



**Judge Silvia Fernández de Gurmendi
President of the International Criminal Court**

Statement to the 16th Session of the Assembly of States Parties to the Rome Statute

Check against delivery

*New York
4 December 2017*

Mr President,
Mr Secretary-General,
Madame Prosecutor, Mr Registrar,
Mr Chair of the Board of the Trust Fund for Victims,
Excellencies,
Ladies and Gentlemen:

It is a great honour to present the Court's annual report to the 16th Session of the Assembly of States Parties to the Rome Statute.

At the outset, I would like to express to Minister Sidiki Kaba the Court's appreciation for his important work as President of the Assembly of States Parties during the last three years.

The Court looks forward to working with the future President of this Assembly, Mr. O-Gon Kwon, whose professional and personal skills are well known. At a time in which the Court is confronted with an unprecedented judicial workload, his enormous personal experience as one of the longest-serving judges of the International Criminal Tribunal for the former Yugoslavia will be a great asset for our system.

I trust that he will also continue President Kaba's efforts to reach out to states and civil society to listen to views and concerns, to foster cooperation with the Court, and to promote universality of the Rome Statute system.

This Assembly provides an excellent forum for a constructive dialogue among all, to which the Court also seeks to contribute. Indeed, as I said to you last year, the Court is willing to listen to all views and concerns without prejudice to its judicial independence that must be always maintained. As a judicial institution, the Court is a distinct kind of international organization. Independence from external influence is essential to its identity, credibility and legitimacy.

Judicial independence, however, has not been and should not be an impediment to collective efforts to enhance the Court's efficiency, which has been my main priority as President of the Court. I have engaged throughout my mandate in numerous initiatives to improve the efficiency and quality of judicial proceedings and, more broadly, to enhance the governance of the Court.

In three years, all phases of the proceedings have been collectively revised by the judges through retreats and other mechanisms. Concrete reforms put in place are already having a visible impact in our courtrooms and cases, including a drastic reduction of the time required for some phases or aspects of proceedings.

Improvements are also taking place in other areas, including legal research. In this regard, I am happy to announce that enormous progress has been made in the internal development of a case law database, which I hope we will be able to launch in a few weeks.

Mr President,

The enhancement of the Court's performance is work in progress that must continue as new lessons are drawn from additional experience. In light of developments in current proceedings, there are certain areas in which I believe the Court should focus in the immediate future, namely matters pertaining to the legal representation of victims, reparations, and legal aid.

During my three years as President I have sought to improve our work by collective discussions intended to promote a more cohesive judicial culture. This is vital in order to accelerate proceedings, increase predictability and facilitate their understanding by parties and victims. However, developing a cohesive judicial culture is particularly difficult in a multicultural environment like ours. Judges and legal staff come from different regions and backgrounds and need, in addition, to get acquainted and apply an innovative hybrid system which combines legal systems of the world. The challenge is compounded with the renewal of a third of the judges every three years. I trust that the judges to be elected in this Assembly will be conscious of the importance of approaching this complex Court and its mixed legal system with flexibility, an open mind and a collegial attitude.

The performance of the Court and the complexity of its work are now measured to some extent through performance indicators. In this respect I would like to draw your attention to the Court's third report on performance indicators, which we have recently circulated. As we said last year, in 2017 we have focused on the collection of data for the previously selected indicators. Next year, the Court will continue to collect relevant data for the four identified goals and will, on that basis, continue to assess whether the selected indicators need to be further adjusted.

Mr President,

In my recent presentation to the General Assembly, I indicated that the Court was seeking to strengthen the safeguards to ensure that officials and staff members of the Court uphold the highest standards of integrity and professionalism in the exercise of their functions.

I am pleased to announce that we have just finished a mapping of all relevant existing legal provisions and codes of ethics related to duties of elected officials and staff, both while in office and after departure. The Court will on this basis assess whether any further provisions or measures should be considered. We will keep the Assembly apprised of developments in this regard.

In this context I would like to emphasize the importance of the IOM established by this Assembly, which became operational during my Presidency. I would like to express my appreciation for the great work done by Mr Ian Fuller as the head of this mechanism. While we are very sorry to see him go, I congratulate him on his new function as Chief of Operations for UNICEF in Afghanistan and wish him all the best in this important new endeavour.

Mr President,

Applying the One-Court principle, the Court has sought to improve the quality of its budget submission, making it a more cohesive document that reflects, to the extent possible, an aligned vision of the organs on resources needed to effectively discharge its mandate.

I would like to thank the Committee on Budget and Finance for the guidance it provides to the Court. In particular, on a personal note, I wish to express my gratitude to Ms. Carolina Fernández Opazo, who chaired the CBF during most of my time as President. Our frank discussions and her candid feed-back helped me and the Court to understand the Committee's perspectives and concerns. I am confident that this constructive dialogue will continue under the leadership of the new Chair of the Committee, Mr. Kozaki, to whom I wish the best of success in his function.

Mr President,

Much has been achieved within the resources provided by this Assembly for 2017, for which our Court is grateful.

Three trials are in progress, and reparations proceedings are under way in four other cases, following convictions. Several reparations decisions have been issued, awarding both collective and individual reparations. The Appeals Chamber has been busy with interlocutory appeals, appeals related to reparations proceedings, and, most notably, the appeals against the final conviction and sentences issued in two cases.

At Pre-Trial level, we have seen the issuance of a new arrest warrant and authorisation of a new investigation, as well as another authorisation request from the Prosecutor to open an investigation that is currently pending.

The Court has stepped up its outreach to victims and affected communities in order to ensure sufficient understanding of and access to our proceedings. Participation and reparation of victims are central aspects of the Rome System. In this context I would like to recognise the crucial role of the Trust Fund for Victims in the pursuit of reparative justice and express my appreciation for your donations to the Fund.

Mr President,

Last but not least, I would like to express my heartfelt gratitude to the Secretary-General of the United Nations, Mr Antonio Guterres, for his presence here today. The significance of his personal support for the Court as well as that of the United Nations under his leadership cannot be overstated.

While the Court is not part of the United Nations, it shares its core goals and values – and we benefit from numerous forms of vital cooperation provided by the UN and its agencies, funds and programmes. We cherish these valuable partnerships and are strongly committed to maintaining and further strengthening them.

The Court needs the United Nations for the effective exercise of its mandate. It also needs the cooperation and support of the international community at large, States, international and regional organisations, as well as civil society, including organisations of the legal profession.

At a time when serious pushback appears to challenge the achievements already made to enhance accountability, the firm and sustained commitment of the international community is crucial for the Court to effectively fulfil its mandate.

A spirit of collective commitment is indeed required to strengthen an interdependent, global system of international criminal justice, a system that provides expeditious and high-quality justice to ensure fair retribution for crimes, and adequate remedy to victims for the harm suffered.

Thank you for your attention.

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