



Statement on behalf of the European Union and its Member States

By

**H.E. Mr. João Vale de Almeida
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at the General Assembly

**on
Agenda Item 72
"The Report of the International Criminal Court"**

United Nations

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- CHECK AGAINST DELIVERY -

Mr. President,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries Turkey, the former Yugoslav Republic of Macedonia, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine, the Republic of Moldova, Armenia, Azerbaijan and Georgia, align themselves with this statement.*

We would like to thank President Fernández de Gurmendi for her presence in New York and for her comprehensive presentation. We also thank the International Criminal Court (ICC) for its annual report to the United Nations, covering the period from 1 August 2015 to 31 July 2016, detailing what is described as a particularly busy year for the ICC.

The EU and its Member States consider the fight against impunity for the most serious crimes is critical to ensure a fair and just society, by holding the perpetrators accountable and ensuring justice for victims. We also consider that peace and justice are complementary and not mutually exclusive.

We are strong supporters of the International Criminal Court which is a key institution to assist victims in achieving justice when confronted with the most serious crimes, where that is not possible at the national level. All perpetrators of such crimes must be held accountable for their actions: a key element in the Rome Statute is its equal application. In this respect, creation of the ICC has given millions of victims of atrocity crimes new hope that justice will be done. States from all over the world have joined efforts to make this possible. Our strong policy in this respect has a firm institutional foundation in European Union legislation that is adjusted to the evolving activity of the Court.

The European Union and its Member States therefore regret the decisions by the Republic of South Africa and Burundi to withdraw from the Rome Statute. We equally note with concern that Gambia have announced their intention to withdraw from the Rome Statute. We join H.E. Sidiki Kaba, President of the Assembly of the States Parties, in inviting these States to reconsider their position. What was right in 1998 is still right: the world needs the ICC, and the ICC needs all countries to support it.

We would like to continue our engagement with these countries and all other partners on how we can all remain constructive partners in furthering the important work of the International Criminal Court.

Primary responsibility for bringing offenders to justice lies with States themselves. Complementarity is a core principle of the Rome Statute: in order to make it operational, all

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

States Parties need to prepare and adopt effective national legislation to implement the Rome Statute in national systems. Through various assistance instruments and projects, we support initiatives focusing on encouraging States to cooperate in the fight against impunity for atrocity crimes, including through improved ways for mutual legal assistance.

Mr. President,

With twenty-three cases in ten situations at different stages of the proceedings, eleven situations under preliminary examinations and one new investigation by the Prosecutor, the ICC is, this year again, facing an increasing workload. It is worth noting that the ICC is now conducting preliminary examinations and situation investigations in most regions of the world - that is in Latin America, in Asia, in Africa and in Europe. The International Criminal Court remains the hope for justice and accountability in situations which would otherwise be hopeless. A number of States have demonstrated their trust in this hope by submitting situations to the ICC. We note the important judicial developments in fulfilling the Court's mandate, as reflected in this year's report. In the context of this increasing workload for the ICC, we underline the importance of the Court's efficient and effective functioning.

Mr. President,

The universality of the Rome Statute, which continues to be one of the main challenges faced by the ICC, is essential for ensuring accountability for the most serious crimes of concern to the International Community. We will continue to work tirelessly to make the Rome Statute truly universal.

On 3 March this year, El Salvador deposited its instrument of accession to the Rome Statute. We hope that El Salvador's decision will bolster ratification processes elsewhere in the world. We also note that the threshold of thirty ratifications of the crime of aggression amendments, as provided by in Resolution RC/Res.6 of 11 June 2010, has been met this year.

During the reporting period, the EU continued to engage in promoting the universality of the Rome Statute and the Agreement on Privileges and Immunities, as well as in promoting a better understanding of the Court's mandate.

Mr. President,

Another fundamental challenge remains the need to ensure cooperation with the ICC, by States Parties to the Rome Statute and in accordance with Security Council resolutions referring situation to the Court.

We note with concern instances of non-cooperation, including those referred to the UN Security Council. We welcome the response of the President of the Security Council in December, that decisions of the Court concerning non-cooperation were brought to the attention of the members of the Council. We encourage the Council to find ways to improve

implementation of obligations created by its two referrals, concerning the situations in Darfur and in Libya.

Non-cooperation with the Court stifles the ICC's capacity to deliver justice. We call upon all States to take consistent actions to encourage appropriate and full cooperation with the Court, including the prompt execution of arrest warrants. We also reiterate the crucial importance of all States refraining from helping to shelter or hide perpetrators of the most serious crimes and taking the necessary steps to bring those perpetrators to justice to end impunity.

Mr. President,

We welcome actions by States, international organisations and civil society to increase their cooperation with, and assistance to, the ICC. We particularly praise the on-going cooperation of the UN with the Court, at the headquarters, at the level of UN specialized institutions and at the field missions level, which is detailed in the report. Our common goal continues to be the same: to further strengthen the Court to fulfil its mandate effectively. There are States Parties to the ICC throughout the world, and all States Parties share ownership of the Statute. We will continue to encourage the widest possible participation in the Rome Statute, support the independence of the Court, and promote cooperation with the Court.

I thank you.