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**Remarks at the Panel Discussion on Cooperation of the 15th
session of the Assembly of States Parties**

***The need to strengthen coordinated efforts towards
effective cooperation with the ICC (financial
investigations, witness protection, arrest and surrender)***

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Chair,
Excellencies,
Ladies and Gentlemen

It is a great pleasure to participate in this plenary session on cooperation again this year. I would like to thank the ASP co-facilitators on cooperation for organizing this event. The plenary provides an excellent forum for highlighting those areas of the international criminal justice system where enhanced cooperation will bring added benefits for the Court, States as well as other organisations working in this field.

My remarks today will focus on three areas that are at the core of the Registry's mandate to support investigations and prosecutions, namely financial investigations, witness protection as well as arrests and surrender. These priority areas benefit from national and supranational initiatives and networks that bring together experts from different jurisdictions.

The identification, tracing, and freezing or seizure of proceeds, property and assets and instrumentalities of crimes are foreseen in the Rome Statute as a form of cooperation to be extended by States Parties in relation to the Court's investigations and prosecutions. Such assistance is essential for identifying assets for the purposes of reparations to victims, an area that is gaining more and more importance as an increasing number of cases enter the reparations phase. This is also a way to address any misuse of legal aid by defendants and can assist the Office of the Prosecutor to diversify its sources of evidence.

Importantly, by “going after the money” the international community can deprive perpetrators of atrocity crimes their illegally obtained assets and therefore the means to sustain their criminal operations and networks. Ultimately this has the potential to significantly reduce Rome Statute crimes.

For the Court, the complexity of financial investigations presents a major challenge. Likewise, the fact that all information needed to conduct such investigations is located in foreign jurisdictions can lead to difficulties when seeking cooperation for the purposes of receiving and sharing information.

Some of the ways to mitigate these difficulties include the more efficient utilisation of international partnerships such as Financial Intelligence Units and law enforcement networks. Facilitating the access of the Court to these networks and arrangements may put at its disposal information that could be extremely valuable for the Court’s investigations. International organisations with relevant expertise or tools play an important role as well. Joint trainings and technical assistance between States and the Court contribute to further strengthening the informal network of contacts.

An expert report, drafted on the basis of a seminar that took place late last year at the seat of the Court, has been distributed to all States Parties and remains a good basis for addressing this topic. From the side of the Court, we are particularly interested to hear from States Parties to what extent the various recommendations outlined in the report have been taken on board.

It is essential that all actors involved possess a good understanding of the Court's mandate when it comes to financial investigations. Only through sustained engagement from States Parties can the Court tailor its requests for cooperation to allow for swift implementation in national jurisdictions. One of the ideas would be to develop a handbook encompassing relevant domestic legislation to further our mutual understanding.

The protection of witnesses is another area where the Court can benefit from various initiatives taking place nationally, regionally and globally. The Registry is in charge of protecting both prosecution and defence witnesses. The international relocation of the most vulnerable witnesses is one of the tools by which the Court ensures that it meets its obligations to protect the lives of those brave men and women who come forward and testify in the trials at the ICC. The relocation of vulnerable witnesses has however both a human and financial cost. The better protection systems we can implement in countries where witnesses reside and the more we can assist States willing to accept ICC witnesses, the easier it will be for the individuals concerned and the less Court resources will need to be expended on costly protection measures.

The Court has concluded a memorandum of understanding with the United Nations Office on Drugs and Crime whereby the needs of the ICC and States could be matched to allow for capacity building in countries willing to bring on board witnesses. Likewise, the Complementarity Toolkit developed by the European Union serves as an model for other initiatives whereby donors and States in need of assistance in capacity building can be brought together.

We are continuously looking to implement pragmatic solutions that work for States. The conclusion of a cooperation agreement for witness relocation with the Court will allow the State in question to also learn from the best practices developed by ICC's witness protection experts and therefore bring added benefits for national jurisdictions in the context of all criminal investigations, not only those pertaining to Rome Statute crimes. I therefore encourage all interested States to approach the Registry in order for us to work together to identify mutually beneficial solutions.

No trials could take place at the ICC without the cooperation from States to arrest and surrender persons against whom arrest warrants have been issued. Arrest operations can involve multiple national authorities whose assistance is required to successfully transfer the wanted individual to the seat of the Court. These operations are also time sensitive and mean that all actors involved need to be aware of each other's mandates.

The Court has implemented a number of new initiatives in this area, including the establishment of an inter-organ working group. We have also been working with the focal points on non-cooperation to explore ways in which States Parties can play a more active role. The Court welcomes any mechanisms whereby States are able to share lessons learned and ensure that the appropriate domestic procedures are in place to ensure that suspects can be handed over to the custody of the Court in line with the provisions of the Rome Statute.

I would like to conclude these brief remarks by drawing your attention to the regional cooperation seminars that the Court organises with the generous financial support of the European Commission. These are

opportunities for bringing together both political decision-makers and technical experts from States to discuss, amongst other matters, the three priority areas I have described. The geographical focus of the seminars has also allowed the Court to invite experts from regional organisations. This has assisted in fostering an enabling environment also at the regional level whereby States can work together towards our common goals.

With initiatives such as these, we will be making progress in bridging the impunity gap. As a reminder of the importance of this, I invite everyone to take time to visit the photographic exhibition that has been set up just outside this room to draw attention to the affected communities in northern Uganda. The more effectively the international community can work together, the more likely victims will be to receive justice. Thank you very much for your attention and I look forward to the interventions from the audience on how to take our work forward in this regard.