on a draft resolution would give time for all delegations to be present in the General Assembly Hall for taking that action. We therefore appeal to all delegations that we move in accordance with the usual established practice, as you said, Mr. President.

**The President:** I now give the floor the representative of the Russian Federation.

**Ms. Zabolotskaya** (Russian Federation) (*spoke in Russian*): We have the utmost respect for our colleagues and their requests. However, we see that there is a sufficient number of delegations in the Hall for voting to take place. We would like the draft resolution to be put to the vote, which will in no way affect the debate that we will have and in which everyone will be able to express themselves on this agenda item.

**The President:** I now give the floor to the representative of the Kingdom of the Netherlands.

**Ms. Brandt** (Kingdom of the Netherlands): I would like to support our Canadian colleague on her point of order. I think it is important that we hold the debate according to the usual practice and give all Member States time to prepare for the vote that is apparently going to be held. I think that it would be unwise to proceed to a vote before we have had a substantive debate on draft resolution A/78/L.6.

**The President:** I now give the floor to the representative of Romania.

**Mr. Feruță** (Romania): I too would like to express our support for your appeal, Mr. President, and for your ruling that we proceed with the general debate and then vote on draft resolution A/78/L.6. Not only does that accord with standard practice, because we do the same with other reports, it is also linked to the fact that the draft resolution itself references the report that is about to be presented. Logically, we should first listen to the report (see A/78/322) in order to react to it and then vote on the draft resolution.

**The President:** I now give the floor to the representative of the Syrian Arab Republic.

**Mr. Khaddour** (Syrian Arab Republic) (*spoke in Arabic*): My country's delegation supports the Russian proposal that we begin by voting on draft resolution A/78/L.6. We believe that every delegation is aware that there is a draft resolution that will be put to the vote at today's meeting. We therefore think it is very important that we start things off with the vote, because the results will reflect countries' various positions and therefore better direct the conduct of our discussions.

**The President:** On the question of whether we should hold the vote now or at some other designated time, allowing the debate to take place first, I would like to advise the Assembly as follows.

It is my decision that we will observe and maintain the standard procedures of the General Assembly and that therefore we will not hold the vote now. We will proceed with receiving the report of the International Criminal Court (see A/78/322), followed by the debate. It is my understanding that the main proponent of draft resolution A/78/L.6 has asked that we not take action on it today. In due course I will advise the Assembly on the time frame for action, but based on the request of the proponent, action on the report will not be taken today.

I now give the floor to the representative of the Russian Federation on a point of order.

**Ms. Zabolotskaya** (Russian Federation) (*spoke in Russian*): It goes without saying that we very much respect your proposal, Mr. President, and your decision. But we did want to draw your attention to the fact that any delegation has the right to call for a vote on any draft resolution that has been submitted for the General Assembly's consideration.

If you insist that we begin with the debate, Sir, and that we hear the statements by the President of the International Criminal Court (ICC) and other speakers, I will not dispute your decision. However, I would like to request that the vote be held in the first half of the day, before this end of this morning's meeting. We can listen to the President of the Court and to delegations, but we would still like to propose that the vote be held before the end of the meeting.

I would ask, Sir, that you consider our request for holding the vote on draft resolution A/78/L.6. Every Member State in the General Assembly has the right to call for a vote on any draft. Given that we have made that request, we believe that a vote must be held in keeping with the rules of procedure. However, if it is your

decision, Mr. President, to postpone the vote somewhat in order to give the President of the ICC the opportunity to speak, we would like to ask you to also decide to hold the vote at the end of this meeting.

**The President:** I now give the floor to the representative of the Kingdom of the Netherlands.

**Ms. Brandt** (Kingdom of the Netherlands): I would like to once again reiterate that we have asked that the vote be deferred because this is the first time that we have held a vote on this draft resolution (A/78/L.6), and we therefore want to give every Member State the opportunity to participate in the debate and in the vote and to have adequate time to prepare for that. It is therefore simply a matter of giving all Member States the opportunity to participate in the debate on an equal footing.

**The President:** I have listened to all views on the matter and determined that we will maintain the general practice widely upheld in the General Assembly. We will therefore postpone action on draft resolution A/78/L.6 and will now receive the report from the President of the International Criminal Court (see A/78/322), followed by the debate. That is my ruling.

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

**Judge Hofmański:** It is an honour to stand before the Assembly for the third and final time as President of the International Criminal Court (ICC). This year marks the twenty-fifth anniversary of the adoption of the Rome Statute, the ICC's founding treaty, and I would like to pay tribute to the role of the Assembly in making that landmark achievement possible, as it was in this very Hall that the process began.

The Rome Statute marked a turning point in the history of international law. It opened a new chapter in the enforcement of crucial principles aimed at the protection of the most fundamental human values and human rights. A new pillar was added to the permanent architecture of international justice.

The ICC is an integral part of the multilateral system. While it is not part of the United Nations, our two organizations cooperate closely on the basis of the Relationship Agreement between the United Nations and the International Criminal Court.

I would like to take this opportunity to thank the United Nations for the invaluable assistance the Court continued to receive in the past year, on a reimbursable

basis. I am particularly grateful to the Under-Secretary-General for Legal Affairs, Mr. Miguel de Serpa Soares, for his and his team's key role in enabling that cooperation on a daily basis. I am also grateful for the thoughtful remarks he made in January at the ICC's opening of the judicial year, as the keynote speaker of the ceremony.

The ICC has come a long way in the past two decades. From a Court dealing with just a few investigations and very limited courtroom activity, the ICC has grown into an extremely busy institution active on four continents, with parallel proceedings in several courtrooms, week to week and month to month. The Court has turned the abstract concepts of the Rome Statute into a tangible reality, such as the reparation of victims, which is now a major part of the Court's activity, in partnership with the Trust Fund for Victims.

Regrettably, as the ICC's work has expanded and developed, so have the challenges. Recently, the Court has been subjected to deeply unacceptable threats and attacks. Notably, the authorities of the Russian Federation have initiated criminal proceedings against six ICC judges and the ICC Prosecutor, placing those individuals, including myself, on a wanted list, all because we are fulfilling our mandate — whether performing judicial or administrative functions. That is an unprecedented attack on the judicial independence at the international level. I am very appreciative of the strong support we have received from our States parties and others in the face of those troubling measures.

Quite clearly, the criminal proceedings against the ICC officials were initiated in reaction to the two arrest warrants issued by the Court on the situation in Ukraine in March. Comments were made bringing the legality of the ICC's actions into question.

Let me state something very clearly: the ICC is acting squarely within the boundaries of its mandate. Ukraine has made a declaration under article 12 of the Rome Statute accepting the ICC's jurisdiction. Therefore, in accordance with the Statute, the ICC has jurisdiction over alleged crimes committed in Ukraine regardless of who the alleged perpetrators are or what their nationality is. The consent of the State of nationality is not required.

Furthermore, article 27 of the Rome Statute makes it clear that there is no immunity from prosecution before the ICC based on official capacity. That has been confirmed in clear terms by the Appeals Chamber in the past.

The judges and the Prosecutor of the ICC are simply carrying out their mandate as elected officials of an international court with 123 States parties. I find it unacceptable that my colleagues and I should be subjected to intimidation for that reason.

I am also gravely concerned by a recent cyberattack against the Court's information systems. While we are not able to determine at this point who was behind it, the evidence available so far points to a targeted and highly sophisticated attack with the objective of espionage. As such, that attack is a serious attempt to undermine the Court's mandate.

I would like to express the Court's gratitude to its host State, the Netherlands, for the excellent support it has provided for the immediate and forceful steps the Court has taken to respond to the cyberattack. We are undertaking a variety of steps to upgrade and enhance our digital systems to make them more resilient. The assistance of our host State was critical also in preventing, last year, an almost successful attempt to infiltrate a hostile intelligence officer into the Court.

I want to be clear that those challenges will not stop us from carrying out our mandate independently and impartially. Our work for justice continues with the fullest dedication every day. And so it must, because, sadly, the threat of armed conflict and atrocity crimes is not diminishing in the world.

Indeed, this is a painful time for our joint humankind. My heart cries at the reports of wars, attacks against civilians and the suffering of our fellow human beings around the world. Humankind must be able to do better. Do we really have to resort to killing, torture, rape and persecution? We do not. Nations and peoples have the capacity to coexist peacefully. We have the capacity to recognize universally applicable norms of prohibited conduct. That is why we have the Convention on the Prevention and Punishment of the Crime of Genocide. That is why we have the Geneva Conventions and their Additional Protocols. And that is why we have the International Criminal Court: to help ensure the effective implementation and enforcement of those critical norms of international law. They are critical, because they are aimed directly at protecting the peace, security and well-being of humankind.

The past 12 months have been a very busy time for the ICC. There are a total of 16 active situations before the Court at the moment. As members of the Assembly have the written report before them, I will highlight only selected key developments.



The Appeals Chamber upheld the conviction and the 25-year sentence in the case of Mr. Dominic Ongwen, a Brigade Commander in the Lord's Resistance Army, for crimes committed in northern Uganda between 2002 and 2005. The crimes Mr. Ongwen was convicted for include the use of child soldiers; attacks against the civilian population; murder; torture and sexual and gender-based crimes such as rape, sexual slavery, forced marriage and forced pregnancy.

In the situation in Ukraine, Pre-Trial Chamber II issued two arrest warrants in relation to the alleged unlawful deportation of population and the unlawful transfer of children from occupied areas of Ukraine to the Russian Federation.

There has also been a great deal of other activity happening in the Court's two Pre-Trial Chambers in the past year, but a lot of it is confidential and therefore cannot be publicly discussed.

There are now a total of 16 persons who are subject to publicly announced arrest warrants of the ICC, relating to eight different situations. I urge all States to assist the Court by cooperating on the arrest and transfer of individuals subject to outstanding ICC arrest warrants. Meanwhile, the Court is planning to enhance its capacity to work on the tracking of suspects.

