



Council of the
European Union

146949/EU XXVII. GP
Eingelangt am 28/06/23

Brussels, 26 June 2023
(OR. en)

11082/23

LIMITE

COJUR 26
CFSP/PESC 927
RELEX 794
COEST 385

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	10354/1/23 REV 1
Subject:	Council conclusions on the International Criminal Court on the occasion of the 25th anniversary of the adoption of the Rome Statute

Delegations will find enclosed the Council Conclusions on the International Criminal Court on the occasion of the 25th anniversary of the adoption of the Rome Statute.

COUNCIL CONCLUSIONS**ON THE INTERNATIONAL CRIMINAL COURT ON THE OCCASION OF
THE 25TH ANNIVERSARY OF THE ADOPTION OF THE ROME STATUTE**

1. On the 25th anniversary of the adoption of the Rome Statute, the European Union and its Member States celebrate the crucial contribution of the International Criminal Court to the fight against impunity for the most serious crimes of concern to the international community as a whole. Today, the Council reiterates its unwavering support to the ICC for its central role in bringing justice to victims in all situations under its jurisdiction.
2. The European Union has been a steadfast supporter of the Court since its inception. As the world's first and only permanent international criminal court for the investigation and prosecution of the most serious international crimes, the ICC demonstrates the international community's determination to end impunity for the most heinous atrocities and to foster a culture of accountability, at both the national and international levels.
3. The 25th anniversary of the Rome Statute is a unique opportunity to take stock of the many achievements of the ICC, but also to reaffirm the European Union's support for its future. Considerable progress continues to be made in the Court's activities including preliminary examinations, investigations, and judicial proceedings. Today, the ICC is involved in 17 situations, all over the world, and there is a record number of active cases in court proceedings.
4. All situations where the most serious crimes of concern to the international community appear to have been committed deserve our utmost attention. The Council is convinced that the ICC, in line with the principle of complementarity, will bring justice to victims everywhere.
5. A war is raging on the European continent. The Council reaffirms its Conclusions of December 2022 on accountability for the most serious crimes committed in connection with Russia's war of aggression against Ukraine.

6. The Council underlines the Court's important role in delivering justice to victims of atrocious crimes, giving them a voice by enabling participation in its proceedings, providing assistance to them and awarding reparations. The Court's Trust Fund for Victims has assisted tens of thousands of victims with physical and psychological rehabilitation and material support. The Council urges States Parties and others to support and continue to support the Trust Fund for Victims.
7. The Council recalls the fundamental role of civil society in the establishment and the functioning of the ICC and in supporting victims' access to justice. This year also marks the 25th anniversary of the adoption of the United Nations Declaration on Human Rights Defenders. The Council commits to protecting civil society space, including by responding to threats to human rights defenders, who are at the frontline of justice efforts.
8. In leading the fight against impunity, the ICC must be able to work independently and impartially. The European Union remains committed to work together with all States Parties, and other partners around the world, to support the Court and to preserve and respect the Court's independence and the integrity of the Rome Statute. Any threat against the Court, its staff and those involved in the work of the ICC is unacceptable.
9. The European Union is committed to the effective functioning of the ICC. In 2006, the EU became the first regional organisation to conclude an agreement on cooperation with the Court. Full cooperation with the ICC is a prerequisite for the Court's effectiveness. The Council notes that non-cooperation constitutes a serious challenge for the ICC.
10. The Council calls upon all States to ensure full cooperation with the Court, including by the prompt execution of outstanding arrest warrants, and to enter into voluntary agreements. The protection and relocation of victims and witnesses, interim and final release and the enforcement of sentences are all integral parts of the international criminal procedure, and the relevant burden should be shared equitably among the States Parties including, as appropriate, through voluntary cooperation agreements.

11. The principles of the Rome Statute of the ICC, as well as those governing its functioning, are fully in line with the principles and objectives of the EU. The Council is committed to continuing and renewing its efforts to promote the universality and preserve the integrity of the Rome Statute. The European Union urges those States that have not yet done so, including EU candidate countries, to urgently ratify or accede to the Rome Statute and to end impunity for the most serious crimes. It further invites States Parties, having considered their national circumstances, to consider whether to ratify or accept the Rome Statute's amendments.
12. The Council will continue its efforts to further mainstream the ICC across the European Union's internal and external policy areas, in order to ensure coherence and to make it an integral part of its international humanitarian law, human rights, peacebuilding and conflict resolution discussions, and reaffirms its commitment to lend constant diplomatic support to the Court to ensure that it can effectively carry out its mandate. In this regard, the Council commends the special focus of the mandate and work of the EU Special Representative for Human Rights on promoting compliance with international humanitarian law and supporting international criminal justice and welcomes the Special Representative's continued emphasis on these matters.
13. The Council acknowledges the importance of providing the Court with necessary and sustainable financial resources, to ensure that its organs can robustly and consistently play their respective roles across all situations under the Court's global mandate. The Council calls on all States Parties to the Rome Statute to pay their contributions in full and on time and to immediately pay any arrears due.
14. The process of reviewing the Court's functioning is a unique possibility to strengthen the system of international criminal law and make the Court more efficient and effective. The Council commends the dedication shown by the Court throughout this process. The Council encourages the ICC and States Parties to continue with the assessment and implementation of relevant recommendations, with due respect to the prosecutorial and judicial independence of the Court. The European Union places particular importance on promoting good governance and a healthy work culture, that also ensures inclusion and gender equality. The Council takes note of the strengthening of gender policies at the ICC through the new Strategy on Gender Equality and Workplace Culture.

15. The Council commends and further encourages the Court's efforts to integrate a gender and age perspective into its investigative, prosecutorial, and judicial work. The Council encourages the Court to further strengthen the integration of gender-responsive and child-centered approaches into the collection of evidence.
16. The Council recalls that the ICC is a court of last resort which complements national courts instead of replacing them. The Council therefore highlights the importance of complementarity and cooperation between national jurisdictions and the Court as one of the most important features of the Rome Statute. In this regard, the Council highlights the role of the EU Genocide Network in enhancing such cooperation and facilitating the sharing of best practices between EU Member States. The EU encourages States Parties to adopt the necessary national legislation defining international crimes, creating, or reinforcing specialized war crimes units and strengthening cooperation among States.
17. The European Union insists on the fundamental importance of electing the most highly qualified judges and officials to the Court through fair, transparent, and merit-based elections, in accordance with the Rome Statute, to ensure the quality of judicial decisions and to further increase trust in the institution's ability and impartiality to deliver justice. The Council encourages States Parties to follow rigorous and transparent national nomination procedures when presenting judicial candidates. A credible and transparent process of election, including vetting, is crucial to ensure the legitimacy of the Court.
18. This 25th anniversary of the adoption of the Rome Statute presents an opportunity to advance the fight against impunity for the most serious crimes and strengthen the rule of law. The Council commends the efforts of States Parties to commemorate this anniversary with various events held worldwide in the celebration of the advancement of international criminal justice. The European Union and its Member States will continue to promote awareness of the ICC and the Rome Statute. The European Union takes this opportunity to reiterate its unwavering commitment to the independence and the impartiality of the ICC, and its central role in the global fight against impunity.