

## Questionnaire to Candidates for the Position of Registrar of the International Criminal Court

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*Conscious of the critical importance of the role of the Registrar of the ICC, we have prepared the following as a questionnaire for candidates for this position.*

*Please reply to some or all the following questions as comprehensively or concisely as you wish.*

Name: Herman von Hebel

Nationality: Dutch

### **Vision for the ICC and the Registry:**

#### *1. Why do you wish to be elected as the Registrar of the International Criminal Court (ICC)?*

I would like to highlight three reasons why I wish to be re-elected and continue in my current role of Registrar of the International Criminal Court.

The first reason is my passion for international criminal justice in general and for the ICC in particular. As a member of the Dutch delegation, I participated in all of the negotiations leading up to the Rome Conference, the Rome Conference itself and the discussions on the Elements of Crimes. I had the privilege of coordinating the discussion on the definition of war crimes in Article 8 of the Statute and chair the working group on the Elements of Crimes. Since then, I have spent nearly 17 years in four different international criminal tribunals or courts, of which more than 11 years in the position of Registrar or Deputy Registrar in three of these institutions, namely the Special Court for Sierra Leone (SCSL), the Special Tribunal for Lebanon (STL), and the ICC. I have thus demonstrated a career-long commitment to the cause of international criminal justice, of which the ICC is undoubtedly the centerpiece as the only permanent international criminal court with in principle a world-wide mandate. I am a firm believer in the role the ICC can play in bringing justice to victims and affected communities, and bringing those most responsible for the victims' suffering to trial.

Secondly, I would like to put the experience of my mandate as Registrar of the ICC since April 2013 to the benefit of the Court, thereby allowing for continuity in the functioning of the Registry, while at the same time allowing for further development of many ongoing initiatives to improve the Court's and Registry's operations. The past four and a half years have made me fully aware of the many challenges with which the Court is confronted. At the same time, I have a thorough understanding of the actual and potential capacity of the institution to face such challenges. The ICC is very different from other international courts or tribunals, in view of, amongst others, its potentially universal territorial reach, its permanent nature, and its complex internal

and external governance structure. In case of re-election, I would be able to ensure continuity in the work of the Registry, with the same vision I have been able to apply thus far.

Finally, since April 2013, the Registry, as a neutral service provider to Judges and parties and participants in the proceedings, has been able to substantially improve its work, in both qualitative and quantitative terms. Much needed fundamental changes have taken place in many parts of its operations, such as the support to and protection of witnesses, the quality of Registry legal services, IT and information management and security, the organization of external relations, the functioning of Field Offices in situation countries and the relationship between Headquarters and Field Offices. At the same time, the Registry has been able to considerably increase its services, against overall modest increases in its budget. (I will further elaborate on this in relation to question 5.) All of this has been made possible by the dedicated work of many Registry staff who continue to contribute to a reorganised and more efficient and effective Registry.

For these reasons I seek to be re-elected as Registrar of the ICC, in order to continue to provide my passionate support and expertise to the Court, to continue to contribute to the most effective functioning of the Court with the same vision and understanding and to continue with the drive for further change and improvement in its work.

2. *Article 43 of the Rome Statute states that the Registrar shall be a person of "high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the Court" (French and English). Please describe briefly how you meet these criteria.*

In my view, the most important function of the Registrar is to ensure that high quality services are provided in a timely and effective fashion, so that the Judges and all parties and participants in the proceedings can fully focus on their judicial and legal responsibilities. Having served as a Registrar or Deputy Registrar for over 11 years, I have been responsible for all different aspects of the role of a Registry, ranging from administrative to judicial support functions and to external operations.

Throughout these years, I have also developed the required leadership skills and vision on the work of the Registry and its role within the Court. I am able to set priorities and do not shy away from taking difficult decisions, even when they may lead to critical reactions from within or outside the organisation, as long as I am convinced, based on my own experience and professional advice of others, that these decisions are in the best interest of the Court. I was able to bring about change in the organisation of the ICC Registry, in order to make it a better and more trusted service provider. Before that, at the SCSL, I initiated the process of downsizing the organisation due to the advanced stages of implementation of its mandate. At the STL, I was heavily involved in the process of the build-up of the organisation in its early days of existence.

In my experience, it is paramount for the Registrar to always work in good faith and with the best interests of the organisation at the forefront. I work with integrity and follow principles of fairness, consistency and transparency. I have submitted myself to the UN financial disclosure program while serving as Registrar and Deputy Registrar

at the SCSL and STL. And I actively supported the introduction of this program for the Registry and Court senior managers in 2015. I have made my financial statements public.

I am fluent in English and am adequately conversational in French.

3. *What do you believe are the most important achievements of the ICC in its first 15 years?*

During the first 15 years of its existence, the Court has achieved a lot. Investigations in ten different situations and in different parts of the world have led to 25 cases being brought before the Chambers. The Court has dealt with a number of important issues in its jurisprudence, such as the use of child soldiers, sexual violence against women and attacks against religious and historical buildings. In 2016 and 2017, four reparation orders have been issued by the Chambers, leading to the near final closure of these judicial proceedings.

