



End of Mandate Report
Herman von Hebel
Registrar of the International Criminal Court (2013-2018)

16 April 2018

Contents

Introduction by the Registrar	2
I. One Court Principle.....	3
II. Witness Support and Protection.....	3
III. Legal Office	4
IV. External Relations and Field Operations.....	5
V. Communication, Outreach and Victims	5
VI. Staff Welfare and Human Resources	6
VII. Efficiencies and Effectiveness for an Increased Workload	7
VIII. Reorganization of the Registry	7
IX. Conclusion	8

Introduction

When I ran for the position of Registrar at the International Criminal Court in 2013, I pledged to take a number of measures to improve the Registry's functioning. At the end of my mandate, I wish to reflect on the past five years and summarize the main achievements.

The Registry is a neutral service provider and the largest organ of the Court, responsible for the non-judicial aspects of the administration and servicing of the Court, and as such contributing to ensuring fair and effective trials. This includes three key areas of responsibility: providing administrative services to the Court; supporting investigative, prosecutorial and judicial activities; and providing services in the area of external operations.

Given the Registry's broad and varied mandate, it is natural that a large number of decisions and initiatives have been taken over the past five years. For the sake of brevity, this report analyses only some of the main achievements or "highlights" in detail. Areas that have undergone significant change and improvement but that are nonetheless omitted from this report include a strengthened budget function, the reform of security operations, and active support for the creation of the International Criminal Court Bar Association, to name but a few.

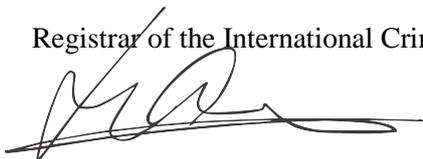
What is common to all the achievements outlined in this report is that they are grounded in three fundamental goals, which have guided me throughout my mandate: regaining the trust of all Registry clients, improving the quality of the Registry's work, and implementing measures on savings and efficiencies. This report provides a number of examples showing that significant progress has been achieved on all these aspects.

I would sincerely like to thank, first and foremost, all the Registry staff for their understanding, commitment, collaboration and hard work throughout these past five years. The achievements outlined in this report are their achievements too. My special thanks also go to the leadership and staff of the other organs of the Court, notably President Fernández de Gurmendi, President Song, Prosecutor Bensouda and Deputy Prosecutor Stewart, all the Judges, representatives of States Parties, members of the Committee on Budget and Finance, as well as civil society, for their support and cooperation during my mandate.

I hope that the report may be useful to all those interested in the work of the International Criminal Court in general and of the Registry in particular, including those whose turn it is to lead the Court and the Registry now and into the future.

Herman von Hebel

Registrar of the International Criminal Court (2013-2018)



I. One Court Principle

The One Court principle has been the cornerstone of the Court's functioning over the past years, guiding all the efforts of the Court's Principals. Since I joined the Court in 2013, the relationship between the Court's Principals – the President, the Prosecutor and the Registrar – has evolved into one of close cooperation, mutual respect and trust, underpinned by this principle.

A testament to the One Court principle, the budget process – including the preparation and presentation of the Court's annual budgets – has significantly improved in the context of a highly collaborative effort between the organs of the Court. Transparency between the organs and a strong desire to speak with one voice on budgetary needs have been consistently enhanced during my mandate. It has been unanimously recognized that the budget requests of the major organs are interrelated and frequently mutually dependent and that, consequently, it is only through close inter-organ dialogue that the Court's budget can be properly determined. The Coordination Council – consisting of the President, the Prosecutor and myself – took the lead on this process and I assumed the chair of the Court's Budget Working Group, consisting of representatives of the different organs, to achieve the required transparency and holistic approach to the Court's annual budget submissions to the Assembly of States Parties.

Another example of the Court now speaking with one voice is its Information Technology and Information Management Strategy. In 2017, for the first time since its creation, the Court was able to adopt a five-year Court-wide IT strategy. Here too, the driving motivation is to ensure coherence between the needs of all the organs, with a view to achieving two major goals: revamping information technology solutions to facilitate the conduct of the Court's proceedings, and streamlining administrative processes to create the preconditions for increased productivity.

II. Witness Support and Protection

Adequate support and protection for witnesses is crucial to the Court's ability to hold fair trial proceedings. Without witnesses, there can be no trials.

