



**STATEMENT BY H.E. MS THEMBISILE SIMELANE,
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT OF
SOUTH AFRICA**

ON BEHALF OF SOUTH AFRICA

**TWENTY-THIRD SESSION OF THE ASSEMBLY OF STATES
PARTIES
OF THE INTERNATIONAL CRIMINAL COURT**

THE HAGUE

2 DECEMBER 2024

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Madam President,

Thank you for the opportunity to address this Assembly on behalf of the Republic of South Africa.

I would like to congratulate the five members of the Board of Directors of the Trust Fund for Victims, the five members of the Committee on Budget and Finance, and the nine members of the Advisory Committee on nominations of judges on their election. We wish them successful tenures and they can be assured of our unwavering support.

Madam President,

We reaffirm our unwavering commitment to the principles enshrined in the Rome Statute, particularly the rule of law, the pursuit of international justice and accountability, which are vital to building a more just and equitable international order.

For the rule of law to thrive, it must be applied consistently and impartially, and avoiding and perception of double standards. The strength of the ICC lies in the confidence of States and individuals that justice will be served without fear or favour equally across all regions. Selective or inconsistent application of justice not only undermines this confidence but risks eroding the foundation of the Court's independence and legitimacy.

Madam President,

We appreciate the significant steps that have been taken in the past year in various situations, including the conviction and sentencing of Mr Al Hassan, and the issuing of arrest warrants. In particular, South Africa welcomes the progress in the investigation into the crimes committed in the situation in the State of Palestine, which has produced evidence considered sufficiently compelling for the Pre-Trial Chamber to issue three arrest warrants in that situation against leaders of Israel as well as Hamas.

At this time, we are also aware that the ICC is at a critical juncture and the Court's ability to remain independent and impartial has never been more crucial. It is

necessary for states parties to reaffirm their commitment to the Rome Statute and work collectively to protect and strengthen the ICC.

South Africa strongly condemns the continued attacks and threats against the ICC, its officials, and its operations. These acts of intimidation are not solely attacks on individuals, but on the establishment of international justice itself. The ICC's ability to deliver justice depends on the safety and independence of its staff and officials. Any attempt to undermine the Court through threats or coercion must be met with unequivocal resistance by all States Parties. More than ever, it is important that States Parties make clear their unwavering support for the Court, and its officials, as well as their work in all situations.

We also welcome Ukraine's accession to the Rome Statute. South Africa believes that all States Parties must adhere to the principles of the Rome Statute without reservation. We should avoid a situation of inadvertently undermining the principle of universal jurisdiction which lies at the heart of the ICC's mandate.

Madam President,

South Africa wishes to commend the work done under the Review Mechanism and the reaching of its conclusion. We encourage States Parties to remain engaged with the process of implementation and monitoring of the recommendations of independent experts that were taken up to enhance the integrity and efficiency of the Court.

In the coming months States Parties will also engage in a review of the Kampala Amendments, particularly on the amendment on the crime of aggression. Many States have not yet ratified the amendment. Nevertheless, we look forward to inclusive discussions on this important issue.

While a collective political message from this ASP is an important step, it is equally important that States Parties support the Court through cooperation, and ensuring that the necessary domestic laws and procedures are in place to execute cooperation requests.

Madam President,

We acknowledge that the ICC's operations, including investigations, prosecutions, witness protection, and outreach, require adequate and sustainable funding. However, we must also be cognisant of the difficult financial realities faced by State Parties. South Africa therefore supports an approach that allows for a reasonable, but limited, increase in the budget to absorb unavoidable costs brought about by inflation, and which takes into account exceptional needs, such as security of the Court, capital maintenance of the Court's premises, and tracking and tracing of fugitives, to ensure that persons subject to arrest warrants are brought to trial.

Madam President,

South Africa values the contributions of civil society in fostering justice, accountability and the rule of law. Civil society organisations have been pivotal in shaping and supporting the Rome Statute since its inception. As we deliberate during this 23rd session, South Africa calls on States Parties to deepen their engagement with civil society and foster collaborative partnerships.

Madam President,

As we conclude, South Africa remains committed to building a stronger, more inclusive Rome Statute system. Let us ensure that our deliberations during this session lead to meaningful progress and strengthen our collective efforts to bring about a more just and peaceful world.

I thank you.