Furthermore, around 14,000 victims have participated in the different proceedings before the Court, and presently more than 900 victims participate in reparation proceedings, with potentially thousands of victims following soon in the *Bemba* reparations proceedings. Through the Trust Fund for Victims, over 400,000 victims in a number of situation countries have been in contact with the Fund's assistance mandated activities. In addition, since 2008, more than 270,000 individuals within affected communities have been reached out to directly and have been able to be informed about the activities of the Court, thereby bringing justice to victims; the core mandate of the ICC.

At the same time, the Court has been confronted in its early years with a number of start-up challenges in relation to judicial, prosecutorial and organisational matters. However, certainly over the last five years, the Court's principals (the President, the Prosecutor and the Registrar) have been able to take a number of measures each within their own area of responsibility leading to a better and more effective functioning of the Court as a whole. It can now safely be said that the Court has grown to full maturity.

No doubt, in my view, the Court has a deterrent effect on present and future political, militia and other leaders when determining their own course of action. The operations of the Court have put the ICC on the world map as the main engine of international criminal justice. The Rome Statute and its Rules of Procedure and Evidence have become standard guidance for subsequent national and internationalized initiatives to prosecute international crimes. All in all, the Court is much more than the sum of its parts or activities.

4. *What do you believe are some of the major challenges confronting the ICC and Rome Statute system in the coming years?*

The mandate of the Court is inherently a very challenging one. The challenge lies in the fact that the Court often has to investigate crimes of a large scale character and in

difficult circumstances and sometimes also in relation to persons who are in a position of power and who may not be interested in a successful investigation or prosecution. Almost by definition, the work of the Court will be faced with criticism, as it normally touches upon various vested.

More concretely, the Court is primarily confronted with three major challenges, relating to universality, cooperation and capacity.

Although 123 States are party to the Rome Statute, representing around two-thirds of the UN membership, a number of States, including large and influential ones, are still not a State Party and are not expected to change their position towards the Court in the foreseeable future. In 2016, the Court was confronted with a decision by three states parties to withdraw from the Rome Statute, two of which have not materialised. The promotion of universality of the Rome Statute is primarily a matter for States. At the same time, the lack of universality does impact on the Court's relevance, credibility and effectiveness.

The second challenge for the Court relates to cooperation. In order for the Court to function effectively, it has to rely heavily on cooperation and support from States Parties. Although there is an impressive level of cooperation between the Court and most situation countries and with a number of States in relation to voluntary forms of cooperation, important challenges remain, in particular in relation to implementation of arrest warrants. At the moment, 15 arrest warrants remain outstanding, some of which for many years. This lack of cooperation has an enormous impact on the ability of the Court to do its work and leads to considerable delays in the ability to deliver justice in a timely fashion to victims of egregious crimes.

Finally, the Court is confronted with an increase in its workload, as more situations in different parts of the world require its attention. At the same time, many States Parties are experiencing serious financial challenges and limitations to their ability to provide the right level of financial support to the Court. Although the Court is able to partly address this dilemma through its ongoing search for efficiencies, savings and synergies, the challenge goes beyond this ability. The Court will hence likely be facing difficult decisions in the future on which situations it will or will not be able to react in a timely fashion. This may impact the credibility of the institution as a whole.

5. *What do you believe are some of the current challenges the Registry specifically faces and how would you address them? What are some of the qualitative indicators you might consider when assessing the performance of the Registry and what would you suggest to enhance efficiencies?*

The challenges described in response to question 4 in relation to the Court as a whole, naturally also impact the Registry. For example, the Registry supports the organisation of regional seminars around the world in order to promote ratification by new states. The Registry and the Office of the Prosecutor work closely together in relation to arrest strategies. The Registry continues to engage intensively with a number of States to ensure relocation of witnesses as necessary. The Registry is actively assessing its strategy with regard to victims with a view to optimizing its impact on affected

communities. And, the Registry has undertaken and continues to undertake a number of activities to ensure maximum delivery of services against minimum costs.

In relation to the important issue of efficiencies, it is useful to observe that the Court is funded by public funds and hence, like every publicly funded organisation, has the obligation to ensure that its resources are spent in the most efficient and transparent way. The search for efficiencies therefore has to be of a permanent character.

In this context, the Registry has already made important advances over the last four years. Between 2013 and 2017, the budget for the Registry has increased by 18.8%, while the Registry has had to cope with substantial and proportionally much higher increases in its workload during the same period. For example, in this period the number of hearing days the Registry had to support has increased by 241%. For each hearing day, the Registry is required to ensure that transcripts are produced, that interpretation is provided, that security is guaranteed in and around the courtroom and that court management support is provided. During the same period, the number of witness appearing for testimony has increased by 179%, the number of victims applying for participation or reparation by 66%, the number of filings to be processed by the Registry by 33%, the number of languages supported in the courtroom by 67%, the number of defence teams to be supported by 75% and the number of missions undertaken in the field by the Office of the Prosecutor and to be supported by Registry by 34%. In the same period, the Court moved to its new premises and incurred higher costs for security and maintenance of the premises, also covered by the Registry.

The major challenge for the Registry in the coming years will therefore be how to continue to provide high quality and trusted services to the Judges and parties and participants in the proceedings and how to ensure that all these clients can focus entirely on their core functions, with the awareness that services will be delivered timely and effectively. In other words, by combining qualitative and quantitative criteria and by constantly looking for savings, efficiencies and synergies, it needs to assess whether these challenges can be adequately addressed.

