



General Assembly

Seventy-eighth session

22nd plenary meeting
Monday, 30 October 2023, 3 p.m.
New York

Official Records

President: Mr. Francis (Trinidad and Tobago)

The meeting was called to order at 3 p.m.

In the absence of the President, Mr. Tammsaar (Estonia), Vice-President, took the Chair.

Agenda item 74 (continued)

Report of the International Criminal Court

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

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

Draft resolution (A/78/L.6)

Mr. Wenaweser (Liechtenstein): We thank President Hofmański for his presence today and for presenting the annual report (see A/78/322) of the International Criminal Court (ICC) to the General Assembly (see A/78/PV.21). At the outset, we would like to reiterate our unwavering support for the ICC, as an independent and impartial court of law, and our determination to stand firmly by its elected officials and personnel and all who cooperate with it. We reject any attacks on the Court and its officials, and we are committed to assisting the Court where necessary in increasing its security, including its cybersecurity.

The Rome Statute, whose twenty-fifth anniversary we are celebrating this year, has created a powerful system of accountability for the most serious crimes under international law. The ICC is indeed the world's only permanent international criminal court, and we expect it to be able to step in when States are unwilling or unable to provide justice to victims of international core

crimes, in line with the principle of complementarity enshrined in the Rome Statute. At the same time, its reach continues to be limited due to slow progress on universality and the near-permanent political deadlock in the Security Council, which has failed to refer any situations to the Court for more than a decade, despite the obvious and urgent need for it. We are encouraged to see new States continue to join the Rome Statute and its amendments, however. In particular, we welcome Armenia as the 124th State party and hope that more will join in the near future.

Recent global events in Israel and Palestine, Myanmar, the Sudan, Mali, Afghanistan and Ukraine — all places where the ICC has jurisdiction and open investigations — have starkly underlined the relevance of the Court and the continuing need for it. We want to point out that the Court has jurisdiction over international crimes committed on the territory of the State of Palestine, as well as those committed by Palestine nationals. We welcomed the Prosecutor's remarks on the situation yesterday and his recalling of his open investigation in that statement. With respect to the other strategic decisions made by the ICC's Chief Prosecutor, we hope that he continues to take account of the Security Council's paralysis, as well as States' unwillingness, or inability, to prosecute Rome Statute crimes, when deciding where to focus his investigations and allocate his resources, as he has done effectively with regard to the aggression against Ukraine.

In order to assist the Prosecutor in carrying out his critical mandate, it is imperative to ensure adequate cooperation on the part of States, the United Nations

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and civil society, cooperation that is indispensable for the Court and its success. Cooperation from ICC States parties in particular is key to advancing the Court's investigations and prosecutions, but it extends far beyond that in the areas of political, diplomatic and financial support. The annual gathering of the ICC's Assembly of States Parties, which will take place in New York this year, is the place where key decisions should be made on increasing that support so that it is commensurate with the ICC's needs.

The glaring challenge in the interaction between the mandate of the United Nations and the International Criminal Court is the Court's very limited jurisdiction with respect to the crime of aggression. When the Rome Statute was adopted, the inclusion of the crime of aggression was due to the insistence of a number of States outside our region. In that regard, I would also like to honour the late and legendary Nuremberg prosecutor Benjamin Ferencz, who was a tireless advocate for accountability of the crime of aggression. In Rome and even at the Review Conference of the Rome Statute, held in Kampala, some had doubts concerning the relevance of the inclusion of the crime of aggression in the Statute. The argument was that the nature of warfare had shifted to non-international armed conflicts.

Today the world is a different place from the one we might have hoped for in 1998. The term "aggression", consistently shunned in the diplomatic vernacular for so many years, is now part and parcel not just of briefing materials and speeches, but of resolutions adopted by the General Assembly and accountability mechanisms established by United Nations bodies. Many people around the globe have been disappointed to find out that the ICC cannot prosecute aggression when committed by States that are not party to the Statute because of jurisdictional carveouts requested by a minority of States. We should therefore take the obvious step and bring the Court's jurisdiction over the crime of aggression in line with that of its other core crimes. Aggression is not a hypothetical crime. The most serious form of the illegal use of force is one of the most fundamental attacks on the international order, as well as a source of the many other crimes committed in the course of international armed conflicts. By holding to account the political and military leaders who are responsible for upending international peace and security, we would collectively reaffirm the purposes and principles of the Charter of the United Nations, and in particular the principle based on Article 2, paragraph

4, which says that "All States shall refrain from the threat or use of force against the territorial integrity or political independence of any State". Updating our international legal system to hold aggressors to account is an urgent task not only for ICC States parties but for all States Members of the United Nations, in order to ensure our collective peace and security.

Mr. Szczerski (Poland): Poland aligns itself with the statement delivered by the representative of the European Union on behalf of its member States (see A/78/PV.21), and I would like to take this opportunity to raise some considerations in our national capacity.

First, we would like to express our sincere gratitude to President Hofmański for presenting the 2022–2023 annual report (see A/78/322) of the International Criminal Court (ICC), which showcases the Court's unwavering commitment to justice around the world and its immense work over the past years.

This year's presentation marks the passing of a quarter of a century since the adoption of the Rome Statute, establishing the ICC. Since that time the Court's unique mandate has given it a special role in the international justice system, lending permanence to worldwide efforts to eliminate impunity for perpetrators of the most heinous international crimes. The creation of the ICC marked a pivotal moment in our collective commitment to safeguarding human rights, and it laid the foundations for such a system. The Court's work over the past 25 years attests to the dedication of its judges, prosecutors and staff, who have worked tirelessly to ensure that atrocities do not go unpunished, while demonstrating that we have a legal framework robust enough to adapt to a constantly changing international environment. New challenges continue to emerge, undermining peace and security, destabilizing countries and regions and always striking hardest at people in vulnerable situations. For almost two years, Poland has witnessed the Russian Federation's unprecedented aggression against Ukraine. The withdrawal of Russian troops from occupied towns such as Bucha, Sumy, Chernihiv and many others have exposed evidence of horrifying war crimes, including routine violence directed against civilians and the use of mass graves and torture chambers. Such horrors explain why we share the view that all the perpetrators of those international crimes, including war crimes and the crime of aggression, must be tried before the appropriate courts.

At the core of the process for bringing those responsible to account is the International Criminal Court. For that reason, we consider the ICC's issuance of arrest warrants for Vladimir Putin and Maria Lvova-Belova as a landmark step. It is a clear signal that the ICC has the will and capacity to take action against injustice. We recall the importance of one of the fundamental principles of international criminal justice according to which

“official capacity as a Head of State or Government, a member of a Government or Parliament, an elected representative or a Government official shall in no case exempt a person from criminal responsibility” (*Rome Statute, article 27, para. 1*).

The numerous challenges and obstacles faced by the ICC have not faded away in recent years. On the contrary, they have intensified as the Court moves its operations into more difficult and hostile political terrain. Examples include recent cyberattacks on the Court's computer network and the criminal proceedings initiated by Russia against the ICC's President, First Vice-President, Prosecutor and pre-trial judges and a trial judge. Those actions are unacceptable, and we, as the States parties, should strongly condemn them.

The ICC is regrettably still equipped with the same legal instruments it has used from the beginning. The Court has had to weather criticism for achieving limited results, while contending with political pressure and limitations on its jurisdiction that have hindered its ability to discharge its mandate. Against that backdrop, Poland supports the proposal to equate the crime of aggression with other international crimes and to allow the International Criminal Court to exercise its jurisdiction in that respect, without the special restrictions that currently apply.

Today the world needs an impartial international criminal justice system more than ever, and these challenges should not deter us from striving towards that. Rather, they should encourage us to think harder about what needs to be changed and improved, often also in our own conduct.

To start with, a more effective ICC would be one with a wider reach. It is the duty of the States parties to encourage and influence more States to ratify the Rome Statute, as it is in the interest of all of us to build a common system. That is why Poland has noted with great satisfaction Armenia's recent decision to ratify the Rome Statute. We ought to take another step forward

by ensuring the Court's universal jurisdiction for the most heinous crimes, so that wherever, whenever or by whomever they are committed, no one goes unpunished.

At a time when the ICC must deploy its limited resources to cope with a growing volume of investigations and trials, the parties to the Rome Statute have often failed to comply with the Court's decisions. Poland would like to stress that it is up to us — the States parties — to set an example for the international community and to demonstrate that the system is needed. The provision of multidimensional support to the ICC by the States parties is a prerequisite for the Court's proper functioning and future success. This will also require an honest reckoning with the concerns and criticisms raised by some Member States to ensure that the Court operates in a fair, transparent and accountable manner. We cannot afford to remain silent and stand idle. The world needs peace and international justice.

Mr. Kuymizakis (Malta): Malta welcomes this opportunity to reiterate its support for the International Criminal Court (ICC) and to highlight its importance as an essential feature of the collective pursuit of international criminal justice and the fight against impunity.

Malta aligns itself with the statement delivered earlier on behalf of the European Union and its member States (see A/78/PV.21).

We thank President Hofmański for his informative briefing and assure him of our unwavering support and solidarity in the light of the difficult context in which the Court and its officials are currently operating.

It is heartening to take note of the progress made regarding the crimes committed in northern Uganda, Mali, Darfur, the Central African Republic and Ukraine. We welcome the Prosecutor's resumption of his investigations into the situations in Afghanistan, the Bolivarian Republic of Venezuela and the Philippines, and the conclusion of the investigation phase on cases relating to the situation in Georgia and the situation in the Central African Republic and continued work with respect to the other situations that fall within his mandate.

The role of the ICC in ensuring accountability is as vital as ever, because, regrettably, the most serious international crimes continue to occur in different parts of the world. In that regard, we welcome the investigations by the Prosecutor, including those concerning the situation in Ukraine. Malta was one of

the 43 ICC States parties that submitted the joint referral of the situation in Ukraine to the ICC in March 2022.

Moreover, Malta welcomes the cooperation between the Court and the United Nations on various issues and the operational assistance given to the Court by United Nations entities in the field. Nevertheless, I want to reiterate that the relationship between the Court and the Security Council calls for improvement. The Rome Statute empowers the Council to refer situations to the Court, but only two situations have been referred to date. There is a need for consistency and objectivity with respect to referrals. Moreover, the Council must ensure follow-up and call on the relevant States to cooperate with the Court.

Cooperation, assistance and support of States parties and other States remain essential to the Court's operations. We want to reiterate the Court's call for all States to respect its independence and integrity and to cooperate actively with its investigations. We also welcome the public consultation on the Office of the Prosecutor's new draft policy on complementarity and cooperation, which aims to bring about a paradigm shift in the relationship between the Office, national authorities and other accountability mechanisms, as well as victims and survivors of atrocities globally.

Malta also welcomes the ICC's adoption of its new policy on the crime of gender persecution. Pursuing accountability for the crime against humanity of gender persecution holds enormous potential to address and prevent gender-based discrimination and unequal treatment, which is at the root of those crimes.

Civil society organizations are critical partners in these joint efforts towards justice. The activities they undertake to raise awareness about the Court and promote the universal ratification and full implementation of the Rome Statute are commendable.

Let me also specifically mention the victims and survivors, who are and must remain at the centre of the Rome Statute framework. We welcome the fact that reparations to victims continue to gain prominence in the Court's work. In that regard, the work of the Trust Fund for Victims is indispensable. In 2023, for the tenth consecutive year, Malta made a voluntary contribution to the Fund.

The ICC offers the hope that accountability can prevail over power, and it is for that reason that we advocate for the universalization of the Rome Statute

and commend the recent decision taken by one more Member State to ratify it.

Before I conclude, let me reaffirm Malta's support to the Court and its officials, particularly at a time when they have come under attack. The elected members of the Court must be able to carry out their duties without any fear of reprisals. For those reasons, we have co-sponsored the draft resolution on the report of the International Criminal Court (A/78/L.6), and we thank the Netherlands for its efforts in facilitating it.

Ms. Squeff (Argentina) (*spoke in Spanish*): First of all, my delegation would like to thank Judge Piotr Hofmański for presenting (see A/78/PV.21) the annual report of the activities of the International Criminal Court (ICC) (see A/78/322) and to express our appreciation for the concerted efforts of the presidency, the Chambers, the Office of the Prosecutor and the Registry in continuing to administer justice amid great challenges.

This year marks the twenty-fifth anniversary of the adoption of the Rome Statute, and Argentina is pleased to see a fully functioning International Criminal Court, fulfilling the mandate conferred upon it in Rome by us, the States parties. Over the past 25 years, the Rome Statute has become a beacon for combating impunity, promoting a system of international criminal justice in which accountability and cooperation with national jurisdictions are the guiding principles. The ICC is the hope of thousands of victims around the world seeking justice. The ICC is a guarantee that no one is above the law, regardless of the official position or power that the perpetrators of heinous crimes may hold.

The current times are a challenge for multilateralism in general and for the ICC in particular. The Court has been facing a number of challenges, both internal and external, in the past few years, which is why its States parties decided to initiate a review process, now in its final phase. We believe that the exercise has enabled the Court's entire system to carry out a complete evaluation of its functions and to identify the aspects that require improvement and correct them. The Court's independence and ability to carry out its mandate are often threatened by outside pressure. Its States parties should not allow such situations to arise and should provide the Court with all the support it needs to ensure its integrity and independence. One important challenge for the Court relates to universality, which is essential to overcoming perceived selectivity in its application of

international criminal justice. Increasing the number of States ratifying the Statute will be crucial to closing the impunity gap, and we therefore urge States that have not yet done so to accede to the Rome Statute. At the same time, we are pleased to note that following the activation of the Court's jurisdiction over the crime of aggression, States parties have continued to ratify that amendment.

