

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Sixth Diplomatic Briefing of the International Criminal Court

**Summary of activities since the fourth Session of the Assembly of States
Parties, 28 November – 3 December 2005**

**Information Package
(As of 20 March 2006)**

The Hague, 23 March 2006

On 17 March, Pre-Trial Chamber I unsealed a warrant of arrest against Mr. Thomas Lubanga Dyilo for crimes committed on the territory of the Democratic Republic of the Congo since July 2002. Mr. Lubanga, a Congolese national and alleged founder and leader of the Union des Patriotes Congolais (UPC), was arrested and surrendered into the custody of the International Criminal Court on the same day. Mr. Lubanga is alleged to have committed war crimes, namely enlisting and conscripting children under the age of fifteen and using them to participate actively in hostilities, as set out in Article 8 of the Rome Statute.

The initial appearance of Mr. Lubanga took place before Pre-Trial Chamber I on 20 March. During this hearing in open session, Pre-Trial Chamber I satisfied itself that Mr. Lubanga had been informed of the crimes which he is alleged to have committed, and of his rights under the Rome Statute.

For more information, please see the Court's website: <http://www.icc-cpi.int>

The International Criminal Court

The International Criminal Court is ready for trial. The first warrants of arrest have been issued. The temporary detention centre is fully operational and ready to accommodate persons surrendered into the Court's custody. The technical and operational aspects of Courtroom I are complete. Training programmes have been established for interpreters in languages spoken in countries where the Court is active. A list of counsel eligible for appointment to accused persons and victims is available. Support, protection and operational services are in place to receive witnesses at the seat of Court. Measures are also in place to communicate judicial proceedings and related developments: the Press Briefing Room was recently opened as well as the 'hot-desk' area for journalists to write and send their stories. Outreach activities have been conducted in Uganda and the Democratic Republic of the Congo to explain the role and work of the Court as well as the rights of victims and witnesses with respect to proceedings. The Court has developed relationships with local leaders, civil society representatives, lawyers, journalists and the general public in an effort to communicate its activities and to develop an understanding of the specific information needs in situations under investigation.

The Court is also preparing for the future. As requested by the Assembly of States Parties, the Court is preparing a set of overarching objectives and expected accomplishments for the institution as a whole. To this end, we are developing a Strategic Plan which sets out the Court's mission, its goals for the coming years and a strategy for achieving these goals. The Court's senior management has agreed to a first version of the Plan and we will discuss the current stage of our work with the Committee on Budget and Finance in April. We look forward to consulting with other external actors on the Plan and envisage that the final Plan will be made available before the next Assembly of States Parties. Issues addressed in the Plan include ensuring the effectiveness, impartiality, transparency and efficiency of the Court, developing its institutional identity and ensuring the rights of all participants in proceedings.

An integral part of the strategic planning process is the development of a Court Capacity Model. The Model is a planning tool designed to provide estimates of the number of investigations, trials and appeals the Court can conduct in a given year with different levels of resources. The Model will also facilitate the proper alignment of resources with activities and provide a basis for discussions between the Court and the Assembly of States Parties.

The Court will continue to make information available regarding its priorities and activities to States, international organisations and nongovernmental organisations through Diplomatic Briefings, meetings at the Court and elsewhere, and any other appropriate means. In advance of the 23 March Diplomatic Briefing, the following information package provides information on the activities and developments of the Presidency and Chambers, Office of the Prosecutor, Registry and Secretariat of the Assembly of States Parties since the fourth Session of the Assembly of States Parties from 28 November to 3 December 2005.

Presidency and Chambers

I. Presidency

- Approved the Regulations of the Registry on 6 March, pursuant to rule 14, sub-rule 1 of the Rules of Procedure and Evidence. The Regulations address key issues such as proceedings before the Court, responsibilities of the Registrar relating to victims and witnesses, counsel issues and legal assistance and detention matters
- Completed negotiations with the European Union (EU) on the ICC-EU Agreement with support of the Legal Advisory Service of the Registry and making preparations for final signature of the Agreement
- The Headquarters Agreement is near completion although a few central issues remain unresolved. The Court and the host State are continuing efforts to finalise negotiations on these outstanding issues
- Initiated recruitment procedure for the head of the New York Liaison Office
- Convened meetings of the Coordination Council, including to decide upon strategic goals and objectives of the Court
- Met with representatives of States, international organisations, and NGOs at the Court
- The newly elected Presidency constituted Pre-Trial Chambers as follows:
 - Pre-Trial Chamber I: Judge Claude Jorda, Judge Akua Kuenyehia and Judge Sylvia Steiner
 - Pre-Trial Chamber II: Judge Mauro Politi, Judge Fatoumata Dembele Diarra and Judge Ekaterina Trendafilova
 - Pre-Trial Chamber III: Judge Hans-Peter Kaul, Judge Sylvia Steiner and Judge Ekaterina Trendafilova

