



Newsletter

June/July 2007 #16

Editorial p.1 | ICC marks five years since entry into force of Rome Statute p.1 | Resignation of the Deputy Prosecutor for Investigations p.2 | Mr Lubanga appoints a new defence counsel and Trial Chamber I prepares the hearing agenda p.3 | The OPCV provides assistance for all four situations at the ICC p.3 | ICC campaign launched on national TV in the DRC p.4 | Outreach for Sudanese expatriates p.4 | ICC holds mass outreach in IDP Camps in Uganda p.4 | Executive Director of the Trust Fund for Victims completes first visit to Uganda p.5 | The Registrar meets with States Parties' representatives in New York p.6 | *Inchallah* photographic exhibition held at the ICC p.6 | Accession of Japan to the Rome Statute p.6 | Update on the work of the Assembly of States Parties p.7 |

Editorial

This edition of the ICC Newsletter is dedicated to the observation of World Day for International Justice and the decision of Trial Chamber I in the Lubanga case to invite the Office of the Prosecutor, the defence and victim's representatives to submit their requests for issues to be discussed in the upcoming hearings in preparation for the trial. The hearings will start on 4 September allowing participants a voice in these arrangements. These hearings should not however, be interpreted as the initiation of the trial.

Japan's accession to the Rome Statute also on the occasion of International Justice Day, was welcomed by the Court in ceremonies in New York and The Hague. The growing list of States Parties to the Statute reflects the confidence that States have in how the Court continues to achieve its objectives.

Preparations are ongoing for meetings that will take place at the seat of the Court in September. The Committee on Budget and Finance will meet from 10 to 18 September. The Registrar and the Prosecutor will hold non-governmental organisation briefings from 25 to 26 and 27 to 28 September, respectively.

Bruno Cathala, Registrar

ICC marks five years since entry into force of Rome Statute

Five years ago the Rome Statute of the International Criminal Court (ICC) entered into force, ushering in a new era of accountability for international crimes. As expressed in its preamble, the aims of the Rome Statute are to put an end to impunity, to contribute to the prevention of the most serious international crimes and to guarantee lasting respect for and enforcement of international justice.

The entry into force of the Rome Statute in 2002 marked the transition of the ICC from an idea to a reality. With the election of the first judges, Prosecutor and Registrar one year later, the institution began to take shape. Since its actual establishment in 2003, the ICC has come a long way. An entire international institution has been built from scratch. The ICC has recruited a highly talented and diverse staff from around the world, put in place its administrative framework and established much of its core infrastructure in The Hague as well as several offices in the field. Today, the ICC is a fully-functioning judicial institution focused on its core activities of investigating and conducting trials of individuals accused of genocide, crimes against humanity or war crimes.

The first situations were referred to the ICC in early 2004. Within the space of eighteen months, the Prosecutor opened investigations into alleged grave crimes in three different countries - Uganda, the Democratic Republic of the Congo and Sudan (Darfur). A fourth investigation was opened this year in the Central African Republic. The judges have issued eight arrest warrants in three different cases. Following the execution of one of these warrants and the subsequent confirmation of charges by the judges of the Pre-Trial Chamber, the first trial will begin later this year. With more arrests will come more trials.

Continued on page 2

Continued from page 1

We have learned much about the prospects and promise of the ICC in its so far very brief existence. The ICC operates in circumstances unlike those faced by any previous international court or tribunal. It is active in situations of ongoing conflict where crimes continue to be committed. This presents significant challenges in terms of investigations, security, outreach and logistics, all of which underscore the importance of international co-operation to the ICC. At the same time, it is precisely because the ICC operates in situations where crimes are ongoing that it is today being credited with having a shorter term impact in preventing crimes than originally anticipated - and not just a long-term deterrent effect as was once thought.

Achieving the aims of the Rome Statute will be a collective effort. The ICC can have a truly global reach through universal ratification of the Rome Statute. One-hundred-and-four countries have ratified or acceded to the Rome Statute since it opened for signature in 1998. This is an unusually rapid pace for a treaty setting up an international organisation, especially one as complex as the ICC, and reflects both the clear need for the ICC and the confidence of States in the fairness and credibility of this new judicial institution. We nonetheless remain some distance from the objective of universality which is inherent in the Rome Statute.