Another key aspect for the effective functioning of the Court is cooperation. As an international court, the ICC cannot be sustained without the active cooperation of numerous stakeholders, especially the States parties to the Rome Statute, in each and every one of the stages of investigation and trial. In that regard, we are very proud to have been the first State party to conclude the four cooperation agreements suggested by the Court.

While working to improve the Court, we must not lose sight of the fact that it is States that bear the primary responsibility for investigating and prosecuting the most serious crimes of international concern, in accordance with the principle of complementarity, which is the backbone of the Rome Statute. We call on all States that have not yet done so to include the crimes and principles of the Statute in their national laws, thereby ensuring effective complementarity. In that connection, I would like to mention the adoption in May of this year of the Ljubljana-Hague Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity, War Crimes and other International Crimes, initiated by Belgium, Mongolia, the Netherlands, Senegal, Slovenia and Argentina. That new Convention will undoubtedly be of significant help in strengthening the complementarity principle.

The Court has come a long way since its inception and has established itself as a key institution of the international system. Today the general consensus that impunity for heinous crimes is no longer acceptable is indisputable. Given our own history and based on our experience, Argentina is aware of the need to do justice by victims. Based on that belief, we will continue to firmly support the work of the Court and its judicial independence.

Mr. Pereira Sosa (Paraguay) (*spoke in Spanish*): Allow me to begin by expressing our appreciation for the annual report of the International Criminal Court (see A/78/322) and our gratitude for the outstanding work the Court has done during the 2022–2023 period.

The significant volume of work reflected in the report, with the participation of more than 15,000 victims in cases before the Court, and the issuance of a large number of decisions and more than 200 hearings, speaks to the relevance and scope of the work of the International Criminal Court in its mission to prosecute and judge the most serious crimes affecting the international community as a whole and to ensure the provision of reparations to victims and respect for the principles of international law. The investigations and preliminary examinations on four continents and the important work of the Trust Fund for Victims, benefiting close to 17,000 people, are important elements that invite us to strengthen collaboration among the Rome Statute institutions so that they can effectively carry out their functions, especially those of an investigative nature. We also commend the development of strategic plans for guiding the actions of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims for the period from 2023 to 2025. We hope they will generate the necessary synergies that can make effective and efficient work possible.

Considering it as a court of last resort whose work is complementary to national jurisdictions, we want to highlight the vital relevance of the International Criminal Court and the Rome Statute bodies in the investigation and prosecution of the perpetrators of the most serious crimes that affect our international community as a whole. In that context, the International Criminal Court, as a defender of the core values of the international community, requires collaborative efforts to strengthen its institutional framework and ensure that it can exercise its mandate in line with the highest standards of professionalism, independence and impartiality.

In accordance with its Constitution, Paraguay recognizes and accepts the fundamental principles of international law, guaranteeing respect for human rights and declaring certain heinous crimes to be imprescriptible. We believe that the International Criminal Court represents an achievement by the international community in its fight against impunity for the most heinous crimes and in the quest for justice, and we consider that ensuring adequate compensation for victims is an essential component of the Court's work, in accordance with international law and the Charter of the United Nations. Finally, we value the contribution of non-governmental organizations, civil

society and the academic world to the work of the International Criminal Court.

Ms. Kafková (Czechia): The Czech Republic fully aligns itself with the statement made by the representative of the European Union and its member States (see A/78/PV.21) and would like to add some remarks in its national capacity.

Let me start by expressing our thanks to Judge Hofmański, President of the International Criminal Court (ICC), for presenting the latest report of the ICC (see A/78/322) and for his leadership over the years that he has dedicated to serving the Court. We regret that his mandate is coming to an end and wish him the best in his future endeavours.

The Rome Statute turned 25 years old in July. In that time, the number of States parties has reached 123, and we congratulate Armenia on its decision to become the 124th State party. This number represents an overwhelming majority of the United Nations Member States. It highlights the support for the Court and its mandate which embraces the very purpose of the United Nations. In that regard, let me reiterate that any threats and attacks against the Court and its elected officials, its personnel and all those cooperating with it must be condemned. The independence of the Court to investigate and prosecute the perpetrators of the most serious crimes of concern to the international community as a whole is a fundamental principle that needs to be defended.

The International Criminal Court as a court of last resort is fully based on the principle of complementarity. The annual report on the activities of the Court explicitly mentions deepening the engagement of the Office of the Prosecutor with national authorities and other stakeholders in countries with situations subject to the jurisdiction of the Court in order to close the impunity gap. We are of the opinion that this is the correct approach to complementarity, based on the premise that increasing the capacity of the Office of the Prosecutor to provide support to national proceedings, and thus enabling the States parties and other stakeholders to uphold their primary responsibility, will result in less needs for the Office to step in. However, that works both ways. By creating synergies of cooperation, the Court will also become more able to proceed with its ongoing work with reasonable resources and within a reasonable time frame.

The principles of complementarity and cooperation are mutually dependent. Partly as described above, partly as full cooperation with the Court in its investigation and prosecution of crimes within the Court's jurisdiction is not only a legal obligation stemming from the Rome Statute or Security Council resolutions but also a necessary precondition for holding trials before the Court. We note that cooperation remains a challenge. In that regard, we wish to point out that when instances of non-cooperation occur, we should jointly work both for non-repetition, as well as for a proper reaction. Furthermore, a broader meaning of collaboration itself is a multifaceted area which involves different partners and activities, including practical means such as the use of technology, aimed at increasing the capacity of the Court to deal with demanding and complex situations within its jurisdiction.

The report pointedly summarizes the dynamic relationship between the Court and the United Nations, based on the Relationship Agreement between the United Nations and the International Criminal Court. The cooperation of the numerous parts of the United Nations system, which continue to cooperate with the Court, is essential. We also wish to acknowledge the role of the liaison office to the United Nations.

The relationship between the Court and the Security Council is a complex one. The Security Council's prerogative to refer a situation to the Court has the potential to promote accountability in situations where the Court lacks jurisdiction. We see more potential for enhancing that relationship. In particular, we have supported initiatives aimed at refraining from using the veto in situations when crimes under international law are being committed. The referral power should go hand in hand with an effective follow-up on the Court's activities for which a meaningful and enhanced dialogue is vitally needed.

My statement would not be complete without mentioning victims. We acknowledge the work of the Trust Fund for Victims to which the Czech Republic has continued to contribute since 2011. Supporting the work of the Trust Fund provides further means for assisting the Court in the fulfilment of its mandate.

Before concluding and in the context of supporting the Court, let me to recall that the Czech Republic nominated a candidate for judge of the International Criminal Court for the elections to be held in December. We sincerely believe that, given his skills and

professional experience, he would greatly contribute to the work of the ICC.

Mr. Choi (Republic of Korea): I would like to begin by thanking President Piotr Hofmański for his comprehensive presentation (see A/78/PV.21) of the report (see A/78/322). My delegation also welcomes the important progress achieved by the International Criminal Court (ICC) in the fight against impunity for perpetrators of the most serious crimes.

This year, the Rome Statute turned 25. There is no doubt that the Rome Statute has significantly contributed to sustaining and advancing the three pillars of the United Nations, namely, peace and security, development and human rights.

For the next 25 years and beyond, I would like to highlight the urgent need to improve the perception of the Rome Statute system. Indeed, there have been concerns that the Court is biased toward the values of a particular group, and that is partly due to inequitable geographical distribution, not only in the composition of the States parties but also in the composition of the Court's personnel.

The Asia-Pacific Group is one of the most underrepresented regional groups, and several countries are seriously underrepresented in the professional staff of the Court. For example, the number of Korean staff is currently zero. That means my country changed last year from being one of the most underrepresented countries to a non-represented country, even though Korea is the seventh largest donor, and the target number for Korean staff, in accordance with the Court's policies, is approximately 15.

I am not asking the Court to hire more Korean staff. I would like to emphasize the seriousness of the situation and raise awareness of the potential risks that inequitable geographical distribution may pose for the diversity of perspectives and working culture of the Court, perception challenges related to its independence and impartiality and, ultimately, the universality and the ongoing cooperation of the international community.

As a senior prosecutor in Korea, I know how important it is for investigative or judicial procedures to be seen as fair and impartial. In that vein, improving the geographical distribution status of the States parties and the Court can serve as very effective leverage to overcome perception challenges and other related issues.

The Republic of Korea has been a staunch supporter of the ICC since its inception. Our legal experts have served in many capacities, including as a founding judge, President of the Court and President of the Assembly of States Parties. We are currently serving as a co-focal point of the Assembly of States Parties to promote the universality of the Rome Statute, together with the Netherlands, and the Board of Audit and Inspection of Korea is proudly acting as an External Auditor of the Court. I hope our candidate for ICC judge, with his excellent expertise and experience, can also contribute to the legitimacy and efficiency of the Court as a judge beginning next year.

As an incoming member of the Security Council, Korea will continue to play a constructive and active role to end impunity, implement restorative justice to victims and ensure the rule of law.

Mr. Lagatie (Belgium) (*spoke in French*): On behalf of the Kingdom of Belgium, I would like to thank Judge Hofmański, for his presentation (see A/78/PV.21) of the annual report (see A/78/322) and for his successful term in office as President of the International Criminal Court, which he has held since his election in 2015.

Belgium aligns itself with the statement made on behalf of the European Union and its member States (see A/78/PV.21).

For Belgium, the annual presentation of this report to the General Assembly is crucial. It underscores the Court's role as the central pillar of global order and the fight against impunity for crimes that shock and affect the entire international community.

Today no region of the world is spared from armed conflict. All too often, those conflicts still affect civilians who are caught in the crossfire of hostilities. It is essential that we join forces to ensure that those populations, wherever they may be, do not lose faith in the justice system and that the perpetrators of the most serious crimes are held criminally accountable for their actions.

States must play an active role in the fight against impunity. The effectiveness and credibility of the fight depends on it. In particular, States must prosecute and judge the perpetrators of those crimes within their national jurisdictions, thereby fully ensuring the complementary nature of the Court's intervention.

In that regard, Belgium is one of the driving forces behind and the depositary of the Ljubljana-The

Hague Convention — a new convention that aims to strengthen inter-State cooperation in the investigation and prosecution of the most serious crimes. Its signing ceremony will be held in The Hague on 14 and 15 February 2024.

In the case of proceedings initiated by the Court, States must also provide full cooperation to the Court at all stages. States must also act as guarantors of respect for the fundamental principles of the impartiality and independence of the Court. States must guarantee the timely payment of obligatory contributions to the Court's annual budget in order to enable it to properly fulfil its mission.

Support for the Court is essential. In that regard, Belgium wishes to once again reaffirm the value of the Trust Fund for Victims. The Fund carries out unique support work in the implementation of orders for reparations and psychological and material support for victims and their families. Belgium is particularly sensitive to the plight of the victims of such atrocious crimes, making it one of its priorities. Support for this Fund is firmly in line with that position. This year, Belgium made an additional voluntary contribution of €500,000 on top of our regular annual contribution.

Belgium recently signed a new bilateral agreement on enhanced cooperation with the Registry of the Court — the eighth enhanced cooperation agreement that Belgium has concluded with an organ of the Court. It concerns the release of persons, that is to say, the reception on our territory of persons released at the end of their sentence, following an acquittal or the dropping of charges against them.

Moreover, Belgium responded to the appeal issued by the Prosecutor on 7 March 2022 by making voluntary contributions amounting to €500,000 to the Trust Fund established by the Court, and by signing several memorandums of understanding to allow, in particular, the secondment within the Prosecutor's Office of experts from the Belgian federal police and armed forces.

In this anniversary year of the Rome Statute, Belgium once again underscores the fundamental importance of the Court's cooperation framework with States being reinforced by bilateral agreements. We call on all States parties to work in that respect to further support the action of the Court so that the perpetrators of the most serious crimes cannot escape justice.

Mr. Fepuleai (New Zealand): We thank President Hofmański for the report of the International Criminal Court (see A/78/322) and welcome the opportunity to discuss the Court's contribution to the international rule of law and its relationship with the United Nations.

As the first and only permanent international criminal court, New Zealand considers the Court to be a central pillar of the international rules-based order and the international criminal justice system. Twenty-five years after the Rome Statute established the Court, we commend the significant progress the Court has made in both delivering justice for victims and ensuring accountability for perpetrators of some of the most serious crimes of international concern. We note, in that regard, the substantial investigatory work the Court has accomplished this year concerning conflicts and alleged crimes across four continents.

We also look forward to the election this year of six new judges who reflect our commitment to gender balance and geographical diversity. We are confident that those judges will continue the Court's work in holding to account individuals responsible for the most serious international crimes and support the overall good functioning of the Court.

The cooperation, assistance and support of States remain essential to the Court's operations and fulfilment of its independent and impartial mandate. States parties and others must provide the necessary cooperation and assistance to help to end impunity for the perpetrators of the most serious crimes of concern to the international community by facilitating their arrest and surrender to the Court.