Three trials at the ICC are currently in the presentation of evidence stage. Two of those concern events in the Central African Republic in 2013 and 2014, and one trial relates to alleged crimes committed in Darfur, the Sudan, in 2003 and 2004. A fourth trial, on alleged crimes committed in Timbuktu, Mali, was brought to a conclusion, and the Chamber is deliberating on its judgment.

In the case of Maxime Mokom, in the situation in the Central African Republic, the Office of the Prosecutor withdrew the charges earlier this month, before the confirmation of charges hearing was conducted. The Prosecutor informed the Chamber that, having considered the totality of the evidence and in the light of changed circumstances regarding the availability of witnesses, there was, in his view, no reasonable prospect for a conviction at trial.

In the situations in Afghanistan, the Philippines and Venezuela, the Office of the Prosecutor resumed its investigations following judicial rulings on admissibility. In the situations in Georgia and the Central African Republic, the Office of the Prosecutor

announced the end of the investigative phase, meaning that, beyond the cases pending before the Court, the Prosecutor does not intend to pursue any new lines of inquiry into the alleged criminal responsibility of other persons or for other conduct.

As I alluded to earlier, reparations to victims feature prominently in the Court's work. In that respect, I am delighted to announce the achievement of a major milestone. For the first time, we completed the implementation of court-ordered reparations in a case before the ICC, when the process in the Katanga case was brought to conclusion earlier this month.

This case concerned crimes committed during a 2003 attack on the village of Bogoro, in the Ituri district of the Democratic Republic of the Congo. Several hundred victims have been beneficiaries of the reparations delivered through the ICC's Trust Fund for Victims, including symbolic monetary payments, support for housing and income-generating activities, education assistance and psychological support. Apart from the Katanga case, victims in three other cases continued participating in reparation programmes during the past year.

Furthermore, the Trust Fund for Victims is implementing other programmes for the benefit of victims in respect of the situations in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Kenya, Mali and Uganda, directly benefiting close to 17,000 individuals.

To fully appreciate the impact of the Court's and the Trust Fund's activities on the ground, in November I travelled to Bangui, Central African Republic. The visit was rewarding and thought provoking. I met with community leaders and heard their perceptions of the ICC. And I had the chance to hear the personal stories of many victim survivors from the 2002-2003 conflict, who are now benefiting from ongoing assistance projects of the Trust Fund for Victims in several parts of the country.

I do not have sufficient words to describe the courage and dignity of those survivors — most of them women. The suffering and the adversity they have faced is truly difficult to comprehend. It was rewarding to hear how the health services, psychological rehabilitation and income-generating activities that are part of ongoing Trust Fund projects have helped them rebuild their lives.

That is not only thanks to the Trust Fund for Victims and all those who have made generous donations to it. The transformative effect of the Trust Fund projects is also, in great amount, thanks to the fantastic local partner organizations carrying out the work on the ground. I was truly impressed by their expertise and professionalism and how much positive impact they are managing to make with limited resources.

Those encounters reinforced my already strong conviction that justice must have a restorative element. And I am proud to work for a court whose founders had the wisdom to make reparations a key part of its concept of justice, moving away from the idea that retribution, on its own, is sufficient.

As the Assembly knows, the ICC is a complementary court, which steps in only if there is no other feasible avenue for justice. In the first place, alleged crimes should be addressed by competent national authorities, rather than the ICC. In fact, the whole point of the Rome Statute is to activate and empower national jurisdictions.

On that note, the ICC Prosecutor closed the preliminary examination in Guinea last year, after a domestic trial related to the events of 28 September 2009 was opened. The Prosecutor signed a memorandum of understanding with the Guinean authorities, furthering the principle of complementarity and strengthening future cooperation. The Prosecutor's Office has also continued cooperating with the authorities in Colombia to facilitate technical assistance relevant for domestic proceedings, such as the investigation and prosecution of sexual and gender-based crimes.

The ICC is not trying to create more work for itself; on the contrary. We are always keen to see national institutions strengthened, in the spirit of Sustainable Development Goal 16. Where requested, we are happy to share our expertise with international, regional and national actors to enhance the delivery of justice worldwide.

Accountability for the gravest crimes is a shared goal for us all. For that reason, we devoted the latest judicial seminar of the ICC to the topic of complementarity, to discuss how we can create more synergies and enhance collaboration across jurisdictions.

The ICC is not an island. It is just one part of a global, interconnected system of justice and the rule of law. As a complementary court, its role is to close the gaps of impunity, where they remain. Unfortunately,

however, we cannot do so in all parts of the world. As the Assembly knows, in the absence of a referral by the Security Council, the ICC's jurisdiction is limited to crimes committed in the territory or by a national of the States Parties to the Rome Statute or a State that has accepted the Court's jurisdiction. As such, the ICC is not able to provide the same protection to all people everywhere. To address that imbalance, I once again encourage all States gathered in the Hall to join the Rome Statute, if they are not yet parties to it.

The ICC's cause is a cause of all humankind, in the words of the late Kofi Annan. Why should countries join the Rome Statute system? The reasons are many. Above all, it is better to be on the inside than on the outside. Join and be part of the decisions on the ICC's funding, the election of the highest officials and amendments to its legal framework. Join and gain additional legal protection for countries and their people against the most serious mass atrocities. Join and demonstrate solidarity with victims everywhere. Lastly, join the Rome Statute and show that members stand for peace, justice and the protection of fundamental human rights. More than ever, we need the world to unite under those values.

**The President:** I thank Judge Hofmański for his briefing.

I now give the floor to the representative of the Kingdom of the Netherlands to introduce draft resolution A/78/L.6.

**Ms. Brandt** (Kingdom of the Netherlands): The Kingdom of the Netherlands aligns itself with the statement that will be given by the representative of the European Union.

Let me begin by thanking President Hofmański not just for his briefing, but importantly for his many contributions to international justice and for successfully guiding the International Criminal Court (ICC) through some difficult and challenging moments. His mandate expires next year, and I am sure I speak for many when I say that we will be sad to see him go. I would like to thank him once again for his outstanding service.

The Kingdom of the Netherlands is proud to be the host State and a firm supporter of the International Criminal Court. Given the importance of the topic at hand, I would like to briefly address three issues — the fight against impunity, the strengthening of the Rome Statute system and the draft resolution (A/78/L.6).

With regard to the fight against impunity, this year marks the twenty-fifth anniversary of the adoption of the Rome Statute, which ushered in a new age of accountability, as President Hofmański just said. Since the Statute entered into force in 2002, the number of States parties has more than doubled, from 60 to 123, and we expect it to increase again soon. The Statute has also spurred major criminal-law reforms on every continent, further enabling States to prosecute international crimes before their domestic courts. In accordance with the principle of complementarity, the path of justice therefore leads not only to the ICC but increasingly to the domestic courts of States that are party to it.

The Kingdom of the Netherlands follows a two-track approach. We believe that the Rome Statute system should be further expanded. Ultimately, the gaps in the International Criminal Court's jurisdiction should be closed, and the statute should become universally applicable. We therefore call on all States to ratify the Rome Statute and its amendments. But as long as gaps in the ICC's jurisdiction remain, we support special accountability mechanisms that complement its work and address the gaps — for example, commissions of inquiry and evidence-gathering mechanisms. Today, at a time when the most fundamental legal norms are being flagrantly violated, it is up to us to further strengthen and expand the Rome Statute system. I would therefore like to elaborate on that somewhat.

National authorities retain primary responsibility for the investigation and prosecution of international crimes. It is therefore crucial to strengthen cooperation among States. A few months ago in Slovenia, the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes was adopted — a true innovation in the field of international criminal law. The Convention will facilitate the cooperation between States in the investigation and prosecution of the crime of genocide, crimes against humanity, war crimes and other international crimes. To ensure that the new treaty is applied broadly, it is important that as many States as possible sign and ratify it. I would therefore like to invite all States that support the fight against impunity to sign the Convention in February next year at the Peace Palace in The Hague.

In addition to strengthening cooperation among States, I would also encourage all Member States to strengthen their cooperation with the International

Criminal Court. With regard to the investigations into the situations in Darfur and Libya, about which the President just spoke and which are being opened following referrals by the Security Council, all States must cooperate with the Court, including by promptly executing outstanding arrest warrants. We also encourage all States to explore opportunities to assist the ICC by offering voluntary cooperation, for instance by sharing evidence or by cooperating with the Court on witness relocation. In our own cooperation with the ICC, one of our responsibilities as the host State is to take every measure necessary to ensure that the Court can function in a safe, efficient and independent manner. That is a top priority for the Kingdom of the Netherlands. Any attack on this independent court of law, its elected officials or its personnel is unacceptable. The Kingdom of the Netherlands therefore joins the President in condemning the issuance of arrest warrants by the Russian Federation's authorities against International Criminal Court principals and judges, as well as all other attempts to undermine the international mandate and the functioning of the Court.

Lastly, it is my honour to introduce the draft resolution contained in document A/78/L.6, which welcomes the most recent report of the Court on its activities. It also 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, all in accordance with international law and the purposes and principles of the Charter of the United Nations. Since last year's resolution (resolution 77/6) presented a substantive update, this year's draft is a technical rollover. I am presenting the draft to the General Assembly for adoption and hope to count on everyone's support for a resolution that, as I just said, has enjoyed the consensus of the General Assembly since it was first adopted in 1995. I sincerely thank all States that have sponsored the draft resolution. The number of sponsors is a clear sign of the importance that members attach to this debate and to the work of the ICC.

**The President:** I would like to inform members that action on draft resolution A/78/L.6 will be taken at a later date, to be announced.

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

**Mr. Marquardt** (European Union): I have the honour to speak on behalf of the European Union and its member States. The candidate countries Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova and Bosnia and Herzegovina and the potential candidate country Georgia, as well as Andorra and San Marino, align themselves with this statement.

On 17 July, we celebrated the twenty-fifth anniversary of the adoption of the Rome Statute of the International Criminal Court (ICC). Its adoption followed on from the Nuremberg and Tokyo tribunals and their principles, and from the ad hoc Tribunals for the former Yugoslavia and Rwanda, and is a milestone in the development of international criminal justice. Twenty-five years on, we have a fully functioning permanent Court that complements national and regional accountability efforts. While States continue to have primary responsibility for the investigation and prosecution of the most serious crimes of international concern, the ICC currently stands tall as a beacon of accountability worldwide.

