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**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”) since the fifth session of the Assembly of States Parties to the Rome Statute (the “Assembly”) in 2006.

2. One hundred and five States have ratified or acceded to the Rome Statute of the International Criminal Court (“Rome Statute”). Fifty-two States, including one State not Party to the Rome Statute, have ratified or acceded to the Agreement on the Privileges and Immunities of the International Criminal Court. As at 9 October 2007, the Court’s staff comprised 485 persons from 80 States.

3. During the reporting period, the Office of the Prosecutor analysed information on alleged crimes within the jurisdiction of the Court in many countries on different continents. The Office continued investigations, including field operations, into the situations in the Democratic Republic of the Congo, Uganda and Darfur, Sudan. The Prosecutor opened an investigation into the situation in the Central African Republic.

4. In the situation in the Democratic Republic of the Congo, Pre-Trial Chamber I confirmed charges of war crimes against Mr. Thomas Lubanga Dyilo. The Presidency constituted Trial Chamber I and referred the case of Mr. Lubanga Dyilo to that Chamber for Trial. Trial Chamber I and the participants in proceedings began preparations for the trial. The Appeals Chamber issued 14 decisions or judgments in the case of Mr. Lubanga Dyilo related to, inter alia, the participation of victims in proceedings and the confirmation of charges.

5. In the situation in Uganda, judicial proceedings in the case of *the Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya and Dominic Ongwen* continued on issues related to the participation of victims in proceedings and the protection of victims or witnesses. Proceedings against Mr. Lukwiya were terminated due to his death. The warrants of arrest for Mr. Kony, Mr. Otti, Mr. Odhiambo and Mr. Ongwen have been outstanding since July 2005. The Court unsealed requests for arrest and surrender for each of these individuals made to Uganda, the Democratic Republic of the Congo and Sudan. At the time of submission of this report, none of the outstanding warrants had been executed.

6. In the situation in Darfur, Sudan, the Court issued warrants of arrest for Mr. Ahmad Muhammad Harun (“Ahmad Harun”) and Mr. Ali Muhammad Ali Abd-al-Rahman (“Ali Kushayb”) on counts of crimes against humanity and war crimes. The Court issued requests for their arrest and surrender to Sudan, all States Parties, all United Nations Security Council members, Egypt, Eritrea, Ethiopia and the Libyan Arab Jamahariya. At the time of submission of this report, neither warrant of arrest had been executed.

7. In the situations in the Democratic Republic of the Congo, Uganda and Darfur, Sudan, the Court conducted substantial outreach activities to raise awareness and understanding of the Court and its activities.

8. The Court proceeded with the implementation of the Strategic Plan adopted and presented to the Assembly in 2006. Implementation of the Plan, including use of the Plan in preparing the proposed 2008 programme budget, helped to strengthen coordination between the organs and the internal administration of the Court. The Court engaged in dialogue with the Assembly through the Working Groups of the Bureau in The Hague and in New York on the Strategic Plan and on other issues within the Working Groups’ mandates.

9. The Court’s contributions to achieving the aims of the Rome Statute depend not only on the activities of the Court itself but also on the extent of international cooperation provided by States and others, in particular in the arrest and surrender of persons. The Court does not have the mandate to arrest persons. In the Rome Statute, States Parties reserved both the obligation and the power to do so to States. Throughout the reporting period, the Court’s experience reconfirmed the necessity of effective international cooperation, especially with respect to arrests. The Court continued to devote considerable efforts to securing the cooperation of States, in particular for the execution of arrest warrants.

## **II. Judicial proceedings**

10. Between the different situations and cases, the Court handled approximately 1,400 filings (including annexes). Proceedings before the Court are, in principle, public. Decisions of the Chambers and filings of participants are published on the Court’s web site.<sup>1</sup> In certain circumstances, proceedings or decisions may be kept confidential for a period of time, for example to protect the security of victims and witnesses. This report covers only public matters.

### **A. Situation in the Democratic Republic of the Congo (*The Prosecutor v. Thomas Lubanga Dyilo*)**

11. At the time of the fifth session of the Assembly, Pre-Trial Chamber I was conducting a hearing on the confirmation of the charges brought by the Prosecutor against Mr. Thomas Lubanga Dyilo. On 29 January 2007, the Chamber issued its decision, finding that there was sufficient evidence to establish substantial grounds to believe that Mr. Lubanga Dyilo committed each of the crimes charged by the Prosecutor. The Chamber therefore confirmed charges against Mr. Lubanga Dyilo of war crimes, namely enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities.

