

AHMED ZIAUDDIN: Thank you and good afternoon.

Mr. Prosecutor, your start has been excellent. We have a saying that if your start is good, you're expected to finish very good as well.

I will be limiting my comments on two aspects of the draft paper: interfacing with NGOs and other members of the civil society and on importance of development of your capacity to anticipate commission of crimes.

It is no exaggeration to suggest that without the participation of NGOs and other individuals and experts, the look of this Court certainly would have been different. This has been acknowledged by all involvement in the ICC process. As you begin your work, one of your priorities should be to develop a cooperation regime with NGOs and others, and your effectiveness would depend to a large extent on the nature and success of this cooperation.

Other than the State referrals or by the Security Council, as has already happened, I understand most of the serious communications will come from NGOs. NGOs will report to you first, complain to you first, and cooperate with you in investigations and even, in many ways, in prosecutions. National and international NGOs really are first to be present at the scene, busy in monitoring, documenting, and investigating the sort of crimes the Rome Statute mandates you to deal with. In fact, with better cooperation, coordination, and training of the NGOs, you may complete at least part of your investigation quite efficiently and at a low cost.

NGOs will contribute significantly with regard to all aspects of victims, from taking statements to taking care of the victims. Even post-conflict reconstruction or reconciliation, NGOs have and are likely to facilitate.

Again, NGOs will be defending the Court as they build a firewall

around this Court. But when its integrity and independence is under attack and when countries and communities misunderstand it, NGOs, as they bring cases before you in a given situation, will talk to the victims to explain why you could not investigate or prosecute. NGOs will be managing high expectations about the Court and communicate it at grass roots. In addition, NGOs will continue to work on ratification and legislation and, very importantly, on implementation of the treaty obligations, including on getting privileges and immunity agreements in place. All of these will depend on the kind of cooperation regime with NGOs and others you put in place.

In the draft policy paper, precisely in 3.2(a) you see, and I quote:

"Only if internal structures, processes and problems within a State which make it seem possible that war crimes are committed are detected sufficiently early on can the Office of the Prosecutor contribute to ... the criminal justice system of that country or use other instruments at his disposal as appropriate."

I submit that this is equally relevant to other crimes, not only on war crimes. That leads to my next point: development of OTP's early capacity, early-warning capacity.

Genocide and other crimes just don't happen. These crimes have many precursors and a length of gestation period. Experts of the International Association of Genocide Scholars and others have spent a considerable amount of time in predicting genocide based on different genocides that have already taken place. In fact, there usually are many give-aways, and the international crimes like genocide could now be predicted with certain degrees of accuracy. A well-worked-out early-warning mechanism will enable you to intervene in a deteriorating and digressing situation, and timely intervention on your part may even

avert the commission of a crime. This early-warning capacity has to be developed both within your Office and within the cooperation regime with NGOs and others that I referred to earlier.

Mr. Prosecutor, NGOs will be your ears and eyes, and a right partnership that reinforces each other will go a long way in preventing and, where necessary, prosecuting crimes that have so far taken millions of lives, tonnes of tears and sufferings. Thank you.