The ICC's investigations into an increased number of situations in all regions attest to the need for accountability around the world. Its mandate is key to advancing international peace and security through ensuring accountability.

The greater the Court's efforts in its furtherance of justice, the greater the threats that it faces. Any attacks on the Court, its Prosecutor, judges and personnel are unacceptable. The recent cybersecurity attack against the Court is equally an unacceptable attempt to interfere with its mandate. We strongly condemn such attacks. Preserving the Court's independence and impartiality is key to its functioning and the future of international criminal justice system as a whole. For that reason, the European Union and its member States provide their full and unwavering support to preserving its independence and protecting it from external pressure and interference. The European Union and its member States will continue to fight against any campaigns aimed at delegitimizing the Court and spreading disinformation.

International crimes are a threat to international peace and security. The European Union and its member States view the ICC as a key actor on the road to long-term peace, as justice and peace are complementary. We call on all States parties and non-parties to the Rome Statute to cooperate with the Court. Furthermore, we

call on the Security Council to use its right of referral to the ICC, as well as to impose measures to promote States' cooperation with the ICC, or to address cases of non-cooperation when investigations and prosecutions are ongoing. We encourage the General Assembly to consider providing funding for the ICC related to expenses incurred due to referrals by the Security Council.

We equally encourage the Court to continue extending its accountability efforts to cover the full range of civilians who are persecuted on account of gender. The Rome Statute is the first international treaty to codify gender-related offences, including those of a sexual nature. It criminalizes, for instance, gender persecution as a crime against humanity if committed in connection with any act referred to in article 7 of the Rome Statute or any crime within the jurisdiction of the ICC. However, there is a lack of visibility in historical records, despite its consistent occurrence. Sexual and gender-based violence disproportionately affects women and girls. It is rooted in gender inequality and attacks the human rights and the dignity of the targeted victims. The European Union and its member States work on different fronts to end gender-based violence, protect the survivors of such heinous crimes and punish the offenders.

The European Union and its Member States re-emphasize the importance of the universal ratification of the Rome Statute and the cooperation of all States. In that connection, we welcome the vote by the National Assembly of the Republic of Armenia in favour of the ratification of the Rome Statute earlier this month. We encourage other States to do the same. The International Criminal Court has no other agenda than to deliver justice for victims. We welcome the series of reforms that aim to strengthen the Victims Trust Fund and commend its reparation programmes that benefited 17,000 individuals in 2022. We encourage States parties and others to continue supporting the Victims Trust Fund. The Fund's work is fundamental in implementing reparations and helping in the rehabilitation of victims of the most heinous crimes.

In conclusion, the European Union and its member States reaffirm their unwavering commitment to the ICC and pledge their continuous diplomatic, political and financial support for the Court.

**Mr. Germeaux** (Luxembourg) (*spoke in French*): Luxembourg fully subscribes to the statement made on behalf of the European Union. Allow me to supplement it with some remarks in my national capacity.



I thank the President of the International Criminal Court, Judge Piotr Hofmański, for his presentation of the report on the Court's activities (see A/78/322).

As we commemorate the twenty-fifth anniversary of the historic adoption of the Rome Statute, now is a fitting time to take stock of the progress made and renew our commitment to combating impunity and promoting justice worldwide. Since the signing of the Rome Statute, Luxembourg has remained a fervent advocate for the fight against impunity and will continue to support the Court fully and unequivocally. Luxembourg welcomes the Court's intense work during one of its busiest-ever periods in terms of investigations, pretrial proceedings, appeals and reparations. The Court's investigations into a growing number of situations in every region attest to the importance of accountability on a global scale. Let us recall that one of its investigations concerns facts likely to constitute crimes under the Rome Statute allegedly committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem.

It cannot be stressed enough that the Court complements national judicial systems and does not seek to replace them. The Court's mission is to end to impunity for the most serious crimes of concern to the international community as a whole. Its mandate is key to promoting international peace and security, as justice and peace are inextricably linked. We must unfortunately acknowledge today that the international order based on the rule of law is under more pressure than ever and that the risk of impunity for the perpetrators of the most serious crimes continues to be a reality. That is why we all have the obligation to defend the principles and values enshrined in the Rome Statute. The international criminal justice system is of paramount importance in ensuring accountability for the most serious crimes and in delivering justice to victims. The cooperation, assistance and support of States are essential to the Court's work. Luxembourg calls on both States parties and States non-parties to cooperate with the Court in the execution of the 16 outstanding arrest warrants.

At a time when Court officials are subjected to unacceptable threats simply because they are carrying out their work, Luxembourg remains firmly opposed to any attempt to discredit the Court and hinder its work. Luxembourg condemns in particular actions targeting the Court's President, Prosecutor and judges involved in investigations concerning Ukraine. We must unfortunately face the fact that the greater the Court's efforts to advance justice, the greater the threats

it faces. The recent cyberattack against the Court is an unacceptable attempt to interfere with its mandate. Luxembourg strongly condemns such attacks and assures the Court of its full support in addressing that threat.

Luxembourg encourages States that have not yet done so to ratify the Rome Statute. We welcome Armenia's decision this month to ratify the Rome Statute, which will bring the number of its States parties to 124. Each accession to the Rome Statute increases the collective strength of the international system based on respect for the rule of law. I would also like to take this opportunity to call for the ratification of all the amendments to the Rome Statute, including the Kampala amendments on the crime of aggression, the supreme international crime. Russia's aggression against Ukraine furthermore demonstrates the need to align jurisdiction for the crime of aggression with the other crimes enumerated in the Statute.

Finally, Luxembourg encourages States to continue to support the Victims Trust Fund and welcomes the reparations programmes that the Fund has established.

I would like to commend the work of civil society, which has played an important role in the establishment of the Court and which continues to defend the impartial and independent mandate of the Court. We must preserve the space for civil society organizations to contribute to the fight against impunity.

In conclusion, I would like to thank the Kingdom of the Netherlands for introducing the draft resolution (A/78/L.6) on the report of the International Criminal Court. Luxembourg is a sponsor of the draft resolution and calls on all Member States to support it.

**Ms. Stavridi** (Greece): At the outset, my country fully aligns itself with the statement delivered on behalf of the European Union and its member States.

Twenty-five years ago, and after an odyssey dating back to the aftermath of the First World War, a long-standing dream of humankind came true in Rome — the adoption of the Statute of the International Criminal Court as the world's first and only permanent, treaty-based, international criminal tribunal of a universal character. As a staunch supporter of the Court since the very beginning, my country would like to take this opportunity to reiterate its unwavering support for the work of the International Criminal Court and to highlight its pivotal role in strengthening and corroborating the international criminal justice system.

Today the Court is involved in 17 situations on four different continents, and as its report demonstrates (see A/78/322), the reporting period under discussion was one of the Court's most active since its establishment. We note with satisfaction the notable developments in the Court's activities, and we commend it for its commitment to the principle of continuous improvement and its efforts to enhance its effectiveness and efficiency, including by improving its working environment and workplace culture. The launch in December of a comprehensive court-wide strategy for gender equality and workplace culture is an example of those efforts. The Court is nonetheless facing serious challenges. For our part, we remain determined to uphold the principles and values of the Rome Statute and defend the integrity, independence and impartiality of the Court.

We appreciate the valuable cooperation extended to the Court by various United Nations system entities, as described in the report. In that regard, we would like to stress the need for an enhanced dialogue between the Court and the Security Council and for active follow-up on Security Council referrals in order to ensure cooperation with the Court for the arrest and surrender of persons sought by it, among other things.

Finally, in order for the Court to be able to live up to the expectations of the victims of heinous crimes around the world, it has to become truly universal. For our part, we will continue to join efforts to expand the jurisdictional reach of the Court, and we want to take this opportunity to call on all States that have not done so to ratify or accede to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court and to adopt appropriate implementation legislation.

**Mr. Klanduch** (Slovakia): The delegation of Slovakia aligns itself with the statement delivered earlier by the observer of the European Union, and I would like to add some remarks in my national capacity.

I thank the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for his briefing on the Court's annual report (see A/78/322), and I commend him for his able leadership.

Slovakia has been a staunch supporter and advocate of the Court from the very beginning. This year marks the twenty-fifth anniversary of the adoption of its founding treaty, the Rome Statute. That was a remarkable achievement, and the Court soon became an

indispensable pillar of the international criminal justice architecture. Slovakia is committed to contributing to strengthening the Rome Statute system, including by putting all four ICC crimes on an equal footing.

The Court can fully deliver on its mandate enshrined in from the Rome Statute only if it achieves universality. Former Secretary-General Kofi Annan once said that in the prospect of an international criminal court lies the promise of universal justice. That is the simple and soaring hope of his vision. The values and principles embodied in the Statute are common to those enshrined in the Charter of the United Nations and therefore familiar to all of us here in the General Assembly. We welcome the steps that Armenia has taken to ratify the Rome Statute and encourage it to complete the ratification process. In addition to being a State party to the Rome Statute, Slovakia is party to all but one of the amendments to it. In that regard, my delegation calls for the broad ratification and full implementation of both the Rome Statute and its amendments.

Slovakia is very concerned about the unacceptable threats that have been directed at the International Criminal Court as it carries out its mandate, and we stand firmly behind the Court, its officials and staff members. We must all make sure that those threats do not interfere with the Court's activities and can in no way affect its integrity, independence and impartiality, the core pillars the Court was built on.

Slovakia notes that the period under review was one of the most active since the Court's establishment more than 20 years ago. We therefore appreciate the Court's efforts to manage its heavy workload and other emerging challenges effectively. We have full confidence in its resilience and will work with other partners to make sure that it is equipped to continue to enhance that area. That includes our support for adequate and sustainable financing and achieving the highest standards of cybersecurity.

It goes without saying that the elections of six new judges, to be held at the twenty-second session of the Assembly of States Parties later this year, will be pivotal to ensuring the Court's ability to discharge its main functions thoroughly and effectively.

