



**Cour
Pénale
Internationale**

**International
Criminal
Court**



**Judge Piotr Hofmański
President of the International Criminal Court**

Remarks to the 20th session of the Assembly of States Parties to the Rome Statute

6 December 2021

Madam President of the Assembly,
Mr Prosecutor,
Mr Registrar,
Madam Chair of the Board of Directors,
Excellencies,
Distinguished representatives of States, organisations and civil society,
Ladies and gentlemen,

It is a great pleasure for me to address the Assembly of States Parties for the first time in my capacity as President of the Court.

I would like to begin my remarks by thanking all States, organisations, colleagues and others who have given their support to me in my new role since I was elected President on the 11th of March this year. I really appreciate it.

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Madam President,

If I had to summarise in one sentence what I want to say today, it would be this: “the ICC is on a good path”.

The Court is doing more than ever in the concrete delivery of justice through investigations, trials and reparations.

The Court and the Assembly are working closely together in the Review process, which is already yielding positive results.

And the Court has survived the most challenging period of institutional threats against it since its creation.

None of this means that our daily work is simple or easy – far from it – but it is reassuring to see the Court succeed in discharging its mandate, while it is also improving as an institution.

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I will not enter into the details of the Court's judicial work here, since the allocated time slot is far too short for that.

Suffice it to say that the Court is very busy, working at full capacity and speed.

In the past 12 months, a large number of significant decisions were issued, including two major appeal judgments, one trial verdict, one sentencing decision, one reparations order, two decisions on the confirmation of charges, one decision authorising an investigation, and so on and so forth.

And despite the significant challenges posed by the global pandemic, the proceedings in our courtroom have not stopped at any point. Two trials have been occupying our courtrooms this year, two more will follow next year, and there could be a fifth one as well.

We may well be heading to the Court's busiest year ever in terms of trial proceedings.

Meanwhile, the number of situations before the Court has reached the record level of 16 – more than double from ten years ago.

The workload of the Trust Fund for Victims has equally increased in a dramatic manner in recent years, as it plays a key role in delivering the reparative aspect of the ICC's justice system.

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All of this shows that the ICC is doing the job it was created to do, despite challenges.

It shows that the Court is relevant, and legitimate.

And it shows that the Court enjoys broad support and cooperation, as without that, all this work could not be carried out.

On that note, I would like to express the Court's sincere gratitude to all those States Parties, other states, international and regional organisations and NGOs that have extended their support and assistance to us in the past year. Thank you.

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Madam President,

Apart from the unprecedented workload of the Court, a theme that has strongly characterised the past year is the Review of the Court and the Rome Statute system.

The Review resonates strongly with my top priority as President of the ICC, which is to enhance the Court's delivery of justice in every way possible. Independent, impartial justice, fair to all parties and participants.

Since day one of my Presidency, the Court has been working closely with the Assembly on the Review process. We must make it a shared success of the whole Rome Statute system.

We have already seen the usefulness of the IER Report as it has pushed us all forward to tackle many areas where improvements can be made. We may not agree with each and every recommendation, but that was never the point – the main thing is that the process as a whole creates positive change.

It is not easy for judges to work on the complex IER recommendations on top of the heavy judicial workload. But we are doing it, and we have made a lot of progress.

Just two weeks ago, at the annual judges' retreat – a tradition started by President Fernández – the Court's judges jointly decided on several important measures in response to the IER report, with a view to enhancing the efficiency and consistency of proceedings before the Court. These agreements, which concern the pre-trial to trial transition, the conduct of trial proceedings, and the approach to victims' applications, will be reflected in the Chambers Practice Manual as well as proposed amendments to the Regulations of the Court.

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Discussions at the retreat also addressed questions related to collegiality and workplace culture. The latter issue in particular is one of the highest priorities for the Court's management. We must guarantee a safe and fulfilling working environment for everyone at the Court.

The Court is doing a lot on this front.

We have appointed a full-time focal point for gender equality, and she has already made a tangible impact. We are creating an ombudsperson next year, if the Assembly approves the budget for it. We are right now conducting a staff engagement survey, to get updated and more detailed perspectives of the staff members on their working conditions.

We are also far advanced in updating key administrative issuances aimed at addressing bullying, harassment and related matters. And we are soon launching public consultations on the Court's first comprehensive institution-wide Strategy on Gender Equality and Workplace Culture.

On top of all this, I want to show example by digging deeper into this topic in my own immediate area of responsibility, the Judiciary. To that end, I have requested the Independent Oversight Mechanism to conduct an evaluation of the staff working conditions in the Presidency and Chambers. I hope the ASP will approve this as part of the IOM's work plan for next year. I want to get an in-depth, independent evaluation of the state of affairs, so that we have a precise picture of where problems lie.

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Madam President,

At the beginning of my remarks, I referred to the deeply regrettable period of attacks and sanctions against the ICC – which is thankfully now behind us.

That period taught us that the Court, its mandate and its independent operation cannot be taken for granted.

In that context, I urge the Assembly to give utmost attention and deep consideration to recommendation 169 of the independent expert report. It is essential that we are all better prepared for possible future threats against the ICC.

If the Court is allowed to do its work independently – which is the cornerstone of its very idea as a judicial institution – then we are bound to end up on a collision course with powerful interests every now and then.

The ICC community of States and stakeholders must make it abundantly clear to the world that the Court and its independence will be safeguarded with utmost vigilance.

We cannot afford to compromise on the rule of law – and that is, ultimately, what the ICC represents. I am of course aware that the rule of law in the international arena is not exactly the same thing as it is in the domestic setting. But the two are very closely connected, and we must promote both.

I believe this is also one of questions that should form part of the discussions on the long-term strategic vision for the ICC, provided in recommendation 363 of the IER report. The Court stands ready to work with the Assembly on this important matter.

Madam President,

Thank you for this opportunity to address the community of States and other stakeholders gathered under the umbrella of the Rome Statute.

As President of the ICC, I pledge my full commitment to leading the Court forward as well as I possibly can in the next two years, and working closely with you and everyone else here for the cause of justice, as we have indeed done so far.

Thank you for your attention.

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