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Report on the Activities of the Court**A. Introduction**

1. The present report provides an overview of the activities of the International Criminal Court (the “Court”) for the period 1 October 2008 to 31 September 2009.

2. On 26 January 2009, the Court began its first trial, that of *The Prosecutor v. Thomas Lubanga Dyilo*. Mr. Lubanga is charged with conscripting, enlisting and using children under fifteen to participate actively in hostilities. Following the opening statements, the Prosecutor presented its evidence until 14 July 2009. The timetable for the presentation of evidence by the Defence, scheduled to begin in October 2009, was adjourned pending the resolution of an issue on appeal.

3. Trial Chamber II undertook preparations for the trial of Mr. Germain Katanga and Mr. Mathieu Ngudjolo Chui, who are each accused of seven charges of war crimes and three charges of crimes against humanity in the Democratic Republic of the Congo. The trial is scheduled to start on 24 November 2009.

4. On 15 June 2009, Pre-Trial Chamber II confirmed five charges of crimes against humanity and war crime brought by the Prosecutor against Mr. Jean-Pierre Bemba Gombo. The case was referred to Trial Chamber III for trial on 18 September 2009.

5. On 4 March 2009, Pre-Trial Chamber I issued a warrant of arrest for Mr. Omar Hassan Ahmad Al-Bashir, President of Sudan, finding reasonable grounds to believe that he had committed five counts of crimes against humanity (murder, extermination, forcible transfer, torture and rape) and two counts of war crimes (attacking civilians and pillaging).

6. On 7 May 2009, Pre-Trial Chamber I issued a summons to appear for Mr. Bahr Idriss Abu Garda. On 18 May 2009, Mr. Abu Garda made his initial appearance before the Chamber. He is accused of committing three counts of war crimes (murder, attacking personnel or objects involved in a humanitarian assistance or peacekeeping mission and pillaging). A hearing on the confirmation of the charges is scheduled to begin on 19 October 2009.

7. In the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*, four arrest warrants remained outstanding. One warrant remained outstanding in the case of *The Prosecutor v. Bosco Ntaganda*. All warrants of arrest remained outstanding in the situation of Darfur, Sudan, respectively against Ahmad Harun, Ali Kushayb and Omar Hassan Ahmad Al-Bashir.

8. The Appeals Chamber was faced with a number of appeals arising in the course of the year including issues such as the stay of proceedings previously imposed in the case of *the Prosecutor v. Thomas Lubanga Dyilo*, the admissibility of cases in *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* and *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*, the interim release of Mr. Bemba Gombo and an appeal of the decision to reject three counts of genocide presented by the Prosecutor when issuing the warrant of arrest against Mr. Al-Bashir.

9. The Prosecutor continued his investigations into the four situations before the Court: Uganda, Democratic Republic of the Congo, Central African Republic and Darfur, Sudan. Six other situations on four continents were under preliminary analysis by the Office of the Prosecutor: Afghanistan, Colombia, Georgia, Kenya, Cote d'Ivoire, and Palestine. No decision whether or not to open an investigation in these situations was taken.

10. In carrying out its activities, the Court continued to engage States Parties, other States, international and regional organizations and civil society in strict accordance with the Rome Statute and applicable agreements concluded by the Court.

B. Judicial Proceedings

1. Situation in the Democratic Republic of the Congo

a) *The Prosecutor v. Thomas Lubanga Dyilo*

11. On 26 January 2009, Trial Chamber I, comprising Judges Sir Adrian Fulford, Elizabeth Odio Benito and René Blattmann, commenced the trial of *The Prosecutor v. Thomas Lubanga Dyilo*. Mr. Lubanga is alleged to be the leader of the *Union des Patriotes Congolais pour la Reconciliation et la Paix (UPC)* and Commander-in-Chief of its military wing, the *Forces Patriotiques pour la Libération du Congo (FPLC)*. He is charged with having committed war crimes in the Democratic Republic of the Congo, specifically enlisting, conscripting and using children under the age of fifteen years to participate actively in hostilities. 103 victims are participating in the trial through their legal representatives.

12. Proceedings had been stayed in 2008 following the finding of the Trial Chamber that a fair trial was not then possible because the Prosecutor had neither disclosed a significant body of confidentially-obtained, potentially exculpatory evidence to the Defence nor made the relevant materials available to the judges for their review. On 21 October 2008, the Appeals Chamber confirmed the stay of proceedings, finding at the same time that the Court could not order disclosure of information obtained by the Prosecutor under conditions of confidentiality without the consent of the information providers. Over a period of five months, the Prosecutor, having obtained the consent of the relevant information providers, disclosed these materials or made them available to the judges who could determine the appropriate method of disclosure for each document. On 18 November 2008, the Chamber found that the Prosecutor had met its obligations and that the trial could proceed.

13. The Prosecutor presented its evidence from 26 January until 14 July 2009, tendering 119 items of evidence. 30 witnesses gave testimony before the Court, 28 of whom were called by the Prosecutor and 2 by the Chamber itself. Protection of witnesses was a major issue before and during the trial. Among the witnesses, 19 were included in the ICC Protection Program (ICCPP). 22 witnesses testified with in-court protective measures (e.g., pseudonym, voice and face distortion, and partial closed-session) and 11 of these witnesses, considered vulnerable, in particular former child soldiers, were granted special measures (e.g., screened from viewing the accused, allowed to testify in free narrative, psycho-social support in court, frequent breaks, reading assistance). Four witnesses gave full testimony publicly. While some witnesses were shielded from the public as a protection measure, the accused and his defence

counsel were able to see all witnesses in Court during their testimony and to know their identities. The Defence cross-examined all witnesses called by the Prosecutor. The timetable for the presentation of evidence by the Defence, scheduled to begin in October 2009, was adjourned pending the resolution of an issue on appeal.

14. On 14 July 2009, Trial Chamber I issued a decision giving notice to the parties and participants that, on the basis of facts and circumstances introduced by the legal representatives of victims, the legal characterisation of the facts may be subject to change to encompass charges other than those confirmed by the Pre-Trial Chamber. Both the Prosecutor and the Defence appealed this decision. At the time of submission of this report, the appeal was pending.

15. Throughout the preparations for trial and the appeals proceedings, the Court provided Mr. Lubanga with legal assistance, including full remuneration of his defence team. Additional assistance was provided by the Office of Public Counsel for the defence.

b) *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*

16. On 24 October 2008, following the confirmation by Pre-Trial Chamber I of seven counts of war crimes (wilful killing, using children to participate actively in hostilities, sexual slavery, rape, attacking civilians, pillaging and destroying the enemy's property) and three counts of crimes against humanity (murder, sexual slavery and rape) against Mr. Germain Katanga and Mr. Mathieu Ngudjolo Chui, the Presidency constituted Trial Chamber II, comprising judges Fatoumata Dembele Diarra, Fumiko Saiga (replaced on her passing by Judge Hans-Peter Kaul) and Bruno Cotte, and assigned the case of Mr. Katanga and Mr. Ngudjolo Chui to it. The Trial Chamber and the parties began preparations for the trial, dealing in particular with procedural matters related to the disclosure of evidence and the protection of witnesses and information. 345 victims have participated in proceedings, represented by two legal representatives.