Other Major Activities Planned

- Recruitment of the head of the New York Liaison Office and preparation of the Liaison Office
- Submission of progress report of the Strategic Plan and Court Capacity Model to Committee on Budget and Finance for consideration at its April Session

II. Chambers

- Held hearings and issued decisions at the Pre-Trial level on such matters as the participation of victims in ICC proceedings, and the unsealing of documents (see the web site of the Court, <http://www.icc-cpi.int>, for decisions, orders, and more information on hearings, including a forthcoming schedule of hearings)
- On 10 March, the six judges elected to the Court by the Assembly of States parties on 26 January made a solemn undertaking at the Seat of the Court in The Hague
- On 11 March, Judges met in the seventh plenary during which the judges:
 - Elected members of the Presidency for a three-year term. Judge Philippe Kirsch (Canada) and Judge Akua Kuenyehia (Ghana) were re-elected President and First Vice-President, and Judge René Blattmann (Bolivia) was elected Second Vice-President
 - Discussed assignment of judges to Divisions. Assigned Judge Ekaterina Trendafilova to the Pre-Trial Division
- On 27 February, the Advisory Committee on Legal Texts elected Judge Erkki Kourula as Chairperson of the Committee for three years, pursuant to regulation 4(2) of the regulations of the Court

Democratic Republic of the Congo Investigation (DRC)

- Missions to carry out investigation, interviewing witnesses and collecting documents
- Missions, with the Registry, to assess security situation and develop witness protection arrangements
- Continued discussions with third parties to obtain classified information needed for investigation
- Participated in Pre Trial Chamber hearings, concerning *inter alia* a unique investigative opportunity, and submitted filings
- Developed complementarity analysis in light of judicial proceedings reported in the DRC
- Participated in outreach activities and contributed to development of outreach and communication plans

Uganda Investigation

- Conducted investigation missions, interviewing witnesses and collecting documents, in preparation for confirmation hearings
- Continued security assessments and maintenance of witness and victim security measures, in conjunction with the Registry
- Participated in hearings before the Pre Trial Chamber regarding security and status of investigation in relation to Art. 53
- Missions to build support, to participate with the Registry in outreach activities, and to plan for training workshops in mid-March
- Contacts to build support for arrest efforts and to make surrender arrangements, in conjunction with the Registry

Darfur Investigation

- Conducted three missions to Sudan: November 2005 to discuss cooperation; January 2006 to attend the AU Summit, relevant to AU cooperation; and February 2006 concerning admissibility and cooperation
- Missions to third countries to screen and interview witnesses
- Further development of operational presence in the region
- Continued to collect and analyse documents, including official documents, reports by organisations, video and photo records.
- Analysed crimes, admissibility, interests of justice, security and cooperation, and updated investigation and collection strategies
- Contacts with the African Union seeking conclusion of AU agreement, contacts with African Mission in Sudan (AMIS), and submission of requests for assistance to AU and AMIS
- Reported to UN Security Council in December 2005¹

¹ http://www.icc-cpi.int/library/organs/otp/LMO_UNSC_ReportB_En.pdf

Analysis

- Published “Update on Communications Received” in February 2006, summarizing analysis of all communications²
- Completed intensive analysis of situation in Iraq and announced determination that Statute requirements for initiating an investigation not met
- Completed analysis of situation in Venezuela and announced determination that Statute requirements for initiating an investigation not met

Cooperation

- Submitted requests for cooperation to various States and international organisations.
- Concluded four new arrangements with entities of the United Nations system and one new agreement with a State to facilitate investigations.
- Participated in negotiations on the EU-ICC Agreement to be signed by the President in April
- Participated in second UN-ICC Roundtable at the seat of the Court in The Hague
- Requested permission to brief the AU’s Peace and Security Council on the investigation

Other Activities

- All OTP staff participated in strategic planning exercise, to review and strengthen work practices and to develop OTP strategic plan, complementary to Court strategic plan
- Completion of the first version of the Legal Tools Project, which is being made available through the ICC Web site for the benefit of other jurisdictions.
- Engaged consultants on OTP communications strategy and on Darfur-specific communications strategy

² http://www.icc-cpi.int/organs/otp/otp_com.html

Registry

Budget as of 28 February 2006

- Contributions received: 23.78% of the total 2006 (€80,417,200)
- Contributions received: 83.67% of the total 2005 budget (€ 66,891,200)
- Outstanding contributions for 2002-2003 and 2004 amount respectively to 0.18% and 6.23%

