



STATEMENT

by

Mr John Jeffery, MP

Deputy Minister of Justice and Constitutional Development,

Republic of South Africa

GENERAL DEBATE:

**18th SESSION OF THE ASSEMBLY OF STATES PARTIES OF THE
INTERNATIONAL CRIMINAL COURT**

The Hague,

2 – 7 December 2019

Mr President,

On behalf of the Government of the Republic of South Africa, we thank you for the opportunity to address this Assembly of States Parties to the Rome Statute of the International Criminal Court.

South Africa had been a vocal proponent of the establishment of the International Criminal Court. It was on the 17th of July 1998 that South Africa became one of the first ten signatories of the Rome Statute of the International Criminal Court.

On that day, our President at the time, the late President Nelson Mandela, said –

“Our own continent has suffered enough horrors emanating from the inhumanity of human beings towards human beings.”

We believed, as we still do, that an independent and objective instrument was needed to bring to an end the heinous crimes against humanity and the violation of human rights which were then very prevalent on our Continent and the world as a whole.

We believed, as we still do, that those who committed such crimes must be prosecuted and punished by an impartial body empowered by international cooperation to defend the universal values of justice.

We committed ourselves to a court that was to hold individuals accountable for international crimes - regardless of where they were from.

Mr President,

Africa has always been supportive of the Court. Today, 122 countries are States Parties to the Rome Statute of the International Criminal Court. Out of them, 33 are African States.

War crimes and genocide are not limited to the borders of our continent and crimes against humanity are not only to be found in Africa. They occur the world over and we have a duty to ensure that they are not met with impunity. It is therefore imperative that the Court continues to fight impunity all over the world.

In doing so the Court must never be influenced by powerful non-member states who see no need to subject themselves to its discipline. Furthermore, the Court's jurisdiction has been viewed, by some, as being affected by the non-participation or non-cooperation of many countries.

Another challenge is the perceived politicisation of the Court by UN Security Council referrals.

It is these perceptions that the Court should endeavour to address.

Mr President,

At the Fifteenth Session of the Assembly South Africa announced its intention to withdraw from the Rome Statute as it was argued that South Africa's continued membership to the Rome Statute carries with it the potential risk of undermining its ability to carry out its peace-making mission efforts in Africa, and elsewhere.

Domestically, we have also prepared an International Crimes Bill which creates a list of international crimes similar to those in the Rome Statute that would form part of our domestic law in order to ensure that the decision to withdraw from the Rome Statute does not unwittingly render South Africa a safe-haven for persons who have committed such crimes.

South Africa remains committed to actively promote peace, stability and development in Africa, and elsewhere, and to ensure that there is no impunity from prosecution for international crimes.

As part of discussions on the best way to achieve these laudable goals, we are still deliberating on the issue of withdrawal from the Rome Statute as the matter is still to be considered by our Parliament.

Mr President,

As we strive to make the Court better, and to strengthen the system of international criminal law created by the Rome Statute, South Africa welcomes the Independent Expert Review and its mandate to make concrete, achievable and actionable recommendations aimed at enhancing the performance, efficiency and effectiveness of the Court and the Rome Statute system as a whole.

We therefore also welcome related initiatives to improve the Court's performance, notably the establishment of the Committee on the Election of the Prosecutor, and the Working Group on the Revision of the Judges' Remuneration.

The Court's own efforts to improve its performance and enhance its effectiveness and efficiency are commendable and also welcomed.

South Africa also wishes to express its support for the commendable initiative by Switzerland to amend Article 8 of the Rome Statute to include the war crime of starving civilians in non-international armed conflict.

We look forward to continued engagement between the Court and the African Union, which South Africa will chair in 2020, in terms of the dialogue on the "Relationship between Africa and the International Criminal Court".

Mr President,

South Africa remains unwavering in our commitment towards the attainment of peace, justice and respect for human rights, in our region, in our continent and across the globe.

Thank you.