The International Criminal Court, like any international court or tribunal, relies on external actors when it comes to cooperation. The United Nations should play a more active role in that area, and specifically where the cases based on referrals by the

Security Council are concerned. Slovakia encourages the United Nations and other entities within the United Nations system to further develop their cooperation with the Court, particularly in providing operational assistance in the field. In that regard, Slovakia appreciates the signing of a framework agreement between the Court and the United Nations Development Programme (UNDP) that will facilitate the provision of support from UNDP country offices in relevant areas. We welcome the news of the implementation of the Court's reparation orders and appreciate UNESCO's involvement in the implementation of collective awards for the restoration of cultural heritage.

Slovakia takes note of the high number of outstanding arrest warrants and calls on States parties to the Rome Statute, and other Member States, where applicable, to provide the necessary cooperation and assistance for their execution. Slovakia acknowledges that the implementation of arrest warrants remains one of the fundamental challenges facing the Court.

Finally, my delegation encourages national proceedings to address international crimes falling within the Court's jurisdiction, underlining that the primary responsibility lies with States and with the aim of giving real meaning to the principle of complementarity on which the architecture of international criminal justice is built. In that context, my delegation also welcomes the decision of the Office of the Prosecutor to join the joint investigation team established under the auspices of the European Union Agency for Criminal Justice Cooperation, providing a unique platform for enhanced cooperation and assistance between the Court and national authorities investigating and prosecuting crimes under the Rome Statute.

Slovakia has become a sponsor of draft resolution A/78/L.6, on the International Criminal Court. Given the fact that the text contains only technical updates, and in line with the previous practice of the Assembly, we are deeply concerned that the resolution is about to be put to a vote and not adopted by consensus, as has been the case in the past.

**Ms. Orosan** (Romania): Romania aligns itself with the statement delivered on behalf of the European Union. The following remarks will be made in our national capacity.

Twenty-five years after the adoption of the Rome Statute, the International Criminal Court (ICC) is an essential pillar of international criminal justice and a key

actor in combating impunity for the most serious crimes of concern to the international community as a whole. From the outset, I would like to reiterate Romania's strong support for the activity of the International Criminal Court, which is crucial for international peace and justice. We will remain committed to supporting the Court's vital role in the fight against impunity and to providing assistance and reparations to victims of mass atrocities.

The report of the ICC on its activities during the 2022-2023 period (see A/78/322) is eloquent as regards the impressive workload and the important challenges, ranging from limited resources to political pressures, faced by the Court. Its investigations into many situations in different regions of the world confirm the need for accountability globally. From that perspective, universality remains, in our view, the most powerful preventive approach as regards core international crimes. We therefore welcome the vote by the National Assembly of the Republic of Armenia in favour of the ratification of the Rome Statute. We continue to encourage all States to become parties to the Rome Statute. At the same time, we acknowledge the existence of various obstacles to the ratification of the ICC Statute, hence the need for continuous and adapted efforts to overcome those obstacles, taking into account the particularities of each case.

In order to carry out its mandate in an independent and impartial manner, the ICC relies on the support of all of us. The report of the Court equally illustrates the essential part that States continue to play in so many respects in helping the Court to fulfil its mandate. Full and prompt cooperation with the Court, in accordance with the legal obligations provided by the Rome Statute, including with respect to the execution of arrest warrants, remains a key aspect. Our support relates not only to the fulfilment of the legal obligations under the Rome Statute. We must constantly defend the Court from any attempt to delegitimize it or to undermine its work, and from any measures or threats against it and its staff.

Romania strongly condemns the measures and threats targeting the Prosecutor and judges investigating the crimes committed in the context of the war of aggression by Russia against Ukraine. Any attacks on the Court's independence, its Prosecutor and judges are unacceptable. We stand firmly by its elected officials, its personnel and all those cooperating with it. At the same time, we can examine potential means

to reinforce the Rome Statute from within. Romania is open to working with other countries on ways to consolidate the jurisdiction of the Court over the crime of aggression and align it with its jurisdiction over the crime of genocide, crimes against humanity and war crimes.

As the Court is facing a significant increase in its activity, we must equally provide the necessary financial and logistical resources for the ICC to accomplish its mandate effectively. Last year, Romania contributed to the Victims Trust Fund and to the Trust Fund of the ICC in order to support the work of the Office of the Prosecutor. This year, we have seconded a national expert to the Office of the Prosecutor. Romania is further exploring ways to support the activity of the Court. At the same time, we welcome the launch of the 2023–2025 strategic plans of the Court, the Office of the Prosecutor, the Registry and the Victims Trust Fund, as well as the approach to develop and adopt them concurrently.

In our view, the credibility and legitimacy of the Court depend in large measure on putting in place the necessary conditions for the election of the best candidates in judicial elections. Guided by that belief, Romania has presented the candidature of Judge Iulia Motoc, a candidate with established practical and academic experience in the fields of international criminal law and human rights law, following a transparent and competitive selection procedure at the national level. Her selection at the upcoming elections in December 2023 would make a valuable contribution to the Court's performance.

Before concluding, I would like to extend our gratitude to the Kingdom of the Netherlands, as the facilitator of the draft resolution on the report of the International Criminal Court (A/78/L.6), for skilfully steering an inclusive negotiations process. Romania fully supports and has co-sponsored the text, as it has done in previous sessions. We were very hopeful that the draft resolution would be adopted by consensus, as it has been in the past, as a reflection of the Court's value to the entire international community. However, as we have heard, a call was made to put the draft resolution to a vote. In that context, we encourage all States to sponsor the draft resolution and vote in favour of it.

I would like to conclude my remarks by underscoring the need for strong, wider and continuous support from States and the international community for the ICC, in order for the Court to fulfil its mandate.

**Mr. Damdin** (Mongolia): At the outset, I would like to extend my deep gratitude to the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for presenting the comprehensive report on the International Criminal Court's activities this year (see A/78/322).

As we celebrate the twenty-fifth anniversary of the Rome Statute, the ICC — a crucial component of the global justice ecosystem — stands at a pivotal juncture in history. The Court is positioned to play a transformative role in the development of international criminal law, with prospective cases that could have a significant impact on international peace, justice and global well-being.

Mongolia commends the ICC for its partnerships with the United Nations and the Security Council in promoting international peace and justice. The ICC is a court of last resort, thus making the principle of complementarity a key component that balances national sovereignty and international justice. We welcome the Court's desire to include capacity-building elements in national judicial reform supported by the United Nations, as suggested in the report. Furthermore, we also encourage the fostering of partnerships and technical assistance among States, the ICC, international organizations and civil society in order to build and enhance the internal capacities of States to investigate and prosecute international crimes.

Mongolia advocates for effective participation by victims in Court proceedings. We commend the ICC's dedication to victims, especially through the Victims Trust Fund, which has had a positive impact on nearly 17,000 individuals. However, we also recognize that consistent financial backing is essential for sustained operation. With that in mind, we urge member States to diversify funding mechanisms and explore collaborative partnerships in order to enhance the Trust Fund. In addition, we stress the need to support the Court's initiatives to identify and seize assets linked to crimes, which are also pivotal for offering reparations to victims.

Mongolia acknowledges the critical importance of diversity and regional representation among the Court's judges and in the ICC secretariat. Further, we stress the need for the ICC to adopt active recruitment policies aimed at diversifying its staff geographically. Such diversification not only enriches the Court's institutional culture but also enhances its global legitimacy.



*Mr. Seah (Singapore), Vice-President, took the Chair.*

The Court faces unprecedented challenges such as threats, cyberattacks and resource constraints, emphasizing the urgent need for sustained global support to uphold its unwavering commitment to justice and combating impunity.

Mongolia strongly condemns all intimidation, threats or attacks that seek to undermine cooperation with the ICC or compromise its independence and impartiality. Such acts not only jeopardize the Court's functioning but also pose risks to the security of its personnel and systems. In response, we call on States to allocate the necessary resources to mitigate those challenges and ensure the Court's effective operations.

In the light of that, Mongolia emphasizes the vital need for States to sign, ratify or accede to instruments that are essential for the ICC's operations, such as the Agreement on Privileges and Immunities of the ICC.

**Mr. Ma Xinmin (China)** (*spoke in Chinese*): At the outset, China thanks President Hofmański for his report (see A/78/322) on the activities of the International Criminal Court (ICC) and offers congratulations on the twenty-fifth anniversary of the adoption of the Rome Statute. China notes that, over the past year, the Court has cooperated with relevant countries and international organizations, pursued investigations, trials and reparations to victims, made progress in formulating and updating its internal rules, improving its technical intelligence support and advancing the education and dissemination of international criminal law, and has been engaging the relevant parties on issues of concern to the Security Council.

As the world's only permanent body of international criminal justice, the ICC shoulders the crucial responsibility of holding individuals criminally accountable for the most severe crimes, thus advancing fairness, justice, global peace and security. The international community expects the Court to act on its mandate, as defined in the Rome Statute; strictly follow the principles of complementary jurisdiction and international cooperation; determine situations in an independent, objective and impartial manner; investigate, prosecute and adjudicate cases in accordance with law; interpret and apply the Rome Statute and general international law thoroughly, faithfully and with uniform standards; and play a constructive role in the proper settlement of relevant issues.

Facing a complex and volatile international situation, the ICC is handling more and more situations and cases. Under such circumstances, it is all the more important for the Court to maintain its independence, objectivity and impartiality. China knows that in 2021, the ICC authorized the Office of the Prosecutor to start investigations on the situation in the State of Palestine. The Office recently indicated that this mandate is ongoing and applies to crimes committed in the current conflict. We expect the ICC to implement its mandate in accordance with law and to fully interpret and apply the Rome Statute and universally recognized international law and to avoid politicization and double standards.

Over the past years, how the ICC deals with the issue of the immunity of State officials has been highly controversial. China has always held that, under universally recognized international law, incumbent Heads of State enjoy personal inviolability and absolute immunity from criminal jurisdiction. Article 27, paragraph two of the Rome Statute stipulates that the immunity of State officials does not bar the ICC from exercising its jurisdiction. That provision is binding on State parties only in its effect. The provision is not binding on non-State parties, as that would go against the principle that treaties are not binding on third parties.