I have identified the following current challenges to the Registry. Most of these are challenges with which the Registry has already been confronted and in relation to which measures have been taken or are in the process of being taken. Based on my experience with the Court over the last four and a half years, I consider myself to be in a privileged position to ensure a continuation in the approach and vision required to effectively deal with each of these challenges.

In relation to Registry's judicial services, two issues require particular attention. In the first place, IT tools development and investment is required, in relation to a number of judicial activities. The most important one relates to the present eCourt system used in the courtroom to support judicial proceedings, which is now outdated and some elements of which are becoming obsolete in the coming years. The development of this new eCourt system will require the active involvement of all end users of the system, including of course the Judges and their staff. The Registry will play a coordinating role here. In 2017, for the first time since its creation, under the coordination of the Registry, the Court has been able to adopt a 5 year Court wide IT strategy. This strategy forms a solid basis for the implementation of these and other necessary IT related activities. Secondly, with the four judicial decisions relating to reparations for victims, the first full cycle of judicial activities in a number of cases before the Court are coming to an end. This is the time to take stock of lessons learned on how the



Court has organised its victim participation and reparation processes and to examine ways for improvements or efficiencies in the Registry support to these judicial processes.

In the context of external operations of the Court, the Registry is also faced with two major issues. In the first place, the support to and protection of witnesses requires constant and intensive attention. In my present mandate, I have already taken a number of initiatives to turn the poorly functioning Victims and Witnesses Section that I was confronted with when I arrived in 2013, into a smoothly and effectively running section today. (Under question 17, I will further elaborate on this.) Furthermore, the Court can be expected in the coming years to be increasingly confronted with attacks from social media, with “fake news” and with IT security challenges. The Registry needs to be ready to coordinate the Court’s ability to face such challenges. The Public Information and Outreach Section of the Registry is in the process of developing strategies in this context. (I will further elaborate upon this under question 14.) Although the Registry has already developed a strong capacity to face attacks to its IT systems and the integrity of its information, it is to be expected that this capacity needs to be further strengthened in the years to come. It therefore forms an integral part of the 2017 Court wide IT investment strategy.

Over the last years, the legal function of the Registry has undergone major change and improvement. Previously, legal positions and advice provided by the Registry regularly lacked consistency and quality. Now, legal opinions are well coordinated and better presented, both in relation to judicial proceedings and non-judicial issues. A legal network for all of the lawyers within the Registry has been created to strengthen cohesion. In the coming years, the network can be further strengthened. More training can be provided and opportunities for mobility of lawyers within the Registry and potentially the Court can be explored to enable cross-training and greater opportunities for staff development. These measures, together, will further improve the quality of the legal work and the more effective and flexible use of legal resources within the Registry.

In the administrative area of the Registry, two challenges require attention in the coming years. In the first place, the development and implementation of HR policies and practices, aimed at strengthening the leadership of the Registry and improving staff welfare. (I will address this in more detail in my answer to question 9.) In the second place, in the coming years all of the administrative processes have to undergo further automation in order to minimize the administrative burden on staff and organisation and to make the processes in principle paperless. Investment in IT tools will be required. The ultimate goal is to reduce the administrative burden and to increase productivity.

6. *All Court officials must perform their functions with full independence and should not act under the instruction of any State or external actor. Do you expect to have any difficulties in taking a position independent of, and possibly contrary to, the position of your government or any external actor?*

Being an international civil servant for the last 17 years, I am fully independent from the government of my nationality, the Netherlands, and have no formal relationship

with any government agency of the Netherlands. Neither do I have any formal relationship with any other government. I attach great importance to the full independence of all ICC staff from their respective governments of nationality, as the ICC is an independent judicial organisation and should under all circumstances function in full independence and impartiality and be seen to do so.

At the same time, I would like to observe that over the last 11 years, as Registrar or Deputy Registrar of three different international courts and tribunals, I have always been able to develop and maintain very good relationships with the Dutch authorities as Host State for the institutional benefit of each of these courts and tribunals, based on a well-developed understanding of the functioning of the relevant Dutch ministries and agencies and on full respect of each other's responsibilities. The same can be said for relations with the City of The Hague.

7. *The Registry is a neutral organ of the Court that provides services to all other organs so the ICC can function and conduct fair and effective public proceedings. How would you describe the relationship of the ICC Registrar with the ICC President; the Office of the Prosecutor; the ICC Chambers, and the Assembly of States Parties?*

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, centered around the “One Court” principle. This relationship stands in contrast to the times of the past and has led to Court-wide progress in a wide range of areas, including the yearly elaboration of the Court's budget, the inter-organ synergies and savings exercise and the adoption of the Court wide IT strategy.

The Registry is first and foremost a neutral organ of the Court and a service provider. At the same time, the Registry also has its own responsibilities to contribute to fair and effective trials, which include the protection and support to witnesses, the facilitation of victim participation and reparations, the provision of legal aid and support to counsel for accused and victims, if required, and the provision of language services to ensure that accused persons are able to follow proceedings in a language they understand or that witnesses can testify in their own language.

