



Mr. Luis Moreno-Ocampo
Prosecutor of the International Criminal Court

OTP-NGO Roundtable

Introductory remarks

The Hague

19 October 2010

1. Update on cases

- *Lubanga* :
 - We welcomed the decision by the Judges of the Appeals Chamber to lift the stay of proceedings and not release Thomas Lubanga on 8 October.
 - On 11 October, a status conference was held in order to discuss a new agenda for the hearing of witness testimony and to address several issues raised by the Defence.
 - The trial will resume on 25 October with the testimony of two Prosecution witnesses.
 - We added a legal counsel to represent the Office on abuse of process procedures, Tim Owen, from the UK.
 - We are planning to brief the Judges in advance during the status conferences in order to share all our protection/security concerns.
- *Katanga/Ngudjolo Chui* :
 - To date, the Prosecution has presented 18 witnesses. The Prosecution has yet to present 6 other witnesses.
 - The Prosecution is aiming at finishing the presentation of its case by 12 December 2010.
- *Bemba* :
 - We expect the trial to start at the end of November. We are ready.
- *Callixte Mbarushimana* :
 - This latest arrest operation is the result of a multilateral/complementary approach in the investigation and prosecution of massive crimes.
 - With the arrest of Callixte Mbarushimana on 11 October in Paris, we have a concrete result of close coordination between the Court and States such as Germany, France, the DRC and Rwanda, to bring to justice those most responsible for crimes committed by the FDLR. This is a clear example of positive complementarity in action.
 - These three recent arrests regarding the leadership of the FDLR (Mbarushimana coupled with the two German cases) is an opportunity to demobilize the group led by the former génocidaires. The UN and the international community should use this opportunity to demobilize the foot soldiers and put an end to the ongoing crimes. We

- believe this is a big step to maximize the preventive impact of our work.
- Mr. Mbarushimana has been notified of the warrant and of the charges by the competent prosecutors in Paris and he will appear before the relevant French jurisdiction on Wednesday 20 October. A decision is expected within 15 days from this moment. He requested interim release and opposes the surrender. If he makes use of all the possible recourses and challenges the various decisions before French jurisdiction, it might take up to a few months before he is transferred but we are confident that he will be surrendered to the Court at the end.
 - You will have the opportunity to discuss this in more detail during the parallel session on the DRC tomorrow afternoon.
- *Kenya :*
 - We are progressing on time. We will present our two cases in December.
 - You will have the opportunity to discuss this in more detail during the parallel session on the Kenya tomorrow afternoon.
 - *Jerbo/Banda :*
 - We are preparing for the confirmation of charges hearing on 22 November.
 - We will present it in a new style; we have an agreement on the facts with the two suspects. It will be a very short hearing. We are testing new possibilities.
 - You will have the opportunity to discuss this in more detail during the parallel session on the Darfur tomorrow afternoon.

2. Update on preliminary examinations

- We presented our draft policy paper on preliminary examinations. We are eager to receive your comments and concerns. We have extended the deadline for submissions to 1st December.
- *Colombia / Palestine :* We have organized two separate thematic sessions on these two situations. The roundtable is an opportunity for civil society actors to provide their own views on the Colombian national proceedings, and to present their views on the various legal arguments presented to the OTP regarding the Palestine situation before we make any decision on the matter.

- *Afghanistan* :
 - We will continue to gather and analyze information on crimes that are being committed and the actors involved.
 - We want to galvanize efforts so the need for accountability is included in the agenda.
- *Georgia* :
 - We will continue to gather information on the ongoing national investigations initiated by both the Republic of Georgia and the Russian Federation into alleged crimes and to analyze them in light of the requirements of the complementarity principle enshrined in the Rome Statute.
- *Guinea* :
 - We will continue to evaluate and, in accordance with its independent role, to support the efforts of national courts to bring to justice those most responsible for the massacre of 28 September 2009 in Conakry.
- *Côte d'Ivoire* :
 - We will continue to monitor developments relating to past and alleged new crimes.

3. Update on Office standardization

- **One of the priorities of the Office is to standardize its operations.**
- *Operational Manual* : Early this year, we finalized the first version of the OTP Operational Manual. The Manual seeks to enhance efficiency by standardizing and regulating office practices. Currently a process of review is under way to refine the Manual and to address areas not previously covered. A public version will be disseminated during the year to come.
- *Recruitment* : The Office received 61 applications to fill in the position of Head of JCCD, as well as 89 applications for the position of Prosecution Coordinator. The Office is preparing a short list for these positions, and is planning to fill the vacancies by the end of the year. We are continuing to build this Office; I want to provide my successor with a good, operational office.

- *Policy papers* : he Office has circulated two weeks ago a draft policy paper explaining the process of the preliminary examination phase, which it conducts to identify which situations to investigate. We thank you for your feedback. We are also in the process of finalizing other relevant policy papers, including on the selection of situations and cases and on sexual and gender violence, and will continue to count on your comments in that process.

4. Inter-organ developments

- *Corporate Governance Report* : We believe the adoption of this Court document is a great achievement; we are refining with the Registry the common understanding of the services to be provided.
- *Second Governance Report on relations between the Court and the ASP*: The next step is the adoption of a governance report on the relations between the ASP and the Court. This is a crucial issue for us. It will help clarify the relations, in light of the ASP oversight role regarding the Court. This is particularly relevant in light of the discussions on the IOM.
- *IOM*: This is a crucial moment. The OTP welcomes the establishment of the IOM in accordance with article 112(4) of the Statute and the Assembly of States Parties resolutions. The OTP appreciates that the ASP respects the independence of the Prosecutor's Office. The main concern of the OTP is the proposal to investigate OTP staff without the approval of the Prosecutor.

5. Relations with civil society

Consensus :

- Global civil society, as a network of domestic and transnational non-governmental organizations, is able shape the values and priorities of the international community.
- When NGOs remain narrowly focused on their specific set of issues without considering the larger issues of common interest at stake, global civil society is easily divided and its ability to influence states and other international actors is diluted.
- When domestic and transnational NGOs work together in consensus with a common message, new international norms are established and justice can more effectively be realized.

- The existence of the ICC is perhaps one of the most relevant examples. The idea of the ICC was kept alive by civil society in legal associations for more than 125 years.
- Global civil society is most powerful when it builds consensus and units behind a common message, despite each organizations specific mandate.

Thank you.