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Address to the Assembly of States Parties

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Madam President of the Assembly,
Your Excellency President Sall,
Madam Under-Secretary-General,
Distinguished Delegates,
Ladies and Gentlemen,

1. It is an honour for me to address this Assembly for the first time since my election as Prosecutor in December. Back then, I thanked the entire Assembly for the confidence reposed in me. I particularly thanked the African Union for proposing me as the sole African candidate. As I have already stated, I am the Prosecutor for all 121 States Parties and I look forward to working with you all.

2. It has been a challenging, hectic but fruitful five months since I took Office. Luckily, I inherited a well functioning Office, with streamlined systems and internal regulatory framework consistently applied throughout the Office. This has greatly facilitated a smooth transition. This smooth transition has also to a large extent been due to the dedication and spirit of collegiality of the Office staff, for which I am thankful. Together we have been working to address some of the challenges facing the Office. Our focus has been on better integration both within and across Divisions with a view to finding efficiencies and further improving our work products. Consultations with and dissemination of information to staff and in particular dissemination of Executive Committee decisions has been regularized and is facilitated through the Middle Management with whom the Executive Committee and I hold regular meetings. These meetings are also a vehicle for receiving information and feedback from staff. Working together with the Managers, we have identified improvement in working climate as a priority area and Managers are already engaging with

staff to identify causes and develop strategies for improving the working climate in the Office.

3. In consultation with the Executive Committee I have decided that for now, and pending the comprehensive review of the Court's structure next year recommended by the Committee on Budget and Finance, there shall be no structural changes in the Office, neither shall there be a departure from established policies and methods of operation.

4. My Office has already contributed to the Court-wide strategic plan for 2013-2017 which focuses on the 3 Court-wide areas: the judicial and prosecutorial goals, the managerial goals and the external goals. Complementary to this plan and in line with past practice, I am preparing an OTP-specific plan which focuses on what I would like the Office to achieve. I have identified 5 priority areas for the period 2013-2015:

- a. Conduct secure, impartial, efficient and high quality preliminary examinations, investigations and prosecutions
- b. Further improve the quality and efficiency of each of these core functions
- c. Continue to prioritize the sexual and gender-based crimes as well as crimes against children
- d. Further strengthen the Rome System in its support for the activities of my office and in building complementarity
- e. Maintain a professional office with particular attention to
 - i. Gender and nationality balance
 - ii. High quality and motivated staff
 - iii. Measurement and management of performance

The draft strategic plan will be shared with the States Parties and other stakeholders before the end of the year for further input.

5. In September, I submitted to the Assembly the names of the three candidates for the position of Deputy Prosecutor. These nominations were a culmination of an extensive interview process, conducted by myself and my Office with outside assistance. While all interviewed candidates were of 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(3) of the Statute and my vision for the Office. The Office is ready to welcome a Deputy Prosecutor elected by the Assembly.

6. Striving to be an even more efficient and effective Court organ, my Office continues to pay close attention to improving its methods of collecting evidence and presentation of cases before the judges. Innovative methods for collecting evidence such as medical evidence, cyber-investigation and analysis of digital evidence, social media and video footage are being explored. We are also sending longer investigation missions with less frequent travel, working with smaller teams in the initial part of the pre-trial phases. For investigations, we already have good standards in the operational manual, with a flexible and focused approach, but we are exploring how we can turn these into internationally recognized standards. For prosecutions, we are evaluating our practices and harmonizing them in the operational manual.

7. The rotation model, in accordance with which staff move between teams depending on the phases, workload and case priorities, has provided the Office with significant savings, in comparison with what would normally be the ideal

situation of having full teams moving at maximum pace on all the cases simultaneously, which would significantly increase costs.

8. To further enhance its efficiency and effectiveness, the Office is also actively engaged in the Lessons Learned process led by the Judges in the context of the Study Group on Governance to explore ways of expediting proceedings. Experience already shows that proceedings conducted after our first case in Lubanga have moved much quicker. We should however be careful not to expedite proceedings at the expense of the rights of the accused and in particular the right to a fair trial.

9. Here, I should add that besides the Court, the Rome Statute system as a whole, including importantly its States Parties, have a major role to play. Whereas the Court can do so much in this regard, eventually the Court can only be as expeditious, efficient and effective as the system allows it to be. The need for full, timely and sustained cooperation from States cannot be overemphasized.

