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## 17<sup>th</sup> session of the Assembly of States Parties

Opening plenary

Remarks

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Mr President of the Assembly,  
Mr President of the International Criminal Court,  
Mr Registrar,  
Honourable Ministers,  
Excellencies,  
Distinguished Delegates,  
Esteemed Representatives of the Civil Society,

Allow me from the outset to express my sincere appreciation for your presence here today, in particular those who have travelled from far to be part of this annual gathering of ICC States Parties. Welcome to The Hague. We look forward to the following days of constructive and productive discussions in our joint commitment to advance the mandate of the Court.

I am therefore delighted to be given this opportunity to offer some reflections on the activities and events of the past year.

As we marked the 20<sup>th</sup> anniversary of the adoption of the Rome Statute this past year, my Office has witnessed the expansion of its activities in quantity and in geographical scope.

While progress has been made in many areas, it has not always been straightforward, or an easy path. The Office has indeed achieved important successes but also experienced setbacks.

Yet, amidst the daunting task of implementing my prosecutorial mandate, together with my dedicated staff, we have been consistently focused on our mission: the effective investigation and prosecution of the Rome Statute crimes, so as to end impunity for the commission of such crimes and contribute to their prevention, and to respond to the suffering of victims and affected communities.

We have done so continuously with unshaken resolve, commitment and utmost integrity, undeterred in the face of formidable challenges.

Trust and respect are earned. During my tenure, we have invested much time and effort in developing an efficient, professional and sustainable Office, which analyses critically its successes and setbacks; and makes necessary adjustments in order to both learn from

its past activities and build on best practices. We are proud of the progress made and confident on the path we have embarked upon. We trust that these real efforts are not lost on you, and other Court-watchers.

We are committed to excellence and doing our part to continuously deliver on the promise of the Rome Statute, and respond to plight of victims and survivors who so bravely step forward to tell our investigators and other Court representatives their stories; those who have suffered from unimaginable atrocities; those who look to the Court as a beacon of hope; as the last bastion of justice and accountability for atrocity crimes, where the law – their protector – has otherwise fallen silent.

Atrocity crimes must be addressed. And in that recognition, the untold suffering of victims and the need to prevent further victimisation must surely occupy their rightful place in our thinking and priorities during our discussions at this Assembly.

Mr President,

The developments this year concerning my Office's preliminary examinations demonstrate our objective and responsible prosecutorial approach.

Following careful assessment, we opened preliminary examinations with respect to the situations of Venezuela, the Philippines, and concerning the plight of the Rohingya people from Myanmar into Bangladesh, while closing the preliminary examination of Gabon.

We made significant and concrete progress in preliminary examination assessment of the applicable criteria with respect to Palestine and Ukraine, and we continued to engage constructively in Colombia, Guinea and Nigeria to name but a few.

My Office also received two referrals from States this year concerning the situations in Palestine and Venezuela respectively.

I will elaborate on my Office's preliminary examination activities in more detail during our side-event next Monday, when we will officially present our 2018 activities report which will be published through an official press release later today.

The same objective approach was followed last year when I sought the Chamber's authorisation to initiate an investigation in the situation of Afghanistan and when I sought a judicial ruling in April of this year on the scope of the Court's jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh.

The aforementioned decisions have already provided us with signals of what reactions we may anticipate as the Office continues its mandated work, for which the Court and States Parties should stand ready.

I cannot overemphasize the importance of protecting the Court's independence and its ability to do its work free from attempts to interfere or distract it from fulfilling its mandate.

In this regard, I was heartened by this year's expressions of support for the Court, by States Parties, international organisations, as well as civil society, including those made during the 20th anniversary celebrations, as well as at the United Nations General Assembly, including efforts by States to issue joint statements in support of the Court. Those efforts were noted with immense appreciation and greatly welcomed. More of the same, even with greater participation of States Parties, are required in support of the Court, the Rome Statute, its values and its goals.

The 20<sup>th</sup> anniversary of the Rome Statute has offered us a moment of reflection on past achievements, and future challenges.

To those who may say that the progress has not been sufficient, I submit that working to achieve a culture of accountability is not a sprint, it is a marathon. It is by no means an easy task, but a necessary one that is too important to falter.

The strategic prosecutorial changes that I have introduced since assuming office in 2012 are gradually yielding results.

Activities initiated under my term are slowly but surely coming to fruition, and I look forward to seeing them become even more visible during the remaining years of my mandate.

We have been making important progress across our situations under investigation. The surrender, this year, of Mr Al Hassan as well as Mr Yekatom, are tangible manifestations of the investigative activities and investments made by my Office. I expect the appearance of more suspects sought by the Court to follow.

The charges brought against them, and the manner in which the cases have been built, are to a large extent informed by the implementation of the Office's guiding policies and strategies.

Notwithstanding such capabilities, the simple truth is that the objectives of accountability and prevention of the Rome Statute will be frustrated if arrests are not effected and suspects not surrendered to the Court.

