



THE PERMANENT MISSION OF  
**SOUTH AFRICA**  
TO THE UNITED NATIONS

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**SOUTH AFRICAN STATEMENT  
BY**

**THE MINISTER  
FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT,  
MRS B S MABANDLA**

**6<sup>TH</sup> SESSION  
OF THE ASSEMBLY  
OF STATES PARTIES TO THE ROME STATUTE  
OF THE INTERNATIONAL CRIMINAL COURT,  
NEW YORK**

**UNITED NATIONS  
03 DECEMBER 2007**

Check against delivery

**Secretary-General of the United Nations, H.E. Mr. Ban Ki- Moon**

**President of the Assembly of States Parties, H.E. Mr Bruno Stagno Ugarte**

**President of the International Criminal Court, H.E. Mr Philippe Kirsch**

**Prosecutor of the International Criminal Court, Mr Luis-Moreno Ocampo**

**Ministers and Ambassadors**

**Distinguished Delegates**

**Ladies and Gentlemen**

It is an honour for me to make a statement at this august session of the Assembly of State Parties on behalf of the Government of the Republic of South Africa.

Mr President

My delegation extends its warm gratitude to your presidency and assures you of our full support.

The Government of the Republic of South Africa is committed to assist the International Criminal Court so that it can function efficiently and effectively. This commitment was demonstrated by my government during the negotiations of the Rome Statute of the International Criminal Court leading to the establishment of the Court and is stronger today.

Mr. President

As we mark five years since the entry into force of the Rome Statute we are proud of what the Court has achieved. It has two individuals in its custody, six arrest warrants have been issued

and its impact is felt in conflict areas around the world and thus deterring further commission of international crimes. The Court however continues to face challenges, particularly with regard to execution of the arrest warrants and surrender of individuals. We therefore call upon States to cooperate with the Court and assist in facilitating its work. Furthermore, we call on States which have not ratified the Rome Statute to do so.

Mr President

We have noted, from the Programme of this Session, a number of resources required from States in order to maximize the efficiency of the Court. These range from the filling of vacancies of judges, consideration of the budget and consideration of the permanent premise of the Court and other related issues. The issue of cooperation with the Court, especially assistance by States in investigations, the obtaining of evidence and witness protection is paramount. The Government of the Republic of South Africa, like other States, is grappling with this issue which has huge financial and human resource implications. It is our hope that all States that have the capacity to assist the Court in these operational matters will do so. Furthermore, we hope that capacity will be extended to those States that demonstrate willingness to receive prisoners from the ICC and need to improve their detention facility to meet international standards.

Mr President

The Court, with the cooperation and support of States, can successfully fight against impunity and contribute to a more stable world, thus establishing the necessary conditions for development. We believe that the most sustainable form of redress for victims is affording

them conditions under which they can live free of poverty and with resources to prosper. It is for that reason that we support the work of the Victims Trust Fund and the wish of its Board of Directors for more flexibility to enable them to raise more funding for the benefit of victims. It is the intent of the South African Government to make a contribution to the Victims Trust Fund.

Mr. President

As we approach the 10<sup>th</sup> anniversary of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and are starting to focus on the first Review Conference, it is necessary to take stock of what has been achieved and what still remains to be done in fully meeting the aspirations of the drafters of the Rome Statute. In his regard we must exert all efforts in achieving an agreement on the definition on the Crime of Aggression and the conditions under which the Court shall exercise jurisdiction in respect to this crime. We wish to express our appreciation to the Coordinator of the Special Working Group on the Crime of Aggression and wish him success in his work.

I thank you.