

ICTY Diplomatic Seminar
Presentation by Mr. John Hocking, Registrar
The Hague, 19 November 2009

Excellencies, Ladies and Gentlemen,

It's a pleasure to address you today for the second time as Registrar of the Tribunal. Last time I spoke about some of my priorities as the then new Registrar: that is, refocusing the work of the Registry to reflect the changing needs of the Tribunal: ensuring that the Tribunal's downsizing is carried out in a fair and transparent manner; cementing the Tribunal's legacy; and the transition from a busy criminal court to a residual mechanism. Now 6 months later, I am proud to say that there has been significant progress. This morning, I'll brief you on developments in five key areas.

1. Registry reorganisation

First - over the past months, I have implemented significant changes to the structure of the Registry. This is to enable me to better discharge my duties as Registrar and to support the Judges, Prosecution and Defence more effectively. The focus of the judiciary is shifting from trials to appeals, and ultimately to the enforcement of sentences, so the Registry must adapt its operations to meet these changing needs. Of course supporting the judicial process remains our main goal, but a number of other activities are being carried out simultaneously: the Tribunal's downsizing; the retention of staff; the archiving of our records; the transfer of knowledge to courts in the Region; and the transition to a residual mechanism.

These activities are inseparable from the conduct of the judicial proceedings. A clear vision and a well-coordinated approach are needed to carry them out successfully. I have consolidated the legal and policy advisory functions of several posts within the Registry in my Immediate Office. It is my intention to personally oversee these processes, assisted by the Deputy Registrar and my Chief of Office. Many of you are aware of the appointment of Mr Ken Roberts as the Tribunal's Deputy Registrar and Mr Martin Petrov as my Chief of Office – together they bring many years of Tribunal experience to the Registry. I expect the full reorganisation of the Registry to be completed next month, following receipt of expert recommendations on the public information and outreach functions of the Registry.

2. Securing the Budget

My second topic is the financing of the ICTY. One of my main challenges as Registrar is to secure the budget of the Tribunal. Only yesterday, I returned from UN Headquarters where, together with

the Deputy Prosecutor and other colleagues, we presented the 2010-2011 budget to the ACABQ – the Advisory Committee on Administrative and Budgetary Questions. The budget for the next biennium is one of the most critical budgets in the history of the Tribunal. It reflects the beginning of our closure – with a gross reduction of US\$82 million. In just over six weeks, we commence our downsizing.

Currently the ICTY has 990 staff. The Budget proposes that over the next two years, 399 posts will be abolished. This is a 40% reduction in staffing capacity compared to today's levels. The completion of trials will also have a significant impact on the number of Judges. Current plans are that 14 judges will leave before the end of 2011 (ten *ad litem* and four permanent Judges).

Yet we still have a lot of work to do. From next month, we will have 25 accused at trial and 13 accused with appeals pending. For the first time since the arrest of Tadić back in February 1995, the Tribunal will no longer have any accused at the pre-trial phase. Over the next 18 months those 25 accused at trial will decrease to just one – Radovan Karadžić. At the same time, we will see an increase in the number and complexity of appeals, including those related to the multi-accused cases that started back in 2006 and 2007. All organs of the Tribunal will realign their resources to reflect this shift in focus towards more complex and numerous appeals. It is proposed that the Appeals Chamber will be strengthened by the redeployment of eight trial Judges (four from the ICTY and four from the ICTR). We are also projecting internal redeployments of staff within the Chambers Legal Support Section and the Office of the Prosecutor from trial to appellate work.

3 Downsizing

This brings me to my 3rd topic: the issue of downsizing. What does this mean for the ICTY? It is the reduction of posts in line with the projected workload of the Tribunal. That is, the number and nature of cases on our docket – both at trial and appeal. In 2004, a Joint Negotiating Committee was established consisting of representatives from both Management and the Staff Union to discuss and agree on the principles and mechanism for the Tribunal's downsizing.

