



MALAWI

STATEMENT

BY

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CONSTITUTIONAL AFFAIRS OF THE REPUBLIC OF MALAWI

AT THE

THIRTEENTH SESSION OF THE ASSEMBLY OF STATES PARTIES TO ROME
STATUTE OF THE INTERNATIONAL CRIMINAL COURT

NEW YORK

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Mr. President,

Let me first of all congratulate you on your election to the Chair and for the manner in which you are steering this important meeting. Since am taking the floor for the first time, I wish to assure you of my delegation's support as you steer us in this Session. I also commend the organizers and all those who have worked tirelessly behind the scenes to make this Session possible.

Let me also congratulate the Judges who have been elected to the High office of the Court. I wish to assure the newly Judges of my country's support as they embark on this new and very important journey.

From the onset, my delegation wishes to reaffirm unwavering support to the work of the ICC as it continues the fight against impunity for the most serious crimes that are of concern to the international community. My delegation takes the view that the work of the ICC is noble and very relevant in this age and time.

Mr. President,

My delegation would like to make a few comments regarding the issue of cooperation related matters that this Assembly is considering this year. Firstly, let me assure you of my delegation's continued support and commitment to cooperate with the court. We shall ensure that the court operates and works in an environment where it does not face challenges.

As you are aware, Malawi has once been taken before the Court on issues to do with cooperation. Malawi had raised some legal questions with the prosecutor's decision so as to ensure that the rules are clarified.

My delegation, fully respects the decision that the court arrived at but at the same time we believe that that case was a lost opportunity for state parties to have some rules clarified by the court especially relating to the issue of jurisdiction.

My delegation strongly believes that we would have benefited from closer interaction and exchange of views with the office of the prosecutor and the court.

My delegation believes that inherent in the issue of cooperation and non cooperation with the court are intrinsic legal issues that have not been properly resolved by the court. For example issues concerning jurisdiction, especially when it comes to prosecution of sitting Heads of State; matters related to Chapter VII mandate; and also matters concerning cooperation agreements as proposed by the prosecutor for protection of victims and witnesses.

My delegation believes that for the Court to be effective and successful there has to be mutual understanding between the office of the prosecutor and state parties so that before matters are executed by the prosecutor, the two sides work together. We believe that this will cement the principle of complementarity.

Further, it is my delegation's view that this approach will easily ensure that the perpetrators of the most heinous crimes are denied safe haven and brought to justice. We therefore need to step up our collective efforts to promote the universality of the Rome Statute.

Mr President,

My delegation strongly feels that cooperation procedures are looked at thoroughly so as to ensure that they are strengthened in such a manner that the principle of complementarity is not eroded.

My delegation also wishes to propose that in the resolution of this Assembly, state parties should be urged to avoid non-essential contacts with ICC fugitives.

In conclusion, my delegation wishes to reiterate the country's willingness to remain engaged in the work of the Court as we continue the cause to end impunity and reinforce the respect for the rule of law.

We are confident that under your leadership, we will have a successful Conference.

I thank you.