



## Assembly of States Parties

Distr.: General  
19 November 2010

Original: English

---

### **Ninth session**

New York, 6-10 December 2010

## **Report on the activities of the Court**

### **I. Introduction**

1. The present report provides an overview of the activities of the International Criminal Court (the “Court”) for the period 1 October 2009 to 11 October 2010.
2. The Court is seized of five situations. The situations in Uganda, the Democratic Republic of the Congo, and the Central African Republic were each previously referred to the Court by those States Parties to the Rome Statute themselves. The situation in Darfur, Sudan was referred by the United Nations Security Council. In each case, the Prosecutor decided that there was a reasonable basis to open investigations. During the reporting period, Pre-Trial Chamber II authorized the Prosecutor to initiate an investigation into the situation in the Republic of Kenya.
3. Four accused are in the custody of the Court and three other persons have appeared before the Pre-Trial Chamber. During the reporting period, one trial commenced before the Court and another trial advanced to the defence phase. One case is at the trial preparation stage. One arrest warrant was executed during the reporting period and two suspects made their initial appearance before the Court following summonses to appear. The Pre-Trial Chamber declined to confirm the charges against one suspect.
4. The Office of the Prosecutor is conducting preliminary examinations in a number of countries, including Afghanistan, Colombia, Côte d’Ivoire, Georgia, Guinea and Palestine.
5. In addition, the Registry of the Court supported the judicial proceedings with language and audio-visual services, witness and victim protection, legal and administrative support to victims, support to defence and victims counsel and in detention matters. Significant public information and outreach events also took place. The Registry also provided administrative and logistical services, such as human resources and field operations support, to the rest of the Court.
6. In carrying out its functions, the Court relies on the cooperation of States, international organizations and civil society in accordance with the Rome Statute and international agreements concluded by the Court. Such cooperation with the Court has been generally forthcoming. However, during the reporting period, Pre-Trial Chamber I issued a Decision informing the United Nations Security Council of the lack of cooperation by the Republic of Sudan in order for the Security Council to take any action it might deem appropriate. The Pre-Trial Chamber furthermore informed the Assembly of States Parties and the United Nations Security Council of visits by Mr. Al Bashir, against whom the Court has issued two arrest warrants, to two States Parties, Chad and Kenya.
7. In addition, the Prosecutor has called the United Nations Security Council’s attention to the lack of cooperation of the Government of Sudan in the Darfur case. More generally, efforts continue to ensure that adequate cooperation is forthcoming in the future.

8. During the reporting period, the Review Conference of the Rome Statute was held in Kampala, Uganda, from 31 May to 11 June 2010. Four new States ratified the Rome Statute, and three States Parties ratified the Agreement on Privileges and Immunities of the Court.

## **II. Judicial proceedings**

### **A. Situation in Uganda (ICC-02/04)**

#### ***The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen (ICC-02/04-01/05)***

9. Warrants of arrest have been outstanding for four alleged members of the Lord's Resistance Army (LRA) in the situation in Uganda since July 2005. Joseph Kony, alleged Commander-in-Chief of the LRA, is charged with 33 counts, which include 12 counts of crimes against humanity (murder, enslavement, sexual enslavement, rape, inhumane acts) and 21 counts of war crimes (murder, cruel treatment, intentionally directing attacks against a civilian population, pillaging, rape, forced enlistment of children). Vincent Otti, alleged Vice-Chairman and Second-in-Command of the LRA, is charged with 32 counts, which include 11 counts of crimes against humanity (murder, sexual enslavement, inhumane acts) and 21 counts of war crimes (murder, cruel treatment, intentionally directing attacks against a civilian population, pillaging, rape, forced enlistment of children). Okot Odhiambo, alleged Deputy Army Commander of the LRA and Brigade Commander of the LRA is charged with 10 counts, including 2 counts of crimes against humanity (murder, enslavement) and 8 counts of war crimes (murder, intentionally directing attacks against a civilian population, pillaging, forced enlistment of children). Dominic Ongwen, alleged Brigade Commander of the LRA, is charged with 7 counts, including 3 counts of crimes against humanity (murder, enslavement, inhumane acts) and 4 counts of war crimes (murder, intentionally directing attacks against a civilian population, pillaging, forced enlistment of children).

10. None of the four suspects has been arrested to date. The Court has issued requests for their arrest and surrender and is awaiting fulfilment of these requests. Forty-one victims have been admitted to participate, through their legal representatives, in the proceedings in the case.

### **B. Situation in the Democratic Republic of the Congo (ICC-01/04)**

#### **1. *The Prosecutor v. Thomas Lubanga Dyilo (ICC-01/04-01/06)***

11. The Trial of Thomas Lubanga Dyilo started on 26 January 2009 before Trial Chamber I, composed of Judges Sir Adrian Fulford (Presiding), Elizabeth Odio Benito and René Blattmann. 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. One hundred and three victims are participating, through their legal representatives, in the Lubanga case.

12. The Prosecution case was presented from 26 January to 14 July 2009. On 14 July 2009, Trial Chamber I issued a decision giving notice to the parties that the legal characterization of facts may be subject to changes in accordance with Regulation 55(2) of the Regulations of the Court, in particular by including new crimes under articles 7 (Crimes against humanity) and 8 (War crimes) of the Rome Statute. Both the Defence and the Prosecution appealed this decision. The Appeals Chamber reversed the decision on 8 December 2009.

13. The Defence started the presentation of its evidence on 7 January 2010. From January until July 2010, the Defence tendered 133 items of evidence and called 19 witnesses to testify over a total of 68 trial days.

14. On 8 July 2010, Trial Chamber I ordered a stay of the proceedings as a consequence of the Prosecution's material non-compliance with the Chamber's orders. On 15 July 2010, Trial Chamber I ordered the unrestricted and unconditional release of Thomas Lubanga Dyilo, subject to the appeal and an order of suspensive effect by the Appeals Chamber. On 23 July, the Appeals Chamber granted suspensive effect and the Prosecution appealed the decision on release. The Office of the Prosecutor appealed both decisions. The Appeals Chamber reversed both decisions on 8 October 2010. The proceedings before Trial Chamber I resumed on 11 October 2010.

**2. *The Prosecutor v. Bosco Ntaganda (ICC-01/04-02/06)***

15. Mr. Bosco Ntaganda is alleged to be the former Deputy Chief of the General Staff of the Forces Patriotiques pour la Libération du Congo and the current Chief of Staff of the Congrès National pour la Défense du Peuple, active in North Kivu. He is charged with enlistment, conscription and use of children under the age of fifteen to participate actively in hostilities under article 8, paragraphs (2) (b) (xxvi) and (2) (e) (vii) of the Rome Statute. 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.