In all stages of its activities, the ICC relies on the co-operation of states and, by extension, international organisations to

carry out certain key functions such as the arrest and surrender of persons accused of committing crimes, the relocation of witnesses and the enforcement of sentences. The first years of the ICC have highlighted the importance of co-operation in different regards. Warrants of arrest have been outstanding since 2005. Ensuring the necessary co-operation will be a primary challenge for the ICC and for the States Parties in the years to come.

The ICC has had a significant early positive impact going beyond its investigations and prosecutions. Following the adoption and entry into force of the Rome Statute, many countries reviewed their domestic legislation governing genocide, crimes against humanity and war crimes. In several

countries, this review led to amendments or upgrades to existing legislation. These countries are now in a better position to investigate and prosecute these crimes themselves. This is important because the ICC is a court of last resort. The primary responsibility to investigate serious international crimes, like all crimes, belongs to states. The ICC will only ever act when national jurisdictions are unwilling or unable genuinely to investigate crimes within its jurisdiction.

The entry into force of the Rome Statute and the initial development of the ICC occurred much faster than was expected. Our experience has clearly demonstrated that the success of the ICC depends critically on the co-operation received. The continued strong support of states, international organisations and civil society will be essential to maintaining and building on the momentum of the past five years.



President of the Court, Judge Philippe Kirsch © Hans Hordijk

The President of the Court,
Judge Philippe Kirsch

Resignation of the Deputy Prosecutor for Investigations

On 14 June 2007, Mr Serge Brammertz, Deputy Prosecutor for Investigations, submitted his resignation from the International Criminal Court (ICC). At the request of the United Nations Secretary-General, Mr Brammertz will continue to serve as the Commissioner of the United Nations International Independent Investigation Commission.

The President of the ICC, Judge Philippe Kirsch, informed the President of the Bureau of the Assembly of States Parties, H.E. Bruno Stagno Ugarte, of Mr Brammertz's resignation.

Mr Brammertz was elected Deputy Prosecutor for Investigations in September 2003. The Prosecutor of the ICC, Mr Luis Moreno-Ocampo, has expressed his gratitude to Mr Brammertz on behalf of the Office of the Prosecutor.

The ICC is grateful for Mr Brammertz's contribution to the Court and wishes Mr Brammertz all the best in his continuing service as Commissioner of the United Nations International Independent Investigation Commission.

Mr Serge Brammertz © Reporters



Mr Lubanga appoints a new defence counsel and Trial Chamber I prepares the hearing agenda



Mr Lubanga's new defence counsel, Ms Mabille © ICC-CPI

Mr Thomas Lubanga Dyilo appointed Ms Catherine Mabille as his new defence counsel, on 20 June, 2007, following the resignation of Mr Jean Flamme in February 2007. Ms Mabille accepted the appointment to provide legal assistance to Mr Lubanga, and signed an undertaking to respect the obligations under article 22.3 of the Code of Professional Conduct for counsel on 6 July, 2007. Ms Mabille is currently in the process of establishing her team of co-counsel, legal assistants, interns, etc.

Additional resources for the trial phase were granted to the defence. The Registrar's decision, issued on 14 June, 2007, aims to ensure a harmonious transition from the precedent defence counsel to the new one. The new defence team will comprise a legal counsel

at P-5 level, one legal advisor at P-4 level, two legal officers at P-2 level and one assistant at P-1 level; it will also benefit from the renewal of the €55,315 investigation budget and other measures to assist the work of the new team.

In order to facilitate the efficient preparation of the Lubanga trial, and taking into consideration the time necessary for the new defence counsel to familiarise itself with the case, the judges of Trial Chamber I announced their decision on 18 July, 2007, to invite all parties and participants to submit their requests regarding issues requiring early determination. The judges also asked the Registrar to inform those victims who have requested to participate in the proceedings of this decision. Victims granted victim status before the Pre-Trial Chamber will be able to participate in this hearing to present their views and concerns through their legal representatives, without prejudice to any later submissions and determination as regards participation of other victims in these proceedings. The first hearing will take place on 4 September, in order for Trial Chamber I to ascertain areas of agreement and to hear the parties and participants submissions where agreement has not been achieved or where the judges are not persuaded by any of the agreed proposals. Thereafter, the judges will issue directions as to the agenda and timetable of the coming hearings.

