

Statement By

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At the

General Debate of the

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OF THE ASSEMBLY OF STATES PARTIES***

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Mr. President,
Excellencies,
Distinguished Delegates,

First of all let me, on behalf of my delegation, express our appreciation to the President of the International Criminal Court, and the Chief Prosecutor for their comprehensive and invaluable reports on the activities of the Court in the past years.

I also wish to restate Ghana's continued support and commitment to the International Criminal Court and the principles and ideals on which it was founded. The Court's establishment has acted as a catalyst in the evolution and development of international humanitarian law; thus sending a clear signal that the international community will not tolerate impunity for the most serious crimes.

Mr. President, with the referral of the Darfur case and pre-trial proceedings in Uganda and DRC, it can be stated that the Court has moved into an operational phase. It is clear that the coming years will be very critical for the Court, in the sense that the manner in which these cases are handled and resolved, will impact on the Court's effectiveness and credibility, and set the tone for its future operations.

In this connection, we wish to raise the issue of cooperation. It is clear that the success and effectiveness of the Court hinges on the cooperation and support of states parties and the international community as a whole, in view of the fact that the Court has to rely on operational inputs from states such as, inter alia, arrests, logistics and detention facilities. It is important that states demonstrate the necessary commitment and provide the resources to enable the Court to discharge its responsibilities. Sustained diplomatic and political pressure by the international community should also be directed at states that have proved unwilling to cooperate with the Court in the discharge of its mandate. Lack of focus and pressure in this regard, will send the wrong signal to the perpetrators of the most serious crimes, and also be a betrayal of the victims of these crimes who yearn for justice.

On this point, we wish to re-iterate our position that the ICC can only be strong and effective as states allow it, or want it to be.

The Darfur referral in particular is a critical test for the credibility of the Court and for the effectiveness of the new mechanism for accountability which is the basis for the new developments in international humanitarian law. Linked to this is the issue of admissibility under Article 17 of the Rome Statute. Our position is that so long as the mechanisms set up by central governments are ineffective and appear not to cover the persons or crimes under investigation, the Prosecutor's Office has the legal and moral obligation to take over the investigations and prosecute. The full weight of the policies, tools and mechanisms available to the international community should be utilized to support the Special Prosecutor in this direction.

Another subject is the issue of the relationship between peace and justice. The complexity of this problem requires a lot of tact. While we believe that peace and reconciliation is essential for a conflict-scarred community or region to move ahead, it is also important that justice should not be sacrificed on the altar of political expediency. Without justice there can be no closure, genuine reconciliation and durable peace. There is therefore, the need to find the appropriate balance as far as the two principles are concerned. In balancing these two ideals, certain strategic decisions may have to be taken, as against purely tactical ones. What device or approach is adopted should depend on the peculiar circumstances of each particular situation.

Finally, Mr. President, we call on the international community to show the necessary commitment to the Court in the coming years to ensure its effectiveness in the fight against impunity.

Thank you.