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Prosecutor of the International Criminal Court

19th Diplomatic Briefing

Statement

The Hague
3 November 2010

English version

Check upon Delivery

Excellencies,

Ladies and Gentlemen,

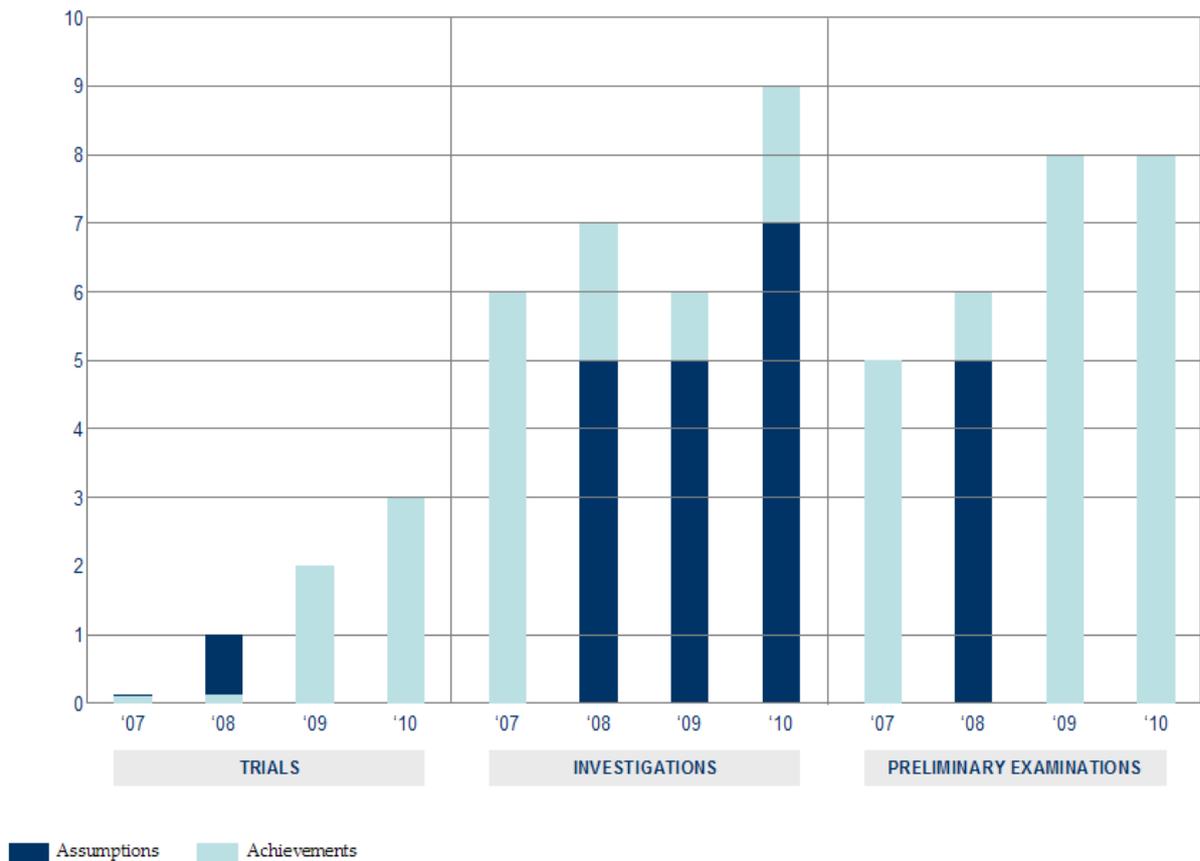
As the President said, it has been a truly **eventful half year** since we last met. I will take advantage of his detailed report on our judicial activities to focus on a specific issue: the evaluation of the efficiency, effectiveness and the economy of the Office of the Prosecutor.

The Assembly of States Parties (ASP) is analyzing the possible overlapping of its subsidiary bodies in fulfilling its management oversight role, and the Hague Working Group is active on this matter. Last September, it held a special meeting where the President of the Court explained the final Court's decision on internal governance, as well as the preparation of a new report on Court-ASP relations, hoping that this report would serve as a good starting point for discussions. The President also expressed his personal commitment to lead this process and to make it a success. The Office welcomes this important discussion; it is a critical part of the development of this innovative institution. Personally, this is one of the priorities for my last 19 months as the Prosecutor. I commit to providing the relevant information allowing States Parties to make their decisions. To paraphrase the President, States may not agree with all points of our approach, but clarity on the Office of the Prosecutor's views can help move the discussion forward.

