



General Assembly

Seventy-fifth session

18th plenary meeting
Monday, 2 November 2020, 10 a.m.
New York

Official Records

President: Mr. Bozkir (Turkey)

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

Agenda item 145 (continued)

Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 26 October 2020 from the Secretary-General addressed to the President of the General Assembly (A/75/344/Add.1)

The President: Before proceeding to the item on our agenda, I would like, in keeping with established practice, to draw the attention of the General Assembly to document A/75/344/Add.1, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communication contained in document A/75/344, the Bolivarian Republic of Venezuela has made the payment necessary to reduce its arrears below the amount specified in Article 19 of the Charter of the United Nations.

May I take it that the General Assembly takes note of the information contained in this document?

It was so decided.

Agenda item 75

Report of the International Criminal Court

Note by the Secretary-General (A/75/324 and A/75/324/Corr.1)

Reports of the Secretary-General (A/75/321 and A/75/323)

Draft resolution (A/75/L.5)

The President: In 1998, the Rome Statute, which established the International Criminal Court (ICC), demonstrated the commitment of the international community to ending impunity for the most serious crimes of concern. In seeking to guarantee lasting respect for international justice and its enforcement, the signatories pledged that the most serious crimes would not go unpunished and recognized that such grave crimes threaten the peace, security and well-being of the world.

By fulfilling its mandate, the Court contributes to the promotion of peace and security, human rights and sustainable development for everyone, everywhere. In order for the Court to fulfil its mission effectively, it is critical to ensure the cooperation of all States with the Court, as provided for in the Rome Statute. The General Assembly, through its annual resolution on the ICC, continues to call for an end to impunity and for the prevention of atrocity crimes, while recognizing the International Criminal Court as an independent permanent judicial institution.

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

20-29469 (E)



Accessible document

Please recycle



Today's debate on the annual report of the Court (see A/75/324 and A/75/324/Corr.1), submitted in accordance with article 6 of the 2004 Relationship Agreement between the United Nations and the International Criminal Court, provides us with an opportunity to gain insights into the work of the Court and to recommit to our shared vision of a better world. During the reporting period, more than 11,000 victims participated in cases before the Court, despite the logistical impediments caused by the coronavirus disease pandemic. I commend the President of the Court for his leadership and swift action in successfully implementing new remote working arrangements that ensured the continuity of operations ahead of the gradual reopening of the ICC Headquarters in June. Moreover, I thank all the individuals who serve in The Hague and in offices around the world for working every day to uphold justice for all.

Let us recall the preamble to the Rome Statute, which states that the States parties to the Statute are conscious that

“all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time”.

In this General Assembly Hall, we are charged with meeting the aspirations of humankind. We must move forward with ambition, courage and determination if we are to uphold the rule of law and human rights everywhere, for if justice is not universal, it is not just.

In accordance with General Assembly decision 75/506 of 13 October 2020, I now introduce the pre-recorded statement of Judge Chile Eboe-Osuji, President of the International Criminal Court.

A pre-recorded video statement was shown in the General Assembly Hall (see A/75/567).

The President: I now give the floor to the representative of the Netherlands to introduce draft resolution A/75/L.5.

Ms. Brandt (Netherlands): The Kingdom of the Netherlands aligns itself with the statement to be made later by the observer of the European Union. We would also like to express our gratitude to President Eboe-Osuji for his presentation.

The Netherlands is proud to be the host State and a firm supporter of the International Criminal

Court (ICC). The Court's annual report (see A/75/324 and A/75/324/Corr.1) gives a clear overview of the considerable work done in the reporting period at a difficult time, as well as of the challenges ahead.

Given the importance of the topic at hand, I would like to briefly address the following three issues. The first is the fight against impunity. Accountability and the fight against impunity are among the top priorities of Dutch foreign policy. It is crucial for victims to know that in the end the most serious crimes will not go unpunished and that justice will ultimately prevail. At the same time, accountability and international criminal law are under severe pressure at the moment. More often than not, the Security Council has been blocked on issues in those areas and has failed to ensure that perpetrators are held accountable in situations where that is most needed. Syria is a prime example.

The ICC is a court established by States. Unfortunately, not all States are willing to join our fight against impunity just yet. We continue to strive for universality, but in the meantime, we need to make sure that the ICC can do its work to the best of its ability. Importantly, the ICC needs to be able to work independently, free of any interference. We cannot allow non-State parties to block the quest for accountability for the worst international crimes that the Court pursues. The Netherlands finds the sanctions imposed by the United States on the Prosecutor of the ICC and the Director in the Office of the Prosecutor deeply disturbing. We are disappointed that the United States took that step after we and the broader international community had repeatedly called on it not to do so. As the host state of the ICC, in the past couple of months the Netherlands has therefore taken several steps to ensure that the ICC will be able to continue its work. We will continue to defend the independence of the ICC and support the Court in its fight against impunity.

That brings me to my second point, the importance of strengthening the Court. The Court is the embodiment of the idea that the most serious crimes are of concern to the international community as a whole, and that those crimes should not go unpunished. As the International Criminal Court is an indispensable body in the fight against impunity, we need to continue strengthening it to make it more efficient, with high-quality judgments.

The Netherlands therefore welcomes the Independent Expert Review's recent report. It is now up to the Court and its States parties to follow up on the

recommendations and make sure they are implemented. Although we face particular challenges this year, we should not let that stand in the way of our efforts to strengthen the ICC. We also look forward to welcoming a new Prosecutor and six new judges and would like to once more underline the importance of electing candidates based on individual performance and merits. In order to strengthen the Court, we States, as well as United Nations bodies, should also look more critically at our cooperation with the Court in the execution of its mandate, which is my third point.

States should cooperate with the Court, including by promptly executing outstanding arrest warrants in line with their obligations under the Rome Statute. We are glad that two suspects were arrested by the Court this year. However, much more needs to be done. In addition, voluntary cooperation on the part of States is vital to the effective and efficient functioning of the Court. A practical way to support the Court in that respect is through the conclusion of framework agreements on witness relocation, the release of persons and the enforcement of sentences. In addition, findings of non-compliance should be addressed through concrete action by States parties and the Security Council.

Furthermore, we call on the Security Council to follow up on the situations it has referred to the ICC and to strengthen its cooperation with the Court. States parties should support and facilitate the work of the Court throughout the various stages of its judicial proceedings. I hope that all States can get behind the measures needed to strengthen this important institution. I also hope that the present reform exercise serves as an additional incentive for Member States that have not done so to ratify the Rome Statute and join us in our fight against impunity.

Finally, it is my honour to introduce the draft resolution contained in document A/75/L.5. The draft resolution welcomes the most recent report of the Court on its activities. It also acknowledges the role of the International Criminal Court in a multilateral system that aims to end impunity, promote the rule of law, promote and encourage respect for human rights, achieve sustainable peace and further the development of nations, all in accordance with international law and the purposes and principles of the Charter of the United Nations. The draft resolution is a technical rollover from last year's resolution. Owing to restrictions imposed as a result of the coronavirus disease, it has been difficult to have meaningful discussions about

the draft resolution's content. We realize that much has happened with regard to the Court that is not reflected in the draft resolution. Next year, therefore, as soon as it is possible, we intend to start discussing the content with the intention of updating it.

I am presenting the draft resolution to the General Assembly for adoption without a vote, and I sincerely thank all the States that have sponsored it. The number of sponsors is a clear signal of the importance that members attach to the annual report and to the ICC.

Ms. Juul (Norway): I have the honour to speak on behalf of the five Nordic countries — Denmark, Finland, Iceland, Sweden and, my own country, Norway.

Let me start by thanking the International Criminal Court (ICC) for its annual report to the United Nations (see A/75/324 and A/75/324/Corr.1), and the President of the ICC for presenting the main issues in the report. We note with appreciation the high level of activity during the reporting period, despite very challenging circumstances.

Heinous crimes are being committed with impunity in many conflicts and situations worldwide. As a permanent court of last resort, the ICC is an institution central to international accountability and the pursuit of justice, which are essential components of sustainable peace, security and reconciliation. Yet the Court faces continual political opposition and attempts to prevent it from delivering on its crucial mandate. The Nordic countries are deeply concerned about the measures that have been taken against the Court and its officials and staff. Such measures undermine our common endeavour to fight impunity and ensure accountability for mass atrocities. The Nordic countries reaffirm our unwavering support to the Court as an independent and impartial judicial institution. We will continue to defend it and its officials from any attempt to interfere with its work.

The Court and its States parties have embarked together on a wide-ranging review process aimed at strengthening the Rome Statute system and improving the Court's performance, efficiency and effectiveness. The Nordic countries welcome the Independent Expert Review report commissioned by the Assembly of States Parties. We look forward to engaging further in the important review process and in the implementation of the recommendations of the independent experts, with a view to ensuring the strong, effective and independent Court that the review process aims to achieve.

Holding the perpetrators of the most serious crimes to account is an aspiration shared by States parties all over the world. By increasing the number of State parties, the Court will be better able to address the most serious international crimes with greater consistency and impact. The Nordic countries continue to support and work for universal membership. The ICC needs more States parties, not fewer. We stand ready for constructive dialogue with State and non-State parties alike on their relations with the ICC.

Bringing impunity to an end requires cooperation among actors with international peace, justice, security and an international rules-based order as their common goals. The Court's effectiveness in carrying out its mandate depends heavily on cooperation with States, other stakeholders and international organizations. In the Assembly today I would particularly like to note the ongoing cooperation between the United Nations and the ICC, as described in the report. The Nordic countries share the Court's strong appreciation of the crucial support and cooperation of the senior leadership of the United Nations. We also welcome the operational support that the Court receives from United Nations entities, departments, offices and special advisers and representatives of the Secretary-General.

We still need enhanced cooperation between the Court and the Security Council. That is particularly true in cases of non-cooperation with the ICC, as well as for better follow-up on situations referred to the Court by the Security Council. We note with concern that in the two situations that the Security Council has referred to the ICC, it has not acted on the 16 findings of non-cooperation that the Court has communicated to it. We strongly urge all States to cooperate fully and effectively with the Court, in line with the Rome Statute and all applicable Security Council resolutions.

The President: I now give the floor to the observer of the European Union.

Mr. Skoog (European Union): I would like to extend my greetings to you, Sir, and to the President of the International Criminal Court (ICC), as well as all the staff of his important institution.

I have the honour to speak on behalf of the European Union and its member States. The candidate countries North Macedonia, Montenegro and Albania, as well as Bosnia and Herzegovina, the Republic of Moldova and Georgia, align themselves with this statement.

This year the United Nations turns 75, yet multilateralism, the rules-based international order and the criminal justice system — all fundamental tenets of the United Nations system — are under duress. As the world fights the coronavirus disease pandemic, crimes against humanity and war crimes continue to occur. The unhindered functioning of the ICC and its deterrent effect are as important as ever. Despite serious challenges and external pressure, the ICC has made important progress in several judicial proceedings, ongoing investigations and preliminary examinations. It has continued to receive a significant number of communications submitted under article 15 of the Rome Statute, in an indication that for many victims, the Court is the last hope for delivering justice and for repairing harm suffered.

The Court must work independently, free from outside interference. The European Union and its member States object to all measures that interfere with the exercise of the Court's judicial functions or hamper its investigations. Attacks on the Court's independence are attacks on the multilateral rules-based system. We are deeply concerned about the repeated threats and measures taken against the Court and its officials and will continue to defend them from any external interference.

