



**STATEMENT**

**BY**

**THE ATTORNEY GENERAL  
OF THE REPUBLIC OF BOTSWANA**

**DR ATHALIAH MOLOKOMME**

**DURING**

**THE GENERAL DEBATE OF THE  
12<sup>TH</sup> SESSION OF THE ASSEMBLY OF  
STATES PARTIES TO THE ROME STATUTE  
OF THE INTERNATIONAL CRIMINAL COURT (ICC)**

**THE HAGUE 21 NOVEMBER 2013**

**Madam President,**

**Distinguished Delegates, Ladies and Gentleman,**

1. Allow me to begin by expressing my delegation's pleasure and satisfaction with the very able manner in which you are guiding our deliberations.
2. We therefore pledge our full support and cooperation to you and other Members of the Bureau in the discharge of your onerous mandate.
3. Let me also seize this opportunity to pay tribute to the President of the International Criminal Court, Judge Sang-Hyun Song, for his continued commitment and sterling leadership.
4. We particularly thank him for his very informative briefing on the activities of the Court, which we believe will help foster a lively and incisive debate in this Assembly.
5. We are delighted to note that, inspite of the serious budgetary constraints it faces, the Court continues to do very commendable work in supporting more than 110 thousand victims and their families through the Trust Fund for Victims.
6. This is in addition to the successful implementation of practical, life changing projects, which are in response to the plight of survivors of sexual and gender based violence and other victims of human rights violations, as well as inhuman and degrading treatment.
7. Such efforts are indeed commendable, given that the promotion and protection of human rights, of which gender equality is an important component, is assuming even greater importance globally.

8. Far too often we receive appalling reports from various parts of the world that women and children have been victims of unimaginable atrocities, ironically at the hands of those to whom they look for protection.
9. In this regard, it is increasingly worrisome that the noble efforts of the international community to shield the victims from mass atrocities will continue to be undermined by the pending arrest warrants, including those of Joseph Kony and other members of Lord's Resistance Army. This is why as States Parties to the Rome Statute, we must stand firmly together to condemn and take action against the perpetrators of these heinous crimes.
10. We do note however the progress that has been made with respect to other situations, including the first judgment of acquittal, pending appeal, for Mr. Mathieu Ngudjolo Chui last November.

**Madam President,**

11. It is important to bear in mind that the International Criminal Court was created as an independent, permanent criminal tribunal, with jurisdiction over serious crimes of concern to the international community as a whole, namely, the crime of genocide, crimes against humanity, war crimes and, as the latest addition, the crime of aggression.
12. This was after the realisation of the limitations of the Ad Hoc Tribunals in adequately addressing the objectives of justice, the rule of law and sustainable peace.

13. The Rome Statute has therefore helped to close the institutional gap that existed in the international criminal justice system. In other words, through the principle of complementarity, it has provided an additional mechanism that complements the national judicial apparatus of States.

**Madam President,**

14. We must accept that the International Criminal Court is bound to meet challenges in its work because of the delicate nature of its mandate and its relationship with the UN Security Council.
15. The Court constantly needs to strike a balance between judicial and political imperatives of a given situation with which it is confronted.
16. Be that as it may, Botswana believes that like our domestic courts, States Parties have an obligation to respect and protect the judicial independence, integrity and credibility of the Court.
17. It is imperative for States Parties to fulfill their obligation to support and cooperate with the Court as required by Article 87 of the Rome Statute.
18. Similarly, States Parties are obliged to comply with the political authority of the UN Security Council under the provisions of Chapter VII of the UN Charter.

**Madam President,**

19. We States Parties should be mindful of the fact that the Rome Statute is our own creation. Therefore, any imperfections in this instrument can only be addressed by none other than ourselves.

20. It is in this spirit that Botswana has been working closely with like-minded States Parties delegations in initiating amendments to the Court's Rules of Procedure and Evidence in order to address the question of presence of an accused person at a trial.
21. Through the proposed Amendments, we hope that greater flexibility can be applied in the interpretation and application of Article 63. We have been very encouraged by the positive spirit which delegations have exhibited in this effort.
22. We trust that States Parties will hold fruitful deliberations and reach consensus on the proposed Amendments during this Session of the Assembly.

**Madam President,**

23. It would have been remiss of me to conclude my statement without repeating my appeal for States Parties to take urgent steps to ratify the Kampala Amendments to the Rome Statute – specifically dealing with the question of the Crime of Aggression.
24. It is important that we secure the requisite number of ratifications in order for these Amendments to enter into force.
25. In conclusion, Madam President, I wish to emphasize that the key priorities of the international criminal justice must be to secure justice for the victims of serious international crimes and to help prevent the commission of such crimes in future.

26. Botswana remains firmly committed to a strong and effective international criminal justice system. This explains why Botswana is an unflinching supporter of the ICC, and why we will continue to do everything in our power to contribute to the achievement of the aims and objectives of the Rome Statute.
27. It is in pursuit of these ideals that Botswana has announced its candidature for the Presidency of the Assembly of States Parties in respect of the 2015 - 2017 triennium.
28. We naturally count on the confidence and invaluable support of States Parties towards this candidature.
29. My delegation and I look forward to fruitful deliberations during this Assembly, and pledge our cooperation with you, Madame President, and with other States Parties, to ensure the most positive outcomes.

I thank you for your attention.