

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

## **17<sup>th</sup> Diplomatic Briefing of the International Criminal Court**

**Remarks of Silvana Arbia  
Registrar, International Criminal Court**

**The Hague  
Wednesday, 4 November 2009**

Excellencies

Ladies and Gentlemen,

It is a great pleasure to be here at this 17<sup>th</sup> briefing of the Court to the diplomatic community. I have circulated an annex to this presentation which includes the Registry's vital statistics, giving you an update on the whole range of diverse issues under the competency of the Registry. In this presentation, I will only highlight the most topical developments and strategic thinking in the Registry, commencing with the report of the Committee on Budget and Finance and its consideration at the upcoming ASP.

The 13th session of the Committee on Budget and Finance examined, in one, very intense week, the proposed budget of the Court for 2010. I wish to thank the CBF for its hard work and dedication, as well as for its encouraging remarks on the work of the Court. In its report, the CBF welcomed the 2010 budget as an indication that the Court was completing its establishment stage, that the budget was starting to stabilize and that the Court had made serious efforts to review and prioritize its activities. The CBF was also positive about the overall presentation of the budget saying it provides greater transparency, as well as welcoming the significant improvement in the preparation and submission of documents. Finally, the CBF noted the improvement of the overall recruitment position and was positive about the Court's progress in regularizing the use of GTA resulting in a decrease of unapproved GTA in 2009. Indeed in the Registry, I am proud to say that there are no more unapproved GTAs.

Although the CBF noted with appreciation the real and genuine efforts made by the Court to find efficiencies, it also proposed further cuts amounting to 1,41 million Euros. Of most concern to the Court are the cuts in legal aid for

defence, where the Committee recommended that the budget be reduced by 7 per cent, amounting to 113,200 Euro. The proposed budget for legal aid is calculated based on the overall assumptions of the Court and in line with the legal aid scheme approved by the ASP. Already in 2009 the Registry will have an over-spent of legal aid budget for defence. Reducing the budget by the percentage recommended by the CBF is likely to create problems in assuring the legal aid, which is essential for ensuring fair trials. Such problems may lead to a disruption in the legal proceedings, causing delays and associated costs. Should states decide not to reinstate the cuts recommended by the CBF, I would recommend retaining the possibility of using the flexibility to make up any shortfall in the legal aid budget. I look forward to the discussions in the ASP on this matter.

I also look forward to further developing a positive dialogue with the CBF, and to ensure that they have all the information and analysis available so as to ensure informed deliberations. In this respect, I will be engaging with the CBF Chair at the ASP in order to explore how a more regular and constant dialogue can be had with the CBF. It is in the interest of both the Court and the States Parties to have an effective CBF which fully understands the intricacies of the Court.

As I have just mentioned, the CBF noted with appreciation the efforts made by the Court in finding efficiencies. To this, I want to add that you have my firm commitment that the search for efficiencies is an ongoing exercise and that it will be streamlined in court procedures in general. In this respect, I am happy to report that the re-engineering exercise is in full swing now. The goal of the re-engineering exercise is to look at business processes from a "clean slate" perspective and determine how they can best be constructed in order to find efficiencies. Five business processes were selected and as at the

end of October 2009, several meetings have taken place for all 5 processes and the first draft proposals are being created. The conclusion on these processes is expected to be reached by the end of the year. The project will continue in 2010 and 2011 with the staggered selection of new processes for re-engineering, and the overall objective of addressing the most relevant activities of the Court by the end of the project. I will keep you apprised of the results.

I will now briefly turn to another mechanism of the Assembly, namely the Bureau's Working Groups. As I informed you earlier in the year, we are seeking to engage proactively with the Bureau's Working Groups, which are dealing with key topics such as cooperation, the contingency fund, the budget, legal aid, family visits, an independent oversight mechanism and the Court's strategic plan. The Court wishes to be an available partner for discussions in the Groups and that it provides the Groups with all the information necessary to inform the discussions. In this respect, we have also conducted some short informational sessions on topical developments in the context of the Hague Working Group. I have been pleased with this inter-action, and have been happy to see that most of the facilitations in the Hague Working Group are now coming to a successful end, having fulfilled their mandate or at least, dealt with a large portion of it. I am keen that this positive development be maintained into the next year, and that States move policy issues forward with the full support of the Court.

I must, however, raise one specific topic where the Court and States have not managed to see eye to eye, and that is the issue of family visits. I will not go into the procedural history of this long running issue, but suffice it to say that the Court has some concerns with the current drafting of the resolution on family visits to be presented to the ASP this year. In it, a specific reference is

made to the Decision of the Presidency on family visits, only to continue by negating fundamental aspects of that decision. The Court would not wish this to be a precedent for the Assembly overturning judicial decisions. I am, of course, aware of the many layers in the debate conducted on this matter in the Hague Working Group, and do not intend to enter into the details now. I do, however, wish to signal the Court's concerns in this respect and propose that by a simple deletion of the relevant pre-ambular paragraph, the political track and the judicial track can be separated more clearly, with fewer implications for a possible precedent.