Since September 2003, the public policy of the Office of the Prosecutor is to ensure cost efficiency. Each year, the Office presents a budget with the activities that it will perform. After the ASP approves the budget, the performance of the activities programmed should be the primary indicator of the efficiency, effectiveness and economy of the Office.

I prepared a chart to show you the different assumptions during the last four years.

Comparison of OTP Achievements and Assumptions, 2007-2010



The only unfulfilled assumption is the 2008 trial and is connected with the first decision to stay the proceedings in the Lubanga case. This was an important long term investment that built the legitimacy of the Court. This is a Court of justice, where the law and the rights of the parties are taken seriously. That is why non-States Parties such as Russia, Rwanda, China and the USA, and regional organizations such as the Arab League work closely with us. That is why leaders involved in atrocities are fiercely attacking us.

Since then, you will note that the Office's activities have constantly been in accordance with, or even exceeded, the activities budgeted for.

During 2010, we started two unforeseen investigations in Kenya and we are not using the contingency fund.

We are increasing efficiency, doing more with the same amount of money. You can also see that for 2011, the OTP has requested a reduction of 0.2%. States will define our budget, and we will independently implement it in the best possible way, with the necessary oversight.

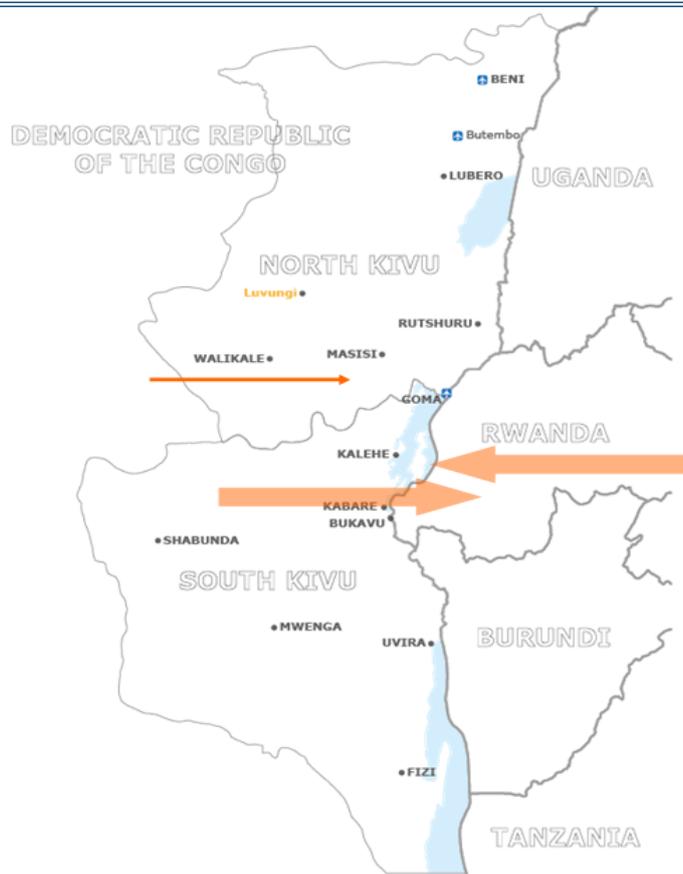
Let me present a different dimension of the efficiency, effectiveness and economy.

President Song has explained in the past that the Court itself is just one part of the justice system. The other parts, such as States, international organizations and civil society are needed to make the system effective.

As in any court, the Judges make the final decisions on the criminal responsibility of the accused. But as in no other Court, the Judges decisions will have an impact on the citizens and the institutions of 114 States and beyond. We need to include these two dimensions in our conversations about effectiveness and efficiency.

A good example is the investigations into the FDLR (*Forces démocratiques de libération du Rwanda*).

Chronology of FDLR presence in the Kivus



1994

Rwandan *genocidaires* go into exile in the Kivus region of the Democratic Republic of the Congo

1996-2003

First and Second Congo Wars. Massive atrocities committed, including rapes.

