



OPENING STATEMENT

BY

**AMBASSADOR OF THE REPUBLIC OF SOUTH AFRICA
TO THE KINGDOM OF THE NETHERLANDS,
HIS EXCELLENCY VUSIMUZI PHILEMON MADONSELA**

**NINETEENTH SESSION OF THE ASSEMBLY OF STATES PARTIES
OF THE INTERNATIONAL CRIMINAL COURT**

THE HAGUE

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Mr President,

On behalf of the Government of the Republic of South Africa, we thank you for the opportunity to submit this statement to the Assembly of States Parties.

It is no overstatement to say that the year 2020 has become one of the most challenging ever experienced by the international community as a whole. The devastation wrought by the Covid-19 pandemic on the economies of many nations and livelihoods of countless people was unprecedented. This situation abundantly demonstrates the linkage between peace and development, as the pandemic may present a setback to key efforts to achieve sustainable peace, stability and development.

All that notwithstanding, we are also encouraged that the Court could, under these difficult circumstances, continue to function effectively, and that the most comprehensive review of the Court and the Rome Statute system was undertaken and completed. This is a major achievement and we commend the Independent Experts for this important milestone.

The challenge that now remains is to effectively implement the comprehensive recommendations set out in the report. There is an old African adage on how one eats an elephant: of course, you do it bit by bit; but this elephant will require a concerted and vigorous effort by all the State Parties, the Court and civil society to implement the proposals. We will no doubt rise to the challenge.

Mr President,

In this respect, we would like to draw specific attention to some areas we strongly believe must be prioritized. We agree that there is currently a lack of geographical representation from all regions in the staff establishment, which denies the Court of the requisite cultural diversity in the execution of its work. Addressing this issue as a matter of priority will enhance the socio-political and contextual knowledge of the Court's staff about situation countries and improve the working culture and, by

extension, the quality of investigations and prosecutions led by the Office of the Prosecutor.

We agree with the conclusion by the Experts that engagement with the African Union (AU) is of utmost importance and should continuously be strengthened and extended, and we welcome the Court's ongoing efforts of engaging with the AU. Silencing the Guns is the major priority for South Africa's present term as AU Chair. We believe continued and enhanced multilateral cooperation is the only way in which guns could be silenced, and in which international criminal law, whether implemented on the international or domestic level, can be operationalised in order to fulfil its function as a full stop at the end of the peace-justice continuum.

We also note with appreciation that the Experts ventured onto the need to improve the system by which judges are nominated. It is of the utmost importance, and in the interests of accused persons as well as the victims of gross atrocity crimes, that only judges of the highest calibre be nominated for election. We find the recommendation that the ASP should initiate a process leading to the harmonisation of the nomination procedures followed by States especially interesting, and in this respect wish to draw attention to the *Lilongwe Principles and Guidelines on the selection and Appointment of Judicial Officers*, adopted at the Southern African Chief Justices' Forum and Annual Meeting in Lilongwe, Malawi, in 2018, and based on research by the University of Cape Town.

The promotion of a rules-based multilateral order and the adherence thereto is one of the cornerstones of South Africa's foreign policy. Therefore, as we have done in the United Nations in conjunction with other State Parties, we re-iterate our concern about the punitive measures imposed and threats made against the Court and its officials, including an official with permanent residence status in South Africa, who has experienced first-hand the negative impact of the sanctions imposed. We reiterate our strongly held view that the Court must be allowed to carry out its mandate of ensuring justice for the victims of the most serious crimes of concern to the international community, wherever they have occurred, without interference, fear, favour or prejudice.

Mr President,

During its term as a non-permanent member of the United Nations Security Council South Africa has actively sought to advance the Women, Peace and Security Agenda, culminating in the adoption of Security Council Resolution 2493 (2019). Some of the cornerstones of the Agenda are the recognition of the impact of armed conflict on women and girls, who account for the vast majority of those affected by armed conflict, the necessity of protecting them from gender-based violence and the prosecution of those responsible for such crimes. Accordingly, we strongly support the Bureau's mandate to support the Court in addressing sexual and gender-based crimes, and note with appreciation the support by civil society in developing these initiatives.

Mr President,

As we conclude, allow me also to express a word of gratitude and appreciation to those leaving the Court. South Africa has over the eighteen years that she served the Court, worked closely with Madame Bensouda, who always impressed with her grace and dignity. We have also built a good relationship with Judge Eboe-Osuji before and during his term as President, as he wisely guided the Court and Mr O-Gon Kwon, who equally wisely led the Assembly of States Parties for the last three years. They will be missed, and we wish them all the best in their future endeavours.

Thank you.