



Republic Of Botswana

STATEMENT

BY

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PERMANENT SECRETARY
MINISTRY OF DEFENCE, JUSTICE AND SECURITY**

**AT THE GENERAL DEBATE OF THE 17TH SESSION OF THE
ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT**

**6 DECEMBER 2018
THE HAGUE, THE NETHERLANDS**



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**Mr. President,
Excellencies,
Distinguished Ladies and Gentlemen,**

1. Let me at the outset warmly congratulate you on your election and thank you, Mr. President, for ably guiding the proceedings of the 17th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court.
2. We are fully confident that you will diligently execute your mandate for the next three years. In this respect, I would like to assure you and other members of the Bureau of the full support and cooperation of my delegation throughout your tenure.
3. We commend The Netherlands, Uganda and Africa Legal Aid for hosting a High-Level Event "Commemorating the 20th Anniversary of the Rome Statute."
4. We are pleased that 2018 has been an eventful year, as it marks the 20th Anniversary of the adoption of the Rome Statute, which established this only independent permanent International Criminal Court, with jurisdiction over the most serious crimes of concern to the international community.
5. Another key milestone of this year was the activation of the Court's jurisdiction over the crime of aggression on 17 July. This is a historic success given the fact that the negotiations on the crime of aggression have been ongoing for a century now, as was discussed at Versailles, Nuremberg, Tokyo, Rome and Kampala Conferences.
6. This year is also of historic importance as it marks the commemoration of the 70th anniversaries of the Universal Declaration on Human Rights, and the Genocide Convention.

Mr. President,

7. As a fervent supporter of the ICC and the first African State Party to ratify the Kampala Amendments, Botswana welcomes the activation of the Court's jurisdiction over the crime of aggression.
8. As a peace - loving country, Botswana is a firm advocate of the prohibition of the unlawful use of force. This is also in conformity with our unwavering commitment to the promotion and protection of all human rights, democracy, good governance and the rule of law.
9. Since its establishment, the ICC has contributed significantly to strengthening the international criminal justice system by fighting impunity for the most heinous crimes, namely genocide, war crimes and crimes against humanity, including sexual and gender-based crimes, which were previously unpunished.
10. The existence of the Court is crucial for the entrenchment of a rules-based international order, promotion of the rule of law, respect for human rights and achievement of sustainable development and post-conflict peace building and reconciliation. It provides an accountability mechanism that holds the perpetrators of the most serious crimes accountable, thereby serving as a deterrent tool in the international criminal justice system.

Mr. President,

11. As a Court of last resort, the ICC complements national criminal justice systems by exercising its jurisdiction only when a State is unwilling or unable to exercise its primary jurisdiction over Rome Statute crimes. In a nutshell, the mandate of the Court serves to advance international law as well as the purposes and principles of the Charter of the United Nations.

12. In this context, we applaud the work of the ICC in addressing situations in the Central African Republic, Democratic Republic of the Congo, Darfur, Mali and Uganda, to mention a few. In addition, we welcome the opening of new preliminary examinations into situations in Bangladesh/Myanmar, the Philippines and Venezuela.
13. The ICC continues to play an instrumental role in ensuring redress and justice for victims of genocide, war crimes and crimes against humanity, preventing and combating such crimes and advancing the promotion and protection of human rights in various parts of the world.
14. In this regard, Botswana supports the work of the Trust Fund for Victims, which provides reparations to victims of international crimes. We strongly appeal to States to make voluntary contributions towards the Trust Fund for Victims in order to safeguard the rights of victims and to ensure they are provided with adequate reparations that will bring dignity to their lives. It is our hope that in future all victims of the gravest crimes will have access to justice.
15. Similarly, we support the strengthening of the witness protection framework and legal aid policy in order to ensure that victims have a voice.

Mr. President,

16. Botswana acknowledges your ongoing efforts to promote the universalisation of the Rome Statute and to enhance the cooperation between the Court and the United Nations Security Council.
17. We firmly believe that the universalization of the Rome Statute will promote international peace and security, justice, sustainable development, prosperity and respect for human rights.

18. Given its crucial mandate and the increased workload of the Court, my delegation shares the view that the ICC should be provided with the requisite human and financial resources to enable it to effectively and efficiently deliver on its multifaceted mandate. In this regard, we implore all States Parties to honour their financial obligations to the ICC in full and on time.

Mr. President,

19. Widest possible cooperation with the Court is essential for enhancing its credibility and effectiveness and ensuring timely investigations and prosecution of cases. Above all, it is crucial for the enforcement of the Court's decisions.

20. For the Court to effectively deliver on its mandate, it requires full cooperation of States Parties and non-State Parties, regional and international organisations, as well as the international community.

21. It is regrettable to note that some States Parties have been failing to honour their obligations under the Rome Statute to cooperate fully with the Court, including the applicable United Nations Security Council Resolutions.

22. Botswana therefore remains deeply concerned about 16 arrest warrants issued that remain outstanding to date. In this regard, Botswana urges all States Parties to heed the call by the Office of the Prosecutor to take urgent measures to ensure the execution of these arrest warrants.

23. Lastly, Botswana stands ready to assist in addressing the challenges faced by the Court, to host regional meetings of the ICC and to assist in fostering cooperation between the Court, States Parties and other regional and international judicial organisations on matters relating to national capacity building, witness protection and international cooperation.

I thank you Mr. President.