



**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



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

*Remarks to the 23<sup>rd</sup> Diplomatic Briefing*

*The Hague  
29 May 2013*

Your Excellencies, Ladies and Gentlemen,

It is a great pleasure to welcome all of you to the ICC's 23<sup>rd</sup> Diplomatic Briefing and I thank you for finding the time to attend.

International expectations of the ICC are as high as ever, and it will be vital for its credibility that the Court is able to rise to the - increasing - challenges.

2013 is proving to be another crucial year in that respect. In brief, this year the Court:

1. will hold a hearing on the confirmation of charges in the case against Mr. Bosco Ntaganda who has recently been transferred to the Court;
2. a decision on the confirmation of charges in the *Mr. Gbagbo* case will be issued;
3. trial hearings in the two *Kenya* cases will commence;
4. hearings of the defence in the *Mr. Bemba* case will hopefully be concluded
5. at least one further final judicial decision is expected to be issued; and
6. The Appeals Chamber will continue to consider its first two final appeals.

I will begin with an update on the judicial developments at the ICC since the last briefing in September 2012 to date. I will then look ahead to some of the challenges in the coming period.

Starting off with the latest in the Pre-Trial Division, in March of this year Mr. Bosco Ntaganda was transferred to the seat of the Court after he had surrendered himself to the US Embassy in Rwanda. Mr. Ntaganda was sought by the Court with an arrest warrant since as early as August 2006 for crimes allegedly committed in the Ituri District since 1 July 2002. The confirmation of charges hearing is scheduled to commence before Pre-Trial Chamber II on 23 September of this year.

Also at the Pre-Trial stage, the case against Mr. Laurent Gbagbo in the situation in Côte d'Ivoire is proceeding. The confirmation of charges hearing took place in February of this year and the decision on confirmation of charges is expected in June 2013. Investigations by the Prosecutor in this situation are continuing, and may lead to the arrest of further suspects in due course. In particular, the warrant of arrest against Mr. Gbagbo's wife, Madame Simone Gbagbo, was unsealed on 22 November of last year and remains outstanding.

Investigations are likewise underway in the Court's 8<sup>th</sup> country situation, in Mali. I am sure that Mr. Deputy Prosecutor will brief you on this matter separately in more detail.

Finally, let me turn to Libya. Pre-Trial Chamber I's warrants of arrest for Mr. Saif Al-Islam and Mr. Abdullah Al-Senussi remain outstanding. Both are currently detained

in Libya, where the authorities have indicated their intention to prosecute them at the national level. They have submitted an admissibility challenge pursuant to Article 17 of the Rome Statute with regard to Saif Al-Islam Gaddafi; the Pre-Trial Chamber's decision on this matter is due shortly. The Libyan authorities have also challenged the admissibility of the case against Mr Al-Senussi.

Turning to activities in the Trial Division, on 21 November last year, Trial Chamber II decided to sever the charges against Mr. Germain Katanga and Mr. Mathieu Ngudjolo Chui. Less than a month later, on 18 December, the Chamber acquitted Mr. Ngudjolo Chui of all charges. Meanwhile, trial proceedings against Mr. Katanga continue and a judgment is expected later in the year.

In the case of Mr. Jean-Pierre Bemba, the presentation of evidence by the defence is ongoing and will continue in the summer of this year.

The case of Mr. Abdallah Banda and Mr. Saleh Jerbo is being prepared for trial. The Trial Chamber has set 5 April 2014 as the date for the trial to commence. In April, the Court received notice that Mr. Jerbo has been killed in North Darfur. The Court is currently awaiting official confirmation of Mr. Jerbo's death.

In the Kenya situation, Trial Chamber V decided on 6 May to provisionally vacate the trial date of the trial of Mr. William Samoei Ruto and Mr. Joshua Arap Sang, which was originally scheduled for 28 May. A new date for the opening of the trial will be established by the recently established Trial Chamber V(a).

In the case against Mr. Uhuru Kenyatta in the Kenya situation, the recently established Trial Chamber V(b) is considering submissions on a revised starting date for the trial. On 11 March the Prosecutor had notified the Chamber of her withdrawal of the charges against Mr. Francis Muthaura, who had been Mr. Kenyatta's co-accused.

At the appeals level, after the delivery of the Court's first judgments in the cases of Mr. Thomas Lubanga Dyilo and Mr. Mathieu Ngudjolo Chui last year, the Appeals Chamber is now for the first time considering appeals on the merits, on sentencing, and – in the Lubanga case - reparations for victims.

I would like to turn now to some developments in the Court's administration.

On the judicial side of the Court's administration, the Presidency has made solid progress in cooperation with States Parties regarding its lessons-learned project to increase the overall efficiency of our judicial processes while fully respecting the rights of all parties and participants to the proceedings. This project is being carried out in close cooperation with the ASP's Study Group on Governance, chaired by Ambassador Emsgård of Sweden. Its cluster on the expeditiousness of judicial proceedings is co-facilitated by Mr. Thomas Henquet and Mr. Cary Scott-Kemmis,

Legal Advisers to the Dutch Ministry of Foreign Affairs and the Australian Embassy, respectively.

The Court is also actively engaged in the Study Group's second cluster, dealing with the Court's budget process facilitated by the legal advisor of the German Embassy, Mr. Klaus Keller. The Court remains determined to contribute to its progress through an open, frank and transparent dialogue with the Study Group. Here, let me add a brief comment on the 11th ASP in November of last year. I believe that the budgetary discussions both in preparation of the Assembly meeting as well as during the Assembly itself marked a notable improvement compared to the previous year. I particularly welcomed the combined spirit of greater transparency and greater understanding of the Court's practical needs.

Please let me add one additional word on the Court's permanent premises. As you know, last month we celebrated the ground-breaking of the new premises. In this regard, I note with satisfaction some great progress on the planning and management of the architectural project by the ASP Oversight Committee, chaired by the legal adviser of the Italian Embassy Mr. Roberto Bellelli. Some good progress has also been made regarding the Transition Programme for the Court's migration into the new premises by the end of 2015.

However, we all need to remain mindful that occupying owned rather than rented premises will bring some significant changes in the Court's underlying cost structure. Careful long-term budgetary planning will be necessary for us to be able to react to any financial challenges further down the line. Likewise, adequate provision will have to be made for the transition costs. I count on the efficient and transparent cooperation of all involved.

I would like to finish with a few words about the challenges ahead.

The Court and the States Parties remain in a critical and challenging period. Some of the Court's cases are both legally and politically complex and sensitive and increasingly put the Court to the test.

International expectations of the Court are very high, and it will be vital for the credibility of the whole Rome Statute system that the Court is able to rise to the challenges.

At the same time, the Court continues to operate in a time of general economic downturn in which States Parties understandably exercise careful scrutiny of the Court's budget and operations. For the Court and the Rome Statute system as a whole it will remain crucial for all of us to engage in frank discussion, close cooperation and mutual understanding in particular for the Court's needs in terms of resources, cooperation and diplomatic support in the coming years.

Thank you very much.