12. Both the defence and the Prosecutor sought leave of the Pre-Trial Chamber to appeal the decision on the confirmation of charges. The Pre-Trial Chamber dismissed both these

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<sup>1</sup> <http://www.icc-cpi.int>.

requests simultaneously on 24 May 2007. The defence also filed an appeal against the confirmation of charges decision directly with the Appeals Chamber. The Appeals Chamber dismissed this appeal on 13 June 2007.

13. On 6 March 2007, the Presidency constituted Trial Chamber I and referred the case of Mr. Lubanga Dyilo to that Chamber for trial. The Trial Chamber began preparations for trial. The Chamber held three hearings and received several filings from the Prosecutor, defence and legal representatives of victims on issues including the participation of victims, disclosure of evidence and the E-Court Protocol. The Office of the Prosecutor continued reviewing all the evidence it gathered for disclosure purposes.

14. Four victims participated in the proceedings before the Pre-Trial, Trial and Appeals Chambers, as deemed appropriate by the relevant Chamber in accordance with the Rome Statute. The victims were represented by two legal representatives who, inter alia, made opening and closing statements before the Pre-Trial Chamber during the hearing on the confirmation of charges and made submissions to the Trial Chamber on the question of victims' participation during the trial. This case represents the first time in the history of an international criminal court or tribunal that victims have participated in proceedings in their own right. In August 2007, Pre-Trial Chamber I rendered a decision in the situation in the Democratic Republic of the Congo regarding the applications of victims to participate in proceedings.

15. Throughout the different proceedings, the Court exercised its responsibilities with respect to the protection of the rights of the defence. Following the confirmation of charges, the original counsel for Mr. Lubanga Dyilo withdrew from the case. The Registrar appointed duty counsel to represent Mr. Lubanga Dyilo during the proceedings before the Pre-Trial Chamber on the requests for leave to appeal and during the proceedings before the Appeals Chamber in relation to the appeal. Mr. Lubanga Dyilo subsequently appointed a lawyer on the Court's list of counsel as his new counsel.

**B. Situation in Uganda (*The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya and Dominic Ongwen*)**

16. The Court could not substantially advance the proceedings in the case of *the Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya, and Dominic Ongwen* since these persons had neither been arrested nor surrendered. Nonetheless, proceedings in this case and in the situation more generally continued before Pre-Trial Chamber II on issues related to, inter alia, the participation of victims and the protection of victims or witnesses. During the reporting period, the Chamber issued a total of 11 public decisions in the situation or the case.

17. On 11 July 2007, Pre-Trial Chamber II terminated the proceedings against Mr. Lukwiya following confirmation of his death, thereby rendering the warrant of arrest for him without effect.

**C. Situation in Darfur, Sudan (*The Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-al-Rahman ("Ali Kushayb")*)**

18. On 25 April 2007, Pre-Trial Chamber I issued warrants of arrest for Mr. Ahmad Muhammad Harun ("Ahmad Harun") and Mr. Ali Muhammad Ali Abd-al-Rahman ("Ali Kushayb"). On 27 February 2007, the Prosecutor had applied for summons to appear for the two individuals. The Chamber determined that there were reasonable grounds to believe that Mr. Harun had committed 20 counts of crimes against humanity and 22 counts of war crimes

and that Mr. Kushayb had committed 22 counts of crimes against humanity and 28 counts of war crimes.

19. On 4 June 2007, the Court issued requests for the arrest and surrender of Mr. Harun and Mr. Kushayb to Sudan, all States Parties to the Rome Statute, all United Nations Security Council members, Egypt, Eritrea, Ethiopia and the Libyan Arab Jamahariya. At the time of submission of this report, neither warrant had been executed.

### **III. Analysis, investigations and prosecutorial activities**

20. The Office of the Prosecutor continued to conduct investigations in situations of ongoing violence. Difficult circumstances in the field continued to present significant challenges for the Office and for the supporting functions of the Court in all four situations referred to the Court. In particular, ongoing violence routinely threatened the safety and well-being of victims, witnesses, Court staff and others.

