



**Cour
Pénale
Internationale**
**International
Criminal
Court**

Le Greffe
The Registry

Mr Herman von Hebel
Registrar of the International Criminal Court

Remarks to the 14th Session of the Assembly of State Parties

The Hague, 21 November 2015

Votre Excellence, Monsieur le Président de l'Assemblée des Etats parties,

Madame la Présidente,

Madame la Procureur,

Madame La Présidente du Comité du budget et des finances

Excellences, Mesdames et Messieurs les représentants,

C'est un honneur pour moi d'être ici aujourd'hui pour m'adresser à vous dans le cadre de la quatorzième session de l'Assemblée des Etats parties. Je voudrais tout d'abord commencer par remercier le Président de l'Assemblée pour notre bonne coopération durant la première année de son mandat. Je me réjouis à la perspective de continuer à travailler étroitement avec vous et avec le Bureau dans le futur. Il est clair que sans la confiance et le support des Etats, la Cour ne peut remplir son difficile mandat.

L'année qui vient de s'écouler a apporté beaucoup de changements à la Cour. En mars, les juges ont élu une nouvelle Présidence pour un mandat de trois ans. Il faut se féliciter du leadership, de la vision et de la détermination qu'ont démontrés la nouvelle Présidente, Madame la Juge Silvia Fernández de Gurmendi, et ses deux Vice-Présidentes, Madame la Juge Joyce Alluoch et Madame la Juge Kuniko Ozaki. Je suis totalement engagé à apporter mon soutien à la Présidente Fernández de Gurmendi pour accroître l'efficacité et l'efficacités des procédures judiciaires à la CPI.

Les membres du Comité du budget et des finances et notamment sa Présidente, Mme Carolina Fernandez-Opazo, méritent encore une fois notre reconnaissance pour leur travail. La Cour continue de bénéficier du Comité de ses conseils techniques en matière budgétaire et administrative. Je dois reconnaître qu'en raison de la complexité des discussions, les sessions du Comité de l'année ont été

extrêmement exigeantes. La Cour en son entier continuera de travailler avec le Comité d'une façon constructive dans le futur pour améliorer nos procédures.

Permettez-moi également de féliciter à la fois les membres élus et réélus du Conseil de direction pour le Fonds au profit des victimes. Comme indiqué par le Président du Conseil de direction dans son discours, le Greffe travaille étroitement avec le Secrétariat du Fonds au profit des victimes pour l'aider à la mise en œuvre de son très important mandat.

Monsieur le Président,

Dans leurs discours respectifs, la Présidente et le Procureur ont déjà insisté sur le fait que l'année qui vient sera la plus chargée que la Cour n'ait jamais connue. A cet égard, et avant les discussions sur le budget de la Cour de l'année prochaine, permettez-moi de souligner les services qui sont exigés du Greffe du fait du développement des activités judiciaires de la Cour et de celles se rapportant aux poursuites.

Nous nous préparons à conduire quatre procès simultanés avec un total de dix accusés. Les premières arrestations dans les situations de l'Ouganda et du Mali mèneront à des audiences de confirmation des charges au début de l'année et éventuellement au début de procès supplémentaires. Les procédures en matière de réparations dans les affaires Lubanga et Katanga continueront. Comme vous le savez, le Procureur demande une autorisation judiciaire à ouvrir une enquête en relation avec la situation en Géorgie.

Les indispensables investissements effectués dans le passé par le Bureau du Procureur pour remplir son mandat portent maintenant leurs fruits. Dans le même

temps, les Chambres et le Greffe ont besoin des ressources adéquates pour faire face aux activités d'enquêtes et de poursuites. Le développement des activités de la Cour représente un changement radical dans le rôle que la CPI joue dans le soutien à la communauté internationale. Le fait que les activités se déploient sur tous les fronts témoigne de l'importance croissante de la Cour.

Mr President,

In a couple of weeks the ICC will have moved from the interim premises that it has occupied for the first twelve years of its existence to its new purpose-built premises that will be its home. In December 2007, at its sixth session, this Assembly made the momentous decision to construct the Court's permanent premises. Today, at the end of this long journey, we will be the owners of an iconic building in which States Parties, the Court and the international community that the ICC represents can justifiably take pride. I commend the diligence and dedication of everyone who has been involved in the project over the years, notably States Parties, the Host State, the Project Director's office, civil society organisations, and of course, the Court itself. The result of this momentous endeavour speaks for itself.

However, as all home owners among us know, with ownership also come new responsibilities. The larger size of the premises, including its public areas, necessitates more staff for example in security and facilities management. The operational costs, such as heating, cleaning and utilities, will also be higher. These are simply expenses from which we cannot escape. I am however, strongly committed to minimising the operating and maintenance costs of the premises to the *ultimate* extent possible.