New Zealand's focus has been on ensuring that the Court is sufficiently resourced to enable it to continue undertaking its investigations and prosecutions independently, impartially and securely. That is particularly important at a time when the Court faces a number of direct threats. It is unacceptable that arrest warrants have been issued for elected officials and personnel of the Court. It is also unacceptable for actors to compromise the security of the information systems of the Court. Despite that, we know that the Court will not be deterred from pursuing its vital mandate. We will continue to demonstrate our support for the Court, including through voluntary contributions, in order to ensure that the Court delivers justice for victims. We are pleased that, this year, the Trust Fund for Victims implemented reparations to victims in four cases and

conducted other projects in several countries, benefiting approximately 17,000 victims.

The Court contributes to peace and security, taking a holistic approach to justice by way of complementarity, cooperation and universality. The primary responsibility to take robust and appropriate measures when faced with the commission of international crimes lies with States. The Court complements, rather than replaces, national courts as an independent court of last resort. Domestic courts and judicial processes that secure accountability for the perpetrators of international crimes are crucial to implementing the principle of complementarity. We encourage States parties that have not yet done so to consider incorporating Rome Statute crimes and principles into their domestic law, establish or enhance national processes for cooperation with the Court and train legal professionals on the investigation and prosecution of international crimes.

New Zealand calls on all States that have not yet done so to ratify or accede to the Rome Statute. We strongly support universal membership of the Rome Statute, which will help to end impunity and ensure that all victims have access to justice.

Mr. De Rezende Pinto (Brazil): I thank the President of the International Criminal Court for presenting (see A/78/PV.21) the Court's annual report (see A/78/322) to the General Assembly.

Brazil is a founding member of the Court, and our commitment to the principles of the Rome Statute is enshrined in our own Constitution. The Court has demonstrated both accomplishments and shortcomings. Granting reparations to victims is an encouraging development. The Trust Fund for Victims is instrumental in promoting the right of victims to justice. Aimed at reconciling retributive and restorative justice, the Rome Statute contains a set of provisions that allow victims to participate in proceedings and apply for reparations. It is encouraging to see reports about ongoing projects and the Trust Fund's engagement with victims, their families and affected communities.

At the same time, the difficulty of achieving consensus on our draft resolution (A/78/L.6) highlights the need for us to reflect on how we may overcome current challenges.

The first challenge relates to universality. As a treaty-based Court, that needs to be achieved through universal adherence to the Rome Statute. Unfortunately,

the past decade was not prolific in new ratifications, and States parties constitute less than two thirds of the United Nations membership.

It is also important to address selectivity and double standards. States parties, as well as the Office of the Prosecutor and judges, have an important role to play in that regard. All victims of the most serious crimes under international law shall be treated equally.

Cooperation is a third important challenge. As the Court has no enforcement jurisdiction nor bodies, it relies solely on the cooperation of States. In that context, it is important that requests for cooperation be fully consistent with the Rome Statute, an international treaty, especially its part 9.

A fourth challenge relates to the need for coherence in the international legal system. In that regard, Brazil encourages the judges of the ICC to engage in constructive dialogue with other international tribunals, especially the International Court of Justice, the principal judicial organ of the United Nations, regarding various topics of general international law, including jurisdictional immunities.

Last but not least, there is a need to adjust the geographic imbalance in the ICC's institutional structure. The Group of African States and the Group of Latin American and Caribbean States represent the largest regional groups among States parties, but they and the Group of Asia-Pacific States are underrepresented in the Bureau of the Assembly. We must reform its governance in order to make it more representative and inclusive.

The upcoming Assembly of States Parties will take place at a crucial juncture for the ICC. It will provide us with an opportunity to discuss the Court's future and how to address the challenges it faces today. Brazil reiterates its deep-rooted commitment to international law and international justice and its support for a universal, permanent, independent, impartial and treaty-based International Criminal Court.

Mrs. Buenrostro Massieu (Mexico) (*spoke in Spanish*): We thank President Piotr Hofmánski for presenting (see A/78/PV.21) the report (see A/78/322) on the work of the International Criminal Court (ICC) during one of the busiest periods since its inception. Twenty-five years after the Rome Statute entered into force, the ICC remains not only relevant but more necessary than ever. One of the most important

developments in the period covered by the report is the conviction and sentencing to 25 years in prison of Dominic Ongwen for crimes against humanity and war crimes committed in northern Uganda. With regard to the cases involving Mali, we eagerly await the verdict in the trial of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud. We note the 16 arrest warrants that remain unfulfilled, and we call on the States involved to cooperate with the Court in order to close the impunity gaps. Mexico also welcomes Prosecutor Karim Khan's new policy on the crime of gender persecution.

We are gravely concerned about measures that have been taken against officials of the Court, in particular the Prosecutor and several ICC judges. Any act of intimidation of a court of law is simply unacceptable. In that context, my delegation would like to echo the statement of 22 May by the President of the Assembly of States Parties, in which she reaffirmed her support for the ICC, its elected officials and its staff. As she said, the ICC represents our commitment to ensuring accountability for the most serious crimes affecting the international community as a whole. It is therefore our duty to respect its judicial system and stand united against impunity. One of the best ways to show support and commitment to the ICC is through the ratification of its amendments and its progress towards the universality of the Rome Statute. In that regard, we are pleased to report that in addition to chairing the Working Group on Amendments, on 20 January my country deposited its instrument of ratification of the amendments to article 8 of the Statute, specifically those adopted in Kampala in 2010 and in New York in 2017 relating to the use of poison, biological agents and various types of weapons. We also welcome the decision by the Armenian Parliament at the beginning of this month to join the ICC. We look forward to the formalization of the process so that we can soon celebrate the fact that there will be 124 States parties to the Court.

As we have repeatedly stated, cooperation between the United Nations and the ICC is essential. It implies not only the Security Council's potential ability to assert its power to refer situations to the Court, but also for the United Nations to absorb the costs associated with such situations. We reject any exercise of the veto in the Council aimed at preventing such referrals, which represents a serious obstacle to justice and encourages impunity. We want to point in that regard to the Franco-Mexican initiative aimed at restricting the use of the veto in cases of mass atrocities, which

already has 106 signatories, and we urge those that have not already done so, especially members of the Council, to join the initiative.

With regard to United Nations cooperation with the Court and support for it, we cannot ignore the request that the General Assembly take a vote on the adoption of draft resolution A/78/L.6, on this agenda item. Despite its shortcomings, the Assembly's adoption of the ICC resolution without a vote in the past sent an important political message of support for the Court and for accountability in general. We regret that the General Assembly is not speaking with one voice. However, the change in the situation has provided us with an opportunity to update and strengthen the language of the draft resolution in order to reflect the validity of the enormous support that the Court enjoys among the membership, and we hope that will be the case next year.

The world is going through turbulent times, in which war crimes, crimes against humanity, genocide and aggression are being committed. Nevertheless, it was precisely for times of crisis such as these that the ICC was created. It offers a light, however dim, that can break through the terrible darkness. It is up to us to ensure that this institution of justice shines as brightly as it possibly can. Lastly, Mexico will not cease to speak out in favour of peace through justice and the rule of law, which will always be our best bet in our efforts to regain our humanity.

Mr. Smyre (United States of America): I thank President Hofmánski for his briefing (see A/78/PV.21) and for his leadership as President of the International Criminal Court (ICC).

As noted in the Court's report on developments from August 2022 through July 2023 (see A/78/322), it has been a particularly active year for the ICC, with significant activity on the part of all the Court's entities across a range of situations. The United States welcomed the conclusion of the Dominic Ongwen appeal, which provided justice for the first time for the many victims of the Lord's Resistance Army, and the conclusion of the trial proceedings in the case of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, concerning crimes against humanity and war crimes committed in Timbuktu, Mali.

The ICC has also made meaningful progress in the first trial in a situation referred to the Court by the Security Council in the case against Ali Muhammed Ali Abd-Al-Rahman, a former Janjaweed commander

also known as Ali Kushayb. That important trial marked the first case against any senior leader for crimes committed by the Omar Al-Bashir regime and Government-supported forces following genocide and other atrocities in Darfur. We also welcomed the Prosecutor's announcement that his Office has commenced focused investigations on recent events in Darfur, as well as the Court's reauthorization of the Prosecutor's investigation in Venezuela. The victims of those atrocities continue to demand justice.

We are also tracking significant developments with regard to Ukraine, where the Court issued arrest warrants against Vladimir Putin and Maria Lvova-Belova for the alleged war crimes of the unlawful deportation or transfer of populations from occupied areas of Ukraine to the Russian Federation. As President Biden noted, we believe that the warrants are justified.

The United States supports that investigation, as well as a range of other situations before the Court. Twenty-five years on since the signing of the Rome Statute, the ICC's activities in situations around the world underscore its important role as a key element of the global architecture for accountability and a reminder of the imperative for justice, even when it may take time to achieve.

While commending the achievements of the ICC over the past year, the United States is troubled by its large number of outstanding arrest warrants, a matter that should concern all States. Individuals subject to warrants of arrest by the ICC must face justice before fair, independent and credible judicial proceedings.

The United States continues to encourage the authorities in the Sudan to transfer suspects to the Court, and we continue to offer monetary rewards for information leading to the arrest of Lord's Resistance Army leader Joseph Kony so as to provide justice for victims of the LRA. We also call on all States to cooperate in ensuring that Nouredine Adam, accused of crimes against humanity in the Central African Republic, faces justice.

We are also troubled by recent actions taken against the Court's security and personnel. That includes the unprecedented cyberbreach of the Court, and the arrest warrants issued by Russia against ICC officials. The United States deplores those actions and commends the ICC for remaining steadfast in pursuing its mandate for justice and accountability.

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

Although the United States is not a party to the Rome Statute, there is much that we can do and have done to advance the work of the Court, including through practical cooperation to support the Court's activities across a range of situations and actively exploring additional ways to support victims and witnesses.

We strongly commend all organs of the Court, States parties, civil society and other stakeholders that have continued to work through the recommendations by the Independent Expert Review to address issues to help the Court better achieve its core mandate.

We look forward to continued discussions at the United Nations and to our upcoming participation as an observer at the meeting of the ICC Assembly of States Parties, here in New York in December.

Mr. Hasenau (Germany): Germany fully aligns itself with the statement made by the representative of the European Union (see A/78/PV.21).

By joining the Rome Statute, we all made a commitment — victims shall receive justice, perpetrators shall be held accountable, and when core crimes under international law are committed, the international community will not look the other way.

Germany will always remain a staunch supporter of the International Criminal Court (ICC). We therefore support the ICC politically, financially and with personnel. The ICC remains a major pillar in the fight against impunity to which Germany has subscribed.

With the world in turmoil, we are truly — as our minister recently pointed out in the Security Council — at a critical juncture of international law. As the Assembly knows, the Russian aggression against Ukraine was what prompted us to evaluate anew how far we have come on the criminalization of aggression and on the conditions for the exercise of the ICC's jurisdiction over this crime.

For us, it clearly showed that a gap in the Rome Statute needs to be closed. That is the accountability gap that we face when the crime of aggression is committed

by an actor from a non-State party against a State party. In our view, it is of the essence for the international community to close that gap. In order to do so and in order to strengthen both international criminal law and the ICC, we are currently discussing possible ideas and options with the Group of Friends of the International Criminal Court. Germany is very confident that those ideas will lead us to a stronger Court and, eventually, to an even better Statute.

It is precisely because we consider the ICC so important for the international community — and even more so now at this critical juncture of international law — that we hope to find the best to become new members of its bench. That is why I am especially glad that we were able to win Dr. Ute Hohoff, one of the most experienced German Federal judges in international criminal law, to run as the German candidate in the forthcoming ICC elections.

Twenty-five years ago, the International Criminal Court came into being. Today it is not although, but rather because, the world is in turmoil that it is our task to make the Court stronger.

Mr. Kirk (Ireland): Ireland aligns itself with the statement made by the observer of the European Union on behalf of its member States (see A/78/PV.21).

I wish to begin by thanking President Hofmański for his presentation of the International Criminal Court's annual report to the United Nations (see A/78/322). It is clear from his remarks today that the reporting period has been an extremely active and important one for the Court.

A key milestone during this period was the twenty-fifth anniversary of the adoption of the Rome Statute. Only three months ago, many of us were gathered here in United Nations Headquarters to commemorate this momentous achievement. We reaffirmed our support for the world's first permanent independent international court with the jurisdiction to prosecute individuals for the most serious crimes of concern to the international community. Since its establishment, the Court has grown in stature as an independent and impartial judicial institution and has become the cornerstone of our system of international criminal justice.

The increased importance of the Court is evident in the expansion of its workload, both at its headquarters in The Hague, and its investigations in the field. Since 2021, the Prosecutor has opened or resumed investigations in four situations — Palestine,

the Philippines, Venezuela and Ukraine — and that work continues. A high number of cases are reaching trial stage and there have been a number of appeals judgments and reparations proceedings. We commend the dedication of the Court and its staff in rising to meet those challenges. It is essential that the Court be given the resources it needs to operate efficiently and effectively and to ensure that all situations before it receive the support that their victims deserve.

There are many States and powerful individuals who feel threatened by the Court's mandate to end impunity for the most serious international crimes. The recent uptick in the Court's activities has seen a corresponding growth in threats to the ICC, its staff and those who cooperate with the Court. Ireland is extremely concerned by the recent cybersecurity incident at the ICC, as well as by the criminal proceedings initiated by Russia against ICC judges and the Prosecutor. Those acts are attacks against the independence and impartiality of the Court and are an affront to the rule of law. Those seeking to ensure the delivery of justice must never be intimidated or cowed. Ireland stands firmly in defence of the ICC in the face of these threats, and calls on all States that believe in international justice to do the same.

