

## **Closing remarks of the President of the Assembly of States Parties<sup>1</sup>**

As we conclude the twelfth session of the Assembly of States Parties, we all know that this session has not been business as usual. In light of the developments surrounding the Court and increased calls for a reexamination of the relationship between the African States Parties, the African Union, and the ICC, this year's Assembly was an opportune moment to address issues that have arisen in other fora, and that concern political implications of the work of the Court and affect the Rome Statute system as a whole.

These last eight days, we had numerous opportunities to have an open discussion among States Parties about the challenges that the Court, and we as an Assembly of States Parties, are currently facing. The Assembly session was opened by distinguished speakers like the UN High Commissioner for Human Rights, Ms. Navi Pillay, and the Secretary-General of l'Organisation internationale de la Francophonie, Mr. Abdou Diouf, who explained the broader global role of the ICC.

We held a general debate with considerable high-level participation, during which States had been encouraged to inform of their efforts to create domestic capacities to investigate and prosecute Rome Statute crimes in national courts. The lack of domestic capacity still constitutes a major weakness of the system. Several States took the opportunity to inform about concrete progress achieved in the domestic implementation of the Rome Statute, and I was heartened that States also expressed their willingness to assist each other in building the necessary capacity.

On 21 November the Assembly considered an item entitled "Special Segment as requested by the African Union: 'Indictment of sitting Heads of State and Government and its consequences on peace and stability and reconciliation'". The special segment consisted of a panel discussion and was moderated by the first President of the Assembly, H.R.H. Prince Zeid Ra'ad Zeid al Hussein (Jordan). The five-hour session was candid and lively.

The debate seemed to indicate that any substantive change to the Rome Statute was unlikely in the near future. There was nonetheless broad agreement that flexibilities within the legal framework of the Rome Statute system should be explored. One such avenue was the possibility of amending the Rules of Procedure and Evidence.

Another element generally highlighted in the debate was the importance of the principle of complementarity and the fact that the International Criminal Court is a court of last resort. Accountability should be first and foremost pursued at the national level; assisting States in strengthening their judiciary is a pivotal endeavour to which all stakeholders could contribute.

There was also a discussion regarding the delicate balancing act required to achieve the objectives of the fight against impunity on the one hand, and peace and stability on the other.

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<sup>1</sup> At the thirteenth meeting of the Assembly, on 28 November 2013

There was broad satisfaction that an open process of dialogue had been started in order to address the concerns of African States Parties and with the manner in which the special segment had been organized and conducted. On the initiative of the African group, the inclusion of the special segment in the agenda of this session is now welcomed with appreciation in the omnibus resolution.

In the days following the special segment, the Assembly continued to address issues related to the subject of the Special Segment, namely the discussion of several proposed amendments to the Rules of Procedure and Evidence introducing new rules 134 *bis*, *ter* and *quater* concerning the presence of the accused at trial. The negotiations on these amendments were intense, and I commend the chair of the Working Group on Amendments for his dedication and endurance in finding a compromise text. As a result of the discussions, the principle that no one is above the law within the Rome Statute has been reaffirmed.

As the Assembly of States Parties, we are constantly engaged in discussions on how to gradually improve the Rome Statute system. Indeed, we should continuously try to refine it through all available procedures.

I am satisfied that the Assembly was able to adopt three amendments to the Rules of Procedure and Evidence. Next to the additions to rule 134, the Assembly adopted amendments to rules 68 and 100. The amendment of rule 68 is intended to reduce the length of ICC proceedings and streamline evidence presentation. The amendment to rule 100 provides for a more expeditious process for designating an alternate seat for proceedings of the Court that would allow bringing justice closer to the people whose lives have been affected by crimes. It is important that justice is not only done, but is also seen to be done. In this regard, I encourage States Parties, the Court and all relevant stakeholders to continue to improve the public information and communication about the Court and its activities. This is a shared responsibility by the Court, States Parties, international and regional organizations and civil society.

The Assembly also held for the first time since the 2010 Review Conference, a plenary session dedicated to victims, focusing on participation, reparation and communication. At another plenary session on cooperation, the Assembly discussed means to strengthen State support to witness protection.

Another milestone of this year's Assembly session is the adoption of the resolution operationalizing the Independent Oversight Mechanism with the comprehensive mandate set out in article 112, paragraph 4, of the Rome Statute. After five years of difficult consultations, a very warm thank you goes to the co-facilitators.

We have also elected Mr. Geoffrey A. Henderson (Trinidad and Tobago) as judge of the ICC to fill a judicial vacancy. The Advisory Committee on Nominations assisted the Assembly in its consideration of the candidatures. The Assembly also elected six members of the Committee of Budget and Finance.

The results of this session would not have been possible without the thorough work done throughout the year by the Bureau, its Working Groups, the Study Group on Governance and

others. My special thanks go to the Vice-President Markus Börlin for his coordination of The Hague Working Group, and to Vice President Ken Kanda and indeed to all facilitators and focal points that advanced the work of the Assembly throughout the year. As always, it has been a collective effort. I continue to be thankful to the Secretariat for its work in supporting the Assembly, its subsidiary organs and me personally. 2014 will be the last year for the current Bureau and we will now start to identify new members of the Bureau as well as the next President of the Assembly.

The support that we expressed during this Assembly to the Court has to be maintained throughout the year and translated into day-to-day cooperation with the Court. The Court will only be as strong as the support it receives from the 122 States Parties and other important stakeholders. As President of all States Parties, I have been and remain open to all, and I am confident that open and frank dialogue should continue within the Assembly framework. I hope that we will all continue to work together with an open spirit and keep sight of what brought us all together, the conviction that the most serious crimes should not go unpunished.

Last but not least, I express appreciation to the host State for its overall support to the Rome Statute system, and in particular for its financial contribution to offset the rental costs of the Convention Center for this twelfth session of the Assembly, as well as its commitment to make a similar contribution to the next Assembly session to be held in The Hague in 2015.

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