

STATEMENT
BY
THE DELEGATION OF THE UNITED REPUBLIC OF TANZANIA
ON BEHALF OF THE AFRICAN GROUP

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

THE HAGUE
15 NOVEMBER 2008

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Mr. President,

I would like to congratulate you on your election as President of the Assembly of States Parties and I join other delegations in commending you for the excellent manner in which you are conducting the work of the 7th session of the Assembly of States Parties. The Group assures you of its full cooperation and support throughout the Session.

At the outset, the African Group wishes to affirm its support for the fight against impunity and asserts that those who are implicated in the most serious crimes must be brought to account. The Group is also committed to the universality of the Rome Statute and calls on all States to ratify it.

Mr President,

The African Group is highly respectful of the mechanism derived in the Rome Statute for reconciling the interests of peace and justice. The International Criminal Court in its work is not to take into consideration political implications. That responsibility lies with the Security Council, in terms of Article 16 of the Statute. With regard to the indictment of President Omar Al-Bashir, the African Union found that there were under the current circumstances, and given the peace process in Sudan, a basis for the Security Council to avail itself of the powers granted to it under Article 16 of the Rome Statute, to request a deferral of the situation. This is in no way contrary to the fight against impunity.

Mr. President,

Since the adoption of the Rome Statute of the International Criminal Court a decade ago, a number of important milestones have been reached. The Rome Statute entered into force, and subsequently the Court was established and operationalised. The Court has delivered decisions clarifying issues pertaining to the rules of evidence, effective participation of victims during trial proceedings, amongst others.

The fact that all four the Court's current situations are in Africa, three of which were self-referrals, is not a negative reflection on the continent. On the contrary, it illustrates the high regard that these States have for the protection and promotion of the rule of law, by availing themselves of the judicial assistance provided by the Court in cases which, due to their complexity and/or political sensitivity, lend themselves to be better dealt with by the Court.

Mr President,

The important role played by international criminal justice, as embodied by the work of the Court and similar criminal tribunals like the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia and the Special Court for Sierra Leone, in establishing respect for the rule of law, thus bringing about peace, order and stability in conflict-torn societies, is one of the great achievements of our time.

Mr President,

The African Group welcomes the efforts made by the Court to implement further its strategic plan, and to foster cooperation with States, international and regional organizations. This is vital if the activities of the Court are to be understood and appreciated by the diverse constituencies it was created to serve. In this regard, the Group reiterates its commitment to the objectives of the ICC, and calls for the establishment of a suitable mechanism to enhance cooperation between the Court and our region.

Mr. President,

On the issue of geographical representation and gender balance in the recruitment of ICC staff, the African Group would like to ensure that nationals of all State Parties are given equal opportunity to work with the Court. The system of recruitment should not be based on how much a State Party contributes to the Court as the Court is an independent judicial institution. It is worth noting that all the situations that the Prosecutor is presently handling are on the territories of least developed countries and

therefore it must be ensured that these countries are adequately represented at senior levels in the Court.

Justice must not only be done, it must be seen to be done. Therefore, the ICC being at the peak of criminal justice globally, it should be seen to be fair, not only in its decisions, but also in the recruitment policies.

Mr. President,

African States Parties urge the Assembly to work to ensure the success of the seventh session of the ASP, including the possibility for the Special Working Group on the Crime of Aggression of the Assembly of States Parties to the Rome Statute to accomplish its work as originally scheduled. The drafting process concerning the amendment of the Rome Statute to provide for a definition of aggression and for conditions for the exercise of jurisdiction by the ICC must be completed before the Review Conference in 2010.

African State Parties would like to stress the need for an independent International Criminal Court. Therefore, the exercise of jurisdiction by the Court should not be subjected to a determination by the Security Council that an act of aggression had occurred. The role of the Security Council should not and must not endanger the independence of the Court in determining individual criminal responsibility.

Mr. President,

We welcome the outreach programmes of the Court in the region because this enhances appreciation of the international criminal justice system, especially to the victims, who are the main beneficiaries of the judicial process. For its part, in order to reinforce this outreach effort, the African Group supports the offer made by the Government of Uganda to host the first Review Conference of the Rome Statute in 2010, to further enhance the visibility of the Court in the region. We welcome the support expressed for Uganda's offer to host the Review Conference and call for the support of the Assembly so that the Review Conference can be held on the African continent.

Mr. President,

The Group will continue to cooperate and support the International Criminal Court, and calls on all State Parties to identify well-qualified personnel for appointment to the bench and other positions of the Court. This enhances the efficiency of the Court. The Court must remain independent and free from any kind of political interference so that its decisions would be respected.

The African Group supports the creation of a Liaison Office at the headquarters of the African Union in Addis Ababa in order to facilitate efficient interface with all members of the regional body. Furthermore we look forward to the African Union concluding a relationship agreement with the International Criminal Court as soon as possible to enable better cooperation between the two bodies.

African State Parties urge the new elected Bureau of the Assembly of State Parties to finalize preparations of the review conference in this session.

Thank you Mr. President.