I will now briefly turn to the judicial proceedings, which the President and the Prosecutor already updated you. I will just raise the parts pertinent to the Registry which you may find of interest. In respect of the Lubanga trial, the Registry has continued to provide the backbone to the proceedings, through courtroom services including IT support, interpretation and translation, as well as witness protection and support. Our in-house psychologist has been very busy in this respect.

In the case of Katanga and Ngudjolo Chui, I would bring to your attention Trial Chamber II's decision of 22 July 2009, setting out the framework for organizing common legal representation for victims. Recognizing a conflict of interest between two categories of victims accepted to participate in the case (the victims of the attack and a much smaller group comprising the child soldiers who took part in the attack), the Chamber found that it was necessary for there to be two legal teams. The Chamber ordered the larger group, comprising approximately 350 victims, to choose one common legal representative, with the assistance of the Registry. The Chamber also ordered that the common legal representative should receive such legal and administrative support as he requires, both at the seat of the Court and in the

field. The Registry subsequently conducted a transparent process, including consulting with the victims, that resulted in the appointment of a common legal representative, who is now preparing for trial.

In respect of the Bemba case, I will take this occasion to update you on the impact of his financial situation on his legal representation, as it has placed additional burdens on the Registry. As you are aware, the case has now moved to Trial Chamber III which, on 20 October, issued a decision on the issue of legal assistance to Jean-Pierre Bemba together with a public summary. The decision orders the Registrar to provide funding in the sum of 30'150 € per month for the payment of Mr. Bemba's defence team, from March 2009, on the condition that certain guarantees for repayment are received, including a power of attorney to sell some of Mr. Bemba's property. In its reasoning, the Chamber highlights the importance of Mr. Bemba's right to enjoy appropriate time and facilities for the preparation of his defence and to be tried without undue delay. Whilst acknowledging Mr. Bemba's considerable wealth, the Chamber notes that his assets are currently frozen by the Court and that he thus has no access to them to pay his Defence team. The Chamber emphasized that any monies advanced to the accused at this stage will be reimbursed to the Court by Mr. Bemba. I am now liaising closely with the Chamber and Mr. Bemba to see how this order can be implemented swiftly, whilst protecting the financial interests of the Court, which as the Chamber noted is my duty.

In respect of the recently completed confirmation of charges hearing for Mr. Abu Garda, I am happy to note that the Court received very good cooperation from a number of States in respect of the logistics of his travel arrangements to The Hague and I must especially thank the host state for its responsiveness and cooperation in making the necessary arrangements to have Mr. Abu

Garda attend his hearing. I would also add that four legal representatives representing a total of 78 victims, participated in the Abu Garda confirmation of charges hearing. The victims are from several African countries that made up the peace-keeping force. Their legal representatives have been permitted to make opening statements and to put questions to the witnesses heard during the hearing. This further develops the jurisprudence on victims' participation.

I will now briefly turn to outreach where I can give you some yearly round up figures to put our activities in perspective. Between 1 October 2008 and 1 October 2009, 39,665 individuals were engaged during 365 interactive sessions and 34 million people likely informed through local radio and television stations. In Uganda, 208 outreach sessions were held, 20,798 individuals engaged and up to 8 million people informed through local radio programmes. In the Democratic Republic of the Congo, 76 sessions were held with 13,369 participants and up to 25 million informed through radio and TV programming. In the Central African Republic, 61 sessions were held with 4,420 individuals directly engaged and 700,000 people informed through radio programming. In Darfur (Sudan), 20 sessions were held with 652 individuals participating and 250,000 Darfuri refugees in Chad regularly informed thanks to InterNews radio. Other groups representing Sudanese Diasporas in the world and Sudanese in their country were engaged through 20 internet sites.

In addition to carrying out these outreach activities, the staff of the field offices also ensured that witnesses and victims continued to be protected. They secured the necessary cooperation of the host authorities to ensure the timely appearance before the Court of those called by the Chambers, including securing passports and visas on short notice.

Our field offices further remain instrumental in providing on a day to day basis support and assistance for the investigations of the Office of the Prosecutor, the counsel teams (defence and legal representatives of victims), and the Trust Fund for Victims. To give you an idea of the volume of work, from the beginning of the year to 2009 to 1 September 2009, without increasing the allocated human or material resources to the field offices, 546 Court-wide missions have benefited from the assistance and support of field offices, representing an increase of 37 % compared to 2008. During the same reporting period, 391 missions within the countries of situations have been undertaken, representing an increase of 81%, while the missions from the headquarters have decreased by 75%.

This volume of work is being undertaken in difficult circumstances as the security situation in each country of situation remained a primary concern for the Registry. Since the last diplomatic briefing, the ICC staff in Kampala was faced with an outbreak of violence that required the activation of emergency communications procedures. In the Democratic Republic of the Congo, the ICC staff based in the Bunia field office received threats that required reinforced security measures to enable the continuation of our activities. As Registrar, I take my responsibilities with respect to Court staff in the field seriously, and I am working hard to ensure these staff and assets are properly managed and secured.

I will now hand the floor to the Secretariat of the Assembly of State Parties.

Thank you.