#### **A. Situation in the Democratic Republic of the Congo**

21. In addition to the case of Mr. Lubanga Dyilo, the Office of the Prosecutor continued its investigation into a second case concerning crimes allegedly committed in the Ituri region of the Democratic Republic of the Congo.

22. The Office also continued the process of selecting a third case. To this end, the Office continued monitoring the overall situation in the Democratic Republic of the Congo and collected information on the activities of individuals and armed groups throughout its territory and on allegations of crimes under the Court's jurisdiction reportedly committed in several provinces of the country, such alleged crimes including forcible transfers of population, killings and mass sexual violence.

#### **B. Situation in Uganda**

23. The Prosecutor completed his investigation into the crimes allegedly committed by five leaders of the Lord's Resistance Army. The Office of the Prosecutor continued to proactively maintain contacts with witnesses in order to preserve the results of previous work. The Office continued to monitor crimes committed after the issuance of the warrants of arrest.

24. With respect to the individuals subject to warrants of arrest, the Office provided assistance to the Government of Uganda in confirming the death of Mr. Raska Lukwiya. The Office also monitored information that the individuals could be receiving supplies and financial support through various channels.

25. The entire situation in Uganda remains under analysis. The Office continued to analyse allegations of crimes committed by persons other than those subject to warrants of arrest, including members of the Uganda People's Defence Force. The Office requested information from the Ugandan authorities.

#### **C. Situation in Darfur, Sudan**

26. During the period since the last report to the Assembly, the Prosecutor twice reported to the United Nations Security Council, on 14 December 2006 and on 7 June 2007, on the progress of his activities in accordance with Security Council resolution 1593 (2005).

27. In his report of December 2006, the Prosecutor notified the Security Council that his Office was completing an investigation and the collection of sufficient evidence to identify those who bear the greatest responsibility for some of the worst crimes in Darfur. He reported that he was planning to finalize the submission for the judges by February 2007.

28. At that point, the Office had conducted more than 70 missions to 17 different countries, screened hundreds of potential witnesses and conducted more than 100 formal witness interviews. The Prosecutor also indicated the steps being taken to protect victims and witnesses in the field. The Prosecutor indicated that the Office would send a delegation to Khartoum in January 2007 to gather further information. Finally, the report set out steps taken to secure cooperation from the Government of Sudan and support from the United Nations, the African Union and other organizations.

29. From 27 January to 7 February 2007, the Office carried out a mission to gather further information on national proceedings in Sudan.

30. On 27 February, the Prosecutor submitted his evidence to the judges, requesting summonses to appear for Mr. Harun and Mr. Kushayb. On the issue of admissibility, the Prosecutor noted that “the investigations currently being carried out by the relevant Sudanese authorities do not encompass the same persons and the same conduct which are the subject of the case before the Court. To the extent that the investigations do involve one of the individuals named in this application, they do not relate to the same conduct which is the subject of the case before the Court: the national proceedings are not in respect of the same incidents and address a significantly narrower range of conduct.”<sup>2</sup>

31. Following the issuance of the warrants of arrest by Pre-Trial Chamber I, the Office continued the investigation to prepare for trial. In total, the Office has conducted more than 100 missions to nearly 20 countries.

32. In his June 2007 report to the Security Council, the Prosecutor presented the case of Mr. Harun and Mr. Kushayb in detail, emphasizing that his objective was to ensure the appearance of these individuals before the Court and indicating that this major challenge requires the unconditional cooperation of all. In his speech the Prosecutor said: “The Security Council and regional organizations must take the lead in calling on the Sudan to arrest the two individuals and surrender them to the Court. The territorial State, the Sudan, has the legal obligation and the ability to do so. And we count on every State to execute an arrest should either of these individuals enter their territory”.<sup>3</sup> The Prosecutor went on to note that he continues to monitor the ongoing situation, which he described as alarming, with 4 million persons in need of humanitarian assistance, 2 million internally displaced persons, and “allegations of indiscriminate and disproportionate Sudanese Government air strikes from January through April, with some villages bombarded for as long as ten days; [...] allegations of crimes by rebel forces, including against international personnel; [...] reports of attacks against internally displaced persons, in particular the rape of women venturing outside the camps; [and] information about local clashes, some allegedly motivated by efforts to reward those collaborating with the Militia/Janjaweed.”<sup>4</sup> The Prosecutor pointed to the fact that Mr. Harun is presiding over this situation.