According to Article 43(2) of the Statute, the Registrar shall exercise his or her functions under the authority of the President of the Court. Based on my experience at the Court, this is best given shape by a system of regular formal and/or informal contacts, where the Registrar provides timely and full information about the Registry's activities and seeks feedback from the President on upcoming major issues and where the President is able to fully trust the Registrar and enables the Registrar to carry out the given mandate. I have had great pleasure to work with and obtain full support and trust from two ICC Presidents during my present mandate.

As to my relationship with the Prosecutor, a similar system of regular formal and informal contacts has been established. During my mandate as Registrar of the Court, I have engaged in an intensive program of improving the Registry services to clients and have been able to rebuild a relationship of trust with the Prosecutor, the Deputy Prosecutor and senior management of this Office. Such services relate, amongst others, to witness protection and support, services in the field and IT support. As a result, OTP

and Registry have been able to engage over the last couple of years in fruitful discussions on synergies and efficiencies in working methods and services. At all times, such activities have been undertaken in full respect of the independent position of the Prosecutor and the neutral position of the Registry.

In relation to the ICC Chambers, I have used my mandate at the Court in improving services to the judges. In particular, I have focused on enhancing the quality of Registry submissions to the Chambers and on ensuring that such submissions are based on a consistent interpretation of the relevant legal framework. As mentioned, this is the result of a reform of the role and function of the Registry Legal Office and of the creation of a legal network of all legal positions within the Registry, be it in that Office or in other Registry operational offices. With the maturing of this network and with more training in the future, the legal capacity and quality of the Registry is expected to further develop.

Registry services to the Chambers are in principle provided through one of the three Divisions within the Registry, and in particular the Division for Judicial Services and the Division for External Operations. As Registrar, I am informed on a regular basis of the major developments within the Chambers and the proceedings. When issues of particular importance or services of particular relevance are requested by the Chambers, I don't hesitate to personally take the lead on a strategic level and ensure that such services are being provided. Accordingly, during my mandate, I have in particular lead the Registry activities in relation to such issues as: the voluntary protest fast of two detained persons; complaints from detainees about the condition of detention; the development of assessments whether *in situ* hearings could be organised away from the Court and closer to victim communities; the move of the ICC to its permanent premises, in particular with a view to ensure the start of court hearings in the new premises directly after the move; the appearance of a detained witness from a situation country to the Court's premises, including the required consultations with all states involved (situation country and host country); the arrest and transfer of an accused person from country of capture to the premises of the Court, and the communication to victim communities at the opening of new trial proceedings.

As to the relationship with the Assembly of States Parties, including advisory bodies to the ASP, such as the Committee on Budget and Finance, I have been able to develop constructive relationships with the various stakeholders. To give an example: over the last two years I have been the Chair of the inter-organ Budget Working Group and have taken the lead on the process to improve the elaboration and presentation of the ICC Budget to the CBF and States Parties. As in relation to all other major players in the Rome Statute system, I believe in timely and transparent information-sharing as a basis for a constructive relationship between the Court and States Parties, with respect for each other's responsibilities and for the Assembly's general institutional oversight role pursuant to Article 112 of the Rome Statute.

8. *Please describe any specific expertise of relevance to the work of the ICC that you may have, including, but not limited to, gender equality and violence against women or children. How would you ensure that women and children have access to justice and are cognizant of what the Rome Statute is seeking to achieve?*



As Registrar of the ICC since April 2013, I have gained a very thorough understanding of the ICC's functioning, its working methods, its achievements and challenges. Also in relation to the important question of gender equality and violence against women or children, I have developed thorough understanding and experience over the years.

In the early 1990s, I worked at the Dutch Ministry of Justice on the systematic reform of a number of social security laws in order to ensure equal treatment and equal pay for women.

During the Rome Conference, I was the Coordinator for the definition of war crimes and facilitated in that capacity sometimes very tense debates on provisions relating to (sexual) violence against women or children.

At the Special Court for Sierra Leone, I was involved in special outreach programs related to women and children who have been victims of crimes during the armed conflict in Sierra Leone and programs aimed at the reintegration of such women and children into society. In addition, both at the SCSL and ICC, I have always found it of great importance to ensure that women and children are given particular attention and care when testifying as witnesses or when participating as victims in court proceedings. Finally, at the ICC, I have taken and continue to take measures in the context of HR policies and practices that aim at further improving the gender equity between staff working at the Court. (In my answer to question 9, I will further elaborate on this.) In addition, at the initiative of the President, the Principals of the Court have agreed to create a focal point for women within the Court. My office is actively involved to facilitate the creation of this role in the beginning of 2018.

Also, in order to make sure that women and children have access to justice and are cognizant of the major objectives of the Rome Statute, I believe that the key lies in a comprehensive and targeted public outreach strategy and in specific training of Court staff that are directly liaising with victims in the field, such as within outreach, VPRS and VWS.

#### **Experience in Management and Budgetary Processes:**

9. *How would you describe your management skills and experience that would be of relevance to the effective management of the ICC's human resources, including hiring and retaining highly-qualified staff and ensuring their satisfactory performance, as well as addressing the chronic imbalance in geographical representation of its staff and that of women in higher levels?*

In each of the three international tribunals and courts, where I served as Registrar or Deputy Registrar, management of HR resources and policies formed an essential part of my functions. In each of them, the particular circumstances at the relevant time made the effective management of human resources of utmost relevance. By the time I joined the Special Court in 2006, HR policies had to be developed for the gradual downsizing of staff because of the completion of the SCSL's mandate. When I joined the STL, management of HR resources and policies was of crucial importance, as the Tribunal was at its very early stages of operation and the Registry structure was in a process of build-up. At the ICC, HR management was of key importance to the successful implementation of the reorganisation of the Registry. Indeed, in close

cooperation with the Staff Union Council, an HR policy was developed for staff members whose position was amended or terminated as a result of the reorganisation.