2009-10

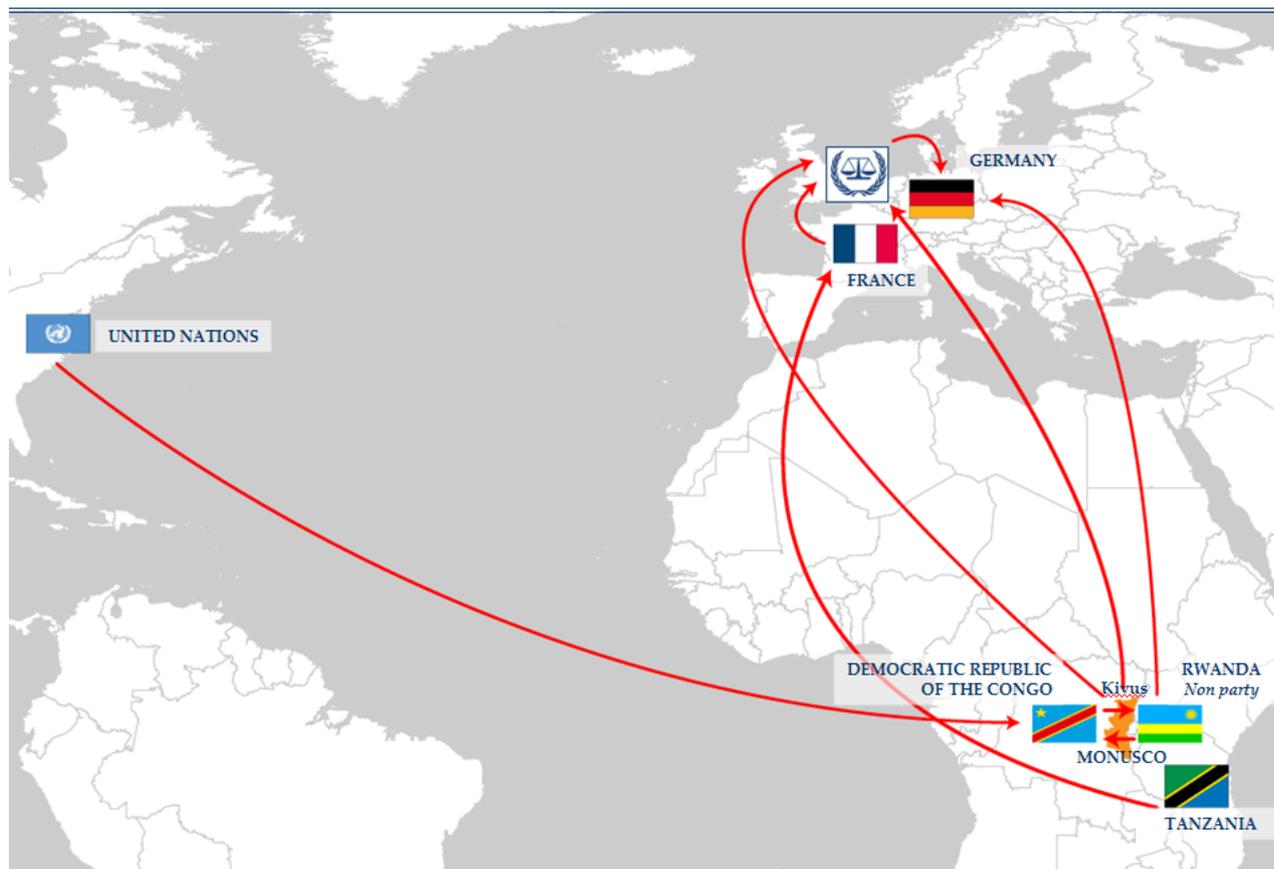
FDLR created a humanitarian catastrophe.

Massive rapes committed by the FDLR in Luvungi, North Kivu.

Ban KI-MOON outraged by the attack.

MBARUSHIMANA, FDLR Executive Secretary, denies FDLR involvement

They were carried out in cooperation with different States Parties, such as the Democratic Republic of the Congo (DRC) and France, as well as non-States Parties, such as Rwanda, and proactive activities of Germany, which is conducting national proceedings against the President and Vice-President of the FDLR. This is the first case in which the Office provided information to national authorities to carry out proceedings, thus implementing our policy of positive complementarity.



The results of our investigations in the Kenya situation will be presented to the Judges in December. We are preparing two cases against six individuals. These cases could have a critical role to play in preventing violence in the next election in Kenya and in another fifteen countries of the region. Just last Friday, in anticipation of the presidential elections on 7 November, Guinean Minister of Justice Col. Siba Loholamou stated that any violence will be punished, including in accordance with the Rome Statute.

These few examples illustrate that the Rome Statute established a complex system of justice, where different organs, States and institutions have a singular role to perform in coordination with each other.

Respecting the mandate and independence of the Office of the Prosecutor is the best way to ensure the efficiency, effectiveness and the economy of the innovative system of justice created in Rome and celebrated in Kampala.

I will now pass the floor to Mme Registrar.