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Registrar of the International Criminal Court**

*Remarks to the 23<sup>rd</sup> Diplomatic Briefing*

*The Hague  
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Excellencies,  
Ladies and Gentlemen,

It is a privilege to address you today on the developments in the Registry since the last diplomatic briefing in September 2012.

Like the previous speaker, this is also my first briefing. I am honoured to have been chosen by the Judiciary to serve the Court as its Registrar for the next five years. I thank the former Registrar for her contribution to the organisation of the Registry and the work of the Court. With a dozen years' experience in international tribunals and courts, I hope I can bring the right lessons learned and the right expertise to assist the ICC as its Registrar. I thank those who attended my solemn undertaking ceremony and I look forward to working with all of you in my current capacity as ICC Registrar.

I would like to begin by presenting to you the statistics regarding the Registry's work in the past year. Since 1 January to 30 April 2013, the ICC has had:

- 46 hearings for a total of 133 hours;
- 248 decisions, orders or judgments;
- 4,623 pages of transcripts;
- Assistance and Legal aid has been provided to 8 defence teams and 11 teams of legal representatives to victims; and finally
- 178 applications for participation in the proceedings as victims and reparations.

I am proud of these results and of the Court's staff who worked hard to achieve these results.

In this presentation, I will only highlight the most topical developments in the Registry relating to budgetary issues, victim participation and cooperation.

Regarding the implementation of the Approved Budget in 2012, the Court implemented 96.6 per cent of its budget, or a total of €105.14mil of the approved budget of €108.80mil. In 2012, the Court undertook not only activities projected in its budget but also managed to carry out various unforeseen activities, such as the provision of legal aid for the defence of Mr. Gbagbo in the situation in Cote d'Ivoire as well as the establishment of a small field presence there. Resources for these activities were initially requested from the Contingency Fund, however it is anticipated that the costs will be absorbed entirely by the regular programme budget.

The Court submitted eight notifications to the Committee on Budget and Finance for potential access to the Contingency Fund, in a total amount of €3.80mil. The notifications were implemented at 61.8 per cent, amounting to a total of €2.35 million. In the context of the approved budget of €108.80 million, the total expenditure was €107.50 million or 98.8 per cent implementation. I would like to emphasize that the Contingency Fund is an important tool that upholds the independence of the Court by enabling it to flexibly

manage unforeseen or unquantifiable developments in its judicial or prosecutorial activities.

**In relation to the Approved Programme Budget 2013**, the Court's budget was approved at the 11th session of the Assembly of States Parties, which was hailed by both the Court and States as a success. As mentioned by the President earlier, the fact that the Assembly closed one day ahead of schedule was evidence of the constructive spirit in which the Assembly's work was performed. The Assembly approved the Court's 2013 budget by consensus on the basis of a compromise proposal reflecting the CBF's recommendations. I would like to acknowledge Ambassador Emsgård of Sweden and Mr. Cary Scott-Kemmis of Australia for their invaluable contributions as budget facilitators within The HWG and the Study Group on Governance respectively. I would also like to thank all States who participated in the Assembly and, in particular, President Intelmann and Vice President Börlin.

As at 31 March 2013, the Court's implementation rate of the budget is 32.8 per cent, or €37.75mil against the total approved budget of €115.12mil. This is a slight increase as compared to the Court's implementation rate for the same period in 2012, where it was 30.4 per cent. In this time, the Registry has continued to provide the backbone to judicial proceedings, through courtroom services such as IT support, interpretation and translation, as well as witness protection.

A central pillar of the ASP's oversight system for the Court is the Committee on Budget and Finance. In April, the CBF met for their highly productive 20th session. The Committee's advice is being considered by the Court and incorporated into our budget planning for 2014. Like the international community, the Court continues to face financial pressures. In line with the Committee's recommendations, the Court will endeavour to find cost and efficiency savings wherever possible, noting that the Court is mandate driven rather than budget driven. As Principal Administrative Officer of the Court, I will strive to guard the Court's resources to the best of my abilities and within the bounds of our mandate.

