



Herman von Hebel
Registrar

Remarks to the 15th session of the Assembly of States Parties

The Hague, 21 November 2016

Mr President of the Assembly of States Parties,
Madam President,
Madam Prosecutor,
Madam Chair of the Committee on Budget and Finance,
Excellencies, Distinguished delegates, Ladies and Gentlemen,

It is a great honour to address this 15th session of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

Allow me at the outset to take this opportunity to **thank everyone** who has participated in this years' budget discussions – Ambassador Werner Druml of Austria, the facilitator for the budget, representatives of States Parties, the Committee on Budget and Finance and its Chair Madam Carolina Fernandez Opazo, as well as the other organs of the Court led by President Fernández de Gurmendi and Prosecutor Bensouda.

Let me recall that 2016 has been a **very busy year** for the Court. The ICC has broken new ground with unprecedented judicial and prosecutorial activity.

The finalization and implementation of the new Registry structure entailed a staggered recruitment process to fill the remaining vacant posts, during which we made sure that the issue of geographical representation and gender balance was given due consideration in accordance with the Rome Statute, our Staff Rules and Regulations, Assembly resolutions and our internal policies.

At the same time, since our move in December last year, we have had to ensure that the Court settled properly into its permanent premises. In

reference to this, I would like to recognize the work of the Oversight Committee and of its Chair, Ambassador Sabine Nölke of Canada. In an effort to assist States Parties, the Principals of the Court made the commitment to achieve a lower implementation of this year's budget to accommodate an overrun in the permanent premises project, now estimated at approximately €1.2 million. To this effect, the Court was required to identify additional savings and efficiencies in its planned activities, as well as to postpone and reprioritise other activities.

There was however one priority this year that was absolutely central – that was **improving the Court's budget process**, which required frequent consultations among the organs at the highest level.

In accordance with the recommendations of the Committee on Budget and Finance and the resolution on the Court's programme budget adopted by the Assembly of States Parties on its 14th session, the Principals of the Court have taken steps to re-design its budget process and improve the coherence of its annual budget proposal. While following the one-Court principle, this was made possible through the main strategic discussion forum of the Principals, the Coordination Council, and through a Budget Working Group, under my direct supervision and guidance, comprised of financial and policy representatives from different organs. As a result, the budgetary impact of the Court's core priority activities for 2017 was estimated taking fully into consideration the financial constraints faced by many of our States Parties.

During the preparation of the budget, the Principals identified the **four high-level strategic priorities** for 2017:

1) **First** such priority is **running and supporting proceedings in three trials**.

With three cases expected to be at the trial hearing stage during 2017, the Judiciary and the Registry have worked closely together to develop a system of using two courtrooms full-time throughout the year, and a third one for only 60 days. This cost-effective solution, based on the average usage of courtroom capacity in other tribunals during the peak of their judicial activities, aims for a maximum use of courtroom capacity against minimal increases in required resources. Notably, the three trial proceedings running in 2017 involve highly complex cases with multiple charges and a high volume of witnesses.

2) The **second** priority is **conducting and supporting six active investigations.**

The resources requested in the budget for 2017 will allow the Office of the Prosecutor to implement six high-quality investigations, including the new investigation in Georgia opened in 2016. To support OTP investigations, the Registry will also need to provide adequate services in relation to field offices and field operations, witness protection, security, information security and logistical and technical backing.

3) We also need to **ensure the Registry's capacity to deliver Court-wide services.**

To contain the budgetary impact, the Registry has taken a conservative approach in ensuring its capacity to deliver Court-wide services. Considering the level of recruitments expected for 2017, the Registry has proposed a temporary increase in next year's vacancy rate from 10 per cent to 12 per cent to more accurately reflect the staffing projections in the

Registry. This measure seeks to contain the impact of bringing Registry's staff cost back in line with its approved staffing structure. Accordingly, the temporary increase in Registry's vacancy rate results in a saving of approximately €0.9 million, leading to a net increase of approximately €2.6 million, instead of the €3.4 million expected to be restored. It is foreseen in this regard that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

4) And finally, as the **fourth** priority, we proposed **investments in key Court-wide information management projects and security capacity**.

