



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

**Remarks of Silvana Arbia  
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Excellencies

Ladies and Gentlemen,

It is a great pleasure to be here in Brussels at this 16<sup>th</sup> briefing of the Court to the diplomatic community. These last couple of months have been busy as usual for the Registry. 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 recent meeting of the Court's Committee on Budget and Finance. This twelfth session of the committee had a full agenda, dealing with issues ranging from review of budgetary and financial issues, to looking at the Court's administrative procedures and human resources.

The Committee welcomed a number of positive developments at the Court, such as the Internal Audit Committee having a majority of external members, the improved implementation rate of the 2008 programme budget, the prudent management of the court's capital assets during the financial crisis, the measures it is taking to identify efficiencies and savings, and overall progress in the area of human resources management. It also made a number of useful recommendations that are currently under consideration by the Court.

The Committee also provided advice on a number of issues currently under review by the Bureau's working groups. These include the system of legal aid for victims and the determination of indigence for defendants, the establishment of an independent oversight mechanism and detainees' family visits. The fruitful collaboration and interaction between these two bodies is crucial for effective governance of the Court. In this respect, the Court has been working closely with the Bureau's working groups, ensuring that it proactively engages with the different facilitators. The Registry has also taken these occasions to brief the working groups on a number of initiatives that it is taking, namely the restructuring of its field presence, and the important inter-organ project of regulating the use of intermediaries. My hope is that through such an inter-active process, a good balance is struck between addressing the concerns of the

states on non-judicial and policy matters, and the operational needs and views of the Court's end users.

One recent decision by the Presidency, which I informed the diplomatic community about at the last briefing has been a matter of discussion both at the Hague Working Group and in the Committee on Budget and Finance. This is the Presidency's decision recognizing a "positive obligation to fund family visits in the particular circumstances of the detainee" and taking into account the availability of resources. I have begun consulting on the impact of this decision with The Hague Working Group and have briefed the Committee on Budget and Finance accordingly. I will continue to look for a way to accommodate the concerns of states on this matter, and to obtain their important cooperation in securing the necessary resources. But I would stress that we all have a duty to implement and respect judicial decisions. This is part of the culture of the rule of law, which we are all seeking to foster and strengthen.

As the Vice President has noted, this Court has to bring justice to affected communities in order for its work to contribute to a wider process of transitional justice and reconciliation. In this respect, the Registry has been making significant outreach efforts in the different situation countries. In the Democratic Republic of the Congo, which I personally visited in March, I held interactive outreach sessions in Ituri with affected populations, local authorities, religious leaders, NGOs and journalists. In April, the outreach unit in DRC paid a visit to Mahagi and Aru, both territories in Ituri. There were screenings of the summaries in the Lubanga trial, and new listening clubs were set up. These listening clubs are an important link with the Court at the local level.

In Uganda, the outreach unit held a workshop with 50 leaders representing persons with disabilities in the Teso sub-region. The workshop was organised in partnership with district unions for persons with disabilities. Whereas the Court had already targeted a series of different groups in the war-affected communities, this is the first time the Court is broadening its outreach efforts to include people with disabilities in order to strengthen the information sharing process of the Court.

In the Central African Republic, in partnership with the Association of Millennium

Development Leaders, the Court held an outreach session with young people in Bangui. The meeting was part of a large-scale outreach campaign that has been ongoing since January 2009 in the various sub-divisions of the Central African capital. During the event, the mandate and work of the Court was explained, and there was a detailed session on the confirmation hearing in the case of Jean-Pierre Bemba Gombo.

As you know, the Court carries out its outreach activities on the Darfur situation from neighbouring Chad, where tens of thousands of refugees from the Darfur crisis are taking shelter. Last month, I personally went to see two camps in eastern Chad and met with camp leaders, mostly Massalit refugees, as well as with representatives of women's groups and a great many victims. There was a broad welcome of the arrest warrant against president al Bashir, but concern were expressed at the lack of State cooperation shown to date. Their need and desire for justice was palpable.

The active cooperation of states is vital to fulfil this demand for justice, and whilst I welcome all assistance received to date, there is scope for greater efforts. Specifically, there are still eight outstanding arrest warrants. As I informed you at the last briefing, I made a strong call to the Congolese authorities for the arrest and surrender of Bosco Ntaganda during my visit there in March. It is disappointing that Mr. Ntaganda remains at large and allegedly active in military operations. I renew my call to the Congolese authorities to take all steps necessary to execute the Court's arrest warrant.

I would also bring to your attention that 23 requests for cooperation to states on matters of asset tracing and freezing remain unanswered. These requests were mainly made so as to offset the legal aid costs of the ongoing proceedings, and would greatly alleviate the pressure on the Court's budget. I must highlight that non-cooperation has a price tag attached to it, and that this cost is reflected in the Court's budget.

On a more positive note, the Vice President and the Prosecutor have already mentioned the voluntary initial appearance of Bahr Idriss Abu Garda. On behalf of the Registry, I wish to thank all the states that cooperated, at very short notice, in making the voluntary appearance possible with logistical, security and consular support.

The Court is also receiving invaluable support from inter-governmental bodies. The Court's relationship with the UN is well established through the Relationship Agreement and a number of subsidiary agreements. To boost cooperation further, the Court recently reinitiated its roundtables with the UN system, and a new meeting is scheduled for July. I hope this will further understanding of the Court's developing practices and jurisprudence within the UN system.

Aside from the UN, the ICC is building its relationship with a number of regional bodies. As you know, we already have a full-fledged relationship agreement with the EU, but we are also in the process of working on relationship agreements with the OAS and the AU. We are further committed to develop and deepen our relationship with the Arab League, and with the OIC. And in the case of the AU, you tasked me through the 7<sup>th</sup> Assembly of States Parties with reporting on the desirability and feasibility of opening an AU liaison office in Ethiopia, so as to facilitate cooperation and understanding between the Court and the AU. Together with the other organs, I am actively working to implement this request. An inter-organ mission is being dispatched to Ethiopia in the coming weeks, and I will be reporting back to the Assembly, through the Committee on Budget and Finance, in the fall.

As I informed states in the previous briefing, I am developing new modalities in the area of witness protection which offer states more options for their cooperation with the Court. Model agreements are being developed and a number of states have shown serious interest in these, and one state has concluded a pilot agreement with the Court. A central feature of these new modalities is the strengthening of national capacities. This directly feeds into the important complementarity framework that the ICC is a part of. In order to have more genuine national proceedings, national judicial systems need to be strengthened and the rule of law fostered. There are many actors that contribute to this effort, including the Court. From a Registry perspective, we are trying to develop a number of initiatives that would assist in this endeavour. These extend from the training of counsel so that that they may effectively prosecute and defend serious international crimes domestically, to developing modalities for *in situ* trials which aim at transferring some technical knowledge, such as court management practices, to the local legal community.

The Court is growing, along with the wider system of international criminal justice of which it is part. All actors in this system are developing their respective roles and learning to interact with the others. All these actors share a common goal, that of ending impunity and deterring future atrocities. On behalf on the Registry of the Court, I am committed to fully playing my part.

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

Thank you.