

REPUBLIC OF  
BOTSWANA



PERMANENT MISSION OF THE REPUBLIC OF  
BOTSWANA TO THE UNITED NATIONS

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**STATEMENT BY**

**H.E. MR. CHARLES T. NTWAAGAE  
AMBASSADOR AND PERMANENT REPRESENTATIVE OF  
THE REPUBLIC OF BOTSWANA TO THE  
UNITED NATIONS**

**DURING THE**

**PLENARY OF THE SIXTEENTH SESSION OF THE  
ASSEMBLY OF STATES PARTIES TO THE ROME  
STATUTE OF THE INTERNATIONAL CRIMINAL COURT  
(ICC)**

**HELD IN**

**NEW YORK  
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*Please check against delivery*



**Mr. President,  
Honourable Ministers,  
Excellencies,  
Distinguished Ladies and Gentlemen,**

1. On behalf of my delegation, please allow me to join preceding speakers in warmly congratulating you on your election, by acclamation, as President of the Assembly of States Parties to the Rome Statute.
2. Your election is a clear reflection of the trust and confidence which the States Parties have in your vast knowledge and experience, as well as in your personal leadership qualities.
3. I therefore pledge the full support and cooperation of my delegation to you and Members of your Bureau in the discharge of your onerous mandate.
4. May I also seize this opportunity to pay tribute to your predecessor, His Excellency Mr. Sidiki Kaba, the distinguished Minister of Justice of the Republic of Senegal, for his hardwork and dedication, particularly in relation to his efforts towards strengthening the relationship between the Court and the States Parties.
5. He has particularly made a notable contribution, during his 3-year tenure, towards promoting universality of the Rome Statute, as well as in enhancing the profile of the Court through his tireless advocacy work.
6. In the same breadth, we sincerely commend the out-going President of the International Criminal Court, Judge Silvia Fernandez de Gurmendi of Argentina, for her commitment and effective stewardship of the work of the Court.
7. It has not escaped our attention that Judge de Gurmendi has had the distinction of serving as the first female President of the Court.

8. On a related subject, we also pledge our support to the 6 learned Judges that were duly elected during this Session of the Assembly.
9. We look forward to their contribution to the strengthening of the international criminal justice system.

**Mr. President,**

10. It is important to recall that the Rome Statute established the ICC as a critical component of the international peace and security architecture. In this regard therefore, the Rome Statute is complementary to the UN Charter's pledge **"to save succeeding generations from the scourge of war"**.
11. Ever since its creation in 2002, the ICC has todate played an important role in facilitating access to justice by millions of victims of genocide, war crimes and crimes against humanity around the world.
12. Considering the complex and politically sensitive nature of its mandate, it would have been foolhardy to think that the Court would not meet challenges in its work.
13. It is, however, most gratifying to observe that, inspite of the many challenges it experienced and continues to experience along the way, the Court has remained steadfast and focused on the effective execution of the mandate which has been entrusted to it by the Rome Statute.
14. Equally gratifying is that, of late, we have observed a marked increase in the level of political and diplomatic support extended to the Court by the States Parties.
15. Such support is critical for enabling the Court to fulfill its mandate.
16. Even more importantly, such support is critical for creating and sustaining a conducive environment for constructive



engagement and dialogue between States Parties and the Court.

17. Botswana stands ready and remains committed to working with other States Parties in ensuring that the Court continues to be, and also seen to be, a viable and worthy global judicial institution.
18. We urge all State Parties which have not yet done so, to ratify and fully implement the Rome Statute of the ICC, with a view to promoting its universality.

**Mr. President,**

19. As States Parties, we have collective ownership of the Rome Statute.
20. We therefore have a duty and responsibility to do everything we can to promote and defend its integrity.
21. We also should spare no effort in making the Rome Statute truly universal.
22. In this regard, we derive satisfaction from the realization that the current body of States Parties is geographically diverse and embraces virtually all the regions of the world.

**Mr. President,**

23. The success of the ICC in discharging its mandate depends on the cooperation, not only of States Parties, but also non-States Parties, regional and international organizations - including the United Nations.
24. Cooperation with the Court and enforcement of its decisions are essential for the effective and efficient functioning of the Court.

25. To this end, Botswana is concerned about the failure by some States Parties to honour their obligations, under the Rome Statute, to cooperate with the Court.
26. This, sadly, remains one of the fundamental challenges of the Court.
27. Not only is failure to cooperate with the Court a violation of the States Parties' legal obligations, it is also a betrayal of the rights of the victims of heinous crimes to justice.
28. Besides cooperation, one other cardinal principle of the Rome Statute is Complementarity.
29. The principle of complementarity recognizes that the primary responsibility for bringing perpetrators of crimes against humanity to justice lies with the States themselves.
30. The jurisdiction of the ICC is only invoked, as a **last resort**, in circumstances where the States concerned are unable or unwilling to take action.
31. Botswana shares the view that countries need to be capacitated and equipped with the tools to investigate and prosecute crimes against humanity at the national level, consistent with the principle of Complementarity.
32. In this connection, I am delighted to report to this august Assembly that Botswana has taken appropriate measures to domesticate the Rome Statute.

**Mr. President,**

33. Botswana is deeply concerned about the unimaginable atrocities that continue to be committed against innocent people in various parts of the world.
34. To this end, I wish to reiterate the point that the ICC remains the only hope for justice for the victims of such heinous acts.

35. Against this background, we appeal to some Permanent Members of the Security Council to refrain from using their veto power to frustrate efforts to refer deserving country situations to the ICC.

**Mr. President,**

36. We welcome the entry into force of the Crime of Aggression Amendment.
37. Botswana is proud to have been the first African State Party to ratify the Kampala Amendments, including the one relating to the Crime of Aggression.
38. The entry into force of the Crime of Aggression marks a significant step in the progressive development of the international criminal justice jurisprudence.
39. This has the effect of bringing the Crime of Aggression within the jurisdictional remit of the ICC.
40. This development effectively means that the most serious forms of illegal use of force will be a punishable offence under the Rome Statute, as amended.
41. Such strengthening of the Rome Statute also complements the UN Charter, which similarly proscribes the illegal use of force.

**Mr. President,**

42. My delegation has noted with concern that, although the workload of the Court has increased over the years, there has not been a corresponding increase in the provision of resources.
43. We therefore reiterate our call for the ICC to be provided with the requisite level of resources in order to enable it to effectively and efficiently discharge its mandate.
44. We urge all States Parties to ensure that their assessed contributions are up to date.



45. We also encourage States to make voluntary contributions towards the Trust Fund For Victims in order to ensure that adequate reparations are provided to victims.
46. In conclusion, Mr President, I wish to re-affirm Botswana's unwavering commitment and support to the ICC in the discharge of its sacred mandate.

**I thank you for your kind attention.**

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