When I joined the Court in 2013, the Victims and Witnesses Unit was not functioning properly. I was confronted with a report containing serious allegations of sexual abuse by field staff of female witnesses in the unit's care. Although the allegations were already several months old, decisive action had not yet been taken. I immediately ordered an internal and external independent investigation to determine the facts and to propose measures for improving the functioning of the section. In addition, at that time, relations with clients, and in particular with the Office of the Prosecutor, were strained and trust in the work of the section was missing. A radical change in structure, leadership, working methods and cooperation with States for relocations was required.

With my direct support and involvement, under a new Chief, the structure of the section was changed in order to more effectively address the support and protection needs of witnesses. The traditional distinction in responsibilities between support, protection and operations staff was replaced by a system in which staff would work in flexible, multi-disciplinary teams. Decision-making authority on witness needs was delegated from Headquarters to staff in

the field offices, thereby ensuring immediate and effective responses to such needs and at the same time avoiding time-consuming, costly travel between Headquarters and the field.

As a result of these measures, the Victims and Witnesses Section has regained the trust of its clients and is now widely recognized as a well-functioning section of the Registry handling a substantially increased workload. Since 2013, for example, the number of witnesses appearing in Court proceedings has increased enormously. Through an intensive campaign of reaching out to States and witness protection experts, the number of witness relocation agreements and arrangements grew from 12 in April 2013 to 32 at the end of 2017. With many more relocation agreements, the number of witnesses that have been safely relocated in recent years has increased, leading to a reduction in the number of witnesses under the Registry's care. Furthermore, since 2013, the vast majority of witnesses requiring relocation have been relocated on a permanent, rather than a temporary, basis, thereby ensuring an earlier and better final result for the witnesses concerned and at the same time a reduction in costs for the Court.

In short, the system is now able to provide more and higher-quality services to witnesses, at lower cost to the Court, thereby regaining the trust of the relevant stakeholders.

III. Legal Office

When I joined the Court, the Registry's legal functions were distributed across different sections of the Registry, with no single section having a coordinating role. This meant that the Registry was unable to guarantee that its advice and submissions were based on a consistent application of the Court's legal framework.

During my mandate, I focused on enhancing the quality of Registry submissions to the Chambers and on ensuring that each submission was based on a consistent application of the relevant legal framework. I did this in two main ways: I reformed the role and function of the Registry Legal Office and created a coordinated network of legal positions in the Registry, both in the Legal Office and in other operational sections of the Registry.

In terms of its role and function, the Registry Legal Office is now principally tasked with ensuring the quality, coherence and consistency of legal positions and services across the Registry. This includes reviewing Registry submissions to the Court and advising on legal issues regarding, *inter alia*, detention, counsel and defence matters, victims and witnesses, review of the Regulations of the Registry and policy documents (e.g. family visits and legal aid) and litigation within or outside the Court's legal framework.

The creation of the Registry Legal Network, which is under the authority of the Legal Counsel and includes all the lawyers working within the Registry, has further developed the Registry's legal function. In the coming years, the network can be further strengthened. More training can be provided and mobility opportunities for lawyers within the Registry – and potentially the Court – can be explored to enable cross-training and greater opportunities for staff development. Together, these measures will further improve the quality of the legal work and support more effective use of legal resources within the Registry.

IV. External Relations and Field Operations

Before I joined the Court, the Registry's external operations functions were highly dispersed with no overarching structure. The newly-created Division of External Operations concentrated all of the Registry's external operations under one strategic leadership, which has facilitated coordination and cooperation between the relevant Registry sections, ensured consistency in operations, and maximized the use of existing resources. The new Division gives the Court a single interface for a large part of the Registry's external operations, which benefits not only the Registry, but also the other organs of the Court.

The second major element in improving the Court's external operations is a complete revamp of the field offices. The old field office structure did not give the Registry or the Court a sufficiently clear or visible field presence, which hampered the development and maintenance of productive relations with the relevant stakeholders in the field. This also meant that Registry staff from Headquarters were frequently required to travel to the field, which both impeded the timely execution of the relevant operations and led to unnecessary travel costs. As part of the revamp, a senior position of Chief of Field Office (P-5) was introduced to represent the Registry in the situation country and play a leading role in developing effective relationships with government authorities, diplomatic missions, national and international organizations, NGOs, the media, civil society and, last but not least, affected communities. This high-level representation ensures that requests for judicial or operational cooperation are processed more efficiently and promptly, while also significantly reducing the need for travel from Headquarters.

