



**Statement by Philippe Kirsch,
President of the International Criminal Court**

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

The Hague, 28 November 2005

Original: English / French

Monsieur le Président,

C'est un plaisir pour moi de m'adresser à vous à l'occasion de la quatrième session de l'Assemblée des États parties, la seconde session tenue ici, au siège de la Cour pénale internationale à La Haye.

Je commencerai par exprimer la profonde reconnaissance de la Cour au Président sortant de l'Assemblée des États parties, le Prince Zeid Ra'ad Zeid Al-Husseini, pour son dévouement et la façon exemplaire dont il a conduit les travaux de l'Assemblée dans les trois dernières années. Je souhaite ensuite vous assurer, Monsieur le Président, à la fois de la complète confiance que la Cour a en vous et de sa volonté de coopération pleine et entière avec vous et avec le Bureau dans son ensemble. Je profite de l'occasion pour féliciter les deux nouveaux Vice-Présidents, l'Ambassadeur Hlengiwe Mkhize de l'Afrique du Sud, ainsi que l'Ambassadeur Erwin Kubesch de l'Autriche, et les autres membres du Bureau de leur élection.

Enfin, je voudrais souhaiter la bienvenue à l'Assemblée aux nouveaux États parties au Statut de la Cour : le Burundi, la Guyane, le Kenya, le Libéria, le Mexique, et la République Dominicaine.

Monsieur le Président,

Lors de la dernière session de l'Assemblée des États parties, j'ai indiqué que la Cour avait réalisé une importante transition entre la phase de mise en place et le commencement de ses fonctions judiciaires. Aujourd'hui, la CPI fonctionne pleinement en tant qu'institution judiciaire. Le Bureau du Procureur dirige des enquêtes dans des environnements difficiles. Les Chambres mènent leurs procédures en s'appuyant sur des structures internes et une réglementation qui sont maintenant bien en place.

Trois États parties ont renvoyé à la Cour des situations constatées sur leurs propres territoires : la République démocratique du Congo, l'Ouganda et, depuis la dernière session de l'Assemblée des États parties, la République centrafricaine. En outre, le Conseil de sécurité a renvoyé la

situation au Darfour, au Soudan. Le Bureau du Procureur mène des enquêtes dans trois situations – en Ouganda, en République démocratique du Congo et au Darfour, au Soudan. Le Procureur vous fournira ultérieurement de plus amples informations sur ces enquêtes. Par ailleurs, un État non partie, la Côte d'Ivoire, a déposé auprès du Greffier une déclaration portant acceptation de la juridiction de la Cour. Le Bureau du Procureur a indiqué qu'il réalise des analyses détaillées concernant huit autres situations, dont la République centrafricaine et la Côte d'Ivoire.

Des procédures sont en cours en phase préliminaire. Les décisions et autres développements judiciaires de nature non confidentielle sont disponibles sur le site Internet de la Cour. Je vous invite à consulter ces décisions ainsi que le programme des audiences.

Le 8 juillet dernier, la Cour a délivré les premiers mandats d'arrêt pour la situation en Ouganda, à l'encontre de cinq membres de l'Armée de résistance du Seigneur. Les allégations de crimes contre l'humanité et de crimes de guerre contenues dans les mandats incluent des actes d'esclavage sexuel, de viol, d'attaques intentionnelles de populations civiles et d'enrôlement de force d'enfants soldats. Les mandats d'arrêt ont été rendus publics le 13 octobre par la Chambre préliminaire II, après que la Chambre ait estimé que les mesures de sécurité prises par la Cour pour assurer la protection des victimes et des témoins étaient satisfaisantes. Sous réserve de la coopération nécessaire des États pour l'arrestation et la remise d'individus à la Cour, les premiers procès pourraient débiter prochainement.

Mr. President,

To support the extension of the Court's operations into the field, the Registry and the Office of the Prosecutor have established joint field offices in Kinshasa, Democratic Republic of the Congo and Kampala, Uganda. These field offices facilitate the work of investigators as well as the Court's activities in relation to defence, witnesses, victims and outreach. The Court is currently evaluating its field requirements in connection with the investigation in Darfur.

As you will hear from the Prosecutor, and later today from the Registrar in his description of the proposed budget, conducting complex investigations and carrying out the Court's other statutory activities in the field involve a number of challenges. The Court's investigations, for example, are occurring in situations of ongoing conflict. The security of Court staff, victims, witnesses, and others who could be affected by the Court's activities is a priority. The Court must find ways of establishing reliable and secure logistics, transportation and communications in the three different situations. Each situation also presents its own specific needs, including, for example, local language capacity requirements. These circumstances also present practical challenges for Court-related field activities in addition to investigations, such as protecting the rights of defence; conducting outreach to explain the Court to affected populations; and carrying out of the Court's specific mandate in relation to victims and witnesses.

The Court relies on the cooperation of States and other actors to carry out many essential functions. The Court must find partners willing and able to cooperate, with sufficient reliable means to support the Court. The Court has negotiated and is negotiating agreements with States and international organisations on both general cooperation and specific issues. For example, the Court has concluded several agreements with States on relocation of witnesses. At the end of October, Austria became the first State Party to sign an agreement with the ICC on the enforcement of sentences. I hope that other States will soon conclude such agreements with the Court.