At the same time, article 98, paragraph 1, of the Rome Statute provides that the Court shall not make a request for cooperation if the execution of such a request by the requested State would be contrary to its obligations under international law with regard to the State or diplomatic immunity enjoyed by individuals from, or property of, third States. That provision, which recognizes and guarantees the immunity of State officials under customary international law, should be observed by the Court as well as by States parties to the Statute.

China always values the important role of international criminal justice institutions in promoting international peace, punishing the most severe global crimes and meting out justice. China hopes that, on the occasion of the twenty-fifth anniversary of the adoption of the Rome Statute, the ICC will carefully review its own development, comprehensively reflect on its achievements and losses, successes and failures, and take concrete actions to sustain peace and realize true justice so as to gain the trust and support of the international community.

**Mr. Waweru** (Kenya): My delegation acknowledges the presence of Judge Hofmański, President of the International Criminal Court (ICC) and notes the report of the Court (see A/78/322), submitted through the Secretary-General, and its related documents (A/78/320 and A/78/321).

As we mark the twenty-fifth anniversary of the coming into force of the Rome Statute this year, we are reminded of why we established the International Criminal Court in the first place. Kenya, together with other like-minded countries, played a significant role in the negotiation and entry into force of the Rome Statute. In doing so, we believed in the importance of justice and accountability for the most serious crimes. We still do.

Further, in justice and accountability, we aim at prevention, and Kenya ardently believes in prevention as the first line of ensuring a peaceful and just coexistence governed by the rule of law.

We also believe that the Court should be a useful tool for working towards those intended purposes. That is why, joining with other States Parties, we consider it necessary to inject more effort in improving the Court to make it fit for purpose.

We align ourselves with the statement that will be delivered on behalf of the African States parties to the Rome Statute of the International Criminal Court in seeking its improved efficiency, especially through independence and impartiality.

That can be accomplished by ensuring that the Court is structurally and operationally firm, starting with maintaining the Court as a court of last resort, as it was intended. Its work must therefore be solidly based on the principle of complementarity. That calls for building the national capacity of States in order for them to be able to offer the dependable first recourse for accountability for the most serious and heinous crimes.

A sound structure for the Court must also showcase it as an aspiring universal court. For the Court to enjoy universal trust, it has to invest more in ensuring that its face is similarly universal through the representation of not only its bench but throughout its structure. We note that the question of regional representation is one that still has to be answered. Equitable geographical representation should be seen in all of the subsidiary bodies of the Rome Statute system. Sadly, that is not the case. And where it is absent, we call for immediate remedial measures to be undertaken with haste and without further undue delay.

Operationally, we call on the Court to ensure that efficiency measures are put in place in order to discourage any appearance of automatic expectations of budgetary increases. Kenya therefore urges the Court to review its priorities and employ corresponding cost-cutting measures to enable it to keep within its mandate without imposing an unnecessary burden on its members.

Finally, Kenya looks forward to further deliberations on the critical issues in the report and the work of the Court during the twenty-second session of the Assembly of States Parties, to be held in December.

**Mr. Mousavi** (Islamic Republic of Iran): At the outset, I would like to thank the International Criminal Court (ICC) for preparing and submitting the report on its activities (see A/78/322) during the most recent reporting period, and the President of the Court for his presentation of the report. I would also like to take this opportunity to commend the judges, the Prosecutor and the staff members of the Court for their dedicated efforts to end impunity in the face of the most serious crimes of concern to the international community as a whole.

As an independent permanent judicial institution, the Court has an important role to play in the pursuit of accountability for the most serious crimes of international concern. The Rome Statute was concluded based on humankind's long-standing aspiration to uphold justice and the rule of law at the international level. That aspiration is based on the premise that the establishment of a permanent court would ensure that the perpetrators of the most serious crimes would not go unpunished and that impunity would be replaced by accountability.

The Islamic Republic of Iran has consistently followed the efforts of the international community to punish the most serious international crimes in order to see justice done. Nevertheless, there can be no doubt that the international community has been witness to both gains and losses of the Court. We expect the Court to focus on its primary mandate, observe the principles of independence and non-politicization and ensure that its judicial activities comply with the fundamental principles of international law. The Islamic Republic of Iran has always maintained that the Court should reject political manipulation and double standards and avoid a selective or one-sided approach to justice, with a view to laying a solid foundation for global trust and

the promotion of judicial justice around the world. We strongly oppose any measures attempting to influence the judicial and prosecutorial independence of the Court through political pressure, which clearly undermines the rule of law. The Court's activities and judicial function must be conducted based on full respect for the core principles and values enshrined in the Statute, especially the principle of complementarity.

We are currently witnessing a humanitarian crisis in the occupied Palestinian territory. The situation there, with grave violations of international humanitarian law, including unlawful killings, the forced displacement and transfer of civilians, the destruction of civilian infrastructure, intentional attacks on civilians, particularly children and women, the disproportionate use of force, bombardments of densely populated areas, hospitals and schools and the use of starvation as a weapon of war, has made it a global concern, as stipulated in resolution ES-10/21, adopted by the General Assembly last Friday, 27 October. Those criminal acts are undoubtedly examples of the most serious international crimes that fall within the jurisdiction of the Court. It is very much to be expected that the Court will expedite its activity regarding the situation in Palestine, considering that investigations have already begun into crimes committed under the Rome Statute since 13 June 2014 in Gaza and the West Bank, including East Jerusalem. My delegation strongly requests that the Prosecutor of the Court make every effort to facilitate and prioritize the investigation of the situation in Palestine, considering the current catastrophic humanitarian situation in the Gaza Strip, where hundreds of innocent civilians, including women and children, are being slaughtered every day.

With respect to judicial proceedings and investigations concerning crimes committed in Afghanistan, we believe it is appropriate that the Office of the Prosecutor should comprehensively take into consideration its previous findings in that regard, and the fact that on 4 April, the Appeals Chamber issued a judgment amending Pre-Trial Chamber II's decision in relation to crimes committed on the territory of Afghanistan since 1 May 2003, as well as other crimes linked to the armed conflict in Afghanistan that were committed in the period after 1 July 2002. We expect that the military forces that committed war crimes in Afghanistan will be held accountable and face punishment.

In conclusion, the Islamic Republic of Iran reiterates that a lack of genuine will to investigate crimes and prosecute those responsible in certain situations and cases weakens the credibility of the Court and the international criminal justice system. Given the importance that Iran attaches to international criminal justice, the judiciary of the Islamic Republic of Iran has been very active in monitoring developments and measures in international criminal law, particularly regarding issues related to the ICC. The Islamic Republic of Iran, as a signatory to the Rome Statute, closely follows the activities of the ICC, in particular where the situations in Afghanistan and Palestine are concerned.

**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 and its member States.

We would like to thank the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for providing an update on the activities of the Court during one of the most active periods since its establishment 25 years ago. The Baltic States have offered additional financial and operational support to the ICC and the Prosecutor's Office in addressing the exceptionally high workload in dealing with situations across all regions.

Russia's war of aggression against Ukraine is an attack on the rules-based international order that has enabled the aggressor to commit several heinous crimes in Ukraine. The Baltic States welcome that the ICC has proceeded swiftly and issued arrest warrants for Vladimir Putin and Maria Lvova-Belova for the alleged unlawful deportation and transfer of population — children — from occupied areas of Ukraine to Russia. We urge the ICC to continue its efforts to bring the perpetrators to justice, since the deportation of children is only one of the many crimes committed by Russia in Ukraine. The Baltic States warmly welcome the establishment of the ICC's country office in Ukraine. The discussions on how to support Ukraine in holding Russia's political and military leadership accountable for the crime of aggression should continue. Ensuring full accountability for the crime of aggression committed against Ukraine is indispensable for future deterrence and critical to signal that such a crime will not go unpunished, wherever it takes place. We see it as the only viable path towards justice and a lasting peace in Ukraine.

The Baltic States reaffirm our unwavering support for the ICC and our resolve to defend it from any attempts aimed at obstructing the course of justice that undermine the international system of criminal justice. We strongly condemn the recent cyberattacks against the ICC and the restrictive measures announced by Russia against the Prosecutor, the President and several judges of the Court. Those measures constitute an attempt to obstruct the ICC's investigations and a direct attack against the independence and impartiality of the Court. The States parties to the Rome Statute should remain united in defending and supporting the ICC.

Regarding the 16 arrest warrants issued against individuals who have breached the Rome Statute, we call on all States to cooperate with the ICC and to surrender them to the Court. In the Eastern European region, three arrest warrants in relation to crimes allegedly perpetrated during the 2008 armed conflict between the Russian Federation and Georgia are awaiting implementation. We are glad that the Prosecutor has already concluded the investigative process and focused his efforts on ensuring trial readiness in relation to the existing warrants.

We express our deepest regret that the Security Council has not fulfilled its task to respond to grave violations of international law and to refer situations to the ICC, and that some permanent members continue to misuse the right of veto. We repeat our call on the Council to refrain from using the right of veto in cases of mass atrocities and to use its right of referral to the ICC for situations in which one or more crimes, including the crime of aggression, appear to have been committed.

We express our appreciation for the continuous work of the Victims Trust Fund in offering reparations and implementing programmes for the victims and their families and communities. We welcome the launch of such programmes in Georgia and Kenya this year. We welcome the steps taken to strengthen the Trust Fund and its fundraising capacity and efficiency. Some 17,000 individuals benefitted from its programmes in the reporting period, but there are more victims who need help. We repeat our call on everyone to support the Victims Trust Fund.

Finally, we call on all States that have not done so to accede to the Rome Statute, including its relevant amendments, in order to enable the ICC to also investigate the crime of aggression. Lastly, we congratulate Armenia on ratifying the Rome Statute.

**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.

We thank the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for joining us today and for presenting the Court's annual report (see A/78/322) to the General Assembly.

This year in July, we gathered here in New York to celebrate the twenty-fifth anniversary of the adoption of the Rome Statute, which established the International Criminal Court. The Rome Statute is a central instrument in fighting impunity for the most serious international crimes. Since its establishment, the ICC has made an invaluable contribution to the evolution of international criminal justice through its jurisprudence.

