



26th Diplomatic Briefing
Remarks by Registrar Herman von Hebel

9 October 2017, The Hague

- Check against delivery -

Madam President,
Madam Prosecutor,
Excellencies,
Ladies and gentlemen,

Please allow me to welcome you also on behalf of the Registry to this 26th Diplomatic Briefing. It is a very useful opportunity for the organs of the Court to be able to give an update on the work they are currently doing and what can be expected in the near future.

The President and the Prosecutor have already spoken about the activities of the judiciary and the prosecution. I would like to provide you with an overview of what the Registry is currently engaged in and how we expect these activities to develop.

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Please allow me to begin by giving you a snapshot of some of the key activities undertaken by the Registry in accordance with its mandate. Over the past years, we have put in a great deal of effort to ensure a responsible and efficient administration of the Court, as well as to improve the Registry's professionalism and expertise in those areas where we are responsible for providing quality services to our clients. Sharpening our operations has allowed the Registry to successfully cope with the increase in our activities, while keeping any requests for resources to the minimum.

As we look at our work in 2017, as well as our planned activities for 2018, we see the importance of having further reinforced our expertise and streamlined our processes. Indeed, the work load involved with

the three ongoing trials as well as the cases in the reparations phase will keep us very busy for the rest of the year and well into 2018.

As the neutral organ of the Court that provides services to parties and participants in the proceedings as well as to the Judges, the role of the Registry is key to ensuring the ICC can function and conduct fair and effective public proceedings. We will continue to support the Prosecutor's investigations as well as the work of the Trust Fund for Victims and the different teams of defence counsel and victims' legal representatives.

With the trials in full swing in three cases (*Ongwen, Gbagbo/Blé Goudé* and *Ntaganda*), there has been a significant increase in the number of hearings held and the number of witnesses testifying as compared with the past. Over the past twelve months for example, we have seen approximately 140 witnesses testifying before the Court. This is up from 85 witnesses in the same period from 2015 to 2016, a figure already considerably higher than anything seen previously. We expect this work load to continue in 2018 as the current trials progress. The number of hearings has during the same time period increased from less than 250 hearings in 2016 to over 320 hearings in 2017, with even more expected in 2018.

The impact of increased judicial activities of course also extends to other services provided by the Registry. For example, in the area of language support the almost 3,800 interpreter days accrued by the Registry over the past year to support the Court's work are an increase from approximately 2,200 interpreter days in the immediately preceding period. Likewise, the over 111,000 pages of court transcripts is vastly higher than the under 35,000 pages the year before.

The sum total of judicial and prosecutorial activities has a significant impact not only on our operations in The Hague, but also for our work on the ground in the situation countries. With over 200 missions annually to situation countries by the Office of the Prosecutor, our field offices provide the platform on which successful investigative operations can rely. Our offices in the Central African Republic and Côte d'Ivoire play a key role with respect to the active investigations conducted by the OTP in those countries. Strengthening our field offices has been vital in allowing us to meet the needs of the OTP and other clients, including the Trust Fund for Victims and counsel. This is also a fact noted by the recent, positive report by the External Auditors on the Registry's Division of External Operations. The External Auditor noted unanimous support among the different organs for the new structure of the Registry.

The number of victims admitted to participate in proceedings before the Court has grown by 30 per cent from 2014. This naturally means that sufficient resources are needed in the field to reach out to these victims in order to keep them abreast of the judicial proceedings and to inform them of their rights under the Rome Statute. This applies across the board for all our situation countries. The role accorded to victims by the Court's legal texts is unique and we must continue to ensure that victims benefit from meaningful outreach, participation, legal representation and reparations.

In this context, I would like to highlight a joint mission by the Registry, OTP and Trust Fund for Victims to Georgia which took place last week. This joint mission allowed us to engage with all the stakeholders in that situation and to inform victims of what they can expect from the Court.

There is also an increased number of cases in the reparations phase, presenting the Registry and the Court as a whole with several new challenges. In 2017, reparations orders have been issued in both the *Katanga* and *Al Mahdi* cases, stemming from the situations in the Democratic Republic of Congo and Mali respectively.

The Registry is working closely with the judiciary, legal representatives of victims and the Trust Fund for Victims to implement these orders and to render this vital element of distributive justice meaningful for victims. We are currently facilitating the work of external experts in the Central African Republic, engaged by the Chamber in the *Bemba* case to assist the judges in drafting the reparations order. Similar support was provided earlier this year in Mali to the experts in the *Al Mahdi* case.

