



S L O V A K I A

STATEMENT

by

**H. E. Mr. Michal MLYNÁR
Permanent Representative**

of the Slovak Republic to the United Nations

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Report of the International Criminal Court (item 75)

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Mr. President,

While aligning my delegation with the statements delivered by the distinguished representatives of Germany and of the European Union, respectively, I would like to make some further observations in national capacity.

First of all, I wish to thank President Chile Eboe-Osuji for his comprehensive presentation. I also thank the International Criminal Court for the report on its activities in 2019/20 and specifically appreciate that the Court has been able to adopt measures to ensure business continuity and the fulfilment of its mandate even during the current difficult times.

The General Assembly debate on this report is one of the important institutional links between the United Nations and the ICC that provides the platform for all 193 Member States of the United Nations to discuss the work of this unique judicial body.

Mr. President,

The Rome Conference of 1998 created the only permanent international judicial organ having jurisdiction over the most heinous crimes under international law. The mere existence of the Court reflects the growing conviction of the international community that accountability must be an integral component of conflict resolution. It is difficult to conceive, how a conflict-torn society could return to sustainable peace and normality without fulfilling the requirements of justice and humanity.

In this context, Slovakia has been deeply concerned by 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 subject to such measures. Such steps are even less acceptable when directed against a judicial institution which is, by definition independent and impartial as recognized, among others, also by the Relationship Agreement between the ICC and the UN. Slovakia is further concerned that the recently introduced measures not only threaten the Court in carrying out its mandate, but also weaken the *rule of law*.

Mr. President,

The Court can fulfill 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 the core institution in the fight against impunity, we should focus all our political efforts and consistently engage in a *bona fide*, open and patient dialogue, based on the shared values lying at the core of the ICC, to continue strengthening the rules-based international order and prevent impunity. At the same time, non-participating States shall be encouraged to join the Rome Statute system, in order to eliminate the territorial or personal jurisdictional gaps allowing perpetrators to escape justice.

Turning to the issue of links between the United Nations and the International Criminal Court, Mr. President,

The possibility of referrals according to Art. 13 para. (b) of the Rome Statute has broadened the spectrum of measures the Security Council can take when 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 cooperation by Member States, this course of action will not bear the desired results, as has been, unfortunately, witnessed both in the Sudan/Darfur and Libya situations. Moreover, the on-going review process of the ICC provides a delicate opportunity to review also the relations of the UN with the Court and explore further ways how to deepen the cooperation and coordination between the two.

Mr. President,

Let me conclude by reiterating Slovakia's strong support for the International Criminal Court, as well as for the broader cause of closing the impunity gap for crimes under international law. This is clearly reflected also 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.

I thank you.