

*-CHECK AGAINST DELIVERY-*



**Cour  
Pénale  
Internationale**  

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**International  
Criminal  
Court**

Le Greffe  

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The Registry



**Herman von Hebel**  
**Registrar**

Remarks to the 13<sup>th</sup> Session of the Assembly of States Parties

*New York, 15 December 2014*

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

I am honoured to address the thirteenth session of the Assembly of States Parties. The Assembly has made an excellent choice in electing you, Minister Sidiki Kaba, as its President. I am convinced that you will further the values enshrined in the Rome Statute and I very much look forward to working with you and the rest of the new Bureau over the coming three years.

The ICC has benefited from the very important work done by the previous President of the Assembly, Ambassador Tiina Intelmann. Over the time I had the privilege of working with her, I was hugely impressed by her commitment to the cause of international criminal justice. She has had the support of two very competent Vice-Presidents, Ambassadors Ken Kanda from Ghana and Markus Börlin from Switzerland. I extend my gratitude to them and the entire outgoing Bureau for a job well-done.

I would also like to welcome the new judges who have been just elected and assure them that the Registry will work tirelessly to fulfil the demands placed on it by the Chambers and other organs. Similarly, the Court will engage constructively with newly elected members of the Committee on Budget and Finance. I thank the new Chair of the Committee, Ms. Carolina Fernández-Opazo, for her excellent work in leading the efforts of the Committee; I look forward to continuing our joint efforts to ensure the Committee is in a position to fully implement its mandate and to provide the Assembly with high-quality technical recommendations addressing the key areas of Court's operations.

In the near future, five judges will leave the Court after having served their terms in office. Among them is President Sang-Hyun Song, with whom I have had the opportunity to work with closely. President Song's work ethic and personal integrity have set an outstanding example for the entire Court. I thank President Song and the other judges for their outstanding service, including, of course, Judge Hans-Peter Kaul, who is regrettably not among us anymore.

My remarks today will naturally focus on the presentation of the Court's budget proposal for 2015. However, I would also like to give you a short update on the

certain relevant aspects of the Permanent Premises Project as well as the steps that we are taking to achieve a more **efficient and effective Registry**. Finally, I will discuss some of the **cooperation challenges** that the Court continues to face.

Mr President,

In the recent months, States Parties and the Court have worked together in an open, constructive and productive manner in trying to overcome the numerous challenges in reaching an agreement on the ICC's programme budget for next year, demonstrating not only flexibility, but also honest understanding of each other's difficulties and limitations. I would like to express my deepest gratitude to Ambassador Werner Druml of Austria, the coordinator of the budget working group, for his tireless efforts to search for adequate compromises. I would also like to recognise the efforts and willingness of States to join the consensus on the Court's budget, albeit difficult for some. This is an encouraging signal as it demonstrates the strong support of States Parties towards the Court.

On its part, the Court has worked extremely hard during the course of this year to make the best use of the resources granted to it by the States Parties. The approved budget for 2014 was 121.66 million euros. The Court expects to implement 120.7 million euros, bringing the forecasted expenditure to 99.2 per cent. This level of implementation includes the full absorption of the six notifications to the Contingency Fund submitted by the Court in 2014 for a revised amount of 3.82 million euros.

For 2015, we are asking States Parties to continue to provide the Court with reasonable and sufficient funds so that it can further implement the mandate that States have provided it with. We have done so fully recognising **the financial constraints** that States continue to face. Accordingly, I have presented a proposed budget for Registry reflecting **no increase** and thus allowing us to prioritise our investments in the necessary resources for the Office of the Prosecutor to implement its new prosecutorial strategy.

The Court presented a proposed budget for 2015 and a supplementary budget amounting to 139.02 million euros and representing an increase of 17.36 million euros or 14.3 per cent from the approved budget for 2014. The reductions recommended by the Committee on Budget and Finance at its last session, which amounted to 6.38 million euros, brought the total amount of appropriations down to 132.64 million

euros, representing an **increase of 10.98 million euros or 9 per cent**. Furthermore, following developments which took place after the meeting of the Committee, further savings and efficiencies were identified and proposed by the Court of close to 2 million euros. Such reductions brought the total level of appropriations down to 130.67 million euros, representing an increase of 9.01 million or 7.4 per cent. I will expand on this further reductions shortly.

Given the upcoming judicial activity for next year, there is very little room for manoeuvre to accommodate new developments. As States have recognised, going beyond these reductions will be very difficult without impacting some key operations of the Court. In a number of areas further cuts are simply impossible. In case of **victims and witnesses**, for instance, the ICC is under not just a moral but also clear legal obligation to provide protection and support to them.