17. On 10 February 2009, Mr. Katanga challenged the admissibility of the case against him, arguing that he had previously been subject to legal proceedings for the same crimes in the Democratic Republic of the Congo. Trial Chamber II held a public hearing on the issue, during which representatives of the Democratic Republic of the Congo, including the Minister of Justice, participated along with the parties and participants in the case. On 12 June 2009, the Chamber dismissed Mr. Katanga's challenge, finding that the national authorities had not opened any investigation into the attack for which Mr. Katanga was being prosecuted before the Court. Mr. Katanga subsequently appealed this decision. On 25 September 2009, the Appeals Chamber upheld Trial Chamber II's decision and dismissed the appeal on the basis of inaction on the part of the Democratic Republic of the Congo, which rendered the case admissible before the Court.

18. On 31 August 2009, the Chamber postponed the start of the trial to 24 November 2009 in light of several outstanding issues concerning the submission of information from the Prosecutor, a challenge to the legality of the prior arrest and detention of Mr. Katanga and witness protection concerns. On 15 September 2009, following the results of an evaluation by experts, the Chamber ordered the Registry to continue to provide Mr. Germain Katanga with interpretation of the court proceedings into Lingala (in addition to the usual interpretation into French and English).

19. Throughout the preparations for trial and the appeals proceedings, the Court provided Mr. Katanga and Mr. Ngudjolo Chui with legal assistance, including full remuneration of their defence teams, while the Office of Public Counsel for the defence provided assistance to both teams.

c) *The Prosecutor v. Bosco Ntaganda*

20. The warrant of arrest for Mr. Ntaganda has been outstanding since 2006. The Court has issued requests for his arrest and surrender and is awaiting fulfilment of these requests.

2. **Situation in the Central African Republic**

The Prosecutor v. Jean-Pierre Bemba Gombo

21. A hearing to confirm eight charges brought by the Prosecutor against Mr. Jean-Pierre Bemba Gombo began on 12 January 2009 before Pre-Trial Chamber III, comprising judges Ekaterina Trendafilova, Hans-Peter Kaul and Mauro Politi (the latter being replaced by Judge Fumiko Saiga after the end of his term of office and Judge Fumiko Saiga being herself replaced on her passing by Judge Cuno Tarfusser). The Office of Public Counsel for the defence provided support to the defence team during the hearing. On 3 March 2009, the Chamber adjourned the hearing, requesting the Prosecutor to consider amending the charges given that the facts may establish a different form of criminal responsibility (command responsibility) than that initially charged. The Prosecutor subsequently added this additional form of criminal responsibility. On 15 June 2009, Pre-Trial Chamber II (the three Pre-Trial Chambers having been consolidated into two Chambers), composed of Ekaterina Trendafilova, Hans-Peter Kaul and Cuno Tarfusser, confirmed three charges of war crimes (murder, rape and pillage) and two charges of crimes against humanity (murder and rape) against Mr. Bemba in his capacity as a military commander, but not, as originally charged, as a co-perpetrator. The Chamber declined to confirm the charge of torture as a war crime due to the lack of precision of the document containing the charges. The Chamber also declined to confirm the charges of torture as a crime against humanity and the war crime of outrages upon personal dignity, partly because it considered that these charges were fully subsumed in the count of rape and that to include them would amount to cumulative charging, and partly because of the lack of precision of the document containing the charges as regards the acts of torture or the acts of outrage upon personal dignity other than the acts of rape.

22. On 22 June 2009, the Prosecutor applied for leave to appeal the Chamber's decision to the extent that it declined to confirm the charges. On 18 September 2009, the Chamber rejected the Prosecutor's application for leave to appeal. Following the rejection of the Prosecutor's application for leave to appeal, the Presidency constituted Trial Chamber III, comprising Judges Elizabeth Odio Benito, Sir Adrian Fulford and Joyce Aluoch, and referred to it the case of Mr. Bemba for trial. 54 victims participated in the proceedings.

23. On 14 August 2009, Judge Ekaterina Trendafilova, acting as Single Judge on behalf of Pre-Trial Chamber II, ordered Mr. Bemba's conditional release based on her finding that his continued detention was no longer necessary to ensure his appearance at trial. The implementation of the decision was deferred pending a decision by the Chamber on the conditions to be imposed on Mr. Bemba and the State to which he is released, once all necessary arrangements are put in place. The Prosecutor immediately filed an appeal against the decision to release Mr. Bemba, arguing Mr. Bemba's continued detention remained necessary to ensure his appearance at trial. On 3 September 2009, the Appeals Chamber granted suspensive effect to the Prosecutor's appeal, continuing Mr. Bemba's detention. The appeal was pending at the time of submission of this report.

24. On 17 July 2009, the Defence filed an application requesting suspension of all proceedings until the Defence could secure adequate financial resources. On 18 September 2009, the Single Judge rejected the application, finding that the context of the case did not justify such an excessive remedy as a stay of proceedings.

3. Situation in Darfur, Sudan

a) *The Prosecutor v. Omar Hassan Ahmad Al-Bashir*

25. On 4 March 2009, Pre-Trial Chamber I, comprising judges Akua Kuenyehia, Sylvia Steiner and Anita Ušacka, issued a warrant of arrest for Mr. Omar Hassan Ahmad Al-Bashir, President of Sudan, in relation to the situation in Darfur, Sudan. The Chamber determined there were reasonable grounds to believe he had committed crimes within the jurisdiction of the Court, namely five counts of crimes against humanity (murder, extermination, forcible transfer, torture and rape) and two counts of war crimes (attacking civilians and pillaging). The Pre-Trial Chamber determined that Mr. Al-Bashir's status as head of a State not party to the Rome Statute had no effect on the Court's exercise of jurisdiction. The Chamber found that there was not sufficient evidence to sustain three counts of genocide which had been levelled by the Prosecutor. On 6 July 2009, the Prosecutor appealed the decision to reject those three counts of genocide. The appeal was pending at the time of this report.