With the ongoing review process and the election of the next Prosecutor and six new judges, the ICC is currently at a crucial juncture. The Court and the States parties must follow up on the report of the Independent Expert Review. That is fundamental to ensuring good governance and the effectiveness of the Court and thereby advancing our common goal of strengthening the Court and the Rome Statute system. As the elections of judges are approaching, we underline the importance of electing those with the highest competence and moral character and ensuring gender equality and geographical representation, as well as a fair representation of the principal legal systems of the world.

We welcome the assistance that States have provided to the Court. The arrest, surrender and transfer last June of Mr. Ali Kushayb, suspected of war crimes and crimes against humanity allegedly committed in Darfur, is a clear case in point. We congratulate the authorities of the Central African Republic, France and Chad, as well as the leaders of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the authorities of the host State of the ICC, the Netherlands, for their support in that matter.

That shows how important States' cooperation is for the effectiveness of the Court. We call on all States to ensure full cooperation, particularly with regard to the execution of outstanding arrest warrants.

The referral by the Security Council of a situation to the Court can equally help promote accountability in countries where serious international crimes may have occurred. We call on the Security Council to make use of its right of referral where such crimes have been committed.

The ICC is a court of last resort, which complements but does not replace national courts. It is primarily up to national courts to investigate and prosecute serious international crimes. In that regard, the United Nations legal and judicial reform programmes could help to build national capacity and contribute to the promotion of the rule of law at the national and international level.

The universal adoption of the Rome Statute remains our long-term goal. We will renew our efforts to encourage the widest possible participation in the Rome Statute and to preserve its integrity. In conclusion, we reaffirm our unwavering support for the ICC as a key component in the fight against impunity worldwide.

Mr. Heusgen (Germany): I have the honour to speak on behalf of the following 71 States parties to the Rome Statute: Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, the Gambia, Ghana, Greece, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Mexico, Montenegro, the Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Peru, Portugal, the Republic of Korea, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, the State of Palestine, Sweden, Switzerland, Tajikistan, Trinidad and Tobago, Tunisia, Uganda, the United Kingdom of Great Britain and Northern Ireland, Uruguay and my own country, Germany. As States parties to the Rome Statute of the International Criminal Court (ICC), we reaffirm our unwavering support for the Court as an independent and impartial judicial institution.

This year we are celebrating the seventy-fifth anniversary of the United Nations. At the time when the

United Nations was created, the seeds of international criminal justice that later led to the creation of the International Criminal Court were planted. Member States worked hard to establish a permanent international institution to punish the perpetrators of the most serious crimes of international concern. The Rome Statute embodies the belief that such crimes must not go unpunished. We are firmly committed to the international rules-based order established 75 years ago and reinforced since then.

The ICC, as the world's first and only permanent international criminal court, is an integral part of the multilateral architecture upholding the rule of law. It is a central institution in the fight against impunity and the pursuit of justice, which are essential components of sustainable peace, security and reconciliation. We will continue to respect our cooperation obligations under the Rome Statute and encourage all States to fully support the Court in order to enable it to carry out its important mandate to ensure justice for the victims of the most serious crimes under international law. We would like to remind the Assembly that the ICC is a court of last resort that anchors a system of justice for serious international crimes rooted in national courts. National authorities have the primary responsibility for investigating and prosecuting Rome Statute crimes. The ICC steps in only when States are unwilling or unable to genuinely conduct national proceedings.

Following the statements by the President of the Assembly of States Parties issued on 11 June and 2 September, we reiterate our commitment to upholding and defending the principles and values enshrined in the Rome Statute and to preserving its integrity and independence, undeterred by any measures or threats against the Court, its officials or those cooperating with it. We note that sanctions are a tool to be used against those responsible for the most serious crimes, not against those seeking justice. Any attempt to undermine the independence of the Court should not be tolerated.

The International Criminal Court embodies our collective commitment to fighting impunity for the most serious crimes under international law. By giving our full support to the Court and promoting its universal membership, we defend the progress that we have made together towards an international rules-based order, of which international justice is an indispensable pillar.

Ms. Rodríguez Abascal (Cuba) (*spoke in Spanish*): The Cuban delegation takes note of the reports of the Secretary-General (A/75/321 and A/75/323) and the International Criminal Court (see A/75/324 and A/75/324/Corr.1). We also express our commitment to the fight against impunity for crimes affecting the international community. The increasingly dangerous and complex international situation — in which we see an intensifying arms race and proliferating conflicts, acts of aggression and non-conventional wars with the aim of hegemonic domination, to the detriment of the Charter of the United Nations and the principles of international law — demonstrates the undeniable need for an international judicial institution with full autonomy to lead the fight against impunity for the most serious crimes against humanity.

However, based on the provisions of articles 13 (b) and 16 of the Rome Statute, the reality is that the International Criminal Court (ICC) is far from being an independent institution, owing to the broad powers that those articles grant to the Security Council in its work in that regard. The prerogative of the Security Council to refer situations to the Court, in addition to distorting the essence of the Court's jurisdiction, violates the principles of the independence of judicial organs and of transparency and impartiality in the administration of justice. In the majority of cases referred to the Court by the Security Council, a selective policy targeting developing countries is clearly being applied, supposedly in the name of the fight against impunity. For that reason, Cuba reiterates its position in favour of the establishment of an international criminal institution that is impartial, non-selective, effective, fair and complementary to national justice systems of justice. Such an institution should be truly independent and therefore free from subordination to narrow political interests.

The International Criminal Court cannot disregard international treaties and the principles of international law. The Court must abide by the legal principle that a State must consent to be bound by a treaty, as endorsed in article 11 of the Vienna Convention on the Law of Treaties of 23 May 1969. Cuba once again wishes to express its serious concern about the precedent created by the Court's decisions to initiate judicial proceedings against nationals of States that are not party to the Rome Statute and that have not accepted its jurisdiction in accordance with article 12 of the Statute.

The International Criminal Court should report on its activities to the General Assembly on the basis of the provisions of the Relationship Agreement between the United Nations and the International Criminal Court. Although Cuba is not a State party to the ICC, we are willing to continue to play an active role in the negotiation processes concerning the Court, particularly with regard to the resolution entitled "Report of the International Criminal Court" adopted every year by the General Assembly, which should reflect the positions both of States that are party and States that are not party to the Court.

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

Mr. Arbeiter (Canada) (*spoke in French*): Canada's support for the International Criminal Court (ICC) has continued unabated since its founding in 2002. The Court's ongoing effort to hold those responsible for the most serious international crimes to account is an important contribution to our goal of ending impunity for atrocity crimes and strengthens respect for the rule of law worldwide.

We are particularly pleased to note the Court's efforts to continue its important activities in spite of the challenges presented by the current global pandemic. The report of the Court (see A/75/324 and A/75/324/Corr.1) outlines the progress that has been made in the 10 cases with which it is seized, including the conclusion of hearings in one trial and sentencing in another proceeding.

Canada also welcomes the fact that the Court's work is continuing apace with respect to the situations under investigation and preliminary examinations. We appreciate the Court's efforts to examine information provided in the context of investigations to ensure respect for the principle of complementarity, given that the ICC is a court of last resort only. Canada also supports the efforts to improve the prioritization of cases to ensure that justice is achieved as expeditiously as possible.

We welcome the Prosecutor's investigation into the situation in Myanmar and Bangladesh, while recognizing the inherent limitations presented by the Court's obligation to remain within its jurisdiction. For

that reason, we continue to urge the Security Council to refer the situation in Myanmar to the ICC, which would ensure that the Court has the jurisdiction to investigate the full scope of crimes enumerated in the Rome Statute.

The Court also emphasized in its report that it continues to receive valuable and appreciated cooperation from the United Nations, especially in terms of operational assistance on the ground. The Court also affirms that cooperation from States parties and other States is equally essential to the success of its operations, particularly in view of the unprecedented threats and attacks made against the Court and its independence during the reporting period. Canada fully agrees with the ICC that international cooperation is vital for its sustained success. In that respect, we echo the concern expressed by the Court that requests for arrest and surrender remain outstanding against 14 individuals. While that is one less than last year, it came about because of one suspect's voluntary surrender. The Court can succeed in its work only if all States parties execute arrest warrants and fully and actively support ongoing investigations. With respect to the unprecedented threats and attacks against the Court over the past year, my German colleague has already delivered a statement on behalf of numerous States parties indicating that such actions are unacceptable and that we fully support the Court.

(spoke in English)

Given the need for a strong and effective International Criminal Court, Canada welcomed the results of last year's discussions on possible ways to strengthen the Court. Those talks resulted in the decision of the ICC Assembly of States Parties to establish an independent expert review of the Court. We thank the Group of Independent Experts for their diligent work in drafting useful recommendations for further strengthening the Court. Canada looks forward to continued engagement with other States parties at the Assembly of States Parties on the best way forward to implement those recommendations.

I would like to conclude by calling on all States that are not party to the Rome Statute to ratify it. The universalization of the Statute will further enhance accountability for the commission of Rome Statute crimes and strengthen the role that the International Criminal Court plays in combating impunity. In the interim, Canada supports other efforts to enhance

accountability for the commission of atrocity crimes, such as the ongoing work by the International Law Commission on draft articles for the proposed convention on the prevention and punishment of crimes against humanity. As my delegation has previously noted, we are pleased that the draft articles removed the outdated definition of what constitutes gender as currently contained in the Rome Statute.

As noted in Canada's previous written submission to the International Law Commission, and as was raised at the General Assembly last year (see A/75/PV.25 and A/75/PV.26), we await the decision to move forward with the negotiation of a convention on crimes against humanity as a means to increase the number of States accepting the obligation to prevent and prosecute such crimes. Should such negotiations commence, Canada will seek to re-examine the draft definitions of "forced pregnancy" and "sexual violence" to reflect recent discussions within the international community.

Mr. Nfati (Libya) *(spoke in Arabic)*: At the outset, I wish to thank the President of the International Criminal Court (ICC) for the annual report submitted to the General Assembly (see A/75/324 and A/75/324/Corr.1), of which we have taken note.

My delegation shares the Court's concerns regarding the grave violations of international humanitarian law committed in Libya. The reporting period witnessed serious crimes as a result of the attack on Tripoli on 4 April 2019, which led to heavy human and material losses, including the air strike on Tripoli's Military College and the targeting of a migrant shelter in Tajoura. The mass graves discovered in Tarhunah and elsewhere are also a grave indication that gross human rights violations occurred.

We reiterate the importance of assistance in ensuring that all perpetrators of such crimes are held accountable and brought to justice. We should not neglect to mention the suffering being inflicted daily on civilians in southern Tripoli through the aggressors' use of landmines. The Libyan authorities are cooperating with the Court in that regard in accordance with the memorandum of understanding signed in 2013 between the Offices of the Public Prosecutor of Libya and the Prosecutor of the International Criminal Court. While we are well aware of the delays in the prosecution process, we stress that this is not due to a lack of willingness within the Libyan judicial system to prosecute and punish the perpetrators of crimes

but because of the current security circumstances in Libya. However, our national judicial system has already begun prosecuting many suspects, and the sentences that have been passed have punished some and acquitted others. Our national judicial system must therefore be respected.

We emphasize that the Libyan judicial system needs a serious approach on the part of the international community in order to enable it to fulfil its obligations to achieve justice and reinforce the rule of law. That would help Libya to pull out of the security crisis it is currently experiencing and bolster its efforts to ensure the success of the political process. That can be done by providing the necessary support to law-enforcement entities in order to enhance security and stability, control the drivers of conflict and emerging situations that lead to violations and crimes, and curb terrorist and outlawed groups and bring them to justice.

In conclusion, we reiterate that the Libyan authorities are determined to punish the perpetrators of crimes and fight impunity, in accordance with the principle of the territoriality of law reflecting the rule of law. The Libyan justice system is independent, impartial and capable of delivering social and criminal justice when the State institutions that are in the course of being founded are fully established.

