



Cour
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Court

Le Bureau du Procureur

The Office of the Prosecutor

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Sixth plenary – Review process

Remarks

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Mr President of the Assembly,
Mr President of the International Criminal Court,
Mr Registrar,
Excellencies,
Ladies and Gentlemen.

I am grateful for this opportunity to share a few reflections on the crucial review process on which we have embarked in partnership.

I subscribe to the sentiments just expressed by the President regarding the review process. We embrace the exercise, and consider it crucial for realising our shared vision and strong desire to strengthen the functioning of the International Criminal Court and the Rome Statute system as whole.

Commendable work has already gone into the thinking of the review process, thanks to the tireless efforts of the ASP Presidency, the Bureau and the active participation of States Parties who engaged in discussions that shaped the thinking on the process, culminating with the Matrix, and later the Terms of Reference and other important documents that will form a useful basis for moving this important venture forward.

We are grateful for the opportunity to also contribute to the process. Continued, inclusive, meaningful and consultative engagement as we move forward in this endeavour is the only way to guarantee a successful outcome. We thus reiterate our readiness to continue to engage and assist with this important process.

In addition to an inclusive consultative engagement, the success of this venture will also depend on the observance of certain underlying principles, which bear repeating in this setting. These include: First, the need to ensure the review process fully respects and preserves judicial and prosecutorial independence of the Court as enshrined in the Rome Statute with a recognition that some of the issues to be discussed fall exclusively within the Court's remit. This is particularly important to bear in mind when time comes for the consideration of the recommendations at the end of the process. Second, acceptance that each component part of the Rome Statute System has an important role to play and impact the overall performance of the system and as such, that all parts of the system must be reviewed. Not meeting this need and expectation will result in a

missed opportunity with ramifications for the Court. Finally, the process must duly recognise and then build, as necessary, on the many efforts already undertaken by the Court in some of the areas suggested for review. Many of these efforts are not fully known or appreciated by different stakeholders, and we view this review process as also an opportunity to better explain and make known such efforts.

With that in mind, as I stated at the opening plenary, there is every reason to believe that the expert review will yield useful recommendations for all to consider, and especially, recommendations that we, in the Court and the Office, can consider for implementation to improve our effectiveness.

In furtherance of its strategic planning and the evaluation of its performance, my Office has already identified a number of areas on which it has embarked on improvement measures to ensure optimal performance, with the aim of achieving a high success rate in court.

My Office stands ready to elaborate on these measures in much more detail as part of the review. Many of these measures have been instituted since I took office in 2012, and are issuing in concrete results within the halls of the OTP, in and outside of the Courtroom. As part of the overall management of the Office, we have endeavoured to build an Office culture that is built on excellence and continuous learning and improvement. We are committed to a sustained and dedicated effort in this Office philosophy and trajectory.

To cite but a few examples in the limited time we have this morning, we have instituted changes, firstly at the organisational level, such as changes to reporting lines and the adoption of a fully integrated inter-divisional team model under the leadership of a Senior Trial Lawyer. Secondly, changes that relate more directly to the Office's discharge of its core mandated activities have also been introduced.

To this end, preliminary examinations continue to be streamlined to effectively perform the gate-keeping function of ensuring that only those Situations that meet the required statutory criteria proceed to the next stages. This entails rigorous assessment and analysis of all information received; regular reporting to ExCom and closer integration of the Situation Analysis Section and other Sections and Divisions of the Office as the preliminary examination progresses.

In the context of its investigations and prosecutions, the Office has equally been working to enhance its performance, including in relation to its analysis and presentation of evidence; its ability to investigate in complex environments, as well as making possible adaptations as needed; giving increased consideration to bringing cases that are narrower in scope, as well as bringing cases against notorious or mid-level perpetrators where appropriate, building upwards towards the most responsible perpetrators. The Office also continuously seeks to contribute and adapt to jurisprudential developments in Court.

Specific measures taken include the creation of Scientific Advisory and Technology Advisory Boards and the development of relevant Standard Operating Procedures; the training of investigators on the PEACE model of interviewing; advanced specialised training, on-line learning on handling of evidence to enhance and maintain the requisite skills; rigorous investigation planning, with periodic updates on plans presented to ExCom for assessment and guidance; regular case reviews and 'murder boards', to test the viability of cases and to prepare for court presentations; advocacy training; and the development of a highly skilled Appeals Section, which also serves to advise teams on legal, evidentiary and procedural matters.

Additionally, there are countless managerial initiatives to enhance performance, including measures to improve the work environment, the wellbeing of staff, and bolstering, and ensuring compliance with ethical rules and standards.

The review process should recognize these measures and seek to strengthen them as needed.

We accept that the review may identify entirely new areas that may justifiably call for improvement. We would welcome these and look forward to engaging in related discussions.

It is with this same spirit of engagement that my Office already commits to discussing further with States Parties and other stakeholders challenges such as the desirable size of an international (global) prosecution office; a common understanding of prioritisation in conformity with the Rome Statute; the meaningful practical application of the complementarity principle, again within the Rome Statute legal framework; and the development of situation completion strategies.

We are all components of the Rome Statute system that need to work optimally, to guarantee the system's optimal output.

The review process presents us with a unique opportunity to further strengthen the Rome Statute, building on the spirit of 1998 – to wit, to ensure, in the words of the late Kofi Annan, that “no ruler, no state, no junta and no army anywhere will be able to abuse human rights with impunity. “

I thank you for your attention. | OTF