

## **8<sup>th</sup> Session of Consultative Assembly of Parliamentarians for the International Criminal Court & the Rule of Law**

I am honoured to contribute, on behalf of the EU, to this 8<sup>th</sup> Session of Consultative Assembly of Parliamentarians for the International Criminal Court & the Rule of Law.

As you know, the EU is a staunch supporter of the ICC. We view an effective Court as an indispensable instrument of the international community in its efforts to combat impunity and promote a law-based international order. The ICC will remain an important EU priority in years to come, and will continue to receive our political, diplomatic, logistical and financial support.

A concrete example of the EU's political support is our commitment to the universality of the Rome Statute and promoting a better understanding of the ICC's mandate. The worst crimes should not go unpunished, no matter where or by whom they are committed.

In spite of the great advancements the international community has made during the last decades, no part of the world is immune to conflicts and cruelty. Children, men and women continue to fall victim to mass atrocities, too often committed with impunity. Mass murder, the use of armed force against civilians, the deportation of populations, the recruitment of child soldiers, rape as a weapon of war – these atrocious acts inflict irreparable suffering, often across generations.

In adopting the Rome Statute of the ICC, the world embarked upon a historic mission to end this suffering through deterrent justice. Delivering on this promise of justice to victims of genocide, crimes against humanity and war crimes is both a moral imperative and an essential contribution to the peace, security and well-being of the world.

However, while roughly two thirds of all states have become States Parties, the majority of mankind still lives outside the

remit of the Rome Statute,

This needs to change.

The EU and its Member States are committed to playing a very active role in bringing about that change. For example through our regular human rights dialogues with some 40 countries, through systematic demarche campaigns worldwide, through the organization of dedicated regional seminars, through the systematic inclusion of an ICC clause into agreements with third countries, and through financial support to civil society organizations lobbying for the universality of the Rome Statute.

Parliamentarians, of course, play a key role in the ratification and the implementation of the Rome Statute and related instruments. That's why the EEAS, the Commission and their services work closely with Members of the European Parliament and parliamentarians from around the world towards achieving universality of the Rome Statute and putting in place adequate implementing legislation.

The EU is concerned that the ICC's relationship with some African governments has faced renewed challenges. We hear the concerns raised, but believe they are misplaced. The ICC is an independent and impartial judicial institution with no political agenda. Concerns about the Court's proceedings should be presented in the framework of the Rome Statute.

International criminal justice is not owned by any one culture nor driven by any one people. It belongs to all peoples and nations, and that is why the ICC has been embraced across all continents. It does not target specific regions.

Accusations of an anti-African bias are misplaced. To date, four States Parties to the Rome Statute – Uganda, the Democratic Republic of the Congo, the Central African Republic and Mali – have referred situations occurring on their territories to the Court. In two situations – Kenya and Cote

d'Ivoire – the previous Prosecutor initiated investigations on his own initiative, but with the knowledge and support of the governments concerned. In addition, the Security Council has referred the situations in Darfur, Sudan, and in Libya – both non-States Parties.

The Rome Statute applies equally to all persons, without any distinction based on official capacity. In this respect, the abolition of all immunities, even that of Heads of State, in trials before the ICC has been an essential achievement in international criminal justice. It has been accepted by all States that have ratified the Rome Statute or acceded to it, and it is a fundamental principle that underpins the Court's work to end impunity for the perpetrators of the most serious crimes.

Full co-operation with the ICC is a prerequisite for the Court's effective functioning. The Court does not have its own police or law enforcement structures at its disposal. Without State cooperation, the ICC cannot fulfil its mandate and the Rome Statute system risks collapse. In situations where the ICC has jurisdiction, States must provide necessary law enforcement and other structures for investigations to take place and to execute ICC decisions. All States that have ratified the Rome Statute are under a legal obligation to "cooperate fully with the Court in its investigation and prosecution of crimes" (Art. 86 ICC Statute). This applies to various types of cooperation with the Court, including the execution of arrest warrants.

The ICC does not replace national criminal justice systems, but complements them. The EU and its Member States are particularly engaged in promoting and contributing to strengthening the capacity of national judicial systems to investigate and prosecute Rome Statute crimes, and – if need be – to cooperate with the ICC. This interaction between national justice systems and the ICC is pivotal to giving full effect to the Rome Statute.

Ladies & Gentlemen,

The states of the Middle East and North Africa have been actively involved in the establishment of the ICC and the Rome Statute since negotiations for the Court began more than 20 years ago. Jordan held the Presidency of the Assembly of States Parties (ASP) from 2002 to 2005. And yet, the Arab World is underrepresented at the ICC, with only 4 States Parties to the Rome Statute (of a possible 22): Jordan, Djibouti, Comoros and Tunisia.

We can do better. Civil society organizations across the Middle East and North Africa region are working to end impunity and protect the right to truth and justice for victims of atrocities. For these organizations, the Rome Statute provides high legal standards for prosecuting grave crimes that can be drawn upon to help establish similar standards as the norm, rather than the exception, in the region.

Events in Syria and Iraq have dominated the headlines in 2014. The EU and its Member States unreservedly condemn the atrocities, killings and human rights abuses perpetrated by ISIL/Da'esh and other terrorist groups in both Syria and Iraq, as well as by the Assad regime in Syria. Jointly, we call on the Security Council to refer the situation in Syria to the ICC and we call on Iraq to accede to the Rome Statute.

Let me finish by adding how delighted I am, as the EU's Ambassador in Rabat, that this event is being held in Morocco, a country that has made, and continues to make, encouraging progress in the rule of law.

Thank you.