

Seventieth Session of the General Assembly
Agenda item 78
Report of the International Criminal Court

*Statement delivered by Ambassador Juan Carlos Mendoza
Permanent Representative of Costa Rica
On behalf of a group of Like- Minded State Parties*

New York, 13 May 2016

Mr. President,

I have the honor to speak on behalf of Argentina, Australia, Austria, Belgium, Chile, Croatia, Cyprus, Czech Republic, El Salvador, Dominican Republic, Denmark, Estonia, Finland, Georgia, Guatemala, Hungary, Iceland, Jordan, Liechtenstein, Luxembourg, the Netherlands, Norway, Palestine, Paraguay, Spain, Switzerland, Slovenia, Trinidad and Tobago, Uruguay and my own country, Costa Rica.

At the outset, we wish to reiterate our strong and outright support to the International Criminal Court. The ICC is the most significant achievements of the international community in its quest to put an end to impunity for mass atrocities, regardless of who commits them, and to provide justice to the victims.

Because these are global goals, the world demands that no State allows room for impunity. In this sense, we celebrate El Salvador's accession to the Rome Statute, which brings the number of States Parties to 124, and reiterate the importance of continuing to promote universality. In joining the Rome Statute, States do not only support the International Criminal Court, but also undertake the obligation to investigate and prosecute the most serious crimes at the national level – a key contribution to ending impunity. The ICC is designed a Court of last resort, and it becomes active only where national judiciaries fail to do their work.

Mr. President,

We welcome the consensual adoption of the 70th General Assembly resolution on the Report of the International Criminal Court, as well as the substantial number of cosponsors.

This General Assembly resolution constitutes an important avenue to strengthen and improve the implementation of the relationship agreement between the United Nations and the ICC approved by the GA at its 58th session by consensus.

It is the task of all UN Member States – irrespective of their relationship with the ICC - to follow up by adequately reflecting the ongoing cooperation between the two institutions, while addressing the most pressing challenges, to the benefit of both partners.

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It is in this regard, that we believe it is very unfortunate that we were not able to advance the resolution this year. However, this should not stop us from addressing challenges reflected in the annual Report of the Court.

Some of the current challenges are the following:

Cooperation between the UN and the ICC needs to be strengthened and United Nations offices, funds and programs should collaborate effectively with the Office of Legal Affairs as focal point for cooperation.

The Secretary-General's guidelines on contacts with persons who are subject of arrest warrants or summonses to appear are important and need to be implemented consistently.

The Court requires adequate financial resources to fulfill its mandate and it is under constant budgetary pressure. We find it worrisome that it continues to carry out activities as a result of decisions made by the UN Security Council, but with no support from the UN budget. The General Assembly should therefore ensure the implementation of Article 13, paragraph 1, of the relationship agreement

Regarding referrals, our delegations believe that the Security Council should be consistent and coherent in its use of referrals and establish legally sound language for the referral of situations to the Court. This entails avoiding the inclusion of jurisdictional exceptions that go against the principle of equality before the law and endanger its own credibility and that of the Court. Furthermore, it is up to the Council to enforce its own decisions, which requires effective follow-up. In addition, we encourage the Council to consistently mandate relevant peacekeeping missions to assist the Court in fulfilling its mandate.

Mr. President,

The Rome Statute system is growing. The Court is extending its jurisdictional reach and is currently dealing with more cases and situations than ever before. Also, the relationship with the United Nations is becoming an even closer one, whether it is about technical support for ICC staff in situation countries, or the exchange of information and good practices. Nevertheless, our job is not done and all Member States need to continue to work together in order to fight impunity. We are committed to continue doing our part, and call upon all State Parties to do the same.

We thank you, Mr President

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