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Excellencies,  
Ladies and Gentlemen,

Allow me to begin by congratulating the President of the Court, Judge Silvia Fernandez de Gurmendi, as well as the First Vice-President, Judge Joyce Aluoch, and the Second Vice-President, Judge Kuniko Ozaki, on their recent election.

I welcome the President's commitment to close inter-organ coordination – a commitment I deeply share – as well as her vision and priorities for the next three years.

Madame President, I listened to your remarks most attentively and let me say that your pledge to *unity of purpose* to ensure high quality justice at the International Criminal Court (ICC), as well as transparency and full respect for each organ's mandates is noted, highly appreciated and mutually shared.

I would like to welcome the diplomatic community in The Hague to this briefing and in particular, those who travelled from Brussels. A special welcome is also extended to the new State representatives that join us today: the doors of the Office of the Prosecutor are open to you at any time; we are always happy to engage with all of you and to respond to your questions.

Je voudrais également souhaiter la bienvenue à la communauté diplomatique à cette séance d'information, et en particulier à celles et ceux qui ont voyagé de Bruxelles pour l'occasion. Un message de bienvenu aussi aux nouveaux diplomates qui se joignent à nous: vous pouvez être assurés que les portes du Bureau du Procureur vous seront toujours ouvertes; nous valorisons beaucoup notre interaction avec vous, et sommes ravis de répondre à vos questions.

As Madame President already mentioned, cooperation is critically important for the Court. Timely and tangible cooperation and political support from States are key for the success of the ICC.

We are grateful for the cooperation and support provided to us by the States Parties over the years. The continuation of this indispensable lifeline to the Court remains critical. This commitment to the ICC must remain unshaken as a matter of principle and conviction, no matter how challenging the political environment may be at any given time.

Allow me to briefly touch upon some of the significant changes taking place in the Office in terms of new strategies and policies.

## 1. OTP Strategy

When I assumed Office in 2012, I made it my first task to embark on a comprehensive review of how we conduct our preliminary examinations, investigations and prosecutions, and therefore, to develop a Strategic Plan for 2012-2015.

The ultimate aim of this Strategy was to ensure that we conduct our preliminary examinations, investigations and prosecutions in a more effective and efficient manner. To achieve this goal, and after extensive consultations and reflections, we decided to adopt a series of important changes to our existing practices.

I must say that I have seen that concrete results have already been achieved: recent cases presented to the ICC Judges, following the implementation of the 2012-2015 Strategic Plan, have resulted in confirmation of charges against all suspects: Laurent Gbagbo, Bosco Ntaganda, and Bemba et al. in relation to the article 70 case (offences against the administration of justice).

Notable policy shifts to enhance effectiveness and ensure positive results include:

1. The adoption of in-depth and open-ended investigations. You will recall that previously, our approach entailed focused investigations;
2. Where appropriate, investigating and prosecuting lower or mid-level perpetrators, building upwards, and thereby bringing stronger cases against those most responsible; and
3. Ensuring that our cases are as trial-ready as possible by the confirmation of charges hearing stage.

I want to take this opportunity to thank the States Parties for the resource increase they have given to us. The increase in the resources at our disposal for 2015, in particular for the integrated teams, has allowed us to enhance the quality of our output. For our investigative activities, this has:

- Ensured the diversification of methods of collection and forms of evidence (in particular forensic and cyber);
- Enhanced analysis function;
- Facilitated PEACE-model training & source evaluation;

- Facilitated permanent field presence of investigators where possible;
- Enhanced efforts to identify cooperation focal points and engender their coordination and exchange of experiences.

Notwithstanding these gains, we have also had our share of set-backs in the past year. As you know, in view of the challenges the Office has faced, we ultimately had to withdraw the charges against Mr. Kenyatta last year. Just recently, the Appeals Chamber confirmed Trial Chamber II's decision of acquitting Mathieu Ngudjolo Chui of charges of crimes against humanity. I wish to stress here, however, that the continued implementation of the new strategy should be able to mitigate the reoccurrence of these challenges in existing and future cases.

