



Republic of Botswana

**STATEMENT**

**BY**

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**ATTORNEY GENERAL OF THE REPUBLIC OF BOTSWANA**

**LEADER OF THE DELEGATION**

**AT**

**THE 15<sup>TH</sup> SESSION OF THE ASSEMBLY  
OF STATES PARTIES TO THE ROME STATUTE OF**

**THE INTERNATIONAL CRIMINAL COURT**

**THE HAGUE, THE NETHERLANDS**

**16<sup>TH</sup> NOVEMBER 2016**

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**Your Excellency Mr. Sidiki Kaba,  
President of the Assembly of States Parties  
Excellencies  
Distinguished delegates**

Botswana once again reaffirms her commitment to contributing to one of the most indispensable causes of human life - the attainment of justice for victims of genocide, war crimes and crimes against humanity.

2. Our determination to honour our obligations under the Rome Statute of the International Criminal Court (ICC) is strong. In this regard a bill domesticating the Rome Statute of the ICC has been tabled before Parliament. It has gone through the First Reading and is now on the agenda for the November 2016 session.
3. The creation of the ICC marked a milestone in the enhancement of International Criminal Jurisprudence and strengthening of the international rule of law. We want it to work effectively. The domestication of the Rome Statute of the ICC will contribute in no small measure to the realization of this shared objective.

4. In October last year, Botswana had the honour to host the Regional High Level Seminar on Fostering Cooperation with the Court. The objective of this seminar was to stimulate discussions and improve mutual understanding on cooperation between the Court and States Parties on matters of national capacity building, witness protection and international cooperation.
5. The Seminar provided States Parties in the Region with an opportunity to share best practices, experiences and knowledge from our different jurisdictions on the implementation of the Rome Statute.
6. The quest for justice is a collective calling for all. We must join hands in this frontier for justice and give hope to the millions of the voiceless women, men and children who look up to us. Victims of crimes against humanity and genocide, including in situations where the State is the perpetrator, have as much a right to justice as any other person.
7. Botswana's commitment to the core principles of the ICC is to cooperate with the international community, to enable the Court to function effectively and sustainably, as it seeks to bring lasting peace to the world. The President of the Republic of Botswana, His Excellency Lt. General Dr. Seretse Khama Ian Khama underscored this conviction at the opening of the Plenary of the 10<sup>th</sup> Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

8. We strongly believe that even in the face of challenges, the ICC is the only hope for the countless victims crying out for justice. Justice is indivisible. We must tirelessly work to ensure that all victims of the most serious crimes have access to justice.
9. With its increased judicial workload and currently exercising jurisdiction over 10 situations and 10 ongoing preliminary investigations, the ICC clearly needs the support and cooperation of the international community if it is to build on the new development agenda.
10. We therefore welcome and support efforts by the President of the Court to carry out reforms within the institution in order to enhance its efficient financial operations.
11. Mr. President, Botswana has always maintained that the ICC like any other organization is not perfect. The Rome Statute is a human project. It will continue to evolve, grow, gain experience, respond to new challenges and hopefully live up to the expectations of many across the world. It exists to serve humanity and that is why we must endeavour to make it universal.
12. We are alive to the strong winds of discontent and discomfort especially from our own continent, that the ICC appears to be targeting African leaders and Africans.

13. There are proposals from some of our sister States Parties for the ASP to urgently consider certain provisions of the organization's rules and procedures and to address their concerns.
14. We believe that where there are legitimate concerns and expectations, it is the responsibility of this Assembly, and no one else, to engage in dialogue, within a spirit of mutual respect and due consideration, to iron out differences.
15. Conscious of the need to maintain the integrity, fairness and democratic nature of multilateralism, Botswana stands ready to engage and reach out to fellow States Parties to find lasting solutions to the challenges faced by this body.
16. It is commendable that the African continent continues to help shape the new world order through active engagement and complementarity efforts to call for accountability of those who perpetrate injustice.
17. In this respect, we salute the African Union Extra Ordinary Chamber for pioneering the scope and application of the principle of universal jurisdiction through its recent trial of former Chadian leader, Hissene Habre. We congratulate you President Kaba, the Government and the people of Senegal, for the exemplary leadership, courage and determination to close the impunity gap.

18. I wish at this very moment to recognize and convey my word of appreciation to citizens of the world as represented by members of civil society who continue to contribute to shape, promote and sustain the ICC.
19. It is these ordinary individuals - irrespective of nationality, ethnicity, colour or creed who nurture the promise of a strong International Criminal Court. Without them, without their unwavering support and without their outreach in every corner of the globe, we would not be complete in the pursuit of what we stand for.
20. As we mark 15 years since the Rome Statute was enacted, the ICC continues to face trials and triumphs in its quest for sustainable peace, justice and a world free from impunity for the most serious crimes of international concern.
21. In this respect, we welcome the report of the President of the Court, H.E. Ms. Silvia Fernández de Gurmendi, on the activities of the court for the period from 1 August 2015 to 31 July 2016.
22. With the continuing mass atrocities taking place across the world, we are deeply concerned by the deteriorating humanitarian and political situations in Yemen, Syria, The West Bank and in some parts of Africa.

23. Eighteen years ago, nations of the world, reeling from the wounds of the bitter and brutal past, tired of genocide, war crimes and crimes against humanity decided to come together and establish the International Criminal Court.
24. With complementarity to national jurisdictions as its hallmark, the ICC resolved to put an end to impunity for all perpetrators of such crimes irrespective of status, power, influence or rank in society.
25. And while the world is still replete with mass atrocities and grave crimes that continue to shake the conscience of humanity, nations, big and small, can still draw inspiration and solace from knowing that never, never and never again shall the world be ruled by tyrants, dictators and criminals alike.
26. Mr. President, progress should be made regarding the Crime of Aggression. The struggle against impunity in all its forms and manifestations must continue. Having the requisite threshold of more than 30 ratifications, we look forward to seeing the activation of the ICC's jurisdiction over the Crime of Aggression next year.
27. In this respect, we commend all those States Parties who, following the 2010 Kampala Amendments, finalized their internal processes to ratify the Amendments on this very serious crime.

28. We ratified these amendments as Botswana believes that in order to honour the purposes and principles of the UN Charter, the international community must give practical meaning to its abhorrence of the illegal use of force, by enacting the Crime of Aggression as a matter of urgency.
29. The activation of the ICC's jurisdiction over the crime of aggression is a milestone in the international community's resolve to frown upon those crimes that offend humankind, human dignity and human rights.
30. We remain confident that more and more States Parties will continue to enrich the Rome Statute by ratifying the Kampala Amendments.
31. As always, the Botswana delegation looks forward to the rich and constructive debates that characterise our Annual Assembly, and I thank you for your attention.

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