

STATEMENT

BY

HONOURABLE ANTHONY GYAMBIBY,
DEPUTY ATTORNEY-GENERAL AND DEPUTY MINISTER FOR JUSTICE
OF THE REPUBLIC OF GHANA / LEADER OF THE GHANA DELEGATION

DELIVERED AT THE

ELEVENTH SESSION OF THE ASSEMBLY
OF STATES PARTIES OF THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT (ICC) HELD IN THE HAGUE,
THE NETHERLANDS DURING THE GENERAL DEBATE ON THE
THEME **“TENTH ANNIVERSARY OF THE ENTRY INTO FORCE
OF THE ROME STATUTE: THE CHALLENGES AHEAD”**

THE HAGUE, THE NETHERLANDS
15TH NOVEMBER, 2012

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GENERAL AND DEPUTY MINISTER FOR JUSTICE OF THE REPUBLIC OF GHANA AND
LEADER, GHANA DELEGATION TO THE ELEVENTH SESSION OF THE ASSEMBLY OF
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THE HAGUE, THE NETHERLANDS, 14TH – 22ND NOVEMBER, 2012**

**Madam Chairperson and President of the
Assembly of States Parties,**

Distinguished Delegates,

Permit me at the outset, to congratulate you, Madam Chairperson, and other members of the Bureau on your election. You can count on the fullest cooperation of the Ghana delegation towards the success of our deliberations under your able stewardship.

My delegation is also pleased to join other speakers in congratulating the new Prosecutor, Mrs. Fatou Bensouda, on her election. We also commend her predecessor, Mr. Luis Ocampo, for his contribution to the work of the ICC. My delegation is gratified to see that the new Prosecutor has already taken various remarkable steps to enhance respect for the Court.

Madam Chairperson,

On the occasion of the tenth anniversary of the coming into force of the Rome Statute, the Government of Ghana remains determined to honour the full scope of the treaty obligations and commitments Ghana assumed when she exercised her sovereign prerogative to become a State Party to the Rome Statute. To this end, the Office of the Attorney-General in Ghana is in the process

of finalizing a draft legislative bill aimed at incorporating the Rome Statute into the municipal law of Ghana. Upon the conclusion of ongoing consultations among relevant stakeholders, and subject to Cabinet approval, the bill will be laid before parliament for consideration.

Ghana is also reflecting on various amendments such as those relating to the crime of aggression that were adopted during the Review Conference held in Kampala in June, 2010 and will make her position and views known as soon as practicable.

Madam Chairperson,

The Government of Ghana takes the obligation of States Parties to cooperate with the ICC in the implementation and discharge of its mandate very seriously. In this regard, Ghana wishes to reassure you of her continued commitment to cooperate with the Office of the Prosecutor of the ICC in handling all situations the court is seized of, including, in particular, its preliminary investigations into the situation in Cote d'Ivoire.

Madam Chairperson,

Cognizant of the importance of capacity-building in advancing the central principle of complementarity which underpins the implementation of the Rome Statute system, a number of Ghanaian State Prosecutors have availed themselves of the training programmes provided by the Office of the Prosecutor and the ICC, some of whom participated in the training programme that took place here in the Hague just last month.

In the course of 2013, the Attorney-General's Department in collaboration with the Foreign Ministry of Ghana will organize a public lecture in commemoration of the tenth anniversary of the Rome Statute with the view to educating and sensitizing the public on the work and relevance of the ICC in the promotion of the rule of law, including adherence to and respect for international human rights and humanitarian law. In this regard, my delegation is pleased to note that Judge Professor Akua Kuenyehia has accepted to deliver the keynote speech for that event.

Madam Chairperson,

With regard to the challenges ahead, States and non-States Parties should be mindful of the fact that in the history of the fight against impunity, the arm of international criminal justice has pursued those who bear the most responsibility for the crimes of the most serious concern to mankind, regardless of region or race or ethnicity. That was the case with the post World War Tribunals established in Nuremburg and Tokyo, as well as the recent Tribunals for Yugoslavia, Rwanda, Sierra Leone, Lebanon and Cambodia.

Equally, we should not expect the ICC to select and pursue alleged perpetrators just for the sake of achieving some regional or racial balance in trials or prosecutions, or for political expediency. Prosecutions must be conducted on the basis of the merits of each case, motivated only by the dictates and demands of justice, rule of law, due process, impartiality, objectivity, independence and fairness taking into account the rights and interests of both the

accused and victim. In that regard, we hope the ICC will soon come to a mutually satisfactory understanding to pave the way for the establishment of ICC liaison offices in all regions as appropriate with further delay.

Another challenge which must engage the attention of States Parties is the need to clarify or re-examine the relevant provisions of the Rome Statute suggesting that Heads of State accused of perpetrating Rome Statute crimes may not be entitled to immunity and the concurrent provisions requiring respect for the established rules on international law. This question has become even more pertinent in the light of the recent ICJ decisions concerning the immunity of state officials from foreign criminal jurisdiction.

Madam Chairperson,

Historically, the international community led by the United Nations, conceived the idea of the International Criminal Court not only as the first ever permanent International Criminal Court established by treaty to ensure that heinous crimes and impunity do not go unpunished, but also intended that all States, without exception, shall become parties to the ICC's Statute.

Therefore, as we happily welcome the new and growing numbers of States Parties (121 members so far), we recognize that we have a long way to go in reaching the goal of universality of membership of the Rome Statute and must intensify our individual and collective campaign to this end. Achieving universal ratification will facilitate ongoing efforts to address more effectively various challenges

facing the Court, issues concerning the role of the Security Council, promoting cooperation and more constructive relationship between certain States or regional organizations and the Court. Universality will also advance the current valuable cooperation between the United Nations and the Court. Ghana stands ready to continue to play her part towards the goal of the universality of membership of the Rome Statute.

Madam Chairperson,

I wish to conclude by expressing our profound gratitude to the Government and People of the Kingdom of the Netherlands for the generous hospitality and courtesies accorded my delegation since our arrival in this beautiful and friendly country.

I thank you for your kind attention.