



THE PERMANENT MISSION  
OF MALTA TO THE UN NEW YORK



Malta  
2023-2024

UNITED NATIONS  
SECURITY COUNCIL

## Arria-formula meeting on the '25th Anniversary of the Rome Statute: The Contribution of the ICC to the Maintenance of International Peace and Security', 18 July 2023

Malta Statement delivered by Mr Darren Camilleri  
Political Coordinator of Malta to the United Nations, New York

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Thank you, Chair.

Malta thanks Japan and Switzerland for organising this Arria meeting, which we are pleased to co-sponsor. I also thank the briefers for sharing their thoughts and insights with us.

The creation of a permanent, treaty-based, international criminal court in 1998 had as its core-purpose ending impunity for the perpetrators of the most serious crimes of concern to the international community. This mission continues to govern the activity of the independent and impartial judicial institution.

As we celebrate this momentous anniversary, we learned in over two decades the importance of continuous and unwavering support that needs to be extended by Rome Statute parties, including through measures aimed at improving the efficiency of the Court, such as the Independent Expert Review.



In addition, we also acknowledge that the challenging security environments from which the ICC is operating are putting an extra strain on its budget. Within this context, Malta remains committed to support efforts to make sure that the Court is adequately funded.

Equally important is the relationship between the Court and the Security Council. We recall the Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocities launched by France and Mexico, that Malta has signed along with other 103 UN Member States.

A veto should not prevent the Security Council from taking action when crimes of genocide, crimes against humanity, war crimes, or the crime of aggression are committed. This also includes referrals by the Security Council.

The two key principles, complementarity and cooperation, form the basis of the relationship between the States and the Court.

In practice, the principle of complementarity can magnify the effectiveness of the ICC beyond what it could achieve through its own prosecutions, as it prompts a network of 123 States Parties to carry out consistent and rigorous national proceedings. This effect can be achieved through the prospect of the ICC exercising jurisdiction should national courts be unable or unwilling to investigate; through the Court's own exemplary and standard-setting proceedings; and through the Court's moral presence, which will strengthen the need for accountability.



Regarding the principle of cooperation, to ensure its full implementation, granting ICC officials unimpeded access to the territory of States is essential. So is maintaining good faith in applying the provisions of Part 9 of the Rome Statute.

Alongside with complementarity and cooperation, it is also fundamental to foster the universality of the International Criminal Court, which can be achieved through amplifying the trust of the international community. In this regard, we are in favour of developing a permanent vetting process for ICC officials, ensuring that only the ones with the highest qualification and moral standing are in office. We also support the ongoing discussions on a Due Diligence Process. Maintaining a high level of 'restorative justice coherence', while strengthening the Trust Fund for Victims, is also essential.

Moreover, we welcome efforts for further participation of NGOs at the bi-annual roundtables held by the ICC and as observers at the sessions of the Assembly of States Parties, as well as public consultations on important subjects. These include sexual and gender-based violence, and crimes against or affecting children.

In conclusion, we maintain our firm conviction that the International Criminal Court is an indispensable institution in the architecture of international criminal law and in the global endeavour to counter atrocities in all situations and hold perpetrators accountable. Harmonious cooperation with humanitarian actors enhances the success of such endeavours.



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We stand ready to participate in holistic efforts that would enable the Court to continue to effectively ensure justice for the most serious crimes.

I thank you.