We need States Parties to make smart decisions about the efficient running and maintenance of and replacements at the permanent premises. As such, any future

governance structure for the premises needs to be carefully and responsibly considered by States, using the time available and taking in lessons learned from other similar projects to ensure that States Parties are able to exercise their appropriate oversight role with a clear demarcation between oversight and management.

Mr President,

Two years ago, when addressing this Assembly for the first time in my capacity as Registrar, I presented to you my vision and plan for the reorganisation of the Registry. At the time, there was consensus amongst all stakeholders as to the need for change in order to move away from a structure of the Registry which while generally suitable for the early years of the Court, had proven to be inadequate to meet the developing needs of a now well-established institution.

The reorganisation process, known as *ReVision* project, came to an end earlier this year. It has been an intense time for everyone involved. I would like to take this opportunity to thank Registry staff who have engaged in the process in an open and constructive manner, as well as States and civil society organisations who have supported our reform efforts. I am confident that once fully implemented, this difficult but necessary undertaking will result in a fit-for-purpose Registry that could live up to current demands and expectations.

The reorganisation has improved the Registry's functioning in broadly three ways. Firstly, we have been able to identify and fill gaps in areas where the Registry was not delivering on the mandate it has been given. Secondly, certain vital functions which were previously uncoordinated or under-resourced have been strengthened. Thirdly, the reorganisation has allowed us to identify opportunities for more

efficient interaction among different areas of the Registry by centralising activities and streamlining working methods and processes throughout the organ.

I look forward to providing a full report to the next session of the Committee on Budget and Finance on the implications of the reorganisation. The report will address both short-term and long-term financial implications and benefits as well as provide examples of tangible efficiencies that have been attained.

Importantly, the Registry's reorganisation of the Court's field presences will play a crucial role in enabling the performance of the Registry's responsibilities in situation countries. The Court's field presence serve as a platform for the Prosecution, defence counsel and legal representative of victims as well as independent bodies such as the Trust Fund for Victims to operate effectively on the ground. In addition, Registry's responsibilities such as witness protection, assistance to victims and outreach to affected communities are carried out in the field. Furthermore, other stakeholders such as State authorities, international organisations and civil society also benefit from the ICC's strong presence in situation countries. The revised structure will allow for a unified coordination of field operations from Headquarters and individual field offices with strengthened management.

However, I can already at this point note the positive impact that the reorganisation has had on geographical representation and gender balance of Registry staff thus far. While addressing this issue was not part of the reorganisation's mandate, the implementation thus far of the new structure has led to an increase in the representation of female staff members at the highest professional levels when compared to the start of the reorganisation process. Likewise, the reorganisation has allowed for further improvement in the balance of representation among the different regional groups. As the Registry will undertake during the course of next year a staggered recruitment process to fill the remaining vacant posts, we will

ensure that the issue of geographical representation and gender balance is given due consideration in accordance with the Rome Statute, our Staff Rules and Regulations, Assembly resolutions and our internal policies.

Although the *ReVision* process, as indicated, has now come to a close, the process for further efficiencies and effective operations will continue. I consider it as my obligation to continuously look for optimal forms of operations. The coming year I will invest adequate time and priorities to further strengthen the Registry's organisation and initiate action for organisational development of the Registry. Although a new structure is now in place and will be staffed in the course of next year, further work on working methods, performance management and other initiatives, remain necessary.

The proposed programme budget for 2016 included resources to fund the Court's internship programme in order to allow the ICC to attract talented young professionals from developing countries and with a consideration to geographical representation at the Court. These resources were however cut as a result of the consideration by the Committee on Budget and Finance of the Court's 2016 proposed budget. I am nevertheless pleased to take account of the generous donation by the Republic of Korea to fund internships at the Court. I thank the Republic of Korea for its donation, which I am sure will assist the Court in pursuing its goal of improving geographical representation. I appeal to and hope that other States are also able to follow.

The reorganisation of the Registry also considered ways in which the interests of counsel accredited to practise before the Court could be safeguarded and furthered by an association of counsel. As a result of these recommendations, a representative group of counsel with experience practicing before the ICC and other international criminal tribunals have initiated discussions into the establishment of an ICC Bar

Association. A drafting committee for its constitution was formed earlier this year following an expert conference hosted by the Registry on ways to improve the services it provides to victims, defendants and their counsel. As experience from the *ad hoc* tribunals shows, an organisation that can act as an interlocutor to the Court on behalf of all counsel is beneficial for not only the counsel themselves and their clients, but also for the Court as a whole. Such an association can develop itself into an effective institutional voice for counsel within the Court's current legal framework.

Mr President,

When I joined the Court as its Registrar I promised change from within. This Assembly, the Court itself, the Committee on Budget and Finance and civil society organisations all supported with confidence my efforts over the past two years to reorganise and streamline the Registry. I thank you for your trust. Now that we have seen this exercise come to a successful conclusion, I hope it will serve as a precedent for much needed reforms within other international as well as national institutions.