**3. *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui (ICC-01/04-01/07)***

16. Mr. Germain Katanga and Mr. Mathieu Ngudjolo Chui are two former leaders of armed groups active in the Ituri region of the Democratic Republic of the Congo. Germain Katanga allegedly commanded the Forces de résistance patriotiques en Ituri (Patriotic Resistance Forces in Ituri (FRPI)) and Brigadier-General of the Armed Forces of the Democratic Republic of the Congo (FARDC). Mathieu Ngudjolo Chui is allegedly the former leader of the Front des Nationalistes et Intégrationnistes (Nationalists and Integrationists Front (FNI)) and Colonel in the FARDC. They are both charged with 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 charges of crimes against humanity (murder, sexual slavery and rape). These crimes were allegedly committed in connection with the attack of the village of Bogoro on 24 February 2003.

17. The Trial of Germain Katanga and Mathieu Ngudjolo Chui started on 24 November 2009 before Trial Chamber II, composed of Judges Bruno Cotte (Presiding), Fatoumata Dembele Diarra and Christine van den Wyngaert. Over 129 trial days, the Prosecution tendered 173 items of evidence and called 19 witnesses plus 1 expert witness to testify. Three hundred and sixty two victims are participating in the case through their legal representatives.

**4. *The Prosecutor v. Callixte Mbarushimana (ICC-01/04-01/10)***

18. On 11 October 2010, the Court made public a warrant of arrest that was issued under seal on 28 September 2010 against Callixte Mbarushimana, alleged Executive Secretary of the Forces démocratiques pour la libération du Rwanda – Forces combattantes Abacunguzi since July 2007. He is charged with five counts of crimes against humanity (murder, torture, rape, inhumane acts, persecution) and six counts of war crimes (attacks against the civilian population, destruction of property, murder, torture, rape, inhumane treatment) allegedly committed between 20 January and 25 February 2009 in North and South Kivus. He was arrested in France on 11 October 2010 and is currently pending a decision of the French authorities as to his transfer to the Court.

**C. *Situation in the Central African Republic (ICC-01/05)***

***The Prosecutor v. Jean-Pierre Bemba Gombo (ICC-01/05-01/08)***

19. Mr. Jean-Pierre Bemba Gombo is prosecuted in his alleged capacity of former President and Commander-in-Chief of the Mouvement de Libération du Congo (Congo Liberation Movement (MLC)) for crimes allegedly committed in various locations of the

Central African Republic in connection with the non-international armed conflict that took place from 26 October 2002 to 15 March 2003. Charges against Jean-Pierre Bemba Gombo were confirmed by Pre-Trial chamber III on 15 June 2009. He is charged with three counts of war crimes (murder, rape and pillage) and two counts of crimes against humanity (murder and rape) in his capacity as a military commander under article 28 of Rome Statute (Responsibility of commanders and other superiors).

20. On 14 August 2009, the Single Judge of Pre-Trial Chamber III had considered that the conditions for continuous detention of Jean-Pierre Bemba Gombo were no longer met and had ordered his interim release. On 2 December 2009, the Appeals Chamber found that the Single Judge had erred by considering that new circumstances led to a modification of the ruling on detention and reversed the decision granting interim release.

21. The case against Mr. Jean-Pierre Bemba Gombo is pending before Trial Chamber III, composed, since 21 July 2010, of Judges Sylvia Steiner (Presiding), Joyce Aluoch and Kuniko Ozaki.

22. On 24 September 2009, the Registrar rejected a second application for the payment of legal aid to Mr. Bemba. In his application, Mr. Bemba alleged that in spite of his wealth, he was not in a position to pay the fees because his properties and assets had been frozen or seized by the Court. Trial Chamber III was seized of this issue and on 19 November 2009, Trial Chamber III issued a decision ordering the Registrar to advance funding in a sum equivalent to the amount of legal aid payable by the Court retrospectively to March 2009 and ongoing until a material change in the circumstances. The Registrar was also requested to search for, freeze and realize Mr. Bemba's assets so as to fund the advance on his legal fees. On 11 August 2010, the Defence for Bemba applied before Trial Chamber III for an increase of the advance of fees paid by the Court.

23. On 25 February 2010, the Defence submitted a challenge to the admissibility of the case on the grounds of respecting complementarity between the work of the Court and judicial proceedings in the Central African Republic, an alleged lack of the requisite level of gravity of the case and an alleged abuse of process. This motion resulted in postponements of the date of commencement of trial. On 24 June 2010, Trial Chamber III rejected the Defence motion in totality, which the Defence appealed. The issue is currently pending before the Appeals Chamber.

24. On 7 July 2010, Trial Chamber III postponed *sine die* the commencement of the trial until resolution of the challenge to the admissibility of the case by the Appeals Chamber. At the status conference held on 30 August 2010, Trial Chamber III decided orally that trial proceedings should continue pending the outcome of the appeal. The date of commencement of trial will imminently be announced.

25. To date, 135 victims have been admitted to participate in the trial proceedings through their legal representatives. Furthermore, the Registry announced that it was in the process of treating more than 900 additional applications for the participation of victims and intended to transmit them to the Chamber before the commencement of the trial.

#### **D. Situation in Darfur, the Sudan (ICC-02/05)**

##### **1. *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb") (ICC-02/05-01/07)***

26. Mr. Ahmad Harun is the former Minister of State for the Interior and current Minister of States for Humanitarian Affairs of the Republic of Sudan. Mr. Ali Kushayb is the alleged leader of a Militia/Janjaweed acting under the coordination of Harun. They are both charged with several counts of crimes against humanity and war crimes, including the alleged murder of civilians, attacks against the civilian population, persecution, forcible transfer, rape, torture, inhumane acts, destruction of properties and pillaging.

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

28. On 19 April 2010, the Prosecution filed a request with the Pre-Trial Chamber to make a finding under article 87 of the Statute that the Government of Sudan failed to

cooperate with the Court according to United Nations Security Council resolution 1593 (2005) in the execution of arrest warrants against Ahmed Harun and Ali Kushayb. On 25 May 2010, Pre-Trial Chamber I, composed of Judges Sylvia Steiner (Presiding), Sanji Mmasenono Monageng and Cuno Tarfusser, issued a Decision to inform the members of the United Nations Security Council about the lack of cooperation by the Republic of the Sudan. The Pre-Trial Chamber transmitted its Decision to the Security Council, through the Secretary-General of the United Nations, in order for the Security Council to take any action it might deem appropriate.

29. Six victims have been admitted to participate in the case proceedings.

**2. *The Prosecutor v. Omar Hassan Ahmad Al-Bashir (ICC-02/05-01/09)***

30. A first warrant of arrest against Mr. Omar Hassan Ahmad Al Bashir, current President of the Republic of Sudan, was delivered on 4 March 2009 by Pre-Trial Chamber I, comprising Judges Akua Kuenyehia, Sylvia Steiner and Anita Ušacka, for five counts of crimes against humanity (murder, extermination, forcible transfer, torture and rape) and two counts of war crimes (attacking civilians and pillaging). The Prosecution appealed the decision rejecting the additional counts of genocide. On 3 February 2010, the Appeals Chamber reversed the decision and remanded the matter to the Pre-Trial Chamber to determine anew on the issue.

