

**Cour
Pénale
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**International
Criminal
Court**

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Remarks to the 19th Diplomatic Briefing

*The Hague
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Excellencies

Ladies and Gentlemen,

It is a great pleasure to be here at this 19th briefing of the Court to the diplomatic community. I have circulated an annex to this presentation which includes all the main statistics concerning the Registry's vital and often understated work. In this presentation, I will therefore only highlight the most topical developments in the Registry, commencing with Court's proposed 2011 budget.

Before I get into the substance, let me affirm that the Court is acutely aware of the financial context in which the 2011 budget falls. I fully understand that the budget of most ministries is being cut and those of international organizations are subject to a zero nominal growth policy. I also fully understand that most ministries have no appetite for appearing before their legislative organs in order to justify an increase in those budgets, whilst people are losing their jobs. Whilst fully aware of this difficult context, and after having explored every option to make efficiency gains and savings, it is my duty to make a case to you that the Court needs a small increase in its budget.

The 2011 proposed budget of the Court is a minimal growth budget of 4.7%, for a total of €107,022,700 that is €4,782,900 more than last year.

The Court's judicial activities have been picking up speed throughout 2010, and three, maybe four cases are now going to be in trial stage in 2011. The trial stage is the most resource intensive stage of the judicial proceedings as the judges hear large quantities of evidence and must be in session daily. In contrast, the pre-trial stage only has a limited number of hearings, first for the suspect to make an initial appearance, then to confirm the charges against the suspect, and finally to hear ad hoc applications by the parties. These hearings last but a few days. As we see more cases move to trial in 2011, it follows that there is an increased need of resources.

The Court has a duty to proceed with the disposal of cases in the most expedient way, both in terms of the rights of the accused, as well as for economic reasons. The longer we extend each case, the more fees we have to pay counsel, the longer we have to pay for the protection of victims and witnesses, the rent of detention cells and the longer we have to pay the salaries of the staff involved in supporting the case. In addition, the faster the trials are concluded, the quicker the Court can redeploy judges to other pending cases.

As such, the most time efficient way to conduct cases should be adopted.

In 2011, the Court is expected to finish hearing the defence case for Mr. Lubanga, the prosecution and defence evidence on Mr. Katanga and Mr. Ngujolo Chui, and it is likely to hear the prosecution and defence evidence on Mr. Bemba. In addition, if the charges are confirmed against Mr. Banda and Mr. Jerbo in the Haskanita case, the prosecution evidence against them may also be heard in 2011. I am mentioning here only the cases at trial stage. In addition, the Court is likely to have to support a number of pre-trial hearings in the *Mbarushimana* case, as well as hearings in our new Kenya situation. Further, there is likely to be a number of interlocutory appeals to support, a possible appeal in *Lubanga* and a reparations hearing. Let me now turn to how we are proposing to handle this full docket.

The Court has two courtrooms in its interim premises. With the three or four cases to be heard, the most efficient way to organize the hearings is to have both courtrooms used, with one courtroom holding two hearings in one day using a split shift system, and another one holding a single hearing of two sessions in one day. As such, the small increase in budget that the Court proposed for 2011 will be used to fund an extra courtroom team for those six months. I must add that this team will not be recruited as long term staff, and instead we would use the flexibility of General Temporary Assistance to only recruit them temporarily for the six months needed.

The proposed 2011 budget was scrutinised by the CBF, whose hard work and dedication must again be noted.

After a thorough review of the proposed budget, the CBF recommended a number of cuts, including a general cut in the travel budget of 10%, a refusal of most reclassifications, a cut in

general operating expenses by 2.5% across the board as well as only recommending resources for 4 months of parallel trials.

The total CBF cuts amount to €3,103,100.00, making the proposed 2011 budget for a total of €103,919,600.00. That would make an increase from last year's budget of only €1,665,700.00 or a growth of 1.6%. As I noted earlier, the Court is mindful of the economic backdrop, as well as of the central role of the CBF in providing a technical assessment on the budget to the Assembly. As such, the Court will strive to stay within these recommendations.

The Court is however very concerned that should its assumption about the extent of parallel trials next year prove to be correct, there will be two months of resources that would not be in the budget. The Court therefore is asking for flexibility to be granted expressly by the Assembly to cover those potential two months of costs, through access to the Contingency Fund as the Assembly did with legal aid last year.

The Court's budget for 2011 and the CBF recommendations thereon are now being examined at The Hague Working Group before going to the Assembly. I strongly encourage States to not seek to go further than the CBF and impose deeper cuts which would not be sustainable for the Court.

By not following the recommendations of the CBF, and seeking to reduce further the Court's budget, the Assembly would be undermining its own safeguards and mechanisms and depriving the Court of essential resources. The court is a judicial institution. It needs to finish its proceedings. It cannot, like most international organizations, simply cut back on programmes. As such, I would ask again that the small increase in the budget recommended by the CBF will be approved and that the Court be granted the necessary flexibility so that it can face its trial schedule next year, safe in the understanding that trials will not have to be delayed or suspended for lack of funds.

Let me now turn to other recent developments, beginning with the successful arrest of Mr. Mbarushimana. I want to thank the French authorities for their effective and timely cooperation. Should the Appeal Court in Paris decide that Mr. Callixte Mbarushimana can be transferred to the Court; the Registry will supervise this operation. As mentioned by the Prosecutor, the hearing took place today and the Judges ruled positively on the transfer. Their decision is nonetheless subject to appeal.