The ICC has jurisdiction over the crime of genocide, war crimes, crimes against humanity and the crime of aggression. Those crimes represent grave violations of international law, notably the Charter of the United Nations, universal human rights and the laws of war. They threaten the peace, security and well-being of the world. The ICC continues to make a vital contribution to the rule of law at the international level by holding those responsible for the most atrocious crimes accountable for their actions.

The ICC is the only permanent international criminal court with a global mandate. There are now more than 120 States parties to the Rome Statute, representing nearly two thirds of the United Nations membership. More States parties would further strengthen the universality of the ICC's mandate. The Nordic countries warmly welcome Armenia's recent decision to ratify the Rome Statute, and we encourage all States to consider doing the same as a matter of urgency.

The United Nations and the ICC are both integral parts of the rules-based international order. The ICC has a special relationship with the United Nations, in particular given the power of the Security Council to refer situations to the Court. We encourage the Council to use that power more often, and for its members to refrain from using the veto in situations in which there are clear and credible indications of genocide, war crimes, crimes against humanity or aggression. Furthermore, we would like to reiterate our call to the General Assembly to enable the United Nations to share the financial burden with respect to the situations that the Council has referred to the ICC.



The ICC is an independent and impartial judicial institution. It is to act without fear or favour. The Nordic countries condemn in the strongest terms the criminal proceedings initiated by the authorities of the Russian Federation against the Prosecutor, the President and other judges of the Court. The Nordic States also strongly condemn the recent unprecedented cyberattack on the Court. Any threats or attacks against the Court, its personnel or those cooperating with it are unacceptable. The independence of judicial institutions is a fundamental component of the rule of law and must be safeguarded at all times. The protection of those cooperating with the ICC extends to civil society representatives who furnish the Court with evidence and information. Human rights defenders around the world are often the first to alert us to atrocities unfolding in their regions.

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. The Nordic countries would like to take this opportunity to stress the importance of the cooperation of all States with the ICC. Cooperation has many forms, from information-sharing and the execution of arrest warrants to the relocation of witnesses and the enforcement of sentences. All States, whether parties to the Rome Statute or not, can cooperate with the ICC, and we encourage all to do so.

Twenty-five years ago in Rome, the drafters of the ICC Statute decided to create a court that would not only prevent atrocities and punish the perpetrators, but also give a central role to the victims. Victims have a right to participate in the ICC proceedings beyond giving testimony, and to receive assistance and reparation for the harm they have suffered. The Nordic countries are long-standing supporters of the Victims Trust Fund and its efforts to provide redress to victims of atrocities. In conclusion, the Nordic countries reiterate our unwavering commitment to the ICC and its important role in the global fight against impunity.

**Mr. Muhumuza** (Uganda): 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).

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 marked the twenty-fifth anniversary of the entry into force of the Rome Statute. The Court has opened 31 cases in 17 situations. Most of those situations are in countries affected by armed conflicts. This 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 within its jurisdiction are considered a threat to the peace, security and well-being of the world.

In that regard, the African States parties attach great importance to the work of the ICC as an independent and impartial judicial institution, and we reaffirm our unwavering support and commitment to combating impunity for the most serious crimes of concern to the international community. We stress the importance of ensuring that justice is applied equally in all situations under consideration by the Court, including in the allocations of resources across all cases. Therefore, we continue to encourage all States parties, when allocating resources to the Court, to ensure that the core activities of the Court are funded through the regular budget, with allocation to all sections of the Court in order to support its activities in all situations and investigations.

All victims, no matter where they come from, deserve equal access to impartial justice. We welcome and support the important work of the Victims Trust Fund. The annual reports of the Court continue to indicate that during the different reporting cycles, the Trust Fund was engaged in the implementation of Court-ordered reparations in four cases and assistance projects in several countries, benefiting more than 17,000 victims. Indeed, victims are at the core of the Rome Statute system, and the Court must stand up for all victims.

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 must be 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 by 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 only steps in when States are unwilling or unable to genuinely conduct national proceedings.

Allow me to recall that the African States played a key role in the establishment of the ICC and have continued to participate actively in various aspects of the Court's work over the past 25 years, including within the framework of the Assembly of States Parties and through cooperation with the Court in the implementation of its mandate. We firmly believe that those who commit atrocity crimes anywhere in the world must be held accountable.

The African States parties constitute the largest regional group within 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 geographical regions of the world. We therefore appeal to and 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 norms into the domestic law of States must be a reality if all victims around the world are to have a chance to obtain justice.

The African States parties congratulate the Court on its twenty-fifth anniversary and stand ready to continue the dialogue with the Court on ways to strengthen cooperation between our regional group and the Court. Together, we will work to build a new dynamic into the relationship between the ICC and all regions of the world through a frank and constructive dialogue within the Assembly of States Parties.

**Ms. Chan Valverde** (Costa Rica) (*spoke in Spanish*): Costa Rica thanks the President of the International Criminal Court (ICC) for his report to the Assembly (see A/78/322).

My country will remain a strategic partner of the Court and of the international criminal justice system. The values of the Rome Statute and its fundamental goal to fight against impunity for the worst international crimes and provide victims with a measure of justice

is today more important and necessary than ever. My delegation recalls that, as a demonstration of Costa Rica's unwavering commitment to the Court, the President of Costa Rica, Rodrigo Chaves Robles, visited the Court earlier this year and reiterated to its officials our firm commitment to its strengthening and independence.

Naturally, the legitimacy and credibility of the International Criminal Court relies on the uniform, consistent and coherent application of its powers. It is vital that the Court continue, without fear, to exercise its functions, given that the sincere and committed fight against impunity for the most serious crimes of concern to the international community as a whole does not leave room for inconsistency, selectivity or discretionary criteria of convenience. International law is universal and must be applied equally. If we do not vigorously defend the values upon which the Rome Statute was founded, not only will the desire for an international criminal justice system that is effective and complements national systems become further removed, but we will also run the risk of its erosion, and thus humankind's most fundamental values will be abandoned.

In relation to the report, we would like to highlight the importance of an effective, independent and resilient Court. We highlight the efforts to resort to new mechanisms and strategies to deal with the increase in the Court's activities in an efficient manner.

We hope that the confirmed conviction in the case of *The Prosecutor v. Dominic Ongwen* and the beginning of the reparation phase for victims will be an unequivocal signal to the perpetrators of atrocity crimes that international criminal justice is doing its job.

The referral made by the Security Council regarding the situation in Darfur, as well as that in Libya, is an example of the fundamental role that the United Nations system can and must play in the fight against impunity. We therefore urge Council members to demonstrate their commitment to international justice. That means, on the one hand, that the Security Council requires the two States concerned to cooperate with the Court, to arrest persons suspected of having committed serious international crimes and to place them at the Court's disposal. On the other hand, it also means that the Security Council must continue to make referrals to the Court concerning perpetrators of serious international crimes who, in turn, represent one of the greatest threats to international peace and security.

In relation to the issue of the Court's independence, Costa Rica expresses its deep concern about actions that seek to undermine the Court's mandate through attacks or threats to its judges, prosecutors or staff members and all those who collaborate with the Court, as well as the recent acts of cyberespionage committed against it. Those attempts to impinge on the independence of the Court are unacceptable, and Costa Rica condemns them in the strongest terms. We once again reaffirm our full confidence in the Court as an independent and impartial court of justice and renew our determination to uphold the principles and values enshrined in the Rome Statute, preserving the integrity of the Court without intimidation from any threat.

Costa Rica also calls on all States parties to jointly issue, through the Assembly of States Parties, a strong and unequivocal declaration of support for the Court and its elected officials, and a rejection of unacceptable actions by a State seeking illegal persecution against the judges of the Court and its Prosecutor. Costa Rica recalls that actions against the Court and its officials are tantamount to actions against each of the States parties to the Statute and therefore require a robust and unequivocal reaction.

Finally, Costa Rica is pleased to sponsor the General Assembly draft resolution on the International Criminal Court (A/78/L.6), and we invite all delegations to do the same. We hope it will be adopted with the broadest support possible, demonstrating our commitment to the victims suffering owing to serious atrocities and who deserve justice.

**Ms. Solano Ramirez** (Colombia) (*spoke in Spanish*): At the outset, Colombia would like to welcome Judge Piotr Hofmański and to wish him continued success in his term as President of the International Criminal Court (ICC), which is almost at its end. In turn, Colombia appreciates the issuance of the annual report of the International Criminal Court on its activities in 2022–2023 (see A/78/322), presented in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court.

It is important to note that this year has presented enormous challenges for the International Criminal Court in the context of the current international circumstances, of which we are all aware. The Court has been able to respond to those challenges, and its importance and relevance today is clearer than ever.

It has also continued to be a very special year for Colombia's relationship with the International Criminal Court. That has been the case since Prosecutor Karim Khan announced his decision to close the preliminary examination that his Office had opened 17 years earlier to study the situation in our country, thereby bringing to a close the longest preliminary examination in the International Criminal Court's history.

Indeed, since then, the Prosecutor's Office has maintained a relationship of constant and mutual support to the institutions in charge of administering justice in Colombia, in both its ordinary and transitional jurisdictions. For example, a few months ago, a team from the Office of the Prosecutor of the Court concluded an official visit to Bogotá. During its visit, the team engaged in work with a wide range of national authorities, international partners and civil society actors, who are sparing no effort to address crimes under the Rome Statute. The visit was carried out within the framework of the cooperation agreement concluded between Colombia and the Prosecutor's Office and as part of a series of meetings and exchanges that have taken place between the Office and the Colombian authorities over the years, as well as the road map agreed upon between Prosecutor Khan and Foreign Minister Álvaro Leyva Durán during their meeting in Bogotá in June.

