

**EMBASSY OF THE UNITED REPUBLIC OF TANZANIA
IN THE NETHERLANDS**



STATEMENT BY

**H.E. IRENE F. M. KASYANJU, AMBASSADOR OF THE UNITED
REPUBLIC OF TANZANIA TO THE NETHERLANDS**

**DURING THE GENERAL DEBATE OF THE 15TH SESSION OF
ASSEMBLY OF STATES PARTIES OF THE ROME STATUTE OF
THE INTERNATIONAL CRIMINAL COURT**

THURSDAY 17TH NOVEMBER 2016

THE HAGUE, THE NETHERLANDS

Mr. President,

The birth of the International Criminal Court was a landmark in the development of international criminal law and it clearly demonstrated the efforts by the international community, with the largest support from Africa, to fight impunity, uphold the rule of law and find justice where lost. It is within the spirit of togetherness, trust and confidence amongst us that the Rome Statute was created. Therefore, ICC truly has exclusive importance.

Mr. President,

We commend the work of the Court thus far. However, it is important to take a closer look at its journey towards the implementation of its mandate. As a State Party to the Rome Statute and Member of the African Union, the United Republic of Tanzania notes that the Court is facing significant challenges particularly its relationship with some Africa countries, creating fear and loss of trust in it by those countries.

Mr. President,

The recent widespread perception of dispensing selective justice, calls for a serious dialogue. Tanzania strongly feels that this perception must be detached in order to restore the Court's credibility and to allow it to exercise its mandate freely. We must promote a common understanding and appreciation of the works of the Court among States Parties.

We therefore, reiterate the importance of this Assembly to firmly take a step towards addressing matters of serious concern to African States with sincerity and without delay. It is inevitable that the relationship between the ICC and Africa is improved. We are happy to note that a call for dialogue is gaining significant support amongst States Parties and by the Court itself as alluded to by the President of the Court in her noble speech yesterday. This approach will ensure full support of the activities of the Court and perhaps increase the number of African Countries and many others that would ratify the Statute and hence contribute to universality of the Rome Statute.

Mr. President,

My delegation wishes to propose that the intended dialogue should particularly revolve and be structured around three important issues:

- Understanding the difference between the Court's mandate and that of the Security Council *vis-à-vis* the ICC, which more than often tends to be mixed or misconstrued. The role of the Security Council in referring cases or situations concerning non-States Parties to the Court needs to be reexamined to ensure legitimacy;
- Interpretation of the provisions of Article 27 of the Rome Statute, which to our understanding is the Heart of the Rome Statute. It is important for States Parties to understand and recall why Article 27 was crafted the way it is and to whose interest does it serve;
- Circumstances under which the *Principle of Complementarity* comes into play. The Court may wish to examine how it can assist and therefore encourage States Parties to perform their own programmes of justice and accountability.

It is our strong belief that if these three issues (and many others) are discussed openly and unequivocally we will move a step forward. My delegation believes that it is high time the Office of the President of this august Assembly engaged the African leaders in a structured dialogue so as to improve the relationship between the Court and the African Union. We are confident the initiative will be rewarding.

Mr. President,

ICC is quite a young institution. It needs our support and cooperation for it to grow. We must all work together. We must also remember that despite the challenges it is currently facing, ICC remains a valuable tool and an inspiration against both impunity and injustice.

Let me therefore end by congratulating His Excellency Sidiqi Kaba, President of the ASP and Her Excellency Judge Silvia Fernández de Gurmendi, President of the Court for their tireless efforts to foster the works of this vital Institution. We fully support them in this noble task.

Thank you Mr. President.