Mr. Leal Matta (Guatemala) (*spoke in Spanish*): I would like to thank Judge Chile Eboe-Osui, President of the International Criminal Court, for his presentation of the report on the activities of the Court (see A/75/324 and A/75/324/Corr.1) during the past year. The report updates us on important developments in the proceedings of the International Criminal Court. We appreciate and take note of the information and cases presented, including the final judgments in two proceedings before the Appeals Chamber and important decisions on reparations for victims, as well as the preliminary examinations and new investigations carried out by the Office of the Prosecutor.

Guatemala reaffirms its unequivocal support for the International Criminal Court, as well as its commitment to the fight against impunity. The Court plays a fundamental role within the international justice system with the aim of ending impunity for the most serious crimes of genocide, war crimes, aggression and crimes against humanity.

My delegation values the support and cooperation between the United Nations and the International

Criminal Court, not only because it strengthens the dialogue and relationship between the two entities, but also because it serves to give visibility to the vital work of the Court, which presents an opportunity to enhance its authority and advance an understanding of its mandate and the importance of cooperation among States.

Guatemala renews its call for respect for the principle of complementarity and for strengthening national systems to ensure accountability, which is a pillar of the Rome Statute and a guiding principle of the work of the Court. As we have said before, the International Criminal Court is not a substitute for national courts, as national criminal jurisdictions have primary responsibility for investigating and prosecuting those responsible for crimes under the Rome Statute. We therefore believe that it is essential to enhance the cooperation between the Court and the Security Council in order to intensify joint efforts that can help to prevent crimes that undermine to international peace and security and combat impunity for such acts. It would also be appropriate to have regular exchanges between the Council and the Court, independently of briefings on the situations referred to the Court.

Cooperation is one of the fundamental pillars supporting the proper functioning of the Court. The firm commitment of States parties is therefore crucial to improving the Court's ability to ensure accountability, deliver justice for victims and help prevent future crimes, as envisaged by the spirit of the Rome Statute. States parties and United Nations Members must strive to strengthen their cooperation and constantly reaffirm the relevance and importance of international criminal justice in ensuring the rule of law and international peace and security.

The fight against impunity is an objective of both the States parties to the Rome Statute and the United Nations, but it must be accompanied by a commitment to providing the Court with the resources it needs to carry out its functions so as to protect its integrity and independence. Without them, the sustainability of its investigations could be put in jeopardy. My delegation calls for increased support for a universal regime. Every step towards universality will significantly reduce the risk of impunity and help to consolidate peace and stability in States. For that reason, the universal dimension of the Rome Statute must continue to be promoted by maintaining the momentum of the ratification and accession process.

Finally, I would like to reiterate our support for the work of the International Criminal Court, which transcends and is at the heart of an international justice system with a far-reaching global impact. That is why we believe that the Court needs the strong and ongoing support of the international community to fulfil its mandate.

Mr. Roughton (New Zealand): We thank President Eboe-Osuji for his report (see A/75/324 and A/75/324/Corr.1) and welcome the opportunity to discuss the International Criminal Court's contribution to the international rule of law and its relationship with the United Nations.

We commend the progress made by the Court in 2019 and in 2020, notwithstanding the practical challenges presented by the coronavirus disease pandemic. We note with appreciation the Court's engagement with States, the United Nations, intergovernmental and regional organizations and civil society in order to enhance cooperation with, awareness of and support for the Court.

New Zealand supports the International Criminal Court as a central pillar of the international rules-based order. In delivering on its mandate to hold to account those individuals responsible for the most serious international crimes, the Court plays a crucial role within a broader system of international accountability mechanisms. We welcome its invaluable contribution to the system to date. I am pleased to announce that last month New Zealand deposited instruments of ratification for all amendments made by the Assembly of States Parties to the war crimes provisions in article 8 of the Rome Statute.

We welcome the recent Independent Expert Review of the Court undertaken by the Group of Independent Experts. Their report provides important insights underpinned by a thorough examination of the Court's system, including consultations with its staff and officials, as well as States parties. It gives insight into the areas where the Court is performing well and those where reforms or changes could be made in order to increase the performance, efficiency and effectiveness of the system. We encourage all States parties to give due consideration to the report and to ensure ongoing support for the Court in implementing the appropriate recommendations. New Zealand's view remains that States parties should support the Court in consolidating its work in the exercise of its mandate, focusing on

the investigation and prosecution of the most serious international crimes, consistent with the principle of complementarity.

New Zealand supports the Court's role as an independent judicial institution. Its independence must be respected and protected to enable it to perform its functions. Recent actions taken against the Court and its officials by States that are not party to the Rome Statute risk undermining this critical international judicial institution and highlight how important it is for States parties to redouble their efforts in supporting the Court and the international rule of law. New Zealand is committed to the Statute and its underpinning principles of complementarity, cooperation and universality. We are also firmly of the belief that the mandate and credibility of the Court are intrinsically tied to its independence and impartiality.

Despite the importance of States' cooperation and efforts to support the Court in any process of reform or change, we reiterate that the primary responsibility for taking robust and appropriate measures when faced with the commission of international crimes lies with States. The Court is an independent court of last resort to try such crimes. Domestic courts and judicial processes that secure accountability for the perpetrators of international crimes are crucial to implementing the principle of complementarity. Above all, New Zealand is committed to the Court and will work with others to ensure the Court continues to be — and is seen to be — an effective and sustainable judicial institution.

Ms. Ponce (Philippines): The Philippines dissociates itself from the draft resolution on this agenda item (A/75/L.5).

The decision of the Philippines to withdraw from the Rome Statute represents our country's principled stand against those who politicize human rights and disregard our country's independent and well-functioning organs and agencies, which continue to exercise jurisdiction over charges arising from our country's efforts to protect its people. As in all democracies, the wheels of justice sometimes turn slowly, but they do turn. The rule of law cannot and should not be compromised for immediate retribution.

Notwithstanding our withdrawal from the Rome Statute, the Philippines affirms its commitment to fighting impunity for atrocity crimes. We have national legislation that punishes such crimes. The Philippine Act on Crimes Against International Humanitarian

Law, Genocide and Other Crimes Against Humanity declares that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level in order to put an end to impunity for the perpetrators of such crimes, thereby contributing to their prevention. It is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes.

Ms. McGuire (Grenada), Vice-President, took the Chair.

Many conveniently forget that the Rome Statute is anchored on the principle of complementarity, not substitution. It recognizes that States have the first responsibility and right to prosecute international crimes and that the International Criminal Court (ICC) may only exercise jurisdiction where national legal systems fail to or are unable to do so. We are able and we are willing. The ICC was never conceived as a substitute for national courts, as some are trying to assert.

Finally, we reject the universality of the Rome Statute, noting that only 19 States from the Asia-Pacific region, which is home to more than half of the world's population, are party to the Statute.

Mr. Flynn (Ireland): Ireland associates itself with the statement delivered earlier by the observer of the European Union. My remarks this morning will further complement those made by the representative of Germany on behalf of 71 States.

I would like to take this opportunity to thank the International Criminal Court (ICC) for its annual report to the United Nations (see A/75/324 and A/75/324/Corr.1) and its President, Judge Eboe-Osuji, for his presentation today, outlining a year of significant developments in relation to the work of the Court despite the challenges presented by the coronavirus disease (COVID-19) pandemic.

This year marks the seventy-fifth anniversary of the United Nations. We have reflected on the fact that the more the international community works together, the greater the hope we have of dealing with the many global challenges we face. We have long identified the need for the international community to address impunity for crimes that are so grave that they can threaten the peace, security and well-being of the world. We cannot accept impunity for such crimes and

must ensure that we do not accept it if we are to prevent the commission of those crimes in the first place and in the interests of justice for the victims and survivors of terrible atrocities. We know that it is first and foremost the responsibility of States themselves to deal with crimes of this nature. However, there have been too many times in our history where this has not proved possible or achievable. Sadly, too many events today demonstrate that this is still the case. It was for that reason that the international community established the ICC, making it clear that certain lines should not be crossed but that if they were crossed, there would be accountability.

The Rome Statute conceived the ICC as being central to a system of international criminal justice. It does not, and cannot, operate in isolation. It operates in a manner that is complementary to national criminal jurisdictions and in close cooperation with the United Nations. Each organization works in different ways to secure peace and justice, but they should work together in a mutually supportive way towards achieving those core objectives. That is why today we have the opportunity to consider the Court's annual report to the United Nations. During the reporting period, the Court's workload has remained heavy. We welcome the fact that significant progress has been made in several judicial proceedings. We also note the progress made in relation to investigations and preliminary examinations.

It is clear from the report that for the Court to make progress, it needs the support of States and a variety of organizations, including the United Nations. We welcome the fact that during the reporting period, various United Nations entities, departments, offices and special advisers and representatives of the Secretary-General have provided important support to the Court on a wide range of issues. Ireland very much welcomes this mutual cooperation between the United Nations and the Court.

Ireland will soon have the privilege of serving on the Security Council. Ensuring accountability will be an important principle underpinning our approach during our term. We strongly support the Accountability, Coherence and Transparency group code of conduct regarding Security Council action against genocide, crimes against humanity and war crimes. We also support France and Mexico's initiative on restricting the use of the veto in cases of mass atrocity. With regard to the ICC, we agree with the Court that the prerogative of the Security Council to refer situations to the Court can

help to promote accountability in countries where grave crimes may have been committed but where the Court would otherwise have no jurisdiction. Once a referral is made, we believe that active follow-up is necessary to ensure cooperation with the Court, in particular regarding the arrest and surrender of individuals subject to arrest warrants. During our tenure, we will seek to encourage the Council to support the work of the Court in order to achieve accountability.

In addition to the cooperation that the Court receives from the United Nations, the report outlines the substantial level of cooperation that the Court receives from States. However, it is equally clear that the Court still faces some challenges in terms of receiving full and effective cooperation in significant areas. We urge all States to take action to encourage appropriate cooperation with the Court, including in relation to the prompt execution of arrest warrants, and to explore further ways to assist the Court, such as considering the conclusion of voluntary cooperation agreements.

I also want to comment on the part of the report outlining the work of the Trust Fund for Victims. Addressing the needs of victims is critical. We welcome the progress made this year, despite the challenges presented by COVID-19. The Trust Fund for Victims depends on voluntary contributions for its work, without which its vital work would stall. Ireland is therefore pleased to make a regular annual contribution to the Trust Fund and encourages all States to consider doing so. We also take this opportunity to express our deepest sympathy at the sudden passing in April of Mr. Felipe Michellini, Chair of the Board of Directors of the Trust Fund for Victims, who made such a valuable contribution to the work of the Board.

The universality of the Rome Statute is essential to ensuring accountability for the most serious crimes of concern to the international community. Ireland welcomes the fact that Kiribati acceded to the Rome Statute on 26 November 2019. We urge all States that have not yet done so to consider becoming party to the Rome Statute.

These are challenging times for the ICC. The Court has a unique and vital mission to ensure that those responsible for the most serious crimes of international concern cannot act with impunity. Ireland is deeply concerned about any measures taken against the Court, its officials or its staff. Today we join Germany and other States in voicing our support for the Court, and

we will continue to support and defend the values and principles enshrined in the Rome Statute.

Mr. Fifield (Australia): Australia has long supported the need to end impunity for mass atrocity crimes, the most serious crimes of concern to the international community as a whole. As the preamble to the Rome Statute states and decisions taken in this Hall recognize, those crimes threaten global peace and security.