Within that framework, the Colombian authorities have shared with the Prosecutor's Office a series of significant advances, including the issuance of decisions by the Special Jurisdiction for Peace in which the factual framework in relevant macro-cases was established, the attribution of responsibility to the perpetrators of crimes, and the holding of public hearings to acknowledge the truth. Great progress has been made by Colombian institutions in their pursuit of justice in collaboration with all national and international partners. Moreover, in August, a series of training sessions began for officials of the Special Jurisdiction for Peace and the Office of the Attorney General on sexual and gender-based crimes.

As I said earlier, the cooperation agreement represented a new phase in relations among the Prosecutor's Office, the Court as a whole and Colombia. The agreement reflects an innovative partnership based on two basic sets of commitments. The first includes the commitments made by the Government of Colombia to ensuring the preservation of the legislative, constitutional and budgetary framework

required to support effective accountability efforts and ensure full inter-institutional cooperation. In turn, the Prosecutor's Office committed to continuing to support Colombia's accountability efforts under its mandate and within its means. It is without a doubt an innovative regime that highlights the important role of positive complementarity. Indeed, the Colombian dossier is the best example of positive complementarity, because the work of the ICC in our country has helped to develop the transitional and ordinary justice systems. Colombia has entered a new phase in its cooperation with the Court, which can be emulated by other countries in difficult situations but with jurisdictional institutions that are ready and able to deliver justice for the crimes of greatest relevance to the international community. Colombia is ever ready to share its experiences with other countries in similar situations.

In the light of all that, Colombia welcomes its new relationship with the Court, which, under the leadership of Judge Hofmański and Prosecutor Khan, promises strengthened institutionality and new impetus in identifying and prosecuting the perpetrators of the most serious crimes offending the human conscience, in Colombia or anywhere else in the world. To that end, Colombia will continue to be a strategic partner and a State that is committed to the future of the Court. That is why we decided to co-sponsor the draft resolution that we are discussing today (A/78/L.6), and we will continue to support the Court and its institutions, judges and officials, today and every day.

**Ms. Rodríguez Mancía** (Guatemala) (*spoke in Spanish*): Allow me to thank Judge Piotr Hofmański, President of the International Criminal Court, for presenting the report of the Court (see A/78/322), which updated us on the activities of the International Criminal Court during the past year. 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. It is a very special year for the International Criminal Court and the States parties because we are celebrating the twenty-fifth anniversary of the adoption of the Rome Statute, the Court's founding treaty. We welcome the fact that the International Criminal Court's membership has risen to 124 States parties, and we congratulate Armenia on its recent ratification of the Rome Statute.

Guatemala reaffirms its unequivocal support for the International Criminal Court, as well as its commitment to the fight against impunity, because the Court plays

a fundamental role within the international justice system, with the aim of putting an end to impunity for the most serious crimes against humanity at a global level. Proof of my delegation's support for the Court is the fact that, as every year, we are one of the main co-sponsors of the draft resolution on the report of the International Criminal Court (A/78/L.6), which we will adopt following the debate. My delegation welcomes the support and cooperation between the United Nations and the Court, not only because they strengthen the dialogue and relationship between both entities but also because they serve to give visibility to the critical work carried out by the International Criminal Court, thereby representing an opportunity to strengthen the Court's 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 so as 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 Court does not replace national courts, since national criminal jurisdictions have primacy in, and responsibility for, investigating or prosecuting those responsible for the crimes covered by the Statute. We believe, therefore, that it is necessary to improve cooperation between the Court and the Security Council in order to help prevent crimes that undermine international peace and security and strengthen efforts to combat impunity for such acts. In addition, it is useful to have regular exchanges between the Council and the Court, apart from the briefings on referred situations.

Throughout history, we have witnessed the most serious inhumane 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 only the affected populations — 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. As a State party to the Rome Statute, we recognize the complementary role of the 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 Court's ability to ensure timely accountability for crimes, deliver justice and provide redress to the victims and to help prevent future crimes, in accordance with the spirit of the Statute.

The States parties and the United Nations membership 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, with a view to protecting its integrity and independence. The lack of such resources can jeopardize the sustainability of its investigations.

My delegation would also like to express its consternation at the recent threats to the integrity and autonomy of the Court, its judges and its staff members, including the cyberattacks launched against its systems. The integrity and the political and functional autonomy of the Court must be preserved. We appeal for increased support to achieve 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, while 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 presented today. Its adoption 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. García Toma** (Peru) (*spoke in Spanish*): I would like to begin by congratulating the President of the International Criminal Court for his clear briefing on the report on the Court's activities from 1 August 2022 to 31 July 2023 (see A/78/322). I am also grateful for the report on the application of article 3 on the relationship agreement between the United Nations and Court (A/78/320) and the report on the expenses incurred and reimbursements received by the United Nations (A/78/321).

As a State party to the Rome Statute, we wish to reaffirm our commitment to international law, the rule of law and the promotion and protection of human rights and fundamental freedoms as basic prerequisites for peaceful and inclusive societies.

It is important to note that, during the reporting period, the Court has effectively addressed the exceptionally heavy workload in a variety of situations, including investigations, prosecutions, trials, appeals and convictions, as well as reparations programmes for victims. In that regard, we highlight that the Trust Fund for Victims has benefited close to 17,000 victims.

The Peruvian delegation also takes note of the current status of investigations carried out in Ukraine and Palestine. In the latter, those include the collection and analysis of information, communications and evidence.

My delegation also considers it highly relevant for international peace and security to determine whether crimes have been committed under the Rome Statute. This year marked the twenty-fifth anniversary of the adoption of the Rome Statute, a milestone that reflects the international community's global commitment to justice, the fight against impunity and the protection of human rights. This anniversary invites us to reflect on the challenges we still face. It is imperative that the States parties reaffirm their commitment to the Rome Statute and to the work of the Court as the first and only permanent international criminal court in the world.

We must work together to strengthen this system by providing the Court with the necessary resources and support to enable it to continue its essential work. That is urgent in the current climate of humanitarian emergencies and commitments. In that connection, I would not like to dwell on an issue that is obvious, well known and concerning for humankind.

We firmly believe in a rules-based international order and are aware that access to justice and accountability are fundamental to the maintenance of international peace and security. We therefore support all initiatives aimed at ensuring that the perpetrators of serious violations of human rights and international humanitarian law are held accountable for their actions.

Peru is aware of the importance of international cooperation between the Court and the United Nations, which has implications for justice and global governance. We encourage further strengthening the cooperation between the two in order to ensure a more just and equitable world.

The relationship between the Court and the Security Council is also fundamental to the maintenance of international peace and security. In that framework, we highlight both the informative briefings of the Prosecutor and the Security Council's power to refer cases to the Court. It is critical to maintain that ongoing fluid communication and cooperation.

My delegation reiterates the importance of the Trust Fund for Victims. The resources of the Trust Fund allow special attention to be given to the protection and safeguarding of victims' rights. It is remarkable that, thanks to this Fund, essential programmes are developed covering areas such as medical treatment, psychological rehabilitation, socioeconomic support and education. Those programmes seek not only to alleviate the immediate suffering of the victims, but also to build peace and rebuild affected communities.

In that regard, we would like to highlight the reforms carried out to strengthen the fundraising capacity, visibility and effective management of the Registry. We would also like to underline the importance of the strategic plans for 2023-2025 of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims. This is the first time in the history of the Court that the four strategic plans are being prepared and adopted simultaneously, following the same three-year cycle. We are confident that this will ensure greater accountability, as well as facilitate a more effective implementation of planned actions and strengthen institutional capacities.

I conclude by reiterating our conviction of the important role of the International Criminal Court in preventing impunity and in helping to punish those responsible for the world's greatest atrocities. The implementation of accountability mechanisms is the best way to prevent the recurrence of serious violations of human rights and international humanitarian law and to achieve sustainable peace. May impunity find no refuge worldwide.

**Mrs. Dime Labille** (France) (*spoke in French*): France associates itself with the statement made by the observer of the European Union delegation on behalf of its member States, thanks him for his statement and would like to add the following elements in its national capacity.

I would like to thank the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for his detailed presentation of the Court's annual report (see A/78/322) on its activities in 2022 and 2023, one of its busiest periods ever.

We congratulate Mr. Osvaldo Zavala Giler on his election as Registrar in February. We offer him our support and confidence in the performance of his duties and wish him every success. We would also like to take this opportunity to highlight the quality and professionalism of all the Court's staff — including judges, registrars and administrative staff — who, by carrying out their respective duties, contribute to effective international criminal justice. In that respect, the French delegation recalls the importance of multilingualism and the balance of legal traditions, which constitute a guarantee of legitimacy and effectiveness. The Court's staff and working methods must continue to reflect those values and that diversity in all situations, including investigations, preliminary proceedings, trials, appeals or reparations.

France also reiterates its constant and unwavering support for the International Criminal Court in all its activities. On 17 July, we celebrated the twenty-fifth anniversary of the Rome Statute. More than ever, the Rome Statute remains a pillar of an international order based on law. Given its unique jurisdiction as the only permanent criminal court with a universal remit, the Court plays an essential role in the fight against impunity for the perpetrators of the most serious crimes and in providing reparations for the victims.

That is why we are calling for its Statute to be ratified by the international community as a whole. In that respect, France welcomes Armenia's recent ratification of the Rome Statute of the International Criminal Court.

In 2023 France has continued to lend its full support to all the investigations and activities carried out by the Court in all situations and to provide financial support to the Trust Fund for Victims, particularly in support of victims of sexual violence.

The French delegation would also like to emphasize three points.

First, the cooperation, assistance and support of States — whether or not they are parties to the Rome Statute — and of the United Nations, continue to be critical for the Court to be able to carry out its tasks. In that respect, France recalls that the enforcement of sentences handed down by the Court is also an essential element of an effective and fully operational criminal justice system. It welcomes the entry into force on 17 July 2023 of the agreement concluded with the International Criminal Court on the enforcement of sentences handed down by the Court.

Cooperation with the Court also means giving it the financial resources it needs to carry out its mandate effectively. In that regard, we call on all States parties to the Rome Statute to fulfil their obligations to contribute to the Court's regular budget without delay. France has disbursed €300,000 in voluntary contributions this year, including a voluntary contribution of €150,000 to the Trust Fund for Victims.

