

GHANA



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STATEMENT BY

HONOURABLE GLORIA AFUA AKUFFO,

ATTORNEY-GENERAL AND MINISTER FOR

JUSTICE OF THE REPUBLIC OF GHANA AND LEADER

OF GHANA'S DELEGATION TO THE SIXTEENTH SESSION OF

THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

OF THE INTERNATIONAL CRIMINAL COURT

AT THE UNITED NATIONS HQ, NEW YORK

6TH DECEMBER, 2017

Mr. President,

I have the honour to deliver this statement on behalf of my delegation. My delegation and I bring warm fraternal greetings from the Government and People of the Republic of Ghana and wish to convey to this Session the kind sentiments and best wishes of the President, His Excellency Nana Addo Dankwa Akufo-Addo and the people of the Republic of Ghana.

May I add my voice to that of distinguished delegates who have spoken ahead of me to convey my delegation's appreciation to you and to congratulate you on your election as President of the Assembly. We wish to assure you of my delegation's support during your tenure as President. My delegation also conveys its appreciation to the immediate past President of the Assembly, Mr. Sidiki Kaba, for his significant contribution to the Assembly and the Court during his tenure. Our gratitude also goes to the President of the Court, Judge Silvia Fernandez de Gurmendi as well as the Bureau and the Secretariat, for the excellent manner in which they have steered the affairs of the Court throughout the past session.

Mr. President,

Ghana, as a Democratic State is committed to the ideals of the ICC which are aimed at ensuring the rule of law, protection of human rights and ensuring probity and accountability at all levels of governance.

Mr. President,

My delegation wishes to recall that in 1999 when Ghana joined the International Criminal Court (ICC) as the sixth Party, it did so out of a conviction that the establishment of the Court was based on an international criminal justice system that would hold perpetrators of serious crimes accountable and provide justice for victims of such atrocity crimes and thereby serve as a deterrent to those perpetrators.

In that regard, Ghana wishes to take this opportunity to reiterate its pledge of unwavering support for the Court and its activities in furtherance of the Court's objectives.

Mr. President,

During the last Assembly of States Parties in The Hague, we were confronted with the withdrawal from the Rome Statute by three States Parties. It is refreshing to note that two of the three countries have since reversed their decision. We commend them for the reversal since their return makes the Assembly stronger. While acknowledging States Parties' sovereign rights to withdraw from the Rome Statute, my delegation wishes to take this opportunity to encourage the remaining State Party to reconsider its withdrawal and return to the fold of the Assembly. Ghana is concerned that such a withdrawal will not only weaken the universality of the Court but also the ability of the Court to provide protection for victims, punishing perpetrators of atrocity crimes and the global fight against impunity.

Mr. President

Ghana believes in an effective implementation of the principle of complementarity as a core principle of the Rome Statute. It is worthy of note, as reported by the President of the Court that the Court faces several challenges; in particular, the increasing number of cases pending before the Court, which includes, Afghanistan, Burundi, Colombia, Georgia, Guinea, ~~Iraq/United Kingdom~~, Nigeria, Ukraine and the State of Palestine. In that connection, we wish to call on States Parties to seriously treat complementarity as a key tool for successfully trying crimes that are brought before the Court as one of the most effective options in the effort for reducing the workload of the Court.

It is therefore imperative that the requisite competencies be developed within the African continent to ensure that the Judiciary is competent and capable of enforcing and punishing crimes of impunity. My

delegation is therefore calling for capacity building at the national level to equip the domestic court systems to take ownership of some of these trials. Certainly, the independence of these national courts should be paramount in the capacity building efforts.

Mr. President,

There is an opportunity to effectively develop the criminal justice system within the African continent by adequately building on the jurisprudence of the African Court of Human and People's Rights to respond to the needs and the problems that face the continent. In this vein, Ghana welcomes the efforts being made by the Court to realize this objective. My delegation notes with appreciation that the Court, in close cooperation with the authorities of the Republic of Niger, held a high-level regional Symposium on Cooperation and Complementarity in Niamey, Niger from 24 to 26 October 2017.

The meeting provided the opportunity for delegations from 13 francophone countries from Central and West Africa, high-level government representatives, the judiciary, ICC officials, as well as representatives of regional, Inter-Governmental and non-governmental organizations to discuss concrete ways of strengthening cooperation and complementarity so as to advance international criminal justice in the region. My delegation, therefore, wishes to urge the Court to dialogue with stakeholders including Civil Society Organizations, Non-Governmental Organizations, as well as victims to promote the values of the Court and to explore the options towards its advancement.

Mr. President,

This now brings me to the issue of witness protection, before, during and after the trial process. It has been observed that in some cases witnesses are recanting, resulting in the collapse of some cases for the prosecution and thereby bringing the Court's image into disrepute. My delegation proposes that the Court engages victims in the entire process, before, during and after trials so as to provide them

with the necessary protection. This way, victims will become more courageous to testify before the Court.

Mr. President,

My delegation wishes to commend Ambassador María Teresa de Jesús Infante Caffi of Chile, Chairperson of the Bureau Working Group on the application of Article 97 of the Rome Statute for her Report and efforts in leading the consultations on the application of Article 97 of the Statute, which was introduced by the delegation of South Africa during the Fourteenth Session of the Assembly of States Parties. My delegation wishes to recall that the application of the Statute was a matter of great concern to States Parties during the Fifteenth Session of the Assembly. The absence of guidelines for the application of article 97 has created an uncertainty that needs to be clarified. My delegation therefore urges the Bureau Working Group on the Provisions to continue to work expeditiously so as to bring clarity to the matter within the shortest possible time.

In conclusion, I wish to pledge my delegation's continued support and cooperation to work with all delegations for a successful session.

Finally, I take this opportunity to congratulate all the six judges who have been elected to the Court and wish them success in the discharge of their duties. I wish also to thank all delegations for their support for Ghana's candidate for the judgeship of the Court, especially, to the delegations that stood by Ghana all the way to the end, we thank them most exceedingly.

I thank you Mr. President for your indulgence.