



**Cour
Pénale
Internationale**

**International
Criminal
Court**

Le Président
The President



Judge Piotr Hofmański

President of the International Criminal Court

Presentation of the Court's Annual Report to the United Nations

CHECK AGAINST DELIVERY

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Mr President of the General Assembly,
Esteemed delegates,
Ladies and gentlemen:

It is a honour to stand before this Assembly for the third and final time as President of the International Criminal Court.

This year marks 25 years from the adoption of the Rome Statute, the ICC's founding treaty. I wish to pay tribute to the role of this Assembly in making that landmark achievement possible. It was in this hall that the process began.

The Rome Statute marked a turning point in the history of international law. It opened a new chapter in the enforcement of crucial principles aimed at the protection of the most fundamental human values and human rights.

A new pillar was added to the permanent architecture of international justice.

The ICC is an integral part of the multilateral system. While it is not part of the United Nations, our two organisations cooperate closely on the basis of the UN-ICC Relationship Agreement.

I would like to take this opportunity to thank the United Nations for the invaluable assistance the Court continued to receive in the past year, on a reimbursable basis.

I am particularly grateful to the Under-Secretary-General for Legal Affairs, Mr Miguel de Serpa Soares, for his and his team's key role in enabling that cooperation on a daily basis.

I am also grateful for the thoughtful remarks he gave last January at the ICC's Opening of the Judicial Year, as the keynote speaker of the ceremony.

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Mr President,
Esteemed delegates,

The ICC has come a long way in the last two decades.

From a Court dealing with just a few investigations and very limited courtroom activity, the ICC has grown into an extremely busy institution active on four continents, with parallel proceedings in several courtrooms, week to week, month to month.

The Court has turned the abstract concepts of the Rome Statute into a tangible reality, such as the reparation of victims, which is now a major part of the Court's activity, in partnership with the Trust Fund for Victims.

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Regrettably, as the ICC's work has expanded and developed, so have the challenges we face.

Recently, the Court has been subjected to deeply unacceptable threats and attacks.

Notably, the authorities of the Russian Federation have initiated criminal proceedings against six ICC Judges and the ICC Prosecutor, placing these individuals, including myself, on a wanted list. All of this, because we are fulfilling our mandate, whether performing judicial or administrative functions.

This is an unprecedented attack on the judicial independence at the international level. I am very appreciative of the strong support we have received from our States Parties and others in the face of these troubling measures.

Quite clearly, the criminal proceedings against the ICC officials were initiated in reaction to the two arrest warrants issued by the Court in the situation in Ukraine, this past March. Comments were made bringing the legality of the ICC's actions into question.

Let me state something very clearly: the ICC is acting squarely within the boundaries of its mandate.

Ukraine has made a declaration under article 12 of the Rome Statute, accepting the ICC's jurisdiction. Therefore, in accordance with the Statute, the ICC has jurisdiction over alleged crimes committed in Ukraine regardless of who the alleged perpetrators are, and what their nationality is. The consent of the state of nationality is not required.

Furthermore, article 27 of the Rome Statute makes it clear that there is no immunity from prosecution before the ICC based on official capacity. This has been confirmed in clear terms by the Appeals Chamber in the past.

The Judges and the Prosecutor of the ICC are simply carrying out their mandate as elected officials of an international court with 123 States Parties. I find it unacceptable that my colleagues and I should be subjected to intimidation for that reason.

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Mr President,
Esteemed delegates,

I am also gravely concerned by a recent cyber-attack against the Court's information systems. While we are not able to determine at this point who was behind it, the evidence available so far points to a targeted and highly sophisticated attack with the objective of espionage. As such, this attack is a serious attempt to undermine the Court's mandate.

I would like to express the Court's gratitude to our Host State, the Netherlands, for the excellent support it has provided for the immediate and forceful steps we have taken to respond to the cyber-attack. We are undertaking a variety of steps to upgrade and enhance our digital systems to make them more resilient.

The assistance of our Host State was critical also for preventing, last year, an almost successful attempt to infiltrate a hostile intelligence officer into the Court.

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Mr President,
Esteemed delegates,

I want to be clear that these challenges will not stop us from carrying out our mandate, independently and impartially. Our work for justice continues with the fullest dedication every day.

And so it must, because, sadly, the threat of armed conflict and atrocity crimes is not diminishing in the world.

Indeed, this is a painful time for our joint humanity. My heart cries at the reports of wars, attacks against civilians, and the suffering of our fellow human beings around the world.

Humanity must be able to do better! Do we really have to resort to killing, torture, rape and persecution? We do not.

Nations and peoples *have* the capacity to coexist peacefully. We *have* the capacity to recognise universally applicable norms of prohibited conduct. This is why we have the Genocide Convention. This is why we have the Geneva Conventions and their Additional Protocols.

And, Mr President, this is why we have the International Criminal Court. To help ensure the effective implementation and enforcement of those critical norms of international law. Critical, because they go directly to protecting the peace, security, and wellbeing of humankind.

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Mr President,
Esteemed delegates,

The past 12 months have been a very busy time for the ICC. There are a total of 16 active situations before the Court at the moment. As you have the written report¹ before you, I will highlight only selected key developments.

¹ A/78/322

The Appeals Chamber upheld the conviction and the 25-year sentence in the case of Mr Dominic Ongwen, a Brigade Commander in the Lord's Resistance Army, for crimes committed in Northern Uganda between 2002 and 2005.

The crimes Mr Ongwen was convicted for include the use of child soldiers; attacks against the civilian population; murder; torture; and sexual and gender based crimes such as rape, sexual slavery, forced marriage and forced pregnancy.

