

REPUBLIQUE DEMOCRATIQUE DU CONGO



STATEMENT

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MATTERS

ON BEHALF OF THE AFRICAN STATES PARTIES

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Mr. President,

At the outset, African State Parties wish to affirm their support for the fight against impunity and asserts that those who are implicated in the most serious crimes must be brought to account. The Group is also committed to the universality of the Rome Statute of the International Criminal Court (ICC) and calls on all States to ratify it.

Mr Président,

The first-ever Review Conference on the Rome Statute of the ICC which took place in Kampala, Uganda from 31 May to 11 June 2010 is seen as a critical milestone in the evolution of international criminal justice, as it amended the Rome Statute to include a definition of the Crime of Aggression and the conditions under which the Court could exercise jurisdiction with respect to that crime. Kampala should also be seen as a continuation of the legacy of Rome as we, States Parties, continue to strive for a more humane world in which we do not commit heinous crimes against one another and which imposes severe sentences for those who breach the minimum standards of treatment that we have set for ourselves

Mr President,

Turning to the issue of cooperation, we concur with those who say that the fact that all four of the Court's current situations are in Africa, three of which were self-referrals, is not a negative reflection on the continent. On the contrary, it illustrates the high regard that these States have for the protection and promotion of the rule of law, by availing themselves of the judicial assistance provided by the Court in cases which, due to their complexity and/or political sensitivity, lend themselves to be better dealt with by the Court. But we also need to avoid the misperception to see the ICC as targeting Africa.

But still, a central complaint by some African officials is that the ICC's exclusive focus on investigations in Africa to date suggests that the court is unfairly targeting Africa. The African Union (AU) July summit decision and visits by President Al-Bashir to two State Parties should not obscure the consistent, active backing for the ICC among African governments and civil society across the African continent. It is well known that African governments were actively involved in establishing the ICC. More importantly, more states are parties to the court in Africa than in any other region. Last August, yet another African state, the Seychelles, ratified the Rome Treaty bringing the number of African states that have ratified the treaty to 31. In addition, at the first review conference of the ICC in May and June 2010 in Kampala, Uganda, African governments reinforced strong African support for the court's work. African States Parties actively participated and were represented by high-level officials and made strong statements in support of the work of the Court.

However, we should bear in mind that much of the AU's concern vis-à-vis the ICC relates to the Security Council inaction. The AU has premised its call for non-cooperation with the ICC on the Security Council ignoring its July 2008 request to defer the case against President Al-Bashir. Concern has mounted that the Security Council has disrespected the AU by failing to respond either positively or negatively to its deferral request. Resolution of this issue is the only way between the AU and the ICC that would facilitate cooperation between the AU and the ICC.

In the light of the foregoing, we implore all stakeholders to become activists and urge the Security Council to respond to the request by the A.U. The integrity of the Court and even the Security Council itself is at stake.

Mr President,

The important role played by international criminal justice, as embodied by the work of the Court and similar criminal tribunals like the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia and the Special Court for Sierra Leone, in establishing respect for the rule of law, thus bringing about peace, order and stability in conflict-torn societies, is one of the great achievements of our time.

African State Parties welcome the efforts made by the Court to implement further its strategic plan, and to foster cooperation with States, international and regional organizations. This is vital if the activities of the Court are to be understood and appreciated by the diverse constituencies it was created to serve. In this regard, the Group reiterates its commitment to the objectives of the ICC, and calls for the establishment of a suitable mechanism to enhance cooperation between the Court and States Parties.

Mr. President,

On the issue of geographical representation and gender balance in the recruitment of ICC staff, African State Parties would like to see that nationals of all States Parties are given equal opportunity to work with the Court. The system of recruitment should not be based on how much a State Party contributes to the Court since the Court is an independent judicial institution. It is worth noting that all the situations that the Prosecutor is presently handling are on the territories of least developed countries and therefore it must be ensured that these countries are adequately represented at senior levels in the Court.

Justice must not only be done, it must be seen to be done. Therefore, the ICC being at the peak of criminal justice globally, it should be seen to be fair, not only in its decisions, but also in the recruitment policies.

Mr. President,

African State Parties are of the view that the independent oversight mechanism as enshrined in article 112 (4) of the Rome Statute is a necessary and important component to ensure administrative oversight. We are grateful for the work done in drafting the current mandate for the investigative function and find no contradiction between this mandate and the independence of the Court. In fact this mechanism will serve to strengthen the International Criminal Court and promote it being seen as an accountable and transparent institution. We support for adoption of the mandate.

Mr President,

With respect to the budget, let's not lose sight of the ultimate goal of international criminal justice to end impunity and in so doing ensure speedy and fair trials for accused. Care should be taken to keep these principles in mind during our deliberations on the budget. We should not agree to budget reductions which may result in higher operating costs in the longer term. Furthermore, we re-iterate the importance of continuous and high level political and diplomatic engagement with the African Union. We must ensure that there is an appropriate budget to ensure that these important activities are not affected by the difficult financial climate at present.

African State Parties will continue to cooperate and support the ICC, and call on all States Parties to identify well-qualified personnel for appointment to the bench and other positions of the Court. This enhances the efficiency of the Court. The Court must remain independent and free from any kind of political interference so that its decisions would be respected.

I thank you