Ireland welcomes the many instances of continued cooperation between the ICC and the United Nations highlighted in the present report. The assistance provided by United Nations missions in the field is invaluable to the work of the Court. Both institutions have important and complementary roles to play in the pursuit of peace and justice globally. However, we believe that there is still much scope for improvement in this pivotal relationship, especially between the ICC and the Security Council.

The power granted by the Rome Statute to the Security Council to refer situations to the ICC has the potential to be one of the most important tools for ensuring accountability. The reach of the Security Council goes beyond any national jurisdiction or procedural rule of immunity, ensuring that perpetrators of international crimes cannot evade justice. Disappointingly, that power has not yet lived up to its potential. There are still many situations of atrocity that are beyond the reach of the Court. Ireland encourages the Council to take a more consistent approach to referrals to the ICC and believes that the reform of the use of the veto along the lines of the French-Mexican initiative and the code of conduct of the Accountability,

Coherence and Transparency group would go some way towards achieving that goal.

The report before us notes that the Council has not responded substantively to any of the 16 findings of non-cooperation by States referred to it by the Court. Ireland urges the Council to provide consistent support to the situations that it has referred to the ICC and to consider and respond to any findings of non-cooperation made by the Court. The commencement of trial proceedings in the *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* case, the first case to arise out of a Council referral, demonstrates that justice can be progressed when the Court and the Council cooperate.

States parties to the Rome Statute have been motivated throughout the past 25 years by the prospect that victims of the most unimaginable atrocities now have real hope of having their voices heard. Victims have been at the heart of the Rome Statute system from the very beginning. Nowhere is that more evident than in the invaluable work of the Trust Fund for Victims. Ireland is proud to have made a voluntary multi-year contribution of €1.5 million to the Trust Fund in December 2022. We encourage all States that are in a position to do so to contribute to the Trust Fund, especially as it expands its work to meet the increased demand for Court-ordered reparations.

In order to deliver on its important mandate, the ICC depends on its States parties, which have the primary responsibility to prosecute serious crimes within their jurisdiction. If we want to achieve a truly universal system of international criminal justice — one that leaves no gaps for impunity — it is essential that the Court have as wide and diverse a membership as possible. Ireland therefore encourages all States that have not already done so to consider acceding to the Rome Statute.

Finally, we 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. Ireland has co-sponsored the draft resolution and strongly encourages Member States to vote in favour of it.

Mr. Prytula (Ukraine): Ukraine aligns itself with the statement made by the delegation of the European Union (see A/78/PV.21), and we would like the following remarks in our national capacity.

Ukraine welcomes the report of the International Criminal Court (ICC) (see A/78/322). Undeniably, the International Criminal Court plays a leading role

in ending impunity for international crimes, holding perpetrators accountable and ensuring justice to victims and survivors.

Russians have been committing war crimes in Ukraine since 2014. Unfortunately, the international response, however, has been insufficient, and no one has faced personal criminal liability. That is also one of the reasons for the bloody aggression that we are now seeing in Ukraine. They understand that, as of now, there is no liability. Russia's unprovoked aggression has ruined the rules-based international order. Since 2014, Ukraine has been closely cooperating with the Court to restore its authority and ensure punishment for Russia's leadership. We highly appreciate the role of the International Criminal Court in the situation in Ukraine. The Court's issuance of arrest warrants for the President of the Russian Federation and the so-called Commissioner for Children's Rights in the Office of the President of the Russian Federation sends a clear message to everyone that there are no such thing as untouchables and that everyone must stand trial for their actions.

As the incumbent Head of State, Putin has been labelled as a war criminal responsible for the commission of the atrocious crimes in Ukraine. It is an exceptional example of complementarity. Whereas we, the national authorities, are paralysed and unable to investigate and prosecute him because of his political immunity, the ICC is stepping forward. The Pre-Trial Chamber of the ICC has acted in a speedy and efficient manner, and we firmly believe that the arrest warrants will also serve as a preventive factor by sending a signal to all perpetrators to stop their atrocious acts. In line with the ICC's judgment, Ukraine is doing everything to ensure that the team of the Prosecutor of the International Criminal Court has all the means necessary to conduct a full and comprehensive impartial investigation in compliance with the principle of complementarity. Ukraine has been closely working with the Court from the beginning of Russia's aggression. We have amended national legislation in order to secure the functioning of the ICC in Ukraine and, on 23 March 2023, signed an agreement on the opening of the ICC field office in Ukraine.

We commend the Office of the Prosecutor of the ICC for its extraordinary efforts in relation to the situation in Ukraine. As early as 28 February 2022, Prosecutor Khan announced his decision to seek authorization for the initiation of an investigation and urged State parties to expedite the process through State referrals. The Office of the Prosecutor has been actively

involved through its adoption of an innovative approach with its Ukrainian counterparts in a complementary manner. We commend the constructive and innovative cooperation with the Office of the Prosecutor of the ICC within the joint investigation team, as well as its valuable support for the different aspects of the work of the International Centre for the Prosecution of the Crime of Aggression against Ukraine. Introducing the best practices for the investigation of core international crimes and the digitalization of the investigation are facilitating the accountability process for the crimes committed in Ukraine.

Russia's ongoing brutal full-scale invasion and belligerent actions throughout the territory of Ukraine continue to challenge the entire system of international law and order. We hope that other heinous war crimes, crimes against humanity and the crime of genocide committed by Russian officials and military personnel will be acknowledged and prosecuted by the Court. Ukraine urges for making all means available to support the Court in its efforts to ensure justice and accountability and condemns any attempt to undermine its work.

Mr. Ganou (Burkina Faso) (*spoke in French*): My delegation thanks the Secretary-General for the report of the International Criminal Court (ICC) (see A/78/322), which provides an update on the ICC's activities over the past year.

My delegation aligns itself with the statement made by the representative of Uganda on behalf of African States parties to the Rome Statute of the International Criminal Court (ICC) (see A/78/PV.21) and would like to make the following comments in its national capacity.

As we commemorate the twenty-fifth anniversary of the Rome Statute of the ICC this year, sadly, we note that the efforts of the Court and the continued commitment of the international community in the fight against impunity for the most serious crimes have not succeeded in halting the most egregious human rights violations. On the contrary, we are meeting against the backdrop of escalating conflicts throughout the world where innocent populations have fallen victim to massacres, atrocities and violations of their most basic rights.

In Burkina Faso, the abuses of armed terrorist and violent extremist groups provide one such tragic example. For more than 10 years, terrorists have systematically violated people's fundamental rights, including the right to life, the right to health, the right

to education, the right to a healthy environment and the right of access to public services. Those are heinous, deeply grave crimes with disastrous humanitarian and social consequences.

My country firmly believes that national jurisdictions have the primary responsibility for conducting investigations and prosecutions so that such crimes can be addressed. That is why Burkina Faso has taken the necessary legal steps to incorporate the Statute into its substantive law since its accession to the Rome Statute on 6 April 2004. In that regard, in our law No. 52 of 9 December 2009, which determines the jurisdiction and implementation procedure of the Rome Statute for my country's national courts, provides a framework for the prosecution and punishment of international crimes in addition to provisions on judicial cooperation and punishments for violating the ICC's administration of justice. Besides that, through our criminal and criminal procedure codes, adopted in 2018 and 2019, we grant our national courts competence to exercise jurisdiction over crimes that fall within the subject-matter jurisdiction of the Court.

We cannot achieve the promise of a world free of impunity for serious crimes without a strong international criminal justice system that respects the fundamental principles of international law, including the sovereign equality of States, non-interference in the internal affairs of States and the immunity of Heads of State in office. To that end, my country reiterates its call on the Court to examine its own processes thoroughly with a view to ensuring impartiality and non-selectivity in the ways that it considers and works to effectively address grave human rights violations, regardless of the country or continent where they occur. Only by ensuring that it is above suspicion can the ICC gain credibility and achieve the universality and full application of the Rome Statute. My country believes that the principle of complementarity is one of the fundamental principles of international criminal justice. For that reason, it is vital to strengthen national jurisdictions' capacities for investigation and prosecution on the one hand and cooperation between the ICC and States parties on the other.

My country welcomes the efforts undertaken on behalf of victims and within the framework of the Trust Fund for Victims. During the period under review, more than 17,000 victims were able to benefit from individual and collective reparations, including medical treatment, psychological rehabilitation and socioeconomic support. We welcome initiatives to strengthen the mobilization of

additional resources for the Fund and encourage States to continue to contribute to it.

Beyond criticisms that we may make of the Court, our day-to-day actions must not be at odds with the common ideal we share, which is the eradication of the kinds of crimes that are liable to be brought before the ICC. In that regard, we must acknowledge and build on the gains the Court has made over the years. We welcome in particular the Court's identification and trial of perpetrators of the most serious crimes and the judgments it has handed down in the context of violations of children's and women's rights and of the protection of cultural heritage. In some cases, those trials have restored victims' dignity simply by recognizing their status as victims.

The ICC's effectiveness depends on the action taken by all the States and players that act as its stakeholders. It is therefore essential to focus not only on the cooperation between the Court and States but on the cooperation between the Court and international organizations, in particular the United Nations and regional organizations. That is why my delegation welcomes the support that the United Nations system provides to all the Court's activities, especially in the area of operational assistance.

In conclusion, my country reiterates its commitment to an inclusive, efficient and transparent international criminal justice system, which is why we have decided to nominate Ms. Adélaïde Dembélé as a candidate for the position of judge at the ICC in the election to be held on the margins of the twenty-second session of the Assembly of States Parties to the Rome Statute. Burkina Faso believes firmly that if elected through the invaluable support of the States parties, Ms. Dembélé will make a valuable contribution to the work of the ICC.

Mr. Malovrh (Slovenia): I am honoured to address the General Assembly on behalf of the Republic of Slovenia, and I appreciate the opportunity to discuss the annual report (see A/78/322) of the International Criminal Court (ICC).

Slovenia fully aligns itself with the statement delivered on behalf of the European Union (see A/78/PV.21), and I would like to further contribute to the debate in my national capacity.

Twenty-five years ago, the ICC emerged as a permanent central institution for combating impunity for international crimes around the world. It is both

intriguing and disheartening that the Court has continued to go through new and increasingly active phases, accompanied by a growing workload. On the one hand, that means that justice is being served more extensively and that the Court's activities are reaching new regions. On the other hand, it reflects the unfortunate reality that more atrocities are being committed, with more individuals and communities victimized by serious crimes and in need of protection.

We commend the Court's efforts to ensure accountability, as well its ongoing commitment to improvement and overall progress across various activities. That is a continuous process that demands consistent and timely efforts by States parties to the Rome Statute to strengthen the Court's and the Rome Statute's system as a whole. However, it is essential to remember that it is the States parties and their national courts that have the primary responsibility for prosecuting the perpetrators of atrocity crimes, with the ICC serving to complement national proceedings. States genuinely concerned about upholding the foundations of international peace and security must actively engage in full and prompt cooperation with the Court and with one another. An important legal gap was filled with the adoption on 26 May of the Ljubljana-Hague Convention, a landmark treaty designed to bolster international legal cooperation in the investigation and prosecution of atrocity crimes and to enhance national capacities. We invite all States to sign the Convention in The Hague in February.

To enable the Court to handle its increased workload, it is imperative to ensure cooperation and provide adequate resources. Those are prerequisites for meeting the expectations of States parties and other stakeholders, including the Security Council. The activities of the Court and the Council are closely intertwined, both aiming to protect the same core values of the international community — peace and security. There is room for a more active role for the Council and for increased use of accountability tools such as referrals to the ICC, follow-ups to the cases of non-cooperation that the Court reports regularly in two cases of Council referrals and the adoption of measures to promote States' cooperation. We join the calls for the General Assembly to consider funding the costs associated with Security Council referrals, as the Council is acting on behalf of the international community. That too is a piece in the mosaic of leading by example.

The Court has recently faced renewed attempts to interfere with its mandate, and unwarranted attacks have been made on it. An essential characteristic of any court is the ability to operate independently and impartially. Accountability should and must be established within the Court in accordance with laws and regulations, free from interference or political pressure. We condemn such acts and any interference in judicial proceedings. We stand by the ICC and its mission to contribute to the rule of law and end impunity for atrocity crimes, which is a matter of concern for the entire international community.

Allow me to conclude with a reflection on the victims. The ICC report mentions numerous activities benefiting victims, many of whom are children, and some of whom receive symbolic reparations. Yet the number of victims continues to grow. Victims do not choose to suffer from atrocities. On the contrary, States, as members of the international community and the United Nations, have the power to choose to work together to prevent breaches of peace and security, to respond when they occur and to work together in good faith to ensure accountability. It is our collective responsibility to build a common future, secure our coexistence and foster a world in which we can all thrive.

Ms. Tokunaga (Japan): At the outset, we would like to thank the President of the International Criminal Court (ICC) for his report (see A/78/322) and presentation (see A/78/PV.21).

This year, we celebrate the twenty-fifth anniversary of the adoption of the Rome Statute. As a staunch supporter of the ICC, Japan remains steadfast in its commitment to fight against impunity and promote the rule of law. We are left in no doubt that the rule of law will benefit all countries and regions, leading to sustainable growth and to the peace and stability of the international community. Together, under the rule of law, the world must protect the right of vulnerable nations and peoples to live in peace, while safeguarding the most fundamental need — human dignity. To that end, we will continue to work hand in hand with the ICC, an integral part of the multilateral architecture upholding the rule of law.