26. On the instruction of the Chamber, the Registrar notified requests for cooperation for Mr. Al-Bashir's arrest and surrender to Sudan, to all States Parties to the Rome Statute and to all Security Council members not party to the Rome Statute. In issuing the decision, the Chamber concluded that according to Resolution 1593 of the United Nations Security Council, taken together with Article 25 of the Charter of the United Nations, Sudan is obligated to cooperate with the Court, including arresting and surrendering Mr. Al-Bashir. The Chamber directed the Registrar to prepare and transmit requests for cooperation to any other State as may be necessary to ensure the arrest of Mr. Al-Bashir.

b) *The Prosecutor v. Bahr Idriss Abu Garda*

27. On 20 November 2008, the Prosecutor brought an application for arrest warrants or, in the alternative, should the suspects express willingness to cooperate, summons to appear in a third case in relation to the situation in Darfur, Sudan. The Prosecutor alleged that three rebel commanders were responsible for crimes committed against African Union peacekeepers in Haskanita, Darfur on 29 September 2007. On 7 May 2009, Pre-Trial Chamber I issued a summons to appear for Mr. Bahr Idriss Abu Garda for crimes allegedly committed in the attack. The Chamber found there were reasonable grounds to believe he had committed crimes within the jurisdiction of the Court, specifically three counts of war crimes (murder, attacking personnel or objects involved in a humanitarian assistance or peacekeeping mission and pillaging). The Chamber concluded a summons to appear would be sufficient to ensure Mr. Abu Garda's appearance before the Court.

28. Mr. Abu Garda made his initial appearance on 18 May 2009. He is scheduled to appear again on 19 October 2009 for a hearing on confirmation of the charges.

29. Mr. Abu Garda was provisionally found indigent by the Registrar, and therefore his legal assistance is currently paid by the Court. His counsel received support from the Office of Public Counsel for the defence.

c) *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman*

30. The warrants of arrest for Mr. Ahmad Harun and Mr. Ali Kushayb have been outstanding since 2007. The Court has issued requests for their arrest and surrender and is awaiting fulfilment of these requests.

4. Situation in Uganda

a) *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*

31. Warrants of arrest have been outstanding for four alleged members of the Lord's Resistance Army in the situation in Uganda since July 2005. The Court has issued requests for cooperation in the arrest and surrender of these individuals to relevant States. The Prosecutor submitted information to Pre-Trial Chamber II on the reported death of Vincent Otti, allegedly executed upon the instructions of Joseph Kony. No decision was taken, and the warrant remained in effect.

32. In October 2008, Pre-Trial Chamber II, comprising Judges Mauro Politi, Fatoumata Dembele Diarra and Ekaterina Trendafilova, initiated proceedings on the admissibility of the case. In accordance with the principle of complementarity underlying the Rome Statute, a case is inadmissible before the Court if it is being investigated or prosecuted by a State, unless the State is unwilling or unable genuinely to carry out the investigation or Prosecutor. As none of the suspects were represented by counsel, the Chamber appointed counsel for the defence and invited observations from Uganda, the Prosecutor, counsel for defence and victims on the admissibility of the case and subsequently granted leave to two non-governmental organizations to submit observations as *amici curiae*.

33. On 10 March 2009, the Chamber, having considered the various submissions made, issued its decision on admissibility, reaffirming that it is the Court which has the responsibility for determining if a case is inadmissible. The Chamber concluded that the scenario against which the admissibility of the case had to be determined remained the same as at the time of the issuance of the warrants, that is one of total inaction on the part of the relevant national authorities. Therefore, the Chamber found the case to be admissible at that stage. Counsel for the defence subsequently appealed this decision, arguing that the Pre-Trial Chamber had violated the rights of the defence. On 16 September 2009, the Appeals Chamber issued its judgment on the appeal, confirming the decision of the Pre-Trial Chamber.

C. Investigations and Analysis

1. Investigations

a) Situation in the Democratic Republic of the Congo

34. During the period 1 October 2008 to 31 August 2009, the Prosecutor conducted a total of 48 missions to 9 countries for trial preparations and investigations related to the ongoing cases in the situation in Democratic Republic of the Congo: *The Prosecutor v. Thomas Lubanga Dyilo*, *The Prosecutor v. Germain Katanga* and *Mathieu Ngudjolo Chui*, and the investigation of a third case focusing on alleged crimes committed in the North and South Kivu provinces.

35. From 8 to 11 July 2009, the Prosecutor visited Bunia and the Ituri district in the Democratic Republic of the Congo. Through a series of town hall meetings, he met with victims, representatives of civil society and the local population. The visit, according to the Prosecutor, was "about understanding the needs of victims and learning how I can best use my prosecutorial mandate to help affected communities rebuild their lives."

i) *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*

36. The Office of the Prosecutor conducted 34 missions to the Democratic Republic of the Congo and to 6 other countries in the context of the case against Germain Katanga and Mathieu Ngudjolo Chui. This included one forensic mission to the village of Bogoro, Ituri district, conducted with the assistance of the United Nations and States Parties. The mission included the examination of a crime scene, the collection of imagery evidence and the exhumation and examination of human remains.

ii) *The case of the Kivu provinces*

37. In September 2008, the Prosecutor announced the opening of a third case in the Democratic Republic of the Congo, focusing on alleged crimes committed in the Kivu provinces by a multiplicity of perpetrators and groups (including the *Forces Démocratiques de Libération du Rwanda (FDLR)*, the *Congres National pour la Défense du Peuple (CNDP)*, the regular forces and the Mai-Mai) including numerous reports of sexual crimes. Eight missions were conducted inside or outside the Democratic Republic of the Congo to collect information in the context of this new case.

38. Preliminary consultations and meetings with external actors and observers were organized before and after the opening of this third investigation, including two missions to the Democratic Republic of the Congo to contribute to the case selection. Investigators travelled to and worked in the Kivus to undertake an assessment on issues relating to security, protection and logistics.

39. Other missions, including a mission to Rwanda, were conducted in order to discuss access to information and complementarity matters in relation to this third investigation of the situation in the Democratic Republic of the Congo.

40. The Office of the Prosecutor continued to work in close collaboration with State and non-State partners in and outside of the region. Given the particular characteristics of the alleged attacks, the Office considered ways to facilitate investigations by the Democratic Republic of the Congo judiciary and contributions to “*dossiers d’instruction*” against perpetrators. In the opinion of the Office, this would require enhanced protection for witnesses and the judiciary. On 11 and 12 June 2009, in Goma, the Office, along with other actors in the region working on sexual and gender-based violence, discussed in a conference organized by the European Union program REJUSCO (*Restoration de la Justice à l’Est du Congo*), with the University of Goma and the Université Libre des Pays des Grand Lacs, how to effectively assist sexual violence victims and to prevent and prosecute sexual violence crimes in the Democratic Republic of the Congo.

b) *Situation in Uganda*

41. During the period 1 October 2008 to 31 August 2009, the Office of the Prosecutor continued investigative activities and efforts to galvanize cooperation for arrests, including 10 missions to 6 countries, in relation to the situation in Uganda. The Office collected a range of information on crimes allegedly being committed by the Lord’s Resistance Army in the Democratic Republic of the Congo, Sudan and the Central African Republic. According to information received by the Office, the incidence of alleged crimes rose sharply from September 2008 as the Lord’s Resistance Army, operating increasingly freely across a wide area between the Garamba Park in the Democratic Republic of the Congo, border areas of southern Sudan and close to the Central African Republic, put into operation plans to expand their numbers by several hundred, through the abduction of civilians, primarily children. The Office received reports of particularly savage attacks taking place in December 2008 and January 2009 with the killing and abduction of several hundred people in a series of raids on

towns and villages across a broad area of the Democratic Republic of the Congo and southern Sudan. The reports indicated that there may have been more than 1,000 deaths, more than 1,500 abductions and more than 200,000 persons internally displaced as a result of Lord's Resistance Army activity in the period covered by this report.