In addition, when I joined the ICC 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 regularly perceived as applied inconsistently. Furthermore, staff development activities were nearly absent and the performance management system in place was inadequate and insufficiently complied with. In collaboration with a new HR leadership, I developed and implemented a new structure, which now also includes a separate unit for staff development issues. Recruitments policies, practices and services have improved and continue to improve. I also decided to re-instate the independent Selection Review Board in order to provide additional guarantees for a fair and transparent recruitment practice. The compliance rate with the performance management system at the Court has grown substantially over the last years. And a new and more meaningful performance management system has been developed and implemented. Based on lessons learned, this new system will be further adjusted and improved, where required, in the course of next year.

At the ICC, I have regularly engaged with Registry staff at all levels via so-called brown bag lunches, in which small groups of up to four staff members join me for lunch in my office and where we discuss, under "Chatham House rule", issues of motivation, staff welfare and culture, including cultural issues relating to the geographical and gender distribution of staff, or any other issue that they wish to raise. This has provided me with a most valuable insight into the needs, concerns and aspirations of staff. A number of HR related activities have been a direct result of these sessions.

Staff welfare is one of the strategic priorities for the Registry. In 2017, I organised a number of meetings of Registry senior management and established an advisory group to develop plans to promote staff welfare in the coming years. In my view, more work needs to be undertaken in the context of, amongst others, leadership development, performance management, work-life balance, training opportunities, staff mobility and internal promotion, informal dispute settlement procedures and prevention of trauma as a result of interaction with victims and witnesses and evidence presented in the courtroom. For this purpose, I am about to submit 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.

In addition, I find it of great importance that the Court will be a safe and secure working environment for all staff. The Court should be a work place with zero tolerance for harassment or bullying and with effective mechanisms in place to address any alleged violations. The Court should be a work place where every staff member is able to be proud and privileged to be part of this institution.

Finally, a number of initiatives have been developed to improve the geographical distribution and gender balance of staff. For example, with the support of the City of The Hague, promotional films have been produced about working in The Hague and at the Court, with the participation of staff coming from a number of countries that are underrepresented. Also, an agreement with LinkedIn has been concluded which allows the Court to reach out more proactively to candidates from such underrepresented countries. The Court has also encouraged applications from

nationals of under-represented and non-represented countries for internships, Visiting Professionals and Junior Professional Officer Programs with the goal of maximizing the pool of potential applicants for staff positions at the Court. In relation to both geographical distribution and gender balance, recruitment panels are required to be composed of female and male staff members from different regions of the world and such panels have to take into consideration geographical distribution and gender balance in each stage of the selection process.

10. *Please describe your experience preparing and being responsible for a large budget, including whether you have experience in working with a results-based budgeting system. What are the size of the budgets and staff you have supervised in past positions? What strategies would you undertake in relation to the preparation, submission and examination of the ICC budget to ensure support by the Committee on Budget and Finance and States Parties?*

I have extensive experience with the preparation, submission and adoption of budgets at each of the three international courts and tribunals I have been working as Registrar or Deputy Registrar. I have been leading such budget processes more than 12 times during these years. At the SCSL, upon arrival in 2006, I was responsible for the development of a “completion budget”, thereby assessing the multi-year financial needs of the organisation until completion of its mandate, and the subsequent half-yearly updates of this completion budget. The budgetary requirements of the SCSL on a yearly basis amounted to roughly 25-35 million dollars and around 200-300 staff in the Registry. The yearly budgetary requirements at the STL amounted to around 50-60 million euros and around 100-350 staff in the Registry. At the ICC, the yearly budgetary requirements amount to around 120-150 million euros and up to around 700 staff in the Registry.

From this diverse experience, I can conclude that the budget preparation and discussion process at the ICC is by far the most labour intensive and complex, compared to the other courts and tribunals. This is partly the result of internal working methods at the ICC and partly the result of the governance structure relating to the budget, including the role of the Committee on Budget and Finance (CBF) and the role of the Assembly of States Parties (ASP).

Over the last two years at the ICC, in addition to being a member of the Coordination Council (CoCo) (the Council in which the three Principals of the Court are being represented), I also took the lead in chairing the inter-organ Budget Working Group in order to ensure that the budget document would not only meet all financial-technical requirements, but would also be a reflection of the strategic judicial and prosecutorial priorities set by the CoCo. In that role, I twice organised a workshop for the CBF in order to present the vision of the Court on its budget and budget structure and to ensure that the budget document would meet the requirements set by the CBF. This process has led to a considerable improvement in the budget document and presentation and has facilitated the discussions with the CBF. This process is still ongoing and requires continued strategic focus from the Court and the Registrar in the coming years, based on the steps that have been taken so far.

Also, in that context, the implementation rate of the approved budget has become increasingly important. In 2015, I created a separate Budget Section (next to a Finance Section) and, within that Section, a specialised budget monitoring officer position, with the specific task to monitor the budget implementation rate. In addition, the Budget Section is in a process of developing IT tools to simplify and improve the budget preparation process as well as to further strengthen this budget monitoring function.

