

**Cour
Pénale
Internationale**



**International
Criminal
Court**

**Seventh Diplomatic Briefing
of the International Criminal Court**

**Information Package
(As of 14 June 2006)**

Summary of activities since the sixth Diplomatic Briefing 23 March 2006

Brussels, 29 June 2006

The International Criminal Court

The Court is well into the exercise of its judicial activities. Proceedings are advanced at the pre-trial level. With the first appeals before the Appeals Chamber, another judicial division is now in operation. Trial proceedings are expected to begin early next year. The pace of judicial activity can be expected to continually increase through the foreseeable future. Certain factors outside of the Court's control, such as arrest and surrender, necessarily have a significant impact on the Court's activities. For this reason, the ICC must be flexible in responding to developments.

Maintaining regular dialogue with States regarding our work is a priority for the Court. We will continue to make information available regarding our 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 29 June 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 sixth Diplomatic Briefing on 23 March 2006. As in previous Briefings, the Court's senior management will focus their remarks on a current topic of interest. In the upcoming Briefing we will address, in particular, the Court's strategic planning process.

The Court's senior management adopted the first version of the ICC strategic plan earlier this year. This plan will assist the Court in coordinating our many different activities, ensuring a longer-term perspective in our planning, and setting common priorities for our work. The plan is very important to the Court's continued success. It will be regularly adapted in light of our experiences so that it may guide us well into the future as we endeavour to collectively advance the aims of the Rome Statute.

Presidency and Chambers

I. Presidency

- Concluded and signed cooperation and assistance agreement with the European Union on 10 April 2006
- Initiated recruitment process for the head of the New York Liaison Office
- Convened meetings of the Coordination Council, including to adopt the first version of the Court's strategic plan and discuss the 2007 budget planning process
- Presented strategic plan to the Committee on Budget and Finance in April and the Working Group of the Assembly of States Parties in The Hague in May, and initiated consultations with Court staff
- Met United Nations Secretary-General Kofi Annan at the Court on 10 April, together with the Deputy Prosecutor for Prosecutions, and discussed cooperation between the UN and ICC as well as the role of the ICC in international criminal justice
- Met with representatives of States at the Court and abroad

Other Major Activities Planned

- Preparation of the New York Liaison Office
- Conclusion of cooperation agreement with African Union
- Continued discussion of strategic plan with States and civil society to inform them about the plan and receive feedback

II. Chambers

Pre-Trial Division

- Held hearings and issued decisions at the Pre-Trial level on such matters as:
 - **Democratic Republic of the Congo:** postponement of the hearing to confirm charges against Thomas Lubanga Dyilo and outlining the timetable regarding disclosure; appointment of ad hoc counsel; reclassification of documents; and disclosure of documents
 - **Uganda:** unsealing further documents of record(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 29 March, Pre-Trial Chamber II elected Judge Mauro Politi presiding judge

Appeals Division

- The Appeals Chamber has commenced its work. Appeals relating to the situation in the Democratic Republic of the Congo (DRC) have been brought before the Chamber. An appeal was initiated by Mr. Thomas Lubanga Dyilo in relation to the decision of the Pre-Trial Chamber in which a warrant for his arrest was issued; and an application has been made by the Prosecutor requesting the Appeals Chamber to review the decision of the Pre-Trial Chamber denying the Prosecutor leave to appeal its decision relating to the participation of victims in the proceedings
- Judges Navanethem Pillay and Georghios M. Piki respectively are presiding judges of the Appeals Chamber for these appeals

Democratic Republic of the Congo Investigation

- Appearance of Thomas Lubanga Dyilo before the Pre-Trial Chamber on 20 March 2006, litigated on issues arising from detention, disclosure of evidence and an application by Mr. Lubanga for provisional release
- Responded to several Court applications for victim participation
- Conducted security assessments and maintenance of witness security measures in conjunction with Registry
- Outreach efforts in DRC including radio broadcast and meetings with civil society and journalists
- Ten investigation missions to four countries with the purpose of gathering evidence and witness testimony for the ongoing investigations in the DRC situation
- Continuation of investigation into second and preparation for third case

Uganda Investigation

- Conducted several investigation missions to interview witnesses and collect documents in preparation for confirmation hearings for the five existing warrants
- Held 11 informative workshops with over 120 NGOs, 150 traditional leaders, 55 local government officials, and 50 religious leaders during a joint OTP-Registry outreach mission in March and June in Northern Uganda
- Requested Interpol red notices for the five ICC suspects, Interpol issued notices on 1 June
- Conducted missions to Uganda, Sudan and DRC and had contact with other authorities to build support to arrest efforts