Permettez-moi maintenant de m'adresser à vous en français.

Madame la Présidente de l'Assemblée,

Monsieur le Président Sall,

Madame la Secrétaire générale adjointe,

Mesdames et Messieurs les représentants des États,

Mesdames et Messieurs,

10. Une de nos priorités est de renforcer les enquêtes et les poursuites sur les crimes sexuels et à caractère sexiste. Pour commencer, une nouvelle conseillère

spéciale du Bureau pour les questions sexospécifiques a été nommée. Non seulement sa nomination contribuera à renforcer les rapports que nous entretenons avec les ONG, notamment avec celles qui sont présentes sur le terrain, mais elle permettra aussi de bénéficier de conseils supplémentaires sur la stratégie à adopter en ce qui concerne les violences sexuelles ou à caractère sexiste. Nous avons déjà commencé à élaborer une politique générale sur les crimes sexuels et à caractère sexiste. Il faudra procéder à un grand nombre de consultations internes avec le personnel au travers de séances de groupe de travail en collaboration avec l'Unité des violences sexistes et des enfants et la conseillère pour les questions sexospécifiques. Le processus interne sera achevé avant l'été, ouvrant ainsi la voie aux consultations avec les partenaires externes. En collaboration avec d'autres acteurs dans ce domaine, notamment la Représentante spéciale du Secrétaire général de l'ONU chargée de la lutte contre les violences sexuelles dans les conflits armés, et à l'instar de l'initiative du Royaume-Uni pour la prévention des violences sexuelles dans les conflits armés, nous cherchons à attirer l'attention sur le fléau des violences sexuelles et à veiller à ce que leurs auteurs rendent des comptes.

11. Les examens préliminaires restent un élément essentiel et indispensable des activités du Bureau. Ce processus est prescrit par le Statut comme étant une étape préalable à la décision d'ouvrir ou non une enquête. Dans la pratique, les examens préliminaires permettent, à un stade précoce, d'empêcher que d'autres crimes ne soient commis et d'encourager les poursuites au niveau national au moyen de contacts avec les autorités compétentes et d'information du public. Les États devraient saisir l'occasion qui leur est donnée dans le cadre des examens préliminaires pour renforcer la capacité des tribunaux nationaux à enquêter sur les crimes en cause avant que le Bureau du Procureur ne prenne la décision d'ouvrir une enquête. Conformément à sa politique en matière de

complémentarité positive, le Bureau soutient et encourage la conduite de poursuites nationales véritables afin de lutter contre l'impunité dans le cadre des crimes les plus graves ayant une portée internationale.

12. Dans le but de continuer à garantir la clarté, la transparence et la prévisibilité de ses décisions, le Bureau publiera dans les prochains jours un rapport complet concernant les activités qu'il a menées en 2012 dans le cadre des examens préliminaires. Diverses décisions au sujet de ces examens seront rendues publiques dans les mois à venir, que ce soit pour l'ouverture d'une enquête, la clôture de l'examen préliminaire ou le passage au stade suivant du processus.

Allow me now to continue in English.

13. The Office continues to strive for improved coordination with other Court organs through formal and informal channels, respectively in the Coordination Council and in one to one regular contacts with the Principals. At other levels, inter-organ consultations take place in the Budget Working Group and Tricomm as well as in the External Relations Working Group, amongst others. Office staff delegated to participate in these forums have my instructions to work cooperatively with their counterparts in identifying workable, practical solutions that advance our common objective of ensuring fair, impartial and independent judicial process.

14. Since taking office I have travelled to and held meetings with a number of Heads of State and other Senior Government officials around the globe. In Africa in particular I have visited Senegal, Namibia, and South Africa, as well as Nigeria, in the context of our preliminary examination, and Kenya and Côte

d'Ivoire, in the context of my Office's investigations. I have explained the work we do and the support we need. The presence today of President Sall of Senegal, the first country to ratify the Rome Statute, is testimony to African leadership on international justice. Mali's referral of the situation in that country to the Court and ECOWAS' support for the referral is yet another example of Africa's strong belief and support for the Rome system of justice which they created. I have also met with and exchanged views with African prosecutors (under the auspices of the African Prosecutors Association) on challenges we face in the investigation and prosecution of international crimes, highlighting the important role African Prosecutors can play in furtherance of the principle of complementarity. In Kenya, I interacted with victims of the 2007-2008 post-election violence and heard victims' pleas for justice. As always, interaction with victims is a moving and rewarding experience. It has been heartening to observe the change in attitudes that normally follows these exchanges and I hope to have the opportunity to interact with victims from other situation countries.