In 2017, investments are needed in the areas of data storage capacity, confidentiality and integrity of investigation activities in high-surveillance environments, and in updating the Court's hardware and software to protect its information in a challenging environment with an increasingly mobile workforce. While there have been major improvements with the new building regarding IT infrastructure and audio-visual systems in the courtroom, no significant investments have been made in relation to these crucial IT components.

Mr President,

I will now turn to address the **Court's budget for 2017**.

The Court presented earlier this year a budget proposal for 2017 amounting to approximately **€147.2 million**. This represents an increase of around **€9.8 approximately**, or **7.2 per cent**, over the approved budget for 2016.

This Court is **fully aware of the financial challenges** that the international community is currently facing. We are also fully **aware of the high expectations on the Court** to produce concrete results, effective investigations, prosecutorial results and speeded trials.

I can **assure you that these considerations were entirely on our mind** during the preparation of the Court's proposed budget for 2017. Consultations between the organs were undertaken on a **weekly basis**. In order to arrive to the proposed increase of 7.2 per cent **the Court's organs exercised utmost restraint and limited our requests only to what we believed to be strictly necessary**. The 2017 proposed programme budget is the result of **a great number of internal cuts, savings, efficiencies and challenging reprioritization of resources, leading to a reprioritization of activities** within the Court.

In this regard, considerable savings were achieved before looking into additional requirements. To name a few, the legal aid budget was reduced by approximately €1.6 million; €1.1 million were reduced in relation to our operations in Kenya; and savings were achieved linked to our more efficient travel operations within the Registry because of its reorganization.

The Office of the Prosecutor also maximized the reallocation of resources to minimize the impact of new activities. Furthermore, mindful of the actual recruitment times and in an effort to further reduce the financial impact in the proposed budget, the Office of the Prosecutor also raised its vacancy rate from 8 per cent to 10 per cent.

It follows that the Court does not have an incremental approach to its budgeting. To the contrary, the Court's budget process is based on the

thorough reassessment of the resources required for the continuation of the current activities, including through the redeployment of resources from discontinued or reduced activities.

In addition, the 2017 proposed budget builds over prosecutorial and judicial activities that, while not contemplated in the 2016 approved budget, carry over costs into the following year. This is the case, for example, of the investigations concerning the situation in Georgia, which have been partially funded through the contingency fund in 2016 and will require full funding for the whole year in 2017.

Mr. President,

The Committee on Budget and Finance has recommended reductions to the proposed budget amounting to approximately €2.7 million. The Committee recommendations thus result in a reduction of the total increase from the proposed 7.2 per cent to approximately **5.2 per cent**. Out of these reductions, approximately €1.5 million pertain to cuts in Registry's proposed budget and around €600 thousand in the Office of the Prosecutor.

The States Parties **look to the Committee on Budget and Finance** for technical guidance to ensure the Court is allocated with sufficient resources to effectively discharge its mandate. In this context, I urge all States Parties to consider carefully the serious implications that further reductions beyond those recommended by the Committee on Budget and Finance would have on the Court's ability to operate. Further reductions in the budget will necessarily impact, in one way or another, the Court's capacity to effectively and efficiently implement its core priorities for 2017.

The 2017 proposed programme budget is the result of a rigorous budgetary discipline through the thorough and intensive examination of our needs and possible savings in the context of *our priorities within priorities*.

The Court remains ready to continue engaging with this Assembly, with a view to ensuring a balanced outcome whereby the financial constraints of States Parties are considered without compromising the Court's ability to effectively and independently discharge its momentous mandate.

The final decision on the Court's budget – as always – rests with the States Parties. But I do hope that the States Parties will recognize the Court's improved budget process this year which also – as its main positive outcome – led to a very **reasonable and fully justified budget**.

In this context, we need to also think about *sustainability* of the Court's budgetary needs over the long run. We consider the 2017 budget proposal a right step towards a more sustainable budgetary development for the Court.

