



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

Le Bureau du Procureur
The Office of the Prosecutor

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Opening plenary

Remarks

Checked against delivery

Madam President Sylvia Fernandez de Gurmendi,
President Hofmanski,
Madam Chair of the Board of the Trust Fund for Victims,
Excellencies,
Respected judges,
Civil Society representatives,
Ladies and gentlemen,

1. I must start, if I may, by acknowledging the role and contribution of the Registrar, Mr Peter Lewis. This Court is a difficult place to work, with very demanding responsibilities. It can be lonely and challenging in equal measures and, as this is the last budget round of discussions and the last Assembly of States Parties that the Registrar will attend in his current capacity, I really want to acknowledge his amazing courtesy, unfailing professionalism, and very real attempt to tackle myriad difficult issues in a way that we can all be very proud of. He is going to be an immense loss to the International Criminal Court.
2. It was in August of this year, when I made my way to *Kalma* camp, in the north of Darfur, where I met men, women, and children that have been living in those camps for almost 20 years. They greeted me and my small delegation with chants of “Welcome Welcome ICC”, “Welcome Welcome ICC”, and it was a moment of very genuine reflection and a moment of deep humility in which one could very palpably see the hope and expectations of normal people, who have lived through unprecedented times, who believe that justice is not a word but a promise that is going to be collectively delivered.
3. It revealed the potential of this Court but, as I told the Security Council two days later from Khartoum, whilst the opening of the trial of Mr Abd-Al-Rahman (“Mr Ali Kushayb”), the first trial emanating from the first referral by the Security Council, was a very momentous moment, a very important moment for victims, we certainly do not deserve the thanks that we received on that day and we have collectively an awful lot to do to vindicate the promises of survivors. That applies not just to *Kalma* camp or to Sudan but to the different Situations that are before the Court. We have a real moral as well as legal responsibility in my view to do much more and strain every sinew to be worthy of the affection and warmth of hopes of those individuals, whether in *Kalma* or in *Cox’s Bazaar*, and the list goes on.
4. This year 2022, I think we have chartered a very clear way in the Office of the Prosecutor to better fulfil the hopes and expectations that are placed upon us by the Rome Statute. At about one o’clock in the Oceania room, I will be presenting for the first time - it is a new initiative - an annual report of the Office that will be distributed; it will be available also online electronically, but one thing I will recall is that a year ago, when I gave my first address as Prosecutor, I emphasised some key objectives that I would strive to meet. One of them was to reorganise the Office and improve the

workplace culture; one was to focus better in terms of sexual or gender-based crimes and crimes against children.

5. I identified a goal to make the Office that I have the honour of leading more nimble, more agile, and more field-based wherever possible, so that we bring the Office closer to the people that are impacted by crimes. I emphasised the need to embrace modern technology and I repeatedly emphasised the reality that we cannot succeed unless we build new partnerships, not only as an institution or with the Assembly of States Parties, but with non-States Parties as well, with Civil Society organisations and also with international institutions.
6. In terms of the workplace culture, I am pleased to report that with your support, we now have two Deputy Prosecutors; we now have the new two-pillar structure that was detailed last year. We have lawyers, investigators, analysts, trial support assistants, and case managers sitting together in the same physical space. My Deputies and I have continued the process of an open door policy once a week, seeing staff at whatever level, and we have also instituted monthly lunches with different teams.
7. Based upon the work that the President has mentioned of the Independent Expert Review and the report that emanated from that, I constituted an *ad hoc* workplace panel. Last December, with the kind support of Norway, we had a side event. This year, we also had another Town Hall meeting and I released to staff an anonymised version of the report produced by the panel. I have referred matters to the Independent Oversight Mechanism, where necessary. We have dealt with certain other matters by way of performance issues and we have, with the fantastic support of the Special Adviser on Working Climate, Miss Purna Sen, assembled an advisory group of staff members and also a new committee called "Are we there yet?". We are not. We are not there yet but I think there is a direction of engagement with staff in which we can collectively fulfil the aspiration that the Office that I lead should be really amongst the most vibrant places to work.
8. In terms of my promise to focus more on sexual and gender-based crimes and crimes against children, I wish to acknowledge the fantastic work of the men and women of the Office. We have excellent, outstanding, world-class Special Advisers. I can't name all of them but on this topic, particular recognition must be given to Véronique Aubert, Special Adviser on Crimes Against and Affecting Children, Kim Thuy Seelinger, Special Adviser on Sexual Violence in Conflict, and also Professor Lisa Davis, Special Adviser on Gender Persecution. Tomorrow, there will be a side-event with Véronique Aubert on children in which she, myself, and the two Deputy Prosecutors will take part. On Wednesday, we are launching for the first time a Policy Paper on Gender Persecution; we are also moving forward with the Operations Manual which was also an item mentioned by the Independent Expert Review Report and hopefully, next year, that will be ready. Finally, we have a new head of the Gender and Children Unit reporting directly to a Deputy Prosecutor.