Secondly, the French delegation reiterates its commitment to the independence of the Court, enshrined in articles 40 and 42 of the Rome Statute, and undertakes to firmly combat any attempt to interfere with the proper exercise of justice. Any attack against the Court is unacceptable. France condemns the recent cyberattack against the International Criminal Court. It also strongly condemns the criminal proceedings undertaken by Russia against Court staff and officials.

Lastly, France welcomes the concurrent adoption of the four strategic plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims for the period from 2023 to 2025 to promote greater synergies. We underscore that such a process will help make the Court's undertakings more effective and reiterate our support for current and future reforms that will help make the work of the ICC more effective and strengthen its credibility in the years ahead.

More than ever, France calls on the members of the Assembly to give their full support to the International Criminal Court and the draft resolution (A/78/L.6) on the report of the ICC and calls on all States to co-sponsor and vote in favour of it.

**Mrs. Narváez Ojeda (Chile)** (*spoke in Spanish*): Chile is grateful for the comprehensive report (see A/78/322) presented by the President of the International Criminal Court (ICC) for the 2022 to 2023 reporting period. We note with appreciation the activities carried out by its various organs, including its judicial and investigative proceedings and the work of its secretariat.

My delegation would like to reiterate its full support for the International Criminal Court and its work under the Rome Statute. The continued support of the States parties to the Rome Statute and the preservation of its autonomy and independence are vital to the success of its work. Indeed, the Court not only plays a fundamental role in the punishment of the most serious crimes within its jurisdiction, but its existence also constitutes a strong deterrent factor. Notwithstanding that, my

country underscores the importance of the principle of complementarity as the basis of the jurisdiction of the International Criminal Court and the primary role of the States parties to the Rome Statute in the prosecution of crimes. Accordingly, States must cooperate with ICC investigations. Cooperation enables ensuring that those responsible for violations of international humanitarian law in attacks against the civilian population are held accountable for their acts. It is therefore necessary to make efforts to promote cooperation between the Court and the States concerned. To a large extent, the success of the International Criminal Court and its investigations will be determined by the level of cooperation it receives. We encourage States to enter into cooperation agreements with the Court.

The cooperation and assistance provided by States and international organizations to the Office of the Prosecutor of the Court during the reporting period facilitated investigations. Despite achievements, cooperation in the investigation of cases remains a challenge. According to the report of the Court, there are outstanding arrest warrants with regard to which it calls on States parties and other entities to provide cooperation and assistance.

Chile believes that cooperation between the Court and the Security Council, within the framework of the norms that govern it, is of the utmost importance. Although the two bodies have different areas of competence, they complement one another, as the legal assets that the Rome Statute seeks to safeguard, namely, peace, security and the welfare of humankind, are also enshrined in the Charter of the United Nations. In our view, there is an intrinsic link between the crimes within the jurisdiction of the Court and international peace and security. As the Council's primary responsibility is to ensure international peace and security, we deem it reasonable that the Rome Statute be able to delegate its functions, which we believe to be necessary to the consistent exercise and follow up of its work when it has made referrals to the Court.

Chile is making efforts to update its commitment to the Rome Statute and to promote the expansion and strengthening of its jurisdiction. This year, Chile deposited its instrument of ratification of three amendments, adopted by the Assembly of States Parties in 2017, to article 8 of the Rome Statute. Moreover, Chile has already ratified all the amendments to article 8 of the Rome Statute, agreed in 2010 and 2017, including, more than seven years ago, the amendment

on the crime of aggression. Likewise, our National Congress is considering two draft bills, one of which would include the crime of aggression and extending war crimes to non-international conflicts in our legal system and another that would facilitate Chile's obligatory cooperation with the Court.

My country would like to underscore the work of the Trust Fund for Victims, and it acknowledges the right to reparations for victims and their families. We call for strengthening the Fund so that it can fulfil and expand its mandate. Likewise, Chile values the role of civil society as a mainstay in support of the work of the Court and acknowledges its contribution to the fight against impunity. We therefore express concern about the threats directed at certain civil society organizations that cooperate with the Court. Whether they are parties to the Rome Statute or not, members of the international community must protect civil society and all those who cooperate with the Court and strongly reject all acts of violence against them. In addition, Chile expresses its concern about the recent attacks on the Court and threats of reprisals made to Court officials, to whom we express our solidarity.

Chile reiterates its commitment to the universality of the Rome Statute and its unwavering conviction in the importance of the International Criminal Court in the fight against impunity and in the prevention of acts that shock the conscience of humankind. We invite States that have yet to do so to accede to the Statute and welcome the recent accession of one State during the reporting period.

Lastly, Chile regrets that we continue to witness armed conflicts that have led to so many casualties, humanitarian consequences and challenges related to accountability. In that regard, we value the Court as a permanent, independent and impartial tribunal that has been called upon to provide the international community with vital help in delivering justice to victims in all circumstances in the fight against impunity.

**Mr. Muhith** (Bangladesh): We thank the President of the International Criminal Court (ICC) for his presentation of the Court's report (see A/78/322). We also acknowledge with deep appreciation the work of the Court throughout the reporting period.

In 1998, the International Criminal Court was established with the mission to help put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as

a whole, and thus to contribute to the prevention of such crimes. Bangladesh, which itself experienced genocide and crimes against humanity during its 1971 war of liberation, joined the Court in reaffirmation of its commitment to "never again". Since then, we have remained steadfast in our pledge to upholding the principles and values enshrined in the Rome Statute and preserving the integrity and independence of the ICC as a court of law. We believe that, by ensuring accountability for the most serious crimes committed by individuals, the ICC not only promotes the rule of law but also serves as a symbol of hope for victims and affected communities worldwide.

At this moment, that hope is perhaps the most urgent remedy that we, as the international community, can offer to the civilians in Gaza, who have been enduring dreadful atrocities for decades, including in the course of the ongoing brutal military operations carried out by Israel. We therefore welcome the Prosecutor's announcement that his Office will prioritize its investigation into the situation in Palestine. We call on all parties, including civil society, to cooperate with the Court in that important investigation. We believe that the decades-long dehumanization of the Palestinians must end and that the perpetrators must be held accountable. And the ICC has the most vital role to play in that matter.

We note the Court's ongoing investigation into crimes related to the forced deportation of Rohingya minorities from Myanmar to Bangladesh. As a country that is hosting 1.2 million Rohingyas, we attach the utmost importance to that investigation. We believe that that process will not only vindicate the right of the Rohingya to justice but also serve as an important confidence-building measure for their safe and voluntary return to Myanmar, as the Rohingya continue to remain concerned about their safety in Myanmar in the absence of any accountability of the perpetrators. Bangladesh is pleased to provide its full cooperation to the Court and the Prosecutor's Office in connection with the investigation process, including access to the victims currently sheltering in Bangladesh. We call on Myanmar to extend the same cooperation to the Court and to help to bring the perpetrators to justice.

We acknowledge the critical role played by the Trust Fund for Victims in responding to the harm suffered by victims within the Court's jurisdiction. We also welcome the launch of the Court's strategic plans for the period 2023 to 2025, which demonstrates its



commitment to the one Court principle and reinforces its relationship with the Trust Fund for Victims. Bangladesh stands ready to support the implementation of those plans through the necessary cooperation.

As an intergovernmental organization, the ICC needs to uphold geographical representation and gender balance in its structure. It is therefore regrettable that Bangladesh is currently not represented at all in the ICC's staff, despite being one of the most regular contributors to the Court's budget. We urge that every effort be taken to ensure equitable geographical representation in the Court's future recruitment. That will not only encourage non-State parties to the Rome Statute to join the ICC but also complement States parties' efforts in strengthening national judicial capacities to address war crimes, crimes against humanity and genocide, while fostering enhanced cooperation between the ICC and the States parties.

In conclusion, we reiterate the need to uphold solidarity among States parties and the integrity and credibility of the ICC as the Court of last resort, based in our overarching interest in combating impunity for the gravest crimes under international law.

**Mr. Escobar Ullauri** (Ecuador) (*spoke in Spanish*): My delegation thanks the President of the International Criminal Court for his briefing on the Court's annual report (see A/78/322).

The adoption of the Rome Statute in 1998 brought into being the first permanent judicial body capable of investigating and bringing to justice individuals accused of committing the most serious violations of international criminal law, international humanitarian law and human rights. The Court's establishment, one of the most remarkable achievements of multilateral diplomacy, was made possible by a shared sense of humanity in the face of the suffering inflicted on victims. Twenty-five years later, the Court has set valuable precedents and established itself as a key player in the international architecture that upholds the rule of law, respect for human rights and the fight against impunity.

In an increasingly complex international context, the proper functioning of the Court is essential. We therefore reiterate, as we have in the past, our rejection

of acts of intimidation and attempts to undermine the Court's mandate. We are also concerned about the recent cyberattacks against the Court. We commend the Registrar of the Court for the immediate actions that were taken to mitigate the effects of the cyberattacks, assess the impact of the damage they caused and adopt recovery and rehabilitation measures. The preparations for the convening of the twenty-second Assembly of States Parties in December offer us the opportunity to reflect on the challenges facing the Court, some of which we would now like to highlight.

First, the United Nations must contribute to undertaking the expenses related to referrals made by the Security Council to the Court. A failure to do so could jeopardize the Court's financial sustainability.

Secondly, we must work to further advance the universalization of the Rome Statute. By acceding to the Statute, States parties can protect their populations, strengthen the international criminal justice system and express their solidarity with victims.

Thirdly, complementarity is a key principle of the Rome Statute. For it to work, States parties need to adopt legislation to implement the Statute's provisions in their national systems, a task in which the Court's technical assistance can be of great help.

Fourthly, initiatives aimed strengthening the Court's independence and efficiency, such as ensuring its funding and streamlining the procedure for appointing judges, deserve to be supported and enhanced.

In conclusion, and as a State party to the Rome Statute, Ecuador reiterates its support for the International Criminal Court and the critical role it plays in ensuring accountability for the most serious crimes of concern to humankind.

**The Acting President:** We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining speakers this afternoon at 3 p.m. in this Hall.

*The meeting rose at 1 p.m.*