



*PERMANENT MISSION OF THE KINGDOM
OF LESOTHO TO THE UNITED NATIONS
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STATEMENT

BY

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TO THE UNITED NATIONS**

**DURING THE
TENTH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME
STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

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Madam President,

It is a great pleasure for me to speak on behalf of Lesotho at this Tenth Session of the Assembly of State Parties to the Rome Statute of the International Criminal Court. At the outset I would like to congratulate you Ambassador Tiina Intelman for your election as President of the Assembly of State Parties from the Tenth to Twelfth Sessions. I assure you of my delegation's full support and cooperation. Allow me to also pay homage to your predecessor-Ambassador Christian WenaWesser. We can all attest to the extra-ordinary leadership that he has demonstrated since assuming office.

It is worth acknowledging that Member States expressed goodwill towards Africa by expressing desire for the next Prosecutor of the Court to come from Africa. We sincerely appreciate the spirit of solidarity and magnanimity demonstrated by the Member States by agreeing on a sole candidate to be elected for the position of Prosecutor. On the same breath we congratulate Her Excellency Ms. Fatou Bensouda of the Gambia for her unanimous election by the State Parties as a next Prosecutor of the ICC.

We congratulate the newly elected Judges, two Vice-Presidents, Members of the Bureau and of the Committee on Budget and Finance (CBF).

Madam President,

The report of the Court that was presented before the United Nations General Assembly is a source of inspiration for us. It has clearly documented the vast progress made in the work of the Court over the past year. The importance of these developments cannot be overstated. Indeed the strides that the Court has made in fighting impunity and the most heinous crimes over the past decade are remarkable. To crown it all, the Court marked the conclusion of its founding decade by holding its First Review Conference in Kampala, Uganda. This was a noteworthy event in the history of the Court. It provided a Forum for States, International Organizations and Representatives of Civil Society to reaffirm their resolve to promote the Statute, make specific pledges to that end, and submit themselves to a stocktaking of International Criminal Justice.

The stocktaking clearly identified the areas on which we ought to concentrate our efforts. This produced key findings that need to be transformed into action by the relevant stakeholders. We are encouraged by the fact that this work is already underway. As a recent example, two Seminars were organized at the Court to address issues relating to support and assistance to victims, as well as protection of victims and witnesses. These brought together external and internal experts and

also drew from the experience of other International Criminal Jurisdictions. We are convinced that such discussions will greatly assist the Court in the implementation and future revision of its strategy in relation to victims.

Madam President,

This session presents a unique opportunity for us, not only to cherish the gains made so far, but also to invent the ways and means of how to consolidate our successes. In this regard, we wish to raise three issues which we think are vital for the future success of the Court in its work. They are the Contribution of the ICC to Justice and Peace, the Universality of the Rome Statute and the Independence of the Judiciary and the Rule of Law.

(i) Contribution Of The ICC To Justice And Peace:

The preamble of the Rome Statute reaffirms the purposes and principles of the United Nations Charter. The first such purpose is to maintain International Peace and Security. The ICC was designed as an Institution which promotes and strengthens delivery of International Criminal Justice. We believe that justice begets peace. It is common cause that before the establishment of the ICC, there was no permanent International Institution which could deliver justice for the worst crimes committed, in particular, during conflicts. Previously, impunity used to be a reality, and amnesty was a bargaining option for those responsible for war crimes and mass atrocities. The establishment of the ICC therefore represents a paradigm shift which will, over the course of time effectively deprive those responsible for the worst crimes of the opportunity to demand amnesties. Eradicating impunity will in the long run contribute to sustainable peace, especially in post conflict situations. Note should be taken nevertheless that the Rome Statute allows certain flexibility in investigations, particularly in relation to the interests of victims and the interests of justice. This flexibility is however, no subject to negotiations with criminals.

(ii)Universality Of The Rome Statute:

Lesotho welcomes Cape Verde, Grenada, Maldives, Philippines, Tunisia and the Republic of Vanuatu as new State Parties. This brings a number of State Parties to 120. It is a significant achievement that so many States, from all parts of the world have ratified the Statute in such a relatively short period of time.

Linked to the question of Universality of the Rome Statute is the issue of cooperation. It is only when State Parties fully cooperate with the Court that Non-State Parties will be attracted to come into the fold. We are acutely aware of the

differentiation in interpretation of cooperation. Cooperation under the Statute is, and should not be, a relative term. It is therefore incumbent upon us to continue discussions on this subject so that we may develop the same understanding of what it is, and how it should be given effect to.

The promotion of accession to and ratification of the Rome Statute reposes squarely on all of us as State Parties. We must use all available opportunity, both at bi-lateral and multi-lateral fora to promote this goal. It is only when the Statute has attained universality that we shall sing a song of victory with vigour. We believe that the long term interests of all Nations, irrespective of size, region or political orientation, are best served by strengthening the Rule of Law and promoting justice.

(iii) The Independence Of The Judiciary And The Rule Of Law:

Under the UN Charter, the peoples of the world affirmed, inter-alia, their determination to establish conditions under which justice can be maintained, to achieve International Cooperation in solving International problems, and encourage respect for Human Rights and fundamental freedoms without discrimination. We view the ICC as an answer to this determination by the founders of the UN. Consequently, the Court's independence in discharging its functions should be maintained. An independent judiciary is the cornerstone of the Rule of Law. It is a formidable protector of individual's human rights and liberties. Above all it ensures the supremacy of the Rule of Law.

The Rule of Law requires that Courts should exercise their functions independently. More than two decades ago, the GA adopted principles that underpin an independent judiciary. It resolved, amongst others, that,

“The Judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law...without improper influence, inducements...and interferences from any quarter or for any reason”.

We have full confidence in the ICC that it will continue to discharge its functions without fear or favour. An independent, impartial, honest and competent judicial system is integral to upholding the Rule of Law, engendering public confidence and dispensing justice. We, therefore, submit that it is the duty of all State Parties, Non-State Parties and International Organizations to respect and observe the independence of this judicial body.

Madam President,

I wish to conclude by reiterating a well-known principle that “Justice delayed is justice denied”. We note that there are numerous trials pending either investigations or prosecution while the Prosecutor must do her work with utmost care and diligence, we would caution, however, that time is of essence in dealing with crimes against impunity. Speedy completion of trials before the court will not only heal the wounds of the victims, but will also send a strong message of deterrence to potential perpetrators.

Lesotho stands ready to support the work of this important Institution in all possible ways. We look forward to engaging actively and constructively in our deliberations in the next coming days of this season.

I Thank you.