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Botswana Ratifies ICC Amendment on Crime of Aggression

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On 15th April 2013, in Gaborone, Botswana, President Ian Khama signed the instruments of ratification of the Kampala Amendments to the Rome Statute of the International Criminal Court (ICC). Botswana is the first African State, and the sixth in the world, to ratify the Kampala Amendments. The other states that have ratified the Amendments are Estonia, Liechtenstein, Luxemburg, Samoa, and Trinidad and Tobago.



President Ian Khama (right) signing the instruments of ratification, with Dr. Athaliah Molokomme, Attorney-General of Botswana (left); standing behind them is Mr. Dikgagamatso Ndelu Seretse, Botswana's Minister of Defence, Justice and Security (center). Image obtained from Botswana Daily News and BOPA (Botswana Press Agency).

Botswana's ratification of the Kampala Amendments took place in the presence of African State officials, civil society groups, and members of the international community attending the Workshop on Ratification and Implementation of the Kampala Amendments to the Rome Statute of the ICC, convened by the Permanent Mission of the Principality of Liechtenstein to the United Nations, the Republic of Botswana, and the Global Institute for the Prevention of Aggression.



Participants take a break, Evelyn A. Ankumah (far left), Donald Ferencz (center), Convener of the Global Institute for the Prevention of Aggression; Dr. Athaliah Molokomme, Attorney-General of Botswana (right); and Judge Sanji Monageng, First Vice President of the International Criminal Court (ICC) (far right).

In his Opening Address, President Khama said Botswana was ratifying the Kampala Amendments to protect defenseless and innocent people, often women and children, and to call to account perpetrators of the Crime of Aggression.

At the First Review Conference of the International Criminal Court, held in Kampala, Uganda, in June, 2010, State parties to the ICC adopted a definition of the Crime of Aggression, essentially the illegal use of force by one state against another.

It may be recalled that at the 1998 Rome Conference where the ICC Statute was adopted, an agreement could not be reached on the definition of the Crime of Aggression. To save the Statute, it was decided to postpone definition of the Crime of

Aggression to a later date. When the definition was adopted in Kampala in 2010, another compromise was reached: to postpone enforceability till 2017. To achieve enforceability, 30 States must ratify by December 2015.

From an African perspective, prosecuting the Crime of Aggression under the ICC Statute is to be welcomed. Indeed African State parties to the ICC worked tirelessly in Kampala for inclusion of the Crime of Aggression when others, including a State non-party, tried to undermine or delay inclusion of the Amendments.

Enforceability of the Kampala Amendments would subject not only Africans to ICC prosecution as is currently the case, but also military and government leaders of powerful and influential states, whose illegal use of force have caused untold suffering to innocent and defenseless civilians.

Therefore, we call on African States and all nations of goodwill to ratify the Kampala Amendments as soon as possible.

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