42. The Office continued its efforts to galvanize support for the arrest of suspects sought by the Court. With a view to cutting off the supply and support network of the suspects, the Office followed up on its requests to a number of States for information on those providing the Lord's Resistance Army with supplies and encouraged States to take action to deter such support.

43. The Prosecutor met regularly with Ugandan Minister for Security Amama Mbabazi on arrest issues. On 13 July 2009, the Prosecutor travelled to Kampala and met with Ugandan President Yoweri Museveni, Minister for Security Amama Mbabazi, Minister of Defence Crispus Kyongo, Minister of State for International Relations Oryem Okello and Attorney-General Kiddu Makubuya. He shared with them the need for enhanced international support for arrest efforts, emphasizing the United Nations Security Council Presidential Statement S/PRST/2008/4 of December 2008.

44. The Office also analyzed information in relation to alleged crimes committed by the Uganda People's Defence Force ("UPDF") and related national proceedings.

c) Situation in the Central African Republic

45. From 1 October 2008 to 31 August 2009, the Office of the Prosecutor carried out 51 missions related to the Central African Republic situation to 7 countries. The Office gathered evidence with a view to establishing responsibility for the crimes committed in 2002 – 2003. The Office performed forensic activities in Bangui (exhumation and autopsy) with cooperation extended by the Central African authorities and a number of partners. The Office continued to closely monitor allegations of crimes committed since the end of 2005 and whether any investigation had been, or was being, conducted with respect to crimes potentially falling under the Court's jurisdiction.

d) Situation in Darfur, Sudan

46. During the period 1 October 2008 to 31 August 2009, the Office of the Prosecutor conducted 31 missions to 13 countries. In accordance with United Nations Security Council Resolution 1593 (2005), the Prosecutor presented his eighth and ninth reports to the Council on 3 December 2008 and 5 June 2009 on the status of the investigation into the situation in Darfur.

47. In his briefing to the Security Council on 3 December 2008, the Prosecutor reported that the Sudanese Government continued not to comply with its legal obligations under Security Council Resolution 1593 (2005) to enforce the judicial decisions of the Court.

48. The Prosecutor emphasized that execution of arrest warrants requires concrete decision-making. He stated that, in accordance with Resolution 1593, the Government of Sudan, as the territorial State, had the legal duty and the capacity to execute the warrants, but that the Council, other States, the United Nations and regional organizations must act to ensure such arrests by severing all non essential contact with individuals subject to warrants of arrest and refraining from any support to the suspects.

49. In his briefing on 5 June 2009, the Prosecutor updated the Council on the issuance of the arrest warrant against Mr. Al-Bashir and the summons to appear for Mr. Abu Garda. He added that he would inform the Security Council of further investigations, if any, in December 2009. The Prosecutor stated that should the crimes stop, there would be no need for further investigations.

50. Following its application in the Haskanita case, the Office of the Prosecutor's tracking cell worked with a variety of actors to locate and facilitate the voluntary surrender of the alleged perpetrators. Following Abu Garda's initial appearance on 18 May 2009, the Office highlighted the assistance of a number of African and European States, who worked together with the Office of the Prosecutor over the previous six months, including The Netherlands, Chad, Senegal, Nigeria, Mali and The Gambia.

51. On 7 July 2009, the Prosecutor travelled to Addis Ababa, Ethiopia, where he met with the members of African Union High-Level Panel on Darfur, following an invitation by the Chair of the Panel, former President Thabo Mbeki of South Africa. In order to secure the cooperation of all actors, the Prosecutor also travelled to Doha, Qatar, on 30 May 2009, where he met with Qatari Prime Minister and Minister of Foreign Affairs, Sheikh Hamad bin Jasim bin Jabir al-Thani.

52. Due to the security conditions in the Sudan, activities continued to be conducted in African and European countries in closed meetings with representatives of the relevant social groups in Darfur and Khartoum as well as members of the diaspora. The content of warrants of arrest, the reports by the Office of the Prosecutor to the Security Council and the rights of victims to participate in the proceedings were among the subjects discussed during these interactive sessions.

2. Analysis activities

53. The Office of the Prosecutor monitored proactively all information on crimes potentially falling within the jurisdiction of the Court. The Office analysed communications by individuals and groups. As of 31 August 2009, the Office had received a total of 8,317 communications relating to article 15 of the Rome Statute, 3,489 of which were received between 1 October 2008 and 31 August 2009. Of these new communications, 2,365 related to the situation of South Ossetia, Georgia.

54. 15% of the remaining communications since 1 October 2008 (536 communications) were considered as not providing any basis for the Office of the Prosecutor to take further action.

55. Six situations under analysis by the Office of the Prosecutor have been made public: Afghanistan, Colombia, Georgia, Kenya, Côte d'Ivoire and Palestine. Afghanistan, Colombia, Georgia and Kenya are all States Parties to the Rome Statute. The Office of the Prosecutor continued its policy of making its monitoring activities public, subject to confidentiality requirements, when it believes it can contribute to preventing crimes.

56. The Office made its analysis on Afghanistan public in 2007 and is analyzing alleged conducts by all actors involved. The Office met, outside Afghanistan, with Afghan officials and representatives of organizations and individuals. The Office sent requests for information to the Government of Afghanistan, but did not receive an answer to these requests.

57. The Office made its analysis on Colombia public in 2006 and has continued the ongoing examination of alleged crimes falling within the jurisdiction of the Court as well as information on investigations and proceedings being conducted in Colombia against paramilitary leaders, politicians, guerrilla leaders and military personnel allegedly responsible for crimes that may fall under the Court's jurisdiction. The Office analyzed allegations of the existence of international support networks assisting armed groups committing crimes within Colombia.

58. The Office made its analysis on Georgia public in 2008. During the period of 1 October 2008 to 31 August 2009, the Government of the Russian Federation, a State not Party to the Statute, sent 2,769 communications to the Court. The Minister of Justice of Georgia visited the Office in August 2008. The Prosecutor had requested information from the governments of the Russian Federation and Georgia on 27 August 2008. The Russian authorities replied to the request for information from the Office of the Prosecutor on 24 October 2008, and the Georgian authorities responded on 14 November 2008. The Office of the Prosecutor conducted a visit to Georgia in November 2008.