Meanwhile, the increasing prominence of the ICC and the beautiful new premises are attracting a larger number of visitors to the Court. Over the past year, we have welcomed over 20 000 visitors to our home in The Hague, the largest number in the Court's history.

This year we have also continued to develop the Court's online presence. The ICC has over 220,000 followers on Twitter and we have just recently launched a new, long-term Facebook page. The highlight thus far in 2017 has been the campaign for the International Justice Day (17 July), which included video-messages in support of justice from prominent personalities across the globe, starting with the new UN Secretary-General.

Next year's 20th anniversary of the Rome Statute will present the Court, its States Parties as well as civil society with great new opportunities to highlight the central role that the institution plays in

ensuring that no one is left without recourse to justice. Some of you have already approached us to discuss possible initiatives to promote the anniversary. We are very thankful for this, and we look forward to working together with you to mark this important milestone.

I hope this brief overview has given you a glimpse of what it is that the Registry is currently doing to ensure that all actors involved in the proceedings before the ICC receive the necessary support to carry out their work effectively. Naturally, adequate resources are required for these activities to be sustained. I would therefore like to briefly discuss the resources that the Court has proposed to enable it to undertake its mandate in 2018.

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Excellencies,
Ladies and gentlemen

I would like to also reflect on the broader challenges that the Registry faces as it becomes a more mature organisation in the service of a well-established ICC. Without the extensive reorganisation that we undertook a few years ago, Registry would not have been able to meet the expectations it faces from its clients. Thanks to the changes made, we today have a fit for purpose Registry able to provide services at the adequate level.

Over the past few years we have made great strides to strengthen our field operations by revamping the way the field offices are run. We today have four senior-level Chiefs of Field Offices covering a total of six countries. We will soon be welcoming on board the new Chief of our Field Office in Georgia.

I firmly believe that the stronger the Court's presence on the ground is, the more efficient it will be both in the use of its resources and in gaining the respect of victims and communities affected by atrocity crimes. The oversight accorded to the Chief of Field Office already allows that person to organise the use of staff and material resources in those offices in the most effective way possible. We must continue to build on these good practices going forward, especially with regard to the scaling up and down of our field offices.

As the Court faces situations in more diverse geographical areas, new challenges that we have not had to pay as much attention to in the past will come to the fore. Information security is a vital part of our operations and any lapse thereof can lead to disastrous results for the Court. We must have both the right practices in place as well as the appropriate equipment in use to ensure that highly sensitive information, for example identities and locations of vulnerable witnesses, is not hacked.

While it is an oft-repeated mantra, the Court cannot continue to operate on a sustainable basis unless it receives full cooperation from its States Parties. In order to respect the rights of victims and witnesses, as well as the defence, we need States to do more. Vulnerable witnesses and their families must be relocated away from the source of the threat, sometimes to third States. Approximately 100 witnesses and 400 dependents remain under the Court's protection, a number far too high both in terms of human and financial costs. As the first step, we highly encourage our States Parties to enter into framework agreements with the Court to facilitate future relocations.

In order for the reparations proceedings to be meaningful, the Court must be able to recover assets of convicted persons wherever those

assets may be located. This requires the building of effective networks between the Court and national authorities so that we understand each other's needs and can work together to identify, freeze and seize such assets. In this connection, I would like to express my gratitude to the co-facilitators of The Hague Working Group on Cooperation, the Ambassadors of France and Senegal, for their work to promote understanding amongst States Parties of this key issue and for organising the upcoming conference in Paris on this theme later this month.

Also, echoing comments from the Prosecutor, with 15 individuals at large against whom an arrest warrant has been issued by the Court, the delivery of meaningful justice is being delayed to large numbers of victims. It is the responsibility of States to ensure that persons suspected of committing war crimes, crimes against humanity or genocide are apprehended and surrendered to the Court for them to face a fair and impartial trial.

Lack of cooperation in the areas of witness protection, financial investigations and arrests has a direct budgetary impact on the Court, and ultimately States Parties. The win-win way for both States and the Court to contain any budgetary increases is to ensure that witnesses are able to exit the ICC protection programme swiftly, assets of accused persons' are effectively tracked down to cover for legal aid costs and that fugitives are brought to face trial, thereby cutting the years of pre-trial proceedings that the failure of the international community to arrest suspects at large lead to.

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This brings my remarks to a close. I hope to have given you a better idea of what the current and future workload and challenges facing the Registry are. We must continue to work together to ensure that there is widespread understanding amongst all stakeholders as to what is needed, both politically and financially, to ensure the Rome Statute system meets the expectations endowed upon it twenty years ago.

I would like to thank you for your attention and look forward to answering any questions you may have.
