



Permanent Mission of the United Republic of Tanzania
to the United Nations

CHECK AGAINST DELIVERY

STATEMENT BY

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UNITED REPUBLIC OF TANZANIA**

DURING THE

**GENERAL DEBATE OF THE ASSEMBLY OF
STATES PARTIES TO THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT**

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Allow me to begin by congratulating you for being elected to assume the Presidency of this Assembly. Your election is a testimony of trust bestowed upon you from States Parties. I wish to assure you full support from the Government of the United Republic of Tanzania during your Presidency. In the same manner, I would like to extend our gratitude to Ambassador Tiina Intelmann for her outstanding leadership towards realizing the objectives of the court over the past three years.

I also congratulate newly elected Judges, members of the Bureau and the Committee of Budget and Finance (CBF).

My delegation aligns itself with the Statement of the African Group.

Mr. President,

You are assuming the office at the time where the Court is facing a number of challenges ranging from the perception of the Court to rift relationship between the Court and the African continent. These challenges require frank dialogue and engaging stakeholders, which we believe you are capable of initiating.

There is an unrelenting concern that the relations between the ICC and African Countries could be better. Perhaps even more African Countries would ratify the Statute if these relations could improve. Obviously, the majorities of African Countries are

against impunity and want to see the ICC contributing to the development of a culture of good governance and the respect of human rights across the continent.

Indeed, the Court has many critics; and there will always be. But the manner it dealt with the Kenyan case did not help matters either. With the benefit of hindsight, it needs to be said, the disregard of a request that was, in good faith, made by African Heads of State and Government, to seek a postponement was a serious set-back in the Court's standing in Africa. Consequently, the recent withdrawal of charges leveled against President Kenyatta should offer an opportunity for pause and reflection. The United Republic of Tanzania commends President Kenyatta for demonstrating the highest level of cooperation with the Court.

Mr. President,

My delegation believes that the Office of the President of this Assembly could do more in normalizing frost relations. It is therefore important for you Mr. President, to prioritize the improvement of relations between the Court and the African Union by engaging African leaders. The future success of the Court will depend on improved relations with its supporters across Africa.

It is equally important, for the Office of the President to find ways to engage the Security Council to see how best the two can work together on crimes that are being committed by Non States

Parties. We note with dissatisfaction that, most of crimes that the public is blaming the ICC for not taking action, are in fact under the mandate of the Security Council. Unfortunately, failure to take action of an organ not part of the ICC boomerang to the ICC and sends a wrong signal that there are double standards in the operations of the ICC.

Mr. President,

Crimes punishable under the Rome Statute know no borders. We must therefore work together to fight these crimes. The Rome Statute is built upon the principle that the most heinous crimes of international concern must not go unpunished. To this end, the Rome Statute affords States the opportunity to deal with cases of human rights violations under domestic law, and allows the ICC to assume jurisdiction only where the national judicial systems have failed, are unable or are unwilling to act. However, the primary responsibility for bringing offenders to justice remains with States. The Principle of Complementarity is a positive development in the quest to promote and protect human rights by ensuring that accountability prevails.

Complementarity can be exercised by a single country or through regional blocks, where countries at their regional groupings can create mechanisms, which will ensure heinous crimes in their jurisdictions are punished. My delegation welcomes the Decision of the African Union to open a criminal chamber at the African Court on Human and People's Rights in Arusha to try crimes of

international concern, and encourage other blocks to do the same under the spirit of complementarity. We think it is high time that ICC engage African Court to see how best they can complement each other.

Mr. President,

For the Court to be effective and successful, universal ratification of the Rome Statute is fundamental. We have to ensure that the perpetrators of the world's most egregious crimes are denied safe haven and brought to justice. We therefore, need to step up our collective efforts to promote the universality of the Rome Statute.

The universality of the Rome Statute, continues to be one of the main challenges faced by the ICC, however, in order to reach our common goal of ensuring that perpetrators of heinous crimes are brought to justice, we must redouble our efforts and continue to work for the universal acceptance of the Rome Statute.

Akin to universal ratification of the Rome Statute, domestication of the same is yet another important component to all States Parties on the implementation of the Statute. I wish to inform this Assembly that, Tanzania is at her initial stages of enacting an implementing legislation of the Rome Statute; she is also in the process of ratifying the Agreement on Privileges and Immunities of the ICC as well as the Kampala Amendments. We

therefore encourage other States Parties to the Rome Statute to not only ratify the Kampala Amendments but also consider enacting implementing legislation so that they can exercise their right to prosecute their nationals in case they commit crimes punishable under the Rome Statute.

Mr. President,

This Assembly, among other things will perform its legislative role by considering some proposed amendments of the statute and the rules of the Court. It is my hope that all delegations will exercise flexibility for amendments that aim at strengthening the Court.

My delegation and I look forward to fruitful deliberations during this Assembly, and pledge our cooperation with you, Mr. President, and with other States Parties, in ensuring the most positive outcome.

I thank you.