31. On 12 July 2010, Pre-Trial Chamber I, composed of Judges Sylvia Steiner (Presiding), Sanji Mmasenono Monageng and Cuno Tarfusser, issued a second warrant of arrest with respect to three counts of genocide. The latter warrant of arrest does not replace or revoke the previous warrant of arrest issued on 4 March 2009, which also remains in effect. Like the first warrant of arrest, the second warrant of arrest was notified to all States Parties to the Rome Statute, to the authorities of the Republic of Sudan and to all United Nations Security Council members that are not Parties to the Rome Statute.

32. To date, Mr. Omar Al Bashir remains at large. The Court has issued requests for his arrest and surrender and is awaiting fulfilment of these requests. On 27 August 2010, Pre-Trial Chamber I decided to inform the United Nations Security Council and the Assembly of States Parties of the visits of Mr. Al-Bashir to the Republic of Chad and to the Republic of Kenya, respectively, for the Security Council and the Assembly to take any measures they deem appropriate.

33. Twelve victims have been admitted to participate through their legal representative in the proceedings in this case.

**3. *The Prosecutor v. Bahr Idriss Abu Garda (ICC-02/05-02/09)***

34. Mr. Bahr Idriss Abu Garda is the Chairman and General Coordinator of Military Operations of the United Resistance Front. He was charged with three counts of war crimes in connection with an attack perpetrated on 29 September 2007 by the Justice and Equality Movement (JEM), which he allegedly commanded, against the personnel, installations, material, units and vehicles of the African Union peacekeeping mission stationed at Haskanita Military Group Site (MGS).

35. Mr. Bahr Idriss Abu Garda appeared voluntarily on the basis of a summons to appear delivered by Pre-Trial Chamber I on 7 May 2009. The hearing took place from 19 until 30 October 2009 before Pre-Trial Chamber I composed of Judges Sylvia Steiner (Presiding), Sanji Mmasenono Monageng and Cuno Tarfusser. Eighty seven victims were authorized to participate through their legal representatives in the proceedings of confirmation of charges. Witnesses were heard, including an expert military witness and a victim from among the injured peacekeepers. Four legal representatives of victims represented victims from Nigeria, Mali and Senegal.

36. On 8 February 2010, Pre-Trial Chamber I declined to confirm the charges against Mr. Abu Garda on the ground that the Prosecution's allegation that he participated in the attack on MGS Haskanita was not supported by sufficient evidence. On 23 April 2010, Pre-Trial Chamber I rejected the Prosecution's application for leave to appeal the decision rejecting the confirmation of charges. The Prosecution informed that it would submit additional evidence.

**4. *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus (ICC-02/05-03/09)***

37. On 27 August 2009, Pre-Trial Chamber I issued an under seal summons to appear against two alleged rebel leaders in the situation in Darfur, Sudan: Mr. Abdallah Banda Abakaer Nourain, who is the Commander-in-Chief of the Justice and Equality Movement (JEM) and Mr. Mohammed Jerbo Jamus, who is the former Chief-of-Staff of the Sudanese Liberation Army-Unity (SLA-Unity). The Prosecution alleges that they both participated as co-perpetrators or indirect co-perpetrators in the attack on MGS Haskanita on 29 September 2007 (see above, *The Prosecutor v. Bahr Idriss Abu Garda*). They are charged with three charges of war crimes in connection with this attack.

38. The summonses to appear were unsealed on 15 June 2010. On 17 June 2010, Mr. Abdallah Banda Abakaer Nourain and Mr. Mohammed Jerbo Jamus both appeared voluntarily and freely before Pre-Trial Chamber I composed of Judges Sylvia Steiner (Presiding), Sanji Mmasenono Monageng and Cuno Tarfusser. They remain at liberty pending the confirmation of charges hearing.

39. The hearing on the confirmation of charges is scheduled to start on 22 November 2010. There are currently 95 pending applications for victims to participate in the proceedings which are under determination by Pre-Trial Chamber I at the time of submission of the present report.

**E. *Situation in Kenya (ICC-01/09)***

40. On 26 November 2009, the Prosecutor filed an application under article 15 for authorization by Pre-Trial Chamber II to open an investigation in Kenya. On 31 March 2010, Pre-Trial Chamber II authorized the Prosecutor to initiate an investigation proprio motu and the Prosecution expects to present its first two cases before the end of 2010.

### **III. Investigations and Preliminary examination**

**A. Investigations**

**1. Situation in the Democratic Republic of the Congo**

**(a) *The Prosecutor v. Thomas Lubanga Dyilo and The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui***

41. The Office of the Prosecutor conducted 28 missions in 6 States, including the Democratic Republic of the Congo, during the reporting period, mainly for the support of trials, to address the arguments raised by the Defence in *The Prosecutor v. Thomas Lubanga Dyilo* and in *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*.

**(b) *The case of the Kivu provinces***

42. During the period 1 October 2009 to 31 August 2010, the Office of the Prosecutor conducted 42 missions to 12 countries for its third investigation in the Democratic Republic of the Congo, focusing on the Kivu provinces. The Office is working on all the groups active in the region, including the Forces Démocratiques de Libération du Rwanda (FDLR), the Congres National pour la Défense du Peuple (CNDP), the regular forces (FARDC) and local defence forces such as the Mai-Mai.

43. As part of its policy of positive complementarity, through which it proactively cooperates with national proceedings, the Office of the Prosecutor assisted the investigation conducted by German authorities against FDLR leaders and is also considering ways to facilitate investigations by the judiciary of the Democratic Republic of the Congo. This will require enhanced protection for witnesses and the judiciary.

44. On 17 November 2009, Ignace Murwanashyaka, a FDLR leader, was arrested by German police authorities for allegedly belonging to a terrorist organization and for having

committed crimes against humanity in Eastern Democratic Republic of the Congo, crimes established by the German International Crimes Bill and the German Criminal Code. The Office of the Prosecutor and Germany have been cooperating regarding the Kivus investigation for the last eight months.

45. Moreover, meetings were held with various State representatives, including high-level officials from States not Parties to the Rome Statute assisting the Office of the Prosecutor, such as Rwanda.

## **2. Situation in Uganda**

46. During the reporting period, the Office of the Prosecutor continued to conduct investigative activities, including six missions to four countries, in relation to the situation in Uganda.