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

33. On 22 May 2007, the Prosecutor announced that he had decided to open an investigation into the situation in the Central African Republic, following the referral of the

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<sup>2</sup> Prosecutor’s application under article 58(7), ICC-02/05-56, 27 February 2007, para. 267.

<sup>3</sup> Statement of the Prosecutor to the United Nations Security Council.

<sup>4</sup> Ibid.

situation by that State Party. Significant communications from non-governmental organizations have also been received. On the day of the announcement, the Office of the Prosecutor posted a background note on the opening of the investigation on the web site of the Court.<sup>5</sup>

34. The decision by the Prosecutor followed a thorough analysis of available information which led to the determination that the jurisdiction, admissibility and interests of justice requirements of the Rome Statute were satisfied. The Prosecutor indicated that the investigation will focus on violence that occurred in 2002 and 2003, including a mass campaign of sexual violence. The Office is also monitoring crimes committed since 2005.

#### **E. Analysis activities**

35. The Office of the Prosecutor carried out routine open source information analysis on alleged crimes within the jurisdiction of the Court. The Office also received and analysed 428 communications related to purported crimes during the period from 1 January to 4 October 2007, bringing the total number of communications received to 2,889. The vast majority of these were dismissed as manifestly outside the jurisdiction of the Court. A number of situations are the subject of ongoing analysis, including the situation in Côte d'Ivoire, a State not Party to the Rome Statute, which has lodged a declaration accepting the exercise of jurisdiction by the Court. In accordance with the policy of the Office, only open source information and the situations which have been made public by the senders of communications are referred to publicly by the Office.

36. Analysis of the situation in the Central African Republic led to the opening of an investigation as described above. In the remaining situations, the Office continued to assess whether crimes had been committed, to analyse the jurisdiction and admissibility of possible cases and to assess whether the opening of an investigation would not be in the interests of justice.

37. A planned mission to Côte d'Ivoire has not yet been made possible by the authorities of Côte d'Ivoire. The Prosecutor has requested the authorities of Côte d'Ivoire to facilitate a mission by the Office to the country and has sought the assistance of the United Nations in this regard. The Prosecutor will conduct a visit to Colombia starting on 17 October 2007.

### **IV. Outreach**

38. Following the presentation of the Strategic Plan on outreach (ICC-ASP/5/12) to the Assembly at its fifth session, the Court proceeded to implement the Plan in the different situations in 2007. The Court undertook outreach to raise awareness and understanding of the Court and its activities in three of the four situations under investigation (Democratic Republic of the Congo, Uganda and Darfur, Sudan). Following the opening of the investigation into the situation in the Central African Republic, the Court assessed opportunities for outreach there, identified target audiences, established contact with local media and began development of a country-specific outreach strategy.

39. In the situation in the Democratic Republic of the Congo, the Court prioritized its outreach efforts in the region of Ituri, the area in which the crimes with which Mr. Lubanga Dyilo is charged are alleged to have taken place. The Court organized 47 outreach events and Court officials also participated in events organized by others. Over 1,800 persons participated in workshops and other outreach activities organized by the Court. Most of the

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<sup>5</sup> [http://www.icc-cpi.int/library/press/pressreleases/ICC-OTP-BN-20070522-220\\_A\\_EN.pdf](http://www.icc-cpi.int/library/press/pressreleases/ICC-OTP-BN-20070522-220_A_EN.pdf).

Court's outreach was conducted through media campaigns, in particular interactive radio programmes. The Court reached an estimated audience of 1.8 million persons via radio and 4,000 persons via television according to data provided by the radio and television stations. The Court's outreach efforts led to increased understanding of the Court and increased coverage of the Court in Ituri and in Kinshasa.

40. The Court placed particular emphasis on making the proceedings in the case of Mr. Lubanga Dyilo accessible to local populations. The decision on the confirmation of charges was broadcast in the Democratic Republic of the Congo as well as throughout Africa and Europe. The Court's outreach team based in the Democratic Republic of the Congo organized a retransmission of the hearing for journalists and non-governmental organizations in Ituri. The Court also arranged for four journalists from the Democratic Republic of the Congo to come to The Hague to cover the judicial proceedings. To facilitate understanding of the proceedings, Court officials and staff provided interviews with print and electronic media throughout the confirmation process. The Court focused its interviews around key points in the judicial process such as the opening of the hearing and the issuing of the decision. The Court's outreach team briefed journalists in the Democratic Republic of the Congo on the procedural aspects of the proceedings in advance of the hearing.