The role of the Chief of Field Office also ensures effective management of staff and field resources and better control over field operations generally. This has put an end to a situation in which the local teams, housed in the same office, worked "in silo", taking their instructions directly from Headquarters with no opportunity to properly coordinate their activities, schedules or logistics in the field.

Thirdly, all issues relating to judicial cooperation, voluntary cooperation and external relations have been consolidated within the new Division. Since its creation, a number of new policies and practices have been developed and are being implemented in a comprehensive and holistic manner, including in the areas of asset freezing and arrest strategies. Furthermore, a unit dedicated to analysing information on situation countries has been created, ensuring coordinated, comprehensive, high-quality information collection and analysis, which is essential for strategic, secure preparation and implementation of the Court's operations.

V. Communications, Outreach and Victims

During my mandate as Registrar of the International Criminal Court, I took a number of initiatives to strengthen the Court's communications and outreach capacity.

Outreach is of critical importance for the visibility and credibility of the institution and for enabling partners in the country, including affected communities, civil society organizations and victims, to have access to the proceedings.

Outreach strategies need to be tailored to the specific context and needs of the country in relation to which investigations and judicial proceedings are taking place. As part of the new vision of the role and function of the field offices, their capacity to undertake outreach activities

has been considerably strengthened through an upgrade of existing positions dealing with outreach and the creation of multi-disciplinary teams of hitherto separately functioning outreach staff and victim participation staff. One of the results of these measures in strengthening the Court's outreach capacity was that, at the start of the *Ongwen* trial in December 2016, the Registry was able to organize a number of major outreach events in different locations in northern Uganda, thereby reaching out to well over 10,000 members of the affected communities in that part of the country in the course of one day.

In relation to the Court's social media presence, which was virtually non-existent before I took up my position, the Court is active today on all major social media outlets (Facebook, Twitter, Instagram and Flickr) and has a growing number of followers. Recently, the Court held its first Facebook Live session on recruitment, which addressed, *inter alia*, ways to improve geographical distribution and gender balance. Recently, initiatives have been taken to adopt lessons learned from other international organizations on how to maximize the use of social media to enhance information and discussion about the Court.

In 2015, a new website was launched, which represents a major improvement on the previous version, especially for journalists and the public at large. Some features, such as an intuitive site map and a search tool for Court documents, are currently undergoing further development and refinement.

In September 2017, the Registry, together with the Open Society Justice Initiative (OSJI), organized a two-day seminar in which a number of experts on public information and media from NGOs, academia, the public and private sectors, and from different parts of the world, were brought together to brainstorm current and future challenges for the Court in this area and how best to address them. The seminar generated a wealth of information and ideas for enhancing the Court's resilience to future public information challenges.

VI. Staff Welfare and Human Resources

When I joined the Court in 2013, I was confronted with an HR section which was facing particularly serious challenges. Services were below acceptable levels, policies were insufficiently developed and perceived as inconsistently applied. Furthermore, staff development activities were virtually non-existent and the performance management system in place was inadequate and had a low compliance rate. In collaboration with a new HR leadership, I developed and implemented a new structure, which now includes a unit dedicated to staff development. Recruitment policies, practices and services have improved and continue to improve. A new and more meaningful performance management system has been developed and is now being implemented.

I have regularly engaged with Registry staff at all levels via brown-bag lunches, in which small groups of staff members join me for lunch in my office and where we discuss, under the Chatham House Rule, issues of motivation, staff welfare and culture, and any other matters that they wish to raise. This has provided me with valuable insights into the needs, concerns and aspirations of staff. A number of HR-related activities have been a direct result of these sessions.

Staff welfare has been one of the strategic priorities for the Registry. In 2017, I established an advisory group to develop plans to promote staff welfare at the Court in the coming years.

More work needs to be undertaken on issues such as leadership development, work-life balance, training opportunities, staff mobility, internal promotion, and informal dispute settlement procedures. To this end, I submitted proposals to the other Principals of the Court to support such activities and establish a Court-wide Staff Welfare Committee to guide the process of development and implementation of staff welfare activities.

