

**STATEMENT BY HONOURABLE GODFRED YEBOAH DAME,
ATTORNEY GENERAL AND MINISTER OF JUSTICE AND LEADER OF
GHANA'S DELEGATION AT THE TWENTY-THIRD SESSION OF THE
ASSEMBLY OF STATES PARTIES (ASP) TO THE ROME STATUTE OF
THE INTERNATIONAL CRIMINAL COURT (ICC) IN
THE HAGUE FROM 2ND – 7TH DECEMBER, 2024**

Madam President,

Excellencies,

Distinguished delegates,

I convey Ghana's appreciation to Her Excellency, Ambassador Päivi Kaukoranta and the Bureau for the sterling leadership they have provided States Parties during her tenure and throughout the year for the diligent work done in guiding the proceedings of the Twenty Third Session of the Assembly of States Parties to the Rome Statute. I assure you of the full support of my delegation for a successful conference. My appreciation also goes to the President of the Court, Judge Tomoko Akane, and to the Secretariat, for the excellent work done in the management of the affairs of the Court.

Madam President,

2. Ghana cherishes and remains committed to the principles and ideals of the Rome Statute for addressing the gravest crimes of concern to the international community, thereby deterring potential perpetrators of same. We will continue to work closely with the Court through its organs to ensure the full realisation of the ends of justice and accountability.

3. Since inception, the International Criminal Court has helped to deliver justice to some victims around the world, to deter the most reprehensible atrocities and promote the norms of international criminal justice. Nonetheless, the Court is still faced with challenges. Armed conflicts around the world present a real danger to the maintenance of international peace and security

4. The onset of new challenges behoves States Parties and relevant stakeholders to invest efforts in order to enhance the efficiency and effectiveness of the Court.

5. The commemoration of the 25th anniversary of the adoption of the Rome Statute in New York and Syracuse was auspicious in enhancing visibility of the Court while encouraging greater accession of non-States Parties to the Statute. The celebrations underscored the universal ratification of the Rome Statute. Ghana welcomes Armenia's accession to the Rome Statute. We also look forward to Ukraine's accession to the Statute in January 2025.

Madam President,

6. Concerning Africa and the ICC, Ghana continues to advocate for dialogue and engagement in addressing the challenges the Court is confronted with, particularly, the strengthening of relations between the Court and African States. We commend the Court's activities in the Central African Republic and former President Hofmanski's working visit to Bangui to meet with community leaders and victims benefiting from the Trust Fund for Victims of Crimes of the Rome Statute. We call for more of such complementarity initiatives of the Court and effective partnerships with local authorities in enhancing the capacity of national jurisdictions to deal with the most serious crimes of concern to the international community.

7. Ghana holds the view that the best form of support for the ICC is by African nations consolidating democracy in their jurisdictions and avoiding conditions suggestive of impunity calling for the intervention of the ICC. When democracy reigns and is practised in its true form with the citizens feeling a sense of fulfilment of the entitlements of citizenship – free expression, security, adherence to constitutionally stipulated terms for governments without an attempt to

manipulate same – concerns about the commission of genocide, war crimes, crimes against humanity and impunity in general will be non-existent. Conditions which attract the interest of the ICC will necessarily be eliminated.

8. Further, the pure practice of democracy in Africa enjoins the establishment of sound systems of justice and the creation of facilities for the investigation and trial of cases of interest to the ICC. This, without a doubt, is in line with the declared objective of the ICC as it fosters the principle of complementarity enshrined in the Rome Statute.

9. We commend the Court and States Parties for their collaborative efforts at deepening cooperation and complementarity in favour of justice for the victims of atrocities. My delegation affirms the need for effective operationalisation of the principle of complementarity in furtherance of the full realisation of the objectives of the framers of the Rome Statute at the national level. The primacy of national jurisdiction over the prosecution of crime requires the occurrence of two things. First, all states must have strong and effective legal and judicial systems for investigating and prosecuting international crimes as the ICC by itself, lacks the capacity to investigate and prosecute all international crimes committed in the territories of states.

Second, domestic legislations of African countries must recognise war crimes, crimes against humanity and genocide as specific offences. This may be achieved either through the domestication of the Rome Statute into our laws, so that national courts assume jurisdiction over offences created by the Rome statute, or the passage of a specific legislation affirming the creation of such offences with punishment duly prescribed according to international standards and a forum for punishment of same within our respective domestic legal jurisdictions duly stipulated.

10. Ghana welcomes the opening of preliminary investigations into several situations outside the African continent by the Court and the establishment of OTP offices abroad. This development and its visible outcomes could help dispel the perception that the Court unduly concentrates on Africa, especially as international crimes under the Statute know no geographical boundaries. The Court must be seen to have its searchlight everywhere and to be responsive to war crimes, genocide, crimes against humanity and the crimes of aggression committed anywhere without equivocation.

11. In the wake of the recent cyber and political threats to the security of the Court, my delegation wishes to register its unflinching support for the independence of the Court and the measures taken in protection of the Court's staff and documents. Further, we call on all States Parties to the Rome Statute to stand together in unity and with one voice, in defence of the court and its officials at all levels. Ghana commends the enduring words of the President of the Court, Judge Tomako Akane, in her address to the UN General Assembly that "*the Court is only bound by the law and will not change the course of its actions due to threats, be them political or of another nature,*" and that "*the Court will continue abiding by its mandate undeterred, with integrity, determination, impartiality and independence at all times.*"

Madam President,

12. Ghana commends the Report on the Review of the Secretariat, the work of the Review Mechanism and Working Groups on the clusters of issues of Governance, Cooperation and Complementarity, the rules and procedures of the Court as well as investigations and prosecutions. My delegation lauds the Group of independent Experts for their efforts and submission of their comprehensive report and the work of the Independent Oversight Mechanism. It is our hope that States Parties, focal points, specialised working groups, organs of the Court and

all stakeholders would keep up the momentum for the effective implementation of the recommendations to ensure that the Review process is successful in enhancing the efficient performance of the Court and the Rome Statute system.

13. My delegation also wishes to stress the importance of ensuring fairness and equity in the recruitment of staff of the Court in as wide geographical and gender balance basis as possible based on the highest standards of efficiency, competence and integrity. This will no doubt give equal opportunity to competent nationals of all States Parties to bring their varied experiences and perspectives to bear at the Court to enhance institutional efficiency while ensuring impartiality in the workings of the Court. In this respect, we look forward to the effective implementation of the Moratorium on Recruitment of candidates from Non-States Parties and the new Tenure Policy of the Court.

14. I acknowledge the support of the International Criminal Court in the activities of the Africa Centre of International Criminal Justice (ACICJ) at the GIMPA Law School in Ghana. The Centre, established in May 2017, is dedicated to the promotion of international criminal law and justice in Africa and the world, through research, capacity-building, seminars and advocacy. The visit of former President Hofmanski to the Centre in September 2022 and that of the ICC Prosecutor Karim Kahn in October 2024 for the delivery of the Third Eminent Lecture on International Criminal Justice at the Centre are testaments to the continuing invaluable contribution and commitment of the Court to the objectives of the Centre.

15. I conclude, **Madam President**, by expressing my delegation's profound appreciation to the Government and People of the Royal Kingdom of the Netherlands for their continuous support in hosting the Court in The Hague. I thank you for your attention.

God bless us all!!