The preliminary list of issues suggested

by Trial Chamber I as requiring early determination will include *inter alia*, the date of the trial; the languages to be used in the proceedings; the e-Court protocol regarding the technical protocol for the submission of evidence in electronic form for use in the trial proceedings; the procedures to be adopted for instructing expert witnesses; the role of victims in the proceedings in the period leading up to the commencement of the trial; the status before Trial Chamber I of the evidence heard by the Pre-Trial Chamber; and the status of the decisions of the Pre-Trial Chamber in the trial proceedings.

Judicial updates on the Lubanga case

Following the applications filed by the prosecution and the defence on 5 February requesting **leave to appeal** the decision on the confirmation of charges against Thomas Lubanga, the Pre-Trial Chamber I rejected the requests on 24 May.

On 13 June 2007, the Appeals Chamber also dismissed the appeal filed by Thomas Lubanga's defence counsel on 30 January 2007. The Appeals Chamber decided that article 82(1)(b) of the Rome Statute confers exclusively a right to appeal a decision that deals with the detention or release of a person subject to a warrant of arrest, but does not confer the right to appeal a decision on the confirmation of charges.

The OPCV provides assistance for all four situations at the ICC

The confirmation of charges hearing of *The Prosecutor v. Mr Thomas Lubanga Dyilo* case constitutes a landmark with regards to victim participation in court proceedings. For the first time in the history of international criminal justice, four victims were able to take part in the confirmation hearing of the International Criminal Court's (ICC) Pre-Trial Chamber I.

Using the services of The Office of Public Counsel for Victims (OPCV), established on 19 September 2005, to provide support and legal assistance to the legal representatives of victims and to victims, the victim's participation in the Lubanga case set a precedent. The Office provided extensive assistance both inside and outside

the courtroom and attended specific hearings on behalf of victims' legal representatives when they were unable to attend themselves. To date, the OPCV is currently providing support and assistance to 14 legal representatives concerned with any of the four situations presently under investigation in the Democratic Republic of the Congo, Uganda, the Central African Republic and Sudan and of the cases of *The Prosecutor v. Thomas Lubanga*, *The Prosecutor v. Joseph Kony et al.* and *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman*. In the course of this assistance, the members of the Office have delivered substantive legal advice and conducted extensive legal research.

The Office is also providing legal assistance to the 49 persons who applied to participate in the situation in Uganda and in *The Prosecutor v. Joseph Kony et al.* case following the decision of the Pre-Trial Chamber dated 1 February 2007.

The OPCV is currently drafting an annotated version of the legal texts of the Court including the Rome Statute, the Rules of Procedure and Evidence, the Regulations of the Court and the Regulations of the Registry, in order to help legal representatives with a clear overview of the texts used together with the relevant jurisprudence of the Court. A legal database and library containing over 300 materials for the use of staff and legal representatives is also being developed.

ICC campaign launched on national TV in the DRC

As part of a wider outreach strategy for 2007, the International Criminal Court (ICC) has produced a visual demonstration of the work of the Court in a series of five minute theatre sketches for television in the Democratic Republic of the Congo (DRC). Starting on 19 July, the sketches have been broadcast during peak hours, three times a day by two national TV stations, RTNC (public service) and Digital Congo TV. The various themes of the mini-plays include amongst others, the rights of victims, the rights of the defence, crimes under the jurisdiction of the Court and the principle of complementarity.

Diplomats based in the capital, representatives of the United Nations (UN) agencies, non-governmental organisations (NGOs) and journalists were invited to the campaign launch. Following a favourable response some NGOs and UN agencies offered to help re-broadcast the Court's message when carrying out their own activities.



Invited guests attend the campaign launch in Kinshasa © ICC-CPI

With regard to outreach for the population living in the 12 district areas of Bunia, the Court will increase its use of radio broadcasts to inform them regularly about the judicial proceedings in The Hague. In this manner the ICC is addressing the recommendation made

by partners evaluating the impact of the Court's outreach in the area. As an extension of the media programme aimed at raising awareness and expanding the reach of the Court, a series of radio broadcasts entitled, "*Connaître la Cour Pénal Internationale*" were made in Bunia by local community radio stations and produced in collaboration with the Court. The first three of five programmes, "*La CPI en RDC*", "*Les droits des victimes*" and "*Les droits de la défense*" were produced with *Radio Okapi* and distributed to *Canal Révélation*, *Radio Candip* and *Radio Tangazeni Kristo* for broadcast throughout the Ituri region. Starting in July until the end of September, each theme will be aired by each station, twice a week for one month in French, Swahili and other local languages. Other radio stations in the Ituri region will also receive pre-recorded versions. It is envisaged that the remaining two programmes will be broadcast from October until the end of 2007.