Contemporary history is replete with examples of where a failure to hold the perpetrators of such crimes to account has perpetuated cycles of violence, often from one generation to the next. Accountability for such crimes must be seen as a contribution to the prevention of conflict. That is why on 23 June we joined more than 60 other States in reaffirming our support for the International Criminal Court (ICC) and our commitment to a broader rules-based order.

The primary responsibility to investigate and, where appropriate, prosecute those responsible for serious international crimes rests with the States themselves, and properly so. The ICC has a critical role to play, however, as a court of last resort where a State party with jurisdiction is unable or unwilling to exercise it. That principle of complementarity and its proper operation is foundational and crucial to both the Court's legitimacy and its success.

We acknowledge the challenges posed by the coronavirus disease pandemic and appreciate the Court's commitment to continuing with its proceedings, including in the light of applicable fair trial rights.

The ICC is at a key juncture. The election of a new Prosecutor and six judges this year in New York will provide the Court with a new generation of leadership. By supporting the most highly qualified and meritorious candidates, we can help to ensure that the Court is optimally positioned to deliver on its core mandate and necessary reforms in the coming years.

Australia thanks the Group of Independent Experts for the timely completion of their final report, published on 30 September. It is comprehensive and thorough, and deserves deep consideration by the Court, States parties, civil society and other stakeholders. We must maintain the momentum to reform the Court. We look forward to working constructively with other States parties, the Court and other stakeholders to that end.

As has often been stated here, the ICC alone cannot fulfil the mandate that we have bestowed on it. We welcome the continued United Nations support for and cooperation with the Court, including from its senior leadership and its field presence. Although both have distinct mandates at their core, the ICC and the United Nations are striving for the same goals, including justice, accountability and the maintenance of international peace and security. The continued support of the United Nations and its organs for the ICC will continue to be critical in the years ahead.

Ms. Bavdaž Kuret (Slovenia): Slovenia fully aligns itself with the statements made by the observer of the European Union and by the representative of Germany on behalf of 71 States.

We welcome today's opportunity to address the challenges the International Criminal Court is facing with the aim of contributing to the future success of its work. Slovenia would like to thank the President, Judge Eboe-Osuji, for his presentation of the latest annual report of the Court (see A/75/324 and A/75/324/Corr.1). The report once again affirms the continual increase in the Court's workload, as well as the scale and versatility of its efforts to bring justice to victims, all attesting to its growing role in establishing accountability for the most serious crimes under international law.

Today the International Criminal Court is the central judicial institution of international criminal justice, with the purpose of fighting impunity for atrocities and upholding the rule of law. Such crimes cause concern in the international community as a whole, as they threaten international peace and security and the well-being of the entire world. The importance of the Court's role is evident from the cases it deals with in its ongoing judicial proceedings, investigations and preliminary examinations, as well as the considerable number of its communications received.

Given the Court's increasingly active role and the changes in the international arena that are posing a serious challenge to the concept of multilateralism, it is now more important than ever to support the Court's independence and impartiality in the fight against impunity, and to ensure respect for international law. We strongly believe that the independence of the justice system is a precondition for the rule of law. For the international rule of law to be respected, no allowances should be made for interference in or obstruction of the work of the international criminal justice system.

Declarations on the rule of law and pursuit of justice can be meaningful only when all stakeholders are principled, take the necessary action and prove their serious and consistent commitment. It is up to all of them to reinforce international cooperation, which should be inclusive, focused on convergence and based on mutual trust and respect for other stakeholders, international law and human rights. That will build confidence in the international criminal justice system.

The cooperation, assistance and support of States remain essential, particularly in view of the unprecedented and unacceptable threats and attacks against the Court and its independence. Slovenia would like to take this opportunity to express its unwavering support for the independence and impartiality of the Court.

It should be emphasized that the cooperation of States parties with the Court is not a policy choice but an international legal obligation. No doubt can be cast on the firm belief that the perpetrators of grave atrocities should be held accountable. We are concerned that 14 arrest warrants issued by the Court have remained outstanding, some of them for several years. We therefore call on all States, including those that are not party to the Rome Statute, to strengthen their assistance to the Court and take concrete action to ensure the execution of the outstanding warrants in the interests of the fight against impunity.

In our opinion, increased cooperation between the Security Council and the Court would significantly contribute to the prevention of atrocity crimes, as well as to the Court's effectiveness and credibility. We should also further highlight the importance of seeking solutions for victims who do not fall within the Court's jurisdiction, whether on account of the lack of universal acceptance of the Court or insufficient engagement on the part of either the Security Council or States. As a long-standing supporter of the Court, Slovenia encourages all States that have not yet done so to consider joining the Rome Statute, and we call for further ratifications of and accessions to the Kampala amendments.

The Court is in the middle of an extremely important period for its future work and credibility. As a State party, we would like to emphasize the importance of electing the most competent candidates of high moral character at the upcoming elections for the next Prosecutor and six new judges.

We welcome the report of the Independent Expert Review process, which aims to introduce further improvements for the efficiency and governance of the Court. We are confident that the Court and its States parties will succeed in adopting the necessary measures for implementing the report's recommendations, thereby enhancing the integrity and efficiency of the Court in fulfilling the objectives for which it was established.

Finally, we should all strive for an impartial, independent, universal and effective Court that delivers high-quality judgments and places victims' rights at the centre of its work. That will require joint efforts by all stakeholders. Slovenia remains firmly committed to the rule of law and international criminal justice and stands ready to contribute to further strengthening the international criminal justice system.

Mr. Islam (Bangladesh): My delegation takes note of the report (see A/75/324 and A/75/324/Corr.1) on the activities of the International Criminal Court (ICC) during the past year. We acknowledge the Court's continuing work, despite various practical challenges caused by the coronavirus disease pandemic. We also appreciate the important progress that the Court made in its activities during the reporting period. In that regard Bangladesh was pleased to be a sponsor of draft resolution A/75/L.5, entitled "Report of the International Criminal Court".

Bangladesh is steadfast in its commitment to supporting global efforts to uphold justice and the rule of law, a critical pillar in the maintenance of international peace and security. We recognize the International Criminal Court as one of the principal global criminal justice institutions and reaffirm our unwavering support for its independent and impartial judicial nature. We reiterate our commitment to upholding and defending the principles and values enshrined in the Rome Statute and preserving its integrity. Bangladesh is also committed to promoting the universality and full implementation of the Rome Statute. We welcomed Kiribati's accession on 26 November 2019 to the Rome Statute, increasing the number of its States parties to 123.

Justice is a prerequisite for the resolution of global conflicts and lasting global peace. We are even more convinced of that after bearing the brunt of a conflict in our neighbourhood that has forcibly displaced 1.1 million Rohingya to Bangladesh, as the Assembly is aware. Their safe and voluntary return to Rakhine

state is the only solution to that crisis. In support of our bilateral efforts in Myanmar, we therefore consider the investigation by the Office of the Prosecutor of the ICC into the situation of Rohingya minorities a critical confidence-building measure for ensuring their safe and voluntary return. As a country affected by this situation, we welcomed the ruling of the ICC Pre-Trial Chamber on the application of the Prosecutor to open an investigation into the situation in Bangladesh and Myanmar. We are following the investigation by the Prosecutor with particular interest.

This year, the Office of the Prosecutor conducted its first mission to Bangladesh following the opening of the investigation. During the mission, the Office engaged with the relevant Government ministries, United Nations entities, civil-society partners and the diplomatic community. It also conducted outreach activities to provide information about the investigation to the communities affected and advanced operational and logistical issues to enable the start of investigative activities in the Rohingya camps in Bangladesh. Bangladesh remains committed to rendering the necessary support to the ICC Registry, as well as the Office of the Prosecutor, in ensuring justice for the Rohingya victims. In that connection, Bangladesh supports Canada's continued call for the Security Council to refer the situation in Myanmar to the ICC.

We stress that cooperation, assistance and support to the Rome Statute on the part of States parties, as well as other States, remain critical to the ICC's discharge of its mandate in a sustained and meaningful manner. In that regard, we support the continued efforts of the ICC to enlarge its cooperation network in the region, and we echo the Court's call to all States to cooperate with the investigation into Myanmar. We also call on Myanmar and its domestic legal judicial mechanisms to cooperate with the ICC in the spirit of complementarity.

We attach importance to enhancing voluntary contributions to the Trust Fund for Victims to enable it to deliver on its reparations and assistance mandates. As a designated facilitator, Bangladesh is making efforts to engage with the States parties concerned to settle their outstanding arrears.

In conclusion, we want to emphasize the importance of upholding solidarity among States parties and the integrity and credibility of the ICC as a court of last resort in the overarching interest of fighting impunity

for the greatest crimes under international law under its jurisdiction.

Mr. García López (Spain) (*spoke in Spanish*): Today it is my great honour to address the General Assembly in order to once again discuss the report presented by the President of the International Criminal Court, Judge Eboe-Osuji (see A/75/324 and A/75/324/Corr.1).

At the outset, I would like to state that the Kingdom of Spain aligns itself with the statement delivered by the observer of the European Union on behalf of the European Union and its member States, as well as the statement by the representative of Germany on behalf of 71 States parties to the Rome Statute.

It is essential to consolidate the International Criminal Court as the body responsible for investigating the most serious crimes affecting international society as a whole and for bringing perpetrators to justice as a court of last resort, complementary to national jurisdictions, in order to end impunity, prevent those crimes and provide justice and reparation to victims.

It is worth noting the jurisdictional work that the International Criminal Court carried out during the period from 1 August 2019 to 31 July 2020, which is presented in detail in the report. In addition to new cases such as that of Mr. Abd-Al-Rahman and situations such as those in Afghanistan, Myanmar and Venezuela, several, such as the Ntaganda case, have advanced and are in the appeals phase; some, like that of Dominic Ongwen, are in deliberations; and some, such as the case of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, have already begun the oral trial phase, or are about to begin, as in the Yekatom and Ngaïssona case.

In the statement delivered by the representative of Spain during the previous session, we deplored the obstacles and difficulties that the Court encountered in trying to carry out its functions and stressed that such attacks, designed to limit the Prosecutor's freedom to investigate, were simply unacceptable (see A/74/PV.25, p. 23). Those attacks, which have continued and have significantly intensified and become more targeted in recent months, weaken the entire legal scaffolding that has been built with great effort over the past 75 years to protect the collective interests of international society. For Spain, the International Criminal Court constitutes a key element in the development of the administration of justice in the international system, and we therefore reaffirm our support to it in the face of such attacks.

The Court is an institution with an unquestionable universal vocation. It is the responsibility of States parties to the Rome Statute to lead by example and, while maintaining a loyal but critical attitude, to protect it so that it can function with all the means it needs and without undue interference from third parties. The International Criminal Court, as many delegations have warned in their statements today, is at a crucial juncture and faces major challenges. We would like to highlight three of those challenges in particular.

First, States parties must take the opportunity to reflect on the opinions and recommendations set out in the report presented by the Group of Independent Experts and, while maintaining the institutional loyalty and critical spirit that we already mentioned, to advance the consolidation of the International Criminal Court. The Group's recommendations should in any case be considered in depth and with due calm and transparency, with the relevant interlocutors, in order to assess their suitability, need, convenience and possible formulas so as to encourage their implementation by the Assembly of States Parties.

Secondly, the proper functioning of the International Criminal Court depends largely on the continued strengthening by States of their administrative and legal cooperation with the institution. However, it also depends — and this must not be overlooked in these times — on providing the International Criminal Court with sufficient resources, not only to carry out its functions but also to cover any reparations that might be granted to victims. In that connection, adequate funding for the Trust Fund for Victims is a challenge that we, the States parties, must address. Spain works annually to sustain its contribution to the Trust Fund for Victims and encourages others to join that effort.