Even as we begin to see positive, tangible results from the implementation of the current strategy, work is already underway to prepare for a new strategic plan for the period 2016-2018. Indeed, our goal is to continue to focus on improving the effectiveness and efficiency of our activities. The Strategic Plan for 2016-2018 will thus build on the successes of the current Strategic Plan, and will in particular take into account the lessons learned from our experiences in implementing it.

In particular, the main themes for the 2016-2018 Strategic Plan will be:

- Further consolidation of quality and efficiency of the work of the Office;
- Projections on the future size of the Office; and
- The development of a coordinated strategy with key partners to effectively investigate and prosecute perpetrators of mass crimes in order to close the impunity gap.

We are keenly aware of the need for us to better show our needs and achievements, as well as to devise means against which our performance can be measured, mindful of the fact that we are only part of a much larger Rome Statute System; indeed, there are external critical success factors which are beyond our control. We have embarked on a process to identify internal strategic, operational and workload indicators against which we can be measured.

In a world of dwindling resources amidst increasing demands, prioritization and contingency planning are necessary, so is the need to think ahead on the ideal size for the Office – recognizing fully that there is an *inherent* and *unavoidable* unpredictability in the nature of the mandate of this important institution.

## 2. OTP Policies

As you know my stated commitment and focus on the investigation and prosecution of *sexual and gender-based crimes*, culminated in the publication of a policy paper last year. This policy serves as a comprehensive guide to my Office's approach to the question of sexual and gender-based crimes in a systematic and methodological manner. To date, as you may be aware, we have brought charges of sexual and gender-based crimes in the vast majority of our cases based on the evidence collected. We will continue to place added emphasis on the need to end these horrific crimes. I also hope the policy will help national systems in their own efforts to fight this scourge.

During my term, we will continue to look at ways to enhance the application of our mandate as prescribed in the Rome Statute through well reflected policies.

My goal is to launch a *Policy Paper on Children* by the end of 2015. The Rome Statute legal framework is an effective tool to protect and advance the rights of children, and we are intent on making the best use of this critical instrument. Our work on this policy has already begun.

We also have other policy initiatives in mind, which we will unveil in the near future.

My Office is fully cognisant of the need to attract staff at all levels with the best skills and competencies, from all geographical regions of the world. This also applies to the need to ensure equal gender representation. These issues are critically important for me and my Office.

While encouraging strong internal candidates to apply, we continue to seek help from States and Regions which are underrepresented in identifying ways in which the Court's job openings can be brought to the wider attention of the relevant candidates and networks in their countries and regions.

## 3. Broad overview of cases and preliminary examinations

You will not be surprised to hear that once more, our **caseload and activities** have increased from the previous year. Even before the start of 2015, we knew that we would have our busiest year yet in terms of trials, with six different cases, throughout four different situations, having reached trial stage.

This is indeed – as emphasized by the President – testament of the ever-growing legitimacy that the Court and the Rome Statute system of justice as a whole have been building upon. This shows how in less than 15 years of existence, the Court has managed to establish itself as a credible, professional, independent instrument

of international justice, with intensive investigative, prosecutorial and judicial activities, with twenty-two cases ongoing across nine different situations, as well as nine additional situations under preliminary examination.

Recent months have also shown us again how, and despite our outmost efforts to plan ahead and reasonably predict future activities, unexpected events can always surprise us and force us to reassess our forecasting. Indeed, with the sudden surrender of Dominic Ongwen in January this year, we have had to re-prioritize investigative and prosecutorial activities and re-deploy resources, at the expense of other cases, to meet judicial deadlines for disclosure and be ready for the confirmation of charges. While the surrender of Dominic Ongwen brings us one step closer to bringing justice to the people of Uganda, it also means that we have to scale back our activities in other cases.

However, on a positive note, the clear message of this development is that this Court is both permanent and patient; no matter how long it takes, arrest warrants remain in effect and perpetrators of mass crimes will ultimately face justice.

In addition to investigations and trials, my Office is currently conducting preliminary examinations in nine situations in several continents.

My Office is currently analysing alleged crimes on the territories of Honduras, Iraq, Palestine, and Ukraine; additionally, we are assessing if genuine national proceedings are being carried out in Afghanistan, Colombia, Georgia, Guinea, and Nigeria.

