



Mrs. Fatou Bensouda
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Address to the Assembly of States Parties

Twelfth Session of the Assembly of States Parties

20 November 2013

Venue: World Forum | Speeches commence: 10:00 a.m.

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Madame la Présidente de l'Assemblée des États Parties,
Monsieur le Secrétaire général de la Francophonie,
Madame la Haut-Commissaire aux droits de l'homme,
Monsieur le Secrétaire général adjoint aux affaires juridiques,
Mesdames et Messieurs les représentants des États,
Mesdames et Messieurs les ministres,
Mesdames et Messieurs les délégués,
Chers collègues,

1. J'ai l'immense plaisir de m'adresser devant l'Assemblée des États Parties pour la deuxième fois en qualité de Procureur de la Cour pénale internationale. Cette douzième session de l'Assemblée survient à un moment crucial pour la Cour, un peu plus de dix ans après le début des opérations du Bureau du Procureur.
2. Durant les neuf premières années de son existence, le Bureau du Procureur a su créer une entité qui fonctionne, tout en répondant aux nombreuses demandes d'intervention. Il a su élaborer une stratégie d'enquêtes et de poursuites ciblées et réaffecter son personnel selon les besoins des affaires. Ce faisant, il a rapidement prouvé son utilité sur la scène internationale ; le Bureau a également montré les premiers signes de résultats, notamment à travers des examens préliminaires, de nombreuses enquêtes et les premières affaires présentées aux chambres de la Cour.
3. À la lumière de ces premières expériences et des enseignements que nous avons tirés d'une évaluation de nos pratiques initiales, nous avons revu quand nécessaire la stratégie et les politiques générales en matière de poursuites, aux fins de répondre aux enjeux actuels. Ces modifications et ces évolutions majeures de nos politiques générales sont exposées dans un nouveau plan stratégique, que nous avons publié voilà cinq semaines. Avec votre permission, je vais vous présenter les grandes lignes de ce document, qui orientera le mode opératoire du Bureau du Procureur au moins jusqu'en 2015.

With your indulgence, I will now address you in English:

4. In response to the expectations of the Judges and the standards we are setting for ourselves, we are endeavouring, whenever circumstances permit, to be trial-ready by the time we bring cases before the Chambers and certainly by the time we come to the hearing on confirmation of charges. We are seeking to collect evidence from more varied sources and to use more sophisticated methods of investigation. Certainly, the demand on the Office remains very high and will not decrease in the foreseeable future.
5. Over the past year, the Office has been making important strategic changes at various levels to enable it to investigate more effectively in complex and often difficult environments. At the policy level, we have moved to the concept of in-depth, open-ended investigations, while still maintaining a clear investigative focus. The Office will expand and diversify its collection of evidence so as to meet the necessary thresholds of proof. It will test its case hypotheses throughout investigations in order to strengthen decision-making in relation to prosecutions. In some situations, it may be necessary to build cases upward gradually by investigating and prosecuting a limited number of lower- or mid-level perpetrators, with a view to reaching those allegedly most responsible for the crimes.
6. In working on performance measurement, the Office will pay special attention to its mandate of securing convictions while pursuing the truth. The Office will aim for an increase of the percentage of charges confirmed and its rate of conviction. To achieve these aims, a transitional period of a few years will be required during which the new strategy will be implemented.
7. Apart from improving the quality and efficiency of our investigations and prosecutions, and by extension, our effectiveness, my Office is endeavouring to place greater emphasis on the impact of its preliminary examinations. This week, we are presenting the Office's policy paper on preliminary examinations. This important document will provide further clarity and transparency on the process leading to the opening of new investigations, or the decision not to open them, and explains how, in the course of its preliminary examination activities, the

Office will seek to contribute to two overarching goals of the Rome Statute: the ending of impunity, by encouraging genuine national proceedings, and the prevention of crimes. Additionally, this week my Office will also be publishing its yearly report on preliminary examination activities, the third of its kind.