Mr President,

The plenary discussion on cooperation yesterday provided insights into the key cooperation challenges faced by the Court. Cooperation, and more specifically the lack thereof, also has financial implications for the Court.

The Registry is responsible for the protection of both prosecution and defence witnesses. The international relocation of vulnerable witnesses is only possible if States are willing to extend their cooperation on a voluntary basis. Currently, due to the lack of States willing to accept witnesses on their territory, the Registry is forced to maintain witnesses in its own protection programme at a considerable human and

financial cost. Similarly, if the Registry lacks cooperation from States to receive on their territory accused persons or suspects who have been granted interim release or who have been acquitted, not only could the rights of these individuals be potentially affected, but also the Registry could incur expenses pending cooperation from States. Likewise, cooperation in financial investigations is crucial if the Court is to be able to effectively determine the indigence of an accused person for the purposes of legal aid and reparations.

Mr President,

I will now turn to address the Court's budget for 2016. Allow me to begin by expressing my sincere appreciation for the excellent work of the facilitator of the working group on budget, Ambassador Werner Druml of Austria.

The Court presented earlier this year a budget proposal for next year amounting to €153.3 million. This represented an increase of €22.7 million or 17.3 per cent over the approved budget for 2015. The proposed **budget for 2016 was based on reasonable assumptions** concerning the workload and parameters, including also operating in the permanent premises, for the coming year.

Since the presentation of the budget in July, the Court as a whole has **actively engaged with States Parties** to explain our needs and to seek feedback on what is considered feasible under the current circumstances thereby also realising and taking into account the considerable financial challenges with which many States are confronted these days. Based on these discussions, we not only identified scenarios to explain what possible reductions to the proposed budget could mean but also **proactively sought to work with the Committee on Budget and Finance** to identify reductions that, while inevitably impacting the Court's ability to operate and the amount of activities the Court would be able to undertake, would nevertheless not

lead to irreparable damage. The Committee has gone even further and is proposing reductions that would bring the Court's proposed budget down to below €140 million. This still represents an increase of about €9 million over the 2015 approved budget.

The Committee has identified reductions in both the Judiciary and the Office of the Prosecutor amounting to approximately one third of their respective proposed increases for next year's budget. The reductions to the Registry identified by the Committee represent **more than 50 per cent of the proposed increase** for the 2016 budget. This would bring the Registry's proposed budget increase down from roughly €17 million to little over €7 million. When taking into account the Registry's share of €3.3 million for the Contingency Fund notifications for this year, the **net increase for the Registry** would practically be halved. With the costs related to the permanent premises (€3.5 million) and staff costs (€1.2 million), both of which are beyond the control of the Registry, we are looking at a situation whereby we will start the year with a substantial reduction to our resources despite the unprecedented workload for 2016.

As I already mentioned, the investments made to the Office of the Prosecutor in the past years have led to more effective investigations and an increased number of cases before the Court. As more investigations progress into cases and these cases continue to develop into different phases, a number of mandated activities on the part of the Registry are triggered thus requiring further resources such as in witness protection, translation and interpretation services, legal aid and field operations support.

I urge all States Parties to consider carefully the serious implications that further reductions to the resources recommended by the Committee on Budget and Finance would have on the Court's ability to operate as well as to find additional efficiencies.

Further reductions will inevitably lead to delays in judicial proceedings, which in turn will lead to long term additional expenditure on legal aid, protection of witnesses, interpretation costs, to name just a few. In short, insufficient investments now result in a loss of efficiency.

The three principals of the Court will continue to set the direction for the following year's budget proposal. As I have explained, the various elements in the Court's budget are interconnected and presenting this interdependence of the major programmes in a clear and understandable fashion is of paramount importance. In this context, the Court is fully committed to give further substance to the one-Court principle. We will work together with Committee on Budget and Finance to improve the presentation of the budget in order to make the underlying data easier to grasp.

Mr President,

I am reassured by the strong and consistent statements of support for an adequately resourced institution during this session's General Debate. The Court must have the necessary resources to effectively and efficiently discharge its mandate and bring high-quality justice in an expeditious manner, thus meeting the growing demands and expectations placed on it. In doing so, we must remain mindful of the financial constraints of States Parties. Finding the right balance is necessary in order to strengthen the trust between States and the Court.

The ICC is at a crucial stage in its development. States Parties have invested significant resources over the years to bring the Court to where it is today, an essential element in a global system to ensure the delivery of justice to victims of the most heinous crimes wherever they may be perpetrated. As the Court is now moving ahead to address situations where mass atrocities have been committed, the continuing support of States and other stakeholders is more important than ever.

Mr President,

Allow me to conclude by expressing my gratitude to all ICC staff for their constant commitment to and sacrifice for defending the principles underpinning the Rome Statute.

Thank you very much.