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## Concept Note

**United Nations Security Council Arria Formula Meeting organized and co-sponsored by the following Members of the Security Council and the incoming Members, that are States Parties to the Rome Statute of the International Criminal Court**

**Japan and Switzerland**

**Republic of Albania, Ecuador, France, the Gabonese Republic, Ghana, Co-operative Republic of Guyana, Republic of Korea, Malta, the Republic of Sierra Leone, the Republic of Slovenia, and the United Kingdom**

## **25<sup>th</sup> Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security**

**Tuesday, 18 July 2023, 3 p.m. – 6 p.m.  
ECOSOC Chamber, UN Headquarters**

### Introduction

This year marks the 25<sup>th</sup> anniversary of the **adoption of the Rome Statute** of the International Criminal Court (ICC). This historic milestone was reached after many years of aspirations and efforts for the creation of a permanent international court to ensure justice for the most serious crimes. In cooperation with States, the Court contributes to the global fight against impunity and aims to hold those responsible accountable for their crimes and to prevent these crimes from happening again.

The ICC investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, crimes against humanity, war crimes and the crime of aggression. Its work relies on two fundamental principles: the principle of complementarity and the principle of cooperation. A pillar of the Rome Statute is the **principle of complementarity**, according to which States Parties have the primary responsibility to prosecute the most serious crimes. The ICC may only exercise jurisdiction where the concerned States are unwilling or unable to do so. Collaboration between the ICC and States is thereby crucial. Indeed, the Court cannot fulfill its mandate alone, and **cooperation** from State Parties in obtaining evidence, facilitating witness protection and ensuring the enforcement of its orders is as essential as ever. Ending impunity will hence only be possible when both the Court and the States fulfill their respective obligations and the ICC's active engagement with States to encourage and support their efforts in investigating and prosecuting international crimes is fundamental. It can do so through cooperation, capacity-building and technical assistance, with the aim to strengthen national legal systems and to promote the administration of justice at the domestic level. Cooperation is also essential with the United Nations

Security Council. The mandates of these two bodies – the ICC’s pursuit of individual criminal accountability and the Council’s role in maintaining international peace and security – must be mutually reinforcing. This link between justice and peace is underlined by the referral and deferral powers of the Council as provided for in the Rome Statute. Collaboration between the United Nations Security Council and the ICC is, and will continue to be, crucial.

Justice is an essential condition for lasting peace. International justice can help bring long-term peace and stability to post-conflict societies. Adopting a holistic approach of justice, the role of the Court is **not only retributive but also restorative**. One way the ICC contributes to restorative justice is through its Victim Participation and Reparation programs, notably through the Trust Fund for Victims. The Rome Statute recognizes, unprecedented in international criminal justice, the rights of victims to participate in the proceedings, to present their views and concerns, and to seek reparations for the harm they have suffered. This ensures that victims have a voice in the justice process. It helps restore their dignity and move on to a lasting peaceful solution. The ICC’s engagement with local communities and civil society organizations is another crucial element in promoting restorative justice. Through outreach programs, capacity-building initiatives and collaboration with local partners, the ICC fosters dialogue, education and awareness about the importance of accountability. Such a holistic vision of justice should promote reconciliation, sustainable peace and the prevention of grave crimes, thus contributing to the maintenance of international peace and security.

On the historic occasion of this anniversary year, this meeting provides an opportunity for States to re-state their commitment to the Rome Statute, and to consider the way in which the Court contributes to peace and security in a holistic approach to justice by way of complementarity and cooperation.

### **Guiding Questions**

Participants are encouraged to base their interventions on the following questions:

- Over the last 25 years, how has the ICC contributed to the maintenance of international peace and security? What are the lessons learned? What are opportunities ahead of the ICC to effectively deliver on its mandate? How can UN Member States better support the ICC to expedite the fulfillment of its mandate? How do you assess the ICC and the UNSC’s collaboration and how could it be improved to achieve international peace and security?
- How should we interpret the principles of complementarity and cooperation with the aim of contributing to international peace and security? How can the ICC contribute to strengthening national legal systems, judicial institutions and reparation processes?
- How does the ICC contribute to restorative justice, in particular through its engagement with the victims, and how does that relate to sustainable peace?
- How can regional organizations and other stakeholders such as civil society organizations support the Court?
- How should we promote the universality of the Rome Statute?

### **Modalities**

The Arria-formula meeting will be chaired by H.E. Ms. Corinne Cicéron Bühler, State Secretary, Federal Department of Foreign Affairs of Switzerland, and H.E. Mr. Kimihiro Ishikane, Ambassador, Permanent Representative of Japan to the United Nations. All UN Member States and Permanent Observers are invited to participate.

#### **The following speakers are invited to brief:**

- Ms. Silvia Fernández de Gurmendi, President, Assembly of States Parties to the Rome Statute
- Ms. Deborah Ruiz Verduzco, Executive Director, Trust Fund for Victims
- Dr. Dapo Akande, Professor of Public International Law, University of Oxford
- Ms. Melinda Reed, Acting Convenor, Coalition for the International Criminal Court

The meeting will take place in the ECOSOC Chamber from 3 p.m. to 6 p.m. on 18 July 2023. The meeting will be broadcast on UN Web TV. Interpretation into the official languages of the UN will be provided.

To facilitate participation by as many delegations as possible, interventions should not exceed three minutes. To inscribe in the speakers' list and deliver a statement, please send the delegation's name as well as the name and title of the speaker to [newyork.un.unsc@eda.admin.ch](mailto:newyork.un.unsc@eda.admin.ch) by **16 July 2023 at 6 p.m.** with the subject line: "*UNSC Arria meeting ICC*".

Delegations are also invited to send written versions of their statements by 31 July 2023 for inclusion in a compilation.

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