

REPUBLIC OF
BOTSWANA

PERMANENT MISSION OF THE REPUBLIC OF
BOTSWANA TO THE UNITED NATIONS

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INTERVENTION BY

THE ACTING MINISTER OF DEFENCE, JUSTICE AND SECURITY

OF THE REPUBLIC OF BOTSWANA

HONOURABLE LESEGO E. MOTSUMI, MP

DURING

THE GENERAL DEBATE OF THE 9TH SESSION OF
THE ASSEMBLY OF STATES PARTIES TO
THE ROME STATUTE OF

THE INTERNATIONAL CRIMINAL COURT

6 DECEMBER 2010

NEW YORK

CHECK AGAINST DELIVERY

Mr. President,

1. At the outset, I wish to convey my delegation's felicitations on your stewardship of the ninth session of the Assembly. We are confident that under your guidance, our deliberations will achieve a successful conclusion.
2. We therefore pledge our full support and cooperation to you and other Members of the bureau in the discharge of your onerous responsibilities.
3. We also recall with deep appreciation and satisfaction that, under your skillful leadership, the Review Conference which was hosted by the Republic of Uganda six months ago in Kampala, made a major breakthrough by reaching agreement on the definition of the crime of aggression and also on the extension of the jurisdictional remit of the International Criminal Court to cover such crime.
4. This session of the Assembly therefore offers us the opportunity to consolidate the gains we made in Kampala and to reaffirm our commitment to overcoming the challenges that continue to impede the full implementation of the provisions of the Rome Statute.

Mr. President,

5. Since its establishment, the International Criminal Court has never faltered in its role of fighting impunity, reasserting the rule of law, promoting and encouraging respect for human rights and achievement of durable peace, in accordance with international law as well as the purposes and principles of the *Charter* of the United Nations.
6. It has to be appreciated that, in executing this noble mandate, the Court merely complements national criminal justice systems.

7. The Court is only bound to intervene in situations where States are unwilling to prosecute perpetrators of war crimes and crimes against humanity. Cooperation with the court in the execution of its mandate is therefore both a moral and a political imperative.

8. We should always be mindful that in a number of respects, the International Criminal Court serves as the only refuge for the countless number of women and children who often have to bear the brunt of the brutality of the unimaginable atrocities that continue to be committed in several parts of the world.

9. Guided by her strong belief in the virtues of democracy, good governance and respect for human rights and the rule of law, Botswana became a State Party to the Rome Statute not only to advance advocacy for the preservation of the integrity and impartiality of the International Criminal Court, but also as a clear demonstration of her commitment to protect the rights of the victims.

10. We trust that those among us who are considering ratification of the Rome Statute will seize the opportunity to support the Court in advancing the common ideals of humanity, to which there is universality in the promotion of international peace and security, justice and respect for human rights.

Mr. President,

11. The Court needs expression of faith in its judicial mandate of promoting accountability and ensuring that the most serious crimes of international concern do not go unpunished.

12. Botswana remains committed to playing her part in supporting the work of the Court and stands ready to assist in fostering cooperation between the Court and other international and regional judicial organisations.

13. We sincerely believe that there is more to gain from the opening of the ICC Liaison Office at the Headquarters of the African Union in Addis Ababa and would urge

that the resources appropriated towards the realization of this objective should be utilised for their intended purposes.

14. On the other hand, we are deeply concerned by those who associate the opening of this office to the outstanding warrants of arrest issued against the President of the Sudan, Omar Al-Bashir and their inclination to further delay practical cooperation between the ICC and the African Union which has no less than 31 of its Members who are State Parties to the Rome Statute.

15. Botswana underlines the importance of preserving the highest judicial standards, the bedrock which has sustained the ICC since its establishment. In this regard, maximum balance should be maintained throughout the recruitment processes. Therefore, appointment of candidates should be accompanied by clear strategies of retention of competitive personnel with fair and equitable conditions of service.

16. Lastly, Mr. President Botswana is open-minded and willing to participate in the discussions about amendments to the Statute in the positive spirit that characterised our deliberations in Kampala.

17. While we concur that it may be timely to begin serious consultations on possible amendments to the Rome Statute that were not covered during the Review Conference, we are equally cautious that we should not overburden the Court with a multiplicity of crimes that are presently proving too difficult for national systems to cope with.

18. My delegation will also not be in a position to go along proposals that are designed to weaken rather than strengthen the Statute. Our main preoccupation should thus be to promote, safeguard, and strengthen the Rome Statute.

I thank you for your attention.