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**Opening Address at the High-Level Seminar for Fostering Cooperation
with the International Criminal Court**

Port of Spain, 10 January 2017

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[Introduction]

President Carmona,

Judge Henderson

Excellencies, Ladies and Gentlemen,

I would like to warmly welcome you to this high-level seminar for fostering cooperation with the International Criminal Court. Allow me to thank our hosts Trinidad and Tobago for agreeing to support the organisation of this event here in Port of Spain. As Judge Henderson already mentioned in his remarks, Trinidad and Tobago played a key role in the process that eventually led to the creation of the ICC and in which I myself took part as representative of the Netherlands. In fact, I had the opportunity and privilege of visiting Trinidad and Tobago some 15 years ago to speak at an ICC-related conference organised by the Dutch Embassy here and to meet President Robinson. I am therefore especially delighted to be here today to attend this seminar.

I would like to also extend my special thanks to the European Commission for providing the generous grant through which the Court has been able to organise this seminar. Our experience from similar events organised in Africa, Europe and Latin America shows that there are great benefits to be derived from deeper engagement with States and intergovernmental regional organizations on issues pertaining not only

to cooperation with the Court, but to the Rome Statute system more broadly.

The first president of the International Criminal Tribunal for the former Yugoslavia, Judge Antonio Cassese, once likened the Tribunal to a giant without arms and legs, and went on to emphasise that it needed artificial limbs to walk and work. In terms of its reach the ICC is no different. The Court does not have its own territory or police force, but relies on States for cooperation and enforcement of its decisions. I would like to focus in these opening remarks on the vital importance that political support and effective cooperation has for the work of the ICC.

[Political support]

Excellencies, Ladies and Gentlemen,

The Court is today busier than ever in its history. Last year, the ICC delivered judgments in three cases and opened one new investigation, into the situation in Georgia. With this increase in workload come many new challenges that need to be tackled head on. Over the past few years, the Court as a whole has internally undertaken a number of measures to improve its efficiency and its capacity to provide timely, meaningful justice. But in order for investigations and prosecutions at the ICC to be as expeditious as possible, the Court needs also the strong political backing of all States. As we all know, if the political will exists (the same political will that led to the creation of this permanent, independent,

international criminal court), solutions can be found. From the Court's side, we are always open to dialogue to see how we can best work with States within the existing legal framework and to overcome any obstacles to effective cooperation.

I would like to use this opportunity to stress that, as an international court, we believe in the importance of dialogue and inclusiveness; we think the law will only become stronger when it is universally adopted and upheld. We thus need to continue to work for the universality of the Rome Statute system. 11 out of the 15 full members of the Caribbean Community are also ICC States Parties. This is strong evidence of the region-wide commitment to the rule of law and to fighting impunity for mass atrocities. I urge all States present here to continue voicing their support for the ICC, and I would like to call on the States that are yet to ratify the Rome Statute to consider doing so. I sincerely hope this seminar will provide a meaningful opportunity for us to continue to exchange and discuss further towards that goal.

[Cooperation]

Please allow me to say a few words about the cooperation regime at the Court as a way of introduction to the sessions to follow. Upon ratifying the Rome Statute, States Parties commit themselves to cooperate fully with the Court in its investigation and prosecution of crimes within its jurisdiction. Furthermore, nothing precludes the Court from inviting

States not party to the Rome Statute to provide cooperation on an appropriate basis, and we have received crucial cooperation from such States in the past, including regarding the protection of witnesses and the surrender of suspects to the Court.

The Rome Statute contains detailed provisions that supplement this general obligation to cooperate. For example, States Parties must comply with requests for arrest and surrender that are transmitted by the Court. However, to date, requests for arrest and surrender against 13 individuals remain outstanding. As trials cannot take place *in absentia*, justice to the victims of the horrendous crimes has been deferred for years due to lack of political will from a number of States.

In addition to the obligations contained in the Statute, the Court also relies on voluntary forms of cooperation from States to undertake its mandate. The protection of witnesses is a crucial area in this regard. The Court relies on the cooperation of States in order to relocate, either temporarily or permanently, individuals who are included in the Court's Protection Programme.

[Conclusion]

Excellencies, Ladies and Gentlemen,

As you will have seen from the agenda, cooperation with the Court, financial investigations, as well as many other issues will be explored in more detail in the sessions taking place later today and tomorrow. The extensive participation at this seminar by States from the region as well as relevant international organisations provides an excellent basis for discussions over the coming two days.

I myself, together with staff members from the various organs of the Court, will be available to discuss any questions also bilaterally during seminar.

I would like to once again welcome you to the seminar and look forward to productive discussions. Thank you for your attention.