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Remarks to the 22nd Diplomatic Briefing

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Fatou Bensouda
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La Haye

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Excellencies,
Ladies and Gentlemen,

Thank you for being here today.

This is my first opportunity to brief you as Prosecutor of the International Criminal Court, as three months have passed since I assumed office. Before anything, let me join President Song in offering my sincere condolences to the families, friends and colleagues of the US Ambassador and staff who so tragically died in Benghazi. Allow me also to thank you once more for the privilege, responsibility and vote of confidence bestowed upon me by the Assembly of States Parties and the wider international community, and to express my gratitude for the honour to continue to serve international justice.

As President Song mentioned in his statement, this Court has witnessed many changes in the recent months, which have been an intense period. I personally *alia* spoke at two gender seminars in The Hague, earlier this month; I was invited to travel for official visits to Senegal and Nigeria, in July, where I amongst others met with the respective Presidents; and my Office also opened a preliminary examination into the situation of Mali, following the visit by a delegation from Mali, led by the Minister of Justice, on 18 July, formally requesting an investigation.

These are just a few examples. But I mention them, as they relate to some of the priorities I have identified for my tenure as Prosecutor.

I should also add here that last week, I submitted to the Assembly of States Parties the names of the three candidates for the position of Deputy Prosecutor. Following an extensive process, the following candidates were selected: Ms Raija Toiviainen (Finland); Mr Paul Rutledge (Australia); and Mr James Stewart (Canada). These candidates were selected from a pool of 120 applicants. This nomination is a culmination of an extensive interview process, which was conducted by myself and my Office with outside assistance. The process, which started in May 2012, included an initial screening, written test, oral presentations, face-to-face interviews as well as interaction with Senior Managers and Trial Lawyers within the Office. Allow me to stress here that all interviewed candidates were of very high quality. I selected the candidates that possess the capabilities and qualities of an excellent Deputy Prosecutor, taking into account the requirements of article 42 paragraph 3 of the Statute and my vision for the Office.

Of course, the list of pressing issues for me as Prosecutor is long, but one important goal I have set is to ensure that the Office delivers high quality and efficient investigations and prosecutions, which are at the heart of what my Office does. Next to focusing on actually doing those investigations and prosecutions, I also want to reflect on how we can further improve them. We have already defined our basic standards on how we do the investigations with the issuing of our operational manual but I now want to further improve those standards aiming at defining what could be commonly accepted standards for doing international investigations. For that purpose, I am reaching out to the other international tribunals, to international organizations like Interpol and to the law enforcement community in general. With the first trials coming to an end and the lessons learned exercises that the Court is embarking upon, my plan is to further consolidate our prosecutorial standards in the operational manual.

Specifically, regarding our investigations, we have an obligation and a duty to focus our attention on sexual and gender violence. As it can be a challenge to gather evidence of these crimes in some contexts, we will continue to look for innovative methods for the collection of evidence to bring these crimes to Court in a way that will ensure their prosecution and will respect and protect the victims.

The Office will continue to pursue the gender crimes and crimes against children defined in the Rome Statute and the Office will do so systematically. In so doing, I would like to strengthen the cooperation between my Office and civil society. My Office will continue to periodically and consistently revisit its policies and practices regarding sexual and gender crimes, to ensure effective prosecution of these crimes and always striving to do it even better. I hope to finalize a gender policy paper soon.

The appointment of Brigid Inder as the new Special Gender Adviser of the Office will also help to get strategic advice on sexual and gender-based violence, together of course with the strong team I have within the Office.

During my tenure, I also want to contribute to the Court's efforts to strengthen the Court's relationship with Africa. Mali is the fourth African State to refer a situation to the Office of the Prosecutor. ECOWAS also officially supported the Office's intervention in Mali. I am proud of this support as well as the commitment to this Court expressed by the African continent. I will continue to seek the support of all States Parties, including in Africa. Already plans are underway for my visit to Addis Ababa to meet the new Chairperson of the AU.