59. The situation of Kenya has been under preliminary examination by the Office since February 2008. The Prosecutor received numerous article 15 communications on the post-election violence. On 3 July 2009, an agreement was reached in The Hague between a high-level Kenyan Governmental delegation lead by Justice Minister Mutula Kilonzo and the Office of the Prosecutor. Both parties agreed that in order to prevent new violence during the next election period, those most responsible for the post-election violence must be held accountable. The Kenyan authorities agreed that, should efforts to conduct national proceedings fail, they would refer the situation to the International Criminal Court in accordance with article 14 of the Rome Statute within one year. On 9 July 2009, the African Union Panel of Eminent African Personalities chaired by Kofi Annan submitted to the Office of the Prosecutor material of the Commission of Inquiry into the Post-Election Violence ("CIPEV") headed by Kenyan Judge Philip Waki. On 14 July 2009, the Prosecutor received two reports from the Kenyan authorities on witness protection measures and on the status of legal proceedings carried out by national authorities. On 16 July 2009, the Prosecutor received a sealed envelope and 6 boxes containing documents and supporting materials compiled by the Commission. The Prosecutor opened the envelope, examined its contents and resealed it.

60. The Court may exercise jurisdiction over the situation in Côte d'Ivoire by virtue of an article 12(3) declaration submitted by the Ivorian Government on 1 October 2003. The declaration accepts the jurisdiction of the Court as of 19 September 2002. The most serious alleged crimes, including alleged widespread sexual violence, were committed between 2002 and 2005. On 17-19 July 2009, high-level representatives of the Office of the Prosecutor visited Abidjan and attended a seminar on international justice organized by the Ivorian Coalition for the ICC in partnership with the United Nations operation in Côte d'Ivoire. The seminar, attended by a wide range of civil society, international and Ivorian officials, provided an opportunity to discuss ways to seek accountability for the most serious crimes committed since July 2002 in Côte d'Ivoire. However, the Office has yet to have through meetings with high level officials and the judiciary in Côte d'Ivoire.

61. On 22 January 2009, the Palestinian National Authority lodged a declaration with the Registrar relating to article 12(3) of the Rome Statute which allows States not party to the Statute to accept the Court's jurisdiction. Due to the uncertainties of the international community with respect to the existence or non-existence of a State of Palestine, the Registrar accepted the declaration without prejudice to a judicial determination on the applicability of article 12(3). Between 28 December 2008 and 31 August 2009, the Office of the Prosecutor received 360 article 15 communications related to the situation of Israel and the Palestinian Territories. The Office began to examine all issues related to its jurisdiction, including

whether the declaration by the Palestinian Authority accepting the exercise of jurisdiction by the Court meets statutory requirements, whether crimes within the Court's jurisdiction have been committed and whether there are national proceedings in relation to alleged crimes. The Office received a number of communications, including a report of the Independent Fact Finding Committee on Gaza entitled "No Safe Place" of 30 April 2009, sent to the Prosecutor by the Secretary-General of the Arab League, Mr. Amr Musa; a communication from the Embassy of Israel in The Hague, containing a report entitled "The Operation in Gaza – 27 December – January 2009 – Factual and Legal Aspects" and a letter by the Embassy; information by individual victims; legal communication on jurisdiction by academics; a briefing by South African lawyers on a case against South African nationals allegedly responsible for crimes committed in Gaza; and many other submissions.

D. Cooperation with and Assistance from States, International Organizations and Civil Society

62. The Court made numerous requests to States Parties for cooperation or assistance. Pursuant to article 87 of the Rome Statute, the content of such requests and related communications is often confidential in nature.

63. In addition to specific requests, the Court continued to work to develop its structural arrangements for cooperation, especially with respect to investigative activities, witness protection, the enforcement of sentences and the provisional release of accused persons pending trial, no new agreements were concluded with States on the protection of witnesses or the enforcement of sentences. The need for agreements on protection became more urgent as the number of protected persons continued to increase with each case. With the possibility of sentences being handed down in 2010, the need for agreements on enforcement also increased. During the reporting period, the Office of the Prosecutor entered into an agreement with the Government of Central African Republic.

64. The Court submitted a draft report on the status of cooperation and its requirements to the facilitator of the Hague Working Group, H.E. Yves Haesendonck, on this topic for consultation with the Hague Working Group.

65. The Office of the Prosecutor disseminated its updated guidelines for arrest and surrender of individuals subject to arrest warrants issued by the Court in the Diplomatic Briefings on 7 April 2009¹ and the Draft Prosecutorial Strategy.² These guidelines state:

- a) States Parties should eliminate non-essential contacts with individuals subject to an arrest warrant issued by the Court. When contacts are necessary, attempts should be made first to interact with individuals not subject to an arrest warrant by the Court;
- b) In bilateral and multilateral meetings, States Parties should proactively express their support to the enforcement of the Court's decisions, request cooperation with the Court, and demand that crimes, if ongoing, cease immediately;
- c) States Parties should contribute to the marginalization of fugitives and take steps to prevent the diversion of aid/funds meant for humanitarian purposes or peace talks to benefit persons subject to an arrest warrant issued by the Court; and

¹ Guidelines on which had earlier been disseminated on 10 October 2007.

² Draft Prosecutorial Strategy 2009-2012, 18 August 2009, pp.9-10, posted on the ICC web site » Structure of the Court » Office of the Prosecutor » Reports and Statements» http://www.icc-cpi.int/menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/prosecutorial%20strategy%202009_2012.

- d) States Parties should make collaborative efforts to plan and execute arrests of individuals subject to an arrest warrant issued by the Court, including by providing operational or financial support to countries willing to conduct such operations but lacking the capacity to do so.

66. The Court met regularly with representatives of States to update them on the work of the Court and to discuss items of mutual interest. The Court held two diplomatic briefings in The Hague and one briefing in Brussels. Officials and staff of the Court met often with representatives of States at the United Nations and elsewhere and provided them with updates on the work of the Court.

67. Extensive cooperation continued between the Court and the United Nations. The Office of the Prosecutor entered into two arrangements with the Office of Legal Affairs of the United Nations. The Court received considerable logistical support from the United Nations in the field. In close cooperation with the Office of Legal Affairs, the Court organized a roundtable in July 2009 involving staff from relevant United Nations bodies.

68. Efforts to finalize a Memorandum of Understanding between the African Union and the Court continued, and discussions continued on a possible cooperation agreement with the Organization of American States. In 2009, following the request of the Assembly of States Parties to the Rome Statute, the Court sent a mission to Addis Ababa to explore the desirability and feasibility of establishing a liaison office to the African Union. The Court submitted a separate report on this matter to the eighth session of the Assembly.