I also take this occasion to thank the Chadian authorities for their support and cooperation in facilitating access and transit of the defence team for Mr. Banda and Jerbo, who are preparing to face the confirmation of charges hearing on 8 December 2010.

Finally, I want to extend my thanks to Finland who is sponsoring a seminar on protection at the Court. The seminar, to be held on 24 November, aims to look at the Court's system of protection in comparison with other international and national jurisdictions. You will all receive invitations shortly, and I very much look forward to your participation in this important event.

There are areas where further efforts by States are, however, needed. In respect of voluntary agreements and other arrangements, no agreement on provisional release have been entered into since I last addressed you leaving the Court unprepared for the eventuality that a suspect is granted provisional release and cannot, for security reasons, return to their State of nationality.

In order to increase the options of the Court for relocating witnesses internationally, the Court has now opened the Special Fund for witness relocations for states to donate funds for the purposes of funding cost neutral relocations to third states. The Court has already received substantial donations from Denmark and the UK, and I must thank them for putting their trust in the Registry for this new modality. The Court is now approaching States Parties to see whether they would agree to enter into a cost-neutral witness relocation agreement with the Court, financed by the Special Fund.

The final area of cooperation I want to highlight today are our requests for the identification and freezing of assets, usually for the purposes of eventual reparations to victims, although in the case of Bemba, this is also to fund his defence team. I am very glad to report that in the last

year, 25 such requests were issued, 23 responses were received of which 16 indicated that the Request had been executed or partly executed. Again, I want to thank the States concerned for this crucial support.

As I just mentioned the *Bemba* case, I want to bring to your attention the latest developments case relating to the funding of his defence. Since our last briefing, and after being seized by the Chamber on the matter, the Registry decided that further to its financial investigations and of the complete lack of efforts by the accused to free assets for his defence, it will stop funding the defence team unless good will is shown within a renewable period of three months. Such a decision has already been appealed by the defence. I will keep you apprised of developments.

I also want to make a brief mention of an area of the Registry's work that I give high priority to, which is victims' participation. Since our last briefing, the Registry's Victim Participation and Reparations Section has received 1845 requests for participation and 413 requests for reparations. This gives you an idea of the volume of work we are faced with. But I must stress that participation of victims in the proceedings is a welcome feature of the Court, empowering victims in an unprecedented way and enriching the jurisprudence of international criminal justice.

Another matter I wanted to bring to your attention today is that of the human resources, so closely tied with the budget and good administration of the Court. I have continued to attach high strategic importance to the implementation of the human resources strategy. Recruitment activities are on target, resulting in the employment of 697 staff on established posts, of which 317 are on professional posts, representing 72 nationalities. Measures to strengthen the capabilities of hiring managers and to target underrepresented countries through new recruitment activities were successfully launched. The staff turnover rate has been below ten per cent. These are not insignificant achievements.

The Court has also launched a new e-Recruitment system on 1st September. This system supports the Court to carry out its recruitment process with greater efficiency. The Court now posts all vacancies on the e-Recruitment page and applications are done on an on-line basis. In

addition, human resources policy development programmes continued to receive priority attention. Particular progress has been made in the further institutionalization of the performance management system, which is now applied on a mandatory annual cycle throughout the Court and with regard to the development of a strategic approach to learning and training. An annual learning plan has been established and closely linked to the performance appraisal system. Finally, an agreement was reached on the implementation of improved conditions of service for internationally-recruited professional staff working at the Court's field locations.

The Court's ability to operate in the field is essential for a number of its core activities, from the Prosecutor's and the defence teams' investigations, to the protection of victims and witnesses, to affording victims the opportunity to participate and be legally represented in the proceedings, to reaching out to affected communities. Such work is supported with logistical and administrative support, often in difficult environments, by the Registry's Field Operations Section. To give you a feel for our volume of work in the field, this section has provided assistance and support to approximately 500 external and internal missions in the five countries of situation since our last briefing.

In respect of our field presence, I want to bring two developments to your attention. First, I am preparing to close down our field office in Abeche, probably on 1 July 2011. This has been planned due to a decrease in the services requested from that office, and as such the Registry's Field Operation Section has started the coordination of efficiencies efforts, such as considering redeployments to situation with greater operational needs and redistribution of materials and equipment.

Second, in respect of Kenya, I have conducted an analysis of the most effective way to support our operations in relation to this new situation. After a mission to Nairobi where I talked to all relevant stakeholders, a decision was made to open a small and temporary field support structure in the UN compound in Nairobi. This option offered us the most cost effective and secure way to support the heavy work load of the various parts of the Court in Kenya.

And this brings me back to the beginning. Please rest assured, when considering our proposed 2011 budget, that the Court conducts its activities with efficiency and the judicious use of resources firmly in mind, and that as Principal Administrative Officer of the Court, I strive to guard the Court's resources to the best of my abilities. Nevertheless, where all parties to the proceedings cooperate in a joint endeavour under the guidance of the judges, the imperatives of both justice and economy can be reconciled. In this respect, I remind you of the ongoing exercise that I have commenced to identify and push forward efficiency measures, the results of which I report regularly to the CBF.

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

Thank you.