Human Resources as at 01 March 2006

Number of staff on established posts: 383 (female 47.78%, male 52.22%)

Staff subject to geographical representation:

- 15.61% from the African Group of States (target: 12.70%)
- 4.05% from the Asian Group of States (target: 7.65%)
- 6.94% from the Group of Eastern Europe (target: 7.01%)
- 10.98% from the Latin American and Caribbean Group of States (target: 14.43%)
- 62.43% from the Western European and others Group of States (target: 59.25%)

Applications received in 2006 (as at 1 March): 3.500

I. Headquarters

1. *Common Administrative Services Division*

- **Information and Technology:** ERP System/Travel Management modules implemented as of 3 January 2006
- **General Services:** User licence for the D-wing of the Arc building received (premises can be used)

2. *Division of Court Services*

- ICC temporary Detention Centre (Scheveningen prison) is operational
- Interpretation Training Program for paraprofessional interpreters in Acholi and Swahili/Lingala has been established. Experts Panel on Acholi Terminology has been established
- Support, protection and operational services are in place to receive witnesses at the seat of Court
- Support and Good Practice training programmes have been provided to OTP investigation teams

3. *Division of Victims and Counsels*

- List of counsel eligible for appointment to accused and victims contains 136 counsel to date
- A project to ensure that appropriate mechanisms are in place for supervision and assessment of the performance of the Court's legal aid system is ongoing

4. *Public Information and Documentation Section*

- Media Centre is operational. First meeting with journalists on 28 February 2006
- The ICC visual identity has been implemented

5. *Legal Advisory Section*

- 27 January 2006 - Seminar on implementing legislation
- 100% of the legislations implementing the Rome Statute have been transposed onto the ICC Implementing Legislation Data Base

Other Activities

- The fifth Strategic Meeting Registry-NGOs took place at the seat of the Court from 26 to 27 January
- Round Table ICC – UN agencies held at the seat of the Court from 23 to 24 January
- Meeting with the International Organisation of Francophonie held on 31 January in Paris
- Annual meeting of the Registrars of ICC, ICTY, ICTR and the Special Court for Sierra Leone took place from 1 to 2 March in Geneva

- Office of Public Counsel for Victims was established on 19 September 2005 with the appointment of a Principal Counsel. Office is independent and provides support and assistance to victims and legal representatives of victims. The Office is currently recruiting staff and finalising all necessary administrative steps in order to be fully operational by June 2006

II. Field Operations

Democratic Republic of Congo

- Registry participated in three information meetings on ICC in Kinshasa from 13 to 15 December 2005
- Seminars for NGOs, representatives of UNICEF and other international agencies, Church representatives were held in Bunia from 19 to 28 February 2006
- Meeting with the United Nations High Commissioner for Human Rights Office in Goma on legal assistance for victims took place from 24 to 25 February 2006
- Meetings were held with the United Nations Country Team and MONUC in Bunia from 21 to 22 February 2006
- Recruitment of the Field Public Information and Outreach Coordinator, 2 Public Information and Outreach Assistants has started
- Witness protection initial response system have been implemented and tested
- Sites for possible Audio-Video Link testimony have been identified
- Operational planning for witness transport is ongoing

Uganda

- Recruitment of Field Public Information and Outreach Coordinator, two Public Information and Outreach Assistants has started
- Future outreach activities include:
 - a) Workshop for Acholi Religious Leaders - 20-21 March in Gulu
 - b) Traditional Leaders Workshop on ICC - 22-23 March Gulu
 - c) Roundtable meetings/workshops for NGOs in cooperation with the Uganda Coalition for ICC - 24-31 March in Gulu, Kitgum, Lira and Siroti
 - d) Informative meeting with the United Nations Volunteers - 3-4 April in Kampala or Gulu
- Witness protection systems have been established and tested
- Witness threat and protection assessment have been updated

Darfur

- Situation specific strategy for outreach and public information is in progress
- Meetings were held at the seat of the Court with Sudanese NGO representatives in November 2005
- Support and protection structures are being developed

Secretariat, Assembly of States Parties

Recent ratifications of the Agreement on the Privileges and Immunities of the ICC: Benin, Bolivia and Luxembourg

I. Fifth session of the Assembly

- Invitations to the fifth session of the Assembly (ICC-ASP/S/5/04), to be held in The Hague from 23 November to 1 December 2006 and to the resumed session, scheduled in New York from 29 to 31 January 2007, were sent to all States on 6 February 2006.

