

South Africa remains ICC participant

The Presidency has moved to clarify that South Africa remains a signatory to the Rome Statute and a participant in the International Criminal Court (ICC).



Image source: Getty Images

“This clarification follows an error in a comment made during a media briefing held by the governing African National Congress (ANC) on South Africa’s status with regard to the ICC. Regrettably, the President erroneously affirmed a similar position during a media session today.

“South Africa remains a signatory to the ICC in line with a resolution of the 55th National Conference of the ANC – held in December 2022 – to rescind an earlier decision to withdraw from the ICC,” said the President’s spokesperson Vincent Magwenya.

Magwenya explained that the ruling party’s 2022 decision was reaffirmed earlier this week at the party’s National Executive Committee meeting in which the NEC reflected on “the potential withdrawal from the ICC as an option that would arise as a measure of last resort in the absence of legal options that would result in fairness and consistency in the administration of international law”.

"In remaining a signatory to the Rome Statute, South Africa is guided by the importance of strengthening institutions of global governance. Accordingly, South Africa will work to invigorate the Malabo protocol that would establish a continental criminal court that would complement the ICC as a court of last resort.

"Furthermore, South Africa is considering a legislative amendment that would domesticate the Rome statute so that it reflects all the articles of the Rome Statute. This includes provision of article 98 of the statute that requires a waiver of immunities for persons charged by the ICC from third party countries where there is no referral by the United Nations Security Council.

"The manner in which the UK domesticated the Rome Statute to incorporate the provisions of article 98 has been recommended as a guideline case study," Magwenya said.

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