



Republic of Ghana

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STATEMENT

BY

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REPRESENTATIVE
OF THE REPUBLIC OF GHANA AND LEADER
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TO THE

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

THE HAGUE, 17TH NOVEMBER, 2016

Mr. President

I have the honour to deliver this statement on behalf of my delegation. At the outset, I wish to welcome the newest member of the ICC, El Salvador, and also congratulate it for not only becoming the 124th State Party to ratify the Rome Statute but also for its simultaneous ratification of the Kampala Amendments on War Crimes and the Crime of Aggression.

My delegation would also like to express its appreciation to the President of the Assembly, Mr. Sidiki Kaba and the President of the Court, Judge Silvia Fernandez de Gurmendi as well as to the Bureau, for the excellent manner they have steered the affairs of the Court throughout this past session.

Mr. President

Ghana reaffirms its commitment to the International Criminal Court, as well as to the principles and ideals which informed its establishment. In 1999 when Ghana became the

sixth State Party to join the ICC, it did so in the conviction that an international criminal justice system that would hold accountable the perpetrators of the most serious crimes of international concern, seek justice for the victims of atrocious crimes and above all act as a deterrent to perpetrators of genocide, war crimes and crimes against humanity was an absolute necessity in an increasingly violent and conflict prone world. For these reasons, Ghana has been and will continue to be a strong supporter of the Court and its activities. It is in this regard, that Ghana views with grave concern the recent developments affecting the Rome Statute.

Mr. President

This year's ASP is being held at a time of great turbulence for the ICC. Within the last few weeks, three State Parties have deposited their instruments of withdrawal from the Rome Statute, an action that threatens to undermine the legitimacy and credibility of the ICC as well as devalue the many significant achievements it

has made in the fourteen years of its existence. This development is especially worrying not only because it represents a deepening of the rift between the Court and some African States Parties but also because these withdrawals are an unfortunate setback in the goal of achieving Universality of the Rome Statute, when viewed against the backdrop of the declining number of ratifications of the Rome Statute in recent years.

Mr. President

Looking at the negative impact of these withdrawals on both State Parties and Non State Parties, my delegation wishes to appeal to the three State Parties that have taken the decision to leave the ICC, South Africa, Burundi and Gambia, to reconsider their decision. While acknowledging that withdrawing from the Rome Statute is their sovereign right, indeed, the Statute allows a State Party to terminate its membership, my delegation is concerned that these withdrawals from the Rome Statute will not only weaken the ICC's drive for Universality, it will send the wrong message to both the

victims and perpetrators of atrocity crimes that the ICC is not an effective champion of the global fight against impunity.

Ghana, therefore, wishes to urge the three States Parties to reconsider their decision to withdraw from the ICC and to engage in constructive dialogue with both the Court and the ASP to address their concerns. We also call on the President of the ASP to redouble his efforts towards an amicable resolution of the rift between the African States Parties and the Court. In this regard, we welcome the recent initiative introduced by the Prosecutor to hold regular meetings with all the regional groupings to brief them on the Court's activities and to listen to their concerns.

My delegation also welcomes the decision to continue consultations on the application of Article 97, introduced by South Africa at the Fourteenth Session of the ASP. We believe that this issue is of concern to all States Parties and not only to South Africa. While the arguments to maintain the flexibility of Article 97 by avoiding

rigidity and over-regulation may have been valid in the past, the fact that the absence of clear guidelines has resulted in uncertainty in implementation of the provisions, is a clear indication that the Article requires further examination.

Mr. President

As a Court of last resort, one of the key pillars and principles underpinning the Rome Statute is that of complementarity. My delegation continues to emphasize our firm belief in the need to effectively operationalize the principle of complementarity as a key instrument to ensure the full realization of the objectives of the framers of the Rome Statute. To this end, building domestic capacity of Judges, prosecutors and other key officials in the domestic judicial system of States Parties to equip them adequately to prosecute and punish crimes of impunity is very important. Ghana, therefore, calls on States parties with the required capacity to provide technical assistance that will equip other countries with the effective

tools to deal with crimes under the Rome Statute.

Mr. President

My delegation has taken note of the Audit Report of the Revision Project of the International Criminal Court's Registry as well as the Comprehensive Report of the Reorganization of the Registry of the ICC. You may recall that at the Fourteenth ASP, my delegation called for a cost benefit analysis of the exercise to have a better appreciation of its value taking into account the total cost of the exercise and its impact on the geographical and gender distribution of staff at all levels of the Registry. Now that the exercise has resulted in even fewer positions, especially leadership positions, for some regional groups as well as for women, there is an urgent need to understand the full implications of the exercise. My delegation, therefore, wishes to reiterate its call for a cost benefit analysis of the entire exercise to justify the sacrifices that have been made in terms of resources and personnel in carrying it out.

Mr. President,

Finally, and to return to the issue of Universality, whilst the declarations by South Africa, Burundi and Gambia to withdraw from the Rome Statute is a set-back for the Universalization of international criminal justice, there are also two situations that have stood as fundamental stumbling block to Universality. One is the contradictory state of affairs in which, some countries rhetorically champion human rights but refuse to be part of the institutionalized protection and defence of human rights represented by the ICC. I am hereby referring to the anachronistic Veto power at the Security Council by which, some privileged members not only protect their protégés from indictment on acts of impunity but have used International law as handmaiden of their hegemonic power politics. The other stumbling block to Universality of the Rome Statute is the hypocritical stance of Civil Society Organizations, which vociferously condemn any attempt to review the Rome Statute but refuse

to use the same power of public opinion to condemn the detractors of the Rome Statute at the U.N. Security Council.

When posterity comes to judgement, it will not fail but note that it is not African bombs that are creating the humanitarian crises in Libya, Syria, Iraq, the Middle East, Afghanistan and Pakistan.

Thank you.