**Experience in External Affairs:**

- 11. One of the core challenges identified for the Court is obtaining a positive and effective response to its requests for cooperation. Please describe experience you may have that is relevant to address cooperation challenges for the ICC Registry.*

In relation to cooperation between international courts and tribunals and national or international authorities, I also have extensive experience for over 11 years. As the ICC is operating in relation to about 10 different situation countries at the same time and interacts with 123 States Parties, with the Host State the Netherlands, with a large group of NGOs who are actively following the work of the Court and with various international and regional organisations, the variety and complexity of cooperation issues at the ICC is of a different nature and magnitude than those of other international courts and tribunals.

It was against this background that I found it necessary in 2015, to change the organizational structure and the working methods of staff dealing with different aspects of cooperation. Under a new Director for External Operations, all activities relating to external operations, cooperation, the public image of the Court, witness support and protection and the functioning of and support to the Field Offices are concentrated in one separate Division. Within this Division, also new activities are being developed such as the provision of country analyses, in which political, security and other relevant information about countries in which the Court operates (and other countries of importance for the Court) are being gathered, analysed and made available to all clients of the Registry. (More results of the restructuring of the external relations activities are described under various other questions.)

Also the organisational structure of the Field Offices has been adjusted. Each office is now led by a Head of Field Office, who is responsible for the daily management of the Office and who ensures cooperation and communication with the authorities in the situation country and with the diplomatic community, civil society, affected communities and victims participating in the Court's proceedings. The Field Office also provides services to OTP investigators, TFV staff and VWS staff in the field. In a recent report by the External Auditor, assessing the functioning of this new Division and the Field Offices, the new structure and working methods were considered as strongly supported by all clients of the Registry and leading to improved services. The new structure and working methods have also led to new initiatives and activities, such as in Kampala, where an agreement with the Danish embassy was concluded, providing financial support for outreach activities in the context of the Ongwen trial.

Finally, great progress has been made in different forms of voluntary cooperation with States Parties. Of particular relevance here is that since the start of my mandate in

April 2013, the number of relocation agreements concluded with partner States has grown from 12 to 32, thereby allowing for an increased number of permanent relocations of witnesses in need of protection.

12. *The Registrar has a special mandate vis-à-vis the outreach activities of the Court, especially regarding victims and affected communities. Please elaborate on any experience relevant to fulfilling this mandate, as well as your philosophy regarding the role of the ICC's field presence.*

Outreach forms an integral part of the work of any international court or tribunal, as it assists in bringing justice to victims and in showing that justice is not only done but also seen to be done. Also for the ICC, outreach is of crucial importance for the visibility and credibility of the institution and for allowing partners in the country, including affected communities, civil society organisations and victims, to have access to the proceedings and to become familiar with the principle and relevance of justice, not only on the international level but also as an example for fair and effective justice on the national level. Outreach may also contribute to national reconciliation processes or can be a tool for national capacity building. Outreach can not be done by the Court and Court staff alone, but needs to be undertaken in cooperation with local partners, including for example organisations representing women or children who have been victimised during conflict situations. Outreach thereby can be an important tool to create “ownership” for victims and affected communities in relation to the judicial proceedings.

At the SCSL, STL and ICC, outreach has always played an important role in the work of these organisations, and in my own work as Registrar or Deputy Registrar in these institutions. Outreach strategies need to be tailored to the particular context and needs of the country in relation to which investigations and judicial proceedings take place. For example, outreach in Sierra Leone, in a post-conflict situation and with the SCSL being based in the country itself, was of a different nature than the outreach that the ICC is developing in relation to the situation in Georgia, given the political and security context in that country and region.

As part of the new vision on the role and function of the Field Offices, the capacity in the Field Offices to undertake outreach activities has been strengthened, due to the creation of multi-disciplinary teams of hitherto separately functioning outreach staff and victim participation staff, and with direct involvement of the Head of the Field Office. One of the results of that measure was that at the start of the *Ongwen* trial in December 2016, the Registry was able to organise a number of big outreach events in different places in Northern Uganda, thereby reaching out to well over 10.000 members of the affected communities in that part of the country during one day. With this event and with various other events in Uganda, made possible by a grant from the Danish Embassy in Kampala – secured thanks to the empowerment of the Field Offices to develop partnerships with local actors - the Court is now truly able to “bring justice to victims” and to create “ownership” to members of the affected communities.



*13. The ICC has established constructive and long-term relationships with nongovernmental organizations (NGOs). Please describe any previous experience you have working with NGOs.*

Throughout my career, I gained extensive experience and have had a lot of interaction with different national and international NGOs.

In the late 1980s, I was a member of the Board of the Dutch Section of the International Commission of Jurists and served for two years as its Chair.

During the negotiations on the establishment of the ICC, I witnessed the important role that the Coalition for the ICC, and many NGOs forming part of that Coalition, played in these negotiations. Numerous reports and position papers have impacted considerably on the negotiation process and its outcome. NGOs had a noticeable impact on the minds of decision makers in this process, on the willingness to engage in discussions and on bringing about the final outcome. Throughout these negotiations, I engaged regularly with NGOs and discussed with them important aspects of the draft Statute.

