

STATEMENT DELIVERED BY H. E. FRANCIS DANTI KOTIA, AMBASSADOR AND PERMANENT REPRESENTATIVE OF GHANA TO THE ICC ON BEHALF OF GHANA'S DELEGATION TO THE TWENTIETH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT, THE HAGUE, 6TH – 11TH DECEMBER, 2021

Madam President

Excellencies

Distinguished delegates

I have the honour to congratulate you, Madam President, Your Excellency Judge Silvia Fernández de Gurmendi and other members of the Bureau on your election to guide the proceedings of the Twentieth Session of the Assembly of States Parties. I am confident that you would diligently steer this session to a successful end, and ably execute your mandate for the next three years. I assure you of the full support of my delegation for a successful conference and throughout your tenure of Office. My appreciation also goes to the President of the Court, Judge Piotr Hofmanksi, as well as to the Secretariat, for the excellent work they have done in the management of the affairs of the Court over the past year despite the challenges of the COVID-19 pandemic.

Madam President,

The Preamble to the Rome Statute is a call to action to the international community to end impunity for perpetrators of heinous crimes of concern to humanity. Ghana's abiding commitment to the Preamble, the values of the Court and the principles of International Law finds ample expression not only in its active engagement in the affairs of the Court, but also the historical fact that Ghana signed and ratified the Rome Statute in July, 1998 and December, 1999 respectively making Ghana the second country in Sub-Saharan Africa and the sixth in the world to accede to the Statute. Ghana will continue to work in concert with the international community to ensure the effective functioning of the Court for the benefit of humanity.

It is worth noting that, since its inception more than two decades ago, the ICC, has helped to deliver justice to victims around the world and to deter the gravest atrocity crimes, thereby promoting the norms of international criminal justice. While these are commendable, it must however be stressed that, the Court is still faced with challenges, as international peace and security continue to be threatened by reported incidents of armed conflicts around the world with their attendant violations that may amount to crimes under the Rome Statute. As we encounter new challenges, what is required more than ever is for States Parties and relevant stakeholders to continue to invest their efforts to enhance the efficiency and effectiveness of the Court to better fulfil its mandate and ensure greater accountability for atrocity crimes.

Madam President

With regards to Africa and the ICC, Ghana continues to call for dialogue and engagement in addressing the challenges the Court is confronted with, and particularly, the strengthening of relations between the Court and African States. To this end, we commend the Court, the Assembly and its working groups for undertaking activities towards strengthening cooperation with States Parties to enhance the work of ICC. Additionally, continued efforts should be made to advance the implementation of complementarity-related capacity-building activities to assist national jurisdictions to be able to deal with the most serious crimes of concern to the international community. That will certainly decrease the workload of the Court as well as the financial burden associated with such workload. Ghana welcomes the opening of preliminary examinations as well as investigations into several situations outside the African continent authorised by the Court. This development will help to dispel the perception that the Court unduly concentrates on Africa.

Madam President,

Ghana welcomes the ongoing Review of the ICC and the Rome Statute system focusing on the clusters of issues of Governance, Judiciary as well as Investigations and prosecutions as very crucial and timely. My delegation commends the Group of independent Experts for their untiring efforts and submission of their comprehensive report on time. It is our hope that States Parties, focal points, specialised working groups, organs of the Court and all stakeholders would keep up the momentum for the effective implementation of the recommendations to ensure that the Review process is successful in enhancing performance of the Court and the Rome Statute system.

My delegation commends the decision by the Government of the United States in April 2021 to revoke the Executive Order 13928 and to lift the economic sanctions and visa restrictions imposed on the Court's high-ranking officials. Ghana welcomes the development as a new window of opportunity for mutual and constructive engagement between the Court and the USA not only to help fulfil the mandate of the ICC as the only permanent international criminal tribunal for punishing and deterring atrocity crimes, but also, to serve the cause of rule of law and international criminal justice.

Madam President,

As this is the very first Session of the Assembly since the judicial and the prosecutorial elections took place during the nineteenth session, I take the opportunity on behalf of my delegation, to congratulate the Prosecutor, His Excellency Karim Asad Ahmad Khan and the six eminent Judges for their deserved election to the high offices of the Court after vigorous and keenly contested selection processes. We wish to further commend Mr. Andres Parmas of Estonia, for his election to the Board of Directors of the Trust Fund for Victims in April 2021. We assure all the elected officials of Ghana's unflinching support in the execution of their mandates.

We also equally congratulate the various election bodies particularly the Committee for the Election of the Prosecutor and the Panel of Experts as well as the former Presidency of the Assembly for the crucial roles they played throughout the arduous process to elect the prosecutor of the Court, despite the criticisms and the shortcomings associated with the process. It is our view that going forward, States Parties and stakeholders will have to critically examine and improve the process so that the best candidates are elected in accordance with the criteria set out in the Rome Statute and Resolutions of the Assembly. In this regard, it is gratifying to note with appreciation that, the Independent Expert Review recommendations addresses the procedures and election processes, while the Committee for the Election of the Prosecutor and the former Presidency of the Assembly submitted their reports on the implementation of their mandates with the view to assisting in the development of future election processes of the Court.

Madam President,

Like other States Parties and bodies, Ghana will continue to underscore the vital importance of the "Universality Principle" of the Court and wish to use this platform to reiterate the call for the universal ratification of the Rome Statute by all States such that, the jurisdiction of the ICC can apply to international crimes allegedly committed by any person at any place. This makes education and sensitisation about the Rome Statute and the ICC imperative for a better appreciation of the mandate and responsibilities of the Court.

It is in this regard that, I wish to acknowledge the support of the International Criminal Court in the activities of the Africa Centre of International Criminal Justice (ACICJ) at the GIMPA Law School in Ghana. The Centre, which was established in May 2017, is dedicated to the promotion of international criminal law and justice in the world and in Africa, in particular, through

research, capacity building, seminars and advocacy. The Centre has already proven its worth as it has emerged as a preeminent centre on legal scholarship and training in the field of international criminal justice.

I wish to express our profound gratitude for the inspiring speech, delivered by the former President of the Court, Judge Chile Eboe Osuji as Special Guest, during the Centre's inaugural public lecture in Accra in 2019, as well as the keynote address delivered by the former Prosecutor H. E. Fatou Bensouda, during the inaugural training programme for lawyers in Accra in 2020. I encourage greater collaboration between the ICC and ACICJ in the dissemination of information about the Court at the national, regional and sub-regional levels, to advance the universal ratification of the Rome Statute. This is in line with the Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court.

Madam President,

Similarly, my delegation wishes to stress the importance of ensuring fairness and equity in the recruitment of staff of the Court and in representation of the various regional groups as well as gender-mainstreaming in all activities of the Court. This will no doubt give equal opportunity to nationals of all States Parties to bring their varied experiences and perspectives at the disposal of the Court to enhance institutional efficiency and ensure impartiality in the workings of the Court.

In conclusion, **Madam President,** permit me to express my delegation's appreciation to the Government and Peoples of the Royal Kingdom of the Netherlands for their continuous support to the Court as host country.

I thank you for your attention.