The Kingdom of Spain would like to express its deepest appreciation for the efforts of the International Criminal Court, and its staff in particular, to adapt to the circumstances created by the coronavirus disease pandemic. The report presented by President Eboe-Osuji is a faithful record of the fact that the International Criminal Court has dealt with the pandemic in a most resolute manner by increasing its remote activity and guaranteeing the safety of detainees and other participants in proceedings at all times.

Thirdly, with regard to the election of those who will hold some of the highest positions of responsibility at the Court in the coming years, particularly the Office

of the Prosecutor and the judges, the Kingdom of Spain wishes to reiterate what its delegation said at the previous session (see A/74/PV.25). Having candidates with extensive experience in the field and recognized technical competency, more than any other criteria, is the best guarantee of success for the future work of the International Criminal Court. In a few weeks' time, the States parties will have the special responsibility of making the right choice in our election of the next generation of those who will write the history of the Court — our Court — in the coming years. Getting the decision right is crucial, as it will have long-term consequences and will affect the circumstances under which the upcoming nineteenth session of the Assembly of States Parties will be held.

The International Criminal Court has joined in the task of contributing to the strengthening of international peace and security, one of the main guidelines that inspired the creation of the United Nations 75 years ago. States have a responsibility to support initiatives aimed at strengthening the institutional dimension of the international system, especially those that project beyond that dimension and protect collective interests agreed on by the international community. That, in the opinion of the Kingdom of Spain, is the best way to honour the legacy outlined in the Charter of the United Nations.

Mr. Mikeladze (Georgia): Georgia aligns itself with the statement delivered by the observer of the European Union, and I would like to add the following remarks in my national capacity.

We welcome the latest report of the International Criminal Court (ICC) (see A/75/324 and A/75/324/Corr.1) and thank its President, Judge Eboe-Osuji, for his extensive presentation today.

As we reflect on the seventy-fifth anniversary of the United Nations and the need to reinforce our support for the international rules-based order, we would like to express our deep commitment to the fight against impunity globally and to reaffirm Georgia's unwavering support for the fulfilment of the principles embodied in the Rome Statute. We reiterate that effective and comprehensive cooperation and assistance on the part of States regarding every aspect of the ICC's mandate, based on complementarity, remains indispensable to ensuring that the Court can carry out its activities efficiently in the future. The ICC needs to become a

court that sends a powerful message that will be heard by both victims and perpetrators.

As we speak, the Court finds itself at a historic juncture in its development, with significant elections of the next Prosecutor and six new judges scheduled to take place at the upcoming Assembly of States Parties. Contributing to making the Court more effective and ensuring the enhancement of its operational depth remains incumbent on States parties through every possible means. Georgia has therefore decided to nominate Mr. Gocha Lordkipanidze as a candidate for a position as a judge. As a candidate with a diverse academic background and impeccable professionalism, who has earned both domestic and international recognition, we believe that Professor Lordkipanidze will contribute immensely to the competence and moral character of the bench by becoming the Court's first ever judge from Georgia.

We support efforts aimed at fostering the efficiency and good governance of the ICC system and recognize the importance of the report of the Independent Expert Review in that process. We believe in our collective goal of helping the Court succeed in overcoming all of its challenges and delivering justice to victims, which will be a first step towards achieving sustainable peace and reconciliation for the communities affected — a step towards a better future. In that respect, the ICC's investigation of crimes committed in Georgia during the Russian aggression of 2008 may serve as an example of the Court's efforts and its resolve. The Government of Georgia has spared no effort in continuing to fully cooperate with and support the ongoing investigation on a daily basis.

We welcome the recent news on the assistance provided by States and newly emerging avenues for cooperation with the various organs of the Court. As the report notes, the Trust Fund for Victims has completed needs assessments for possible assistance programmes. As a State party to the Rome Statute, Georgia will continue to invest effort in strengthening the Court in terms of its institutional and budgetary means.

In conclusion, I want to reiterate that we stand ready to continue our steadfast cooperation with the Court in order to ensure that justice will be served for the victims of the most serious crimes of international concern, in Georgia and elsewhere.

Mr. Šimonović (Croatia): My delegation aligns itself with the statements delivered by the observer

of the European Union, on behalf of the European Union and its member States, and the representative of Germany, on behalf of 71 States. I would now like to make some additional points in my national capacity. Let me start by thanking the International Criminal Court (ICC) for its annual report (see A/75/324 and A/75/324/Corr. 1) and its President for his presentation.

The past year has been full of challenges, caused primarily by the coronavirus disease (COVID-19) pandemic. In addition to fighting that invisible enemy, we have to fight its numerous consequences as well. In the current situation, with its social and economic challenges, as well as those on the political and human rights fronts, the risk of atrocity crimes is also increasing, as acknowledged in the General Assembly's recent adoption of its omnibus resolution 74/306 on COVID-19, and our efforts to mitigate them should therefore do the same. That clearly shows how important it is to ensure that the fight against impunity and for criminal justice remains in our focus, no matter the challenges we face.

Croatia welcomes the fact that the work and activities of the Court continued during the pandemic. With its efforts and activities dedicated to investigating, prosecuting, indicting and convicting those responsible for the worst kinds of crimes, the ICC plays a decisive role in the prevention of atrocity crimes, sending a clear message that perpetrators will be held accountable and that the victims will have justice. Croatia strongly supports the work of the ICC as an important instrument of international law, calls for the universal acceptance of its jurisdiction and remains committed to an international rules-based order.

In order to perform its tasks and achieve its objectives, the ICC must be strong, independent and impartial. Croatia therefore attaches high importance to the efforts and processes aimed at reviewing the ICC's functioning in order to make it stronger, more effective and able to maintain its impartiality. Croatia commends the Group of Independent Experts for their outstanding report. Its 384 recommendations demonstrate that we need to improve the functioning of the Court. It is now up to us, the Member States, in cooperation with the Court's officials, to thoroughly analyse the report and then take concrete action.

Croatia also firmly believes that electing a Prosecutor and judges who are highly qualified for the job is essential to the proper functioning of the Court.

We hope that the extension of the period for nominating a Prosecutor will lead to a successful conclusion of the process. We also emphasize the importance of ensuring that the Prosecutor and all Court officials are free from any pressures in discharging their duties.

Croatia, as a victim of brutal aggression during the 1990s, before the Rome Statute entered into force, is well aware of the importance of the fight against impunity. We welcomed the adoption in 2019 of the amendment to the Statute aimed at allowing prosecutions in relation to the intentional starvation of civilians in non-international armed conflict. We are pleased to inform the General Assembly that our internal preparations for ratification of the amendments adopted at the Assembly of States Parties in 2017 and 2019 have begun.

Finally, I want to conclude by reiterating Croatia's deep commitment and support to the work of the ICC. We call on Member States that have not yet done so to ratify the Rome Statute and join the global fight against impunity.

Mr. Kabba (Sierra Leone): The delegation of Sierra Leone aligns itself with the statement delivered by the representative of Germany on behalf of 71 States.

I would like to take this opportunity to welcome the principals of the International Criminal Court (ICC) and commend them for their unwavering commitment and service. As this is the final General Assembly plenary meeting during their respective terms in office, allow me to pay tribute to the President of the Court, Judge Chile Eboe-Osuji, for his dedicated service and leadership, and to the Prosecutor, Ms. Fatou Bensouda, for her outstanding contribution, devoted work and results achieved with determination to fulfil her mandate in the pursuit of justice without fear or favour.

I thank the President of the Court for introducing its annual report (see A/75/324 and A/75/324/Corr. 1). I also thank the Secretary-General of the United Nations for the preparation of the Court's report and take note of his reports A/75/321 and A/75/323. We thank the United Nations system for its extensive cooperation with the Court and for providing facilities and services to the ICC on the agreed reimbursement basis. As a sponsor of draft resolution A/75/L.5, we also thank the Permanent Representative of the Netherlands for introducing it.

The wheels of international criminal justice continue to turn at the ICC, despite the challenges posed by the current coronavirus disease (COVID-19) pandemic. As the report clearly indicates, the Court was seized of 10 cases at various stages of proceedings during the reporting period of 1 August 2019 to 31 July 2020. We take note of the notable developments in that regard. We welcome in particular the Appeals Chamber decision overturning the decision of Pre-Trial Chamber II on the authorization of the investigation into the situation in Afghanistan. We take note of the request for deferral under article 18 of the Rome Statute by the Government of Afghanistan, and while the Prosecutor considers the information provided, we want to express our appreciation for the pacific and juridical means being used to address such a critical interest in a justice issue. However, we also regret the outstanding requests for arrest and surrender and call for robust cooperation with the Court in that regard. The delegation of Sierra Leone would like to highlight three substantive matters in this statement.

First, we want to take this opportunity to restate our unwavering support for the Court as an independent and impartial judicial institution, reiterating the Court's commitment to upholding and defending the principles and values enshrined in the Rome Statute and to preserving its integrity undeterred by threats against the Court, its officials and those cooperating with it. At the same time, we are concerned about measures taken against Court officials as we renew our resolve to stand united against impunity. Sierra Leone reaffirms the great importance we attach to the work of the Court, the effective functioning of the Rome Statute system and our unwavering belief in the necessity of the principle of complementarity within that system.

Secondly, and this is linked to my first point, I want to underscore the Court's commitment and our support for its vision as it strives to be a universal, responsive, flexible and resilient organization with a consistent drive towards continual improvement. In that regard, we welcome the Independent Expert Review of the ICC and the Rome Statute system and the publication of the final report by the Group of Independent Experts. We commend them for submitting the final report on time, despite constraints related to COVID-19, and further pay tribute to them for their comprehensive report and its action-oriented recommendations. Sierra Leone is in general agreement with the experts that in today's political climate, and in the light of ongoing human

rights violations across the globe, the mission of the Court is as crucial as ever. We therefore appreciate the call for commitment to the Court, and for ensuring that the review process succeeds in strengthening the Court and the Rome Statute system.

Thirdly, cognizant of the imminent leadership changes, including in the judiciary, Sierra Leone duly acknowledges the importance of nominating and electing qualified, competent and experienced judges of the highest quality and of high moral character, impartiality and integrity. In that regard, the Government of Sierra Leone, on the recommendation of its autonomous national Judicial and Legal Service Commission, has nominated Justice Miatta Maria Samba for election as a judge of the International Criminal Court for the 2021-2030 term. Based on Justice Samba's professional experience and her answers during her interview, the Advisory Committee on nominations of judges to the ICC concluded that she is highly qualified for appointment as a judge of the Court. The Committee further acknowledged her extensive and wide-ranging national judicial experience; her service in numerous other functions at the national and international level; her demonstrable in-depth knowledge of the Rome Statute system and the jurisprudence of the Court; her considerable and clearly relevant experience in working with witnesses and victims at both the national and international levels, including in the field; and her legal expertise on specific issues, particularly violence against women and children. As we embark on the public round-table discussions this week, Sierra Leone looks forward to members' favourable consideration of her candidacy and support.

In conclusion, notwithstanding the challenges and threats to the Court, Sierra Leone remains firmly committed to the Court's mandate and its status as an independent and impartial judicial institution. We reiterate that commitment for the victims. The victims are at the heart of the work of the Court, and its system of accountability was built on their behalf. In that connection, we welcome the participation of more than 11,000 victims in the cases before the Court during the reporting period.

