

SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES
Solemn undertaking of the Registrar
Statement by H.E. Ambassador Markus Börlin, Vice-President
of the Assembly of States Parties

16 April 2013

As Vice-President of the Assembly, I am honoured to represent the States Parties to the Statute at this solemn undertaking.

The drafters of the Rome Statute decided to depart from the procedure established for the ad hoc tribunals and opted instead to entrust the judges of the Court with the election of the Registrar.

However, this did not imply that the Assembly relinquished entirely its own prerogatives and thus the Rules of Procedure and Evidence call for the Presidency of the Court to establish a list of candidates and to submit the list to the Assembly with a request for any recommendations.

In 2012, the Presidency of the Court had an informal consultation process with States Parties at a very early stage, which allowed States to contribute to the content of the vacancy announcement for the post, which was then publicized by the Court, inviting anyone interested in the position to apply. When the shortlist of candidates was subsequently submitted to the Assembly, States Parties proceeded to formulate a recommendation which the Assembly adopted in November 2012 and conveyed to the judges, who were to bear the recommendation in mind.

This was thus an exemplary process of how the different parts of the Rome Statute system can work in unison to attain a common objective. It will serve as a good example as well for the future cooperation between States Parties and the organs of the Court.

A few weeks ago, the judges of the Court proceeded to elect Mr. Herman von Hebel as Registrar for the next five years. Mr. von Hebel not only meets the formal criteria set out in the Rome Statute for the post, but he possesses an invaluable insight into the makings of the Rome Statute system, as well as ample experience in the work carried out by a Registrar at the international level.

Mr. von Hebel is part of the “Rome generation”, having participated since 1995 as a member of the Dutch delegation to the negotiations which culminated in the adoption of the Statute in 1998. Many delegates still remember his crucial and skillfull role as coordinator of the negotiations on war crimes. The result of that historic endeavour is reflected in article 8 of the Statute, the most extensive of the provisions defining the crimes over which the Court has jurisdiction, where a carefully struck balance was attained in a highly complex and sensitive topic. He was subsequently also the coordinator of the Elements of Crimes, a key supplementary set of norms negotiated prior to the entry into force of the Statute.

In terms of hands-on experience, Mr. von Hebel has held key posts in the Special Court for Sierra Leone and at the Special Tribunal for Lebanon, which have deepened his knowledge of the challenges faced by the multifunctional role played by the Registry in the quest for international criminal justice. The Registrar is sometimes perceived to have a strictly administrative role, yet the complexities of the situations faced by international criminal tribunals may require a Registrar to go beyond what is considered to fall within his/her traditional remit. Even for that, the new Registrar is well prepared!

On behalf of the Assembly, I welcome Mr. von Hebel back to his ‘original family’, the ICC stakeholders, and assure him of the full support of States Parties as he assumes his new duties and endeavours to strengthen the “One-Court” principle as an essential element in consolidating the Court’s key role in the fight against impunity.

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