While I was the Registrar and Deputy Registrar of the SCSL, I actively participated in monthly roundtables with local NGOs in the context of the Court's outreach program and also regularly participated in outreach activities organised by such organisations, including organisations that dealt with the position of women and children during and after the conflict. The partnership between the SCSL and such NGOs set an example for how outreach can effectively be organised.

As Registrar of the ICC, I continue to maintain regular contacts with the Coalition of the ICC and with various NGOs based in The Hague. In the context of regional seminars that the Court organizes, with the financial support of the EU, in order to promote the ratification of the Rome Statute or to promote the conclusion of various forms of cooperation agreements with different states or regional organisations on such issues as witness relocation, exchange of information or financial investigations, a number of NGOs also regularly participate.

Finally, when in 2016, a number of NGO representatives, based in The Netherlands came under attack and felt intimidated and threatened, I facilitated further contacts with the relevant Dutch authorities in order to discuss adequate security measures for these representatives and supported the collaboration between the CICC, the ICC and the Dutch authorities in order to establish a system of recognition for Hague based representatives, in conformity with Article 40 of the Headquarters Agreement.

*14. How would you see your role with regards to increasing the visibility of the Court?*

For the ICC, visibility of its activities is of crucial importance. The Court has many different audiences: victims and affected communities, governments of situation countries and States Parties, national and international civil society organisations, journalists, the (international) legal community and the public at large. As the media landscape changes rapidly, the Court needs to be adept in identifying and utilizing new ways to reach its target audiences.

During my mandate as ICC Registrar, I have taken a number of initiatives to strengthen the work of the Public Information and Outreach Section of the Registry. The section has been provided increased capacity and has developed strategies in relation to social media and outreach. The Court is active on all major social media outlets (Facebook, Twitter, Instagram and Flickr) and has an increasing number of followers. Recently, the Court held its first Facebook Live session about recruitment, which, amongst other things, addressed ways to improve geographical distribution and gender balance. The Court is also actively engaged with other international organisations to take stock of lessons learned from their social media experiences and to further strengthen its impact, as far as existing resources allow for.

In 2015, a new website was launched, which constitutes a major improvement compared to the old one, especially for journalists and the public at large, but aspects of it, such as an intuitive site-map and the search tool for Court documents are currently in the process of further elaboration and refinement.

As mentioned already in answering question 11, also a number of activities have been undertaken to strengthen the outreach capacity of the Registry.

And finally, in September 2017, the Registry organised a two day seminar together with Open Society Justice Initiative (OSJI) in which a number of experts on public information and media from various organisations, such as NGOs, academia, private sector, public sector and from different parts of the world were brought together to brainstorm about the present and future challenges of the Court in this area and how to prepare to address such challenges. The outcome of this seminar is at the moment being translated into new plans and activities for the coming years.

### **Experience in Judicial Support:**

*15. Please describe your experience and/or expertise in dealing with victim participation in proceedings. How would you manage the Registry's role to ensure that the statutory right of victims to participate in proceedings is achieved in the most meaningful manner whilst ensuring efficiency and expediency?*

One of the most important innovative aspects of the Rome Statute is the role victims can play in the Court's proceedings. As Registrar of the Court I have become very familiar with the way victim participation has been given shape so far in the Court's proceedings. Effective participation requires support to the judges in the Pre-Trial and Trial Chambers by the Victims Participation and Reparation Section (VPRS) of the Registry. Over the last two years, four reparation orders have been issued in different proceedings, which require active follow up by the Registry, in terms of cooperation with the Trust Fund for Victims and financial investigation in resources and assets of convicted persons.

In the past years, already a number of initiatives have been taken to streamline and improve the process of victim applications to the proceedings. For example, VPRS has been working on the development of a uniform application form for victims which applies for any future proceedings – contrary to the case-tailored approach the Court had taken in the beginning. VPRS has also recently taken the initiative to replace the paper version of victim application forms used by Registry staff in the field by an

electronic mobile application form. Victims will in the future be able to create their application to participate in the proceedings and/or to claim reparations on a mobile device with the help of Registry staff on the ground. This tool will save time and resources for both staff in the field and in Headquarters and therefore allow the Registry to reach out to more affected victim communities within the same timeframe. VPRS has also recently launched an initiative to facilitate online applications. Finally, I believe that a strong partnership between the Registry and civil society operating on the ground is crucial to maximize the Registry's potential to reach out to victims in a comprehensive fashion and make participation in the proceedings meaningful.

In light of the recent decisions on reparations, it is now a good moment to take stock of experiences gained so far and to determine how the Registry services can be further developed and, where necessary, improved.

16. *The ICC Registrar is responsible for establishing the eligibility and qualifications of defense counsel, providing support to them, and working with the Court to promote the rights of the defense. Please describe your experience with these issues, including with respect to Defense access to necessary facilities and resources in proceedings ('equality of arms'), including in addressing issues such as gaps in gender equality on ICC Defense counsel teams?*

I have gained extensive experience with the crucial role the defence play in proceedings. Equality of arms and adequate facilities and support are crucial aspects of a fair trial.