II. Resumed fourth session of the Assembly

- At its resumed fourth session, held at United Nations Headquarters, from 26 to 27 January 2006, the Assembly elected the following as judges of the International Criminal Court: Mr. Hans-Peter Kaul (Germany), Mr. Erkki Kourula (Finland), Ms. Akua Kuenyehia (Ghana), Mr. Sang-hyun Song (Republic of Korea), Ms. Ekaterina Trendafilova (Bulgaria) and Ms. Anita Ušacka (Latvia). The nine year terms of office of these judges began to run as from 11 March 2006.
- The Assembly then elected by consensus the following as members of the Committee on Budget and Finance: Mr. Lambert Dah Kindji (Benin), Mr. David Dutton (Australia), Mr. Fawzi Gharaibeh (Jordan), Mr. Myung-jae Hahn (Republic of Korea), Ms. Elena Sopková (Slovakia) and Mr. Santiago Wins (Uruguay). The three year terms of office of these six members begin to run as from 21 April 2006.
- As regards the issue of the interim premises which would allow the Court to accommodate the growth in staff foreseen for 2006, the Assembly considered the Report on interim premises which was presented by the Court (ICC-ASP/4/INF.2), heard a statement by the host State and adopted resolution ICC-ASP/4/Res.12, setting out the procedure to be followed in the preparation of a Bureau report and its subsequent referral to the Committee on Budget and Finance.
- Hardcopies of the Official Records of the resumed fourth session of the Assembly (ICC-ASP/4/37) will be sent to States Parties soon. They are also available on the website of the Court in all official languages.³

III. Fourth session of the Assembly

- At its fourth session, held in The Hague, from 28 November to 3 December 2005, the Assembly, inter alia: adopted the Code of Professional Conduct for counsel; adopted the Regulations of the Trust Fund for Victims; established the guidelines for the selection and engagement of gratis personnel at the Court; approved the programme budget for 2006 at the level of €80,471,200, as well as a total of 624 staff members; established a New York Liaison Office; decided on the procedure for filling vacancies in the Board of Directors of the Trust Fund for Victims and in the Committee on Budget and Finance; adopted the amendment regarding the term of office of members of the Board of Directors of the Trust Fund for Victims; approved amendments to the Financial Regulations and Rules related to the Contingency Fund; decided on the venues and approximate dates for its fifth, sixth and seventh sessions (2006-2009).
- Hardcopies of the Official Records of the fourth session of the Assembly (ICC-ASP/4/32) were sent to States Parties on 10 February 2006.

³ All the official documents of the Assembly of States Parties can be found at <http://www.icc-cpi.int>.

IV. Committee on Budget and Finance

- The Committee on Budget and Finance will hold its sixth session from 24-26 April 2006 in The Hague and discuss, inter alia, the programme performance of the 2005 budget, permanent and interim premises of the Court, pension scheme for judges, conditions of service and compensation of the Prosecutor and Deputy Prosecutors, the Strategic Plan of the Court and issues regarding States in arrears.

V. The Bureau

- On 14 February 2006, the Bureau reconstituted its two Working Groups, one based in The Hague and the other in New York and adopted their respective terms of reference.
- The Working Group of the Bureau in New York was mandated to consider following issues: participation in the Assembly of States Parties (including measures to increase the number of ratifications and to increase the participation of developing countries), arrears (including suggestions to promote timely payment and guidelines for submission of documentation regarding exemption requests), proposals for an independent oversight mechanism and assistance in setting up the New York Liaison Office.
- The Working Group in The Hague was requested to consider the following issues: interim premises, engage with the Court on the initiation of the strategic planning process of the Court, submit proposals to improve equitable geographic representation and gender balance in the recruitment of staff members, and permanent premises of the International Criminal Court and host State issues, including issuance of visas for Assembly participants and political dialogue at the ambassadorial level (Vice-Presidents).
- The Bureau adopted special terms of reference on the issue of interim premises; according to these special terms, the issue is to be facilitated by the two Vice-Presidents of the Bureau, Ambassador Erwin Kubesch (Austria) and Ambassador Hlengiwe Mkhize (South Africa). The Working Group is to urgently consider the matter, including the so-called interim interim premises, and to consult widely ensuring, inter alia, that the views of the Court can be expressed. This Working Group held two meetings, on 23 February and 10 March 2006.

VI. Inter-sessional meeting on the crime of aggression

- The third inter-sessional meeting of the Special Working Group on the Crime of Aggression will take place from 8-11 June 2006 and will be hosted by the Liechtenstein Institute on Self Determination at the Woodrow Wilson School, University of Princeton, USA. Participation in the meeting is by invitation only.