

**Cour
Pénale
Internationale**



**International
Criminal
Court**

**Judge Sang-Hyun Song
President of the International Criminal Court**

Remarks to the 20th Diplomatic Briefing

*The Hague
8 April 2011*

Excellencies,
Ladies and Gentlemen,

On behalf of the International Criminal Court, I would like to extend to all of you a **very warm welcome** to the twentieth diplomatic briefing of the ICC. I thank you all for coming here today.

As usual, you will hear brief presentations today from myself in my capacity as the ICC's President, then from the **Prosecutor** and the **Registrar** of the Court, and finally from the **Director of the Secretariat of the Assembly of States Parties**.

Afterwards, as always, we will be pleased to take your questions.

Excellencies,

You are visiting the ICC today amid a storm of activity. As you know yesterday and today mark the first appearances of six individuals summoned to the Court by the Pre-Trial Chamber II in the Kenya situation. **We are seeing unprecedented media coverage this week** along with the attendance of many high profile visitors to the Court. Earlier this week we also saw the Kenyan Government application challenging the admissibility of the two Kenyan cases before the Court. This is another unprecedented development for the ICC.

Since we met last in November, the **ICC is increasingly moving into centre stage in the global struggle against impunity and the protection of fundamental human rights and dignity.** The Court is gaining momentum and becoming a **major global institution.**

In terms of the judicial developments since we last met, the Court's activities have **continued to grow**, with two new cases involving six suspects; one accused brought to the detention center; charges confirmed against two further accused; and an important new situation under investigation by the Prosecutor.

The ICC's courtrooms are busier than ever, with up to three trials in session on most days. In order to accommodate the growing number of proceedings in our two courtrooms, hearings are being held at earlier and earlier times in the day. 2011 will be our busiest year yet.

As for the cases, in the case of Mr.**Thomas Lubanga Dyilo**, the Trial Chamber is finishing the hearing of defence evidence.

In the trial of Mr.**Germain Katanga and Mr.Mathieu Ngudjolo Chui**, the Prosecution concluded the presentation of its case in December, and the trial has now proceeded to the defence phase. In the case of Jean-Pierre Bemba, 16 prosecution witnesses have been heard since the trial started on 22 November 2010.

In addition to these three trials, the case against Mr. **Abdallah Banda and Mr. Saleh Jerbo** has formally moved to the trial phase since Pre-Trial Chamber I decided on 7 March to confirm the charges, which concern an attack against African Union peacekeepers. However, the case will next have to undergo various preparations before the Trial Chamber can set a date for the commencement of the actual trial.

Next in line at the pre-trial stage is the case of Mr. **Callixte Mbarushimana**, suspected of having committed crimes in the Kivu Provinces of the Democratic Republic of the Congo in 2009. His initial appearance took place on 28 January, on which occasion Pre-Trial Chamber I scheduled the confirmation of charges hearing for 4 July this year.

And then we have the two new cases in the **Kenya situation**, with these proceedings unfolding while we are meeting this week.

Finally, there is now a sixth situation before the Court as a result of the decision of the **UN Security Council to refer the situation in Libya to the ICC**. The fact that this was a unanimous decision with no absentions, including the positive votes of five non-State parties was the strongest possible signal of the international community's growing trust in the role of this Court.

Excellencies,

The Court is developing and fine tuning its operations on many fronts. Looking ahead, 2012 will be a particularly significant year - not only because it marks the 10th anniversary of the Court, but also because **we are likely to see the entire Court's judicial cycle at work simultaneously for the first time**, all the way from preliminary investigations, prosecutions, Pre-Trial and Trial proceedings to potential Reparation hearings and final Appeals.

How does the Presidency fit into this judicial cycle, which is after all the core work of the ICC? The role of the Presidency is not always clear to everyone so I would like to explain very briefly the three functional arms of the Presidency, which are Legal/Judicial, Administrative and External Relations.

First, under our Judicial/Legal function, the Presidency continues to **support Chambers in their conduct of fair, effective, and expeditious proceedings**. The Presidency constitutes Chambers, assigns situations and cases to them, provides legal support to the judges' plenary sessions and also negotiates agreements with States, such as those on the enforcement of sentences.

One reason the Presidency's legal work is not better known is that much of it is confidential. One of our important duties is to **conduct judicial review of certain decisions of the Registrar**, for example concerning detention, legal assistance, and inclusion on the list of counsel and experts. Additionally, the legal team assists the Presidency in its consideration of any complaints of misconduct by counsel or elected officials.

The Presidency's second function is Administrative, with the current strategic priority of optimizing internal governance. **The Presidency is working diligently with the leadership of the Registry and the OTP to improve the operational and strategic management of the Court.**

Governance is attracting considerable attention this year and we have the recently formed Study Group within the Hague Working Group. The Presidency welcomes the establishment of this new forum for a structured dialogue between the Court and the States Parties. We will engage fully and with an open mind with the States on all possible issues within the Study Group.

We sincerely believe that this is an opportunity for the Court and States to listen to each other's views and concerns, to clarify the underlying issues and to identify mutually acceptable solutions. We know that the States Parties intend discussion to cover a number of important subjects including various aspects of the judicial work of the court, governance, judicial independence and administrative accountability.

We look forward to engaging actively in these discussions. For us, the one of the desirable outcomes would be to clarify and, where possible, to streamline the relationship of the Court and the ASP so that both sides can discharge their duties effectively and efficiently, focusing on the essence without excessive bureaucracy.

The Presidency's third function is External Relations, where our current strategic priority is to increase support for the ICC particularly by promoting additional ratifications.

There are **currently 114 States Parties to the Rome Statute** and we continue with our ultimate goal of universality. Since I met you last, I visited three Southeast Asian countries last month in order to promote ratification of the Rome Statute in Asia, which is the most under-represented region among the States Parties.

This trip turned out to be very successful, particularly in the Philippines and Malaysia. In both countries, I met with state officials and parliamentarians, and also with members of the legal community and non-governmental organisations. As you are probably aware, I am very pleased to report that during and since my visit, the Malaysian Cabinet has adopted the formal decision to accede to the Rome Statute, and in the Philippines the President transmitted the instrument of ratification to the Senate, which is expected to approve it within a few months.

I hope these developments will now help move the process forward in other countries of the region as well. Although several of these countries have repeatedly expressed their intention to join the ICC, so far we have not seen much concrete progress. So let's keep striking while the iron is hot.

Asia is not the only region where there is clear momentum for more States to accede to or ratify the Rome Statute. Lately we have witnessed a wave of turmoil and fundamental political changes sweeping the **Arab world**. Where new regimes come to power, it is a historic opportunity for them to make vows to their people and to improve the protection of universally accepted human rights.

It is very important that we do not miss this opportunity to advance the universality of the Rome Statute. On that note, the Court is preparing for a **groundbreaking regional conference on the ICC that will take place at the end of May in Doha**, organised by the State of Qatar and the Arab League in cooperation with the ICC.

Excellencies,

As the ICC develops, and faces new diplomatic and judicial challenges, the support and assistance of States Parties and the international community remains crucial to our success. As always I am truly grateful for your presence today as well as the continued cooperation that your States provide to the ICC.

I thank you for your attention and I look forward to taking your questions later.

Now let me give the floor to the Prosecutor.

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