69. Two strategic-level meetings were held between the Court and representatives of civil society organizations in The Hague, in addition to regular ongoing contacts between the Court and representatives of civil society. The President, Prosecutor and Registrar participated in the Consultative Conference on International Criminal Justice organized by the MacArthur Foundation and Harvard University's Hauser Center for Nonprofit Organizations in September 2009.

E. Outreach

70. Over the period under consideration, in situation related countries a total of 314 interactive sessions were organized by field outreach teams targeting directly 69,363 people. Estimated audiences of nearly 34 million people were regularly exposed to Court information through local radio and television.

71. The Outreach Unit developed in-house capacity to produce television and radio programmes, including *ICC at a Glance* with summaries of Court's proceedings in all the cases; *News from the Court* presenting other events happening at the Court; and *Ask the Court* a serial in which Court senior officials answer questions asked by participants during outreach activities. During the reporting period in total 222 programs were produced, used to introduce discussions during interactive outreach sessions. They were also broadcasted through local radio and television stations, published on YouTube (with over 30,000 views), and disseminated on-line through several web sites of non-governmental organizations. The use of an internet based Short Message Services (SMS) to provide quick answers to questions asked by the population and to improve its timely communication with journalists was launched in one situation country.

72. In the Democratic Republic of the Congo, 13,369 people participated in 76 interactive sessions organized in Ituri, Kisangani, the Kivus and Kinshasa. A potential audience of 25 million received information via television and radio. In Bunia, press briefings were held every other Tuesday and were attended by an average of 15 journalists. Press briefings were held in Kinshasa on Fridays, attended by an average of 25 journalists.

73. In Uganda, 20,119 people participated in 166 interactive sessions organized in the most war-affected communities of the country, while a potential audience of over 8,000,000 received information via radio. The Court held several consultative and bi-lateral meetings with over 89 civil society organizations to explore possibilities of partnership that would increase the impact of outreach to complement its efforts. The school outreach programme was expanded to reach schools in Kampala city.

74. In the Central African Republic, the Outreach Unit became operational by the end of 2008 with a team of 2 people, 1 Outreach Coordinator and 1 Outreach Assistant. During the reporting period the Unit engaged 4,420 people during 61 interactive sessions, while a potential audience of 700,000 received information via radio.

75. In connection with the situation in Darfur, Sudan, outreach activities continued to be held in a confidential manner due to volatile security conditions and high risks for the population in Darfur, especially after the issuance of the warrant of arrest for the current President of Sudan, Omar Al-Bashir. During the period under review, to communicate with the Sudanese public the Court increased the use of traditional regional and international media, as well as independent radio stations and websites.

F. Organization and Administration of the Court

1. Composition of the Court

76. Six judges were elected by the Assembly of States Parties to the Rome Statute at its seventh session. On 11 March 2009, Judges Joyce Aluoch, Sanji Mmasenono Monageng, Christine van de Wyngaert, and Cuno Tarfusser took up office, while Judge Fumiko Saiga, initially elected in 2007 to finish an unexpired term of a previous judge, began a new term of office.³ On 24 April 2009, Judge Saiga passed away.

77. On 11 March 2009, following the solemn undertaking of the elected judges, the judges, meeting in plenary session, elected the Presidency of the Court. Judge Sang-Hyun Song was elected President, Judge Fatoumata Dembele Diarra was elected First Vice-President and Judge Hans-Peter Kaul was elected Second Vice-President. They will serve in these roles for a period of three years.

78. On 11 March 2009, the judges organized themselves into the following Divisions:

- Appeals Division: Judges Sang-Hyun Song, Akua Kuenyehia, Erkki Kourula, Anita Ušacka and Daniel David Ntanda Nsereko;
- Trial Division: Judges Fatoumata Dembele Diarra, Elizabeth Odio Benito, René Blattmann⁴, Sir Adrian Fulford, Bruno Cotte, Joyce Aluoch, Christine Van den Wyngaert; and
- Pre-Trial Division: Judges Hans-Peter Kaul, Sylvia Steiner, Ekaterina Trendafilova, Sanji Mmasenono Monageng, Cuno Tarfusser.

³ Judge Mohammed Shahabuddeen, having been elected by the Assembly, resigned before taking office.

⁴ Judge Blattmann's term was scheduled to end as of 10 March 2009; however, he remains a judge until the conclusion of the trial of Mr. Thomas Lubanga Dyilo.

2. Support to Courtroom Proceedings

79. 177 days of court hearings were held at the seat of the Court during the reporting period. The Registry provided all necessary services, such as security, court management, language support, transcription and information technology, and the daily movement of the detainees to and from the courtroom, including responding to unforeseen challenges, such as language issues related to testimonies. In particular, the Victims and Witness Unit ('VWU') was involved in ensuring the appearance of witnesses before the Court, in assisting with Court familiarization process of witnesses in this first trial, as well as advising the Chambers in the various proceedings on procedural protective measures, such as redactions .

3. Support to Counsel

80. To date, 302 persons from 49 States have been inscribed on the list of counsel to appear before the Court. The Court organized for the eighth time a Seminar of Counsel, where all persons included in the List of Counsel were invited to attend, and financial assistance was provided to persons coming from developing countries through voluntary contributions granted by The Netherlands, Belgium and the McArthur Foundation. The Seminar, attended by more than 200 persons, allowed for discussions on matters relevant to the work of counsel before the Court, and was followed by a 3-day training for counsel provided in French or English to around 100 persons.

81. In order to facilitate the work of defence teams before the Court, the Office of Public Counsel for the defence continued to prepare and create specific databases and update the practice manual for defence counsel prepared in 2008.

82. The Registry provided support and assistance to legal representatives of victims by organizing or reimbursing the transportation of the teams from the Central African Republic the Democratic Republic of the Congo or Europe to The Hague to attend hearing, and also by providing technical support, such as setting up secure e-mail addresses, and assistance to a total of 31 Legal Representatives. 17 Legal Representatives were provided with fully equipped offices to facilitate the participation of victims in the proceedings.

83. The Registry enabled the victims' Legal Representatives to use the Court's facilities in Bunia and Kinshasa. In the field offices in Kampala and in Bangui, Court staff provided constant support to Legal Representatives and intermediaries in the field enabling them to carry out their functions.

84. The Office of Public Counsel for victims provided legal representatives with factual background documents on the situations or the cases before the Court, research papers and advice on selected aspects of international criminal law, in particular on law relevant to victims' participation and reparations and on any substantive and/or procedural matter arising out of the proceedings. As of September 2009, a total of 21 legal representatives were assisted by the office in the Democratic Republic of Congo, Central African Republic, and Darfur situations and related cases. In addition, the office has been appointed the legal representative of victims in certain cases. In total, as of September 2009, the office had provided assistance to a total of 438 victims.

4. Field Operations

85. During the reporting period, assistance and support from the field offices was provided in support of approximately 600 external and internal missions, including utilization of approximately 500 flights operated by the United Nations Mission in the Democratic Republic of the Congo (MONUC) or the World Food Programme.

