



## STATEMENT AT THE 16<sup>TH</sup> SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

Mr President,

I address you on behalf of the Kenyans for Peace with Truth and Justice coalition.<sup>1</sup>

We take this opportunity to thank Mr Sidiki Kaba, the outgoing President, for his stewardship of the Assembly of States Parties through a very difficult period for it and for the Court. We also congratulate Judge O-Gon Kwon as he takes office as the new President of the Assembly.

Mr President, we continue to strongly support this Assembly to achieve its mandate even as we look forward to working more closely with you. Continuing concerns on the effectiveness of the Court and the role that we think the Assembly should play in securing the future of the Rome Statute are some of the issues we hope to be calling upon you to discuss soon.

Mr President, at the last session, the relationship between the Court and some African States was significantly strained: it was characterised by some regrettable intentions to withdraw from the Rome Statute. We appreciate the commitment by the President of the Assembly to prioritise dialogue with African States, from which important results have been achieved, the most notable being the recent retreat held in Addis Ababa in November 2017 between the Court and 19 African States Parties. While we encourage such efforts to continue, we reiterate that engagement must be premised on the good faith and goodwill of African States Parties to fulfil all their obligations, even as dialogue for improved relations continues.

We are encouraged by the decision of the Gambia to rescind its decision to withdraw from the Rome Statute system and note its reinvigorated and strong support for the ICC -- demonstrated by its commitment to champion the campaign for universal ratification while embarking on a national process to domesticate the Rome Statute. It is through such constructive engagement and willingness to reform from the Rome Statute from within that the system of international criminal justice can be strengthened and enabled to deliver justice that truly responds to victims' needs. It is in this spirit that we call on South Africa, despite its recent statement, to revisit its positions and embrace the platform for dialogue presented by the Assembly of State Parties and the Court. Burundi may have withdrawn from the Rome Statute, but the door for its return is not shut.

Mr President, the Court is operating in a challenging environment as it intervenes in complex and tragic conflict situations characterised by serious violations. The Court's preliminary examination in Afghanistan focuses on a conflict that involves a member of the United Nations Security Council,

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<sup>1</sup> A coalition of Kenyan citizens and over 30 organisations working in the human rights, governance and legal fields that came together during the crisis over the disputed results of the 2007 elections to seek truth and accountability for the elections and the widespread violence that followed.

