

**STATEMENT BY HON. MATHIAS M. CHIKAWA (MP)
MINISTER FOR CONSTITUTIONAL AND LEGAL AFFAIRS
THE UNITED REPUBLIC OF TANZANIA**

**DURING THE GENERAL DEBATE OF THE TWELVETH SESSION OF THE
ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

THE HAGUE, 20 NOVEMBER 2013

Madam President,

It is a great honour for me to speak on behalf of the United Republic of Tanzania at the Twelfth Session of the Assembly of States Parties (ASP) to the Rome Statute. Allow me on behalf of my delegation to congratulate you for your commendable leadership as you complete your mandate as the President of this august Assembly.

Madam President,

Fifteen years ago, we adopted the Rome Statute establishing the International Criminal Court (ICC) to advance the cause of justice and the rule of law. Tanzania applauds its values and supports its universality in eliminating impunity and denying safe haven to the perpetrators of most heinous crimes of international concern. Today the court is a fully functional judicial institution supported by 122 States Parties, 34 of which are from Africa, we are pleased to welcome Cote d'Ivoire, the latest African Country that has become a party to the Rome Statute.

The Rome Statute is built upon the principle that the most heinous crimes of international concern must not go unpunished. States have the primary responsibility to prosecute serious international crimes committed in their territory or by their nationals. However, as a Court of last resort, the ICC assume jurisdiction only where the national judicial systems have failed, are unable or are unwilling to act.

Madam President,

The Court cannot function without the effective cooperation of States. The cooperation of the African region is especially critical considering that all of the Court's current cases are from Africa, however, my delegation is concerned with the rift that has grown between the Court and the continent.

The Court's activities in Africa have faced significant difficulties; even when the issues the Court seeks to address are matters of legitimate concern regarding justice and peace. As a result, the Court's work has regrettably been a cause of concern among many Governments in the continent. The Court's perceived irresponsiveness to what are, in our view, legitimate concerns of Africa demand greater empathy that neither undermines the court's integrity nor the confidence of its member states. These concerns are a source of great discomfort to many who are among the Court's great champions which requires our immediate and proactive response.

The success of the ICC will, therefore, depend to a large extent on the cooperation of African Governments. The sooner these frayed relations are mended the better for the future effectiveness and success of the Court. It is in this regard that my delegation welcomes the inclusion of the special segment requested by the African Union to engage in an exchange of views on the topic "indictment of African sitting Head of States and Government by the ICC and its consequences on peace, stability and reconciliation in African Union Member States". We look forward to a constructive dialogue to which my delegation will actively participate.

Madam President,

The ICC contributes significantly not only to international justice but also to international peace and security. We regret to note that the African Union's request to defer the Kenyan situation for a year to allow them to deal with the delicate situation that exists in that Country was rejected by the UN Security Council. It is the view of my delegation that the application of Article 16 would have contributed significantly in addressing some of the Court's challenges.

Madam President,

Tanzania is a firm supporter of the ICC and strongly believes that the ASP can shape the future of the ICC. We welcome and appreciate the contribution of the work undertaken by the Working Groups of the ASP in making the court credible efficient and effective. We note in particular a proposal for an amendment to the Rules of Procedure and Evidence concerning the question of presence at trial that is currently being negotiated by the Working Group on amendments. This amendment, if adopted, would help to improve the effectiveness of the Court.

When we look into the future, there is still a lot of work to be done ranging from improvement of relations between the court and the States Parties especially in ensuring efficient conduct of judicial proceedings to continuously providing the court with sufficient resources for the Court to fulfil its mandate and perform its core functions as an independent judicial body free from indirect political interference.

Madam President,

Let me conclude by reaffirming my delegation's firm belief on the ICC. We see the Court as an important instrument in the pursuit for justice. It faces significant challenges, but the advantages of the Court outweigh the challenges that it is facing.

The ICC is still the best model in addressing international justice and therefore deserves our support.

Thank you Madam President.