

Annex

Statement by the President of the Assembly about the Prosecutor at the ninth meeting of the Assembly, on 21 December 2011

Allow me now to say a few words about the first Prosecutor of the International Criminal Court, Luis Moreno-Ocampo, for whom this will have been his last session of the Assembly as he prepares to leave office next spring. When he was elected by States Parties to the Rome Statute in 2003, the Court was a very different institution. There was no building, only the barest skeleton staff. The Rome Statute was still a novel instrument, enjoying the support of only half the States Parties of today and facing active opposition from several major actors in international relations.

During his term of office to date, Prosecutor Ocampo significantly contributed to the establishment of the Court as the primary tool of the international community to investigate and prosecute the worst crimes under international law. Now, eight and a half years after he has taken office, his Office has become seized of cases in every way foreseen in the Rome Statute, including through the referral of States Parties, through a *proprio motu* and through a referral by the United Nations Security Council. It is especially noteworthy that the latest referral by the Security Council was done with the affirmative vote of all members of the Council.

The Prosecutor, more than any other single individual, sets the direction the Court will take. In deciding whether or not to open investigations, whether or not to seek indictments against certain people and how to proceed with trials, he invariably comes under tremendous political pressure from all sides. While it is natural that not everyone would agree with those decisions, I think it is clear that nobody would contest that they have been taken in an entirely independent manner, focusing on the facts and the law, and leaving political considerations aside.

I have been overwhelmed this week with the outpouring of support for Prosecutor Ocampo among States Parties. It is clear to me that his work is deeply appreciated among all those present in this room today. On behalf of all States Parties, I would like to wish him all the best of luck for his final months in office.