41. In the situation in Uganda, the Court prioritized outreach in the northern and north-eastern parts of the country, focusing in particular on raising awareness among persons living in internally displaced persons camps. Over 6,000 persons participated in the events organized by the Court. To multiply the impact of its outreach, the Court's outreach team based in Uganda provided training for leaders within the camps who volunteered to further explain the Court within the camps. The Court also participated in weekly radio programmes. According to the Court's monitoring reports and data from independent studies, awareness of the Court in the region has risen from 25 per cent of the population in 2005 to approximately 70 per cent.

42. In relation to the situation in Darfur, Sudan, the Court could not conduct outreach in Darfur due to security concerns. The Court carried out seven outreach activities, including a visit by the Registrar, in four refugee camps in Chad and four workshops in other locations. The Court also established an informal network for exchanging information with local populations and utilized media to raise awareness of its role and activities. The Office of the Prosecutor dedicated specific efforts to informing the Arabic-speaking public through international and regional Arabic and Sudanese media, and through visits to the region, including to Abu Dhabi and Cairo.

## **V. Enhancing international cooperation**

43. On 7 June 2007, the Court signed the Headquarters Agreement with the host State, the Netherlands. The agreement will enter into force upon its adoption by the Dutch Parliament. The Headquarters Agreement regulates the relationship between the Court and the host State including, inter alia, cooperation between the Court and the host State, the transfer of information, potential evidence and evidence into and out of the host State and the privileges, immunities and facilities of the Court, its staff, its elected officials, victims, witnesses and other persons required to be present at the seat of the Court.

44. In relation to the investigations and proceedings of the Court, the Rome Statute imposes specific obligations on States Parties to cooperate with and provide support to the Court. Part 9 of the Statute in particular provides the legal framework for international cooperation and judicial assistance and requires all States Parties, in accordance with the provisions of the Statute, to cooperate fully with the Court in its investigation and prosecution

of crimes within the jurisdiction of the Court. States may also conclude supplementary arrangements to provide specific support to the Court and can offer more general support in creating an environment which encourages cooperation by other States or by international organizations. Throughout the reporting period, the Court continuously sought to increase the cooperation received from States and international organizations.

45. In accordance with article 87, most of the Court's requests for cooperation are kept confidential. The Court made requests for and received cooperation or judicial assistance from many States and international organizations. However, significant requests for cooperation, in particular requests for arrest and surrender, were not fulfilled. Of the seven public warrants of arrest outstanding at the beginning of the reporting period, none was executed (one was rendered without effect due to the subject's death). The lack of arrests prevented the Court from materially advancing proceedings in these cases.

46. Court officials raised the importance of executing the warrants in bilateral contacts with representatives of States and international organizations, in multilateral fora and in public events.

47. The Office of the Prosecutor also conducted numerous activities to galvanize international and regional cooperation to execute the arrest warrants. The Prosecutor restated publicly on various occasions<sup>6</sup> his position as expressed in the Assembly of States Parties in 2006 that the remaining arrest warrants had to be executed. The Prosecutor met in June with the Ugandan Minister for Security, Mr. Amama Mbabazi. He encouraged that measures be taken cooperatively by the countries concerned, specifically the Democratic Republic of the Congo and Uganda, to secure the arrests. He was updated on the peace negotiations and reiterated on this occasion that the Office of the Prosecutor would not in any way be a party to the process. Arrests and possible support of the United Nations Mission in the Democratic Republic of the Congo (MONUC) have been the subject of two meetings with the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno. Expression of United Nations support was on both occasions forthcoming.

48. Since June, the Prosecutor has engaged in sustained efforts to raise awareness of the need for cooperation with the Court in execution of the arrest warrants in the situation in Darfur, Sudan. Efforts have included high-level meetings with senior United Nations officials, including the United Nations Secretary-General, with African Union officials and with League of Arab States officials, including League of Arab States Secretary-General Amr Musa. The Prosecutor has also held high-level meetings both with representatives of States Parties and of States not Parties, and with non-governmental organizations. The Prosecutor took the opportunity to raise the arrest warrants on the eve of the United Nations Security Council summit on Africa and of the second meeting of the extended contact group on Darfur, both held in New York in September. The Prosecutor will continue to conduct such meetings leading up to the next report to the United Nations Security Council, scheduled for 5 December 2007.

