



**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 13th Session of the Assembly of States Parties to the
Rome Statute of the International Criminal Court

CHECK AGAINST DELIVERY

New York
8 December 2014

Your Excellency, Mr President of the Assembly of States Parties,
Your Excellency, Madam President Samba-Panza of the Central African Republic,
Honourable Ministers, Excellencies, Distinguished Delegates,
Ladies and Gentlemen

Mr President, on behalf of the elected officials and staff of the International Criminal Court I would like to express our warmest congratulations on your election today. With your strong record in the fields of law, human rights and government, you are ideally placed to lead this Assembly in its vital work.

I would also like to extend our very warm thanks to the outgoing President, Tiina Intelmann. She has led the work of the Assembly with great commitment and distinction during a period that presented many challenges. We are deeply grateful for all that you have done.

Madam President Samba-Panza, we are also extremely grateful for your presence here today. Resolving the challenges you face in the Central African Republic is truly critical for the future of your country, and the ICC will do all that it can to assist you.

2014 has been a busy year for the ICC. Mr Germain Katanga was convicted on charges of war crimes and crimes against humanity in connection with the 2003 attack on the village of Bogoro in the Democratic Republic of the Congo. The conviction and sentence became final on his decision not to appeal. The earlier conviction and sentencing of Mr Thomas Lubanga Dyilo for the war crimes of enlisting and conscripting children under the age of 15 and using them to participate actively in hostilities was confirmed on appeal.

Trial proceedings continued in other cases, and four confirmation of charges proceedings will have been completed by the end of this year. As a consequence, there will be a significant number of new trials in 2015.

Meanwhile the Prosecutor has withdrawn charges in one case, and another is currently suspended pending execution of an arrest warrant.

Next year will be a time of changes at the Court, as the last of the judges elected in 2003 and 2006 will leave, and - we hope - seven new judges will arrive to bring the Judiciary to full strength. Let me stress once again that the ICC needs judges of the highest quality, with ample professional experience and sound health. In addition, given the heavy casework which will face the Judiciary next year, it will be very important that the newly-elected judges are immediately available to take up full-time service.

Over the next few days you will elect six judges. I would urge you, however, also to prepare for the earliest possible election of the seventh judge who will replace the judge-elect from the Philippines who resigned from her position as earlier this year for health reasons. It is important that this seventh judge be elected in time to be sworn in with the rest of the new judges in March 2015 if we are to avoid potential delays in proceedings caused by lack of a full complement of judges.

As for my fellow judges who will be leaving in March, I would like to take this opportunity to thank them, and indeed all the judges of the Court, for their significant contributions to the jurisprudence and practice of the Court. I would also like to pay tribute to our colleague and friend Judge Hans-Peter Kaul, who sadly passed away during the summer. As one of the veterans of the ICC, his personal contribution will be always remembered.

As a new institution which initially existed only on paper, it took time to establish the ICC and its core staff, begin the first investigations and process the first cases. With last week's final appeal decision in the *Lubanga* case, the Court has completed its first full judicial cycle, though work continues on reparations for victims in the case.

For the last few years there has been a strong sense within in the ICC of the need to learn lessons from our experience so far, and to draw on these to improve the quality, efficiency and timeliness of our proceedings.

This can be seen from the implementation of the revised strategy of the Office of the Prosecutor, and the Registrar's *ReVision* project to improve the structure, operations and efficiency of the Registry, which are both leading to important changes. And it is equally present in the continuing "lessons learned" work of the judges, which has focussed this year on practical ways of improving the efficiency of the transition of cases from pre-trial to trial.

Another element of the judicial lessons learned process this year has been the judges' proposal for some amendments to the Rules of Procedure and Evidence. These are important both for the timely progress of proceedings and in terms of efficient use of the Court's resources, and we very much hope that the Assembly will be able to adopt them. Meanwhile we are starting to work on issues relating to the participation of victims, which will be one of our main projects next year.

All the organs of the ICC need to press on with the search for further improvement. In today's world no organisation can afford to stand still. With the ICC's operational focus driven by events in the outside world, and with its fundamental dependence on the cooperation of States, including over its resources, the Court must engage in a continuing process of internal re-examination. In doing so, we can also draw

on the experience of other international judicial institutions, and to this end we hosted this year a developed practices workshop in cooperation with *ad hoc* tribunals and courts.

Speaking of resources, the ICC's draft 2015 budget is before you for decision. It necessarily reflects the substantial increase in investigations and case activity expected next year. The draft budget has been the subject of intensive and, I believe, constructive discussions, first in the Committee on Budget and Finance and subsequently with States Parties in The Hague Working Group. During this process significant savings have been recommended. The Court considers that, taken as a whole, the package now before you will still enable us to discharge our mandate adequately next year, though within very tight resources. It is therefore my sincere hope that it will be possible for States Parties to reach consensus on this basis.

Mr President,

64 years ago, I was a terrified little boy amidst a brutal war. I witnessed all its horrors. To find food for my family, I walked for hours on streets lined with corpses. I hid from bombs falling from the sky.

Many of the nations represented in this hall, and some of you personally, have likewise experienced traumatic events that scar societies for decades, even centuries.

The community of States has worked hard to find common ground on which to build a peaceful world. International law plays an essential part in that process. The ICC and the Rome Statute represent the historic culmination of efforts to outlaw the worst crimes of international concern, and to deter them through effective prosecution.

Today, in a fast-changing world facing new challenges, it is more important than ever that States preserve what they have achieved. Hold on to what you have created, and build on it.

As one of the first judges to arrive at the ICC, and one of those shortly due to leave, I continue to be struck by how far we have come since Rome. We have witnessed the vision of a system of international criminal justice taking practical shape. Yes, it remains incomplete. Yes, it is imperfect. Yes, we still have much to learn. But there is a concrete structure now in place, with an active court at its centre and an intricate web of international cooperation supporting it.

We all know the challenges ahead.

We need to continue the current efforts to improve the quality and efficiency of our work.

We need to develop further the system of state cooperation on which our casework depends, including vital practical areas such as protection of witnesses, arrest strategies, freezing of assets and enforcement of sentences.

We need to continue working together towards universality.

I hope that States will also find ways to help and support each other in the vital area of complementarity. It is clearly in the collective interest of States to encourage the effective investigation and prosecution of Rome Statute crimes at the national level.

In all this we need a strong ICC which is demonstrably impartial and professional in its work, and which can operate free of external pressure.

Judicial and prosecutorial independence are vital for this. So is the confidence of States. We all need to defend the integrity of the Rome Statute system. Its deterrent effect depends on it.

We have already come a long way. Much still remains to be done, but I am convinced that, working together, we can solidly entrench the Rome Statute system as the long-term cornerstone of international criminal justice.

Finally, to States Parties I would like to say that this is your system and your Court, and I have great confidence in the crucial role you play in shaping their future and ensuring their success.

To the many observer States present I would like to express the hope that before long you too will see this as your system, your Court, and play your own role in shaping their future.

To the United Nations and the many international and regional organisations involved in the Rome Statute system, I extend my sincere gratitude for the cooperation and support they extend to the ICC.

And to the representatives of civil society, I offer my warm thanks for the support you have given to this unique project, and encourage you to continue with the important role you play in holding us to the mandate we have been given.

Thank you for your patience. I wish you a successful and productive Assembly.