In that regard, we are pleased to facilitate the collaboration between the Security Council and the ICC, together with Switzerland, as co-focal points in the Security Council. Our initiatives to hold an Arria Formula meeting in July and a panel discussion in March

that focused on the role of the Court, served as valuable opportunities for Member States to exchange views. We take this opportunity to express our appreciation for all the contributions and insights shared by many member countries at those events.

At a time when the world is at a historic juncture, the international community's expectations that the ICC make a difference are quite high. Fighting against impunity and promoting the rule of law will be better achieved if more States join the ICC, thereby promoting the universality of the Rome Statute. In that context, Japan calls on States that have not yet become States parties to do so, while also welcoming Armenia's recent ratification of the Rome Statute.

Japan also takes this opportunity to express our support for Ukraine's efforts to ratify the Rome Statute, as it has accepted the exercise of jurisdiction by the Court through a declaration lodged with the Registrar. The universality of the Rome Statute continues to be an important goal for Japan and the ICC, and we will spare no effort in partnering with the Court in that endeavour. We believe that universality should enhance the function and mission of the ICC, and that would be of great benefit to upholding the rule of law.

Following the press release of the President of the Assembly of States Parties issued on 10 October this year, we reiterate our commitment to preserving the integrity of the Court, undeterred by any threats or measures against the Court, its officials or those cooperating with it. Japan renews its resolve to stand united against impunity.

To conclude, Japan reaffirms its unwavering commitment to the Court. We take pride in having consistently supported the ICC's activities, as the largest financial contributor and the only country in Asia to have referred the situation in Ukraine to the Court. Building on our past contributions, Japan will continue to strongly support the ICC.

Mr. Massari (Italy): Italy aligns itself with the statement delivered by the representative of the European Union (see A/78/PV.21). I would like to provide some additional remarks in my national capacity.

At the outset, I wish to thank the President of the International Criminal Court for presenting a very informative and comprehensive report (see A/78/322) on the activities carried out by the Court over the past year.

Italy has always been at the forefront of the development of an effective international criminal justice system, and it considers the Court to be an indispensable institution and a bulwark against impunity for the perpetrators of the most serious crimes of concern to the international community. The initiatives undertaken to commemorate the adoption of the Rome Statute, including the event held in New York in July and co-organized by Italy, have reaffirmed the commitment of the international community in its fight against impunity.

As a strong and convinced supporter of the rule of law in international relations, Italy is fully committed to supporting the Court, promoting accountability and upholding the cause of justice, especially at a time in which the basic principles of international law, including those protecting human dignity, are — unfortunately — blatantly disregarded. We therefore welcome the significant progress made by the Court in a number of investigations and proceedings, as highlighted in the report. The judicial and investigative activities of the Court in the past year are a testament to the Court's relevance in an age in which the core principles of international law are called into question in too many parts of the world.

States parties must contribute to consolidating that momentum. That implies a renewed commitment to preserving the integrity of the Rome Statute, promoting its universality, respecting the independence of the Court and ensuring that it is well equipped to carry out its mandate. We note with great concern the threats and the criminal proceedings initiated by one Member State against the Prosecutor and some judges of the Court. Likewise, we are concerned by the recent cyberattacks, which have seriously disrupted the functionality of the Court. Those threats and attacks are unacceptable, and Italy will continue to do its utmost to defend the Court's integrity and independence, whatever the source of such threats and attacks may be.

We also note with concern the serious challenges that the Court continues to face in relation to its requests for cooperation, including for the execution of its outstanding arrest warrants, and we call on States parties to comply with their obligations under the Rome Statute. We also stress the obligations under international law upon all States Members of the United Nations, particularly in cases referred to the Court by the Security Council. We are also following with great attention the ongoing reform process, which offers an

important opportunity to enhance the Court's delivery of justice while ensuring full compliance with the principles enshrined in the Rome Statute.

We are glad to note that during the reporting period, approximately 17,000 victims participated in cases before the Court. Italy welcomes the prominence that reparations to victims have gained in the Court's work, as we are convinced that the focus on victims is an essential element of international criminal justice. For that reason, Italy intends to continue contributing to the Trust Fund for Victims. By holding the perpetrators of international crimes accountable and repairing the harm suffered by victims and communities, the Court not only delivers justice but also contributes to creating the conditions for sustainable peace. As we celebrate the twenty-fifth anniversary of the historic adoption of the Rome Statute, we believe that this link needs to be reaffirmed. There can be no lasting peace without justice.

Finally, we look forward to the adoption of this year's draft resolution (A/78/L.6) and take the opportunity to thank the Netherlands for its facilitation.

Ms. Silva Walker (Cuba) (*spoke in Spanish*): The delegation of Cuba takes note of the report of the International Criminal Court (ICC) for the period 2022–2023 (see A/78/322).

It also expresses its commitment to the fight against impunity for crimes affecting the international community and believes that an independent institution that delivers justice is needed now more than ever. However, based on the provisions of articles 13, paragraph b, and 16 of the Rome Statute, the reality is that this institution is far from independent when we consider the enormous powers that those articles grant the Security Council with regard to the work of the International Criminal Court. That is a reflection of the gradual deterioration of the essence of the Court's jurisdiction, in violation of the principle of the independence of judicial bodies and transparency and impartiality in the administration of justice. The Security Council's prerogative to refer situations to the Court confirms the negative trend we have seen to a selective policy towards developing countries in the name of a supposed fight against impunity. Cuba therefore reiterates its position in support of establishing an international criminal jurisdiction that is impartial, non-selective, effective, fair and complementary to national justice systems, one that is truly independent

and therefore free from any subordination to political interests that could distort its essence.

The International Criminal Court cannot ignore international treaties and the principles of international law. It must respect the legal principle whereby a State must consent to be bound by a treaty, as referenced in article 12 of part II of the Vienna Convention on the Law of Treaties of 23 May 1969. Once again, Cuba expresses its serious concern about the precedent that decisions of the Court have set for initiating proceedings against the nationals of States that are not party to the Rome Statute and that have not even accepted its jurisdiction in accordance with article 12 of the Statute.

Cuba reiterates its deep concern about the escalation of violence on the ground in the Middle East, the result of 75 years of Israel's practices of illegal occupation and colonization, in flagrant violation of the inalienable rights of the Palestinian people on their own land. It is also the result of a long-standing lack of respect for the purposes and principles of the Charter of the United Nations and international law, including the many relevant resolutions of the United Nations. Amid the current humanitarian disaster in the occupied Palestinian territory of the Gaza Strip and the West Bank, Cuba reiterates its unwavering solidarity with the Arab and Palestinian cause. We condemn in the strongest terms the killing of civilians, especially women, children and humanitarian workers of the United Nations, the indiscriminate bombing of the people of Gaza and the destruction of houses, hospitals and civilian infrastructure. Cuba has always opposed the killing of civilians and innocent people of any of the parties involved in this conflict, regardless of their ethnicity, nationality or religious belief. Nothing can justify such actions, which are a collective punishment and grave violations of international humanitarian law, war crimes and crimes against humanity. It is time to put an end to the double standards, selectivity and political manipulation that are undermining the cause of international peace and security.

The International Criminal Court must report its activities to the General Assembly on the basis of the provisions of its Relationship Agreement with the United Nations. Cuba is willing to continue participating actively in the negotiation processes related to the International Court, especially the resolution on the report of the International Criminal Court that the General Assembly adopts every year and that should reflect the positions of States both party and not party to the Court.

In conclusion, Cuba reaffirms its willingness to fight impunity and maintains its commitment to international criminal justice and its adherence to the principles of transparency, independence, impartiality and respect for international law.

Mr. Pittakis (Cyprus): Cyprus fully aligns itself with the statement made by the representative of the European Union (see A/78/PV.21) and would like to make some additional remarks in its national capacity.

We are grateful to President Hofmański for his introduction of the report of the International Criminal Court (see A/78/322). During the reporting period the Court saw a high level of activity in pre-trial, trial and appeal proceedings and the implementation of reparations, as well as investigations and preliminary examinations conducted by the Office of the Prosecutor. Cyprus also expresses its recognition of the benefits that the Trust Fund for Victims has brought to thousands of victims of international crimes worldwide. Our Government supports the Trust Fund financially and encourages other States parties to do the same.

Cyprus has always been a strong supporter of the International Criminal Court system. Together with other States parties, we have been striving to consolidate it as an independent and impartial judicial institution of the highest quality. We welcome the continued active engagement of the Court in the review process aimed at enhancing the performance and effectiveness of the institution and the wider Rome Statute system. We also continue to work for the universal ratification and full implementation of the Statute and urge all Member States to become party to it. In that regard, Cyprus welcomed Armenia's ratification of the Statute earlier this month.

With respect to the Kampala amendments to the Rome Statute on the crime of aggression, Cyprus notes that during the reporting period two States accepted or ratified the amendments, bringing the total number of States that have done so to 45. As a victim of foreign aggression, Cyprus was one of the first countries to ratify the amendments, which have been embedded in the jurisdictional regime of the Rome Statute since July 2018. Cyprus urges all States parties to the Rome Statute to do the same in order to extend the geographical scope of the Court's jurisdiction over the crime of aggression, one that has often been committed with impunity. In that regard, with reference to the situation in Ukraine, Cyprus, as one of the 38 States that signed the States parties' referral on 2 March 2022 of the situation

in Ukraine to the Prosecutor of the International Criminal Court under article 14 of the Rome Statute, has closely followed developments in the International Criminal Court and believes firmly that there should be no impunity for serious international crimes such as genocide, war crimes and crimes against humanity.

While aware of the important contributions the Court has made to addressing impunity, Cyprus nonetheless reiterates that much more is needed to effectively address the serious crimes and atrocities that continue unabated around the world. Among other things, the lack of impunity is partly due to the lack of referrals by the Security Council. We believe that the Council's ability to refer situations to the Court is one of the most powerful tools it has at its disposal for interrupting the conflict cycle to ensure sustainable peace and provide justice and effective remedies to the victims.

Mr. Niang (Senegal) (*spoke in French*): Like speakers before me, I would like to begin by warmly thanking the President of the International Criminal Court for introducing (see A/78/PV.21) the report (see A/78/322) outlining the judicial activities of the Court for the period from 2022 to 2023.

My delegation aligns itself with the statement made by the representative of Uganda on behalf of the African States parties to the Rome Statute of the International Criminal Court (see A/78/PV.21), and would like to add some remarks in its national capacity.

Senegal notes with satisfaction the reports of the Secretary-General contained in documents A/78/320 and A/78/321, on information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court, and on paragraph 12 of resolution 77/6. We should highlight the fact that this information attests to the close cooperation between the two institutions, which helps them to exercise their respective responsibilities. Senegal also welcomes the perfect harmony between the values and objectives of the Rome Statute and the ideals of the Charter of the United Nations, which among other things share the goal of ensuring respect for human dignity. My delegation would also like to take this opportunity to express its deep gratitude to the Office of the Prosecutor and the various organs of the Court for their unwavering commitment to ensuring accountability for those who commit extremely serious atrocity crimes.

As the report under consideration clearly outlined, the 2022–2023 period featured an exceptionally high

workload, with 227 hearings held and 534 decisions handed down by the various Chambers of the Court. The number of victims — 15,000 in total — participating in proceedings before the Court also testifies to the high volume of litigation during the period under review. It should be emphasized that the resurgence of armed conflicts around the world, marked by numerous violations, in particular of international humanitarian law, justifies the need to strengthen the International Criminal Court's role in order to preserve international peace and security. We have just celebrated the twenty-fifth anniversary of the adoption of the Rome Statute, whose aims include putting an end to impunity. However, a number of peoples in various parts of the world continue to face serious violations. It should also be noted that the current geopolitical tensions are doing little to ensure adequate accountability for those who commit mass atrocities.

The institutionalization of international criminal justice has been a source of great hope for all whose rights have been violated on a daily basis with complete impunity. Impunity for large-scale atrocities only emboldens their perpetrators and leaves victims with the impression that the international community is powerless to protect them. That is why restorative justice is so important. In addition to handing down a sentence, which of course is welcome, it seeks to put an end to victims' suffering by enabling them to return to a normal socioeconomic life. My delegation once again commends the achievements of the Trust Fund for Victims in many countries and thanks the States and the other public and private institutions that have contributed to it.

In view of the many challenges that the world has been dealing with in recent years, Senegal reaffirms its commitment to fighting impunity for the most serious crimes. In the light of that commitment, Senegal was the first country to ratify the founding Statute of the International Criminal Court on 2 February 1999. Despite its youth, the International Criminal Court is now a central institution and a cornerstone of international criminal justice. In order to maintain that position, it must always remain above its States parties' geopolitical interests, which is why it is essential to preserve its independence, integrity and impartiality. Furthermore, my delegation calls on the Security Council to fully play its role in preventing serious crimes in order to maintain international peace and security and in suppressing them, where appropriate. Under article 13, paragraph (b) of the Rome Statute,

the Security Council, acting under Chapter VII of the Charter of the United Nations, has the power to refer matters to the Prosecutor of the Court in order to open investigations of serious criminal acts, which is why it is so urgent that we further strengthen the collaboration between the Council and the Court.

