

February 2005

ICC NEWSLETTER

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EDITORIAL

No Court could exist without its administrative apparatus any more than a judicial administration would have a *raison d'être* without its Court. The ICC is no exception to the rule.

Like the other branches of the Court, the administrative apparatus being developed is making every effort to ensure that the Court can conduct fair trials resulting in fair decisions. Dynamic court support systems are one factor contributing to shorter trials.

We have been building up the Court's administrative systems for over two years now, always with an eye to achieving transparency, efficiency and accountability. Although there is a long way to go yet, the various teams at work in the administration have covered a great deal of ground and successfully handled many a challenge along the way. This capacity-building process is ongoing, drawing as ever on regular feedback from the users of our services.

At this stage in our institution's development, those front-line users most directly involved are the Pre-Trial Chamber judges, the Appeals Division judges, the investigation teams in the Office of the Prosecutor, and the Registry staff working in the field.

Bruno Cathala
Registrar

BUILDING AN EFFECTIVE & EFFICIENT COURT

Over the past two and a half years, everyone at the ICC has been working together, and in conjunction with many outside supporters, to build an effective and efficient Court.

Articles in this newsletter describe the building of the Court's physical structure and of some of its infrastructure. We have also established the Court's judicial structure, with the adoption by the judges of the Regulations of the Court. We have and continue to work hard to develop our relationship with the United Nations, States, non-governmental organisations, individuals and others.

In order to have an effective and efficient Court, it is also necessary to construct the requisite administrative framework. Much of this work has been accomplished with the assistance of working groups comprised of representatives of all organs of the Court.

One such working group has recently finalised a draft of the Staff Rules, which set out the duties, obligations and entitlements of staff. The Staff Rules have been provisionally adopted by the Coordination Council, consisting of myself, the

Prosecutor and the Registrar, pending a final review of the text, following which they will be presented to the Assembly of States Parties for approval.

Another inter-organ working group works to facilitate the promulgation of Administrative Instructions. These Instructions, issued by the Registrar with the consent of both the Prosecutor and myself, are critical to establishing administrative procedures on a wide range of issues.

As the Court moves into the judicial phase of its operations, we will continue, both internally and externally, to develop and enhance the Court's capabilities.



Philippe Kirsch
President of the ICC

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COURTROOM AND PUBLIC FACILITIES NEARING COMPLETION

The construction work on the new wing of the International Criminal Court, which began in mid-December 2003, is now nearing completion. The structure is designed to house courtroom and public facilities and is located within the confines of what were the parking decks of the Court, plus three additional floors above. Months of intensive work and negotiations have gone into the project, which will culminate in a state-of-the-art legal workplace.

The wing was designed by the Dutch government building agency (the RGD) under the patronage of the Dutch Ministry of Foreign Affairs and forms part of the host nation's contribution to the Court. The main courtroom includes many of the features seen in the ad hoc tribunals. As you will see from the diagram, it provides benches for the Judges, the Prosecutor, the Defence

and the accused, plus seating for the Registrar and law clerks directly in front of the Judges' bench. Unlike the Tribunals for Rwanda and the former Yugoslavia, and in accordance with the Rules of Procedure and Evidence and the Statute of the Court, there is seating for representatives of the victims, amici curiae and representatives of member states who may wish to be present during proceedings. Booths for interpreters, court reporters and audiovisual staff overlook the courtroom. The public gallery can accommodate 140 members of the press and public and is separated from the courtroom by bulletproof glass.

In addition to the courtrooms, a press briefing room, a media 'hot-desk' facility, a small public reference library, a lobby and a reception area for visitors to the Court have also been built. There are rooms for auxiliary

functions, including holding cells for the accused and a waiting area for witnesses.

Construction continues on a second, smaller courtroom with a gallery for approximately 70 people, due to be completed at the ICC's expense later this year.



Courtesy of: Rgd; Architect Gemma Koppen - Furniture, VMV Architects
'Architect's impression, July 2003'

I Defense/Accused - II Judges - III Public gallery - IV Prosecution - V Audio visual - VI Interpretation - VII Witness - VIII Registrar/law clerks

In Brief

DIRECTOR, COMMON ADMINISTRATIVE SERVICES DIVISION APPOINTED

At the end of November 2004, Ms Ida Goede left the ICC following a busy but rewarding time as Acting Director of the Common Administrative Services Division.

In her farewell statement she commented on the challenges faced in establishing the ICC: "It should never be overlooked by those ... that get disappointed or frustrated by the speed of progress ... that it is not always easy to see clearly just how much is being achieved. By looking at the situation from 'the sidelines', so to speak, it becomes clear that the ICC is writing world history. The enormity of such a task is astounding. If it were easy, it would already have been done". Ms Goede was succeeded on 22 November by Mr Ralph Martens. In essence, he will report directly to the Registrar, and will provide administrative support services to the Presidency and Chambers (the Judiciary), the Office of the Prosecutor (OTP), the Registry, and the Secretariat of the Assembly of State Parties (ASP), in particular in the areas of Human Resources, Finance, Budget and Control, Facilities Management and General Services, Information and Communication Technology, and Procurement.