Victims before the Court: As mentioned by President Song, the Court has been conducting a lessons learnt exercise following the completion of the first trial in the *Lubanga* case. The exercise includes a review of the victim application system to address the backlog of applications and to ensure the sustainability, efficiency and effectiveness of the system. The Court presented a report to the 11th session of the Assembly of States Parties on the current system of victim application as well as options for improving procedures.

Since October last year, the Registry has been implementing the Chamber's decision in the two Kenya cases, which established new procedures for victim applications. This includes the creation of a database for "registering" victims who do not wish to present their views individually, but through the common legal representative. In this new procedure,

victims registering are relieved from completing an application form for adjudication by the Chamber and observations by the parties. The Registry has been providing update reports on this procedure to the relevant Chambers.

Fruitful discussions have also been ongoing in The Hague Working Group facilitation on victims and affected communities and reparations. The Group set an ambitious agenda for 2013, in advance of the focus on victims at the 12th session of the ASP in November this year. I thank Ambassador Becher and Ambassador Pizarro Leongómez for their skillful facilitation of this Working Group. I look forward to the focus on victims at the next ASP and to further improving victims' interaction with the Court.

As you are aware, cooperation is a lynchpin of the Rome Statute system. In an effort to foster cooperation, a very successful seminar for high level officials was held in Nuremberg in March 2013. The Seminar was designed as a forum for discussion on the most pertinent cooperation issues between States and the ICC, including such issues as freezing of assets, protection of witnesses, assisting the defence and enforcement of arrest warrants. Participants exchanged views and experiences with peers representing 22 national governments, regional and international organisations, and ICC officials. A second seminar in French will be held next month. I would like to thank here the EU and Governments of Germany and Denmark for their generous financial support.

In relation to voluntary cooperation, release and relocation agreements continue to be a priority for the Court. Since 2011, States have been able to enter into a cost-neutral witness relocation agreement with the Court, financed by a Special Fund tripartite agreement. The Registry recently concluded the first two relocation agreements with States willing to receive witnesses under this Special Fund arrangement. However, Mr Ngudjolo Chui's release on 21 December 2012 following his acquittal by Trial Chamber II raised new challenges for the Registry. Mr Chui subsequently claimed asylum in the Netherlands and the Court is working with various States to find solutions in circumstances such as acquittals and interim release.

Finally, the ASP adopted procedures relating to non-cooperation in 2011, which aim at enhancing the implementation of the Court's decisions. The Republic of Chad recently failed to arrest Mr. Al-Bashir while he was visiting their territory, and on 26 March this year the Court issued a "*Decision on the Non-compliance of the Republic of Chad with the Cooperation Requests Issued by the Court Regarding the Arrest and Surrender of Al-Bashir.*" The Court held that as the Chad failed to cooperate with the Court, it cannot but refer the matter to the ASP and UN Security Council. To date, however, we have not had any responses from the ASP or the Security Council. States really need to put political pressure on each other to comply with Court orders and requests and to work together to assist each other in complying. As such, the recent surrender of Mr. Ntaganda serves as an important example of positive cooperation. I thank again the Netherlands, the United

States of America and Rwanda for their invaluable assistance and cooperation in securing the surrender of Mr. Ntaganda to the Court.

I am confident that with your support and the cooperation of the international community, the Court will be able to fully deliver its mandate and be a force for justice in the world. I would like to thank you for your kind attention and on-going support to the International Criminal Court.

I have been here now at the Court for one and a half months, and it has been a steep learning curve. I have been meeting and consulting with the Judges, the Office of the Prosecutor and with the divisions and sections in the Registry to get the lessons learnt and to see how to improve functions and cooperation between the organs. I echo the statement of the President and Deputy Prosecutor that relations between the organs are very good and that we are coordinating the implementation of our mandates.

I am looking forward to working with the ASP on the budget. As we have heard, the challenges for the Prosecution in performing eight investigations and numerous preliminary examinations are enormous. Therefore, additional resources will be required to meet these challenges. I am looking forward to working with the organs of the Court and the States Parties to find solutions to fully implementing the Court's mandate.