My delegation firmly believes that the Court does not aim to replace the criminal courts of States parties and that the primary responsibility for investigating and prosecuting crimes falling within the jurisdiction of the International Criminal Court rests with States. That is why, based on the principle of complementarity, the backbone of the Rome Statute, my delegation calls for strengthening national judicial systems capable of prosecuting crimes that offend the conscience of the international community. In that regard, Senegal welcomes the fact that the Prosecutor of the Court has launched public consultations on a draft general policy on complementarity and cooperation. Senegal remains firmly convinced that the fight against impunity for crimes falling within the jurisdiction of the International Criminal Court requires greater emphasis on strengthening judicial cooperation among States parties. In that respect, the entry into force of 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, which should be submitted to States for signature next February, will facilitate the investigation and prosecution of those who commit serious crimes. Universal ratification of the Rome Statute would, of course, help to support the fight against the commission of atrocities and against impunity for their perpetrators.

In conclusion, my delegation urges all members to strengthen their ties through frank and constructive dialogue in the Assembly of States Parties.

Mrs. Chanda (Switzerland) (*spoke in French*): Twenty-five years ago, the adoption of the Rome Statute, the founding treaty of the International Criminal Court (ICC), marked a decisive step towards fulfilling the promise of “never again”. That crucial step sent a strong message that impunity for the perpetrators of the most serious crimes cannot be tolerated. Today the International Criminal Court is an essential part of the multilateral architecture that upholds the rule of law and thereby peace, security and respect for international law generally. That is why the Court deserves the unwavering support of the international community.

Switzerland would like to thank the President of the Court for his report (see A/78/322), which highlights the remarkable work that the Court is doing in every region of the world. Switzerland would like to take this opportunity to express its thanks to the Court and its staff, and to reiterate its full support to them. If the ICC is to carry out its mandate effectively, it must be strong, independent and impartial. We all have a role to play in that, and I would like to raise three points in that regard.

First, Switzerland strongly condemns the threats and measures that have been directed at Court officials simply for carrying out their mandate. We also condemn the recent cyberattack on the Court. Switzerland reiterates its unwavering support for the Court as an independent judicial institution and for the important work it undertakes. Switzerland calls for States’ full support in that regard, particularly when the Court is subject to significant external pressure.

Secondly, over and above the political support they can give to the Court and its mandate, States have a fundamental role to play in ensuring that the objectives of the Rome Statute can be achieved. As today’s report illustrates, States’ cooperation is fundamental to the success of the ICC’s activities, as it has no means of enforcement of its own. We therefore call on all States to respect their cooperation obligations under the Rome Statute, in particular by complying with requests for mutual assistance and arrest warrants ordered by the Court. Only their full cooperation can enable the Court to fulfil its mandate and ensure that justice is done for the victims of the most serious crimes. In that respect, we welcome the central role accorded to victims in ICC proceedings and the efforts made by the Court’s Trust Fund for Victims.

Thirdly, the Court must be able to count on a solid base for its Statute and on universal support. We therefore call on all States that have not yet done so to ratify the Rome Statute. In recent years, the Assembly of States Parties to the Rome Statute has adopted several amendments designed to strengthen it. Those efforts must continue. Unfortunately, acts of aggression continue to occur, and we must ensure that we have instruments in place to respond appropriately and establish responsibilities. We therefore need to harmonize the ICC’s jurisdictional rules so as to enable it to investigate the crime of aggression on the same basis as the other crimes covered under the Rome Statute.

Finally, we call on all States parties to ratify the amendments to the Statute that have already been adopted. Further ratifications can help to enhance the protection of victims and strengthen the Court's preventive role.

Combating impunity for atrocities, rendering justice for victims and contributing to sustainable peace are all shared objectives of the General Assembly, and the Court is an essential instrument for achieving them. The Court is a beacon of hope, and we can all play a part in realizing that hope for the benefit of victims.

Mr. Abesadze (Georgia): Georgia aligns itself with the statement delivered this morning by the observer of the European Union (see A/78/PV.21), and I would like to add some remarks in my national capacity.

At the outset, let me thank the President of the International Criminal Court (ICC), Judge Piotr Hofmański, for his presentation of the Court's annual report (see A/78/322), and commend him for his dedicated work.

We concur with the belief that the Court has a paramount role in upholding the rule of law and addressing the most serious crimes of concern to the international community. This year, as we mark the twenty-fifth anniversary of the Rome Statute, the ICC's role is as important as ever in the fight against impunity. In that spirit, I would like to reiterate that as a strong supporter of the ICC system and the values of the Rome Statute, Georgia contributes to strengthening the Court through institutional and budgetary means. Georgia also attaches significant importance to the upcoming election of six judges of the Court in December. It is crucial to ensure that the incoming judges have all the necessary expertise, institutional knowledge and dedication, especially in these tumultuous times, when the need for a reinvigorated fight against impunity is critical.

In 2016, Pre-Trial Chamber I granted the Prosecutor's request to open an investigation *proprio motu* into the situation in Georgia in relation to crimes against humanity and war crimes within the Court's jurisdiction in the context of an international armed conflict that occurred between 1 July and 10 October 2008. The situation in Georgia was the first case in which the ICC entered Europe's legal geography and launched an investigation into the complex international conflict between Russia and Georgia. In that regard, I want to reiterate that the Government of Georgia made

intensive efforts on a daily basis to match the increasing requirements of the investigation.

Georgia's cooperation with the ICC has had concrete and tangible results. In that regard, I would like to remind the Assembly that the Court concluded its investigation phase into the situation in Georgia in 2022, issuing arrest warrants for three individuals for war crimes committed during Russia's military aggression against Georgia in 2008. The investigation also uncovered the role of Vyacheslav Borisov, a major general in the armed forces of the Russian Federation at the time of the events who is believed to have intentionally contributed to committing some of those crimes and is now deceased. The ICC thereby confirmed the Russian Federation's responsibility for gross violations against ethnic Georgians in the context of its occupation of Georgia, such as unlawful confinement, torture, inhumane treatment, outrages upon personal dignity, hostage-taking and unlawful transfers. We have taken note that the Court's report mentions that with regard to the situation in Georgia, the ICC Prosecutor's Office focused its efforts on ensuring trial readiness in relation to existing warrants and on preserving witness evidence, and that the Office is also monitoring developments in the context of the tracking of suspects.

In the light of the ICC's important role in combating impunity, I want to underline that Georgia was among the States that supported referring the situation in Ukraine to the Prosecutor, and we look forward to seeing progress in that regard.

In addition to the ICC's arrest warrants regarding the situation in Georgia, I would also like to point to a landmark judgment in January 2021 of the European Court of Human Rights. The European Court unequivocally confirmed the fact of Russia's occupation and effective control of the Abkhazia and Tskhinvali regions of Georgia and Russia's responsibility for the heinous crimes against civilians and military personnel committed during its August 2008 war on Georgia and in the ongoing occupation. This year Georgia achieved another significant success in the case of *Mamasakhlisi and Others v. Georgia and Russia*. For the first time, the European Court held that Georgia's region of Abkhazia had been under the effective control of the Russian Federation since the 1990s, even before the war in August 2008, and stressed Russia's full responsibility for human rights violations in the occupied region.

In conclusion, the international community has a shared responsibility to maintain justice and prevent

impunity. Georgia reiterates its strong support for the Court and the Rome Statute system with a view to ensuring that justice is served for the victims of the most serious crimes of international concern.

Mrs. Abraham (Trinidad and Tobago): Trinidad and Tobago welcomes this opportunity to participate in the debate on agenda item 74, on the report of the International Criminal Court (ICC). We thank the Secretary-General for his reports (A/78/320 and A/78/321) and his note (A/78/322). I would also like to express my delegation's gratitude to the President of the International Criminal Court for his comprehensive, insightful and informative presentation of the annual report of the Court (see A/78/PV.21).

As we celebrate and recognize the twenty-fifth anniversary of the adoption of the Rome Statute, we must acknowledge the pioneering role in the establishment of the Court of the late Arthur N.R. Robinson, former President and Prime Minister of Trinidad and Tobago. In his address to the General Assembly at its fifteenth special session, in 1988 (see A/S-15/PV.5), the then Prime Minister reintroduced the idea of establishing a court with jurisdiction over international crimes, which reignited the global community's desire to work for the adoption of the Rome Statute. He was fervent in his belief that the Court would be hailed as one of humankind's greatest achievements.

The Court's attainment of the significant milestone of its twenty-fifth anniversary naturally motivates us to put the Court's institutional resilience in perspective, and we commend and applaud the Court for its work in that regard. The volatile and challenging environment of contemporary international relations underscores the utility of the Court in dispensing international justice. The mere fact that the summary of the activities of the ICC describes the reporting period as one of its most active since its establishment supports our belief that had the Court not been established, we would have had to invent it in order to ensure accountability for the increasing numbers of acts of impunity seen around the world.

Peace, prosperity, progress and sustainability can be achieved only where there is a steadfast commitment to justice and strong institutions. In that regard, Trinidad and Tobago continues to encourage all States that have not yet done so to ratify and fully implement the Rome Statute of the ICC. We also continue to urge States to cooperate with the ICC when necessary at all stages of investigations and proceedings, including in the issuing

of arrest warrants and the transfer of suspects to be tried by the Court.

We are pleased that the ICC has adopted its Strategic Plan and that of the Office of the Prosecutor for the 2023–2025 period, with the aim of enhancing the Court's functionality and promoting greater synergies. Furthermore, the Court's plan and ongoing efforts to achieve equitable geographical representation and gender balance through refined policies and recruitment processes are also welcome initiatives that we firmly believe can only serve to strengthen the mechanisms of the Court. In that context, we applaud the Court for its progressive, forward-looking launch in December 2022 of a comprehensive strategy on gender equality and workplace culture for the Court.

We acknowledge that the Trust Fund for Victims performs an indispensable and critical role in helping victims to return to a dignified life and to enjoy sustainable livelihoods within their communities. We therefore note that during the reporting period, the Trust Fund for Victims implemented Court-ordered reparations to victims in four cases and conducted other projects in several countries, benefiting close to 17,000 victims. We commend the States and other entities that have so generously contributed to the Trust Fund for Victims, and we encourage others that are in a position to do so to contribute accordingly.

I am pleased to confirm that Trinidad and Tobago has co-sponsored draft resolution A/78/L.6, on the report of the International Criminal Court. We look forward to the convening of the twenty-second session of the Assembly of States Parties to the Rome Statute, which will take place in New York in December to elect six judges to the Court and discuss concrete issues related to the Court's work.

In , I would like to leave the Assembly with the words of our late Prime Minister Arthur Robinson in an address to university students in 1969, prior to the establishment of the ICC. He stated,

“Make no mistake about it, the world today is on a collision course with its own inhumanity, and anything that rescues it from this course will have made the greatest contribution of our time”.

Those words are applicable today. I would therefore like to reaffirm Trinidad and Tobago's unwavering support for the International Criminal Court and its mandate

and our determination to continue to robustly advocate for the universalization of the Rome Statute.

Mr. Larsen (Australia): I thank President Hofmański for his briefing (see A/78/PV.21) on the important work of the International Criminal Court over the past year.

Twenty-five years ago, in the wake of the terrible atrocities committed in the former Yugoslavia and Rwanda, States came together to create the first permanent international criminal court. Since then the Court has become a vital part of the international community's efforts to seek accountability for serious international crimes. That is why Australia was pleased to sponsor today's draft resolution (A/78/L.6). We welcome the continued cooperation between the Court and the United Nations towards our shared goal of peace and security. Australia remains a steadfast supporter of the Court, its staff and those who serve on its bench, and we are committed to safeguarding the Court's integrity and independence. It has never been more important to do that, in the face of the threats we are seeing to the Court and its officials and to civil society and all who cooperate with it. The recent cyberattack on the Court is yet another example of the threats it is confronting — and one that we unequivocally condemn. As we all know, no efforts to hinder the work of the Court will deter the international community's commitment to justice and accountability and to the important role that the Court has to play.

Accountability begins at home, and the Court's work is complementary to our own national efforts. Australia has demonstrated that it is committed to practising what it preaches in taking national action, and we encourage all States to do the same. As the Assembly of States Parties' co-focal point on complementarity since 2017, Australia reiterates that this principle is crucial to the Court's success in achieving its core mandate as a court of last resort in investigating and prosecuting serious international crimes. It is the victims and survivors who stand at the heart of all efforts in pursuit of truth, justice and accountability. That fact is reflected in the more than 15,000 victims who participated in cases before the Court in the past year and in the nearly 17,000 individuals who have directly benefited from Court-ordered reparations. We commend the Trust Fund for Victims for its important work in that regard and similarly support the Court's survivor-centred approach to accountability for sexual and gender-based crimes.

We commend the work of the Court over the past year, particularly at a time when its workload has increased along with attempts to interfere with its operations and staff. We are concerned about the fact that there are now arrest warrants outstanding for 16 individuals, and we encourage States to provide the necessary cooperation to the Court to ensure that those cases can be heard. Australia also encourages the Security Council to do more to support the Court's implementation of mandates derived from Security Council referrals. That may include addressing incidents of non-cooperation with the Court or non-enforcement of its arrest warrants.

I feel compelled to reiterate Australia's full support for the draft resolution on this agenda item today. The annual resolution has a long history of being adopted by consensus as a reflection of the international community's support for the common mission of the Court and the United Nations, shared for the promotion and preservation of international peace and security. We hope that consensus will be maintained this year, and if not, we encourage all States to join us in supporting the draft resolution to that end. Now more than ever, we need to stand by the rules, norms and institutions that prioritize the peaceful settlement of disputes and deter the commission of the atrocity crimes that undermine all three pillars of the United Nations.