49. The Court continued negotiations with States Parties to conclude supplementary arrangements on specific issues of cooperation, primarily the protection and relocation of witnesses and the enforcement of sentences.

50. At the time of submission of this report, the Court had concluded seven agreements with States Parties on the protection and relocation of witnesses, the details of which are kept confidential for security reasons. More such agreements are urgently needed. Since 17 October 2006, the number of individuals requesting protection has increased threefold and the

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<sup>6</sup> Nuremberg speech, 24 June 2007,

[http://www.icc-cpi.int/library/organs/otp/speeches/LMO\\_nuremberg\\_20070625\\_English.pdf](http://www.icc-cpi.int/library/organs/otp/speeches/LMO_nuremberg_20070625_English.pdf).

number of individuals admitted into the Court's Protection Programme sevenfold, primarily due to developments in the situations in the Democratic Republic of the Congo and Darfur, Sudan. The fact that individuals subject to warrants of arrest remain at large makes it all the more important to ensure adequate protection measures.

51. No agreements on the enforcement of sentences were concluded although negotiations continued with several States. At the time of submission of this report only one agreement had been concluded between the Court and a State Party in relation to the enforcement of sentences.

52. The Court continued to work with States Parties to increase understanding and awareness of the needs of the Court and of how States Parties can provide additional support. At the request of the Bureau of the Assembly, the Court prepared a consolidated report on the issue of cooperation which identifies the priorities of the Court. The Court engaged in a positive dialogue on the issue of cooperation with the Bureau through its Working Groups in The Hague and New York.

53. The Court increasingly emphasized the need for cooperation in its regular diplomatic briefings in The Hague and Brussels and with representatives of States and international organizations both at the seat of the Court and abroad. Among its many visitors, the Court welcomed the President of the Republic of Bolivia, H.E. Evo Morales Ayma; the President of the Federal Republic of Germany, H.E. Horst Köhler; and the newly appointed Secretary-General of the United Nations, H.E. Ban Ki-moon.

54. In their bilateral contacts, Court officials mentioned the importance of States and international organizations creating an environment encouraging cooperation by others. By publicly supporting cooperation with the Court and respect for the Court's judicial processes and decisions, States and international organizations can enhance the Court's ability to achieve the objectives for which it was created.

55. The Court continued to develop its cooperation with the United Nations in accordance with the provisions of the Rome Statute and the Relationship Agreement between the International Criminal Court and the United Nations. The Court received support from the United Nations Secretariat and from numerous United Nations funds, programmes and other bodies in the field. The Court submitted its third annual report to the United Nations on 31 August 2007.<sup>7</sup> The President of the Court, judge Philippe Kirsch, will introduce the report before the United Nations General Assembly on 1 November 2007. Following the visit of the Secretary-General to the Court on 1 February 2007, the Prosecutor, Mr. Luis Moreno-Ocampo, met with the Secretary-General on 2 April and 28 August 2007. Other Court officials held frequent meetings with high-level United Nations officials to discuss issues of cooperation, including possible support in relation to arrests.

56. The Court worked to further enhance its cooperation with regional organizations. The President, First Vice-President, Prosecutor, Deputy Prosecutor (Prosecutions) and Registrar briefed the Permanent Representatives Committee of the African Union on 1 March 2007. In June 2007, the same officials visited Ghana, where they met with the President of Ghana and Chairperson of the African Union, H.E. John Kufuor. Conclusion of a memorandum of understanding between the Court and the African Union is pending. As indicated above, the Prosecutor also met with the Secretary-General, H.E. Amr Musa, of the League of Arab States in February, July and September 2007.

57. Officials and staff of the Court met regularly with their counterparts at the International Criminal Tribunal for the Former Yugoslavia ("ICTY"), the International

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<sup>7</sup> United Nations document A/62/314.