15. My Office is positively engaged with the African Union including on the exchange of information with regard to our investigations into attacks against African Union Peace Keepers in Haskanita (in relation to the Banda/Jerbo case.) This much overlooked but important case is just one example of how the Court is contributing to building lasting peace in Africa. It is a crime to attack those who seek to maintain fragile peace between warring factions and we would be failing in our duty if we do not take action against them. The Court and the African Union have recently held a successful second Joint Seminar in Addis Ababa during which we used our experiences in the Lubanga case to illustrate the nature of our work and the challenges we face. Plans are underway for my meeting with the African Union Chairperson.

16. Investigations and in-court cases across various situations are steadily moving ahead. The presentation of evidence is closed in the Katanga/Ngujolo case and we await the Chamber decision. The Defense presentation of evidence in the Bemba case is proceeding well. We await the Chamber's decision on Libya's admissibility challenge in respect of Saif Al Islam Gaddafi and we continue our investigations into other crimes in Libya. We are ready for a confirmation of charges hearing in the Gbagbo case and await hearing dates, while also continuing our investigations into other crimes committed in Côte d'Ivoire. Similarly, we await trial dates in the Banda/Jerbo case. We are consolidating our evidence and making final preparations for the start of trials in the two Kenya cases, despite challenges we face including inordinate delays in facilitating our requests for assistance to the Government. I have raised my serious concerns regarding Kenya's cooperation at the highest level during my visit to Kenya and stressed the obligations of the Government of Kenya, as a State Party, to fully and expeditiously cooperate with my Office.

17. Even as we celebrate the successes achieved in the last ten years, we should not be oblivious to the challenges ahead. These are not only in relation to the identification, freezing and seizing of assets, and the availability of efficient national procedures for expeditiously processing requests for cooperation and assistance, but also – and in particular – to arresting individuals sought by the Court. The promise of ending impunity cannot be fulfilled unless the development of strategies and efforts to ensure the arrest and surrender of suspects is made a priority of the political agenda of all States Parties. Victims' dream of the greatest day in international justice: the day when States Parties will discuss and plan strategies for arresting fugitives. The individuals who continue to commit crimes in the Democratic Republic of

Congo, in Central African Republic and in Darfur are already indicted by the Court and should face justice.

18. While I look forward to the substantive debates that this Assembly will be engaged in including on cooperation and complementarity, there is one item for which I hope the discussions this year will be much smoother and easy going – perhaps I should say less cumbersome: the budget. I have been told that I can ask for anything from States except money...

19. The Court, including the Office of the Prosecutor, has presented a very lean budget, mindful of the current difficult financial situation. The Office has so far managed increased workload without additional resources. This has been possible thanks to the efficiencies that have been achieved in the past years and that have been maintained each year. However, as pointed out by CBF's Chairman, "the cuts have now reached the bones", and additional cuts cannot be absorbed without consequences for the operations of the Office. We should be careful not to be blinded by short-term apparent savings that result in long term losses and greater inefficiencies.

20. A key aspect of the design of the Rome Statute that should at all times be upheld and respected is the independence of the judicial process; without its independence to decide on the opening of preliminary examinations and investigations, and to pursue cases, wherever the evidence may lead, and without the Judges' independence to decide cases on their merits and on the basis of the law and facts, the Office – and the Court for that matter – risks losing credibility.

21. The Court's independent judicial process should at all times be supported and should never be subservient to political or economic interests.

Madam President of the Assembly,

Your Excellency President Sall,

Madam Under-Secretary-General,

Distinguished Delegates,

Ladies and Gentlemen,

22. My team and I stand ready to fully engage with the Assembly, not only during the next days, but also throughout my tenure as Prosecutor in the spirit of transparency and engagement. The relation between the Assembly and the Court is at the heart of the Rome Statute system. Only if the judicial pillar and the enforcement pillar communicate and react properly, whilst always respecting each other's mandate, will the international community achieve the goals of ending impunity for the perpetrators of massive crimes and contributing to the prevention of such crimes.

I thank you for your attention and wish you smooth and fruitful deliberations