I recently issued a series of decisions that will govern the downsizing process. I did so with a heavy heart as these decisions mark the beginning of the end for staff who have devoted an important part of their lives to the Tribunal. But I am satisfied that the mechanisms, checks and balances we have put in place guarantee a fair and transparent downsizing process. Where several staff members perform interchangeable functions, then a comparative review will be undertaken to determine who will go first. The comparative review will take into account the staff members' performance, integrity and length of service. The entire process will be monitored by a review board, which

consists of members of both management and the staff union, and which will advise me on individual cases.

The Human Resources Section is currently working hard to conclude this exercise. It is my declared goal to issue contracts to all staff members which reflect the outcome of the downsizing process. Each staff member is to know exactly for how long he or she will be employed by the Tribunal. And those staff members who are to leave will know at least 3 months, if not 6 months in advance.

Having said that, it goes without saying that the fast pace of trial and appellate activity can only be maintained if the normal operations of the Tribunal are not disrupted by the departure of qualified staff. The Tribunal must maintain critical minimum staffing levels in all of its three organs – the Prosecution, the Registry and the Chambers. This will be a significant challenge – the retention of qualified staff to complete our mandate whilst at the same time implementing the Tribunal's downsizing programme.

The issue of staff retention has been the subject of several reports from both the ICTY and the ICTR. The General Assembly is currently considering the introduction across the United Nations of an end-of-service grant and continuing contracts. Both these measures would be extremely beneficial to the Tribunal. Any support towards their adoption would be greatly appreciated as they would bring some stability to our staff and assist us greatly with our staff retention efforts.

4 Residual functions

I now want to touch briefly on the steps being taken to prepare for our transition to a residual mechanism – my 4th topic for this morning. In May 2009, the Secretary-General presented a report to the Security Council on the Administrative and Budgetary Aspects of the Options for possible locations for the Archives of the ICTY and ICTR and the Seat of their Residual Mechanism(s). Although the report is still under consideration by the Security Council, the Tribunal has started implementing certain recommendations that will facilitate its transition to a residual mechanism.

First, we have started reviewing witness protection orders with a view to proposing the withdrawal or variation of protective measures. Of course, the Tribunal will continue to protect those witnesses who are still at risk. However, where such protection is no longer needed, it is in the public interest to lift the protective measures. Similarly, a pilot team composed of members of the Registry and Chambers is currently devising a procedure for the declassification of transcripts and documents.

Secondly, in accordance with the Secretary-General's report, we have undertaken a number of activities to support the preservation of and future access to the Tribunal's archives. The vast judicial records of the Tribunal need to be appropriately preserved as part of the Tribunal's legacy, but also to ensure future access to them by the residual mechanism, judiciaries in the Region, civil society and other stakeholders. Chambers and Registry staff have also started examining the possibility of establishing information centres in the states of the former Yugoslavia for access to Tribunal documents, including copies of the public records of our proceedings.

Finally, my office is in the process of reviewing agreements with States and other international bodies, and contracts with private entities, to determine whether and under what conditions they should remain in force after the closure of the Tribunal.

5 Enforcement of sentences

This brings me to my last point today – the enforcement of sentences. As you all know – because I repeat this at every opportunity – your cooperation in enforcing the Tribunal's sentences is vital. I am extremely grateful to those of you who have been supporting this critical function of the Tribunal. But as we approach the year 2013, some 40 more accused may have received their final judgement and many of them could potentially be awaiting transfer to an enforcement state. I am being optimistic as I am counting the two accused still at large, Goran Hadžić and Ratko Mladić. We need your support more than ever to enforce the sentences of persons who may be convicted in the future.

Conclusion

In conclusion, let me remind you of some key indicators of the Tribunal's achievements. 161 persons indicted, over 5,500 witnesses have testified, proceedings concluded against 121 persons. In 18 months time, only one accused will still be on trial. Witness the huge advancement in the capacity of the states of the former Yugoslavia to conduct war crime prosecutions; the development of a large body of international criminal law - both substantive and procedural. This success is your success - the Tribunal could not have achieved what it has achieved without the support of the international community. I thank you for that and for your continued support of our work.