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Prosecutor of the International Criminal Court

*Address to the Assembly of States Parties*

**Thirteenth Session of the Assembly of States Parties**

Monday, 8 December 2014

*Venue:* Conference Room 1, UN Secretariat Building

*Check against delivery*

Mr. President of the Assembly,  
Madame President of the Central African Republic,  
Mr. Under-Secretary-General for Legal Affairs,  
Mr. President of the International Criminal Court,  
Mr. Registrar,  
Your Excellencies,  
Honorable Ministers,  
Distinguished Delegates,  
Ladies and Gentlemen,

At the outset, Your Excellency Minister Sidiki Kaba, *mon frère*, I wish to congratulate you for your election as President of the Assembly. Your election is a demonstration of your strong and unyielding commitment and that of your country to international justice and the International Criminal Court. We assure you and your Bureau of our cooperation as we continue building on the gains of the last twelve years of the existence and evolution of the ICC. The next three years may certainly have their own share of challenges, but we are confident that under your leadership, we shall rise above these challenges and emerge triumphant. We count on your stewardship to navigate this independent and impartial judicial institution through the turbulent seas of sometimes parochial, short term political interests designed to detract the institution from carrying out the mandate given to it by the Rome Statute.

Ambassador Tiina Intelmann, we thank you for your stewardship of the Assembly over the past three years. You have been an outstanding and tireless advocate for the Court and one of its staunchest supporters. Your contribution to the institution has been notable and we thank you for all your efforts in the past three years. I have no doubt that you will continue to be a trusted friend in any new capacity you hold in the future, for which we wish you well and continued success. To all the outgoing members of the Bureau, and in particular Ambassadors Markus Börlin and Ken Kanda, we thank you for your leadership in The Hague and New York, respectively.

My sister President Samba-Panza, welcome and thank you for gracing us with your presence at this year's Assembly, which is a testament of the trust that you and the people of the Central African Republic, and indeed the African Continent more generally, have in the Court. Our joint efforts to address the spiralling violations of human rights and alleged mass crimes in the Central African Republic are just beginning. It will not be an easy task but under your leadership and with your support and that of the people of Central African Republic, I am confident great strides can be

made to bring justice and accountability to your country and for the benefit of the good people of the Central Africa Republic. You can count on us that no stone will be left unturned in our quest for justice, and by so doing, contributing to your efforts to build lasting peace and prosperity in your country. The victims of heinous crimes in the Central African Republic deserve no less.

Mr. President,

2014 has come and gone with its challenges and successes.

Amongst the challenges we face is the difficulty of matching resources to the expectations of States Parties, victims, communities affected by mass atrocities, and the international community as a whole. While we are fully aware of the ever increasing strains in the global and many national economies, we should avoid depriving the Court of the vital means necessary to effectively discharge its mandate. At this crucial time, when we are seeking to enhance the quality of our work to consistently achieve positive outcomes through implementation of our Strategic Plan, we should also consistently strive to narrow the gap between resources and expectations, otherwise we risk systemic under-performance that will harm the Court's legitimacy and credibility as it strives to discharge its mandate. Proper funding will be *key* to ensuring that the ICC delivers on the promise of the Rome Statute. We count on this Assembly of States Parties to grant us the resources we need, not only to do our job, but to do it well.

Operating in a highly politicised international environment, in which the role and function of the Court as a key player and judicial pillar in the international arena is often misunderstood, continues to be a major challenge. This has led to unfair and unjustified criticism of the Court. Such criticisms have served to strengthen our resolve and commitment to independently and impartially discharge the mandate entrusted to us by the Rome Statute, guided by nothing but the law and evidence, devoid of any political considerations. Just as the oversight function of the ASP under Article 112 of the Rome Statute is an important factor for the institution's success, so too is *respect for judicial independence* and *safeguarding the integrity of the judicial process* from political interference. It is the duty and indeed the responsibility of this eminent body to *protect* the institution and *safeguard* its judicial independence, much as you are duty bound to provide management oversight over its administration. *We must always* honour the sanctity of the Rome Statute and act as its unwavering custodians.

Over the years we have stressed the importance of effective, timely, and tangible cooperation with the Court, in particular in the crucial areas of collection of evidence, witness protection, arrest and surrender of suspects as well as the enforcement of sentences. Statistics in each of these areas speak volumes: 14 agreements for the relocation of witnesses; 13 suspects still to be arrested and surrendered; and seven agreements regarding the enforcement of sentences. A far cry when viewed against the 122 States Parties that have assumed obligations to fully cooperate with the Court.

It is particularly disturbing that a number of suspects indicted by the Court remain at large after States invested so much in the investigations that culminated in the Chambers' decisions that these suspects have to answer charges. It is in our collective interest to see a return on this investment. I can only reiterate that States are the enforcement arm without which the Court cannot properly function.

Despite all these, 2014 has also witnessed positive developments.

As my annual Report on Preliminary Examinations activities demonstrates, out of the eleven situations we engaged in during the course of this year, one proceeded to investigations, here I am referring to the Central African Republic and two were closed: these relate to the Republic of Korea, and the Registered vessels of Comoros, Greece and Cambodia. Two new situations were opened in Ukraine and Iraq. Our renewed focus on preliminary examinations as one of the core activities of the Office and the allocation of resources to this process has resulted in more intensive examination and constructive engagement with States Parties in an effort to encourage such States to assume their primary responsibility to investigate and prosecute crimes. Good progress is being made in advancing all other situations to next phases in the preliminary examination process.

In line with the Office's policy to be as trial ready as possible well in advance of any envisaged trial date, we are prioritizing investigative activities to focus on cases in which the judicial process has already been triggered. This entails shifting of resources as we 'hibernate' less urgent investigations.

Experience has taught us that heavy reliance on witness testimony prolongs the length of trials and increases costs. Use of modern technology has thus become a crucial aspect of improvement of the quality and efficiency of our investigations. We have begun investing in improved technology for the collection, extraction and processing of information from digital media carriers, the internet or telecommunication companies and have enlisted external experts to assist us in ensuring that these investments in quality are focussed on correct standards and technology.

Our newly introduced system of progressive and detailed case reviews serves to ensure that we continuously assess the status of our evidence, and to address gaps when they're identified in advance of submissions to the Chambers.

These enhancements in approach and in our *modus operandi* are already issuing in positive results inside and outside of the courtroom.

Mr. President,

Yesterday, at an event organized by my Office where we had the honour of your presence, amongst other esteemed guests present here today, I officially launched my Policy Paper on Sexual and Gender-Based Crimes. The investigation and prosecution of sexual and gender-based crimes is one of the priorities of my Office and the policy is designed to assist the Office in executing its mandate in this regard in a systematic and thorough manner. It is my hope that the policy will also serve as a guide to national authorities' efforts to investigate these egregious crimes.

Work on the new Strategic Plan for 2016-2018 has already started. We are developing our thinking on various issues, including optimal capacity, performance indicators, exit strategies, and costs implications, including costs for other organs. This plan will certainly guide my Office's work in the mid-term future.

Mr. President,

I look forward to our usual fruitful deliberations and a successful outcome of this Assembly. I am confident that the Assembly's decisions will help to further strengthen the Rome Statute system. | OTP