Finally, my delegation wishes to acknowledge and commend the Trust Fund for Victims for the discharge of its mandate, providing assistance and enabling the increased participation of victims in trial sessions of the Court, as well as the payment of reparations. It is in recognition of the important work of the Trust Fund

for Victims that Sierra Leone has made a financial contribution, as pledged at the eighteenth Assembly of States Parties. We believe that victims must be at the front and centre of all our considerations of the ICC.

Ms. Squeff (Argentina) (*spoke in Spanish*): I would first like to thank Judge Chile Eboe-Osuji for his presentation of the report on the activities of the International Criminal Court over the past year (see A/75/324 and A/75/324/Corr.1). Argentina also hopes that draft resolution A/75/L.5, on the report of the International Criminal Court, will once again be adopted by consensus, at the same time as the presentation of the report and our debate on this agenda item.

The Court's notable activity since its previous report (A/74/324) was presented (see A/74/PV.25) has once again demonstrated that it is an essential tool in the fight against impunity, the promotion of human rights and the consolidation of the rule of law at the international level. The current complex context in which the Court is operating requires the strong commitment of its States parties. Argentina therefore reiterates its support for the Court as a fundamental institution in the fight against impunity for the most serious crimes of international concern. Argentina's support is manifested in various ways, but we take particular pride in having been the first State party to conclude the four cooperation agreements suggested by the Court. Argentina has also ratified the Kampala amendments on crimes of aggression and welcomes the activation of the Court's jurisdiction over such crimes.

With regard to the upcoming session of the Assembly of States Parties, we hope that the recommendations of the Group of Independent Experts within the framework of the ongoing review process will be addressed in candid dialogue between the organs of the Court, States parties and civil society. In addition, it is important to bear in mind that new judges and the next Prosecutor of the International Criminal Court will be elected during the next session of the Assembly of States Parties. In that regard, we would like to highlight the important work of the Prosecutor, Ms. Fatima Bensouda. Under her leadership, her Office has conducted exhaustive and thorough preliminary examinations and investigations in various parts of the world. We appreciate her professionalism and dedication over the past years and we look forward to seeing the next Prosecutor follow in her footsteps. Indeed, we hope that a candidate with the best qualifications for that crucial position can soon be identified and elected by consensus.

Argentina would like to stress the contribution of the International Criminal Court to the objectives of our Organization in its fight against impunity for the most serious crimes of international concern. Indeed, as set forth in the Kampala amendments, there is no denying the contribution of the Court to shaping a multilateral system aimed at promoting respect for human rights and achieving lasting peace in accordance with international law and the purposes and principles of the Charter of the United Nations.

The suffering of the victims of the most heinous crimes is the greatest shame of humankind. We cannot allow this century to pass without strong responses to such violations. Between us, we must build a more just world under the primacy of international law.

Mr. Skoknic Tapia (Chile) (*spoke in Spanish*): The delegation of Chile thanks the President of the International Criminal Court for presenting his comprehensive annual report on the activities carried out in the period from 1 August 2019 to 31 July this year (see A/75/324 and A/75/324/Corr.1).

We want to emphasize the Court's commendable and diligent work, particularly its capacity to respond and adapt to the challenges posed by the coronavirus disease pandemic, as well as its ongoing pursuit of cooperation, universality and complementarity. We reaffirm our strong and resolute commitment to the Court and emphasize the importance of using its mechanisms to hold those responsible for the crimes under its jurisdiction to account.

Like any court, the legitimacy and proper functioning of the International Criminal Court in accordance with the Rome Statute are contingent on respect for its autonomy and independence. In that connection, my Government has joined a large group of States that have expressed their deep concern regarding the imposition of restrictions on the exercise of the functions of senior officials of the International Criminal Court, including its Prosecutor. In that regard, we align ourselves with the statement delivered earlier by the representative of Germany. We are confident that such actions will cease in the interests of the international community and the principles underpinning the Rome Statute and the fundamental work of the International Criminal Court. We would like to reiterate our commitment to strengthening international criminal law and hope that the reported interference in the Court's independence will be reconsidered and addressed in the near future.

My delegation welcomes the fact that cooperation between the Court and the United Nations on the basis of the 2004 Relationship Agreement and the Rome Statute is making good progress in terms of the exchange of information, the provision of services and use of premises, judicial assistance and appearances by Organization officials for the purpose of giving testimony and operational support in the field, as mentioned in the report. It is also important to note the participation of senior Court officials in United Nations meetings, such as those related to the rule of law, international criminal law, international humanitarian law and transitional justice.

The delegation of Chile recognizes that cooperation between the International Criminal Court and the Security Council is essential to the fight against impunity for the most serious crimes of concern to the international community. Both bodies, working within their respective jurisdictions, have an important role to play in maintaining international peace and security, as set out in the Charter of the United Nations and the Rome Statute. More specifically, the Security Council's power to refer situations to the Court complements and strengthens the mandate of the International Criminal Court in those cases where the Court lacks jurisdiction. In that connection, we support the efforts of the Court to ensure that the Security Council effectively follows up on the situations that it has decided to refer to the Court under Chapter VII of the Charter and the Rome Statute. However, the effectiveness of that synergy, as the report points out, is hampered in practice by a lack of cooperation from some States, whether or not they are parties to the Rome Statute, in relation to the arrest and detainment of persons for whom the Court has issued arrest warrants.

The report of the Court notes that, to date, it has issued warrants for the arrest and surrender of 14 individuals that are still outstanding. In that regard, we reiterate the Court's urgent call on the States parties concerned to provide the necessary cooperation and assistance to fully comply with those requests. The delegation of Chile shares that concern and reaffirms its legal commitment to cooperating with the Court.

The delegation of Chile underscores the Court's observations in its annual report with regard to the fundamental importance of the compliance by States parties to the Statute with their obligation to cooperate so that the Court can duly perform its functions. With regard to Chile's fulfilment of that obligation, a draft

version of a law on cooperation between Chile and the International Criminal Court has been in the process of being formalized in the legislature since May. The proposed law is essential to give full effect to the provisions on cooperation established in part 9 and article 88 of the Rome Statute, pursuant to which States parties must ensure that procedures are available under their national law for all of the forms of cooperation specified in the Statute. We appreciate and underscore the support provided to our country by professionals from the Court's Registry in preparing the draft law on cooperation within the framework of the assistance and help that it provides.

The universality of the Rome Statute continues to be one of the great challenges facing the Court. Achieving that goal requires that the Court, with the constant support of States parties to the Statute, continue to develop its interaction and cooperation with international and regional organizations and its work to raise awareness of its activities. We regret, however, the withdrawal of two States parties from the Rome Statute, which we hope can be reversed. My delegation also welcomes the fact that during the Court's reporting period the Statute has seen a further addition to its ranks, increasing the number of States parties to 123. Chile highlights the fact that one State party ratified the amendments on the crime of aggression and another the amendment to article 124 of the Statute.

In conclusion, our country, as a State party to the Statute, would like to take this opportunity to reiterate its commitment to the goal of achieving the universality of the Rome Statute, and we call on all States parties to the Statute to persevere in their efforts to promote the Court's increased effectiveness and presence within the international legal system and encourage the full implementation of the Rome Statute.

Mr. Allen (United Kingdom): May I say, Madam President, how good it is to see you presiding over today's meeting. I also want to associate the United Kingdom with the statement delivered earlier by the representative of Germany.

The United Kingdom would like to thank Judge Chile Eboe-Osuji, President of the International Criminal Court (ICC), for his presentation and the Court for its annual report (see A/75/324 and A/75/324/Corr.1) to the United Nations. The United Kingdom notes that during the reporting period, important progress has

been made, despite the practical challenges caused by the coronavirus disease pandemic.

The promotion of international criminal justice and the rule of law is a fundamental element of the United Kingdom's foreign policy. The United Kingdom has always been, and remains, a strong supporter of the aims and objectives of the Court, and we firmly support justice, accountability and an end to impunity for the most serious crimes of international concern. The ICC has an important role to play in achieving this as part of the rules-based international system. The United Kingdom continues to provide significant financial, practical and political support to the Court. We are currently enforcing the custodial sentence of Mr. Ahmad Al-Faqi Al-Mahdi, in a demonstration of our continued practical cooperation with the Court. The United Kingdom recognizes the serious challenges facing the Court at this time. We strongly believe that Court officials must be able to carry out their work independently and impartially, without fear of reprisals.

The United Kingdom believes that the Court forms an important part of the rules-based international system. That is why the United Kingdom has clearly set out that it believes changes are needed in order for the Court to face the future with confidence. We will continue to support positive reform of the Court so that it operates as effectively as possible. In particular, the United Kingdom welcomed the establishment at last year's Assembly of States Parties of an Independent Expert Review, as part of an inclusive State-party driven process for identifying and implementing measures to strengthen the Court. Meaningful reform, however, is a process, not an event, and requires careful and determined attention over a sustained period of time, across many aspects of the Court's work. It is now essential that that work be taken forward to ensure that the necessary changes are made to strengthen the Court. The United Kingdom looks forward to working with States parties, the Court and civil society to make sure that this happens, alongside parallel work strands designed to help the Court operate as effectively and efficiently as possible.

The United Kingdom believes that the election of the best possible judges and Prosecutor is vital to the future of the ICC. In line with our wider commitment to the Court, the United Kingdom has selected Judge Joanna Korner to be the United Kingdom's candidate for the forthcoming election to the ICC's judiciary. We strongly recommend Judge Korner to all States parties.

Judge Korner has a clear vision of the positive changes that she can make to the Court, as demonstrated in her public pledges. Moreover, she is one of the United Kingdom's finest judges, offering nearly 30 years of judicial experience and trying some extremely complex and challenging cases. Judge Korner has also served for eight years as a senior prosecuting trial attorney in the International Criminal Tribunal for the Former Yugoslavia. Most important of all, Judge Korner is forthright about the critical need to support victims, including children and victims of sexual and gender-based violence who have suffered the most appalling crimes.

The United Kingdom strongly supports the aims of the ICC and believes that the Court has a pivotal role to play in the delivery of justice and as part of the rules based international system. We will continue to demonstrate that support for the Court and work together with States parties and the Court to strengthen and build a Court that is more effective and efficient, and that ultimately delivers justice for victims and accountability for the most serious crimes of international concern.

Mr. Kawase (Japan): Japan associates itself with the statement delivered earlier by the representative of Germany, and I would like to add a few points in my national capacity.

Japan is a staunch supporter of the International Criminal Court (ICC) and is firmly committed to the fight against impunity and the promotion of the rule of law. The ICC can exert significant influence to that end. We are proud to have made significant contributions to the Court as its largest financial contributor, and by providing human resources. Given its mandate and nature as a permanent court, the ICC should strive to be universal. Bearing that in mind, Japan has urged Asian countries in particular to become States parties to the ICC. I would like to take this opportunity to once again call on all States that are not party to the Rome Statute to accede to it.

At the same time, Japan has stressed that the ICC should undertake its activities in a cooperative way vis-à-vis non-States parties. Rather than closing its doors, the ICC should open them to non-States parties in order to increase the number of States parties, and to strengthen the Court's legitimacy. From that perspective, Japan invites all States parties as well as the ICC itself to promote greater cooperation with non-States parties.

In order to make the ICC universal, it is indispensable to maintain our interpretation of the principle of complementarity just as we agreed when we adopted the Rome Statute. If the interpretation of that core principle of the ICC fluctuates, non-State parties will not be able to help hesitating about the decision to accede to the Statute. The States parties are currently discussing the principle of complementarity in a working group, and Japan will actively participate in that discussion.