Two radio programmes, "*Institution, c'est facile à comprendre*" and "*Droit et devoir*", were also broadcast nationally in June. *Radio Okapi* aired the programmes in French and local languages including Swahili and Lingala, with logistical support from the UN.

As part of the Outreach Unit's strategy to visit the Ituri region twice a month, field officers visited the area in June and July to raise awareness amongst the different religious communities. Several meetings took place with over 250 members of the various groups and their religious spiritual leaders to discuss issues related to the Court's mandate and recent developments in the Lubanga case. In response to a request by the religious leaders the Court held an outreach meeting

to explain the rights of victims to participate at all stages in the proceedings and the mechanisms in place to do so. Other general issues related to the Court were also discussed. Commenting on the meeting, many of the religious leaders asked for more regular case updates so that they themselves can disseminate the information to their own communities.

Outreach for Sudanese expatriates

Representatives of the legal community and civil society, including artists and journalists from Sudan living abroad, participated in two three-day seminars held by the International Criminal Court (ICC) as part of its outreach strategy for Sudan.

During the seminars, ICC officials from the Office of the Prosecutor, the Registry and the Office of Public Counsel for the Defence, held a frank and open dialogue with Sudanese expatriates. "When the seminar started, we had distorted information about the ICC and its principles with respect to what is happening in Darfur. Participating in this seminar has opened our eyes and now we understand that the Court works independently and that it is a legitimate and judicial institution and not a political body," said one of the participants.

The participants, all expatriates involved in activities related to peace, justice and social development for Sudan, agreed that it is necessary to provide accurate information about the Court to clarify misinformation that is circulating in the country.

ICC holds mass outreach in IDP Camps in Uganda

As a result of mass outreach activities conducted in Internally Displaced People's (IDP) camps and an interactive weekly radio programme launched on 19 July, people in northern Uganda have extended their understanding of the judicial role of the Court and its mandate. Misperceptions have been corrected directly by ICC officials disseminating accurate information and responding directly to the concerns of the affected population.

A large turn-out of residents from two IDP camps in the Kaberamaido district of

Uganda's Teso region, took part in the initial face-to-face interactive meetings with ICC Outreach officials. Over 2,500 people attended the two large-scale open-air meetings held in June at the Abalang and Otuboi IDP camps. The meetings, conducted in English and the local languages of Luo and Ateso were used to provide an explanation and update of the role of the ICC with regard to the situation in northern Uganda, after which Outreach officials responded to questions raised by participants.

Ogolo IDP camp residents participating in the Outreach meeting in Adjumani © ICC-CPI





Drama portraying a LRA abduction, Otuboi IDP camp, Kaberamaido district © ICC-CPI

The participants also requested the Outreach Team to organise additional meetings to further explain victim's rights before the Court. At the Otuboi camp, primary school-going children also approached Court officials to request a session about children's rights before the ICC. Local drama groups performed plays portraying the suffering that the communities have experienced during Lord's Resistance Army (LRA) incursions.

Following the success of its IDP camp programme in the Teso region, the Court's Outreach Team prepared similar activities in July for the Adjumani district in the West Nile region. Meetings were attended

by residents of the Aringa Pii and Ogolo camps, organised in co-operation with the local camp leadership and local government. Those taking part were able to raise questions following presentations provided by the Outreach Unit in both the local Madi language and English, and requests were made for further meetings to explain the rights of victims before the Court. Drama groups were once again successfully employed.

Seventy leaders from the Amuria district in the Teso region of Uganda invited Outreach officials to facilitate an information workshop that would extend the level of

understanding of the Court at a grass roots level. The workshop was attended by leaders from ten camps including Abarilela, Acowa, Akome, Amuria Town Council, Asamuk, Kapelebyong, Murungatuny, Obalan, Orungo and Oditel. District and sub-county councillors also attended.