In the situation in Ukraine, Pre-Trial Chamber II issued two arrest warrants in relation to the alleged unlawful deportation of population and the unlawful transfer of children from occupied areas of Ukraine to the Russian Federation.

There has also been a great deal of other activity happening in the Court's two Pre-Trial Chambers in the past year, but a lot of it is confidential, and therefore cannot be publicly discussed.

There are now a total of 16 persons who are subject to publicly announced arrest warrants of the ICC, relating to 8 different situations.

I urge all States to assist the Court by cooperating on the arrest and transfer of individuals subject to outstanding ICC arrest warrants.

Meanwhile, the Court is planning to enhance its capacity to work on the tracking of suspects.

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Mr President,
Esteemed delegates,

Three trials at the ICC are currently in the presentation of evidence stage. Two of these concern events in the Central African Republic in 2013 and 2014, and one trial relates to the alleged crimes committed in Darfur, Sudan, in 2003 and 2004.

A fourth trial, on alleged crimes committed in Timbuktu, Mali, was brought to conclusion and the Chamber is deliberating on its judgment.

In the case of Maxime Mekom, in the situation in the Central African Republic, the Office of the Prosecutor withdrew the charges earlier this month, before the confirmation of charges was concluded. The Prosecutor informed the Chamber that, having considered the totality of the evidence, and in light of changed circumstances regarding the availability of witnesses, there was in his view no reasonable prospect for a conviction at trial.

In the situations in Afghanistan, Philippines and Venezuela, the Office of the Prosecutor resumed its investigations following judicial rulings on admissibility.

In the situations in Georgia and the Central African Republic, the Office of the Prosecutor announced the end of the investigative phase, meaning that, beyond the cases pending before the Court, the Prosecutor does not intend to pursue any new lines of inquiry into the alleged criminal responsibility of other persons or for other conduct.

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Mr President,
Esteemed delegates,

As I alluded to earlier, reparations to victims feature prominently in the Court's work.

In this respect, I am delighted to announce the achievement of a major milestone. For the first time, we have completed the implementation of court-ordered reparations in a case before the ICC, when the process in the *Katanga* case was brought to conclusion earlier this month.

This case concerned crimes committed during an attack on the village of Bogoro, in the Ituri district of the Democratic Republic of the Congo, 2003. Several hundred victims have been beneficiaries of the reparations delivered through the ICC's Trust Fund for Victims, including symbolic monetary payments, support for housing and income-generating activities, education assistance, and psychological support.

Apart from the *Katanga* case, victims in three other cases continued participating in reparation programmes during the past year.

Furthermore, the Trust Fund for Victims is implementing other programmes for the benefit of victims in respect of the situations in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Kenya, Mali and Uganda, directly benefiting close to 17,000 individuals.

To fully appreciate the impact of the Court's and the Trust Fund's activities on the ground, I travelled last November to Bangui, in the Central African Republic.

The visit was rewarding and thought-provoking. I met with community leaders and heard their perceptions of the ICC.

And 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 Trust Fund for Victims 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 rewarding to hear how the health services, psychological rehabilitation, and income generating activities that make part of ongoing Trust Fund for Victims 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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Mr President,
Esteemed delegates,

As you know, the ICC is a complementary court, which steps in only if there is no other feasible avenue for justice.

In the first place, alleged crimes should be addressed by competent national authorities, rather than the ICC. In fact, the whole point of the Rome Statute is to activate and empower national jurisdictions.

On that note, the ICC Prosecutor closed the preliminary examination in Guinea last year, after a domestic trial related to the events of 28 September 2009 was opened. The Prosecutor signed with the Guinean authorities a Memorandum of Understanding furthering the principle of complementarity and strengthening future cooperation.

The Prosecutor's Office has also continued cooperating with the authorities in Colombia to facilitate technical assistance relevant for domestic proceedings, such as the investigation and prosecution of sexual and gender-based crimes.

The ICC is not trying to create more work for itself; on the contrary. We are always keen to see national institutions strengthened, in the spirit of Sustainable Development Goal 16. Where requested, we are happy to share our expertise with international, regional and national actors to enhance the delivery of justice worldwide.

Accountability for the gravest crimes is a shared goal for all of us. For that reason, we devoted the latest Judicial Seminar of the ICC to the topic of complementarity, to discuss how we can create more synergies and enhance collaboration across jurisdictions.

The ICC is not an island. It is just one part of a global, interconnected system of justice and the rule of law. As a complementary court, its role is to close the gaps of impunity, where they remain.

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Unfortunately, however, we cannot do so in all parts of the world.

As you know, in the absence of a referral by the UN Security Council, the ICC's jurisdiction is limited to crimes committed in the territory or by a national of the States Parties to the Rome Statute, or a State that has accepted the Court's jurisdiction.

As such, the ICC is not able to provide the same protection to people everywhere.

To address this imbalance, I encourage, once again, all States gathered in this hall to join the Rome Statute, if they are not yet parties to it.

The ICC's cause is a *cause of all humanity*, in the words of the late Kofi Annan.

Why should you join the Rome Statute system? The reasons are many.

Above all, it is better to be on the inside than on the outside.

Join, and you will be part of the decisions on the ICC's funding, the election of the highest officials, and amendments to its legal framework.

Join, and you gain additional legal protection for your country and your people against the most serious mass atrocities.

Join, and you demonstrate your solidarity with victims everywhere.

Finally: join the Rome Statute, and you show that you stand for peace, justice and the protection of fundamental human rights.

More than ever, we need the world to unite under these values.

Thank you for your attention.

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