Criminal Tribunal for Rwanda (“ICTR”) and the Special Court for Sierra Leone (“Special Court”), as well as other institutions, to share information and lessons learned from their experience. On 5 June 2007, the Court hosted a meeting of the Judicial Club of The Hague, comprising the judges of the International Court of Justice, the Dutch Supreme Court (Hoge Raad), the International Criminal Court, the ICTY, the Permanent Court of Arbitration and the Iran-United States Claims Tribunal. Judges of the ICTR and of the Special Court in The Hague also participated. The annual colloquium of the prosecutors of international courts and tribunals was hosted jointly by the Court and the ICTY on 6 and 7 October 2006 in The Hague. The registrars of the international courts and tribunals held their annual meeting from 14 to 18 May 2007 within the framework of the Turin Conference on International Criminal Justice.

## **VI. Organization and administration of the Court**

### **A. Composition of the Court**

58. During the reporting period, judge Maureen Harding Clark resigned to accept appointment to the High Court of Ireland, judge Karl T. Hudson-Phillips resigned for personal reasons and judge Claude Jorda resigned for reasons of permanent ill-health. The Deputy Prosecutor (Investigations), Mr. Serge Brammertz, resigned in order to continue to serve as Commissioner of the United Nations International Independent Investigative Commission, a post he occupied while on leave from the Court.

59. Following the resignation of judge Jorda, the Presidency decided to temporarily attach judge Anita Ušacka to the Pre-Trial Division and to assign judge Ušacka to replace judge Jorda in Pre-Trial Chamber I from 25 June 2007.

60. Following the confirmation of charges against Mr. Lubanga Dyilo, the Presidency constituted Trial Chamber I comprising judges René Blattmann, Elizabeth Odio Benito and Adrian Fulford. On 12 July 2007, the judges of the Trial Chamber elected judge Fulford as Presiding judge for the trial of Mr. Lubanga Dyilo.

61. On 4 July 2007, the judges of the Pre-Trial Division re-elected judge Hans-Peter Kaul as President of the Division. Judge Navi Pillay was elected President of the Appeals Division effective 4 February 2007, succeeding judge Erkki Kourula. Judge Elizabeth Odio Benito was elected President of the Trial Division effective 17 September 2007.

62. At a plenary meeting on 14 June 2007, the judges of the Court decided in accordance with rule 12 of the Rules of Procedure and Evidence that a Deputy Registrar was to be elected. They will elect the Deputy Registrar from a list of candidates to be provided by the Registrar.

63. Taking into account that the term of office of the current Registrar will conclude in July 2008, the Presidency has initiated the process of election of a new Registrar in accordance with article 43 of the Statute and rule 12 of the Rules of Procedure and Evidence.

64. The Principal Counsel of the Office of Public Counsel for the Defence assumed office, and the Office provided assistance in accordance with the Regulations of the Court. To date, 126 persons have been inscribed on the list of counsel established pursuant to the Rules of Procedure and Evidence. One hundred and five of these counsel participated in consultations with the Court through a seminar for counsel in The Hague on 28 and 29 March 2007. All counsel on the list have been provided with access to an “extranet” specifically designed for them. The members of all relevant disciplinary bodies have been elected or

appointed, and the Registrar has appointed two independent legal aid commissioners to provide him with advice.

65. The Executive Director of the Trust Fund for Victims took office on 31 January 2007. The Fund's programmatic and financial frameworks were approved following extensive consultations, a communication strategy was elaborated and field activities were launched in Uganda and the Democratic Republic of the Congo. The Secretariat of the Fund began preparations to establish a fixed presence in the field by the end of 2007. States Parties continued to contribute to the Fund and to pledge contributions to the Fund.

## **B. Strategic planning**

66. Under the direction of the Coordination Council, the Court continued the implementation of the Strategic Plan, which had been adopted and submitted to the Assembly in 2006 (ICC-ASP/5/6). Among its priorities for implementation in 2007, the Court focused in particular on establishing and clarifying well-functioning decision-making processes between and within organs, implementing the Strategic Plan for outreach, developing a Court-wide strategy in relation to victims' issues and achieving substantial progress in reaching the objectives related to human resources. Implementation of the Strategic Plan strengthened coordination between the organs and the internal administration of the Court.

67. The Court is developing and aims to conclude a comprehensive human resources strategy before the next session of the Committee on Budget and Finance in the first semester of 2008. The human resources strategy focuses on identifying career development opportunities for well-performing staff, staff well-being, personnel development, training and staff recruitment.

