

Presentation by

BY

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AT

A SIDE EVENT OF THE ASSEMBLY OF STATES PARTIES:

**“Promoting ratification and implementation of the Kampala
Amendments to the Rome Statute (Crime of Aggression; Article 8)**

Friday, 16 November 2012, 1.15 – 2.45 p.m., Room: Europe 1 & 2

Distinguished Ladies and Gentlemen,

1. Let me begin by thanking the organizers of this event for giving me the opportunity to reflect on the importance of giving practical effect to the agreements we reached at the historic Review Conference in Kampala.
2. The adoption of amendments to the Rome Statute of the ICC on the crime of aggression reflects our abiding faith in the instrumentality of the Rome Statute of the International Criminal Court.
3. For many of us, defending and promoting the Rome Statute has always meant supporting the mandate of the Court over all crimes listed under the Statute, even before the Kampala amendments fully expanded on the elements of the crime of aggression.
4. Perhaps the only outstanding question before Kampala on the issue of amendments on the crime of aggression, was more about when, and less about whether or not it should be done. The consensus reached at the Review Conference two years ago was therefore a major achievement that cannot be overstated.
5. Our discussion this afternoon is meant to build on this momentum by urging countries to expedite their ratification of the Kampala amendments.

6. I am therefore quite confident that the good pace that has already been set by Liechtenstein, Samoa, Trinidad and Tobago and Senegal will soon be followed by many of us who are at different stages of the ratification processes.
7. As we are all aware, we need to ensure that we achieve a total of 30 ratifications by the end of 2016 for the Court to exercise jurisdiction over the crime of aggression.
8. This is why Botswana is engaged in the final stages of the ratification of the Kampala amendments and specifically, the Crime of Aggression.
9. It is now a decade, since the adoption of the Rome Statute, and as the commemorative events of the past two days have shown, many developments have taken place even before the Kampala amendments.
10. The Statute has extended its reach and has become known across many States and jurisdictions. This is evident in the increasing number of countries which see its utility to complement their national efforts of promoting accountability and justice.
11. The growing number of parties to the Rome Statute is clear testimony that the Court has also been able to achieve important milestones over the last few years.

12. Not only has the Court transformed in character, it has produced its first fruits in the delivery of justice by completing its first trial. This is a major breakthrough which brings reassurance to the victims and renews their faith in the ability of the Court to redress their plight.
13. The positive impact of the Rome Statute has also been manifested in the readiness of States Parties and non-States Parties to investigate and prosecute crimes in their respective jurisdictions.
14. Above all, there is a good measure of respect for the deterrent value of the Statute which is crucial for sustaining the fight against impunity and gross violation of human rights.
15. Taken together, all the excellent attributes I just mentioned remain a prominent feature in the advancement of the Rome Statute and the success of the Court.
16. With the adoption of the Kampala amendments on the crime of aggression, it will soon be possible to play a positive role of safeguarding the interests of victims beyond the expressed willingness to cooperate with the Court and bringing individuals to justice.
17. Seeking to entrench the common values of strict observance of the supremacy of rule of law, respect for fundamental human rights and the

rights of others, States Parties will have the unique opportunity to demonstrate their support for the Court's jurisdiction over a much broader scale encompassing the crime of aggression.

18. This will be a unique and historic opportunity that will allow States Parties to the Rome Statute to choose the side of victims and separate them from perpetrators and aggressors.

19. Therefore ratification of the amendments on the crime of aggression is as important an imperative as the ratification of the Statute itself. It is an essential element that continues to define the collective responsibility of States Parties to support the Court to carry out its mandate.

20. Ratification provides the legal authority, to further expand the protective shield of the Rome Statute over potential victims of serious crimes whether committed by individuals or States.

21. It is therefore my sincere hope that countries will expedite the ratification process and take advantage of the generous offer of assistance by the organizers of this panel.

22. I thank you for your attention.