Furthermore, following the important reductions recommended by the Committee, mainly in the proposed budget of the Office of the Prosecutor, I have expressed my commitment to continue to work with the Prosecutor to identify synergies in our operations to allow, to the extent possible, for the implementation of her Office's new strategy, which is crucial for the future and credibility of the Court.

The Court is making its best efforts to achieve full **transparency with respect to the budget planning**. However, as in past years, the uncertain status of some judicial proceedings at the moment of submitting the budget renders the process complicated. In light of the recent suspension of proceedings in the case against Mr Banda in the Sudan situation, and the corresponding issuance of a warrant of arrest against him, the Court has been able to identify reductions going beyond those recommended by Committee by cutting the resources originally budgeted for the commencement of trial hearings in 2015 in this case.

In addition, charges have been confirmed recently against five individuals in the *Art. 70 Bemba* case. Likewise, just a few days ago charges were confirmed in the *Blé Goudé* case. While in principle, and following past years' example, the additional resources required by the Court for these judicial developments should be included in its budget proposal for next year, we nevertheless take good note of the approach by States Parties in the draft resolution on budget to exceptionally allow the Court to resort to the contingency fund for any such developments occurring after the last session of the Committee and before the adoption of the budget by this Assembly. We see this as a practical exceptional measure to ensure that the Court is endowed

with all the resources required for the adequate implementation of its judicial mandate.

As said, the Court is extremely appreciative of the important work of the Committee on Budget and Finance and values the constructive partnership we have managed to establish. Having said that, and mindful of each other's roles and responsibilities, there are **some recommendations in the report that I find difficult to agree with**. I have and will continue to raise any such differences, in a good spirit of cooperation, with the Chair of Committee, whose initiative to look into Committee's working methods I very much welcome.

Mr President,

In connection with the budget, I would like to stress how important it is that the States Parties, working together with the Court, make the **right decisions during the next year** regarding the challenging new situation where the Court will go from renting its premises to becoming the owner of the Permanent Premises. I also express my gratitude to the host State for generously reimbursing half of the rental costs for the interim premises.

We all know how common it is for big construction projects to go wrong, have significant delays or other problems at their delivery. **I am very happy to say that the ICC Permanent Premises Project is on track**, and I rest assured that under the skilful management of the Project Director, in cooperation with the Oversight Committee, the Project will remain within the timetable and budget.

However, as we approach the last crucial meters, I think **we should resist trying to make short-sighted savings** which could even jeopardize the finalization of the project next year. I therefore emphasize that it is **of utmost importance that States approve the proposal to allow the Project Director to make commitments above the agreed envelope**, in close coordination with the Oversight Committee.

We are meeting at the UN Headquarters Complex, which has just undergone a 2 billion dollars renovation. Having invested so much of their valuable resources in creating the huge asset of the permanent premises, States should be mindful of the lessons from other international organisations' headquarters. **Not investing sufficient resources annually for maintenance and replacement** elements of the building will result in a much bigger invoice in the future.

Mr President,

Allow me to highlight the measures we are taking to make the Registry and the Court as a whole more effective and efficient. The current restructuring of the Registry or the **ReVision project**, which includes reviewing our internal structures and processes, is one such area.

The results of a detailed analysis of the Registry functions revealed fragmentation and inefficiency in several operational areas, leading to uneconomical use of resources, bureaucracy and sub-optimal operations. In particular, there was an overlap or fragmentation of functions in field operations, victim participation; assistance and support to victims and victims' representatives; assistance and support to defence counsel; State co-operation and external relations; general legal function; and approval and certification of expenditure. A new high-level organizational chart reflects, *inter alia*, the consolidation of functions related to external affairs, State cooperation and field operations into a new third Division within the Registry.

Importantly, field offices play a central role in the performance of the Registry's responsibilities, many of which, such as witness protection, assistance to victims and outreach to affected communities are carried out in the field. The new integrated field management will allow for a single command and coordination centre for field operations at Headquarters with a clear line of authority over field operations, and a strengthened management structure of individual field offices. The offices will therefore become a solid staging ground for the efficient and effective conduct of operations of the Registry, but also those of the Prosecution, the Defence and Victims participating in the proceedings, as well as the Trust Fund for Victims.

In addition, and in order to provide enhanced services and manage the processes more effectively, I am looking into consolidating support functions for **victims and defence into two respective offices**. Here the judges will have a final say in due course, prior to which I will ensure that an inclusive and transparent dialogue continues to take place with all relevant stakeholders. I am convinced that the new structure will make the Registry a much more effective and efficient service provider to the other Court Organs, the Defence and participating Victims.

