STATEMENT
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PERMANENT REPRESENTATIVE OF THE REPUBLIC
OF SOUTH AFRICA TO THE UNITED NATIONS

IN THE
GENERAL ASSEMBLY UNDER AGENDA ITEM
"REPORT OF THE INTERNATIONAL
CRIMINAL COURT"

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Mr President

Thank you for giving us the floor on this very important topic. As a State Party to the Rome Statute, my delegation has constantly and consistently expressed its support for the International Criminal Court (ICC) and it is with pleasure that we can reiterate that support today. We continue to see the ICC as an important element in the fight against impunity and in the promotion of justice. My delegation wishes to extend its appreciation to the Court for its comprehensive report contained in Document A/69/321 and submitted pursuant to Article 6 of the Relationship Agreement between the United Nations and the International Criminal Court. The report covers a wide array of activities of the Court, both judicial and institutional. We have particularly taken note of Part II of the report on the updates on judicial and prosecutorial activities. As a firm believer in judicial independence, we shall restrict our comments on this chapter. The effective and efficient functioning of the ICC itself, being independent but also accountable in its administration, is an important factor in bringing an end to impunity and for setting standards for the prosecution and adjudication of the most heinous crimes of concern to humanity. By trying those responsible, the world exposes the truth of the atrocities and deters future crimes — and helps to bring justice for the victims. Victims deserve justice. This will happen by strengthening institutions of justice nationally and internationally. The ICC is central to this vision and must be strengthened to deliver justice everywhere.

Mr President

South Africa continues to believe that an important tool in the fight against impunity remains efforts to build national capacity to investigate and prosecute serious crimes of concern to the international community. It is thus appropriate that complementarity is at the heart of the Rome Statute. It is for this reason that South Africa, together with Denmark, during our time as co-focal points, tried our best to exert efforts to mainstream complementarity-related activities. For South Africa, the Rome Statute, and the International Criminal Court it created, does not operate in a vacuum but is rather an important element in a new system of international law. This modern system is one characterized by greater solidarity which, while remaining true to the principle of sovereignty, prioritises the common good of mankind. The foundations for this modern system of law are, of course, contained in the UN Charter, and in particular the Purposes and
Principles of the United Nations, namely to “maintain international peace and security” and to bring about peaceful solutions to conflict “in conformity with the principles of justice and international law”. International criminal law as it stands today is built upon the pursuit of peace through the fight against impunity. Already in 1946 the Nuremburg Tribunal recognized that only through fighting impunity can the provisions of international law be enforced and peace attained. The relationship between peace and justice is therefore ubiquitous in the development of modern international law. And this relationship between peace and justice was evident to the drafters of the ICC Statute. We are firmly committed to the idea that peace and security, on the one hand, and justice and the fight against impunity, on the other hand, must go hand in hand. We find these values – which we emphasise are the foundation of the modern system in which we interact – to be reflected in the Rome Statute.

Mr President

For South Africa therefore, peace and justice must necessarily go together. We cannot pursue one without regard to the other and we certainly cannot pursue one at the expense of the other. They are two sides of the same coin. And while the Court continues to pursue justice, the political organs of the system we have created, including the AU Peace and Security Council and the UN Security Council, must use all means available to them to ensure the attainment and maintenance of peace and security.

In conclusion, Mr President, the International Criminal Court is an institution designed to create a better world through fighting impunity. The role of the ICC in the peace and security landscape is increasingly being understood and further work would need to be done to ensure that peace and justice efforts continue to be viewed as complementary. My delegation will continue supporting the Court, so that it can grow from strength to strength.

I thank you for your attention.