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ICC HOLDS SEMINAR IN THE DEMOCRATIC REPUBLIC OF CONGO

Between 6 and 11 December 2004, lawyers, magistrates, media representatives and members of non-governmental organisations (NGOs) participated in a number of seminars and workshops organised in the Democratic Republic of Congo. The aim of these seminars and workshops was to promote a better understanding of the objectives, structure and functions of the International Criminal Court.

The event took place in Kinshasa and was organised jointly with the *Association pour la renaissance au Congo* (ARC), the Canadian Ministry of Foreign Affairs, and Freedom from Fear.

The week of activities entitled '*Mieux connaître la CPI*' (Understanding the ICC) commenced on Monday 6 December with a seminar for journalists. Opened by Mr Modeste Mulinga, President of the Haute autorité des médias (HAM), and by Mr

Christian Hemedi, President of ARC, the seminar was chaired by Mr Banza Tei Folo, Chef de Cabinet of the President of HAM.

The first topics covered were the role of the Presidency, Chambers, Registry and the Office of the Prosecutor. Mr Yves la Plume, Director of Radio Okapi, went on to address practical journalistic issues including the ethical obligations of journalists dealing with sensitive legal matters. This was followed by a presentation by Mrs Laure de Vulpian, radio station France Culture's judicial and legal correspondent, who described her work following judicial proceedings.

To conclude, an explanation was given of the structure, role and functions of the Public Information Units within the Registry and the Office of the Prosecutor. Journalists were given the contact details of Public Information Officers who could deal with their enquiries about the Court. The seminar

enabled the journalists to gain a better general understanding of the work of the Court. Over the following three days, workshops were organised on the Rome Statute. Introduced by the Registrar of the ICC, Mr Bruno Cathala, the workshops were attended alternately by lawyers, magistrates and members of NGOs from across the country. Themes included the functioning of the Court, the Court and transitional justice in the DRC, crimes of sexual violence, and the role of NGOs in relation to the work of the ICC.

On Friday and Saturday, a seminar on technical issues related to victims rights and the defence was coordinated by the Division of Victims and Counsel of the Registry. Presentations were followed by discussions. The participants consisted predominantly of Congolese legal practitioners and members of NGOs.

In Brief

The Strategic Planning group:

The President, the Prosecutor and the Registrar, in the Coordination Council (Coco), consider the development of a set of mutual objectives for the Court as a whole to be of the utmost importance.

To this end, the Coco has put in place an inter-organ Strategic Planning Group with a mandate to draft a 5-year strategic plan for the Court and to further develop the Court's strategic planning cycle. The Group is addressing issues such as the definition of strategic goals, Court growth, performance indicators, and inter-organ efficiency. Interim results have already been presented to the Coco and the final plan is to be completed in summer 2005.

European Union Member States visit the ICC

The European Commission, in cooperation with the Ministry of Justice of the Netherlands, organised a workshop for the European Network of Contact Points on the topic 'Persons Responsible for Genocide, Crimes against Humanity and War Crimes'.

The workshop was held on 23 and 24 November 2004 in The Hague. The contact points met with the Prosecutor of the ICC, Mr Luis Moreno-Ocampo, and the ICC Registrar, Mr Bruno Cathala, for discussions regarding the ICC and on the topic 'EU Member States – Complementarity in Practice'. Following these discussions, the representatives of the Member States visited the ICC Pre-Trial Courtroom.

In addition, Mr Serge Brammertz, Deputy Prosecutor (Investigations) of the ICC, took part in the panel discussions entitled 'What is the Network's Potential Added Value in Supporting the Work of the ICC and the Member States?' Also taking part in these discussions was Ms Irune Aquirrezabal of the Coalition of NGOs for the ICC.

In Brief

International and National Impact of the ICC

On Monday 6 and Tuesday 7 December 2004, the International Criminal Law Network (ICLN) held a conference at the Netherlands Congress Centre in The Hague entitled 'The International and National Impact of the ICC on Multilateral Relations, National Legislation and International Justice'.

The conference, chaired by Professor Cherif Bassiouni, President of the International Human Rights Law Institute, was opened by the Mayor of The Hague, Mr Wim Deetman, and by the President of the International Criminal Court, Judge Philippe Kirsch.

Subjects under discussion included 'The Impact of the ICC in Practice: the Case of Uganda and the DRC', and 'The Current Challenges facing the ICC'.