As you know, in October 2004, the Court concluded the Relationship Agreement with the United Nations, following approval by the Assembly of States Parties and the United Nations General Assembly. As a result of that Agreement, the Court presented its first report to the General Assembly. I had the honour earlier this month to provide an update to the General Assembly on recent developments of the Court and the cooperative relationship that exists between the two institutions. Also this month, the Court concluded a cooperation agreement with the United Nations Mission in the Democratic Republic of the Congo (MONUC). The ICC is negotiating agreements for cooperation with other organisations, namely, the African Union and European Union.

Before turning to issues before this session of the Assembly of States Parties, I would like to provide you with a brief update of other institutional developments since the last session. The Regulations of the Court, adopted by the Judges in May 2004, were accepted by States Parties. As called for in these Regulations, the Judges adopted a Code of Judicial Ethics. The Registrar, with the agreement of the Prosecutor and Presidency, has provided staff rules which have been promulgated and reported to the Assembly. The Court has also formulated draft guidelines for the employment of gratis personnel and submitted the draft guidelines to the Assembly.

With the extension of its activities into the field and beginning of the first judicial proceedings, and under the guidance of the Coordination Council, the different organs intensified coordination at all levels, while respecting their Statutory and necessary independence. In order to ensure effective, integrated development of the Court, the Coordination Council instituted a strategic planning process. A Strategic Planning Project Group is defining strategic goals for the Court and a strategy for achieving these goals. In this context, the Court is developing a "Court Capacity Model" that will assist the coordinated planning of resource needs. The strategic planning process has already contributed to the structural cohesion of the proposed programme budget for 2006 and to the identification and development of common policies on issues such as the establishment of field offices. The Strategic Plan is a priority for the Court's leadership and the aim is to have it completed by Spring.

As part of the development of the Strategic Plan, the Court formulated a comprehensive, integrated strategy for its external relations, public information, and outreach activities which was adopted by the Coordination Council in July. The Court established a Standing Group on external communications to implement and refine the strategy and to coordinate activities.

Ensuring regular dialogue with States Parties is a priority for the Court. We are endeavouring to provide you with coordinated and relevant information on a regular basis. Jointly represented by the three organs and the Secretariat of the Assembly, the Court has held three diplomatic briefings this year. Detailed information regarding the Court's activities has been distributed in advance of the last two briefings and posted on the Court's website. States Parties will have a complete information update on Court developments every three months. In

addition to these briefings, senior-level Court representatives have met as often as possible with representatives of States and groups of States, both at the seat of the Court and elsewhere. It is clear for us that a sustained dialogue between the Court and States is necessary for a proper understanding of the activities and objectives of the Court, and of its resource requirements and other support needs.

Mr. President,

I will now turn to some of the issues at hand in this session of the Assembly of States Parties.

I would like to begin by stating that the Court is pleased with how communication between the Court and the Committee on Budget and Finance has developed over the past year. The Court has examined the recommendations of the Committee on Budget and Finance and has taken a number of steps to take into account those recommendations. An issue which the Court intends to raise and which requires further discussion, however, is the need for the Court to retain the required flexibility to redeploy resources, especially during this crucial stage of its development.

The Court welcomes the Committee on Budget and Finance's conclusion that the establishment of a liaison office in New York would assist in responding to genuine needs of the Court. As I indicated last year, the Court believes that a liaison office in New York is needed for practical reasons. Our experience in the past year has confirmed this need. It is a matter of the efficiency and effectiveness of the Court's operations specific to its relationship with the United Nations. The Court needs reporting and analysis on issues of concern. It must follow closely UN internal processing of requests for cooperation. It must identify and assess problems as they arise, and not too late. The Court needs to better target its requests and be in a position to follow up on any related tasks.

The Court has formulated its requirements for permanent premises through three reports to the Committee on Budget and Finance. While it does not expect States Parties to take a decision at

this session, it is the Court's view that States Parties are now in a position to compile the information they may require to reach a final decision.

A more immediate concern for the Court is the question of interim premises. Until recently, the Court was of the understanding that a satisfactory solution had been identified to address the question of accommodating planned increases in the number of employees, through occupation of the B Wing of the Arc building where the Court is currently located. This solution is now under review. It is important that any alternative solution proposed satisfy some basic requirements in order to safeguard proper coordination within the Court and quality of the Court's work. There will also be financial implications which have not yet been considered should the Court have to move part of its headquarter operations into a new building, including those which will arise from the need for the building to be fitted in order to meet security and other requirements. These implications need to be addressed now.

We continue our discussions with the host State on the headquarters agreement. The Court is negotiating on the basis of the basic principles as adopted by States. It has not yet been possible to reach agreement on all issues with the Host State on this basis. In particular, we have not yet found a solution for the most-favoured organisation clause that satisfies the intent of the basic principles. For the time being, we continue to apply principles adapted from the ICTY agreement on an interim basis.

The Court is very pleased with the increasing interest displayed by the diplomatic community here in The Hague in actively contributing to the Court's development and in supporting its activities. In the spirit of what I said earlier regarding the need for a sustained dialogue with States, we would be happy to explore any avenue which might enhance dialogue with missions in The Hague. We are also grateful to the diplomatic missions in New York for the assistance they have provided in light of the relationship between the Court and the United Nations.

The Court understands that it has its own responsibility in the effective implementation of its mandate. We will do everything possible to ensure an efficient and responsible administration of Court activities as well as effective and transparent administration of justice. The Court's

experience over the past year has also underscored that its success will be increasingly affected by the level of cooperation received from external actors. With the issuance of the Court's first warrants of arrest, such cooperation is of critical and increasing importance.

Thank you and we look forward to a productive week.