9. In terms of the promise of moving more to the field and becoming more nimble, well, for the first time in the history of the ICC, I was honoured to deliver two briefings in this reporting period to the Security Council from Khartoum and also then from Tripoli. In addition to that, my Deputies and myself have had a number of high-level engagements with many Situation countries such as Venezuela, Ukraine, the Central African Republic, Guinea, Nigeria, Bangladesh, the list goes on and next year, God willing, some of my objectives will be also to go to the State of Palestine, Afghanistan, and the Democratic Republic of the Congo.
10. With the support of the President and the Registrar, we are moving, it's not all talk, to a more field-based presence. I mentioned to the Security Council that in the last period we have had an almost continuous field-based presence in Libya and in the region. We have already, with the leadership of Prime Minister Sheikh Hasina and the government of Bangladesh, an interview facility that is operational and is being used in Bangladesh in Cox's Bazaar. President Zelenskyy said last week that he had agreed to the opening of a field office and the President has kindly designated Kyiv a formal duty station. I have already mentioned in different *fora* the agreement of Venezuela and also Sudan to establish field offices there.
11. As the President mentioned, this has been an extraordinarily busy period in terms of core activities. We have opened the trial in the *Said* case, in the Central African Republic Situation; we have opened the trial in the *Abd-Al-Rahman* ("Ali Kushayb") case, in the Sudan Situation; there was a contempt case with the *Gicheru* case arising from the Kenya Situation. We have also opened new Situations - of course Ukraine with an unheralded 43 States that have joined hands in seeking to refer that matter to the rule of law. We have also responded in this period to applications by the Philippines and by Venezuela to defer matters and have submitted to the judges in both Situations requests to resume the Office's investigation.
12. Innovation is not just technology. For the first time since the establishment of the Rome Statute, we have applied to the judges of the Court to use the provisions of the Statute that allow confirmation hearing in absence in the *Kony* case. I think this is really important. I think our responsibility is to try to build strong cases and then to use the legal architecture to the maximum extent possible to vindicate the rights of survivors to justice. To me, this is what a victim-centred approach really means: to preserve the testimonies of victims and make sure to expedite proceedings for individuals that are fugitive to justice, because if cases are confirmed by judicial decisions, they will go straight to trial avoiding delay.
13. I have of course closed preliminary examinations not only in the Colombia Situation, with a new Memorandum of Understanding ("MoU"), but I recently went to Guinea and we closed the preliminary examination in this Situation, also with a MoU, which shows that a relationship, a new vibrant cooperative relationship, may be possible outside the confines of a preliminary examination. I have also developed a clear plan of action to conclude the investigative phase in a

number of other Situations and I hope to make announcements in relation to that by the end of the year. I have contacted the couple of States concerned and this will continue into next year which is part of something I said before my election, and last year - that to have an impact the Office needs to go narrower and go deeper, have more suspects per Situation and really have an effective result.

