

OPENING STATEMENT

BY

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MINISTER OF JUSTICE AND CORRECTIONAL SERVICES,

REPUBLIC OF SOUTH AFRICA

GENERAL DEBATE:

**THIRTEENTH MEETING OF THE ASSEMBLY OF STATES PARTIES OF THE
INTERNATIONAL CRIMINAL COURT**

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Mr President,

Allow me on behalf of the Republic of South Africa, as Minister of Justice and Correctional Services to congratulate you and your country, Senegal with your election as President of the Assembly of States Parties of the International Criminal Court. It is a great honour and most uplifting that this important leadership position has now been entrusted to a person of your stature from a continent that has played such a seminal role in the negotiations of the Rome Statute. As a continent our voluntary participation in and commitment to this initiative is based on a genuine need and resolve to rid our continent of impunity and to entrench a culture of human rights in which human dignity is placed at the EPI centre of all human relations and interactions and in the way States treat citizens. We wish you all the best for your term of office.

We also wish to thank the outgoing President, Ms Tiina Intelmann for her dedication and unflinching hard work for the past three years. My delegation fondly recalls its excellent working relationship with the President, and we wish you, Madam, success with your future endeavours.

Furthermore, we also convey our best wishes to all the candidates still in contention for six judge's positions that are presently being filled through the on-going electoral process, and congratulate the Vice President and the members of the Committee on Budget and Finance on their election.

Mr President

Last week on 05 December 2014, South Africa and the world paused to reflect on the first anniversary of the passing of the beloved father of our nation and the revered statesman, the world over, Tata Nelson Mandela and to reflect on the contribution he made to world peace, human rights and freedom - this in pursuit of the ideal of a safer and better South Africa, Africa and the world at large. It was through his vision and leadership that South Africa prevailed over the past system of apartheid and replaced it with the new Constitutional order based on respect for fundamental freedoms, human dignity, human rights, the rule of law and Constitutionalism.

In 2014 we also recall one of the seminal events in world history: the outbreak of the First World War. Also known as "the Great War", due to the unforeseen bloodshed inflicted by modern weapons systems, it was also called, with an unjustified degree of optimism, "the war to end all wars". However, cynics referred with uncanny foresight to the peace concluded at Versailles in 1919, as the "peace to end all peace." Twenty years later the world was at war again.

South Africa was not spared the horrors of the First World War, the first time our troops fought outside the borders of our country. Two seminal events still remembered today stand out in our memory: the sinking of the SS Mendi and the battle of Delville Wood.

On 21 February 1917, the SS Mendi, transporting 823 personnel of the 5th Battalion of the South African Native Labour Corps from Southampton to Le Havre, sank in the English Channel after it was stuck amidstships by a freighter. Six hundred and sixteen South Africans, died in the cold waters of the English Channel. Oral history records that the men met their fate with great dignity.

During the "Great Push" by forces of the British Empire to end the war on the Western Front in France, the South African First Infantry Brigade was ordered to take Delville Wood "at all costs". More than 3000 men entered the Wood, five days later when they were relieved, more than eighty percent of them were killed, wounded or missing, only for the Wood to be recaptured by the German forces.

Mr President,

These events illustrate the futility of war. In an attempt to terminate the scourge of war and lessen its impact on humanity, the international community created institutions like the League of Nations and the United Nations, and designed systems to enhance the peaceful settlement of disputes, provide collective security and to end the impunity with which crimes are committed during wartime. The last building block to be fitted into this international institutional architecture aimed at enhancing peace and security was the International Criminal Court. South Africa therefore wishes to reiterate its support for the Court as a bastion in the fight against impunity and in the promotion of justice, and we are glad to report that the South African domestic process to ratify the amendments to the Rome Statute to incorporate a definition of the Crime of Aggression, is well advanced.

Mr President,

From the report on the activities of the Court, it is clear that the caseload of the Court is steadily increasing. This development will definitively enhance its role as the international leading institution in the fight against impunity and for the promotion of justice. This will definitively place demands on the Court's budget. South Africa stands ready to participate in the negotiations on the budget with a view to find a compromise that will both satisfy contributing Member States as well as to provide the Court with the financial muscle to effectively implement its mandate. The budgetary challenge once

again emphasises the importance of the complementarity principle that aims to build national capacity to investigate and prosecute Rome Statute crimes, and we continue to support all positive actions enhancing complementarity.

The report on the activities of the Court was the last one to be delivered by Judge Song, as President of the Court. It is therefore also appropriate to, at this point, pay homage to him for his contribution over the years not only to establish the Court, but also to lead it with distinction.

Although no new State has ratified the Rome Statute over the past year, this should not deter efforts to ensure the widest possible ratification of the Rome Statute. The Court should be a true international court and we support the ongoing efforts to reach out to non-State Parties and regional organisations. We especially welcome the holding of the third African Union-ICC seminar in July 2014 at the AU in Addis Ababa, which we trust will strengthen the Court's relationship with Africa, as well as the visit by principals of the Court to South Africa to participate in a number of events at South African universities and to interact with Government.

We note that for the Court to truly reflect its status as an international body, its staff needs to reflect the geographical representation of its Member States at all levels of the organisation, while due attention must also be given to ensure equitable gender representation. We also wish to commend the continued support provided by the Trust Fund for Victims to victims, their families and affected communities.

Mr President,

Let us also recall the invaluable support given to the Court and States Parties by civil society, especially with respect to capacity building. Civil society is an invaluable partner to the Court and Member States in the fight against impunity.

Last but not least allow me to thank my principal the President of the Republic of South Africa, President Zuma for inviting me to form part of the leadership collective as Minister in Cabinet of the Republic of South Africa, and his visionary leadership that continues to advance the socio-economic upliftment of our people and promote peace and stability in our country.

Thank you.