Finally, the ICC is a judicial body, but it is an international organization first and foremost, and its States parties have a responsibility to ensure the Court's good governance. It is nearly 20 years since the Rome Statute came into effect, and now is the time to look back over our experiences and review the work of the Court. We therefore welcomed the release on 30 September of the report of the Independent Expert Review. It contains many useful recommendations, including on expediting investigations, prosecutions and trial processes, as well as on reinforcing the ICC's organizational strength. Japan will actively participate in the discussions on those recommendations and contribute to reform of the ICC.

Mrs. Baeriswyl (Switzerland) (*spoke in French*): Switzerland is pleased to align itself with the statement made earlier by the representative of Germany.

The International Criminal Court (ICC) was established to combat impunity for the most serious crimes under international law, bring justice to victims and thereby contribute to lasting peace. As is made clear in today's report (see A/75/324 and A/75/324/Corr.1), the ICC is fulfilling its role despite the many challenges posed by the coronavirus disease pandemic. It has fulfilled its mandate and has handed down judgments concerning situations involving every region of the world. Switzerland would like to take this opportunity to express its thanks to the Court, its staff and all who support the institution. The ICC is more necessary than ever, as atrocities continue to be committed all over the world and States fail to sufficiently combat impunity for the perpetrators of the most serious crimes. The ICC needs us, too. We will continue to comply with our obligations to cooperate under the Rome Statute and call on all States to cooperate fully with the Court. Only with their full cooperation will it be able to fulfil its important mandate and ensure justice for the victims of the most serious crimes of concern to the international community.

For several years, we have witnessed increasing pressure on the international rules-based order and attacks on multilateralism and international institutions in general. The ICC is an integral part of that international order. It is a major embodiment of multilateral diplomacy and a big step forward in the development of international law. It is therefore not surprising that it is being targeted. In that regard, given the recent increase in attacks on the Court, we need to send a strong message. We must reaffirm our support for international criminal justice and for the ICC as its central, independent and impartial body. In June, 67 States, including Switzerland, endorsed a joint declaration to reaffirm their unwavering support for the ICC. Together we reaffirmed our commitment to preserve the integrity of the Rome Statute without being deterred by actions or threats directed against the ICC, its officials and those who cooperate with it.

All States have an obligation to prosecute and punish atrocities. The ICC is a court of last resort. It can intervene only if States are unable or unwilling to do so. We therefore call on Member States that have not yet done so to investigate atrocities and prosecute those responsible through their national authorities and ratify the Rome Statute. The Court is an independent judicial institution governed solely by the law, and political pressure has no place in it. In that regard, the ICC enjoys Switzerland's unwavering and principled support.

The next Assembly of States Parties to the Rome Statute will be called on to adopt major decisions that will have an impact on the ICC's ability to act. The Independent Expert Review has generated positive momentum with a view towards working together collaboratively for a more efficient and effective ICC. We hope that all stakeholders will spare no effort to follow up on the recommendations made in the report of the Group of Independent Experts. As it highlights, the stature of the ICC's senior leadership is extremely important. The ICC will be able to live up to the ambition of the Rome Statute and the expectations of victims only if it has the best people at its disposal. We encourage all States to nominate and elect candidates who are best qualified to the Court and the Office of the Prosecutor.

When we negotiated, adopted and implemented the Rome Statute and established the ICC, we all made a promise to combat impunity for the perpetrators of the most heinous crimes, bring justice to their victims, facilitate reconciliation and, lastly, contribute to

lasting peace. Today we must reaffirm our collective commitment to a rules-based international order and reiterate our unwavering support to the ICC as an essential component of the multilateral architecture for upholding the rule of law. We must do everything in our power to ensure that the Court lives up to the promises made more than 20 years ago.

Mrs. Zappia (Italy): It is a pleasure to see you presiding over this important debate, Madam President. I would like to take this opportunity to thank the President of the International Criminal Court (ICC) for presenting this year's report (see A/75/324 and A/75/324/Corr.1).

Italy aligns itself with the statements delivered by the observer of the European Union and the representative of Germany, and I would like to make some additional remarks in my national capacity.

Italy considers the International Criminal Court to be a central component of the rules-based international order and a fundamental instrument for fighting impunity and strengthening accountability for the most heinous crimes. The Court sits at the apex of the broader system of organizations and mechanisms supporting international criminal justice and accountability. The most serious crimes of concern to the international community as a whole must not go unpunished. As the world's first and only permanent international criminal court, the ICC plays a key role in holding the perpetrators of such crimes accountable and providing justice for their victims. In recent months we have been very concerned to see political attacks on the Court and its personnel and the adoption of sanctions against them. We call on all Member States to respect the integrity and independence of the Court. The States parties to the Rome Statute have a special responsibility to defend the integrity and independence of the Court, and Italy will continue to do its part in that respect.

With regard to this year's report, Italy is particularly appreciative of the efforts made by the ICC to adapt its working methods to the exceptional circumstances resulting from the coronavirus disease pandemic and to make progress in a number of investigations and proceedings despite the difficult circumstances. The number of victims participating in proceedings — more than 11,000 — during the reporting period is testimony to the fact that the Court remains an indispensable institution of last resort for the still too many individuals who have fallen victim to the most atrocious crimes.

It is Italy's firm view that the focus on victims is an essential element of international criminal justice. The Court's role is as much about delivering justice to those primarily affected by crimes that are committed as it is about bringing the perpetrators of those crimes to justice, and thereby contributing to sustainable peace and post-conflict reconciliation. For those reasons, Italy has decided to contribute to the Trust Fund for Victims at the International Criminal Court, supporting its efforts to ensure reparations and provide physical, psychological, and material support to victims and their families. In that connection we note with deep sadness the premature and sudden passing of Mr. Felipe Michellini, the Chair of the Board of Directors of the Trust Fund.

Italy remains concerned about the outstanding unexecuted arrest warrants against 14 individuals and calls on States parties and Member States to comply with their obligations under the Rome Statute and the Charter of the United Nations. We regret that the Court has received no substantial response to the 16 instances of non-cooperation communicated to the Security Council. We have also noted with concern that no new agreements were concluded during the reporting period between the Court and States on witness relocation, the enforcement of sentences and the interim and final release of suspects or accused. Deeper and more extensive cooperation with States remains key to the Court's successful discharge of its functions in full compliance with the principle of complementarity.

I would also like to highlight the fact that my country, Italy, is particularly looking forward to the next Assembly of States Parties to the Rome Statute, when elections that are key to the future of the Court will take place. It is extremely important to ensure that the new judges and the next Prosecutor are elected on a basis of competence, professionalism, strong experience in complex institutions and criminal trials and moral integrity. It is also important that they are representative of the world's main legal traditions. The Court is at a critical juncture in its young history, and the international community needs a strong institution to pursue the cause of justice and accountability for the most heinous crimes.

Lastly, let me take this opportunity to thank the Netherlands for once again coordinating this year's draft resolution (A/75/L.5). Given the peculiar circumstances, Italy shares the approach taken by the

coordinator to propose a technical rollover, and we are a sponsor of the draft resolution.

Ms. Major (Estonia): Estonia aligns itself with the statements made by the observer of European Union and the representative of Germany.

Estonia would like to thank Judge Chile Eboe-Osuji for his presentation today and his dedicated work as President of the International Criminal Court (ICC).

I would like to begin by reiterating Estonia's firm commitment to multilateralism and to respecting and promoting international law and the rules-based international order. We acknowledge that the ICC plays a crucial role in the maintenance of a rules- and values-based world order and firmly support its role and mandate in responding to atrocity crimes, fighting impunity and ensuring justice for the victims of the crimes outlined in the Rome Statute. Estonia further expresses its full confidence in the Court as an independent and impartial judicial institution. We reiterate the call to all States to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity, undeterred by any measures or threats against the Court. We acknowledge that the reporting period was marked by important developments in the Court's investigations and preliminary examinations, as well as in judicial proceedings, as also indicated in the report (see A/75/324 and A/75/324/Corr.1). We would like to commend the Court on the management of its judicial activities despite the ongoing difficulties caused by the coronavirus disease pandemic.

We would like to stress that it is the primary duty of States to prevent and respond to international crimes, and that the ICC complements national courts but does not replace them. The effectiveness and the efficiency of the ICC in fulfilling its mandate inevitably depends on States' cooperation with the ICC. In cases in which ICC suspects are not subject to domestic investigation or prosecution for the particular grave crimes alleged in the relevant ICC warrants, as long as the warrants remain in force all States should fully engage and cooperate with the ICC in the arrest and surrender to The Hague of the suspects concerned. We call on all States and stakeholders to offer their full cooperation to the Court. Within the framework of the current and ongoing review of the Court, we need to continue the efforts to strengthen the ICC and enhance its efficiency and effectiveness together with all States parties to

the Rome Statute, in cooperation with the ICC and other stakeholders.

In that context, we welcome the recent submission of the report of the Group of Independent Experts and the discussions that have already begun about its follow-up procedures. We further stress the importance of the impartiality and independence of the ICC and its judges and Prosecutor. With regard to the upcoming elections, it is pertinent to remind ourselves that the quality of the judges and the Prosecutor ultimately plays an essential role in the quality of the decisions taken by the Court. Furthermore, these processes must be transparent, merit-based and fair. That is a common responsibility of all States parties to the Rome Statute.

The ICC plays an important role in delivering justice to victims, and we also need to do more to offer important protection for victims and witnesses who have suffered from or witnessed crimes. We express our appreciation and support to the continued work of the Trust Fund for Victims in offering reparations for the victims of the most serious crimes and their families and communities. As a regular donor, we encourage States and other donors to consider making voluntary contributions to the Trust Fund.

Finally, we recognize that the total count of States parties has risen to 123, and we would like to congratulate Kiribati for its accession to the Rome Statute during the reporting period. At the same time, universal acceptance of the Rome Statute remains a challenge, and we therefore continue to urge all Governments that have not yet ratified the Rome Statute to do so.

In conclusion, I want to express Estonia's steadfast, continued commitment to working together with all partners in order to further the work of the ICC and strengthen the system of international criminal justice.

Mr. Li Kai (China) (*spoke in Chinese*): China thanks President Chile Eboe-Osuji for presenting the report (see A/75/324 and A/75/324/Corr.1) on the activities of the International Criminal Court (ICC) to the General Assembly.

China closely follows the work of the Court and has participated as an observer in all sessions of the Assembly of States Parties to the Rome Statute. We have taken note of the Court's efforts in investigations, trials and victim reparations, including progress in its work during the coronavirus disease pandemic this year.

Since last year, a certain country has imposed unilateral sanctions on the Prosecutor and other officials of the ICC, an act that was condemned by many countries. China consistently opposes unilateral sanctions that run contrary to international law, along with bullying practices and power politics, which undermine the rules-based international order.

China believes that the ICC should act in strict accordance with the principles of objectivity and non-politicization in its judicial activities and resist attempts to abusively influence judicial proceedings for political purposes. Ensuring the prudent exercise of its jurisdiction, including better identification, and preventing abuse of litigation and the undue expansion of jurisdictions, is an indispensable safeguard for protecting the Court from abuse. In that regard, we are concerned about a number of controversial judicial practices by the Court. For example, this year's report states that the Court may exercise territorial jurisdiction when at least one element of a crime within the jurisdiction of the Court or part of such a crime is committed on the territory of a State party to the Statute. However, that statement lacks a foundation in international law and unduly expands the Court's jurisdiction.

China hopes that the ICC can earnestly abide by the principle of complementarity, as enshrined in the Rome Statute and in line with the requirements of international law, prudently determine and exercise its jurisdiction and further respond to the legitimate concerns of external parties to prevent the abuse of international justice. That is not only an inherent requirement of the rule of law but also key to maintaining the Court's impartial image and gaining international trust.