47. The Office of the Prosecutor has collected a range of information on crimes allegedly being committed by the Lord's Resistance Army (LRA), led by Joseph Kony, which is operating increasingly freely across a wide area in the Democratic Republic of the Congo, the Sudan and the Central African Republic. According to this information, the incidence of LRA crimes continued at a high rate throughout the year, with substantial numbers of killings and abductions. In the period December 2009 to April 2010 alone, the LRA is reported to have killed over 500 civilians and abducted over 400 in Niangara territory, Haut Uélé district of the Orientale Province in the Democratic Republic of the Congo, and for the first time to have mutilated civilians in that State. LRA attacks continued and increased across Southern Sudan from Western Equatoria State into Bahr-el Ghazal and perhaps into South Darfur, and also increasingly across the East of the Central African Republic, initially focused in the South, but with attacks starting also to be reported further North. The crimes have resulted in the estimated displacement of over 400,000 civilians across three States.

48. Besides information on the LRA, the Office also continued to gather and analyse information in relation to alleged crimes committed by the Uganda People's Defence Forces and related national proceedings.

## **3. Situation in the Central African Republic**

49. The Office of the Prosecutor continued its investigation in the situation in the Central African Republic and conducted 23 missions to 5 countries in the period 1 October 2009 to 31 August 2010, including for the purpose of assessing witnesses for trial. The Office continued to closely monitor allegations of crimes committed since the end of 2005 and whether any investigation and prosecution has been, or is being, conducted with respect to crimes potentially falling under the Court's jurisdiction. To this end, the Office met with various stakeholders, including with Minister of Justice Laurent Ngon Baba.

## **4. Situation in Darfur, the Sudan**

50. During the period 1 October 2009 to 31 August 2010, the Office of the Prosecutor conducted 19 missions to 8 States (for the cases against Mr. Harun, Mr. Kushayb, and Mr. Al Bashir, 5 missions to 1 State; for the case with regard to Haskanita, 14 missions to 8 States).

51. In accordance with United Nations Security Council resolution 1593 (2005), the Prosecutor presented his tenth and eleventh reports on the status of the investigations into the situation in Darfur to the Security Council on 4 December 2009 and 11 June 2010 respectively.

52. In his briefing to the Security Council on 4 December 2009, the Prosecutor highlighted the lack of cooperation by the Sudanese Government and the continuation of the crimes on the ground.

53. In his briefing on 11 June 2010, the Prosecutor referred to the Pre-Trial Chamber's "Decision informing the United Nations Security Council about the lack of cooperation by the Republic of the Sudan" in the case against Harun and Kushayb, which established that the Sudan was not complying with Security Council resolution 1593 (2005).

## **5. Situation in Kenya**

54. The Office plans to present at least two cases against four to six individuals who, according to the evidence, bear the greatest responsibility for the most serious crimes committed during Kenya's 2007-2008 post-election violence, including those who coordinated, financed or organized the crimes. The Office aims to present its two cases during 2010.

55. During the reporting period, the Office conducted 31 missions to 13 States with regards to the situation in Kenya. These include the first visit of the Prosecutor to Kenya since the beginning of the investigation, from 8 to 12 May. During his visit, the Prosecutor met with victims and other persons from all sectors of Kenyan society, including President Kibaki and Prime Minister Odinga, who reiterated their full support for the Court and their responsibility for the security of Kenyan citizens.

## **B. Preliminary examination activities**

56. The Office of the Prosecutor continued to proactively monitor all information on crimes potentially falling within the jurisdiction of the Court, analyzing communications received from various sources. As at 31 August 2010, the Office had received a total of 8,859 communications relating to article 15 of the Rome Statute, 492 of which were received between 1 October 2009 and 31 August 2010.

57. During the reporting period, the Office of the Prosecutor continued its preliminary examinations in Afghanistan, Colombia, Côte d'Ivoire, Georgia and Palestine. Moreover, on 14 October 2009, the Office made public its preliminary examination in Guinea. The Office continued its policy of making its monitoring activities public, subject to confidentiality requirements, when it believes it can contribute to preventing crimes and maximizing the impact of the Court's work.

### **1. Afghanistan**

58. The Office continued to closely monitor the situation in Afghanistan. According to its normal practice, the Office considers all information, including open sources. It maintains close contact with experts, civil society organizations, and public officials in the region. Also, the Office attended and participated in various international academic conferences on Afghanistan. The Office is yet to receive an answer to its requests for information sent to the Government of Afghanistan in 2008.

### **2. Colombia**

59. Upon ratification of the Rome Statute, Colombia made a declaration pursuant to article 124 of the Rome Statute not accepting the Court's jurisdiction with respect to war crimes for seven years. That period came to a close on 1 November 2009. War crimes committed after that date could be investigated and prosecuted by the Office.

60. Colombia's national criminal justice system has made efforts in relation to those responsible for conduct proscribed by the Rome Statute, falling into several broad categories.

61. The Office is monitoring and analysing information on investigations and proceedings being conducted in Colombia, focusing on those dealing with the leadership of paramilitary and guerrilla groups and the military who are allegedly responsible for conduct that may fall under the Court's jurisdiction. The Office is also analysing allegations of the existence of international support networks assisting armed groups committing crimes within Colombia that potentially fall within the jurisdiction of the Court. The Office is also monitoring the cases of Parapolitica.

62. Letters requesting information have been sent by the Office to various States. During the reporting period, the Office also met with Colombian stakeholders from Government, judicial authorities and NGOs, both in Colombia and The Hague.

63. Most recently, on 31 August 2010, the Office received a delegation headed by the President of the Criminal Appellate Division of the Colombian Supreme Court, María del Rosario Gonzalez de Lemos. The Office discussed with the delegation the challenges in the investigation of massive crimes committed in Colombia, the efforts carried out by national courts to establish the truth and ensure justice, and explored new avenues of cooperation with the Office and the national system in the framework of positive complementarity. The Supreme Court has a prominent role in the investigation and prosecution of parliamentarians and politicians linked to paramilitary groups.

### 3. Georgia

64. During the reporting period, the Office conducted a mission to Russia in March 2010 and a mission to Georgia in June 2010. Both missions enjoyed the full cooperation of the respective national authorities. The Office had meetings with representatives from Government and the judiciary and obtained information on ongoing investigations being carried out in both States.

65. According to its usual practice, the Office also maintains close contacts with NGOs, in which regard the Office participated in meetings and received relevant reports.

### 4. Côte d'Ivoire

66. The Office continued to closely monitor the situation in Côte d'Ivoire.

67. In the context of its examination activities, the Prosecutor inter alia met with Minister of Justice of Côte d'Ivoire, Mamadou Koné, who briefed the Prosecutor about recent developments in that State's judicial activities and reiterated the Ivorian authorities' readiness to facilitate a visit of the Office of the Prosecutor to Cote d'Ivoire as soon as practicable.

68. The Office is also in contact with third States that may have jurisdiction over some of the alleged crimes committed in Côte d'Ivoire.

### 5. Palestine

69. In connection with the declaration lodged by the Palestinian National Authority under article 12, paragraph 3, of the Rome Statute on 22 January 2009, accepting jurisdiction of the Court, the Office continues to examine first, whether the declaration accepting the exercise of jurisdiction by the Court meets statutory requirements and second, whether crimes within the Court's jurisdiction have been committed. As the Court is a Court of last resort, the Office also considers whether there are national proceedings in relation to alleged crimes, relating to the admissibility of the cases potentially arising from the situation.