In Kampala, officers from the Ugandan Police Force including district police commanders from the Kampala Extra region, criminal investigators, trainers, legal, community affairs and public relations officers as well as officials from Interpol Kampala, attended a one-day information workshop in July, aimed at broadening the Ugandan Police Forces' current understanding of the ICC. The workshop, held on the occasion of the International Day of Justice, was organised in collaboration with the Uganda Coalition for the International Criminal Court (UCICC), and included presentations given by the Registry and the Office of the Prosecutor on the ICC's mandate and activities in Uganda, judicial phases and how victims could participate in the proceedings. Participants had the opportunity to ask questions and a commitment was made to share information about the Court and the international justice system through existing Police programmes. In her closing remarks, the Commissioner of Police in-Charge of Non-Human Resources, Ms Elizabeth Muwanga, on behalf of the Inspector General of Police, asked the ICC to organise a similar workshop for their colleagues in northern Uganda.

Executive Director of the Trust Fund for Victims completes first visit to Uganda

The Executive Director of the Secretariat of the Trust Fund for Victims, Mr André Laperrière, paid a week-long visit to Uganda in June. This visit, Mr Laperrière first to the region, was intended to promote awareness about the mandate of the Trust Fund, in addition to conducting an initial assessment of the assistance being provided to victims that have suffered from the conflict in northern Uganda. Mr Laperrière used the opportunity to address concerns with regards to issues concerning compensation, rehabilitation and restitution for victims in the region.

Along with officials from the Victims Participation and Reparations Section (VPRS) and the Public Information and Documentation Section (PIDS), Mr Laperrière

met with representatives of international organisations in Kampala. These included officials from the Danish International Development Agency (DANIDA), The Royal Netherlands Embassy, the United Nations Office of the High Commissioner for Human Rights, the United Nations Development Programme (UNDP) and other international non-governmental organisations (NGOs). He also held discussions with the Victims' Rights Working Group and the Uganda Coalition for the International Criminal Court (UCICC), and met with Mr David Wakikona, the government minister of state in charge of Northern Uganda Rehabilitation.

In order to understand the concerns of the communities most affected by the conflict, the Executive Director visited the

northern Ugandan districts of Gulu, Lira, Oyam and Pader, along with the West Nile district of Adjumani. He visited the displaced communities living in the Internally Displaced Peoples (IDP) camp of Patongo, in the Pader district, and Apungi village in Abia sub-county, in the Lira district, where he met with many victims of the conflict.

During his stay, Mr Laperrière held discussions and exchanged ideas with several humanitarian, traditional and religious agencies handling victims' issues. These included the paramount chief of Acholi, Lango traditional leaders, as well as religious leaders working in northern Uganda. A roundtable discussion with civil society networks in the Gulu and Lira districts was also held. The networks co-ordinate the activities of the various NGO and civil society actors in their respective districts.

The Registrar meets with States Parties' representatives in New York

As part of the bi-annual dialogue with States Parties' representatives the Registrar of the International Criminal Court (ICC), Bruno Cathala, travelled on mission to New York from 12 to 15 June. Discussions focused on the main features of the Court's 2008 draft programme budget, outlining the assumptions around which the draft budget submission was built and the objectives for the forthcoming year. The lessons drawn from the budget from the Court's own experiences with field operations and judicial work were also considered in this forum.

During this visit the Registrar also met representatives of various civil society organisations and the Coalition for the International Criminal Court, exchanging information on the 2008 draft programme budget as well as on the latest developments at the Court in the areas of outreach, victims' participation, witness protection, etc.

Meetings with various representatives of the United Nations Secretariat as well as relevant UN humanitarian agencies also took place. The Registrar updated the participants to these meetings on the current status of the International Criminal Court judicial proceedings as well as its field operations in each of the four situations.

The Registrar also exchanged views with States Parties representatives as well as United Nations officials on various issues

related to co-operation between the Court and their governments and, respectively, the United Nations.

