



**Cour
Pénale
Internationale**

**International
Criminal
Court**



**Judge Silvia Fernández de Gurmendi
President of the International Criminal Court**

Presentation of the Court's annual report to the Assembly of States Parties

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Mr President,
Honourable Ministers,
Mr High Commissioner for Human Rights,
Your excellencies,
Distinguished delegates,
Madame Prosecutor, Mr Registrar,
Mr Chair of the Board of the Trust Fund for Victims,
Ladies and Gentlemen,

It is an honour to be here today to present the annual report of the International Criminal Court to the Assembly of States Parties.

Quisiera aprovechar esta oportunidad para presentar mis respetuosos saludos a las delegaciones de habla hispana antes de continuar con la presentación de mi informe en los dos idiomas de trabajo de la Corte, el francés y el inglés. [I would like to present my respectful greetings to the Spanish-speaking delegations, before continuing my presentation in the two working languages of the Court, French and English.]

At a time when some States Parties have announced their decision to withdraw from the Rome Statute, this session of the Assembly could not be more timely. I am confident that it will provide an excellent opportunity to recall the role of the Court and the main principles it was intended to protect, and to engage in a constructive dialogue.

I would like to take this opportunity to reiterate the Court's commitment to listen to concerns, facilitate dialogue by providing information and technical support as may be required, and to participate itself in this dialogue within the confines of its mandate as an impartial and independent judicial institution.

Since the last session of this Assembly, the Court has indeed continued to listen and act upon constructive criticism or suggestions.

The Judiciary, the Registry and the Prosecutor have continued in a path of reforms to improve the Court's performance and the quality of justice it delivers. In addition, the Court has continued to take initiatives to foster cooperation with its activities and maximize their impact. In this regard we have sought to intensify communication with States and civil society and, last but not least, within the

confines of existing resources, we have increased efforts to reach out to victims and affected communities.

These efforts to get closer to victims and their communities need to be highlighted as we should always keep in mind that the Court was not created to target particular individuals or in the detriment of certain countries or regions. It was created as a last resort mechanism to protect victims across countries of all continents when states fail their duty to bring perpetrators of atrocities to justice.

Mr President,

As said, the Court has taken a number of initiatives to improve the pace and quality of justice it delivers. Some of these initiatives have already produced concrete results during the last year.

Let me recall that this has been a very busy year for the ICC, with unprecedented activity.

Three judgements have been issued, two trials were held in their entirety, two trials are ongoing and another one is set to start soon. Following convictions, reparations proceedings are underway in four cases.

The Court has broken new ground with trials on charges of destruction of cultural property and offences against the administration of justice. We have developed jurisprudence on command responsibility. We have seen the first admission of guilt before the Court, enabling the fastest trial yet at the ICC, held in just three days. For the first time, persons convicted by the Court were sent to a State of enforcement. A new investigation was opened.

These important results are a clear demonstration of the Court's commitment to fulfil its mandate in an efficient and effective manner.

Efforts to improve our work continue. Three weeks ago we held the second judges' retreat to enhance judicial proceedings, tackling this time trial issues as well as questions of legal representation of victims.

The Court has also made progress in developing qualitative and quantitative performance indicators, as requested by the Assembly in 2014. A Second Report has

now been submitted to you. I look forward to discussing this topic in more detail during the plenary session on Tuesday afternoon.

I am also glad to report on an external initiative that may also contribute to the Court's work, the establishment of the ICC Bar Association. This Association was created by counsel for defence and victims with the aim of reinforcing their independence, strengthening the equality of arms and enhancing the quality of justice at the Court. I support these goals and welcome the creation of the Bar Association.

Mr President,

The Court has also listened to the recommendations from States Parties at the last Assembly and deployed all efforts to improve the preparation of the budget. The budget process was steered by the three Principals through the Coordination Council, which was used as the main discussion and decision making platform. The Court's Budget Working Group led by the Registrar devised a new way of presenting the Court's annual budget as a cohesive document following general direction from the Committee on Budget and Finance and based on common priorities identified by the Court's principals for 2017.

Mr President,

The Court has also listened to comments and suggestions on its external communications by States and civil society and has multiplied initiatives to enable dialogue, build confidence and strengthen cooperation.