70. The Office received communications from various sources, as well as 15 legal submissions from experts, academics and NGOs on the issue of jurisdiction.

71. In October 2009, upon request of the Office, the Palestinian National Authority presented a preliminary report comprising legal arguments in support of the declaration. A further comprehensive report is expected to be submitted in due course. The Office also exchanged communications with the Embassy of Israel in The Netherlands, from which it received, inter alia, the IDF<sup>1</sup> Report on Operation Cast Lead, on national efforts undertaken by Israel.

72. In January and July 2010, the Office provided information to the Office of the United Nations High Commissioner for Human Rights pursuant to the request of the latter on steps taken by the Office of the Prosecutor with regard to the Palestinian Declaration. In May 2010, the Office published a "Summary of submissions on whether the declaration lodged by the Palestinian National Authority meets statutory requirements", without having made any determination on the issue.

---

<sup>1</sup> Israel Defence Forces.

73. During the reporting period, the Prosecutor met with various stakeholders, including representatives of the Palestinian National Authority, the League of Arab States Secretariat, League of Arab States' Independent Fact Finding Committee, as well as a number of Palestinian and Israeli NGOs, to discuss, inter alia, the Court's jurisdiction.

## **6. Guinea**

74. On 14 October 2009, the Prosecutor announced that the situation in Guinea was under preliminary examination. The Office took note of serious allegations surrounding the events of 28 September 2009 in Conakry and received information relating to these events in accordance with article 15 of the Rome Statute.

75. During the reporting period, the Office held several meetings with the Guinean Minister of Foreign Affairs as well as with the Guinean Minister of Justice, who provided information on modalities put in place for conducting national investigations and prosecutions of those responsible for the alleged crimes, while underlining the importance of combating impunity in close cooperation with the Office.

76. For the sake of transparency and predictability, the Office also kept States Parties in the region informed.

77. In February and May 2010, the Office conducted missions to Guinea in the context of its preliminary examination activities, for site-visits and meetings with Government officials, representatives from the judiciary and civil society, as well as victims and victims' associations.

## **IV. Cooperation with and assistance from States, international and regional organizations**

78. The Court made numerous requests to States for cooperation or assistance pursuant to Part 9 of the Rome Statute. Pursuant to article 87 of the Statute, the content of such requests and related communications is often confidential in nature.

79. In addition to specific requests for cooperation and assistance made pursuant to Parts 9 and 10 of the Rome Statute, the Court continued to develop its bilateral exchanges and arrangements for cooperation with States, especially with respect to analysis and investigative activities, asset tracking and freezing, victim and witness protection, arrest operations, the enforcement of sentences and the provisional release of accused persons pending trial.

### **A. Arrest warrants**

80. During the reporting period, one arrest warrant issued by the Court against Callixte Mbarushimana (see paragraph 18 above) was executed by France. Transfer of the suspect to the Court's detention facilities is pending national proceedings. The Court wishes to thank France for its prompt and effective cooperation to date on this matter.

81. At the time of submission of this report, nine warrants of arrest were outstanding. These are:

(a) In the situation in Uganda: Mr. Joseph Kony, Mr. Vincent Otti, Mr. Okot Odhiambo, and Mr. Dominic Ongwen. These warrants of arrest have been outstanding since 2005.

(b) In the situation in the Democratic Republic of the Congo: Mr. Bosco Ntaganda. This warrant of arrest has been outstanding since 2006.

(c) In the situation in Darfur, the Sudan: Mr. Omar Al-Bashir (2), Mr. Ahmad Harun and Mr. Ali Kushayb. These warrants of arrest have been outstanding since 2007 in the cases of Mr. Harun and Mr. Ali Kushayb, and since March 2009 and July 2010 in the case of Mr. Al Bashir.

82. The Court has issued Requests for Cooperation in the arrest and surrender of each of these individuals and notified these to the relevant States. States Parties and other States that have legal obligations to cooperate with the Court are required to comply with these requests. In the situation of Darfur, the Sudan, the Government of the Sudan and all other parties to the conflict are obliged to cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to United Nations Security Council resolution 1593 (2005).

## **B. Other requests for cooperation**

83. Twenty five requests for cooperation in the identification and freezing of assets were issued during the reporting period. Twenty three responses were received, of which 16 indicated that the request had been executed.

## **C. Voluntary agreements and other arrangements**

84. During the reporting period, three further agreements on the enforcement of sentences were concluded with Belgium, Denmark and Finland. This is welcome as the possibility of sentences being handed down in 2010-2011 has increased the need for the Court to find a suitable detention place for sentenced persons. No agreement on provisional release has been entered into, leaving the Court unprepared for the eventuality that a suspect is granted provisional release and cannot, for security reasons, return to his State of nationality.

85. No new witness relocation agreements were entered into with States during the reporting period, although advanced negotiations are ongoing with a number of States in respect of concluding such agreements. In order to increase the options of the Court for relocating witnesses internationally, the Court opened a new Special Fund for witness relocations to enable States to contribute funds for the purposes of funding cost-neutral relocations to third States. The Court has already received substantial contributions to the Special Fund. The Court is now approaching States Parties to see whether they would agree to enter into cost-neutral witness relocation agreements with the Court, financed by the Special Fund.

86. In addition, States Parties may also support the establishment of witness protection capabilities in other States lacking in capacity. This could be done either bilaterally or through multilateral institutions. A number of States have already indicated their keen interest in this modality, the development of which would further the principle of complementarity that is central to the Rome Statute system.

## **D. International and regional organizations**

87. Cooperation with the United Nations, based on the Relationship Agreement, continues to be essential to the Court institutionally and in the different situations and cases. A number of United Nations departments and offices, as well as Funds, Programmes and Specialized Agencies have been key partners for the Court.

88. At its eighth session, the Assembly of States Parties established an Independent Oversight Mechanism<sup>2</sup> and requested the Registrar of the Court to enter into a memorandum of understanding with the United Nations Office of Internal Oversight Services (OIOS) to provide support services on a cost recovery basis for the operationalization of the oversight mechanism. In addition, the Assembly requested the secondment of a staff member from OIOS. In pursuance of this mandate, the Court has finalized the secondment of a staff member from the OIOS, who began her functions on 17 July 2010. The Court is currently finalizing the memorandum of understanding with OIOS.

89. In respect of regional organizations, efforts to finalize a memorandum of understanding between the African Union and the Court have continued. Discussions are ongoing regarding cooperation agreements with the Organization of American States, with the League of Arab States and with the Commonwealth Secretariat.

<sup>2</sup>Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009 (ICC-ASP/8/20), vol. I, part II, ICC-ASP/8/Res.1.