The Court depends upon States to execute its orders, including warrants of arrest. The arrest seminar, organised under the auspices of the Co-Facilitators on Cooperation last month, coupled with the Court's public arrest campaign as well as operational efforts, provide a helpful impetus and momentum that should continue, including during Friday's anticipated plenary discussions on cooperation. I will address this topic in more detail on that occasion.

Mr President,

My Office will meanwhile continue its path to optimise its functioning, structures, and processes which serve to enhance efficiency and deliver concrete results.

We are putting our final touches on the Office's Strategic Plan for 2019-2021, the last such document under my term. It will build on prior plans, and take into account our continuously evolving work environments as well as the lessons learned from our prosecutorial activities.

We are developing additional strategic documents, such as on the protection of cultural heritage, and aim to embark on new ones such as in relation to situation completion strategies and on modern slavery within the confines of the Rome Statute.

We continue to develop standard operating procedures for the collection and processing of evidence that will stand up to the most intense scrutiny in court, including through the assistance provided by the Scientific Advisory Board that we have instituted.

We have also been looking at rationalizing, through the new Information, Knowledge and Evidence Management Section, our handling of information and evidence in a way that will create greater efficiencies.

And States are increasingly turning to the Office for assistance in the provision of information or evidence, gathered in the context of our own investigations, which may be relevant for their domestic proceedings, whether in relation to financial investigations or tackling human trafficking and organised crime.

As ever, the measure of the Office's real contribution to global law enforcement efforts and accountability is more than what is publicly known or seen.

These are only few examples of efforts to enhance my Office's efficiency and effectiveness.

Recognizing that our strength lies in diversity, we continue promoting a greater geographical and gender balance at all levels amongst our workforce, and with my committed counterparts in the other organs, the President and Registrar, we are taking concrete steps to strengthen the Court's well-being framework.

As an Office, we strive to ensure the training, professional development and well-being of our staff members who work tirelessly under the Office's core values of dedication, integrity and respect, to advance the cause of justice.

It is against this backdrop, that I also wish to recall the comprehensive approach my Office has taken to the media allegations that broke in 2017.

With absolute good faith and commitment, we have comprehensively looked at and acted on them where we had the legal basis to do so. I have given two comprehensive Hague Working Group briefings in this respect and will not repeat the details in this forum.

I simply reiterate that we can only act where we have a legal basis to do so. Specifically, the Court's legal instruments currently render it unable to act on the alleged conduct of former officials.

This is where I believe more work and States Parties' assistance are required, in particular when considering amendments to the mandate of the Independent Oversight Mechanism, to possibly expand its powers to enable it to investigate the alleged conduct of former elected officials.

Mr President, Your Excellencies,

Allow me to refocus the discussions on our core mandate, goals, and indeed challenges.

It takes the courage and often, the sacrifice of millions, to finally adopt multilateral institutions that advance the human condition and experience, but only silence and inaction in the face of ill-wishers to lose the progress made.

Where mass crimes are tolerated with impunity, where justice is silent, and where truth is unheard, we make it possible for evil to triumph.

I emphasize that principled and consistent vocal diplomatic and political support for the Court and the Rome Statute system of international criminal justice are crucially important. This year's impressive manifestation of support at the United Nations General Assembly and at different international fora gave great hope for optimism that when the going gets tough, the Court does not stand alone.

Indeed, any act that may undermine the global movement towards greater accountability for atrocity crimes and a rules-based global order must be avoided.

With the creation of the International Criminal Court, an important normative but also structural and systems-based message was sent globally:

That first, the commission of mass atrocities as merely politics by other means will no longer receive a pass, and that perpetrators irrespective of rank or official status must answer for their crimes;

That an international criminal justice system is crucial to a rules-based global order, and

Its institutional manifestation in the form of the ICC is now a reality and an important part and parcel of the global system.

We must maintain our resolve and dedication to ensure that justice and accountability remain part of the global agenda and aspirations for human progress in this century and beyond.

Mr President,

My remarks will not be complete without making a genuine and necessary plea for resources and a fact-based decision making concerning this year's budget proposal.

In the end, my Office's efforts to equip itself with the necessary tools and hone its knowledge and skills to perform optimally to meet the increased demands for the Office's intervention will be undermined without the necessary resources to match those needs.

I therefore call on this Assembly to consider carefully the Court's budget proposal for 2019, which has been prudently measured to allow the Court, including notably my Office, to face next year's challenges and demands.

I trust that this Assembly will make the decisions necessary to ensure that the Court can effectively deliver on its mandate.

Your decisions here will inform in great part the level of success the Court is able to achieve in 2019.

As custodians of the Rome Statute, your support is crucial.

Mr President,

Excellencies,

Esteemed Delegates,

I thank you for your attention, and wish you fruitful deliberations. | OTP