



Judge Kuniko Ozaki

Second Vice-President of the International Criminal Court

*Remarks at Welcoming Ceremony for the State of Palestine,
given in the capacity of Acting President of the International Criminal Court*

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Your Excellency, Minister Al Malki, your excellencies Ambassadors, I wish you and your delegation a warm welcome to the International Criminal Court today.

We are joined also by His Excellency, Minister Sidiki Kaba, President of the Assembly of States Parties; His Excellency, Ambassador Alvaro Moerzinger, Vice-President of the Assembly of States Parties; a number of my dear fellow judges of the ICC; Mr Deputy Prosecutor; and Mr Registrar of the ICC.

Excellencies, Ladies and Gentlemen,

As Acting President of the International Criminal Court, it is a pleasure for me to address this gathering at which we formally welcome the State of Palestine as the 123rd State Party to the Rome Statute.

By acceding to the Rome Statute, the State of Palestine has entered the growing majority of the world's nations that have combined their efforts for the purpose of ending impunity for the most serious crimes of concern to humanity.

These nations have made a commitment to respect fundamentally important principles of international law, and to join forces in ensuring that if the crime of genocide, crimes against humanity or war crimes are committed on their territory, or by their nationals, such crimes will not go unpunished.

I am glad that we are now taking another step toward universal ratification of the Rome Statute. I do also hope that the State of Palestine's accession will encourage more States from the Arab World, as well as from the Asia-Pacific group of States, to give serious consideration to joining the ICC.

Your Excellency, we note that, for Palestine, accession to the Rome Statute is just one pillar of the commitments that your state has made over the past year. For example, the State of Palestine has also recently acceded to seven of the core international human rights treaties, to the Convention on the Prevention and Punishment of the Crime of Genocide, and to the Geneva Conventions. These

treaties provide a mutually re-enforcing mosaic of enhanced equality and protection, including for the most vulnerable members of society. We congratulate you on undertaking these firm commitments to the norms and standards of international law, and we look forward to them being given full and meaningful effect in the coming years.

For accession to a treaty is, of course, just the first step. As the Rome Statute today enters into force for the State of Palestine, Palestine acquires all the rights as well as responsibilities that come with being a State Party to the Statute.

These are substantive commitments, which cannot be taken lightly.

From now on, the State of Palestine can take part in the decision-making of the Assembly of States Parties with equal rights to the other States Parties.

As for responsibilities, I wish to underscore, in particular, the importance of the obligation of cooperation with the Court, including in investigations and prosecutions. State cooperation is crucial to the successful functioning of the Court at all stages of proceedings. An important next step is therefore for the State of Palestine to ensure that it has the necessary domestic legal framework and mechanisms in place to give full effect to its cooperation obligations.

States Parties are also expected to respect certain principles relating to the inviolability of the Court and its officials, and in this respect I welcome the State of Palestine's accession to the Agreement on the Privileges and Immunities of the ICC simultaneously with accession to the Rome Statute. I hope that the many States Parties to the Rome Statute that have not yet ratified the Agreement will do so soon.

Excellencies, Ladies and Gentlemen,

The Rome Statute is at the heart of all that we do. It is the document that guides the actions of the Prosecutor in her preliminary examinations, investigations and

prosecutions, it is the legal basis for the decisions and judgments of the Court, and it defines the role of States Parties in the Rome Statute system.

On behalf of all the judges of the ICC, I can assure you that the highest principles of judicial ethics are observed at this Court, which is an independent and impartial judicial institution. The decisions of the Court are taken on the basis of the applicable law and the facts as shown by the available evidence – nothing more, nothing less.

Before I conclude, allow me to recall briefly the importance of the principle of complementarity. In order to truly advance the struggle against impunity, the domestic justice system of each State should serve as the main deterrent worldwide. The ICC is not a substitute for national justice systems; it can only exercise jurisdiction if States are unwilling or unable genuinely to carry out the investigation or prosecution themselves. We hope that the accession to the Statute by the State of Palestine also marks an opportunity for the strengthening of domestic mechanisms for investigation and prosecution.

Your Excellency, Minister Al Malki,

Once again, I welcome the State of Palestine to the International Criminal Court, and I look forward to hearing your remarks, as well as those of the President of the Assembly of States Parties.

Thank you.