Darfur Investigation

- Conducted fourth mission to Khartoum in June to meet with government officials on Darfur situation
- Preparation for third report to the UN Security Council in June
- Continued interview of witnesses in third countries, a total of 42 missions in 15 countries have been held to date
- Continued to collect and analyse documents, more than 8,800 have been collected to date
- Continued missions to Chad to collect evidence and testimony, took measures to manage security concerns of ICC field presence
- Continual assessment of witness security in coordination with Registry
- Participating in reviewing outreach strategy document with Registry

Analysis

- Conducted missions to Central Africa Republic in November and preparing for a mission to the Ivory Coast for the purpose of preliminary analysis of the situation
- Mission to Khartoum in March to analyze the complementarity of national proceedings
- Development of policy papers on case and situation selection, gravity and interests of justice
- Continued analysis of Article 15 communications and analysis of other situations of concern

Cooperation

- Submitted numerous requests for cooperation to various States and international organizations.
- Concluded three new arrangements with entities of the United Nations system and one new agreement with a State to facilitate investigations.
- Participated in workshops and conferences to train national professionals on judicial assistance issues

Strategic Planning

- Agreed on basic objectives and core policies in the Prosecutorial Strategy following consultations with the staff and the holding of a Plenary session
- Presented Prosecutorial Strategy to the Committee on Budget and Finance and the Working Group of the Assembly of States Parties in The Hague in May
- Began strategic planning at the divisional level
- Continued process of prioritizing objectives by synchronizing divisional plans, in line with ICC-wide priority setting

Registry

Budget as of 1 June 2006

- Contributions received: 63.85% of the total 2006 (€80,417,200)
- Contributions received: 89.25% of the total 2005 budget (€ 66,891,200)
- Outstanding contributions for 2002-2003 and 2004 amount respectively to 0.13% and 2.88%

Human Resources as of 1 June 2006

Number of staff on established posts: 405 (female 48.15%, male 51.85%)

Staff subject to geographical representation:

- 16.20% from the African Group of States (target: 12.73%)
- 5.03% from the Asian Group of States (target: 7.58%)
- 6.70% from the Group of Eastern Europe (target: 6.95%)
- 11.73% from the Latin American and Caribbean Group of States (target: 15.34%)
- 60.34% from the Western European and others Group of States (target: 57.40%)

Applications received in 2006 (as at 1 June): 6.408

I. Headquarters

1. *Common Administrative Services Division*

Information and Technology

- Electronic management of transcripts in place as of April 2006
- Digital recording of proceedings in place in Courtroom 1 as of mid-May 2006
- Evidence management software to support in-Court information disclosure and enable information gathering in place as of May 2006

Human Resources Section

- Training courses on ethics and integrity awareness and cross-cultural competence have been developed

General Services

- ICC interim premises located in Hoftoren occupied by ICC staff as of 05 June 2006

2. *Division of Court Services*

- Implementation of the Pre-Trial Chamber I's decision (01/04-01/06-102 - 15 May 2006) regarding disclosure of documents to Mr. Lubanga is in progress
- First visit of the ICRC at the ICC's detention centre is scheduled for 28 and 29 June 2006
- Work is ongoing on a glossary of legal terms in Acholi (currently includes 1000 words)
- Six months training modules for paralegal interpreters in Acholi and Swahili have started

3. *Division of Victims and Counsels*

- List of counsel eligible for appointment to accused and victims contains 151 counsel to date
- 4th Seminar for Counsel took place in The Hague from 31 May to 1st June. For the first time the Seminar was open to Counsel on the list (100 attendees out of 151 currently on the list of counsel)

4. *Public Information and Documentation Section*

- ICC Media Centre used for the first time by international media during the initial appearance of Mr. Lubanga (20 March 2006).
- 6th ICC Newsletter was published and disseminated
- Fact sheets on ICC (ICC at a glance, OTP at a glance, Trust Fund for Victims, Victims before the ICC, Presidency and Chamber and The Judges) have been translated into Arabic, Spanish, local Ugandan languages (Ateso, Acholi) and local Congolese languages (Lingala and Swahili).

