



**Statement by Luis Moreno-Ocampo,
Prosecutor of the International Criminal Court**

**Fourth Session of the Assembly of States Parties
28 November – 3 December 2005**

The Hague, 28 November 2005

Mr President,

President Kirsch has provided an overview of the main developments and positions of the Court as a whole. I have the honour to present a summary of the activities of the Office of the Prosecutor for the third year.

In 2003, our challenge was to establish our basic principles, including full respect for complementarity, and the idea of small investigation teams relying on national and international cooperation, and cost-efficiency.

In 2004, our challenge was to select situations and to begin our first investigations. We started investigations in the two gravest situations under our treaty jurisdiction. We carried out our first investigations at the same time as we recruited our people and built an operational Office.

In 2005, we have almost completed the first investigation in Uganda and we requested the first arrest warrants. We are very advanced in the first investigation in the DRC situation. In addition, we are doing a comprehensive investigation in a third situation, Darfur, after receiving a referral from the UN Security Council.

We are confident that during the first half of 2006, individuals will be surrendered to the Court, allowing the commencement of hearings and trials.

Through our activities we are implementing our investigative policies:

1. Selection of situations and cases based on a careful analysis of Statute criteria
2. Focused investigations and well founded charges against those who bear the greatest responsibility.

Let me summarize our work in each situation.

In Uganda, we examined information concerning all groups that had committed crimes in the region. We selected our first case based on gravity. Between July 2002 and June 2004, the Lord's Resistance Army (LRA) was allegedly responsible for at least 2200 killings and 3200 abductions in over 850 attacks. It was clear that we must start with the LRA.

A small team carried out the major part of the investigation in over 50 missions in nine months. We worked with strong cooperation from Ugandan people and authorities. With the Registry, we took many steps for witness security and protection. We made another 20 missions to listen to the concerns of victims and local communities. In March and April, we organized two meetings in The Hague with local authorities, traditional and religious leaders. We reached consensus that we are bringing a justice component to a comprehensive effort to achieve justice and reconciliation and bring an end to violence in northern Uganda.

Pre Trial Chamber II has issued arrest warrants against Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen for crimes against humanity and war crimes. The alleged crimes include rape, murder, enslavement, sexual enslavement and forced enlisting of children.

In the Democratic Republic of the Congo (DRC) there have been more than 8,000 killings committed by numerous armed groups within the temporal jurisdiction of the Court. We are working in sequence, selecting cases on the basis of gravity.

We face major challenges of logistics and security because it is an ongoing conflict. The support on the ground from MONUC has been vital and is much appreciated. With the

Registry, we have established a field office in Kinshasa. We also have an operational presence in Bunia.

We have carried out over 50 missions. We have interviewed witnesses, insiders, and suspects, and have collected documents and materials on crimes and military structures. We expect to be in a position to seek warrants in the near future.

The referral of the situation in Darfur, the Sudan, by the Security Council was a major development in 2005. We immediately received the documents of the United Nations Commission of Inquiry on Darfur and we assembled a team and initiated an extensive process of information gathering.

Credible information indicates that crimes have been committed on a large scale, including the killing of thousands of civilians and the widespread destruction and looting of villages. The results of the violence include the displacement of approximately 1.9 million civilians, and the deaths of tens of thousands from disease and starvation. Information suggests a pervasive pattern of rape and sexual violence taking place throughout Darfur, including allegations of gang rape, as well as attacks on children and young girls.

After the required analysis, we opened an investigation on 1 June 2005. Our admissibility determination was primarily a result of the absence of national criminal proceedings relating to the cases on which our Office is likely to focus. After the decision to open an investigation, the Sudan informed us that they had established a new special Court to deal with crimes committed in Darfur. The admissibility assessment is an ongoing process and we will follow the work of this tribunal and any other national proceedings

We are carrying out the investigation. Due to considerations of security of victims and witnesses, we have not conducted interviews in Darfur. We started with 17 missions to several third countries to interview witnesses.

We are also monitoring eight other situations of concern. In June 2005, we received significant supplementary material for the Central African Republic referral. A team has just completed a mission to Bangui to collect additional information, particularly on admissibility. We plan a mission to the Côte d'Ivoire in the new year.

Let me present the plans for next year.

The year 2006 will mark a new phase, with confirmation hearings and probably the commencement of trials. As for investigations, we will follow our plan in Darfur. We expect to start investigation of a new case in the DRC situation. In Uganda, if new crimes are committed by other LRA commanders, we may investigate these persons. In addition, we continue to evaluate information on all other groups. We will present cases if their acts reach the gravity standards of the Statute and in full respect for the principle of complementarity.

If we do not need to investigate new cases in Uganda, then we will be able to redeploy resources and start an investigation in a fourth situation in 2006.

In addition, during 2006 we will further refine our policies and explain our standards and we will organize meetings to discuss them with you.

We are also exploring ways in which our work can yield other benefits. We have compiled on a digital platform all relevant information available on the Rome Statute crimes, including international and national legislation, cases, preparatory works and a

Case Matrix. We are planning to offer access to these digital tools to government ministries, national judges and prosecutors, and universities all over the world. The aim is to create a common platform to be used worldwide.

Let me focus on cooperation.

As President Kirsch has emphasized the liaison office in New York will help us maintain contacts with the UN and the States Parties. We are grateful for the support we have received from States Parties, other states, non-governmental organizations and international organizations in the last year. The Security Council referral marks the beginning of a new era. We are establishing a strong working relationship with different international organizations. Some states have signed agreements to provide specific support for which we are very grateful. We are also very grateful for the support from the Coalition for the International Criminal Court, which is enlarging a global alliance to strengthen justice. Many NGOs are helping us with their own activities connected with our work.

To improve our dialogue we have accepted an invitation from the CICC to meet on Wednesday and we have organized an informal meeting with States Parties on Friday regarding activities and plans.

The Rome Statute establishes an overarching goal: to contribute to the prevention of future crimes. The work of the Court will help to end the culture of impunity, but this is just a piece of the goal. To complete my presentation let me focus on our common task to prevent future crimes. Our cases will expose the commission of specific crimes which have a devastating impact, such as rape, sexual enslavement and forced enlistment of children. But we need other efforts as well. We must learn to reinforce each other.

The involvement of the ICC has produced a new dynamic in northern Uganda. Uganda, the DRC and the Sudan are now working towards the same goal, to execute the arrest warrants for Joseph Kony and the LRA leaders. The international community can assist these countries in their efforts. States' determination to execute the arrests will be a major test for the effectiveness of the Rome Statute system. These arrests could put an end to a 19 year conflict that has resulted in more than 20.000 abductees and 1.6 million displaced.

However, in addition to activities carried out to cooperate directly with the work of the Court, other activities are needed to prevent crimes,

For instance, in the DRC, MONUC is doing important work with limited resources. They have disarmed 15600 combatants in Ituri, but information indicates that new armed groups are being created. We have to stop this.

In the Sudan, strong international support is needed to assist African Union and national efforts to stop ongoing crimes. We need to work closely with the AU to facilitate investigations and to reinforce their efforts. We will appreciate the help of States Parties to advance this partnership.

We are investigating three situations in which thousands and thousands of people have been killed and more than 5 million persons have been displaced. The Court will do its judicial work, but a combination of other efforts is needed to prevent future crimes.

I believe that in the coming years our common work can stop these massive crimes.

This is our common task, this is our challenge.

Thank you very much.