

Bangladesh

Statement by H. E. Mr. Masud Bin Momen, Ambassador and Permanent Representative on Agenda Item 72: *Report of the International Criminal Court at the 71st session of the General Assembly on Monday, 31 October 2016*

Mr. President,

Bangladesh takes note with appreciation the comprehensive report presented pursuant to Article 6 of the Relationship Agreement between the UN and the International Criminal Court (ICC).

We take note of the enhanced engagements of ICC, including the Office of the Prosecutor, and the corresponding increase in the level and scope of cooperation between the UN and ICC. We commend the recommendations put forward with regard to further strengthening the interface between this organisation and the Court to the attention and consideration of both state parties and non-state parties to the Rome Statute.

It is critical that ICC's mandate and competence be recognized in relevant discussions and Resolutions through the organisation with a view to acknowledging the Court's potential contributions to international peace and criminal justice.

As a State Party, Bangladesh appreciates the work done by the Bureau of the Assembly of State Parties, and that of its designated co-focal points, in implementing its Plan of Action for promoting universality and full implementation of the Rome Statute.

As we welcome El Salvador's accession to the Rome Statute, we share concerns over the decision or consideration by certain State Parties to withdraw from the Statute. We hope that the international community's collective commitment to fighting impunity and ensuring accountability for mass atrocity crimes would remain undiminished in the backdrop of such developments.

We urge both sides of the debate to exercise restraint in their actions and rhetoric, and to refrain from overtly politicizing the cause of international criminal justice epitomized by the Court. In an environment of growing conflicts and humanitarian crises around the world, we underscore the need for informed and continued dialogue among all state parties and non-state parties in order to uphold the sanctity, integrity and credibility of the Court above and beyond mere political considerations.

We encourage sustained pre-occupation of the Assembly of State Parties with the issue of complementarity, which we believe to be a fundamental principle underlying ICC's functioning as the Court of the last resort. Bangladesh continues to advocate for ICC's contributions to strengthening national jurisdictions in the shared pursuit of fighting impunity. It is critical that the varied contexts in national criminal jurisdictions be borne in mind, while the international norms and standards enshrined in the Rome Statute and exemplified by the ICC's judicial and prosecutorial activities be shared with interested national jurisdictions with a view to further strengthening complementarity.

It is somewhat unfortunate that while LDCs constitute 21% of ICC State Parties, and account for most of the major conflict and post-conflict settings around the world, their share in ICC's internship and professional visit programmes has been quite minimal till date. This trend does not augur well for the critical importance of promoting transnational justice in post-conflict settings as well as for building capacity of national jurisdictions to address impunity in the long term in resource-constrained settings.

Our delegation looks forward to addressing this issue through further consultations, including in the context of appropriate budgetary arrangements.

Bangladesh takes note of the progress with the investigations and judicial proceedings in relation to the ICC's Situation countries, and the preliminary examinations undertaken by the Office of the Prosecutor during the reporting period. We recognize the need for ensuring adequate resources for the Office to carry out its work in cases referred to it by the Security Council. As a lead contributor to UN peacekeeping operations, we shall continue to extend necessary cooperation to the Court in mission areas where our peacekeepers and military observers are deployed.

Bangladesh attaches great importance to addressing sexual and gender based violence during armed conflicts and ensuring accountability and justice for such crimes, including as tactics of war. We take note of the first conviction for sexual violence by the Court in what has also been its first case involving command responsibility. Bangladesh reaffirms its readiness to share its national experience in ensuring justice for victims of sexual and gender-based violence, and the judicial and administrative efforts taken to promote due recognition and reparation for such victims.

One of the most compelling narratives emanating from the Court is the significant number of victims it has been supporting through its determination of reparations and also through its Trust Fund for victims. We underline the need for sustained flow of resources to this Trust Fund and others.

Bangladesh takes note of the commencement of trial in its first war crime charge for destruction of religious and cultural heritage in Timbuktu, Mali. We shall continue to follow the trial proceedings with interest.

To conclude, we reiterate the need for avoiding any unwarranted measures to make the legal and judicial proceedings of the Court susceptible to overt and undue political pressure or other exogenous considerations.

I thank you.