



**Mrs. Fatou Bensouda**

Prosecutor of the International Criminal Court

## **7th Colloquium of International Prosecutor**

*Local Prosecution of International Crimes: Challenges and Prospects*

Arusha, Tanzania | *Tuesday*, 4 November 2014

Excellencies, Ladies and Gentlemen,

I am delighted and most grateful for being invited to participate in this Colloquium of Prosecutors of International Criminal Tribunals and Special Courts, which by now has become a well-established tradition. I'm particularly pleased that this year, the Colloquium is held here in Arusha, which is in many ways a second home for me; it is where I have made some great friends, many of whom are present here today, and where I have fond memories from the time I served at the International Criminal Tribunal for Rwanda.

I would like to commend my cherished colleague and dear friend, Hassan Jallow, and his team, for making this event possible ahead of the formal celebrations marking the ICTR's 20th anniversary.

Certainly this is an appropriate moment to reflect, with some measure of content, over the advancements of international criminal law and the achievements of the various international criminal courts and tribunals over the past two decades. That is not to say, of course, that our work is anywhere near done, as conflicts that generate mass suffering continue unabated in a number of places in the world, affecting millions of people, and hitting hardest those most vulnerable in society: women and children.

The theme of our discussions for the next two days, Local Prosecution of International Crimes: Challenges and Prospects, is therefore a very pertinent one, and certainly one that underpins the Rome Statute system.

This system is built on the International Criminal Court's respect for the sovereignty of its States Parties. Indeed, the Rome Statute in its preamble recalls "the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes", thereby giving States Parties the primary responsibility for preventing and punishing atrocities. The Rome Statute was never intended to replace national courts, and the system it created will only succeed if there is genuine national action. The ICC through the principle of complementarity was engineered to incentivize accountability efforts the national level.

In this sense, as I have previously stated publically, the ICC should be seen as the extension of efforts, here in Africa as well as in other continents, to end impunity for mass crimes. The referrals to my Office by the national authorities of the situations in Uganda, the Democratic Republic of Congo, Mali, as well as most recently for a second time, the Central African Republic are a testament to this symbiotic relationship between States Parties and the Court. This is further exemplified by the operational cooperation and assistance my Office receives throughout its investigations from States Parties and States not party to the Rome Statute alike. Without such cooperation, we could not have achieved some of the milestones such as the conviction of Thomas Lubanga for the recruitment and use of child soldiers.

That said, given its limited infrastructure and resources, the ICC will not be able to and it was actually not designed to cope with an unlimited range of cases.

The ICC is a court of last resort, but it does not operate in a vacuum, and it's certainly also not a panacea. As one actor in the global judicial system, we will, wherever we can, within our core legal mandate, cooperate with and support all genuine efforts that are aimed at bringing to justice those alleged to be responsible for the commission of mass crimes. I will speak about this in more detail during the Colloquium's panel on "The Empowerment of National Jurisdictions to Prosecute International Crimes."

It is our firm belief that efforts to strengthen the rule of law at the national level and reinforce complementarity activities should be enhanced. Prosecuting crimes should not only be seen as satisfying conceptions of retribution, but also as a means to prevent perpetration of crimes.

Universality of the Rome Statute and implementation of statutory provisions into national legislation should remain key goals, as knowledge of the existence of enforceable law and its systematic implementation can deter potential violators or stop existing perpetrators from continuing their criminal behaviour.

In similar fashion, each case before the ICC can have an exponential impact reaching beyond the confines of the courtroom. We need other actors – politicians, mediators, international and regional public servants, civil society, members of the legal profession, to name but a few – to appreciate this. These various actors' acute knowledge and awareness of the work of the Court can help maximize its potential positive impact. There is already clear evidence that our cases have been used to change behaviour and stimulated the demobilisation of thousands of child soldiers in Nepal and Sri Lanka.

The Lubanga case, we understand, has also had a cooling effect on the recruitment and use of child soldiers in the Democratic Republic of the Congo. Additionally, our growing case law is shaping prosecutorial approaches in other countries.

Excellencies, Ladies and Gentlemen,

To be sure: while local prosecution is the preferred road of the Rome Statute and while my Office will provide all possible support within its legal mandate, I shall not hesitate to assume my responsibility if those alleged to be responsible for mass crimes, irrespective of their status or affiliation, are not brought to face genuine and real justice. I will do so wherever the Court's jurisdiction is established, in Africa or elsewhere. That is my mandated duty and moral imperative.

All justice may be local, but no-justice is not an option.

Thank you for your attention. | **OTP**