



Judge Sang-Hyun Song
President of the International Criminal Court

Remarks to the Assembly of States Parties
10th Session

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Your Excellency, Madame President of the Assembly of States Parties,
Your Excellency, Madame High Commissioner for Human Rights,
Your Excellency, Madame Under-Secretary General of the United Nations,
Excellencies, Distinguished delegates, Ladies and Gentlemen,

We gather here today at a critical time in the development of the ICC. This is a time of changes; but also a time for reflection on what we can do better, and for renewed commitment to the goals of the Rome Statute system.

We already have a new Presidency of the ASP and a new Bureau. Soon we will have a new Prosecutor and six new Judges elected and, in March, a new Presidency of the Court.

The Court's first full cycle is coming to an end. Our initial cases are nearing their conclusion. Meanwhile newer situations are producing new cases and new challenges.

I shall not go into detail here – the background is set out in the Court's annual report to the Assembly. But some basic statistics speak for themselves.

Last year the ICC was involved in 5 country situations. Today we have 7.

The number of Court hearings grew from 184 in 2009 to 265 in 2010. This year at the end of November we had already reached 310, amounting to well over a thousand hours of court sittings since January.

The number of new applications by victims considered by the Court for **participation** in proceedings rose from 757 in 2009 to 2,239 last year. This year's total is more than double that - 5,865 up to the end of November.

Most striking of all, the number of new victims' applications for **reparations** has risen exponentially – a sixfold increase from 119 in 2009 to 739 in 2010, followed by a further eightfold increase this year to 6,254 by the end of November.

As everyone is aware, events in Libya and Cote d'Ivoire over the last few weeks have had a significant impact on our expectations for the Court's work next year.

I know that States Parties have been unhappy about the last-minute nature of the budgetary adjustments that the Court is now proposing. But we believed it was right to address these issues straight away, so that the ASP could take them into account in setting the 2012 budget.

The extent of our work next year will also depend in part on judicial decisions due in the next few weeks on confirmation of charges in the Mbarushimana and two Kenya cases. In accordance with long-standing practice, we have not yet made specific financial provision for trial stages in those cases.

The nature and timing of all these events have complicated the assessment of the Court's budget needs for 2012. But they reflect the reality of the Court's operations. Judicial proceedings can be carefully planned, but their progress can never be predicted with certainty.

What is clear is that the Court has been busier in 2011 than ever before, and that its overall workload looks likely to grow even further.

This is the background against which you will be considering the 2012 draft Budget. The Registrar will set out the Court's position in more detail later in the week, but I would like to emphasise a few fundamental points.

The whole Court is very conscious of the difficult financial and economic climate, and the extent to which this imposes budgetary constraints on many, many states parties.

At the same time, we cannot wish away the objective work pressures on the Court. The 2012 budget needs to reflect proper economy and restraint. But it must not cripple the Court's operations, or its ability to deliver its obligations under the Rome Statute.

I can assure you that we thought long and hard before putting forward a budget which represented such a significant increase in the Court's financial resources.

In drawing it up, we worked hard at driving down the costs of existing operations. But we could not avoid taking account of additional cost drivers such as Libya, legal aid, new accounting standards and the need to invest in business-critical equipment.

The Court is fully committed to seeking maximum economy and efficiency in its operations. Some important efficiencies have already been achieved, but more effort will be needed in 2012.

In this context I welcome the results of the initial work that has been done on reviewing the legal aid system, which points to the possibility of significant savings in future.

I also look forward to the "lessons learned" exercise that we intend to conduct next year, in which the judiciary in consultation with the other organs as well as the

States Parties and other stakeholders will consider ways of improving the efficiency of pre-trial and trial proceedings.

But the search for efficiencies and economies must be realistic. For example, while I understand the concerns of the States Parties who have argued for a zero nominal growth budget, I have to say plainly that imposing such a budget in 2012 would be profoundly damaging to the Court's ability to deliver fair and expeditious justice.

What we need is a budget outcome which reflects a rational balance between the task-driven needs of the court and the requirements of economy and efficiency. I believe that this will be in the best interests not only of the Court and the States Parties, but also of all those affected by the tragic situations with which the Court deals.

Along with a time of changes, I believe that we are entering a time of new opportunities to expand the reach of the Rome Statute system. Only by actively doing this will we increasingly be able to answer the criticism that situations of international concern lie outside the Court's jurisdiction.

Many regions are showing unprecedented interest in the ICC – the Arab world in particular. This year, six new states have joined the Rome Statute – more than during any single year since 2002. On behalf of the Court I warmly welcome them - Grenada, Tunisia, the Philippines, Maldives, Cape Verde and Vanuatu - to the ICC family assembled here today.

We need now to come up with stronger and more coordinated efforts to encourage new states to join the ICC system. 120 States Parties is a great achievement, but it leaves more than 70 to go. I look forward to continuing this work with the new President of the Assembly, States Parties, regional organisations and civil society.

If we are to end impunity and achieve lasting respect for and enforcement of international justice, then along with the running of an efficient and effective Court and progress towards universality we also need to protect the Court's independence, both prosecutorial and judicial.

This is not an easy task. A Court which deals with live conflicts cannot avoid operating in what is often a highly political context. There will always be some who accuse the Court of being selective, taking sides, or intervening in the political domain.

The Court does not and cannot do such things. Our guiding principle is the rule of law. Our actions and decisions are rooted in the provisions of the Rome Statute, independent of outside influence, political or otherwise. I know that the States

Parties understand and respect this. It is a principle that we must work together to protect and reinforce at all costs.

Independence does not however mean lack of accountability. I have always believed that judicial independence and administrative accountability can and must go hand in hand. This Assembly, along with its subsidiary bodies which work with the Court through the year, is the principal instrument of that accountability, and I wish you every success in your important work over the next ten days.

Before concluding, given that the current Presidency of the Court is nearing the end of its term, I would like to take this opportunity to pay tribute to the elected officials and staff of the Court, both in The Hague and in the field.

They work with enormous dedication on what are often very difficult and harrowing issues. Their personal commitment to the common purpose of achieving the goals of the Rome Statute is immensely strong. The international community and victims of crimes are well served by their work.

If we are seriously committed to building a system of universal justice, a system of equal justice for all, we must maintain the effectiveness of the Court.

We have a direct responsibility to secure justice for the victims of today and to protect the generations of tomorrow. That must remain our shared goal.