



**STATEMENT BY HON. ALBERT KAWANA, MINISTER OF  
PRESIDENTIAL AFFAIRS AND ATTORNEY GENERAL OF THE  
REPUBLIC OF NAMIBIA, AT THE GENERAL DEBATE OF THE 12<sup>TH</sup>  
SESSION OF THE ASSEMBLY OF STATE PARTIES TO THE ROME  
STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

**21 NOVEMBER 2013**

**THE HAGUE, NETHERLANDS**

*(Check Against Delivery)*

Madam President,

Distinguished High Table,

Dear Delegates,

Namibia is pleased to have an opportunity to address this Assembly on the occasion of its 12<sup>th</sup> Session. We are confident that under your able leadership, Madam President, you will guide our deliberations to a successful conclusion, and I assure you of my delegation's full support and cooperation in this regard. We associate ourselves with the statement delivered by Uganda on behalf of the African Union.

Namibia fully supports the decisions that were taken at the Extraordinary Session of the Assembly of Heads of State and Government by the African Union on Africa's relationship with the International Criminal Court held on 12 October 2013.

The Namibian nation was founded on the ashes of apartheid colonialism. We achieved our national independence with the active support of the international community. Our past history is replete with massive abuse of human rights premised on the colour of the skin of our people.

We experienced numerous massacres, most victims being defenceless women and children. Some of our people were roasted alive, others were poisoned through secret experiments, while others were thrown into the Atlantic Ocean from planes.

All these heinous atrocities were committed by Security Forces of the Apartheid Colonial regime against our people.

Madam President,

Upon the attainment of our independence on 21<sup>st</sup> March 1990, our nation declared a policy of National Reconciliation. It made a vow that never again will justice be implemented on the basis of race, sex or ethnic origin. To us, justice knows no colour, sex, continental discrimination or power politics.

We believe in lasting peace and stability. Durable peace and stability can only be achieved if post conflict measures are effectively implemented. These measures include the healing of wounds by adopting a policy of National Reconciliation; restorative justice by addressing the needs of victims such as resettlement of displaced persons, payment of compensation to victims, and strengthening the justice system so that future abuses can be addressed effectively.

It is against this background that Namibia became a Party to the Rome Statute in the genuine conviction that this permanent Court is the best hope of the international community to end impunity for the most heinous violations of human rights and fundamental freedoms.

We are mindful that the Court was established to compliment national jurisdictions in the investigation and prosecution of crimes which fall within the Rome Statute. We believe that State Parties bear the primary responsibility to deal with the crimes which are contained in

the Rome Statute, while the ICC compliments national and regional efforts.

We therefore believe that the capacity of domestic and regional institutions should be supported so that the ICC can play its role of complementing these institutions.

The engaged involvement of African States in the creation of the Court demonstrates that the Court was created for the benefit of victims of serious crimes around the world, including those in Africa.

African State Parties constitute the largest bloc in the membership of the Court. This is a clear demonstration of the African commitment to the work of the Court. It is, therefore, important to note that where African State Parties have concerns such as those relating to the indictments of sitting Heads of States, these concerns must be addressed by this Assembly. These concerns are genuine and, if ignored, may impact on the prospects of peace and security on the continent. ". We believe that lasting peace and security go hand in hand with justice. We, therefore, welcome the inclusion at this 12<sup>th</sup> Session of an agenda item as requested by African State Parties to the Rome Statute focusing on the "Indictment of sitting Heads of State and Government and its consequences on peace, stability and reconciliation

Madam President,

It is highly regrettable that the wisdom of Heads of States and Government were ignored by the UN Security Council in its latest decision of 15<sup>th</sup> November 2013, on the deferral request of the ICC proceedings against the democratically elected Kenyan Leadership.

We caution that this decision may have a negative impact on the cooperation between regional organizations and the Security Council in the maintenance and promotion of international peace and security.

Justice should not be based on selective application. Justice should apply to all continents, to all perpetrators, to all races and to all sexes. Any selective application ceases to be justice and is likely to undermine the objective of the international community in preserving international humanitarian law.

In conclusion, we look forward to participating in the special segment as requested by the African State Parties where we will further engage other delegations in finding a durable solution. Once more I assure you Madam President, of my delegation's full cooperation.

I thank you,