We fully understand the expectations of our States Parties for a more **stable and predictable budget** from one year to the next. While the Court is mindful of the need to achieve soon a sustainable budget, the reality today is simply that **the Court has not yet reached its necessary capacity**. We should thus be careful not to constrain the Court from reaching its required capacity in the near future, as it will be very detrimental to its success and effectiveness.

Mr President,

As you all may know, the **reorganization of the Registry**, known as the *ReVision* project, came to an end last year. Since the previous session of this

Assembly, we have reported to the Committee on Budget and Finance in great detail on a number of issues pertaining to the reorganisation. On short-term and long-term financial implications and benefits as well as provided examples of tangible efficiencies that have been attained. We have also finalised a Comprehensive Report on the Reorganisation of the Registry which provides a thorough insight into these and many other different aspects of the reorganisation.

The new Registry can perform better and can better cope with a greater workload with a limited increase in resources. For instance, the reorganisation strengthened decision-making in its field operations in terms of victim and witness protection, which has allowed the Registry to maintain the same level of travel budget for this purpose for three years in a row, from 2015 to 2017, despite a significant increase in the number of witnesses and workload over this period. For 2016 alone, this has led to quantifiable efficiencies of over €1 million.

The reorganisation has also brought about a number of other benefits, such as strengthened management, improved internal communication and centralised services in various areas, which are all detailed in our Comprehensive Report.

The external auditors also undertook an **audit of the ReVision** recently and in the Registry's view presented findings that are generally positive. The auditors recognised that the process was thorough and involved consultation with all the relevant stakeholders. They acknowledged improvements in the Registry's functioning – such as redefining the values and principles of the Registry, rationalising Registry operations by introducing a more streamlined three-division Registry structure, limiting

the number of reporting lines to the Registrar, and strengthening field offices, all of which was undertaken within a detail review of every single post and position within the Registry. The external auditors also noted efficiencies and savings stemming from the reorganisation, such as those I just mentioned in relation to travel.

With a new structure in place, we have now invested time and priorities to further strengthen the Registry's organization and initiate action for the organizational development of the Registry.

Mr. President,

As the President of the Court mentioned, the Court has also intensified efforts to reach out to **victims and affected communities**. The reorganization of the field offices played a crucial role in improving the performance of the Registry's responsibilities in the field.

As such, better-equipped field offices serve as a platform for the prosecution, defence counsel and legal representatives of victims, as well as the Trust Fund for Victims, to operate effectively on the ground and strengthen the ability of the Court to engage with local communities. A good example provided in this respect is the work conducted this year in connection with the *Ongwen* case. In this regard, you may have seen our photo exhibition – here at the World Forum - focusing on one of the affected communities in Uganda, and I hope you have found it informative and interesting.

Mr President,

This year, there was also significant progress made as to how the interests of

counsel accredited to practice before the Court could be safeguarded and furthered by an association of counsel. As experience from the *ad hoc* tribunals shows, an organization that can act as an interlocutor to the Court on behalf of counsel accredited before the Court is beneficial for not only the counsel themselves and their clients, but also for the Court as a whole. In this context, I **welcome the creation of the ICC Bar Association** and I support its goals – to reinforce the counsel’s independence, strengthen the equality of arms and enhance the quality of justice at the Court.

Excellencies,

Ladies and gentlemen,

Today, we are witnessing **challenging times**, both in terms of global economic situation and in terms of intensified security tensions in a number of regions and the world generally.

Clearly, we need to strive to create a world based on the rule of law, on inclusion, dialogue and multilateralism. The **role of the ICC in maintaining and strengthening that world is today more important than ever**, as the ICC is one of the pillars of international rule of law and hence international stability.

We must not lose sight of the fact that the ICC provides **restorative justice** to hundreds of thousands of victims, including participation of victims and reparations. As a permanent institution, the ICC is an investment not only for the trials and investigations we undertake today, but also **an investment in a more stable world of tomorrow**.

Therefore, in today’s challenging times, the Court is an **investment that is all**

the more needed and fully justified. On our part, the Court is very much **grateful for the broad and substantial support** – political and financial – that the States Parties have given it to this day. We hope to continue to count on your support in the years to come.

Thank you.