



**Cour
Pénale
Internationale**

**International
Criminal
Court**

Le Président
The President



Judge Piotr Hofmański

President, International Criminal Court

**Remarks at the opening of the 21st Session of the Assembly of States Parties to
the Rome Statute of the International Criminal Court**

Monday, 5 December 2022

World Forum, The Hague, the Netherlands

Madam President of the Assembly of States Parties,
Mr Prosecutor,
Mr Registrar,
Madam Chair of the Board of Directors,
Dear Vice-Presidents and fellow Judges,
Honourable Ministers,
Esteemed delegates of States and representatives of civil society,
Ladies and Gentlemen:

It is a pleasure to take the floor before you today.

We are at the end of an exceptional year for the International Criminal Court.

The Court's workload reached unprecedented heights, with new trials as well as new investigations.

We celebrated the ICC's 20th anniversary, a mark of significant maturity for our institution.

And we returned to full physical presence at the Court's premises, ending a long and demanding period of adapted working methods during the pandemic.

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The demands and expectations toward the ICC may be higher today than ever before.

And the Court is responding to these expectations with fullest dedication. Our staff is working with incredible commitment across the organs and across all levels of seniority.

The ICC is truly a living court in action.

In The Hague, but also elsewhere. Much of the work that makes the trials possible happens in the situation countries. And, conversely, that is also where the impact of the trials and judgements is most felt.

To fully appreciate the Court's activities as well as impact on the ground, I travelled two weeks ago to Bangui, in the Central African Republic (CAR). This is something I had intended to do since the very first day I assumed to position of ICC President.

I was keen to meet with staff of the ICC working in the Court's Country Office, in challenging circumstances. I wanted to meet with community leaders and hear their perceptions of the ICC. And I wanted to meet victims benefitting from projects of the Trust Fund for Victims.

The visit to Bangui was rewarding and thought-provoking in these and several other respects.

I had the chance to hear the personal stories of many victim-survivors from the 2002-2003 conflict, who are now benefitting from assistance projects of the TFV ongoing in several parts of the country.

I do not have sufficient words to describe the courage and dignity of these survivors – most of them women. The suffering and the adversity they have faced is truly difficult to comprehend.

It was very rewarding to hear how the health services, psychological rehabilitation, and income generating activities that make part of ongoing TFV projects have helped them rebuild their lives.

This is not only thanks to the Trust Fund for Victims and all those who have made generous donations to it.

The transformative effect of the Trust Fund projects is also, in great amount, thanks to the fantastic local partner organisations carrying out the work on the ground. I was truly impressed by their expertise and professionalism, and how much positive impact they are managing to do with limited resources.

These encounters reinforced my already strong conviction that justice must have a restorative element.

And I am proud to work for a court whose founders had the wisdom to make reparations a key part of its concept of justice, moving away from the idea that retribution on its own is sufficient.

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Madam President,

I also met in Bangui with a number of community leaders who work together with ICC Outreach to raise awareness about the ICC in their local communities.

Let me quote what one of them said: “Before this *access to justice* programme, we did not know each other. Today, we are a team, we are a family and we work with the ICC to help disseminate messages in our communities on how international criminal justice works. We do this as volunteers because we want people to understand the importance of justice, which is needed in CAR.”

Needless to say, this was inspirational to hear. At the same time, the long conversation I had with them was also sobering. They told me about a huge lack of information, and they posed many difficult questions such as why is person X prosecuted but not person Y – what about accomplices, what about the “big fish”, why is justice so slow, and so on. I told them honestly that I do not have all the answers. But it was clear that there is a strong need for justice.

And that takes me to another theme which featured strongly during my stay in Bangui – complementarity.

The ICC has invested a great amount of effort into providing justice in CAR. And I was glad to see that this has inspired efforts to deliver justice in the national jurisdiction.

I am encouraged by the increasing activity of the Special Criminal Court in Bangui, which issued its first judgment a couple of months ago. I met with the Court’s principals and several judges, and we had long discussions on how to increase mutual cooperation between the two courts. The SCC is a prime example of complementarity at work, and we must do our best to support it.

In any given situation, the ICC will only ever be able to hear a limited number of cases. To make significant progress toward closing the gap of impunity, national jurisdictions have to step in, sometimes with international support. We must all work together toward the same goals of accountability and justice, with the fullest respect for the rule of law and the fairness of proceedings.

Support for national proceedings does not undermine our court in any way. The role of the ICC, as a permanent beacon of justice, spurring national authorities to action, is indispensable.

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Madam President,

The full cooperation of States is crucial for the conduct of the Court’s mandate, and the discussions I had in the Central African Republic only underlined this.

I was also able to witness the critical role played by the staff in the Court's country offices. These staff – national as well as international – are a vital link between the ICC's headquarters and all those invested in the Court's proceedings in the situation country, whether as victims, witnesses, national authorities, or as members of the affected communities, civil society and the society at large.

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I also wish to take a moment to recognise the vital work carried out by the teams for the defence and the legal representatives of victims, including on the ground in situation countries.

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Madam President,

As I mentioned, the Court is coping with a record high workload, in terms of trials as well as investigations. And there is more in the pipeline. Some of it is predictable, and some of it is unpredictable.

What is certain, however, is that when you inject more fuel to the engine, it creates more output. In the case of the ICC, the Office of the Prosecutor (OTP) is the engine. The increased activity of the OTP is bound to generate more work for the Chambers at some point. It is critically important to build capacity now so that we can cope effectively with the workload that awaits us. We need a sufficient and balanced regular budget for that purpose.

I also stress that we must have the capacity to support simultaneous trials in all three courtrooms of the Court through the entire year 2023. This is an unavoidable cost increase, compared to three simultaneous trials for only three months in 2022. But I stress that anything else would lead to slowing down the trials, generating costly delays and undermining the right to a fair and expeditious trial. And it could lead to more delays down the line for other cases.

For all these reasons, I call for your support for a sufficient budget for the Court.

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Madam President,

Continuous improvement is another key part of being prepared for the future. Through the past year, we have worked closely with the Review Mechanism to finalise the assessment of recommendations while at the same time implementing many of them.

One of the most tangible areas where we have made positive changes as result of the IER is workplace culture. The recruitment of the Ombudsperson and of a permanent Focal Point for Gender Equality is in the final stages. We have updated all key policies on anti-harassment, bullying, and disciplinary procedures. The Judges have amended their Code of Conduct to clarify that these policies apply to them as well. They have also decided to establish an informal complaints mechanism for the Judiciary, to address alleged abuse of authority.

In the Judiciary, the Independent Oversight Mechanism conducted a detailed evaluation of the staff working conditions, following my request. This has given us numerous important pointers for improvement, and we are taking measures in response.

These are just a few examples of the numerous positive changes that are happening at the Court. We are going in a good direction, and we will to continue to do so.

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Madam President,

I cannot finish without mentioning the universality of the Rome Statute. This is one of my highest priorities. It is challenging and often unrewarding work, as there are no real “low-hanging fruit” left. I have truly tried to use every opportunity I had, or which I could create, to urge more States to join the ICC. And I remain an optimist that sooner or later, some of our joint efforts will bear fruit, and we will see the number of States Parties grow. Hopefully already next year. Many non-party States are present in this room today – I call upon you all to take steps toward joining the Rome Statute without delay.

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Madam President,

Excellencies,

Ladies and gentlemen:

I could easily speak for another hour, but I believe my time is up. However, I look forward to further engaging with you on topical issues at the many meetings and side events during this week.

Thank you for your attention, and thank you for your support for the Court. I wish everyone a productive session.

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