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Presentation

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English Version

Excellencies, Ladies and Gentlemen,

It is a great honour to address parliamentarians from all over the world committed to global action.

10 years ago, people like you, representing countries from all continents decided that the international community will protect victims of the most serious crimes, victims that are not protected by their own authorities.

The Rome Statute is a very innovative international treaty. States did not only commit to apply this law within their own borders. They committed to support a permanent and independent International Criminal Court (ICC) whenever and wherever the Court decides to intervene.

Darfur is the case where we have to act, because people in Darfur are attacked by those same officials who are supposed to protect them. Darfurians need you.

The Rome Statute is more than a Court; it integrates sovereign states and an international criminal court in one global legal system. States adopted a new tool, the law, to manage violence and international conflicts.

5 years ago, I was appointed the Prosecutor of the ICC. I have the responsibility to implement this new global law. We have to transform the Rome Statute from a document into a living system.

Today, the system created in Rome is in motion. The Court has made the law a working system and is driving the other actors to new and demanding challenges. The success of the Court requires your activities. I would like to

use this opportunity to strengthen our interaction. We have to learn how to help you in your efforts to universalize the Rome Treaty, how to help to promote national activities. I am in charge of the prosecutions and the judges will decide on my cases, but I need your voice to confirm a global commitment with the law. This is our common work. As the UN Secretary General, Mr Ban Ki Moon said, we are contributing to the creation of a global community based on respect for the law.

Let me briefly update on our activities: selection of situations, conduct of investigations and prosecutions.

My first duty is to select the situation to investigate. In the past, such a selection had always been a political decision, made at Nuremberg by victorious states or by the Security Council in the case of Yugoslavia or Rwanda. In the Rome Statute, the selection is a judicial process. Many actors feared that our independence would lead to what they call frivolous prosecutions. What we did was to respect complementarity and apply scrupulously the legal criteria established in the Rome Statute.

Most of communications the OTP received during 2003 involved allegations that the crime of aggression had taken place in the context of the war in Iraq. I dismissed them. I dismissed them because the ICC cannot exercise jurisdiction over alleged crimes of aggression until the crime is defined and the conditions for the exercise of jurisdiction are set out. In addition allegations of war crimes committed in Iraq by US troops were also outside the ICC's jurisdiction since neither Iraq nor the United States is a State Party to the Statute.

An initial evaluation showed that in terms of gravity, the Democratic Republic of the Congo (DRC) and Colombia appeared to be the most serious situations within the territories of State Parties. However there was an important difference with regards to the admissibility of the situations: there were national proceedings in Colombia that required further analysis, whereas there were no cases investigated by DRC's authorities. After analysis, the Office concluded that the situations in the DRC and Northern Uganda were the gravest admissible situations under the jurisdiction of the Court. The situation in Darfur, the Sudan, referred to the Prosecutor by the Security Council, was even graver. And the Central African Republic (CAR) situation, with hundreds of rapes clearly met the gravity standard.

We are also showing how the complementarity system can work in practice in different countries. We are monitoring national efforts in Côte d'Ivoire, Kenya, Afghanistan, Georgia, and in particular in Colombia.

The situations selected contributed to a problematic perception as to the existence of an intentional geographically-based prosecution strategy. The Office understands this concern, but regional balance is not a criterion for situation selection under the Statute.

We are investigating the most responsible of the most serious crimes committed in Northern Uganda, the DRC, CAR and Darfur, the Sudan. We have to do it during ongoing conflicts, when no court can investigate. We have to transform massive crimes with thousand of victims and perpetrators in clear cases. Protecting the witnesses and fully respecting the rights of the accused.

Based in our evidence the Court issued arrest warrant against Thomas Lubanga, the top leader of a Congolese militia, for recruiting child soldiers and transforming them in killers. He was surrendered by the DRC and I expect that his trial will start at the beginning of 2009. Bosco Ntaganda, the number 3 of the organization is still at large and active in a different militia.

The Court issued arrest warrant against Joseph Kony and other top leaders of the LRA for killing entire communities, raping and abducting children and transforming them into sexual slaves and killers. They are at large, their arrest is a priority. The LRA is now attacking civilians in Southern Sudan and abducting more children in CAR, and in the DRC.

The Court issued arrest warrant against Germain Katanga and Matthew Ngudjolo, the top commanders of two different militias in DRC for killing, pillaging and raping civilians living in a village in Bogoro. The DRC arrested and surrendered them. The charges against them were confirmed last month, and we are going to a trial during 2009.

The Court issued an arrest warrant against Jean-Pierre Bemba, the leader of a militia who carried out a campaign of rapes and pillages in the Central African Republic. Belgium arrested and surrendered him. The confirmation of charges will start in few weeks.

The Court issued arrest warrants against Ahmed Harun, former minister of State for the Interior of the Government of the Sudan and Ali Kushayb for massive killings, rapes and tortures of civilians in Darfur.

We have requested an arrest warrant against Al Bashir, the current President of the Sudan, for genocide, crimes against humanity and war crimes.

There is a right for a Government to use force to control its territory, but it cannot use genocide or crimes against humanity as means to do so. The crimes covered in the Application are not the collateral damages of a military campaign. Since 2003 Al Bashir's forces specifically and purposefully targeted civilians, in particular a substantial part of the target groups, who were not participants to any conflict.

In few weeks I will request a new arrest warrant against rebel commanders who attacked AU peacekeepers in Haskanita.

Let me turn to your work.

There are significant achievements in the implementation of the Rome Statute by different actors. Armies around the world, even from non signatory countries, are adjusting their regulations to the Rome Statute. This is the way to stop crimes. The law makes the difference between a soldier or a terrorist, a policeman or a criminal.

The work of parliamentarians like Minou Tabares Mirabal in the Dominican Republic or Ruth Wijdenbosch promoting ratifications is crucial. Universal ratification of the Rome Treaty will mean the end of double standard. I have visited African and Arab countries in the recent months explaining the focus of my investigation. They are tired of double standards; justice for my enemies; protection for my friends; justice for the weak; impunity for the powerful. This is an opportunity to establish the same standards of justice, for all. This can be your contribution.

There are no Governments and no rebels in the Court, there are no victors and vanquished in the Court, there are no friends and enemies. There is one law, applying to all.

As the Court becomes operational, we, a judicial actor, are actively putting limits to the political actors. I have a strict judicial mandate. The law set the limits to the political negotiations. States have to enforce judicial decisions that do not necessarily fit with their political wishes. I made public my prosecutorial strategy, including the focus on those most responsible and the number of cases and investigations that my Office foresaw.

I informed well in advance that I was going to open an investigation in the DRC. In the Darfur case I announced my next steps in my briefings to the Security Council. For instance, in December 2007 I informed the Council about the preparation and the focus of the Al Bashir case.

As a Prosecutor I developed documents exposing our policies, I try to offer as much clarity and predictability as possible. I should not, and I will not adjust to political considerations. Political actors have to adjust to the legal framework.

I was very pleased to hear your President Bassey Ewa-Henshaw, a senator from Nigeria, supporting justice for Darfur.

Today is a perfect time. You will discuss a declaration. You are parliamentarians from all over the world. You represent the people. You can say it again: no more impunity for those who commit genocide, for those who rape girls, for those who transform child into soldiers.

The victims need your voice.