## **E. Implementing legislation**

90. Article 88 of the Rome Statute requests States Parties to ensure that procedures for “all of the forms of cooperation” specified in Part 9 are available under their national law. Fulfilling this obligation constitutes a first step in order to ensure full cooperation with the Court.

91. In its Plan of action for achieving universality and full implementation of the Rome Statute,<sup>3</sup> adopted at its fifth session, the Assembly asked States to provide to the Secretariat of the Assembly of States Parties all information relevant to this issue. The requests and the answers provided by States are posted on the website of the Court.<sup>4</sup>

92. The Court also follows closely the implementation of the Rome Statute into national law by States Parties. The Registry, in cooperation with the University of Nottingham’s Human Rights Law Centre, has created a database placing official copies of any implementing legislation it receives from States. This database is accessible from the ICC Legal Tools website. At the time of writing this report, the database indicated that 42 State Parties had adopted some forms of implementing legislation. A review of Registry cooperation records reveals that one out of three State Parties that have provided reasons for not answering positively a request for cooperation sent by Registry cited the absence or insufficiencies of implementing legislation, which clearly highlights the urgent need to further efforts at domesticating the Rome Statute.

93. Ahead of the Review Conference, at its resumed eighth session, the Assembly decided to request the Secretariat of the Assembly to reissue the questionnaire on the measures undertaken in respect of implementing legislation. The Secretariat received 30 replies which indicate that a further five States Parties have adopted implementing legislation, whilst a further three have implementing legislation at advanced stages of the legislative process. It therefore appears that to date, a total of 47 out of 114 States Parties have adopted some form of implementing legislation.

## **V. Other activities of the Court**

### **A. Support to judicial proceedings**

94. One hundred and seventy seven days of court hearings were held at the seat of the Court during the reporting period. The Registry’s Court Management Section successfully supported the hearings, which included simultaneous trials during the period from January to April.

95. The Registry’s Victims and Witnesses Unit ensured the appearance of 45 witnesses before the Court during the reporting period. These witnesses were under the Unit’s care for a total of 1,521 days and were provided with appropriate support and protective measures.

96. Following the Prosecutor’s request for authorization to open an investigation in the Kenya situation, according to the legal framework of the Court, victims had 30 days within which they could make representations in writing. In its decision of 10 December 2009, Pre-Trial Chamber II ordered the Registry to facilitate the right of victims to make representations in writing. In order to do this, the Registry’s Victims Participation and Reparations Section conducted two missions to Kenya and filed its report on 15 March. A total of 396 victims’ representations were received and transmitted, of which 76 were made by representatives of victim communities and 320 were made by individual victims.

97. In addition, the Victims Participation and Reparations Section conducted targeted activities in situation related countries aimed at assisting victims to participate in the different phases of proceedings, in accordance with the Court’s legal framework and decisions of the different Chambers. During the period under consideration, the Section received a total of 2,148 applications for participation in proceedings and 664 applications for reparations, in connection with all the situations and cases before the Court. The largest number related to the Bemba case, in anticipation of the start of the trial.

---

<sup>3</sup> *Official Records ... Fifth session... 2006* (ICC-ASP/5/32), part III, ICC-ASP/5/Res.3, para. 2 and annex I.

<sup>4</sup> [http://www.icc-pi.int/Menu/ASP/Sessions/Plan+of+Action/2010+\\_+Plan+of+Action.htm](http://www.icc-pi.int/Menu/ASP/Sessions/Plan+of+Action/2010+_+Plan+of+Action.htm).

98. In respect of detention matters, the Registry's Detention Section has assisted in organizing three family visits of indigent detainees during the reporting period. It is further assisting in organizing two more family visits. Of these five visits, four were visits by spouse only, while one visit will be of the spouse and five children.

99. Two complaints by detainees were lodged during the reporting period. One is pending a decision of the Presidency while the second was withdrawn by the detained person. Further, two appeals were filed concerning a complaint initiated by an applicant who was refused permission to visit certain detainees.

## **B. Support to counsel**

100. The Registry's Counsel Support Section is in charge of administrative support to all counsel representing victims and the defence, as well as devising, managing and implementing all work related to the Court's legal aid system including legal aid for victims.

101. To date, 342 lawyers from 49 States have been admitted to the list of counsel eligible to appear before the Court. The lists of Assistants to counsel and Professional Investigators equally maintained by the Registrar, consist of 67 and 27 professionals, respectively.

102. In May 2010, the Court organized for the eighth time a Seminar of Counsel, to which all persons included in the List of Counsel and all external counsel currently engaged in proceedings before the Court were invited. Financial assistance was provided to lawyers on the List coming from developing countries. The Seminar, attended by more than 200 invitees, allowed for an update and discussions on matters relevant to the work of counsel in the Court's proceedings. The Seminar was followed by three intensive days of training for some 100 counsel.

103. In addition to the appointment and payment of duty and ad hoc counsel as required, the Counsel Support Section provided support and assistance to defence teams and 32 legal representatives of victims, facilitating their mandates in proceedings before the Court. Seventeen legal representatives were provided with fully equipped offices to facilitate the participation of victims in the proceedings. All counsel were furnished with electronic cards, supported by a special secure IT tool, to access Citrix in a more user-friendly fashion, enabling legal teams to work on their respective dossiers from a distance when needed.

## **C. Public information and outreach**

104. During the reporting period, a total of 422 interactive sessions were organized in situation-related countries by field outreach teams targeting directly 46,499 persons, 11,605 of whom were women. Estimated audiences of nearly 70 million persons were regularly exposed to Court information through local radio and television programmes.

105. In Uganda, 22,894 persons participated in 165 interactive sessions. Through its gender outreach programme, the number of women reached increased from 837 in the previous year to 2,397 this year. Also, a potential audience of 8 million persons received information through interactive radio and television programmes produced by Court officials in partnership with local media houses. During the lead-up to the Review Conference, the Court and national and international NGOs collaborated to facilitate the interaction of victims and populations in the affected communities with States delegates, the Court's President and the President of the Assembly.

106. In the Democratic Republic of the Congo, 16,990 persons, including 6,796 women, participated in 190 interactive sessions. A potential audience of 30 million received information via radio and television. In July the Quick Response System (QRS) developed in 2008 enabled the Outreach staff to explain to affected communities and the population of the Democratic Republic of the Congo the Court's decision to suspend the trial of Thomas Lubanga and order his release. Another key development was the training offered to professors and students in the Faculties of Law of four universities in Goma, Bukavu, Kisangani and Lubumbashi on the Court, as well as for students in Kinshasa and Bunia.

107. In the Central African Republic, 4,773 persons were engaged in the course of 53 interactive sessions. Of all the participants, 2,181 (or 52 per cent), were women. An estimated audience of 800,000 received information via the radio. In 2010, the outreach activities in the Central African Republic shifted from interacting with affected populations in Bangui to reaching out to affected groups living in villages and towns. To effectively engage with affected groups, the Court's Outreach Unit has increased its capacity to communicate in Sango and produced in-house radio programmes in that language.

