



**Cour  
Pénale  
Internationale**  
**International  
Criminal  
Court**

Le Bureau du Procureur  
The Office of the Prosecutor

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## **16<sup>th</sup> Session of the Assembly of States Parties**

### ***Address at the First Plenary***

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Mr President of the Assembly,  
Your Excellency, Mr Secretary-General of the United Nations,  
Madame President of the International Criminal Court,  
Honorable Ministers,  
Mr Registrar,  
Your Excellencies,  
Distinguished Delegates,  
Ladies and Gentlemen,

It is an honour to address this 16<sup>th</sup> session of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

We gather here today after an eventful and demanding year.

This Assembly promises to be hardly less demanding with some critical decisions before the States Parties that will chart the course of the International Criminal Court in the years ahead.

The elections of judges, members of the Committee on Budget and Finance, the President and Vice-President of the Assembly, as well as Bureau members will help shape the Court institutionally and administratively.

Decisions concerning amendments will further shape the legal landscape of the Court.

As an Office, we have an interest in all these decisions, but our activities will be more directly affected by your decisions on the budget and exchanges on cooperation.

As the Court's activities expand by function of its mandate, in number and geographical scope, such matters become even more important.

As I stand before you today, I view the ICC as a firmly rooted yet still evolving institution, with many achievements that we can be proud of. It is an independent judicial body incomparable, in many ways, in terms of its potential for global impact on addressing atrocity crimes.

We must stay the course on this forward march of humanity – consistently, informed by the Rome Statute legal framework, without fear or favour – to work, jointly, towards fostering a culture of accountability for atrocity crimes globally and ensure that all may eventually benefit from the protective embrace of international criminal law.

The commitment of States Parties, in particular, to support the work of the Court will be key to determining the precise trajectory of this path.

Mr President,

As all delegates have surely been able to scrutinise the annual report on the Court's activities, I will limit my intervention to only a few items.

In addition to successful prosecutions resulting in three convictions in 2016, my Office has also made significant progress this year in all of our investigations and prosecutions.

My Office has worked assiduously to investigate alleged crimes in Libya, resulting in the issuance of a new warrant of arrest. Investigations also continue with respect to the situation in Darfur, Côte d'Ivoire, the Central African Republic, and Georgia. Our prosecutions are on-going against four accused persons, in addition to considerable appeals activity relating to, amongst others, the main case involving Mr Jean-Pierre Bemba as well as the article 70 cases arising from the same matter.

This past year, my Office has also been conducting preliminary examinations in relation to ten situations, reaching finality in a number of them.

The results of my Office's activities concerning the situations in Burundi and in Afghanistan are illustrative of the progress made. These situations are, indeed, a sign of the ever-evolving nature and scale of our activities, and our steadfast commitment to our mandate under the Statute.

My Office was granted judicial authorisation on the 25<sup>th</sup> of October to commence an investigation into the Situation in Burundi.

Importantly, the Chamber confirmed that Burundi's withdrawal from the Rome Statute has no effect on the jurisdiction of the Court over the alleged crimes committed during the time it was a State Party, nor does it affect its continuing obligation to cooperate in relation to the investigation.

I take this opportunity to stress that our carefully assessed sealed request in line with the Court's legal framework, and the ensuing temporary confidential decision, were necessitated to protect the integrity of the investigation and the life or well-being of victims and potential witnesses. These are critical considerations.

With regard to the Situation in the Islamic Republic of Afghanistan, on the 20<sup>th</sup> of November, I submitted my request for authorisation to Pre-Trial Chamber III to proceed with an investigation into alleged crimes committed in connection with the armed conflict in that country.

This step was taken following a meticulous preliminary examination process over a decade, on the basis of which I have concluded that all legal criteria required under the Rome Statute to commence an investigation have been met.

My Office's detailed public filing outlines the clear scope of the application as well as other important details. The matter is now in the hands of ICC Judges.

Mr President,

These two recent developments alone demonstrate, once again, my resolve and that of my Office to independently and impartially implement our mandate under the Statute.

We are not oblivious to the challenges and complexities they represent; far from it, but we are committed to the task and we'll continue with our mandated legal work.

As we do, the full backing of the Court's States Parties - in diplomatic, operational, or financial terms - will be critical. We trust we can count on that support.

Closing the impunity gap for atrocity crimes, and by so doing, promoting the international rule of law are both a necessary goal and a joint responsibility.

On the policy front, we are implementing all the policies adopted, including those on Sexual and Gender-Based Crimes and on Children, and progressing on the work of our new Policy on the Protection of Cultural Heritage. In this endeavour, we continue to benefit from strong support and cooperation of UNESCO on the heels of close collaboration we have had in the context of my Office's successful prosecution of the al-Mahdi case.

Mr President,  
Distinguished representatives,

Since I assumed office in 2012, and introduced my first Strategic plans, we have been doing our utmost to hone our operations where needed, to ensure we conduct our work with strict adherence to the highest standards of professional conduct so as to stand the most meticulous of scrutinises.

I am committed to ensure that the Office continues on this path. We have already produced concrete results, and continue to perform optimally, despite the numerous challenges we face.

At this juncture, I wish to reiterate that, following the media allegations earlier this autumn and after a rigorous assessment, my Office took a number of steps including initiating an inquiry into allegations against staff implicated, resulting in an investigation with full respect for due process rights.

I take such matters extremely seriously.

The Code of Conduct and Core Values initiatives I have previously put in place are two examples of the expectations of the highest standards of professional integrity and conduct demanded of all members of my Office, without exception, starting with myself and my Deputy.

As you heard earlier, together with the President and Registrar, we have also mapped-out the Court's institutional capacity to deal with the issue of alleged conduct unbecoming of former elected officials and staff, and will be exploring how the Court can be further strengthened in this regard.

The challenges before us are many, in particular when adding to the equation persistent *unfounded* narratives on the Court, such as its alleged partiality in delivering justice, or being so called 'costly'.

These, Mr President, will *not* distract my Office from striving to create a more just world in accordance with the Rome Statute.

We will continue to seek the justice we all yearn for, with dedication, objectivity and professional integrity. That is the oath I took; that is what my Office and I have demonstrated in practice, and that is what will continue to guide us.

We must continue jointly to ensure that the Court can effectively implement its mandate.

The 15 outstanding ICC arrest warrants is one area where greater collaboration is sorely needed.

The entire judicial machinery of the Court can be frustrated and held in abeyance unless persons sought by the ICC appear before it.

Moreover, the interaction with individuals that the Court seeks to arrest cannot become 'business as usual'; not least out of respect for the suffering of victims and their yearning for accountability, and greater enforcement of international justice.

Mr President,

To conclude, let me state here in the first plenary session of this year's Assembly meeting, and on the eve of the Rome Statute's 20<sup>th</sup> anniversary, that in my humble view, we are *not* standing today at a cross-road about the future of international criminal justice.

On the contrary, international criminal justice is on the march.

The Court, for its part, is increasingly living up to its promise of contributing to the emergence of a law based global order, where increasingly the message is - to quote the former UN Secretary General, Mr Kofi Annan at the time of the adoption of the

Rome Statute in 1998: “no ruler, no state, no junta and no army anywhere” can abuse human rights and commit atrocities with impunity.

What is required today more than ever is greater recognition of the need to strengthen the Court and the evolving system of international criminal justice.

It is up to States Parties, first and foremost, as custodians of the Rome Statute, to stand firmly by its values and further foster its positive impact in practice.

I wish you a successful Assembly, and I thank you for your attention. | OTT