At Chambers in the ICTY, I facilitated the exchanges between parties in the context of pre-trial preparations under Rule 65 ter. As Registrar or Deputy Registrar at the other tribunals or courts, I was regularly confronted with or involved in issues concerning legal aid and support to counsel. Rule 20 of the ICC Rules of Procedure and Evidence sets out the responsibilities of the Registrar relating to the rights of the defence.

During my time as Registrar of the Court, I have taken a number of initiatives to further strengthen the role and position of counsel. With a subsidy provided by the EU, the Registry provides yearly training opportunities for counsel. Under my direction, the Registry has taken the initiative to organise a number of such training opportunities away from the Court and bring them closer to counsel in both Anglophone and French African countries. Furthermore, I have collaborated with a number of independent bar organisations and individual counsel to promote and support the establishment of an independent ICC bar association. I believe that a strong and effective ICCBA can support the important role counsel play in ensuring fair proceedings for accused persons. In 2016, counsel and civil society organisations worked closely together and decided to establish the ICCBA.

In addition, I am leading a process of review of the existing legal aid policy and will, at the request of the ASP, present proposals at the beginning of 2018, for further consideration by the states parties. As part of this project, also a review of the existing reporting obligations for counsel and the Registry administration is undertaken in order to achieve an optimal balance between adequate control measures and a minimum of administrative rules and practices. As part of the review of the legal aid policy and the support provided to counsel, an external expert has also identified

issues for improvement of services to counsel practicing before the Court. His report will serve as a basis for determining how such services can be strengthened in the future.

As far as gender equality on defence teams is concerned, it needs to be observed that an accused has a right to select counsel of his or her choice and that the composition of a defence team very much depends on the selection of team members by the lead counsel. That being said, initiatives can be undertaken to ensure that there is a gender balance in relation to persons admitted to the list of counsel, to ensure that adequate numbers of female counsel have access to training opportunities and to engage with counsel to increase awareness about the need to ensure that defence teams are better gender balanced.

17. *Article 68(1) of the Rome Statute provides that the Court “shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.” Please describe the experience or vision you may have with regards to the protection of victims and witnesses, particularly women, at the ICC?*

Article 68(1) of the Rome Statute is a crucial provision for the effective functioning of the Court. For this reason also, Article 43(6) of the Statute specifically requires that one of the responsibilities of the Registrar of the Court is to set up a Victims and Witnesses Unit within the Registry. Adequate support and protection to witnesses is a crucial precondition for the ability of the Court to hold fair trial proceedings.

When I joined the Court in 2013, this unit was not functioning properly. I was confronted with a report containing serious allegations of sexual abuse by staff in the field in relation to female witnesses in VWS's care. Although the allegations were already a few 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 OTP, 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 amongst staff between support, protection and operations was replaced by a system whereby staff would work in flexible and multi-disciplinary teams. Decision-making authority on witness needs was delegated from Headquarters to staff in the Field Offices, thereby ensuring immediate and effective response to such needs and at the same time avoiding time-consuming and costly travel between Headquarters and the field. This was combined with the introduction of an IT tool for witness case management, which allows for secure and effective decision-making by all staff involved and effective supervision over all operations. And, as mentioned before, through an intensive campaign of reaching out to States and witness protection experts, the number of witness relocation agreements and arrangements has grown from 12 in April 2013 to 32 in November 2017.

As a result of these measures, VWS has been able to regain the trust of its clients and is now widely recognized as a well-functioning section of the Registry that is able to adequately cope with a substantially increased workload. Since 2013, for example, the number of witnesses appearing in Court proceedings has increased enormously. With substantially more relocation agreements now, the number of witnesses that have been safely relocated over the last years has augmented, leading to a reduction in the number of witnesses under VWS care. The total number of witnesses under VWS care has reduced from 117 in 2013, to 36 in 2017. Furthermore, whereas before 2013 most witnesses were relocated only on a temporary basis, thereby not allowing witnesses to settle in more permanently in a new place and thereby still falling under the financial responsibility of the Court, since 2013, the vast majority of witnesses requiring relocation have been relocated on a permanent 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. At the same time, due to the new working methods, staff is now able to cope with the workload in a much more efficient way, which has led to a radical reduction in sick leave days over the last three years.

In totality therefore, through this reform, VWS can now guarantee faster decision-making, earlier and better services to the witnesses and a reduction in travel and other costs. For example, notwithstanding a substantial increase in the number of witnesses appearing in Court proceedings, travel costs for the section have been reduced from 1 million euros in 2015 to 650.000 euros in 2017.

The present VWS is now able to provide high quality services to each and every witness prior to, during and after testimony. At all stages of the witness involvement in the Court's proceedings, an assessment of the needs of the witness and the security concerns is being made and acted upon. Special attention is being provided to vulnerable witnesses, such as female witnesses who may have been the victims of sexual abuse. Psychological care is being provided to such victims and all necessary measures are being undertaken to provide a maximum of comfort for such witnesses while engaged with the Court.

**Miscellaneous:**

*18. Have you ever been found, after an administrative or judicial hearing, to have discriminated against or harassed an individual on the grounds of actual or perceived age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socio-economic status, and/or alienage or citizenship status? If yes, please describe the circumstances.*

No.

*19. Do you know of any factors that would adversely affect your ability to competently serve as the Registrar, to comply with ethical responsibilities, or to complete the responsibilities that the Registrar is required to assume? If yes, please explain. Are there any other issues or comments you would like to address?*

No.