During a press conference held in the afternoon of 14 June, at the United Nations headquarters, Mr Cathala updated correspondents on the Court's activities including its complex field operations. The Registrar emphasized that in spite of its young age the Court has to date, accomplished a great deal. He also shared his recent experiences in the field, reiterating the concerns of people he met in Bunia, in the eastern part of the Democratic Republic of the Congo, and in Chad where he visited three refugee camps. He stressed the importance of international organisations' and States co-operation in the execution of the outstanding arrest warrants. To date, seven arrest warrants have been issued by the Court, five as early as 2005, and have not yet been enforced.

Whilst the Registrar was in New York, UN Radio took the opportunity to interview him about the cases before the International Criminal Court: *The Prosecutor v. Thomas Lubanga Dyilo*, *The Prosecutor v. Ahmad Muhammad Harun* ("Ahmad Harun") and *Ali Muhammad Ali Abd-Al-Rahman* ("Ali Kushayb"), *The Prosecutor v. Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen* and the opening of the investigation by the Prosecutor in the Central African Republic.

Inchallah photographic exhibition held at the ICC

A photographic exhibition entitled '*Inchallah: the spirit of those who remain*' was held in the Court's D-wing. The exhibition, featuring the lives of people living in the Kalma camp in southern Darfur, Sudan, was made by ICC official Aude Le Goff. Ms Le Goff worked as a field legal officer for a non-governmental organisation in Sudan from September 2006 until February 2007. However, it was a personal decision to make a visual record of the lives of the Internally Displaced People (IDP) in the camp.



D-wing hosts photographic exhibition © ICC-CPI

The photographs were for sale with all profits donated to the Trust Fund for Victims to help the survivors of the situation in Darfur.

Accession of Japan to the Rome Statute

Japan deposited its instrument of accession to the Rome Statute of the International Criminal Court (ICC) on 17 July, 2007. The accession was announced on World Day for International Justice in honour of the adoption of the ICC Statute, the Court's founding treaty, on 17 July, 1998.

When the Statute enters into force for Japan on 1 October, the total number of States Parties to the Rome Statute will be 105.



H.E. Ambassador Kenzo Oshima, Permanent Representative of Japan to the United Nations and Ms Annebeth Rosenboom, Chief of the United Nations Treaty Section © ASP

Update on the work of the Assembly of States Parties



H.E. Mr Erwin Kubesch (Austria), Vice-President of the Assembly and H.E. Mr Rolf Fife (Norway), focal point of the Assembly on the topic of the Review Conference © ASP

Elections

As at 16 July, the Secretariat had received three nominations for the election to fill three judicial vacancies. The election is scheduled for the sixth session of the Assembly in New York, from 30 November to 14 December, 2007.

As regards the election of six members of the Committee on Budget and Finance, the Secretariat had received four nominations.

The nomination period for the three judicial vacancies and for the six seats on the Committee on Budget and Finance ends on 24 August. All nominations are available on the website of the Court (www.icc-cpi.int), under 'Assembly of States Parties/Elections'.

The Bureau of the Assembly

On 6 July, the Bureau was informed that since the term of office of the Registrar, Mr Bruno Cathala, will expire in July, 2008 the Court had commenced the procedure set out in rule 12, sub-rule 1, of the Rules of Procedure and Evidence, whereby the Presidency would establish a list of candidates and seek the recommendations of the Assembly at its sixth session.

Subsequently, the judges would proceed to elect the Registrar taking into account any recommendations by the Assembly.

Furthermore, the Bureau took note of the

decision of the plenary of judges that a Deputy Registrar be elected; the post had been approved by the Assembly at its fourth session in 2005.

The vacancy announcements for the posts of Registrar and Deputy Registrar are available on the website of the Court. The deadlines for applications are 15 and 30 August, respectively.

The Bureau also took note of the 14 June, 2007 resignation of the Deputy Prosecutor for Investigations, Mr Serge Brammertz. The Deputy Prosecutor had been elected for a six year period, from 3 November 2003 to 2 November, 2009; he had been on leave of absence since January 2006 while serving as Commissioner of the United Nations International Independent Investigation Commission. The Bureau was also informed that the Office of the Prosecutor was not requesting, at the moment, the inclusion of an agenda item on the election of a Deputy Prosecutor for the sixth session of the Assembly.

Furthermore, the Bureau was informed that the tentative dates for the resumed sixth session of the Assembly, to be held at United Nations Headquarters in New York, are 2 to 6 June, 2008. This resumed session would be devoted to the Special Working Group on the Crime of Aggression.