Finally, it is only through the universality of the Rome Statute that the Court can truly deliver on its mandate. We call on States that have not yet done so to join the Statute. At a time when the rules-based order itself is under threat, we must continue to support the Court's role in fighting impunity. We welcome continued support from the United Nations for the International Criminal Court so that together we can continue our pursuit of justice, accountability and peace and security.

Mr. Lagdameo (Philippines): The Philippines thanks the President of the Court for his presentation of the report (see A/78/322) of the International Criminal Court (ICC) (see A/78/PV.21)

The report contains references to the Philippines under the update on judicial and prosecutorial activities in relation to crimes under the jurisdiction of the Court allegedly committed on the territory of the Philippines. The Philippines finds deeply regrettable the decision of the Appeals Chamber, which upheld the Pre-Trial Chamber's decision on a resumption of the investigation

of the situation in the Philippines by the Prosecutor of the Court. By a three-to-two split decision, the Appeals Chamber confirmed Pre-Trial Chamber I's impugned decision of 26 January 2023 entitled "Authorization pursuant to article 18 (2) of the Statute to resume the investigation", and in effect refused to recognize the Philippine Government's primary and sovereign right to investigate serious crimes, in derogation of the complementarity principle so fundamental to the working of the international criminal justice system of which the ICC is part.

Long after the Philippines ceased to be a State party to the Rome Statute, the Philippine Government chose to submit data to the Office of the Prosecutor, and later to the Pre-Trial Chamber, not out of any legal obligation but purely on the basis of comity consonant with its assertion of sovereignty. Its submissions bear out the internal investigation and prosecution activities undertaken so far by the Government in connection with its anti-illegal drugs campaign. But as the Chamber's minority — which included the presiding Judge, no less — correctly pointed out, the issue of jurisdiction was properly raised before the Appeals Chamber because the Pre-Trial Chamber's finding on jurisdiction is an integral part of the impugned decision. The established principle of international law dictates that the Court must satisfy itself of its own jurisdiction and that the power to determine its own jurisdiction exists regardless of whether the Court is called on to exercise that power or not. The minority also pointed out that the Rome Statute is a treaty and that it is a fundamental right of States to decide whether they want to be bound by a treaty or not. It therefore found that the Philippines' withdrawal, before the Court's authorization was requested and secured, was a valid exercise of a State's prerogative that divested the Court of jurisdiction.

The majority decision does not alter the fact that the Philippines, through its various national and local agencies, remains fully committed to the internal investigation and prosecution of allegations connected to the anti-illegal drugs campaign. The Philippine Government is not deterred by the decision. After all, it bears recalling that the Rome Statute was a product of deliberate and protracted negotiations among States in pursuit of a way to end impunity for the perpetrators of the most serious crimes of concern to the international community as a whole. In recognizing their duty to investigate and prosecute such serious crimes, States were willing to relinquish aspects of their sovereign

rights in support of a permanent and unified judicial arrangement—one that complements their own domestic systems and operates within a framework that contains carefully designed checks and balances. The Court cannot and should not operate outside that carefully designed system. It cannot overstretch its jurisdiction, nor can it unreasonably and unnecessarily exert its dominance over a State's primary right to investigate and prosecute serious crimes. That does not serve the prosperity of the Court and, more fundamentally, it erodes its contribution to global justice.

The decision of the Pre-Trial Chamber to authorize a resumption of the Prosecution's investigation in the situation in the Philippines fails to adhere to those principles. Rather than sharing the burden of investigating and prosecuting serious crimes — a burden carried by States parties and non-parties alike — it sought to impose obligations on the Philippine Government outside its statutory framework. Again, all of that is despite the fact that the Philippines has openly recognized its responsibility to investigate and prosecute crimes that occurred in connection to the anti-illegal drugs campaign and has continued to willingly engage with the Court following our country's withdrawal, which took effect on 17 March 2019. Notwithstanding our withdrawal from the Rome Statute, which was based on a principled stand against those who politicize human rights, the Philippines affirms its commitment to fighting impunity for atrocity crimes. We have national legislation punishing such crimes and a functioning criminal justice system that is able and willing to investigate and prosecute crimes committed in the war on drugs.

I would like to emphasize that the Philippines is resolutely committed to the principles of human rights, justice and accountability. We actively seek constructive, balanced dialogue with the international community, focused on collaborative efforts towards those shared goals, and always in a manner that respects the sovereignty and the primary jurisdiction of States, through their national legal systems, to end impunity for the most serious crimes of concern to humankind as a whole.

Mr. Tun (Myanmar): At the outset, I would like to thank the Secretary-General for his reports (A/78/320 and A/78/321). I would also like to express my gratitude to the President of the International Criminal Court (ICC) for his statement (see A/78/PV.21) and for presenting the comprehensive report of the Court (see A/78/322).

We firmly believe that through its introduction of innovative tools and strategies, the Court has actively strived to effectively address its substantial workload, covering a wide spectrum of activities, including investigations, pre-trial procedures, trials, appeals and the establishment of reparations programmes for victims across diverse situations. Myanmar recognizes the value of the Court as the first permanent tribunal conceived to fight impunity for the most serious crimes under international law. The Court is an important instrument for justice and peace. Accordingly, my delegation wants to reiterate Myanmar's support for the extension of relations between the United Nations and the ICC, based on respect for each other's status and mandate, and with the aim of promoting the effective discharge of both organizations' respective responsibilities in a mutually beneficial manner. As we perceive the role of the Court as vital to achieving justice and sustainable peace, we would like to emphasize the continued mainstreaming of the ICC in the United Nations system.

We have taken note of the report of the ICC and its update on its investigative activities regarding the case related to the situation in Bangladesh and Myanmar. We appreciate the Court's ongoing commitment to the case. In that regard, I would like to remind the Assembly that on 17 July 2021, Myanmar submitted an article 12 (3) declaration to the Registrar of the ICC, acknowledging the Court's jurisdiction over crimes committed on our territory since 1 July 2002. Through that declaration, the people of Myanmar have high hopes that the Court will open a preliminary examination or expand the scope of its current investigation. The people of Myanmar are in urgent need of meaningful international accountability for the ongoing serious international crimes committed by the military junta, and their hopes should be met with timely and effective actions on the part of the Court. I say that because following the unlawful military coup in Myanmar in February 2021, the junta initiated a brutal campaign of violence against the entire population of the country. In the face of the people's steadfast opposition, the inhumane military junta has persisted in its atrocities against the civilian population, seeking to suppress their resistance. It has been committing those atrocities for decades against minorities in Myanmar, including the Rohingya, and the perpetrators of those acts must be brought to justice.

So far the military junta has murdered more than 4,100 civilians since the illegal coup began, and approximately 1.7 million people have been forced out of their homes due to the military's indiscriminate attacks on the civilian population. The total number of internally displaced persons now stands at nearly 2 million. The military has burned down or destroyed approximately 82,000 properties belonging to civilians, and military forces have committed numerous massacres across the country. Besides that, the illegal military coup has destroyed the rule of law and the domestic justice system in the country.

The United Nations Independent Investigative Mechanism for Myanmar has stated that it receives new reports almost daily of alleged war crimes and crimes against humanity committed in Myanmar. There is strong evidence indicating that serious international crimes are being committed against the people of Myanmar, as well as crimes against humanity, including rape in detention, among other crimes. We are encouraged by a point that the Mechanism has made clear, which is that the evidence it is collecting and preserving is to be used to facilitate justice. It is crystal clear that the ball is in the ICC's court. What is it waiting for — more deaths and casualties? We the people have high hopes and expectations of the ICC's ability to take effective and timely action to save the lives of the people of Myanmar by working decisively, through new and innovative thinking, on ways to end the impunity in Myanmar and bring justice to our people. At the same time, as the United Nations High Commissioner for Human Rights has urged numerous times, we have repeatedly appealed to the Security Council to refer the crimes of the military junta to the ICC.

The establishment of the ICC and the enactment of its founding charter, the Rome Statute, are based on the goal of eliminating grave international crimes. In pursuit of that noble ambition, the ICC has made significant achievements in delivering justice for victims and to some extent holding perpetrators accountable. Unfortunately, that has not been the case for the people of Myanmar. I want to stress that the people of Myanmar are also entitled to international legal protection and to being spared from atrocities. I appeal to the ICC not to fail the people of Myanmar.

In conclusion, the National Unity Government of Myanmar is dedicated to upholding accountability and ending the culture of impunity for all human rights violations. We remain steadfast in our efforts to shed

light on the grave offences being perpetrated by the military junta. We therefore look forward to working closely with the ICC and other interested countries and organizations with a view to holding the perpetrators of the military junta accountable. Together we can end the culture of impunity enjoyed by the military junta and save the lives of the people of Myanmar. The most important thing is for the international community, including the Security Council and the ICC, to take decisive action now.

Mr. Konfourou (Mali) (*spoke in French*): The delegation of Mali associates itself with the statement made by the representative of Uganda on behalf of the Group of African States parties to the Rome Statute of the International Criminal Court (ICC) (see A/78/PV.21).

I take note of the report of the International Criminal Court (see A/78/322), particularly the sections that have to do with my country, Mali. As the Assembly knows, Mali ratified the Rome Statute on 16 August 2000. Almost two years after that, on 1 July 2002, it accepted the jurisdiction of the Court. Since then, in line with its ongoing quest for universal justice and its firm resolve to combat impunity, the Government of Mali has sought to work in close cooperation with the International Criminal Court. Mali and the ICC signed the Agreement on Privileges and Immunities of the International Criminal Court in 2004 and the Agreement on Enforcement of Sentences in 2012. In complying with the agreements, Mali provides assistance to the ICC in the areas of investigations, prosecutions and victim and witness protection, and allows those sentenced by the Court to serve their sentences in its correctional facilities.

Furthermore, in 2014, Mali agreed to the establishment of an ICC country office in Bamako. I should not omit to mention here that Malian judicial staff and senior management participate in the Court's activities and Court officials make regular visits to Mali. I am also aware of Malian civil society's work in support of the ICC, exemplified by its establishment of the Malian Coalition for the International Criminal Court in support of the Court's work.

In the context of that multifaceted cooperation, the Government of Mali was obliged to seize the Court of two cases related to the destruction of historical and cultural monuments, including the mausoleums of Timbuktu, which were on the UNESCO World Heritage list. Members will recall that in June and

July 2012, during the occupation of northern Mali by armed groups, several mausoleums and the sacred gate of the Sidi Yahia Mosque were completely destroyed, to the great distress of Malians and many others, regionally and internationally. In response to Mali's referral, the ICC opened an inquiry into war crimes. On 27 September 2016, Ahmad Al Faqi Al Mahdi was found guilty, sentenced to nine years in prison and required to pay €2.7 million in restitution to the victims, including the community of Timbuktu in particular and the population of Mali in general. I welcomed that exemplary sentence handed down by the Court, which sent a strong message to criminals and extremists that impunity will not prevail.

The second case that Mali has referred to the Court is *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*. The defendant is accused of crimes against humanity and war crimes in Timbuktu, specifically the destruction of mausoleums, torture, rape, sexual slavery, persecution of the population of Timbuktu for religious and gender-based reasons and other inhumane acts. We very much look forward to seeing developments in the proceedings. A ruling is being considered.

I would like to underscore the exceptional commitment of the Trust Fund for Victims to providing individual restitution to 1,500 victims of the attacks on religious and cultural buildings in Timbuktu, our pearl in the desert. I also welcome the cooperation between the Trust Fund and UNESCO, which in 2002 helped to start the process of collective restitution for restoring Timbuktu's cultural heritage, in particular by organizing a commemorative event to recognize the moral harm done to the people of the city and the construction of a socioeconomic centre to mitigate the economic impact caused by the destruction of their cultural heritage. In that regard, I would like to express the gratitude of the Government and the people of Mali to our partners, in particular Canada and Norway, for their support. I urge all States parties to further support the Fund in its unique, central and crucial role in developing reparatory justice and international criminal law.

Mali congratulates the Court on its twenty-fifth anniversary, which comes at a time when international peace and security are being severely undermined, as is trust between Member States and the international institutions that govern the world. We need justice now more than ever to ensure social peace in our country and internationally. That means that national and international courts have an extremely important role to

play in promoting lasting stability and cohesion in our countries. If we are to achieve that, it is crucial that our judicial systems, both nationally and internationally, respect the fundamental legal principles of impartiality, independence and transparency. Similarly, cooperation and complementarity between the Court and the States parties are absolutely imperative in order to strengthen the capacity of national legal institutions in compliance with the Rome Statute, which remains a subsidiary jurisdiction and of last resort. For its part, Mali has adopted a new penal code, which has been expanded to include crimes related to slavery and terrorism while increasing the punishment for certain crimes.

Mr. Mukongo (Democratic Republic of the Congo) (*spoke in French*): As this is the first time I am personally taking the floor during a plenary meeting of the General Assembly at its current session, I would like to reiterate my delegation's congratulations to the President of the General Assembly, His Excellency Mr. Dennis Francis, and all the members of the General Committee, on their election to the presidency of the Assembly at its seventy-eighth session and reassure them of my delegation's support to ensure the success of their term.

My delegation aligns itself with the statement delivered this morning by the representative of Uganda on behalf of the African States parties to the Rome Statute of the International Criminal Court (ICC) (see A/78/PV.21).