14. Partnerships are absolutely key and everybody has to be involved in that. I was delighted that, in February, for the first time in 17 years, I was invited as ICC Prosecutor to the African Union (“AU”) Heads of State Summit in Addis. I had very good meetings with the former President of the AU, President Tshisekedi. I also met twice during this reporting period with President Macky Sall and had two meetings with the Chairperson of the AU Commission, Mr Moussa Faki, to build new vibrant partnerships, show that we are not in competition but want to cooperate, not only in relation to Guinea or the MoU that we signed with the Central African Republic but also in the Sahel region or the Special Criminal Court in the Central African Republic that the President mentioned.
15. Eurojust is another example. For the first time ever, the Office of the Prosecutor has joined, as participant, the joint investigative team in the Ukraine Situation with Eurojust and six countries. We did the same thing in Libya along with Italy, the Kingdom of the Netherlands, the United Kingdom, and Europol and that new partnership has already brought dividends as is demonstrated by the recent transfer from Ethiopia into the courts of Italy and the Netherlands of individuals in relation to human trafficking.
16. Non-States Parties as well - I have been to Washington and New York and as I said at the outset, we need to reach out to States Parties and non-States Parties alike. I was delighted that the Registrar also went to Washington DC only a couple of months ago. A bipartisan delegation of Senators came to the Court and I, just a few weeks ago, also had further engagement with bipartisan groups of Senators in Washington DC.
17. Whatever the fractured state of domestic party politics or the dysfunction in certain areas of international relations, everybody has a role to play to be on the side of humanity and I think this is also extremely important moving forward.
18. Civil Society has an immensely important role to play and, again for the first time ever, we have produced a handbook for Civil Society organisations which we launched and produced together with Eurojust and the Genocide Network. That is something that has already been extremely well received by our colleagues in Civil Society. Whilst we had once a year the annual Court’s meeting with Civil Society, I have also initiated in May a new initiative: in addition to the yearly meeting, we will have at least two thematic meetings with Civil Society organisations. We had the first one just a month ago focused on children and I was delighted that, in addition to Special Advisers,

experts of the Office, the Gender and Children Unit, we also managed, with the help of the Trust Fund that was established in March and also the European Union grant, to bring to The Hague 70 Civil Society representatives from Palestine, from Libya, from the Myanmar Situation, and others.

19. I am therefore really grateful for the support that has been given in relation to the Trust Fund and secondees. In terms of technology, we already have a plan of action to move into the digital age by using proper, effective tools and we are already using artificial intelligence for translation tools to save time and move things forward more quickly. Fuel in the engine is always needed but the Trust Fund and the secondments that have been received were also born of the realisation that the engine in the vehicle of the Office needed to be overhauled, it needed to be tuned to be able to get us collectively to the destination of justice that is our ultimate goal. Of course, it needs fuel as well but the chassis and the engine also have to be in working order.
20. Madam President, the past year has brought perhaps unprecedented attention in the form of the commitment to accountability that we have heard from Heads of State, Heads of Governments, Civil Society actors, by victims around the world in myriad different Situations. Every life matters equally, no lives are more precious than others. This joint obligation, the promises that I have adumbrated, the promises made, the promises kept in this last year are not with the greatest of respect, promises from me alone as Prosecutor, nor are they promises of the President of the Court or the Registrar. They are promises that all of us have made to something that is profound and this belief that justice is the right of every individual, however invisible they may be to many today, however powerless they may be today.
21. Whilst we have seen a renewed focus on the crime of aggression in the light of the Ukraine Situation, it is my view that this is a very important moment to focus on the institutions we actually have, the institutions that you, Civil Society, and the Court have built together. When we recognise that there is a gap in that architecture, in my view, we should try to address it through the Rome Statute that was carefully negotiated and carefully built and which we are trying to fund to vindicate the rights of the survivors that I have mentioned. We don't want dilution, we want consolidation, and in this regard I stand ready and I am available at any time to explore how to strengthen this institution that you are collectively part of and that has been collectively built so that we can meet the needs of today but also the requirements of tomorrow.
22. Madam President, my last remark must be this: the men and women of the Office have worked tremendously over the last period, they have adapted to change, they are trying to move forward, they are working with Civil Society, with States, with international organisations – but the promises made and the promises kept should be focused by all of us and all of you, as you consider the budget discussions underway. If one looks to the statements, back in capitals by your Heads of State, Heads of Government of your countries, your Foreign Ministers, we have to make sure that those promises are realised, if we were true in our words of support of the rules-based system.

23. If we do not support this Court now, there will be many questions that would have to be answered. If we do support the Court now, this could be the beginning of a new dawn and this is something that is not abstract; it is something that will mean an awful lot to the men and women and children of *Kalma* camp that I referred to at the outset, the refugees we see around the world that are displaced because of conflict and crimes, and those that hope for a better tomorrow that you can help bring in, if you also fulfil the promises you have made to support the Rome statute system. Thank you so much.