8. My Office will place emphasis, as one of the key objectives of the Office's strategy, upon a gender perspective in all areas of our work and continue to pay particular attention to sexual and gender based crimes and crimes against children. These are matters of great concern to us all, and the Office's approach will reflect the necessity to be firmly responsive to counter these ills. Our gender based crimes policy paper is being finalised as I speak, following a thorough process involving meaningful participation of staff as well as valuable input from my Special Gender advisor. This policy will guide the Office in its work relating to sexual and gender-based crimes, and promote transparency and clarity, as well as predictability in the application of the legal framework to such crimes. I am hopeful that this important policy paper will be out for external comment very soon.
9. The Office is also adjusting its organisational capabilities in order to optimise performance. Following his election during last year's Assembly, James Stewart joined my office as Deputy Prosecutor in March this year. Under the new Office structure, the three main divisions: the Prosecution Division, the Investigations Division, and Jurisdiction Complementarity and Cooperation Division, now report to the Deputy Prosecutor, and are each undergoing modifications. This change ensures enhanced organizational coordination, clear reporting lines, and more effective managerial oversight by the head of the organ. Additionally, the Office is readjusting the roles of ExCom, the joint/trial teams, and the divisions. Leadership within the joint team has also seen adjustments, where the Prosecution Division will now be in charge instead of a joint leadership; this change is made, amongst other things, to emphasise the importance of developing cases that discover the truth and are ultimately successful in Court.
10. I wish to highlight yet another achievement in the past year and that is the adoption, in September, of a *Code of Conduct for the Office of the Prosecutor*. This detailed Code provides clear

guidelines for staff of the Office to uphold an impeccable standard of professionalism, efficiency, independence and integrity in performing their respective duties and functions. Based on the Court's and the Office's regulatory instruments, including Staff Regulations and Rules, and the Operations Manual, as well as the Code of Conduct for International Civil Servants, the Code offers a comprehensive set of standards of conduct expected of all staff of the Office that will help shape a common organisational culture and work environment conducive to output and Office harmony.

11. In this context, I wish to express my appreciation for the efforts of States Parties to bring into operation the Independent Oversight Mechanism, which will help further enhance the efficiency of the Court. This agreement demonstrates the commendable ability of the Court and the Assembly of States Parties to work in concert to achieve results of mutual benefit.
12. While the policy and organisational changes will contribute to improving performance, resources are the critical factor necessary to ensure that the Office will successfully implement its new strategy. The Office is unable to perform high quality preliminary examinations, investigations and prosecutions without a substantial increase in resources. This is an undeniable fact based on the practical experience of the Office. I have been encouraged by the positive reactions of States Parties to the new strategy of the Office and your appreciation that implementation of the strategy will by necessity require additional resources. Of course, from its side, the Office will continue to examine systematically ways of improving its efficiency and cost-effectiveness. To be sure, since assuming Office in June 2012, we have been most industrious in strengthening the foundations necessary for the Office to deliver with consistent quality and effectiveness in this second decade following the adoption of the Rome Statute, and beyond.
13. Ultimately, if we are to achieve success, the cooperation of States Parties will be essential to the implementation of the strategy. The only way to achieve the goals of maintaining the credibility of the Court and fulfilling our promise to victims of mass atrocities is to combine the work of the Court, as a judicial institution, with the efforts of States, as Parties to the Rome Statute.

14. I will pursue the mandate you have entrusted to me independently and impartially, as the Rome Statute requires. My Office will continue to act solely upon the evidence and the applicable legal principles, within the framework of the Rome Statute, with sensitivity to the interests of victims and witnesses, fairness toward accused persons, and respect for our obligations to the international community. In this aim, politics have no place and will play no part in the decisions I take. I am most resolute in this regard.
15. While the Court must apply the principles contained within the Rome Statute to the cases before it, States Parties must be vigilant to uphold the fundamental values that are enshrined in that Statute and serve as robust custodians of the treaty's object and purpose. Protection of the Court's integrity and its independent judicial processes should be at the forefront of States Parties' considerations and actions. Reasoned debate will always contribute to the proper evolution of international criminal law and the Rome Statute system of international criminal justice, both within the processes of the Court and within the proceedings of this Assembly. It is important to achieve understanding and reinforcement of the fundamental human rights that the Court was created to defend.
16. Primary responsibility for the investigation and prosecution of international crimes rests with the States Parties under the principle of complementarity that is at the heart of the Rome Statute system. However, when the Court intervenes in situations where States either cannot or will not exercise their primacy of jurisdiction, then States Parties must support the Court's requests for assistance in a timely fashion, implement its decisions in the most effective manner possible, and ensure the prompt arrest of those for whom the Court has issued warrants of arrest. I am seeking your active assistance to resolve any difficulties encountered by States Parties to cooperate.
17. The Rome Statute and the Court it legislated into being, were created to combat impunity for the most responsible perpetrators of the worst crimes of concern to humanity. Success in this endeavour will be built upon mutual trust, collaboration and assistance, and a genuine effort to achieve the objectives of this system of international criminal justice you have designed.

Madam President of the Assembly,
Your Excellencies,
Distinguished Delegates,

18. I look forward with interest to your deliberations in the coming week. I am confident that your decisions will aim to strengthen the Court's ability to deliver, in an impartial and independent manner, justice for the victims of the most serious crimes, and through its deterrent effect, contribute to "peace, security and the well-being of the world."

19. Thank you for your attention, and I wish you a most fruitful Assembly.