



BANGLADESH

Statement under Agenda Item 72:

Report of the International Criminal Court at the 73rd session
of the General Assembly

Statement by: Mr. Tareq Md. Ariful Islam, Deputy Permanent Representative

Date and venue: Monday, 26 October 2018, Plenary

Mr. President,

Bangladesh thanks the esteemed President of the International Criminal Court (ICC) for his comprehensive report with valuable insights. We commend his observations about the ICC's standing vis-à-vis national sovereignty to the attention of all Member States.

Bangladesh is pleased to once again co-sponsor the Resolution titled "Report of the International Criminal Court". We have taken due note of the updates on the judicial and prosecutorial activities of the Court as well as on the status of preliminary examinations.

During the reporting period, we followed with particular interest the ruling by the ICC Pre-Trial Chamber on the issue of forced deportation of the Rohingya population from Myanmar's Rakhine State to Bangladesh – in our capacity as a State Party to the Rome Statute. We acknowledge the *suo moto* initiative by the Office of the Prosecutor to seek the Pre-Trial Chamber's ruling in this regard, especially at a time when the Court itself faces challenges on multiple fronts. Bangladesh considered it a solemn responsibility as a State Party to respond to letter sent by the Pre-Trial Chamber within the given deadline. In the backdrop of our bilateral efforts with Myanmar to ensure safe, dignified and sustainable return of the Rohingya to Rakhine State, we consider the Pre-Trial Chamber's ruling concerning the possible denial of their right to return to be an important development.

Bangladesh will continue to cooperate with the Court in the aftermath of the Pre-Trial Chamber's ruling, while we would underscore the need for ensuring accountability for the entire spectrum of atrocity crimes committed against the Rohingya by the Myanmar security forces and the concerned non-state actors. In this context, we recall the responsibility of the Security Council in the face of authoritative evidence of the gravest crimes under international law committed against the Rohingya, as furnished by the UN Independent International Fact Finding Mission (IFFM). We acknowledge the Human Rights Council's decision to act on the IFFM's report and to establish an ongoing independent mechanism to collate, analyse and preserve evidence for facilitating prosecution of the crimes through appropriate national or international judicial mechanisms. It is crucial for restoring confidence among the forcibly displaced Rohingya about the prospects for their voluntary return that the atrocity crimes they had been subjected to are duly accounted for and that the perpetrators are brought to justice.

Bangladesh welcomes the decision by last year's Assembly of State Parties to activate the Court's jurisdiction over the crime of aggression as of 17 July 2018. We also support the three amendments adopted to Article 8 of the Rome Statute, and take note of further proposal brought before the Working Group on Amendments.

We stress that cooperation, assistance and support of State parties to the Rome Statute as well as other States remain critical for discharging ICC's mandate in a sustained and meaningful manner. We reiterate the importance of recognizing ICC's mandate and competence through the UN system with a view to acknowledging its valuable contribution to international peace and security, rule of law, and peaceful, just and inclusive societies. We take positive note of the collaboration being pursued between UNESCO and the Office of the Prosecutor to protect cultural heritage from attack during armed conflicts.

We underscore the Security Council's continued support for the effective functioning of the Court, including for the cases referred to it by the Council. There is evident merit in the suggestion for a structured dialogue between the Council and the Court on issues of mutual interest, notably in relation to State non-cooperation, sanctions, travel bans and asset freeze. On our part, we shall

continue to extend necessary cooperation to the Court in mission areas where our peacekeepers and military observers are deployed.

Bangladesh reaffirms the primary responsibility of national jurisdictions to investigate and prosecute the crimes defined in the Rome Statute. We fully endorse the recommendation for the possible inclusion of issues related to the Rome Statute in legal and judicial reform programmes supported by the UN in the context of development assistance for the rule of law. This would be particularly crucial for States non-party to the Rome Statute.

As a State Party, Bangladesh remains committed to promoting universality and full implementation of the Rome Statute. We would hope that the twentieth anniversary of the adoption of the Rome Statute, observed last year, would help create the necessary impetus for its eventual universalization. The ICC cooperation seminars and other cooperation arrangements with relevant international and regional organizations should also contribute to the universalization agenda.

Bangladesh underscores the need for appropriate capacity building support for national jurisdictions of State Parties, pursuant to the 'complementarity' principle. In this context, we reiterate the need for considering budgetary support for internships and visiting professional programmes for applicants from State Parties representing developing and least developed countries. We have circulated a Working Paper to this end for favourable consideration by all State Parties and the Court. We reiterate that due attention be given to ensuring equitable geographical representation for staking at the Court, especially at the professional level.

We attach importance to enhanced voluntary contributions for the Trust Fund for Victims to deliver on its reparation and assistance mandates. As the designated facilitator, Bangladesh is making efforts to engage with the concerned State Parties towards settling their outstanding arrears. We also look forward to discharging our responsibilities as a member of the ICC Bureau during the next two-year period.

To conclude, we reiterate the need for upholding the solidarity among State Parties, and the integrity and credibility of ICC as the Court of last resort in the overarching interest of fighting impunity for

the gravest crimes under international law under its jurisdiction.

I thank you.