68. In the implementation of its strategy on information and communications technologies (ICT), the Court established a project management office responsible for the standardization, optimization and improvement of current and future ICT projects, with the aim of contributing to the improvement of the judicial and administrative operations of the Court.

69. The Court used the Strategic Plan as the basis for developing the proposed programme budget for 2008. Objectives of programmes and subprogrammes were derived from the Court's strategic objectives, thereby improving the alignment of the Court's resources with its priorities.

70. Notwithstanding the gains, the Court's first experience with implementation of the Strategic Plan in 2007 fell short of its expectations. In late 2007, the Court will review its priorities, plans and processes for implementation of the Strategic Plan in 2008.

71. The Court engaged in dialogue with the Bureau of the Assembly through its Working Group in The Hague. The support of States Parties is essential to the successful implementation of the Strategic Plan. The Court will continue to work with the Working Group in The Hague to further enhance communication between the Court and States Parties.

## **C. Field operations**

72. Security was a serious concern in the different situations, in particular the Democratic Republic of the Congo and Darfur, Sudan. Due to the security situation, the Court carried out a temporary, complete evacuation of all personnel from the Kinshasa field office. A field medical support service system to aid staff in the field is being implemented. The Court established local protection and response measures for victims in Uganda and the Democratic

Republic of the Congo and in relation to the situation in Darfur, Sudan. The Court began to establish similar measures in the Central African Republic. However, the substantial increase in the number of individuals requiring protection, combined with insecurity and logistical constraints in the areas of operation, posed serious challenges for the Court in relation to the protection of victims and witnesses.

73. The Court further developed and consolidated its field offices in the light of circumstances in the different situations. The Court moved its premises in Kinshasa, Democratic Republic of the Congo, Abeché, Chad, and Kampala, Uganda, due to security, logistical and operational requirements. The Court consolidated and stabilized its forward field office in Bunia, Democratic Republic of the Congo, with a view to enabling the Court to operate with greater autonomy in the eastern part of that country. With the opening of the investigation in the Central African Republic, the Court began to set up a new field office in the capital, Bangui. In its field office moves and developments, the Court paid particular attention to ensuring that offices serve as representative faces of the Court in the different areas.

74. In line with the Strategic Plan for outreach, the Court added staff dedicated to carrying out outreach activities to its field offices. The Court also recruited field-based staff to increase its activities intended to inform, support and train legal representatives and other intermediaries of victims, thereby enhancing its support to victims seeking to participate in proceedings or to obtain reparations.

75. Communications in the field were enhanced by the deployment of technology providing connections to Headquarters without reliance on local infrastructures. This permitted the extension of the Court's telephone system and some applications to field offices. The total information infrastructure continued to be secured with the deployment of both hardware and software encryption techniques and protection devices.

#### **D. Premises**

76. In August 2007, the Court reached the full level of capacity of the Arc building. In addition to the Arc building, the Court continued to occupy space in the Hoftoren building. The host State has agreed to provide the Court with additional interim premises, which are now expected to be available in September 2008. The Court and the host State continued to discuss possible solutions for meeting the Court's interim premises needs until these premises are available.

77. Pursuant to a request by the Assembly, the Court developed a detailed functional brief setting out its requirements, as user, for the permanent premises. In consultation with the host State, the Court also prepared cost estimates for the project and a provisional timetable. The Court engaged in discussion on the permanent premises with States Parties through the Working Group of the Bureau in The Hague and participated in meetings of experts convened by the Working Group.

#### **E. Support to the Special Court for Sierra Leone**

78. In accordance with the Memorandum of Understanding concluded on 13 April 2006, the Court continued to provide courtroom services and facilities, detention services and facilities and other related assistance to the Special Court to enable the latter to conduct the trial of Mr. Charles Taylor in The Hague. The trial of Mr. Taylor began in The Hague on 4 June 2007.

## **VII. Conclusion**

79. During the reporting period the Court completed the first cycle of pre-trial activities in a case and began preparations for the first trial. The Court is contributing to the objectives for which it was created by States Parties. However, the extent to which the Court can achieve these objectives depends not only on the Court itself but also on the cooperation provided by States and, by extension, international organizations. Despite six public warrants of arrest being outstanding and requests for the arrest and surrender of persons subject to warrants being issued, no persons were arrested and surrendered to the Court during the reporting period.