

**Statement by Judge Philippe Kirsch
President of the International Criminal Court**

I. Introduction

I am very pleased to have the opportunity to address the CAHDI once again. I last met with the CAHDI in 2003 - of course, much as changed since that time. I am also very pleased to have the opportunity to participate in the Fourth Consultation on the International Criminal Court for Council of Europe member states.

The Council of Europe and its member states have long provided important support for the Court, even before the Court was established. This commitment is reflected in resolutions and declarations of the Parliamentary Assembly and Committee of Ministers. The Council of Europe backed the early entry into force of the Rome Statute and the establishment of the Court, notably through a resolution of the Parliamentary Assembly as early as 1992. With the entry into force of the Statute, the Council of Europe committed itself to advancing universal support for the Court, protecting the integrity of the Statute and encouraging State cooperation in the fulfilment of its activities.

I will focus my remarks on providing an update of the Court's activities and its cooperation with other actors. The prosecutor will provide you with an overview of his investigations. We then look forward to responding to your questions.

II. Update of activities

I would note, first of all, that 102 States have ratified or acceded to the Rome Statute. This is an impressive pace for a treaty establishing an international institution. We are very pleased with the two recent ratifications - Comoros and Saint Kitts and Nevis. Yet, we are still a long way from universality and the Court requires support from all regions.

The Court is now well into the exercise of its judicial activities. As you know, three States Parties have referred situations occurring on their territories to the Court and the Security Council has referred the situation in Darfur, Sudan. The prosecutor will give you an update on the three investigations.

On 17 March this year, the first wanted person was surrendered to the Court. Mr. Thomas Lubanga Dyilo, a national of the Democratic Republic of the Congo (DRC), is alleged to have committed war crimes, namely conscripting and enlisting children under the age of fifteen years and using them to participate actively in hostilities. A hearing to confirm the charges is expected shortly. If the charges are confirmed, the trial phase will begin.

Arrest warrants have also been issued in the situation in northern Uganda for five members of the Lord's Resistance Army (LRA), including its leader Joseph Kony. The alleged crimes against humanity and war crimes contained in the warrants include sexual enslavement, rape, intentionally attacking civilians, and the forced enlistment of child soldiers. The arrest warrants were initially issued under seal because of concerns about the security of victims and witnesses. The warrants were only made public once the Pre-Trial Chamber was satisfied that the Court had

taken adequate measures to ensure security. None of the five LRA members have been arrested or surrendered to the Court.

The Pre-Trial Chambers have also issued decisions in other areas such as forensic examinations, the right of victims to participate in pre-trial proceedings, and disclosure of evidence before the confirmation of charges hearing.

The Appeals Chamber has issued a number of decisions including on issues relating to procedural matters and the powers of the Appeals Chamber to review a decision of the Pre-Trial Chamber denying leave to appeal. It is currently considering an appeal concerning the regime governing restrictions on the obligation of the prosecutor to disclose material to the defence prior to the confirmation of charges hearing.

To support the extension of the Court's operations into the field, the Registry and the Office of the Prosecutor have established joint field offices in Kinshasa, Democratic Republic of the Congo and Kampala, Uganda. These field offices facilitate the work of investigators as well as the Court's activities in relation to defence, witnesses, victims and outreach. In support of the prosecutor's investigation in Darfur, the Court currently has a field presence in Chad.

As it conducts investigations and other statutory activities in the field, the Court faces a number of challenges. The prosecutor will elaborate on these challenges in more detail. The Court's investigations are occurring in situations of ongoing conflict. The security of Court staff, victims, witnesses, and others who could be affected by the Court's activities is a priority. The Court must find ways of establishing reliable and secure logistics, transportation and communications in the three different situations. Each situation also presents its own specific needs, including, for example, local language capacity requirements.

In addition to developments in the judicial process, the Court is developing its supporting structures and administrative framework. In that context, I will speak briefly about the direction the Court is taking as it looks to the future, particularly through the development of a strategic plan. Earlier this year, the Court's senior management adopted the first version of the strategic plan. The plan will assist the Court in coordinating our many different activities, ensuring a longer-term perspective in our planning, and setting common priorities for our work. Through the strategic planning process, the Court aims, in dialogue with States, international organisations and nongovernmental organisations, to set a clear direction for the coming three years and beyond. The strategic plan sets out three interrelated strategic goals for the Court: to ensure the quality of justice; to be a well-recognized and adequately supported institution; and to be a model for public administration.

To reach these goals, we have identified thirty strategic objectives over the coming ten years, with emphasis on objectives to be achieved in the next three years. We are already turning the strategic plan into action by linking the plan to the preparation of the proposed budget for 2007. In the proposed budget, the objectives in the plan are the objectives for units and sections of the Court, thus establishing an overall strategic direction for the budget.

One part of the strategic planning process is the development of a Court Capacity Model. The Court Capacity Model is a simulation tool, to assist us in planning. The Model tells us what the Court can achieve with a given number of resources. For example, it may indicate the approximate number of staff needed to conduct a certain number of investigations or trials. It can

also be used in the reverse, to identify approximately how many investigations or trials the Court can conduct with a fixed number of staff.

III. Cooperation between the Court and other Actors

I will now say a few words about cooperation between the Court and other actors. This includes support of States, international organisations and nongovernmental organisations to the Court. As a first matter, our experience has confirmed that trials depend on many elements, several of which are not within the Court's control. The most critical factor depending on other actors has been obtaining arrest and surrender of persons. The Court, specifically the Office of the Prosecutor, has been developing cooperation mechanisms to help secure arrests. Nonetheless, our success in obtaining persons will continue to depend primarily on States and international organisations. The prosecutor can speak on this issue in more detail. Other important forms of judicial cooperation required by the Court include including sharing and securing information and evidence; and enforcing the sentences of the convicted.

In many aspects, our work is facilitated by cooperation agreements. For example, last October we signed the first enforcement of sentences agreement - with Austria. The Court has also entered into relocation of witness agreements with a number of States and has received technical assistance. The conclusion of more such agreements is essential for the Court to fulfil its mandate.

The Statute foresees the importance of the relationship agreement with the United Nations, as well as cooperation with States under Part 9 of the Statute. I am pleased in that respect to announce that the Court has appointed Ms. Socorro Flores Liera as the head of the New York liaison office. Ms. Flores Liera commenced her duties in New York this week.

We have also recognized that cooperation with regional organisations will facilitate the success of the Court. In April 2005, we concluded a cooperation agreement with the European Union. We hope to soon conclude a similar agreement with the African Union.

As we move to new stages of proceedings, we will rely on other forms of cooperation, such as the transport of victims and witnesses and sharing of information relevant to trial proceedings.

IV. Conclusion

The Court has made considerable progress in the three and a half years since the judges and prosecutor took office. At the same time, the Court is a young institution and can expect to learn significantly more from our experience as we conduct the first trials. To be fully effective, however, we must continue our efforts to ensure that the Court has the support necessary to dispense justice as fairly and efficiently as possible. I will now hand the floor over to the prosecutor and look forward to our discussion.