86. Staff security remained a significant issue in all areas of field operations, highlighted by threats against staff in Bunia and the outbreak of violence in Kampala in September 2009, requiring staff to remain at their residences and activating emergency communications procedures. In addition to continued improvements to security compliance and emergency protocols, specific security risk assessments were conducted for Court's missions to particularly sensitive or volatile areas in Chad, Democratic Republic of the Congo and Central African Republic.

87. The Registrar undertook a reassessment of the Registry's field operations, including the appropriateness of dedicated field resources and the suitability of the Registry's organizational structure, both at headquarters and in the field, in support of field operations. On the basis of this assessment, the Field Operations Section was moved from the Division of Common Administrative Services to report directly to the Registrar.

88. Additionally, the Registrar presented a detailed report on the enhancement of Registry field operations.⁵ At its thirteenth session, the Committee recommended the submission of a new report on field operations addressing a number of outstanding issues such as scaling up of a field office, treatment of residual functions and other issues. Inter-organ consultations as well as consultations with other users of field offices such as representatives of the defence will take place in preparing this report.⁶

89. In 2009, the Court instituted measures related to cost savings in the purchase of vehicles, standardized insurance cover for all field offices (premises and vehicles), and standardized management of all contracts. A complete capital investments study of supplies and materials requiring replacement over the next five years in each of the field office was concluded. Citrix was implemented in all field offices, providing field staff direct access to the Intranet, SAP and TRIM systems.

5. New York Liaison Office

90. During its seventh session, the Assembly, commended the important work of the New York Liaison Office of the Court, (hereinafter referred to as "the office") and recommended that the Court provide comprehensive and detailed information at the eighth session of the Assembly of States Parties on the functioning of the office⁷. In light of this recommendation, this section of the report summarizes in more detail the activities of the office for the period 2007-2009.

91. The office was established by the Assembly of States Parties at its Fourth Session, on the basis of an option paper prepared by the Bureau of the Assembly⁸ which set out the functions of the Office.⁹ The office became fully operational in January 2007 upon the acquisition of its current premises. The staff of the office comprises one professional post (the head of office) and one administrative assistant. Administratively the office falls under the Presidency but it supports all the organs of the Court and the Secretariat of the Assembly. It takes instructions from and reports directly to officials in The Hague, while taking measures to respect the independence between the organs of the Court.

⁵ ICC-ASP/8/33.

⁶ ICC-ASP/8/15, paras. 81-85.

⁷ ICC-ASP/7/Res.3.

⁸ ICC-ASP/4/Res.4, para. 25; ICC-ASP/4/6.

⁹ ICC-ASP/4/6, paras. 3-4.

92. During the period under consideration the office supported the implementation of the Relationship Agreement between the Court and the United Nations by facilitating interaction between the Court and the United Nations and its agencies. In this connection the office assisted in organizing and providing both logistical and substantive support to approximately 100 meetings per year between senior Court officials and senior United Nations officials, to exchange information and discuss operational cooperation between the two institutions. In addition, the office assisted in organizing technical level meetings between Court officials and United Nations officials including an annual UN-ICC roundtable where issues of mutual interest were discussed. The last roundtable was held at the Court's Headquarters in The Hague in July 2009

93. The office continued to provide operational support to the Court's activities upon specific request. Such support included but was not limited to raising and following up on requests for cooperation and assistance with the United Nations and member States and reporting back to the relevant Court officials. The office continued to facilitate interaction between the Court and the representatives of diplomatic missions and intergovernmental organizations based in New York through organizing and supporting meetings between senior Court officials and Ambassadors/Permanent Representatives to the United Nations, with a particular focus on representatives of States Parties to the Rome Statute, Security Council Member States, situation countries and some key States not Party to the Statute, as well as organizing briefings for regional groups. During this period an average of 85 bilateral meetings and 4 regional group briefings took place each year. The meetings explored avenues for strengthening cooperation with the Court and encouraged public and diplomatic support for the Court's activities within the United Nations. The office also supported both logistically and substantively the President's annual reporting to the United Nations General Assembly on the activities of the Court, the bi-annual briefings by the Prosecutor to the Security Council and the Registrar's informal briefings to the New York Working Group of the Bureau of the Assembly on administrative and budgetary matters.

94. The office continued to monitor, collect, analyze and distribute, as appropriate information relating to events, developments and discussions at the United Nations and to advise the Court on the various positions adopted within the United Nations concerning the Court. In accordance with the Relationship Agreement between the Court and the United Nations, the head of the office participated, in observer capacity, in relevant General Assembly, Security Council and other United Nations meetings and reported to the Court. The head of the office collected, analysed and conveyed relevant United Nations reports and other information, formally or informally obtained, to the Court.

95. During the reporting period the office regularly disseminated information on developments within the Court to relevant United Nations officials and Permanent Missions to the United Nations. Updates on judicial developments including weekly briefings from the Court were regularly distributed to Permanent Missions in New York through an established email list. Efforts to sensitize the broader UN community on the work of the Court included collaborative work with other actors including the United Nations Institute for Training and Research (UNITAR), United Nations University (UNU) and Permanent Missions to the United Nations. In this regard Court officials including the head of the office on diverse occasions participated and made presentations in a number of panel discussions, workshops and seminars held in New York. In 2009 the office collaborated with the Slovenian Mission and other missions of States Parties in New York in the organization of a seminar on "International Criminal Justice: The Role of ICC" held at UN Headquarters in May 2009. A similar collaborative effort with UNU, enables the office to participate annually, in identifying a Court-related topic for discussion at the UNU Midday Forum and to assist in the selection of discussants/panellists for the topic. The topic in 2008 was "Justice as an essential component of Peace" and in 2009 was "On the Frontlines of International Justice: The

International Criminal Court after six years". This collaboration is expected to continue in the coming years.

96. The office maintained close liaison with representatives of non-governmental organizations based in New York, on matters of interest to the Court. Frequent exchange of information and coordinated action between the office and NGOs has proved effective in consolidating diplomatic and political support of representatives of States at the United Nations.

97. In the lead up to the June 8-9 meeting of African States Parties to ICC in Addis Ababa, the office worked closely with States parties and NGOs in New York to ensure a coordinated approach by African States Parties

98. The Office, in conjunction with the Secretariat of the Assembly of States Parties (the "Secretariat") provided substantive servicing in 2007 for the sixth session of the Assembly. In addition, the Office provides technical servicing to resumed sessions of the Assembly when held in New York and the inter-sessional meetings on the crime of aggression. While the Secretariat is entrusted with the substantive preparatory work, the Office provides substantive and technical servicing during the monthly meetings of the Bureau and the meetings of the New York Working Group which were convened as needed. In this connection the office liaised with the Secretariat and the facilitators of the NYWG in coordinating and circulating documentation for these meetings as well as other circular communications to States. The Head of the Office, acting on behalf of the Secretariat provided secretarial services to these meetings, taking notes and preparing draft summaries of the meetings for transmission to the Secretariat. The Office also acted as a link between the Secretariat and the States Parties' representatives in New York. It received communications and requests from States for transmission to the Secretariat and conveyed responses as appropriate based on advice from the Secretariat. Occasionally and upon request, the office provided assistance to the President of the Assembly in organizing meetings with United Nations officials on matters pertaining to the activities of the Court.