Among these initiatives, the Court has continued the practice of organising seminars for dialogue with States, regional organisations, legal professionals and civil society with the help of voluntary contributions, for which we are grateful.

These included a sub-regional seminar for counsel and the legal profession held in February in Arusha, Tanzania, which allowed the Court to reach out to defence counsel, counsel for victims, as well as national judges and prosecutors.

In The Hague, the Court convened the fourth seminar for ICC focal points from situation countries, creating an excellent opportunity for in-depth discussions on cooperation challenges, as well as exchange of experiences and best practices.

And next month, the Court is organising a retreat in Addis Ababa for in-depth discussions with African States Parties as well as representatives of the AU Commission.

We hope to be able to hold several events next year to pursue the objectives of enhanced dialogue and cooperation, as well as supporting national jurisdictions where appropriate.

Mr President,

As I said, the Court has also intensified efforts to reach out to victims and affected communities.

The Court currently has a field presence in six situation countries. One of the goals of the reorganisation of the Registry is to strengthen the ability of the Court to engage with local communities through better equipped Field Offices.

Work conducted in connection with the *Ongwen* case this year provides a good example of the new approach that aims at making more effective use of the Court's field presence.

The Court set up viewing sites in nine locations in northern Uganda for the confirmation of charges hearing in January 2016. This enabled approximately ten thousand individuals to follow the proceedings, fostering a sense of ownership in the judicial process. Thirty-one information sessions were organised prior to the implementation of the victims' application process, reaching over fourteen thousand members of affected communities.

This engagement assisted in managing expectations and allowing victims to make informed decisions on whether or not to participate in the proceedings. As a result, the collection of victims' applications was implemented with relative ease, with more than two thousand individuals applying to participate in the trial phase, which is set to start on 6 December.

Mr President,

The improved organisation and coordination of field resources will also contribute to a more unified approach vis-à-vis external actors, including national authorities

and United Nations peacekeeping missions, whose support is indispensable for the conduct of efficient operations on the ground.

In this context, I would like to emphasize the importance of strengthening relations between the ICC and international and regional organisations in order to facilitate a permanent and fluid dialogue between them.

The Court cherishes its Relationship Agreement with the United Nations, the important support it obtains from the Organisation, starting with the Secretary General, as well as the multiple forms of practical cooperation and logistical assistance it receives from it on a reimbursable basis.

This Relationship Agreement is supplemented by specific additional agreements, including with UN peacekeeping missions deployed in certain situation countries. Earlier this year, the Court was pleased to conclude a Memorandum of Understanding with the peacekeeping mission in the Central African Republic.

The Court's cooperation with the UN is facilitated by a liaison office in New York that serves as an effective, permanent channel of dialogue with the world organisation.

Over the years, the Court has concluded cooperation agreements with several regional organisations, including most recently with the Inter-American Court of Human Rights.

The Court likewise continues to be keen to deepen its relationship with the African Union.

As you are aware, in 2009 this Assembly decided to establish a Liaison Office for the Court at the Headquarters of the African Union and the Court indeed conducted negotiations to that effect. Unfortunately, these efforts were not fruitful and at its Fifteenth Ordinary Session in July 2010, the African Union decided to reject for the time being the opening of the ICC Liaison Office.

I hope that the African Union will revisit this decision and allow for the finalization of this process. I have no doubt that a closer relationship facilitated by an ICC Liaison Office would make an important contribution to maintain a constructive dialogue and to strengthen international, regional as well as national efforts against impunity. It would also build on the four joint seminars held by the Court and the African Union since 2011 at the AU Headquarters.

Mr President,

The Court has had a good and productive year. The Court has continued to do the work for which it was created and has made significant achievements in addressing crimes of concern to the international community as a whole such as the use of child soldiers, sexual violence in conflict, attacks on civilians and the destruction of cultural property.

The work of the Court continues. As I said to the General Assembly of the UN two weeks ago, in order to bring perpetrators of crimes to justice and protect victims across the world equally, it is essential that support for the Court remains strong and States' participation in the Rome Statute is maintained and enlarged. The universality of the system is and should remain a top priority.

International criminal justice is a long-term project, and we are in it together. We must continue to listen and understand each other and seek ways to join our efforts for more progress.

I thank you for your attention. I look forward to listening to you in the coming days. Let's continue our dialogue.

Thank you.

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