The great news is that this **does not mean that more resources** are needed by the Registry. As an example, some senior level positions have already been abolished in The Hague headquarters, which will balance the creation of the new positions, mostly

in the field offices. Indeed, the idea is to do more with the same or even less resources. And I hope that you, as States Parties, will recognise our efforts in this regard. In particular, **I appreciate the support of the States to renew the authorization for me to continue the ReVision exercise within the envelope of the approved budget and level of posts.**

Of course, other organs have also looked into improving their own operations. As mentioned before, the Registry is strongly committed towards continuing to work with the other major programmes of the Court in order to **find synergies and make the Court, as a whole, more efficient and effective.**

I am happy to say that, **as requested by the States Parties at its budget resolution last year, the Registry has achieved the three per cent savings target** in the implementation of the 2014 budget. In fact we foresee that we will be able to achieve around 3.2 per cent efficiency savings, amounting to approximately 2 million euros.

Mr President,

I would like to stress that the Court can be only fully efficient and effective if it reflects equitable **geographical representation and gender balance**. This is necessary not just for the Court's legitimacy but also indeed for the Court's functioning. The Court is firmly committed to ensuring that such equitable geographical representation and fair gender balance are in place.

Currently, two regions – WEOG and Africa – are overrepresented at all professional levels at the Court. While the Court gives serious consideration to geographical balance in recruitment processes, it is the reality that the vast majority of applications we receive come from nationals of these overrepresented regions. In order to achieve a better geographical representation, we thus need more applications from qualified candidates from Latin America and the Caribbean, Asia, and Eastern Europe. This could be an issue which the States could helpfully address through providing support to the Court to reach out with job announcements, or considering the impact of the freezing in the established posts to the incentive for candidates from further away regions to apply.

Mr President,

I would like to conclude by addressing the important condition for the Court to be able to perform efficiently, which is the **State cooperation**. Lack of cooperation bares

important budgetary consequences. Today, I would like to highlight two of them: **the protection of witnesses and the freezing of assets**. We have organised side events during the Assembly on both of these topics and I hope many of you were able to participate and join the discussions there.

The Court is in need of more countries willing to **conclude a framework agreement on the relocation of witnesses**. Over the past year, the ICC has concluded only two relocation agreements, bringing the total to 15. In that same time period, the Court has had to relocate over 60 witnesses and over 270 dependents. Without new relocation agreements, the Court will struggle to fulfil its obligation to protect victims and witnesses. **I would like to express my deepest gratitude to those States Parties that have entered into such an agreement**, or who have cooperated through ad hoc arrangements with the Court on this issue. I would also like to thank those countries that have donated funds to the Special Fund for Relocation. The Court has established this Fund to help share the financial impact that relocated witnesses might bring to some countries.

Another issue that heavily affects the Court's ability to operate effectively concerns **the identification, freezing or seizing of assets**. As you may know, the Registry advanced funds to Mr Bemba for his legal fees subject to reimbursement. The Court has received over 2 million euros as a result of a State Party implementing a seizure order against a bank account held by Mr Bemba. This is an excellent example of cooperation with States on recovery of assets and I look forward to working especially with States to build upon this success. **The Court has identified many gaps in its operations in this area, and is ready to engage with experts from various institutions as well as from States in order to improve its performance in this respect.**

Mr President,

The ICC is an **institution** driven by its judicial mandate whereby our budgetary needs are determined by the situations and cases that are brought before the Court. When the Court has jurisdiction and a case is admissible, we have no other choice but to move ahead. This is also what States Parties expect of the Court. This does not mean that our budgetary approach is incremental. As demonstrated, the Court is always seeking to find ways, synergies and reprioritization of resources in order to accommodate increases in its workload.

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One of the main challenges facing both the Court and its States Parties is to build a culture of mutual trust. Having a clear division of responsibilities is part of this. The Court needs to take ownership of its activities. It is in the best position to evaluate what it takes to reach its goals. The States Parties need to give the Court sufficient leeway. At the same time they can hold the Court accountable for delivering on its mandate.

I am confident that under your stewardship, Mister President, as well as the skilful guidance of Ms Fernández Opazo and the able facilitation of Ambassador Druml, we will reach an outcome that recognises the importance of granting the Court sufficient means and flexibility to implement its mandate and meet the challenges ahead.

I would like to thank you for your kind attention and on-going support to the International Criminal Court.

Thank you.