



REPUBLIQUE DU SENEGAL

*Un Peuple – Un But – Une Foi*

**STATEMENT BY H.E. MR. SIDIKI KABA**

KEEPER OF THE SEALS,

MINISTER OF JUSTICE OF THE REPUBLIC OF SENEGAL

MEETING OF THE BUREAU OF THE ASSEMBLY  
OF STATES PARTIES TO THE ROME STATUTE  
OF THE INTERNATIONAL CRIMINAL COURT

NEW YORK, 30 SEPTEMBER 2014

**Madam President,**

**Excellences,**

**Dear Members of the Bureau,**

**Ladies and gentlemen,**

At the outset, allow me to express my gratitude and that of my country, Senegal, following your decision to endorse me as the next President of the Assembly of States Parties to the Rome Statute of the international Criminal Court, for the period 2014-2017.

It is a great honor for me and I can assure you that my full energy will be oriented towards meeting your high expectations.

I seize this opportunity to also thank the 34 African States Parties, who have invested their trust in me, in this critical period for the future of the Court, where the ambiguities between the Continent and the Institution must be lifted. By becoming the first African president of the ASP, I have an additional charge, and I will aim at being a worthy representative. Ambassador Kanda, Vice-President of the ASP, Africa is grateful for your diplomatic skills which have enabled us to find a continental candidate.

**Madam President,**

Even though we will have the occasion to formally do so in December, during the next session of the ASP, I would like to avail myself of this opportunity to pay tribute to the commitment, passion and dedication that you have shown in carrying out your mission. In arguably the most hectic time of the Court, you have demonstrated flawless leadership, producing results that we are all very proud of as States Parties.

In short, you have served International Justice: and you should be lauded for it.

You have certainly raised the standard very high for me, your successor, but I will not hold it against you, as the challenge of excellence is rewarding. Be assured that I will do my best to work towards achieving our common goal, that of ending impunity for the most serious crimes.

To the other members of the Bureau, I also wish to express my gratitude and congratulations, and tell you that, with the incoming one, we will need your constant advice and support in this challenging task.

**Madam President,**

The establishment of the International Criminal Court is a response to a request from the peoples of the World, the ones who have suffered serious abuses, and could not find "justice" at home. We created this institution to provide them with hope, and to tell them that, regardless of the power of their tormentors, the international community is committed to bring them such justice.

This noble objective of the Court, I had believed in it when getting involved in the negotiation of its Statute, I believed in it when campaigning worldwide for its signature and ratification, and I believe in it even more, today, when I consider the different situations that many face. This is why my engagement will be total in order to bring my modest contribution to the quest to end impunity for mass crimes.

It will certainly not be an easy task, as the challenges of the ICC are multiple and complex. Indeed, its legitimacy is questioned, which deflects our attention from our common goal to focus on political issues at the expense of judicial affairs, its only legitimate purpose.

In order to tackle these issues, I have set four major goals during my tenure. And with your approval, I would like to briefly introduce them to you.

**Madam President,**

**The first challenge I think we can all agree upon, is that there is a real malaise, not to say a crisis, between the ICC and some regions of the World.**

And in this regard, Africa, my continent, is certainly the most obvious example. This is why, I will work to remind that Africa cannot be against the Court, because as I said earlier, 34 of our States, constituting the largest regional group, have ratified its statute, and the first one to do so at the global level was African.

Africa has also voluntarily submitted the overwhelming majority of the cases that the Court has been involved with. African states have cooperated to facilitate its work and that of the Prosecutor in particular. Africa cannot be against the Court because we are also the Court.

I am also against the argument that the Court is against Africa, because it is an active part of the Court and occupies important responsibilities. What we need is to locate points of contention, and bring the necessary corrections.

In my humble opinion, it is by pledging to respect the strict observance of the principle of full independence of the Court that we will manage to obtain a better relationship between Africa and the latter. It is by avoiding to make the Court one exclusively for Africans that will eliminate this deep misunderstanding, in other terms, justified situations in other regions of the world should also be considered.

African populations have more than any others requested and welcomed the establishment of the Court, that hope should not dissipate. Let us return to the principles and spirit that have led us to create it.

**The second challenge, Madam President, will be to develop cooperation between the ICC and the States.**

As you are aware, the ICC has no army, no police, only States Parties can combine their efforts to facilitate the arrest and transfer of suspects to the Court. It needs logistical, diplomatic and financial support of states to ensure the safety of victims or witnesses. I will work to improve cooperation because it is necessary if we intend to reach the optimal operational capability of the Court.

To this end, we should once again ensure that its credibility is not questioned, hence the need to work to raise awareness among States Parties, but also non-parties, so they can support it. In this regard, I count on the valuable support of your governments, and assure you of my full readiness to work with each of them for the sole purpose of achieving our noble mission.

**Complementarity is the third challenge that I believe to be crucial, and, in this context, I would like to note that the Court is and should only be a last resort against impunity.**

It is not intended to replace the efficient work of national justice systems, and ratifying states have not limited their sovereignty. The primary responsibility for the prosecution of the most serious crimes belongs to the states.

As you know, the status is based on the principle of complementarity, giving priority for action to national courts and paving the jurisdiction of the ICC in case of unwillingness or inability of the State to expedite prosecutions against alleged perpetrators of serious crimes.

To make this a reality, we need to help countries in need strengthen their national capacities, and gather the necessary tools to hold trials at the national level. The work of the ICC will not be gauged in relation to the number of cases it has to consider, but rather by the quality of its work. Cooperation among all states, through training programs for the judiciary and infrastructure building will be promoted during my tenure.

Finally, the fourth challenge, I will work every day towards the universality of the Rome Statute by seeking the support of both States that are Parties and Non-parties. I will also work closely with intergovernmental organizations and civil society to achieve the goal of universal ratification of the Rome Statute by the largest number of countries, and in all corners of the World.

My ambition is also to make the court competent worldwide in order to efficiently and effectively fight against impunity for serious crimes within its competence. This is an extremely ambitious goal in the current international context, but it is a moral obligation for all those victims and the potential ones around the World.

Here, Madam President, is the summary of our ambition for the ICC, and with your support and that of all, we will work with conviction and determination.

I believe that if peace is to take root in the hearts and souls, justice can largely contribute through its work of prevention, deterrence, punishment, repair, restoration of the dignity of the victim, releasing, if any, people from collective guilt.

Be assured that I am ready and willing to face, with you, this legitimate struggle for rights and justice.

Thank you for your kind attention.