



*PERMANENT MISSION OF THE KINGDOM
OF LESOTHO TO THE UNITED NATIONS
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STATEMENT

By

The Honourable Mr. Lesego L.C. Makgothi
Minister of Foreign Affairs and International Relations
of the Kingdom of Lesotho

During the

Sixteenth Session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court

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New York

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Your Excellency, Mr. Sidiki Kaba, President of the Sixteenth Session of the Assembly of States Parties,

Excellencies,

Distinguished Delegates,

Allow me to express my delegation's profound appreciation for your commendable leadership at the helm of the ASP for the past three years. I wish to congratulate His Excellency Judge O-Gon Kwon on his election as President of ASP for the next triennium.

I further wish to congratulate the newly elected Judges, Members of the Bureau and the Committee on Budget and Finance.

Mr. President,

It has been almost two decades since the Nations of the world, reeling from wounds of a brutal and bitter past, tired of genocide, war crimes and crimes against humanity came together to establish the International Criminal Court (ICC). The Court's creation in 1998 presents a profound and unprecedented shift in the fight against impunity. The Rome Statute presents our collective effort to end a culture of impunity for the most heinous crimes that continue to shock the conscience of humankind.

It is in this spirit that Lesotho reaffirms her commitment towards attainment of justice for victims of these horrendous crimes and attaches great importance to the role of the ICC in this regard. Today, we reiterate our Country's commitment to support work of the Court in promoting the rule of law, justice and respect for human rights, which in our view are effective pillars for sustainable international peace and security.

Mr. President,

This Assembly presents us with an auspicious opportunity to cherish our achievements and to invent ways and means on how to address current and future challenges. In light of above, we wish to raise a few pertinent issues that we believe are vital to the future of the Court.

Mr. President,

The hallmark of the Rome Statute has always been the principle of complementarity. As a court of last resort, the ICC is intended to supplement not supplant national judicial apparatus. In this regard, we would like to highlight capacity-building of criminal justice systems as crucial to implementing complementarity. Strengthening national criminal justice systems will enable States to better deal with the most serious international crimes.

Significant progress has been made in integrating the Rome Statute into our national legislative framework. We are pleased to mention that international crimes espoused in the Statute have been codified in the Penal Code Act of 2010. It is also important to highlight that a Bill on Mutual Legal Assistance in Criminal Matters is awaiting promulgation. These milestones demonstrate our serious commitment to our international obligations in ensuring the tenets of the Rome Statute become a permanent feature of our jurisprudence.

Mr. President,

The Court has a global mandate but has not yet attained universal participation. Many of the world's worst conflict zones are beyond its reach. Achieving universality of the Rome Statute is thus necessary for the Court to accomplish its goals.

Closely related to the question of universality is the issue of cooperation which remains an important pillar in the fight against impunity. It is only when States Parties fully cooperate with the Court, that Non-States Parties will be attracted to come into the fold.

Mr. President,

A relevant aspect of the Rome Statute system which is often left out of discussions is recognition the Statute affords to victims. The ICC is the first international court to allow for active participation of victims in its proceedings and to provide reparations through a dedicated Trust Fund established for Victims.

Mr. President,

Lesotho is totally committed to the ICC. We are a founder member and actively participated in the negotiations of the Rome Statute. As a country, Lesotho holds the view that there is no room for impunity in the international setting. Perpetrators of crimes against humanity must be brought to book and punished. The ICC is one Institution created by the International Community to ensure that the weak are protected and their rights are not violated.

In short Lesotho is committed to the ideals and objectives of the ICC. But, **Mr. President**, it would be remiss of me if I would not point out the concern which majority of African States Parties to the Rome Statute have on the way the ICC is run. There is a very strong perception that this grand court is not run fairly and democratically. That it is run and influenced by non States Parties, and as such to a large extent; the ICC is seen as targeting Africans.

These issues must be addressed if the ICC has to be respected throughout the world for the good work it is intended to do. The ICC must work hard to dispel this perception. Otherwise it will be seen to be a tool used by others to persecute African leaders which will ultimately leave Africa with no choice but to form her own African Criminal Court.

Mr. President,

Much remains to be done for the ICC to meet demands for justice in the light of increasing number of incidents where international crimes are being committed. The ICC cannot deliver without support of all of us. We should always be mindful of a fact that the Rome Statute is a creature of our own making. Any imperfections can be addressed by none other than us. It is in this spirit that Lesotho supports all efforts geared towards enhancement of the Rome Statute system.

My delegation places utmost importance on continued struggle against impunity in all its forms and manifestations. We acknowledge continued trials and triumphs the Court has faced in the quest for sustainable peace, justice and a world free of impunity.

As I conclude, **Mr. President**, I wish to emphasize that pursuit of a sustainable peaceful world is an ideal that our forbearers cherished. Our commitment to the fight against impunity and the maintenance of international peace and security must manifest in our actions in support of this international judicial architecture. History teaches us that no country, no region is immune to war, conflicts or atrocities.

Key priority of international criminal justice must at all times be to secure justice for the victims of serious international crimes and help prevent the commission of such crimes in the future. We, States Parties maintain a viable and successful institution of justice by securing its independence and impartiality.

I thank you for your kind attention.