The Hague Working Group of the Bureau

The Working Group held its seventh meeting on 6 June to discuss the issues of co-operation and geographical representation and gender balance in the recruitment of staff.

At its eighth meeting, on 8 June, the Group heard a presentation by the Court on the proposed programme budget for 2008, which would amount to a total of approximately 99.5 million euros.

At its ninth meeting, on 20 June, the Working Group heard a presentation by the Court on the Strategic Plan, with a focus on the position of victims, as well as further considered the issues of co-operation and geographical representation and gender balance in the recruitment of staff.

On 26 June, the Working Group held an informal briefing in Brussels for embassies based in that city. The objective was to provide interested embassies with an update on the activities of the Group and to seek the views of those delegations that may not be able to attend the meetings in The Hague on a regular basis.

On 13 July, the facilitator for the strategic planning process of the Court, Ms Michèle Dubrocard, held a meeting on the status of the dialogue between States and the Court on the topic.

On 21 and 22 June, a meeting on permanent premises with States Parties experts and an expert from the Committee on Budget and Finance was held to, *inter alia*, validate the user requirements in the revised 'functional brief', consider the approach on the architectural design competition and further discuss the issue of governance arrangements.

As regards the revised functional brief, which includes scenarios for 879, 1137 and 1364 staff, the experts recommended reducing the area requirements by taking into account economies of scale, in particular with regard to the office workplace area, as well as the number of conference rooms and meeting rooms.

Continued on page 8

Continued from page 1

The experts further recommended that the architectural design competition consist of a two stage process that would last about one year. In addition, the experts were of the view that a decision was required at the sixth session of the Assembly on the composition of the jury and the criteria to be applied in selecting the architect.

On the issue of governance, the experts recommended a model whereby the Assembly would steer the project, with key input from the Court and the host State. The Assembly would also receive expert advice from the Committee on Budget and Finance and technical consultants. The experts also agreed that it was vital for the project to be headed by a highly qualified professional with vast experience in leading major construction projects. This professional would have to be recruited by early 2008 since he/she should be involved in the architectural design competition.

At the tenth meeting of The Hague Working Group, on 3 July, the facilitator on permanent premises briefed the Group on the outcome of the experts meeting. Another meeting of experts is scheduled to take place from 5 to 7 September, 2007.

The New York Working Group of the Bureau

The New York Working Group held its third and fourth meetings on 7 June and 6 July, respectively.

At its third meeting, the Group heard a presentation by the facilitator of The Hague



C. Wenaweser, Chairman of the Special Working Group on the Crime of Aggression © ASP

Working Group on the issue of geographical representation and gender balance in the recruitment of staff, Ambassador Mirjam Blaak (Uganda).

On the issue of co-operation, the facilitator, Ms Brechje Schwachöfer (The Netherlands) briefed the Working Group on the results of the consultations on the implementation of the relationship agreement between the United Nations and the International Criminal Court.

The facilitator for the Plan of Action for achieving universality and full implementation of the Rome Statute, Mr Alejandro Alday (Mexico), informed the Group of the ideas that had been raised during consultations to facilitate the exchange of information

on implementation issues, such as the establishment of a network of national contact points and the inclusion of implementing legislation and other useful documents on the website of the Court.

On 15 June, the Working Group held informal consultations with Ambassador Rolf Fife (Norway), the Assembly's focal point on the issue of the scope of the Review Conference. On 4 July, Mr Fife made a presentation to The Hague Working Group on this matter.

Special Working Group on the Crime of Aggression

The fourth inter-sessional meeting of the Special Working Group on the Crime of Aggression was held from 11 to 14 June, 2007 at the Liechtenstein Institute on Self Determination at the Woodrow Wilson School of Princeton University.

The Special Working Group focused on the definition of the crime of aggression and, in this connection, considered a revised proposal submitted by its Chairman, Ambassador Christian Wenaweser (Liechtenstein), which includes the leadership clause as part of the definition.

Divergent views were expressed as to whether the exercise of jurisdiction should require a prior determination of the State act of aggression by the Security Council and on the consequences of the absence of such determination.



Left: Review Conference participants of the Special Working Group on the Crime of Aggression © ASP