



**Cour
Pénale
Internationale**

**International
Criminal
Court**

Le Président
The President



Judge Sang-Hyun Song
President of the International Criminal Court

Statement at the opening of the 12th Session of the Assembly of States Parties to the
Rome Statute of the International Criminal Court

The Hague
20 November 2013

Your Excellency, Madam President of the Assembly of States Parties,
Your Excellency Mr. de Serpa Soares,
Your Excellency Madam Pillay,
Your Excellency Secretary-General Diouf,
Honourable Ministers,
Excellencies, Distinguished delegates,
Elected Officials of the Court, Ladies and Gentlemen,

The year 2013 has shown the International Criminal Court firing on all cylinders. With the commencement of in-country investigations in the Mali situation, a range of cases under development in the Pre-Trial and Trial Chambers, and our first two final appeals, all organs and divisions of the Court have been very busy. In addition, the surrender and transfer of Mr Bosco Ntaganda to the Court was an unexpected and very welcome development.

In the second half of this year, the ICC commenced trial proceedings which entail new questions and challenges for the Rome Statute system. The trial of Kenyan Deputy President William Ruto and Mr Joshua Sang began in September, while the trial of Kenyan President Uhuru Kenyatta is due to start on 5 February of next year.

Tomorrow afternoon States Parties will hold a Special Segment as requested by the African Union. This Assembly is clearly the most appropriate forum for all stakeholders of the Rome Statute to come together and consider current challenges facing our system of international criminal justice and possible solutions. I also note with appreciation the initiatives by a number of States Parties to prepare for the Assembly's discussions by circulating draft proposals for possible amendments of the Court's Rules of Procedure and Evidence and even the Statute.

Any amendment of the legal framework of the Rome Statute system needs to be well thought through and should not be undertaken with undue haste. I therefore note with appreciation the inclusive consultation process which has been followed regarding the proposals for amendment of Rules 68 and 100 of the Rules of Procedure and Evidence, which will be before this Assembly for consideration and possible adoption. These initiatives reflect our common efforts to explore and implement practical ways of improving the efficiency of our proceedings while protecting the rights of all participants.

This Assembly will also consider further potential amendments to the Rules of Procedure. The normal time for discussion of these has unavoidably been compressed, and the scope for thorough consultation of stakeholders has been correspondingly limited. It will be particularly important, therefore, for States Parties to reflect carefully on the proposals before them and to ensure that any amendments adopted are consistent with the wider legal framework of the Statute, without prejudice of course to the possibility of any future amendments to the Statute itself. Any advice from the Court on the matter will necessarily be of a purely legal nature, as appropriate for a judicial institution.

I am glad that the Assembly will also devote special sessions to the topics of victims and cooperation. The ICC is wholly dependent on the cooperation of States for the effective fulfilment of its mandate, from facilitating the investigation of potential crimes and securing apprehension of suspects to the freezing of assets and enforcing sentences. The Court is immensely grateful for the extensive cooperation which it receives. But we are all aware that there are some important gaps and problem areas, and we look to States Parties in particular to address these.

The relocation of witnesses is a particularly burning need, and one that is directly related to current proceedings. While we have made some progress this year, much more support is needed. I encourage all States Parties that have not done so yet to engage with the Registry with a view to sharing the joint responsibility of providing security to witnesses through a framework agreement on relocation.

Madam President,

This year's Assembly will be electing a new judge to replace Anthony Carmona, who had to resign to take up his responsibilities as President of Trinidad and Tobago. In this context, I welcome the important contribution of the Advisory Committee on Nominations. As you know, the Court needs elected officials of the highest quality, with ample professional experience in relevant fields of law. Further, and equally important, they need to be in good and robust health! I trust that the Advisory Committee will continue its important work of assisting the Assembly to identify the very best candidates at next year's elections, when six judicial vacancies will need to be filled.

The ICC's budget will be another important issue before the Assembly. As in 2012, the Court has done its best to align its activities – and therefore its budget - to its strategic objectives. We have tried to maximize the pace and efficiency of proceedings within tight budgetary margins. The latest expenditure forecast which has been provided to you shows that the ICC has indeed been very rigorous in implementing its budget, to the extent that we have slightly overshot our savings target. I believe therefore that we have been responsible managers of the funds which the States Parties have provided.

In addition, the Court has undertaken a structural review process, carried out by external consultants. The results of this structural review have been fed into processes of re-prioritisation and structural remodelling of the Office of the Prosecutor and the Registry.

I fully endorse the efforts of both Organs to reform and improve their functioning. I also acknowledge that in case of the Prosecutor's office, a significant budgetary increase is unavoidable if we want to attain the common objective of improved OTP processes and output – which in turn affects the Registry budget because of the increased volume of services that will be required by OTP.

I therefore welcome the Committee on Budget and Finance's recommendation to provide the Court with an appropriate minimum of resources necessary to put this new strategy to action. Despite some difficulty with some of the Committee's recommendations, taken as a whole we believe that they would enable the ICC to discharge its mandate next year without compromising essential prosecutorial and judicial work.

Madam President,

As the ICC moves into its twelfth year, we must continue to improve the efficiency of the Court in terms of its structure and its proceedings. The Prosecutor, the Registrar and I stand together in working to fulfil the ICC's mandate while strengthening it from within. I know that we can count on the assistance and cooperation of States Parties in pursuing that task.

Thank you.