VII. Efficiencies and Effectiveness for an Increased Workload

During my mandate, the Registry undertook a number of activities to ensure maximum delivery of services at minimum cost, while maintaining quality service delivery.

Between 2013 and 2017, the budget for the Registry expanded by 18.8 per cent, even as the Registry had to cope with proportionally much higher increases in its workload. For example, the number of hearing days the Registry had to support over that period increased by 241 per cent. On every day of hearings, the Registry is responsible, *inter alia*, for transcript production, interpretation, security in and around the courtroom, and court management support. Over the same period, the number of witnesses testifying in trials has increased by 179 per cent, the number of victims applying for participation or reparations by 66 per cent, the number of filings to be processed by the Registry by 33 per cent, the number of languages supported in the courtroom by 67 per cent, the number of defence teams to be supported by 75 per cent and the number of missions undertaken in the field by the Office of the Prosecutor requiring Registry support by 34 percent.

VIII. Reorganization of the Registry

After eleven years of the Court's existence, a detailed review of the Registry's functioning was needed. The Registry's structure, which had been agreed in the Court's early years, had expanded tremendously, without ever having undergone a comprehensive organizational review.

From various sources, calls for an overall assessment of and change to the organization and functioning of the Registry started in 2007 and continued over the following years until my election in 2013. By then, not only the Committee on Budget and Finance, but also the Office of Internal Audit, external experts and other organs of the Court were highly critical of the Registry's services. By 2013, there was thus a collective and widespread understanding that organizational change in the Registry was necessary and long overdue. When I was elected in March 2013, I pledged to the Judges to undertake such an organizational reform.

The process and outcomes of the reorganization have been favourably reviewed by various bodies, and many of the improvements in the Registry's functioning, including those mentioned in this document, are directly attributable to that reorganization. Major outcomes include the creation of a new three-division structure of the Registry, with the introduction of a Division of External Operations; a complete overhaul of the structure and functioning of the field offices; additional functions performed within the same costs by the Registry, such as organizational development and country analysis; and improved processes across a wide range of areas. The overarching goal was to make the Registry fit-for-purpose in the years to come.

In an audit undertaken in 2017, the external auditor of the Court, France's *Cour des comptes*, concluded that there was "a unanimous positive assessment among the major stakeholders of the ICC, both inside and outside the Registry" of "major points resulting from the establishment of the Division of External Operations [... and] the strengthening of the position and authority of Heads of field offices".¹ The external auditor also found that there were "already indications that the new structure is performing better than the old one, as well as concrete examples of efficiencies and savings resulting from the reorganization".²

Further details on the process and the outcome of the reorganization can be found in the *Comprehensive Report on the Reorganisation of the Registry*, issued in August 2016 and available on the Court's website (<https://www.icc-cpi.int/itemsDocuments/ICC-Registry-CR.pdf>).

IX. Conclusion

When I ran for the position of Registrar of the International Criminal Court in 2013, I did so amid a widely recognized need for fundamental change within the Registry.

Change, however, is never easy to achieve, not least because of the vested interests of the various parties involved. The fact that these vested interests are sometimes mutually conflicting makes the process of change inherently fraught with expectations on one side or another that cannot reasonably be met.

Throughout this process, I focused on achieving a more efficient and effective Registry with a view to restoring confidence among those to whom the Registry provides its services. From a number of reactions from within and outside the Court – in particular in the last year or two of my mandate – I can now draw the conclusion that there is wide recognition within the Registry and among its clients that the Registry is now a trusted service provider.

Of course, an organization is never static. It never ceases to change and improve as the internal and external environment around it evolves. Consequently, there will always be room – and indeed a need – for further improvement and development. But those processes can now be built on a Registry that was in need of change, that went through change and that is now in need of continuity and stability.

I am convinced that I leave a much better functioning Registry than the one I found in 2013. The Registry today is a trusted service provider, fit-for-purpose but also ready to continue to further fine-tune its operations.

¹ Available at: https://asp.icc-cpi.int/iccdocs/asp_docs/ASP16/ICC-ASP-16-27-ENG.pdf.

² *Ibid.*