Let me also to take this opportunity to commend Judge Piotr Hofmański, President of the ICC, on the Court's report on its activities (see A/78/322), of 21 August 2023, for the period from 2022 to 2023, and the Secretary-General on his report (A/78/321) on the expenses incurred and reimbursement received by the United Nations in connection with assistance provided to the International Criminal Court. I am also delighted to note that, on 10 February, the judges of the Court elected by secret ballot and by an absolute majority Mr. Osvaldo Zavala Giler, a long-standing friend and familiar face at the ICC, to the post of Registrar for a period of five years. He can count on my delegation's ongoing support in carrying out his mandate in that important post.

The proceedings in the cases related to the situation in the Democratic Republic of the Congo, brought before the International Criminal Court shortly after its establishment, have almost all entered their executory phase and are now culminating in reparations for the

victims. My delegation is extremely grateful to the Court and the Office of the Prosecutor.

However, while we had hoped that those proceedings would be the last of their kind, my country continues to face the unrelenting and sad reality of the barbaric armed aggression led by the Rwandan armed forces and their supporters from the terrorist group known as the Mouvement du 23 mars, who are sowing death and desolation in the Congolese province of North Kivu, running roughshod over the peace initiatives adopted by the leaders of the region within the framework of the Luanda and Nairobi peace processes. That is the reason for the second referral that my Government submitted to the Prosecutor of the International Criminal Court on 18 May, concerning crimes referred to in the Statute that have been committed in the province of North Kivu since 1 January 2022. I take this opportunity to ask the Office of the Prosecutor to urgently open a new investigation in order to prevent those unrepentant and egregious repeat offenders from doing further harm.

In all circumstances, wars and all forms of violence, which deny the dignity and sanctity of human life, must not only be banned, but also severely punished, which must define the work of the International Criminal Court. Those who have suffered from war in the Democratic Republic of the Congo understand that reality. We should also understand that reality, as it concerns us all, and cooperation with the International Criminal Court must be the cornerstone of such understanding.

My delegation welcomes the recent investigations opened by the Office of the Prosecutor in other parts of the world and calls on it to redouble its efforts to bring them to a successful conclusion so that the Court avoids the criticism of being selective and having politicized its activities. My delegation welcomes the vital support and cooperation of United Nations bodies and of the senior leadership of the Organization, from which the Court has continued to benefit, in accordance with the 2004 Relationship Agreement between the United Nations and the International Criminal Court, and calls on the two organizations to continue their constructive collaboration with the continuous support of the liaison office of the International Criminal Court, in New York. Its important role is evident. With regard to cooperation between the Court and States, we recall that the Democratic Republic of the Congo was the very first State party to develop meaningful cooperation efforts with the ICC. My country's cooperation efforts make it an undeniable model for cooperation with the Court.

My country has seen first-hand the indispensable role that justice can play as a factor in creating social harmony, national reconciliation, peace, security and stability. We have come to understand that respect for the rule of law and human rights cannot prevail in a society when the perpetrators of the crimes committed do not have to worry about consequences. Similarly, peacebuilding is inconceivable in a society plagued by impunity. In that regard, given the scale of the crimes committed, the International Criminal Court can play only a complementary role, as stipulated by the Rome Statute. That is why, at the national level, discussions are under way with a view to facilitating the establishment of a special criminal court or, at the domestic level, mixed chambers within the ordinary courts of the judicial system, as an alternative means of combating impunity.

Furthermore, with regard to the normative framework, the framework law setting forth the fundamental principles for the protection of and reparations for victims of conflict-related sexual violence and victims of crimes affecting the peace and security of humankind, was promulgated by our President on 26 December 2022. It is also imperative to note the establishment, through decree no. 22/38 of 6 December 2022, of an institutional framework for victims and reparations, known as FONAREV, which was made a reality with the appointment of its coordinators and the creation of an inter-institutional committee for victim support and reform, an institutional mechanism that translates the Government's response to the scourge of sexual violence.

In conclusion, the Government of the Democratic Republic of the Congo is resolutely committed to making the necessary reforms to prevent the recurrence of crimes and human rights violations.

Mr. Rae (Canada): It is a privilege to take part in this very important annual discussion to reflect on the International Criminal Court's (ICC) achievements. This year, our discussion takes place as we mark 25 years since the adoption of the Rome Statute. Those 25 years testify to the role of the Court as a pillar of global justice and a key institution that underpins the rules-based international order.

On a personal basis, it has been a pleasure for me to serve as the head of the New York working group over the last three years. My term will be up in December, when my successor will be chosen at our meeting here in New York. There we will also be electing new judges

and electing a new Executive. It has been a pleasure to serve with my colleagues, Ms. Kateřina Sequeñsová of Czechia and Ms. Silvia Fernández de Gurmendi of Argentina. Ms. Fernández de Gurmendi has been a wonderful President of the Assembly of States Parties, and she has done an outstanding job. I look forward very much to working with her in the future. I would also like to thank Mr. Piotr Hofmański for his outstanding job in his role as the President of the Court. His retirement this year is a product of many, many years of service, not only to the Court but also to the cause of international justice. It has been an honour to serve with him and to get to know him, and I appreciate the friendship that he has always shown to me.

Even as we celebrate the occasion of the Court's twenty-fifth anniversary, we have to understand that the Court — and President Hofmański personally — are now subject to persistent and reprehensible threats, including recent and serious ongoing breaches of the Court's cybersecurity. In apparent retaliation for the Court's work on the situation in Ukraine, the Prosecutor and pre-trial judges have been subjected to criminal proceedings, and arrest warrants have been issued against the President and other judges of the Court. This is — speaking candidly with all members — simply outrageous. We call on all States, whether they are signatories to the Rome Statute or not, to respect the independence of the Court in the fulfilment of its mandate, which is to bring perpetrators of the most serious international crimes to justice. While last year we said that the Court was busier than ever (see A/77/PV.22), this year, as President Hofmański presented this morning (see A/78/PV.21), the Court's activities have continued to expand. In thanking President Hofmański, I think what we need to do is make sure that the Court has the resources it needs on an ongoing basis to do the job that needs to be done.

We also welcome the newly elected Registrar, Mr. Osvaldo Zavala Giler, succeeding the former Registrar, Mr. Peter Lewis, whom we thank once again for his dedicated work. Mr. Giler has taken on the all-important task of steering the Court effectively and efficiently in the right direction in the most difficult of circumstances. He cannot bear alone the task of continuous improvement of the Court.

We are very pleased with the concurrent adoption of the four strategic plans of the Court and its organs for 2023–2025. This will allow for greater synergies, while preserving judicial and prosecutorial independence.

We particularly appreciate the new work on gender equality and workplace culture, and the new Office of the Prosecutor's policy paper on the crime of gender persecution. We think these are two exceptionally important initiatives that the Court is undertaking. We want to see these being put into action.

Significant developments in the Court's trials include the Appeals Chamber's confirmation of Dominic Ongwen's convictions and his 25-year sentence for crimes against humanity and war crimes. With that case now moving to the reparations stage, we hope that it will help bring justice and healing to the survivors.

The progress of the Ali Kushayb trial is also notable and presents a positive contrast to the current horrific hostilities in the Sudan. To sustain and expand international focus on the situation in Darfur, we were pleased to host, together with the United Kingdom, Norway, the Gambia and the United States, a high-level week event for collective action and justice in the Sudan. After having heard the panellists' experiences, including those of Sudanese civil society representatives, we took the opportunity to commend the office of the Prosecutor for opening investigations into the present conflict and for its particular focus on sexual and gender-based violence.

We observed the Prosecutor's presence in Cox's Bazar, Bangladesh, and at the Rafah gate. We fully respect the independence of the Prosecutor and the Court, and we have no intention of commenting on the work that he is doing, other than to say that he has our full support.

Critical to the Court's fulfilment of its mandate, we reaffirm the importance of cooperation with respect to ongoing investigations and the 16 outstanding arrest warrants. We reiterate our call on States to this end. In this context, we take note of the Prosecutor's request to hold the hearing on the confirmation of charges against Joseph Kony in absentia, and we await the Court's decision.

With regard to the situation in Ukraine, which Canada referred to the Court alongside other ICC States parties, Canada has welcomed the independent decision of the Prosecutor of the Court to issue arrest warrants against President Putin and Commissioner Lvova-Belova for alleged war crimes of unlawful deportation and unlawful transfer of children from Ukraine to Russia.

This year again, victims' participation in cases brought before the Court has increased. More than 15,000

victims have been registered, further cementing the Court's legacy of providing for participation by victims in judicial proceedings. We are equally encouraged by the rising support for the Trust Fund for Victims, given that its work will intensify in 2024 with the upcoming reparations orders in the cases of *The Prosecutor v. Bosco Ntaganda* and *The Prosecutor v. Dominic Ongwen*. Indeed, the contributions received, which are instrumental to enabling justice for victims and survivors, amount to a 38 per cent increase from the last reporting period. This includes Canada's multi-year contribution of \$4 million to support the Trust Fund's efforts in Mali.

(spoke in French)

I greatly appreciated the remarks of my colleague, the Ambassador of Mali, who made a positive comment on the work of the Court on that front.

The Court's various efforts in the field are essential to bring justice closer to the victims. To that end, we appreciate the steps taken by the Court to open new country offices. We also welcome the continued cooperation of the United Nations. That remains invaluable to the Court's operations, which often take place in very difficult contexts. We echo the Court's key observation that collaboration with the Security Council could be strengthened, to the benefit of all, especially those who cannot access the Court's protection. At the same time, we recognize that there are difficulties — if any here were indeed unaware — with the Security Council's ability to respond to these situations, and of course the existence of the veto complicates matters.

Another way to enhance the Court's delivery of justice is through the universalization and full national implementation of the Rome Statute. We welcome the Court's efforts in that regard over the past year, including through its engagement with civil society, whose efforts in raising awareness on the work of the Court are equally important.

We warmly commend Armenia's decision to accede to the Rome Statute, which will contribute to strengthening the international criminal justice framework. We continue to encourage those States who have not yet done so to ratify the Rome Statute.

(spoke in English)

Reflecting on the robust cooperation — truly a miraculous story — that animated the international community in 1998 and led to the signing of the Rome Statute, we believe that this spirit of cooperation is even

more important today than it was 25 years ago. An independent and empowered Court, the integrity of which is preserved, is key to delivering justice and accountability, in cooperation with nation States and in full observation of the principles of complementarity, which are integral to the Statute and integral to the work of the Court. I can assure members that Canada will continue to stand firmly by and with the International Criminal Court.

Mr. Hollis (United Kingdom): The United Kingdom thanks the International Criminal Court (ICC) for its annual report to the United Nations (see A/78/322), as well as President Hofmański for his presentation earlier today (see A/78/PV.21), and congratulates Mr. Osvaldo Zavala Giler on his election as Registrar.

The United Kingdom is pleased that the Court has been able to deliver its mandate this year and has shown resilience in the face of the cyberattack and Russia's attempted intimidation of Court principals and officials. We stand with other State parties in rejecting those unacceptable attempts to interfere with the Court's independence and impartiality and to undermine its vital role in ensuring accountability for the gravest crimes.

We commend the Court's tireless efforts to fulfil its mandate and achievements in spite of the challenges, including the ongoing investigation into the situation in Ukraine and the conviction of Dominic Ongwen. We applaud the continued efforts of the Trust Fund for Victims to realize the right to reparations for victims. The number of victims who have participated in proceedings of the Court in the reporting period has been very impressive. Victims are crucial to the ICC's work, and their interests should be taken into account at all stages of proceedings.

Ensuring accountability for the most serious crimes of international concern is a fundamental element of the United Kingdom's foreign policy. Accountability is an important factor in ensuring and maintaining sustainable peace. The ICC has a crucial role to play in pursuing accountability.

Supporting the ICC demonstrates a commitment to upholding human rights and international humanitarian law on a global scale. The United Kingdom urges all States parties to continue to support Prosecutor Khan in his endeavours to ensure that the most egregious crimes

are met with justice and the rights of victims are upheld. We welcome his stated wish to work closely with States and to form partnerships with national authorities in line with the principle of complementarity. We should not lose sight of the fact that the prime responsibility for prosecuting such crimes lies with States.

International cooperation is vital in ensuring the ICC can carry out its mandate in full, while recognizing and respecting its independence. The United Kingdom remains committed to continuing to support the Court, as reflected in its practical support, including witness protection, secondments of staff, sentence enforcement and police liaison officers for each of the situations the Court is investigating. We will continue our steadfast support for the Court, its officials, the upholding of international law and the rights of victims to see justice done. The United Kingdom maintains its enduring commitment to strengthening the Court and has been a supporter of the necessary reforms to enable the Court to address the range of challenges it faces efficiently and effectively. We welcome the work of States parties and the Court in assessing the recommendations and the work that has gone on to implement some of the fundamental changes that are required.

This year marks the twenty-fifth anniversary of the adoption of the Rome Statute. Since its establishment, the ICC has been instrumental in the global pursuit of justice by holding perpetrators to account and empowering victims to seek redress. In doing so, it has sent the powerful message that impunity for mass atrocities will not be tolerated. The United Kingdom remains committed to supporting the Court and its independence. And we call upon States to continue to cooperate with the Court in its mission to deliver that important mandate.

With that in mind and in conclusion, we encourage all States to give their full support to draft resolution A/78/L.6 presented by the Netherlands earlier today.

The Acting President: We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining speakers, followed by action on draft resolution A/78/L.6, on Wednesday, 1 November, at 3 p.m. in this Hall.

The meeting rose at 6.05 p.m.