108. With regard to the situation in Darfur, 1,650 refugees were engaged in a course of 55 interactive sessions. In Eastern Chad, 12 sessions were held with 1,180 refugees attending, of which 154 were women. In Europe, 565 members of the Darfuri diaspora participated in outreach sessions. An estimated audience of 10 million persons was regularly informed through interactive radio programs produced by the Court and broadcast in co-operation with radios targeting Darfuri communities world-wide and with audiences inside Sudan.

109. In Kenya, the Court's outreach activities began in December 2009. One hundred and ninety two persons from affected communities including 77 women participated in 14 interactive sessions organized during the course of four missions. Training was also provided to 87 journalists representing mainstream print, radio and TV media houses. In addition, a case information fact sheet with frequently asked questions on the Court's operations in Kenya was published in three newspapers and 200,000 copies of the booklet entitled "Understanding the ICC" (edition for Kenya) were distributed in August through one of the main national newspapers. Lastly, a consultation process to assess knowledge and perceptions about the Court is being conducted and its findings will be used for planning and evaluation purposes.

110. The Court has produced 375 radio and television programmes to publicize judicial proceedings among local and global audiences, and to increase understanding of its mandate and work in communities affected by these situations. Also, large groups of victims and affected communities received responses to their questions addressed to the Court's President, Prosecutor and Registrar via the programme "Ask the Court". All productions were made available to global audiences through the Court's YouTube channel, with 50,000 views, which is 20,000 more than the previous year, as well as national, regional and international media.

111. Information efforts were enhanced to reach out to legal communities in situation-related countries and other countries in Africa. The campaign "Calling African Female Lawyers" was jointly launched in May 2010 with the International Bar Association (IBA) and was aimed at increasing the number of African female lawyers authorized to represent defendants or victims before the Court. The information campaign, organized in co-operation with national bar associations in nearly 15 countries, offered a unique opportunity to raise awareness and increase understanding of the Court among the legal communities of African States. Furthermore, the campaign has helped to establish and strengthen networks with the African legal communities as well as to identify local events and publications that might be used again in the future for collaboration with the Court. The campaign is expected to continue in other regions.

112. In addition, two regional seminars on the Court were organized with key stakeholders, and funded through generous contributions by France and the Organisation Internationale de la Francophonie. These seminars, held in Dakar, Senegal in December 2009 and in Yaoundé, Cameroun in October 2010, aimed at discussing with senior officials in key Ministries, Bar associations and civil society in the region key points of the Rome Statute and to exchange best practices in cooperation. Further seminars are planned for 2011, including with the League of Arab States.

## **D. Field operations**

113. During the reporting period, the Court field offices provided assistance and support to approximately 500 external and internal missions in the five situation countries.

114. With the closure of the Field Office in Abeche envisaged for 1 July 2011, the Registry's Field Operations Section has started the coordination of efficiencies efforts, such

as considering redeployments to situation with greater operational needs, redistribution of materials and equipment, implementing specialized training for local staff to ensure their reintegration into the local labour market.

115. The Registrar has conducted an analysis of the most effective way to support the Court's operations in relation to the situation of Kenya. The decision to open a small and temporary field support structure in Nairobi was approved by the President on 23 September 2010 in consultation with the Prosecutor.

116. Within the margins of the Review Conference, the Field Operations Section organized visits to the Court's field offices in Bunia and in Kampala for representatives of States Parties and members of the Committee on Budget and Finance. The Court had the opportunity to highlight the operational challenges impacting on the work of the Court in these situation countries.

## **E. Human resources**

117. Throughout the reporting period, the Court continued to attach high strategic importance to the implementation of the human resources strategy. Recruitment activities were on target, resulting in the employment of 697 staff on established posts, of which 317 are on professional posts, representing 72 nationalities. Measures to strengthen the capabilities of hiring managers and to target underrepresented countries through new recruitment activities were successfully launched. The staff turnover rate has been below ten per cent.

118. Agreements were reached on the implementation of improved conditions of service for internationally-recruited professional staff working at the Court's field locations and on improvements to the Court's social security provisions. Human resources policy development and staff well-being programmes continued to receive priority attention. Particular progress could be noted in the further institutionalization of the performance management system, which now is applied on a mandatory annual cycle throughout the Court and with regard to the development of a strategic approach to learning and training. An annual learning plan is now established and closely linked to the performance appraisal system.

## **F. Strategic planning**

119. The Strategic Plan continued to provide a common framework for the administration of the Court. The Strategic Plan was significantly revised in August 2008, and the intention of the Court was to update the Plan every 3 years while focusing on its implementation throughout this 3-year period. As in past years, the Court's Coordinating Council came together to develop the objectives for 2010 using the Strategic Plan as a base. Thereafter, the common objectives of the different organs, divisions and sections were derived from these overall objectives. In addition, strategies to implement organ-specific objectives continued to be pursued.

120. For some important prior objectives, the Court has sought to set measurable standards. For example, in the area of outreach and public information, the performance standard was to increase the extent to which the Court is known and the accuracy with which it is perceived by the local community. Following the recommendations of the Assembly at its seventh session, the Court is in the process of implementing its strategy on victims, including by setting certain performance indicators.

121. In addition, pursuant to the interest shown by States on the issue of the geographical location of Court activities in the context of previous strategic planning discussions, the Court has begun to develop its Strategy on Field Operations.

122. In line with the Strategic Plan, 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. These priority risks were then grouped into seven areas, each of which was assigned to inter-organ working groups to develop proposals on how the Court could best manage those risks. In 2010, proposals from the working groups were received. The Court is in the process of reviewing these proposals. At

the time of preparation of this report, four of the proposals have been finalized, and the Court will begin the process of adopting some of the concrete priority measures proposed.

123. 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 in mid-2009, focusing on areas of administration where cost- or resource- savings were most likely to be realized. Efforts to implement these efficiency measures continued throughout the reporting period, as reported to the Committee on Budget and Finance at its fourteenth and fifteenth sessions.

## **G. New York Liaison Office**

124. During the reporting period, the Court's Liaison Office to the United Nations in New York continued to facilitate and promote cooperation between the Court and the United Nations, its Funds, Programmes and Agencies, as well as between the Court and Permanent and Observer Missions to the United Nations, through sustained contacts and information exchange.

125. The office monitored, collected, analyzed and distributed information and reports relating to events, developments and discussions at the United Nations of direct concern to the Court. The office continued to participate, in an observer capacity, in relevant General Assembly, Security Council and other United Nations meetings and advised Court officials of the outcomes of such discussions.

126. The office continued to facilitate and support visits and meetings of senior Court officials with their counterparts at the United Nations and with Permanent Representatives. It also supported the President's annual reporting to the United Nations General Assembly on the activities of the Court and the bi-annual briefings by the Prosecutor to the Security Council. An average of 81 bilateral meetings and two briefings for regional groups took place during the reporting period.