99. Due to its limited staffing, the Office focused its work on the essential tasks of maintaining formal contacts and informal networks with the United Nations Secretariat and Permanent Missions, monitoring and reporting to the Court on the near-daily activities of direct concern to the Court and arranging visits of senior Court officials, in addition to servicing meetings of the Assembly and its subsidiary bodies. As issues related to the work of the Court continued to gain prominence at the United Nations, the Head of the office was increasingly called upon to provide information which she did whenever capacity allowed. However, the limited capacity meant that overlaps between requests from the different organs of the Court led to delayed action on some of the issues; and also limited the ability of the office to adopt a more proactive approach to efficient cooperation and to reach a broader network of interlocutors.

6. Strategic Planning

100. The Strategic Plan continued to provide the common framework for the administration of the Court between the President, Prosecutor and Registrar. Having significantly revised the Strategic Plan in August 2008, the Court focused on its implementation throughout the reporting period. As in past years, the objectives for each organ, division and section for 2009 were derived from the Strategic Plan. In addition, cross-cutting strategies to implement specific strategic objectives continued to be pursued. Where strategies have been adopted previously, as in the cases of outreach and human resources management, they were implemented as set out elsewhere in this report. Following the recommendations of the Assembly at its seventh session, the Court continued to work on elaborating a strategy for victims. At the time of this report, the Court was undertaking final

consultations on the strategy with the Hague Working Group of the Bureau under the facilitation of H.E. Jean-Marc Hoscheit and with civil society.

101. The President, Prosecutor and Registrar continued to monitor the overall implementation of the Strategic Plan throughout the reporting period. In June 2009, the Court briefed the Hague Working Group of the Bureau on the status of implementation and invited the feedback of States. Civil society was also consulted. The Court also updated the Hague Working Group on implementation of the outreach strategy and its approach to the geographical location of Court activities and resources, noting that, while the Court attached utmost importance to an appropriate distribution of resources and activities, more operational experience was necessary. Upon review of the status of implementation, the President, Prosecutor and Registrar concluded that no further revisions of the Strategic Plan itself were required in 2009 and that the Court would continue to focus on its effective implementation.

102. A court-wide risk management exercise commenced in 2008 and continued throughout the reporting period. The exercise led to the identification of priority risks facing the Court, and the Court began the process of reviewing its existing strategies and developing new strategies where needed to manage these risks.

103. In its Strategic Plan, the Court had set itself the objective of revisiting the design of business processes and completing a re-engineering exercise for the whole organization during the period 2011-2018. Nevertheless, in light of the strong desire expressed by the Assembly and the Committee on Budget and Finance that the Court seek out further efficiencies, the Court launched this re-engineering exercise already in mid-2009, focusing on areas of administration where cost- or resource- savings were most likely to be realized. The Court reported to the Committee on Budget and Finance at its twelfth and thirteenth sessions on its efforts to find efficiency savings, including the launching of the re-engineering exercise.

7. Governance Arrangements

104. In 2008, the Court held the first meetings of its Audit Committee with an external member, Mr. David Dutton, former chair of the Committee on Budget and Finance. In August 2009, the President, in consultation with the Prosecutor, promulgated a new Presidential Directive on the Audit Committee. This Directive provides for an Audit Committee of seven members, the majority – including the chair – of which are external to the Court, bringing the Court in line with the recommendations of the External Auditor on this point. The Court launched a global process to identify potential candidates for external members.

8. Human Resources

105. At the submission of this report, the Court comprised 826 staff members representing 91 different nationalities.

106. Management of the Court's human resources remained a key priority for the Court in 2009. The Court's comprehensive human resources strategy, derived from the ICC Strategic Plan, focuses on high-quality recruitment in line with geographical, gender and legal system representation targets, staff performance and career development, and the provision of a caring environment for its staff. Rates accelerated sharply throughout the reporting period and the Court was on target with regard to post occupancy and vacancy rates. Recruitment activities focusing particularly on attracting candidates from non-represented and underrepresented countries were initiated in September 2009. With regard to career development of its staff, the Court continued to support and to promote internal mobility on the basis of qualifications and merit rather than seniority.

107. The conditions of service for staff in the field were reviewed, taking into account different models applied by United Nations common system organizations operating in the field and examined in depth the question of compensation for the Court's internationally-recruited professional field staff. Particular attention was paid to the improvement of access to medical and welfare support in the field.

108. The Court's staff performance management system shifted to a harmonized annual appraisal cycle and relevant training was provided to managers with supervisory responsibilities. In support of continued high performance of its staff, the Court introduced organ-wide training plans geared towards learning and training activities that yield a positive impact on staff and organizational performance.

109. On 26 November 2008, the Office of the Prosecutor announced the appointment of Professor Catherine MacKinnon as Special Gender Adviser to the Prosecutor. On 19 June 2009 the Office announced the designation of Juan Mendez as Special Advisor to the Prosecutor on crime prevention. Both individuals are working *ad honorem*.

9. Premises

110. A new building (Haagse Veste 1), in the vicinity of the Court's headquarters, was provided by the host State to the Court at the end of 2008 to address capacity needs. Staff began moving to this new building starting in December 2008, enabling the Court to move all staff out of its temporary additional interim premises in the Hoftoren building in the center of the Hague. At the time of submission of this report, approximately 350 staff occupied Haagse Veste 1, and the move of staff to Haagse Veste 1 was on its way to being completed.

10. Assistance to the Special Court for Sierra Leone

111. In accordance with a Memorandum of Understanding ("MoU") concluded on 13 April 2006, the Court continued to provide courtroom services and facilities, detention services and facilities and other related assistance to the Special Court for Sierra Leone to enable the latter to conduct the trial of Mr. Charles Taylor in The Hague. Through an exchange of letters in September 2008, the Court and the Special Court agreed to extend the MoU until November 2010 so as to enable the Special Court to conclude the trial and appeals proceedings.

G. Conclusion

112. The Court experienced considerable developments during the reporting period with the commencement of the first trial, the confirmation of charges against three individuals, the first voluntary appearance of a suspect pursuant to a summons to appear and the issuance of a warrant of arrest against a head of State. The judges issued decisions on fundamental aspects of the Rome Statute such as the principle of complementarity and the rights of the accused. However, the lack of arrest and surrender continued to be a significant impediment to judicial proceedings in four cases comprising a total of eight suspects.