I also want to continue to clarify the process of the Office's preliminary examinations, and ensure transparency in the decisions. For me, preliminary examinations are key elements of OTP activities, as they can provide early opportunity, through contacts with relevant authorities as well as public information, to encourage national proceedings and prevent recurrence of violence. In the coming months the Office will, similar to last year, publish a report on all its preliminary examinations, as well as a comprehensive report on the preliminary examination in Colombia.

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In general, the relationships of the Office, within and outside the Court, are important to me. In these relations, the Office's independence as the cornerstone of the Rome Statute system should at all times be respected and protected, in particular by States Parties. The system established by the Rome Statute is based on the concept of independent judicial activity. Without its independence, the Court risks losing its value.

This however does not mean that the Office is an isolated organ. On the contrary. The efficiency of the Court and of this Office relies on the cooperation it receives from the international community. After ten years in operation, the Court and its States Parties have established a system that is operational. Assistance is largely forthcoming. But in order to maximise the Court's role and impact, as well as to improve the Court's effectiveness, it needs the sustained cooperation of all the States Parties to the Statute, in particular when it comes to arresting individuals sought by the Court. In this light it is also perhaps worth recalling the 66 recommendations formulated by the Bureau in 2007. Strategies and efforts to ensure the arrest and surrender of those individuals against whom arrest warrants have been issued must remain at the top of the political agenda of all States Parties. The cost of impunity is simply too high.

Bosco Ntaganda's continued presence in the Kivu provinces is a high risk; the international community needs to support the efforts of the Government of Uganda to arrest the leaders of the Lord's Resistance Army. The Government of Sudan has consistently failed in its responsibility to cooperate with the Court and to arrest and surrender the individuals sought by the Court in relation to the situation in Darfur. The collective community of States therefore should now consider what measures can be taken to ensure execution of the arrest warrants short of military intervention.

On a separate note, but similarly related to the support by the Assembly of States Parties, I would like to join President Song in mentioning the resources of the Court. We are all aware of the very difficult economic environment, including for the States Parties, and also aware of the very difficult budget discussions last year.

Throughout the years, the Court, including the Office of the Prosecutor, has consistently found creative ways to ensure and increase efficiency and find savings. For the Office, in addition to the operational manual and standardized policies, the rotational model of moving teams across cases depending on needs has in particular created cost benefits through efficiency gains. However with ever increasing Court activities, we have reached the limits of our absorptive capacity; the 2013 proposed budget is the minimal and reflects the Court's efforts to cut down on costs. Any additional cuts will have considerable impacts on Office's capacity to do its work and fulfill its mandate given by States. I would therefore encourage positive attitude of delegates in the discussions on the budget, knowing that justice is a worthwhile and relatively inexpensive investment in the future.

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With the necessary support from the States Parties, in the coming months and years, the Office of the Prosecutor will continue to improve the quality of its prosecutions. The decision of Trial Chamber I sentencing Thomas Lubanga to 14 years imprisonment, as well as the decision on the reparations principles and proceedings, which the President mentioned earlier, are a great incentive to continue our prosecution in our other cases.

In *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, the judgment is expected to be delivered hopefully before the end of this year, and in *The Prosecutor v. Jean-Pierre Bemba Gombo*, presentation of evidence by the defence started on 14 August 2012, within a total timeframe of up to 8 months set by the Trial Chamber.

As we prepare for trial in April next year for the two Kenya cases, we continue to face huge security and witness intimidation issues in Kenya. We can also do with much better cooperation from the Government of Kenya.

As the President also mentioned, we are awaiting to hear what will be the new date for the commencement of the confirmation of charges hearing in the case against Laurent Gbagbo, and the same goes for the trial date in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* regarding the attack of the AU peacekeepers in Haskanita in Darfur.

All in all, it is safe to say that there will be sufficient work ahead of us. I hope I may count on your cooperation and support throughout these activities of the Office and more.

Thank you for your attention.