127. The office, in conjunction with the Secretariat of the Assembly of States Parties, provided support for the resumed eighth session of the Assembly held in New York in March 2010 and provided servicing for the meetings of the Bureau and the New York Working Group. It also continued to provide, upon request, information and documentation to Permanent Missions in New York, and whenever requested, assisted the President of the Assembly in organizing meetings with United Nations and African Union officials to discuss issues of relevance to the Court.

128. The office continued to have regular consultations with representatives of non-governmental organizations based in New York, on matters of interest to the Court, and exchanged ideas on strategies for strengthening diplomatic and political support for the Court within the United Nations and the African Union.

## **H. African Union Liaison Office**

129. In order to encourage closer relations between the Court and the African Union, the Assembly of States Parties, at its eighth session decided to establish a Liaison Office for the Court at the Headquarters of the African Union in Addis Ababa, Ethiopia.<sup>5</sup>

130. In order to further the implementation of this mandate, the Court immediately began the recruitment process for the post of Head of the Liaison Office.

131. Further, the Court undertook a mission to Addis Ababa in January 2010. During its meeting with the Ethiopian authorities, it was noted that a Court Liaison Office in Addis could only be opened once the Court had an agreement with the African Union granting it observer status.

---

<sup>5</sup> *Official Records ...Eighth session... 2009* (ICC-ASP/8/20), vol. I, part II, ICC-ASP/8/Res.3, para. 28.

132. In order to expedite this matter and to ensure that adequate information about the proposed Liaison Office was available to representations of State Parties in Addis Ababa, the Court sent a senior official on mission to Addis Ababa for two months, between June and August 2010, inter alia facilitating a meeting of the Court's President with the Chairperson of the African Union Commission. Although progress was made during this period, it was not possible to conclude the memorandum of understanding with the African Union.

133. On 29 July 2010, the Assembly of the African Union decided to reject for now the request by Court to open a Liaison Office to the African Union.

134. As there did not appear to be realistic prospects of the opening of the Liaison Office in 2010 or early 2011, the Court cancelled the vacancy announcement of the Head of the Liaison Office.

135. The Court remains committed to enhancing its liaison with the African Union, as mandated by the Assembly, and stands ready to pursue the opening of a Liaison Office, pending further direction from the Assembly.

## **I. Permanent Premises**

136. Following the decision on the Architectural competition, the contract with the architects schmidt hammer lassen was signed. The preliminary design stage began in March and will be finished in October 2010. The final design stage will begin, after approval of the preliminary design, at the end of 2010. The Court continues to provide all necessary input. Some minor changes, reflecting the changes in the organization, were integrated into the preliminary design. The project continues to be within budget.

## **J. Audit Committee**

137. During the reporting period, a global process to identify candidates to sit on the Audit Committee as external members was conducted. Mr. Santiago Lazzati (Argentina), Mr. Christoph Lukits (Austria) and Mr. Jules Muis (Netherlands), were subsequently appointed by the President. Including David Dutton (Australia), who had been appointed earlier, the Audit Committee now consists of the required four external members.

138. The Committee held its 12th meeting on 28 April and its 13th meeting on 21 and 22 October 2010, and submitted an annual report on its activities to the Committee on Budget and Finance.

## **K. Assistance to the Special Court for Sierra Leone**

139. From the start of the reporting period until 12 May 2010, the Court continued to provide courtroom services and facilities, detention services and facilities and other related assistance to the Special Court for Sierra Leone in its trial of Charles Taylor in The Hague. In view of the increased trial activity in the Court, however, it was agreed that as of 13 May 2010, the Special Court for Sierra Leone would cease to use the courtroom facilities of the Court, and would use instead the facilities of the Special Tribunal for Lebanon. The Special Court for Sierra Leone also vacated three of the four offices which it had occupied at the Court.

140. The Special Court for Sierra Leone requested the continued use of the Court's ICT facilities, vault and a fully equipped detention centre connected office for the Taylor defence team, as well as the possibility of using courtroom facilities on an ad hoc basis when necessary. The Court has agreed to these requests and proposed to extend the MOU only in respect of those services that the Court will continue to provide to the Special Court for Sierra Leone, through an exchange of letters detailing such services.

## **VI. Elected officials and appointments of note**

141. An election by the Assembly of States Parties to the fill the two judicial vacancies left by Judges Saiga and Shahabuddeen was held at the eighth session of the Assembly in November 2009. Judge Silvia Fernandez de Gurmendi (Argentina) and Judge Kuniko Ozaki (Japan) were elected to the Court by the Assembly, taking up office on 20 January 2010.

142. On 4 April 2010, the Prosecutor announced the appointment of Professor Jose Alvarez of New York University Law faculty as his Office's Special Adviser on International Law. The Office's Advisory Council further includes Professor Catharine A. MacKinnon of the University of Michigan Law School, who was appointed Special Adviser on Gender Crimes in November 2008; Professor Juan Méndez of the American University Washington College of Law, who since June 2009 has been Special Adviser on Crime Prevention; and Professor Tim McCormack of the Melbourne Law School who, in March 2010, was appointed as Special Adviser on International Humanitarian Law. Additionally, in November 2009, Mr. Benjamin Ferencz was appointed Special Counsel to the Office of the Prosecutor and honorary member of the Office of the Prosecutor's advisory council. The Rome Statute mandates the Prosecutor in article 42, paragraph 9, to appoint advisers with legal expertise on specific issues.

143. On 1 October 2010, the Director of the Registry's Common Administrative Services Division, Mr. Ivan Alippi (Italy), took up his new functions.

## **VII. Review Conference**

144. The Review Conference of the Rome Statute was held from 31 May to 11 June 2010 in Kampala, Uganda. The President, First Vice-President, Prosecutor and Registrar, as well as a number of Court staff, participated in the different segments of the Conference, from opening statements to the different stocktaking topics. In respect of the latter, the Court also sought to pro-actively engage with the facilitators of the different topics before the Review Conference to inform the discussions and provide all necessary information relating to the pertinent activities of the Court.

## **VIII. New accessions**

145. During the reporting period, four new States deposited their instrument of ratification of the Rome Statute with the Secretary-General of the United Nations, i.e. Bangladesh, Republic of Moldova, Saint Lucia and Seychelles.

146. Three States ratified the Agreement on Privileges and Immunities during the reporting period, bringing the total number of ratifications to 64. The Agreement is foreseen in article 48 of the Rome Statute.

## **IX. Conclusion**

147. The Court experienced considerable developments during the reporting period with the opening of a new situation, three cases at the trial stage, the dismissal of charges against a suspect, the voluntary appearance pursuant to a summons to appear of two other suspects in the Darfur situation, and the issuance of a second warrant of arrest against President Al-Bashir (Sudan) in the same situation and the arrest of a new suspect in the Democratic Republic of Congo situation. Many challenges remain, however, none more evident than the execution of the nine outstanding warrants of arrest.

---