



**REPUBLIC OF BOTSWANA**

**STATEMENT**

**BY**

**HON. MACHANA RONALD SHAMUKUNI**

**MINISTER OF JUSTICE**

**OF THE REPUBLIC OF BOTSWANA**

**ON THE OCCASION OF THE 22<sup>nd</sup> SESSION  
OF THE ASSEMBLY OF STATE PARTIES TO THE ROME STATUTE**

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**Madam President,  
Excellencies,  
Distinguished delegates,**

1. On behalf of the delegation of the Republic of Botswana, I am pleased to join other delegations at this important forum of the 22<sup>nd</sup> Session of the Assembly of State Parties to the Rome Statute.
2. As we mark 25 years since adoption of the Statute, we commend the Court for its contribution to the goal of ending impunity for the crime of genocide, crimes against humanity, war crimes and the crime of aggression.
3. I must underscore the relevance of the Court and its ideals in the current global context of intense conflict and human rights violations is evident. The prevailing global environment indicates that there is still more work that needs to be done. However, it is unfortunate that the Court in implementing its mandate has to contend with hostilities from certain actors.
4. I therefore take this opportunity to register Botswana's concern at the unprecedented threats and attacks on the Court and its personnel. There is no doubt that the international community will be leery of criminal proceedings against investigators, judges and prosecutors instituted in the middle of an investigation. In this regard, cyber-attacks on the court's information system undermine the efficiency and effectiveness of the Court.

5. The onus is on us as State Parties to continue our resolute support for the Court especially in the face of attacks on its mandate and reputation.

### **Madam President**

6. In recognition of the significance of the Court, Botswana ratified the Rome Statute on 8<sup>th</sup> September, 2000 and the Kampala Amendments to the Rome Statute on 15<sup>th</sup> April, 2013. Since then, Botswana has progressively passed laws to domesticate the Statute.

7. The enactment of a law that aligns Botswana's national legislation with the country's international obligations under the Rome Statute was not without its challenges.

8. For example, in July 2017 Parliament enacted the Rome Statute of International Criminal Court Act, which domesticated the Rome Statute wholesale. However, the 2017 Act was not commenced on the basis that some of the Articles of the Statute were at variance with the Constitution of Botswana. **Madam President**, it is important at this juncture, to emphasise that Botswana has a written Constitution, therefore any law, practice, custom or conduct inconsistent with the Constitution is invalid to the extent of the inconsistency.

9. I am happy to announce that in August 2023, Botswana enacted the Serious Crimes of International Concern Act. The Act which criminalises core crimes under the Rome Statute namely, crimes against humanity, genocide, war crimes and crimes of aggression. It further excludes the application of statutory limitations for crimes under the Act.
10. Mindful that the ICC is a complementary court created to prosecute international crimes when nations are unable or unwilling to prosecute, the 2023 Act has provisions that extend the application of a number of national legislations such as Extradition Act and Mutual Legal Assistance in Criminal Matters Act to the International Criminal Court. The extension of the application of other laws to the Court is to facilitate joint investigations, sharing of information, the principle of complementarity and the surrender of accused persons.
11. The 2023 Act further makes provision for cooperation with the court, including investigations and sittings of the court in Botswana, enforcement of sentences and orders of the Court in Botswana; serving of custodial sentences in Botswana, grants the Court legal personality in Botswana and grants the Court's judicial officers' privileges and immunities.

**Madam President,**

12. With domestic legislation in place to investigate and prosecute crimes of international concern, what remains for Botswana is to build capacity to pursue accountability for international crimes.

13. Therefore, for my country to completely domesticate the Statute, we require targeted interventions, partnerships and technical exchanges. Through this approach, we can ensure that States Parties are equipped to ensure that the most serious crimes of concern to the international community do not go unpunished. Moreover, we can achieve an international criminal justice system that is effective and beneficial for all.
14. It is our view that for the global community to be benefactors of the Statute, we must all play a responsible role in the pursuit of justice. The recent geo-political environment is a stark reminder of the importance of maintaining a robust international system that delivers justice, promotes peace and security and ensures that there is no impunity from prosecution of international crimes.
15. Madam President, the 22nd Session is set to usher in new leadership in the executive, as well as, judicial organs of the Court. Through the election of six judges of the Court and the assumption of the New Presidency and Vice Presidency of the Assembly, State Parties once again lend their voices to the international justice system.
16. In this respect my delegation urges States Parties to fulfil their financial obligations to the Court to allow it to fulfil its crucial mandate. In addition to monetary obligations, the Court needs States Parties support through technical expertise, bilateral cooperation and implementing decisions, to name a few. This responsibility rests solely with us as States Parties.

17. As we strive to strengthen the Rome Statute system, to make it more effective and efficient, let us take note of the progress the Court has made through implementation of the recommendations of the Independent Experts. I urge us to continue to consult and support this process and on issues such as diversity and inclusion.
18. It is important to underscore that what makes the Rome Statute unique are the principles of universality, complementarity and cooperation. Our presence here today is a demonstration of our mutual commitment to this ethos.
19. We therefore call on all States Parties, strategic stakeholders including civil society around the world to support the International Criminal Court and respect its independence and the integrity of the Rome Statute.
20. In conclusion, I wish to reaffirm Botswana's commitment and support to the ICC in the execution of its critical mandate.
21. **I thank you for your attention.**