- A compilation of basic legal texts in Spanish and Arabic has been completed.
- 300 DVD's containing ICC fact sheets and basic legal texts in English, French and Spanish have been distributed
- Media Handbooks part 1 and 2 has been finalised
- The booklet "Understanding the ICC" has been translated into Acholi and Ateso

5. Immediate Office of the Registrar

- Missions to the field of the Registrar – Chad (26-29 March) and Uganda (03-07 April)
- Meeting with the International Organisation of Francophonie held on 31 March 2006
- Registrar's mission to New York (12 – 16 June 2006)
- 6th Strategic Meeting Registry-NGOs will take place at the seat of the Court from 04 to 05 July 2006

II. Field Operations

Democratic Republic of Congo

- ICC Spokesperson travelled to the DRC to ensure extensive media coverage related to the arrest and initial appearance of Mr. Lubanga (second half of March 2006)
- Informative sessions for 1200 secondary school pupils were held from 03 to 20 May 2006 in Kinshasa
- Seminar on victims' participation was held in Kinshasa from 08 to 11 May 2006
- Informative seminar targeted magistrates from provinces of Nord Kivu, Sud Kivu, Maniem and Orientale was held from 30 May to 03 June 2006 in Kisangani
- Witness protection arrangements and field logistical preparations in relation to upcoming confirmation of charges hearing are ongoing
- *Future outreach activities include:*
 - Finalisation of a script on ICC to be used by local drama groups
 - Informative sessions on ICC in cooperation with United Nations Population Fund

Uganda

- Joint informative workshops Registry-OTP with NGOs, traditional and religious leaders, local government officials took place in March and early June in Northern Uganda
- Informative Workshops for newly elected local councils was held in Kampala from 15 to 16 June 2006
- Workshops for 50 traditional leaders took place in Gulu on 19 June 2006
- Seminars for 50 traditional leaders was held in Soroti on 22 June 2006
- Workshop with UNHCR representatives – 26 June 2006

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
- Documents of the Assembly are available on the website of the Court in all official languages¹
- The proposed programme budget for 2007 is scheduled to be sent to States during the third week of August

II. Committee on Budget and Finance

- The Committee on Budget and Finance held its sixth session from 24-26 April 2006 in The Hague (ICC-ASP/5/1). As regards the matter of the interim premises of the Court, the Committee concurred with the Bureau's preference for addressing the pressing need for additional office space by resorting to the use of prefabricated buildings in the vicinity of the building currently occupied by the Court. The Committee also welcomed the progress report on the Strategic Plan of the Court and expressed the view that, as a management tool, the Plan should remain within the ownership of the Court. Furthermore, the Committee requested the Court to prepare additional reports on the permanent premises of the Court, the pension scheme for judges, and on the conditions of service and compensation of the Prosecutor and Deputy Prosecutors; these reports would provide the information required by the Committee so as to be in a position to formulate recommendations at its seventh session, scheduled from 9 to 13 October 2006

III. The Bureau

- Ambassador Colleen Swords (Canada) and Ambassador Aliioaiga Feturi Elisaia (Samoa) were appointed as Coordinators of the Bureau Working Groups in The Hague and New York, respectively.
- The Hague Working Group has held a total of seven meetings this year, five of them being devoted to the issue of interim premises and submission of the respective report to the Bureau. The Working Group decided to hold a monthly meeting every second Thursday of the month, in the afternoon. Furthermore, a subgroup on the Strategic Plan, chaired by the Facilitator, Ms. Michèle Dubrocard (France), has held three meetings to hear presentations from Court officials and from non-governmental organizations

IV. The Board of Directors of the Trust Fund for Victims

- Pursuant to resolution ICC-ASP/4/Res.5 of 3 December 2005, on 16 May 2006 the Bureau elected Mr. Arthur Napoleon Raymond Robinson (Trinidad and Tobago) by consensus to fill in the vacancy in the Board of Directors of the Trust Fund for Victims which corresponds to the seat allocated to the Group of Latin American and Caribbean States

¹ All the official documents of the Assembly of States Parties can be found at <http://www.icc-cpi.int>, Assembly of States Parties, Documentation.

- Furthermore, the Bureau decided to fix a 12 week nomination period, starting on 5 June 2006, for the second election of members of the Board of Directors of the Trust Fund for Victims, scheduled to take place during the fifth session of the Assembly. The Secretariat has sent a note verbale (ICC-ASP/5/S/10), dated 5 June 2006, to all States

V. *Inter-sessional meeting on the crime of aggression*

- The third inter-sessional meeting of the Special Working Group on the Crime of Aggression took place from 8-11 June 2006 at the Liechtenstein Institute on Self Determination at the Woodrow Wilson School, Princeton University, USA. The meeting focused on the following items: 1) The act of aggression – defining the conduct of the State; 2) The conditions for the exercise of jurisdiction; 3) The Crime of Aggression – Defining the individual’s conduct; and 4) Future work of the Special Working Group²

² <http://www.icc-cpi.int>.