Preliminary examination is a core activity of my Office, the purpose of which is to assess whether statutory legal criteria for opening investigations have been met.

Gathering of relevant information from reliable sources, from all sides and from anyone who chooses to provide such information and rigorous analysis and assessment of such information are key activities during this stage. The analyses is conducted independently and impartially on the basis of legal criteria specified in the Statute.

We are guided solely by our legal mandate and will not hesitate to open investigations where the Statute requires us to do so.

It is worth stressing that preliminary examination is not an investigation, neither are there any timelines provided in the Rome Statute for a decision on a preliminary examination.

The time taken to come to conclusions on situations under preliminary examination depends on the facts and circumstances of each situation.

#### 4. Challenges

Our work is not without its share of challenges. These challenges are, however, not insurmountable and can be overcome through our concerted collective efforts.

One particular challenge that we need to effectively address is the scourge of witness interference across our cases. Interference and tampering with witnesses perverts and undermines the judicial process, and brings the Court into disrepute. Such offenses and attacks on the Court's proceedings cannot be tolerated. I count on the support of States to fight this scourge along with the Court.

Arrest and surrender of fugitives is another major challenge as evidenced by our cases in Sudan, Libya and Côte d'Ivoire. Faced with an environment where my Office's limited resources for investigations are already overstretched, and given the United Nations Security Council's lack of foresight on what should happen in Darfur, I was left with no choice but to *hibernate* investigative activities in Darfur and shift resources to other urgent cases, especially those in which trials are imminent.

Let me be clear: the fact that the situation has been hibernated does not in any way mean that the Office has abandoned the cases in the Darfur situation. What it means is that the Office's activities will be limited to monitoring the Darfur situation instead of, for the time being, conducting active investigations. My Office remains open to receiving additional information and evidence on the situation of Darfur and stands ready to proceed with the cases should the circumstances change.

Finally, by nature of our activities, the risk of politicization and misperceptions about the Court will always remain a challenge. There is a continuous need to shield the Court from politicisation at both the national and international levels. The Court has to be allowed to carry out its mandate impartially and independently, without fear or favour. It is our collective duty to enhance understanding of the role and mandate of the Court. I continue to seek to increase my Office's engagement with all regions of the world to explain and correct any misperceptions about the Court. Given that our current situations are in Africa, the continent continues to be a priority for me, but I need your assistance to be effective and have a tangible impact. For too long have the negative misperceptions been left to reign, and we will need to address these in a more strategic way, in full coordination with other organs of the Court.

The Court's partners and those who believe in its great potential must assist in efforts to make the institution better understood and appreciated. We must indeed remain unwavering in our resolve to create a world that seeks justice for atrocity

crimes, universally and blindly applied. Awareness and increased support for the Court are important contributions towards this goal.

I welcome President Gurmendi's commitment in this regard, and also welcome the plans of the Registrar to reorganise the Registry in such a way that the Court's presence and capacity to reach out to governments and affected communities will be increased.

Cooperation is vital in realising the goals of the Court. With no police force or enforcement body of its own, the Court relies on states to implement its decisions and to support its work. I am grateful for the cooperation that the Office has received from most States over the years. The reality is that the ICC is most effective when it benefits fully from the strength of full and timely cooperation of all its States Parties.

En tant que chefs d'organe, mes deux collègues et moi-même nous sommes engagés, et nous renouvelons cet engagement, à veiller à ce que la Cour délivre les plus hauts standards d'excellence en matière d'enquête et de justice, tout en se efforçant constamment, à travers des efforts *intra* et *inter-organes*, à renforcer la qualité et l'efficacité de toutes nos activités.

That is a duty we owe not only to the institution, but to the great hopes humanity has placed on the crucial work of the Court.

Together with you, as our States Parties, our founders, and the enforcement arm of the Rome system, we can strive to give full meaning and body to the 128 articles of the Rome Statute; we can bring justice to victims; and we can contribute to prevent future crimes.

Now, perhaps more than ever, we need to renew our commitment to work together and uphold this basic principle, silenced throughout most of history and given life in Nuremberg: the rule of law as power for all; as a shield for the powerless; as the ultimate guarantee of a just society.

Thank you for your patience and attention, and I look forward to receiving your questions. | oTP