Mr. Chatrnúch (Slovakia): My delegation aligns itself with the statements delivered earlier today by the representative of Germany and the observer of the European Union, and I would like to make some further observations in my national capacity.

First of all, I want to thank President Chile Eboe-Osuji for his comprehensive presentation. I also thank the International Criminal Court (ICC) for the report on its activities in 2019 and 2020 (see A/75/324 and A/75/324/Corr.1) and to specifically express our appreciation for the Court's ability to adopt measures to ensure business continuity and the fulfilment of its mandate even in our current difficult times. The General Assembly debate on the report is one of the

most important institutional links between the United Nations and the ICC, providing a platform for all 193 States Members of the United Nations to discuss the work of this unique judicial body.

The Rome Conference of 1998 created the only permanent international judicial organ with jurisdiction over the most heinous crimes under international law. The Court's very existence reflects the growing belief in the international community that accountability must be an integral component of conflict resolution. It is difficult to conceive how a conflict-torn society can return to sustainable peace and normality without fulfilling the requirements of justice and humanity. In that context, Slovakia is deeply concerned about the adoption of measures against the International Criminal Court, including specifically against its officials and staff. The ICC, as an intergovernmental organization, must not be subjected to such measures. They are even less acceptable when directed against a judicial institution that is independent and impartial by definition, as recognized by others and by the Relationship Agreement between the ICC and the United Nations. Slovakia is further concerned about the fact that the recently introduced measures not only threaten the implementation of the mandate of the Court but also weaken the rule of law.

The Court can fulfil its mission of ending impunity for the perpetrators of war crimes, crimes against humanity, genocide and the crime of aggression only if it achieves universality. Instead of undermining a core institution in the fight against impunity, we should focus all our political efforts and engage in a consistent bona fide, open and patient dialogue, based on the shared values at the core of the ICC, so as to continue strengthening the rules-based international order and prevent impunity. At the same time, non-participating States should be encouraged to join the Rome Statute system in order to eliminate the territorial or personal jurisdictional gaps that enable perpetrators to escape justice.

Turning to the issue of links between the United Nations and the International Criminal Court, the possibility of referrals according to article 13 (b) of the Rome Statute has broadened the spectrum of measures that the Security Council can take in dealing with the maintenance of international peace and security. Slovakia encourages the Security Council to use this unique tool and make referrals when international crimes are being committed and the national authorities

bearing the primary responsibility for the prosecution of those crimes are not in a position to do so. However, unless the Security Council properly follows up on its referrals, including by ensuring the cooperation of Member States, that course of action will not have the desired results, as we have unfortunately witnessed in situations in the Sudan, Darfur and Libya. Moreover, the ongoing review process of the ICC provides a delicate opportunity to review relations between the United Nations and the Court and explore further ways to deepen cooperation and coordination between them.

Let me conclude by reiterating Slovakia's strong support for the International Criminal Court, as well as for the broader course of closing the impunity gap for crimes under international law. That is also clearly reflected in Slovakia's committed service as Vice-President of the Assembly of States Parties to the Rome Statute and coordinator of the New York working group.

Mr. Niang (Senegal) (*spoke in French*): My delegation aligns itself with the statement delivered earlier today by the representative of Germany on behalf of the 71 States parties to the Rome Statute of the International Criminal Court (ICC), and we would like to add a few remarks in our national capacity.

My delegation warmly thanks Mr. Chile Eboe-Osuji, President of the International Criminal Court, for his leadership of the Court and his comprehensive and detailed briefing on the report on the activities of the Court (see A/75/324 and A/75/324/Corr.1). On behalf of my delegation, I would also like to pay tribute to all those men and women, who commit daily, at the Court and elsewhere, to ensuring that the victims of mass crimes have access to justice, and in particular Ms. Fatou Bensouda, Prosecutor of the ICC, who has persevered throughout her term of office in the fight against the perpetrators of mass crimes on every continent with determination, commitment and professionalism.

Senegal welcomes the report of the Secretary-General (A/75/323) entitled "Information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court", which attests to the ever-growing cooperation between the two institutions and positive gains in the implementation of the Relationship Agreement at both the institutional and judicial levels.

An analysis of the ICC report demonstrates the role it plays in the universal fight against impunity and in

ensuring respect for the rule of law. The activities it describes attest to the Court's remarkable contribution to delivering justice for millions of victims throughout the world, thereby giving populations that have suffered terribly the feeling that humankind as a whole has heard their plea. As we read the report, we also note that despite the practical difficulties caused by the coronavirus disease pandemic, the ICC has been resilient and dynamic and has recorded clear progress in its work. The same applies to the Trust Fund for Victims, which in line with its mandate continues to provide support and succour for thousands of victims and helps to ensure the application of reparations rulings.

We would like to take this opportunity to recall that the Court can meet its aspirations to end impunity and help prevent mass crimes only with steadfast support from the international community. It will fully deliver on its mandate only if its independence is defended by all States parties. To that end, we must demonstrate our readiness and determination to unite our efforts to strengthen cooperation and breathe new life into our relations through direct and constructive dialogue in the Assembly of States Parties and elsewhere. We must also relentlessly pursue our efforts to ensure the universal ratification of the Rome Statute and the integration of its norms into the domestic legislation of States so that that all victims around the world, wherever they live, have an equal and equitable chance of access to justice. Finally, we must also maintain our commitment to improving complementarity by supporting national judicial systems, so that they are well positioned to try the perpetrators of the most serious crimes that hurt the human consciousness, in order to guarantee peace and stability.

Lastly, the Trust Fund for Victims also deserves special attention and the support of us all.

Mr. Espinosa Cañizares (Ecuador) (*spoke in Spanish*): My delegation thanks the President of the International Criminal Court (ICC), Judge Chile Eboe-Osuji, for his briefing on the report of the International Criminal Court on its activities in 2019 and 2020 (see A/75/324 and A/75/324/Corr.1). We also welcome draft resolution A/75/L.5, introduced today by the Netherlands, on the report of the International Criminal Court, of which Ecuador is a sponsor, and we hope that it will be adopted by consensus.

My delegation aligns itself with the statement in support of the independence of the International

Criminal Court made earlier today by the representative of Germany.

Ecuador is committed to a rules-based international order. We have therefore been consistent in defending the role of the International Criminal Court in the maintenance of peace and the quest for international justice. The Court is an integral part of that order. As the first and only international criminal court, the ICC is an essential component of the multilateral architecture upholding the rule of law and embodying our common commitment to combating impunity. By providing our full support to the International Criminal Court and promoting its universal jurisdiction, we defend multilateralism and the progress made through cooperation in fulfilling our obligations under the Rome Statute. We encourage all States to ensure full cooperation with the Court in order to enable it to fulfil its important mandate of delivering justice for the victims of the most serious crimes.

We want to point out that the International Criminal Court is a court of last resort that establishes a system of justice for serious international crimes referred to it by national courts. National authorities bear the primary responsibility for investigating and prosecuting crimes outlined in the Rome Statute. The International Criminal Court intervenes only when States are unwilling or unable to conduct national proceedings. We therefore reject any unilateral action that threatens the independence of the Court and its officials and call for such measures to be lifted.

For Ecuador, the gradual universalization of the Rome Statute and the jurisdiction of the International Criminal Court remains a crucial objective. Above and beyond considerations of political expediency, we must strive for genuine universal criminal justice that effectively combats impunity and enables perpetrators to be punished without permitting double standards or favouring political or economic interests that can lead to different standards being applied to similar situations.

We acknowledge and support the tireless work of the Court, which since its founding has handled a total of 27 cases, involving 45 suspects or defendants. We recognize, in particular, the progress made by the Court on 10 cases at various stages, despite the situation we are all living through with the coronavirus disease pandemic. We also sincerely thank and fully support the Prosecutor of the Court, Fatou Bensouda, whose efforts helped to ensure that arrest warrants were issued

during this period and that work continued on pending cases. We encourage her to continue to work on the 13 open investigations and preliminary examinations under way.

Ecuador included in its 2008 Constitution and domestic legislation the non-applicability of statutory limitations to crimes of genocide, crimes against humanity, war crimes, enforced disappearances and crimes of aggression. There is no amnesty in our country for such crimes and no statute of limitations, in full accordance with the Rome Statute, whose objective is combating impunity. Ecuador has ratified the amendments to the Rome Statute on the crime of aggression. We are also a signatory to the code of conduct of the Accountability, Coherence and Transparency group regarding Security Council action against genocide, crimes against humanity and war crimes.

It is essential to ensure that the Court has the funding it needs to achieve its objectives, as set out in the Rome Statute, in particular at a time when there is an increase in the number of cases submitted to the judges for decision, an increase in the number of investigations by the Office of the Prosecutor and a surge in the Court's overall caseload. We must also enhance funding mechanisms and boost the support of the international community for the Trust Fund for Victims, given that the Fund supports the work of the Court with regard to a key element of justice, the protection of and reparations for victims of crimes under the Rome Statute.

My delegation would like to express its support for the efforts of the United Nations system to improve its cooperation channels with the Office of the Prosecutor and other bodies of the Court. We call on Member States to afford the Organization every possible support to enable it to enforce the rulings of the Court.

Last but by no means least, my delegation would like to acknowledge the work of the Court Registry, as well as the secretariat of the Assembly of States Parties, whose efficiency and effectiveness, coordination and support have made it possible to achieve the results I just mentioned.

Mr. Carazo (Costa Rica): It is a great honour and joy for me to address the Assembly in this Hall under its new presidency.

(spoke in Spanish)

Costa Rica aligns itself with the statements made earlier today by the representatives of the Netherlands and Germany that referenced sanctions arbitrarily applied against officials of the International Criminal Court. Costa Rica is analysing its domestic legislation to ensure that none of those sanctions have any effect in its jurisdiction.

We take note of the report of the International Criminal Court (see A/75/324 and A/75/324/Corr.1). We thank the Registry of the Court for its efforts to ensure that the Court has continued to operate. However, we note that this is also an opportunity for the Court to re-evaluate the way it is organized and how to best use its resources. This means that budget lines must be simplified so as to prevent superfluous spending, such as costs associated with unnecessary travel or duplication of efforts, and to acquire technology that can be used to reduce operational costs as much as possible.

The report submitted by the Independent Expert Review some weeks ago helps to identify the priorities that the Court should focus on to ensure the effective implementation of its mandate. We stress that we should not miss the opportunity to undertake comprehensive reforms with regard to the Court's culture, efficiency and effectiveness. Several of the recommendations of the Group of Experts require no budgetary changes

or amendments to the Rome Statute, only the will to attend to such institutional matters. While it is true that a number of areas require the efforts of the Court and States parties, Costa Rica believes that can be achieved through regular, candid and constructive dialogue. For such dialogue to lead to tangible progress, the Court must re-evaluate the way it operates, including the leadership required to build a united, robust institution that is focused on implementing its mandate.

For the first time in the history of the Rome Statute, the next Assembly of States Parties will be a deciding factor in defending and strengthening the Court. It will be a historic opportunity for States parties to elect a new generation of judges and a new Prosecutor. In addition to being visionaries and people of integrity, they should be able to take the reins of an institution established both to protect humankind and to embody the best of it. Much hope and effort have been placed in it. Let us not miss the opportunity.

Costa Rica supports the candidacy of Sergio Ugalde Godínez for one of the judgeships. We know that he would fully meet the criteria, outlined by several delegations today, for election.

The Acting President: We have heard the last speaker in today's debate on this agenda item. We will hear the remaining speakers at 3 p.m. in this Hall.

The meeting rose at 1.15 p.m.