Keynote speakers included Emma Bonino, former European Commissioner for Humanitarian Affairs, Member of the European Parliament; Judge Navanethem Pillay, ICC; Pierre Richard Prosper, US Ambassador at Large for War Crimes; Judge Hans-Peter Kaul, ICC; Lucien Tibaruha, Solicitor General of Uganda; and Roy Lee, Professor at Columbia Law School and former Executive Secretary of the Rome Conference.

Presentations were also made by Serge Brammertz, Deputy Prosecutor of the ICC; Robin Vincent, Registrar of the Special Court for Sierra Leone; Phakiso Mochochoko, Senior Legal Officer in the Legal Advisory Section of the Registry of the ICC; John Holmes, Director of Erinys International Security Services; and Judge Mauro Politi, ICC.

Also speaking were representatives of international tribunals, international organisations, universities, private corporations and NGOs, including representatives of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Red Cross, OPCW, No Peace without Justice, Altus Global Alliance and the Max Planck Institute.

Around 150 participants, all active in international criminal law, took part in the two-day event.

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PROFILE OF ICC PRE-TRIAL CHAMBER JUDGES

The Pre-Trial Division is composed of judges with predominantly criminal trial expertise. In accordance with Article 39.3(a), they shall serve in this Division for a period of three years, and thereafter until the completion of any case if the hearing has already started.

The judges assigned to the Pre-Trial Division are the First Vice-President, Judge Akua Kuenyehia, Judge Fatoumata Diarra, Judge Claude Jorda, Judge Hans-Peter Kaul, Judge Mauro Politi, Judge Tuiloma Neroni Slade, and Judge Sylvia Steiner.

In December 2003 and June 2004 respectively, referrals were made by the governments of Uganda and the Democratic Republic of Congo (DRC). On 5 July 2004, the situation regarding Uganda was assigned to Pre-Trial Chamber II. The situation regarding the DRC was assigned to Pre-Trial Chamber I.

Judge Hans-Peter Kaul was elected President of the Pre-Trial Division. On 16 September 2004, Judge Claude Jorda was elected Presiding Judge of Pre-Trial Chamber I and Judge Tuiloma Neroni Slade of Pre-Trial Chamber II.

In December 2004, the Government of the Central African Republic asked the Office of the Prosecutor to investigate crimes under the jurisdiction of the Court that may have been committed since 1 July 2002 anywhere on its territory. On 19 January 2005, the Presidency assigned the situation regarding the Central African Republic to Pre-Trial Chamber III. On 4 February 2005, Judge Sylvia Steiner was elected Presiding Judge of Pre-Trial Chamber III.

PRE-TRIAL CHAMBER I

Pre-Trial Chamber I is composed of Judges Claude Jorda (France), presiding, Akua Kuenyehia (Ghana), First Vice-President of the Court, and Sylvia Steiner (Brazil). The Presidency assigned the situation regarding the Democratic Republic of Congo to this Pre-Trial Chamber.



Judge Jorda was elected for a six-year term from the Western European and Others Group of States (WEOG).

Before his election as a judge of the ICC, he was a judge at the International Criminal Tribunal for the Former Yugoslavia from 1994, where he became President in 1999. During his term as President of the ICTY, Judge Jorda initiated and supervised the implementation of significant reforms towards a more efficient judicial process. Judge Jorda has comprehensive legal experience in many different areas covering a wide range of legal practice.

He has been Attorney-General of the Appeals Courts of Paris and Bordeaux and Director of Judicial Services for the French Ministry of Justice. He has also taken part in judicial co-operation missions, in Chile, Guatemala, Côte d'Ivoire, Egypt, Algeria and Canada. Judge Jorda has contributed to various specialist legal publications on human rights and international humanitarian law and has written extensively on the role of victims and on the development of international criminal law.



Judge Kuenyehia was elected for a three-year term from the African Group of States.

She was the Dean of the Faculty of Law of the University of Ghana before her election as a judge. During her time at that university, she taught criminal law, gender and the law, international human rights law and public international law. She was co-ordinator of a research project entitled "Women and Law in Anglophone West Africa", which covered Ghana, Nigeria, Sierra Leone and The Gambia. She has written three books and numerous academic publications on gender and the law, family law and international human rights.

Judge Kuenyehia is a Barrister and Solicitor of the Supreme Court of Ghana. She has experience as a solicitor, advocate and human rights expert, and in criminal law and procedure. She also has experience as an administrator and has expertise in gender and the law, international human rights issues and was a member of the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW).



Judge Steiner was elected for a nine-year term from the Latin American and Caribbean Group of States (GRULAC).

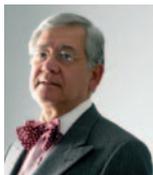
She has comprehensive experience in criminal law and in international law, in particular the international law of human rights and international humanitarian law. She was a lawyer from 1977 to 1982, and subsequently Federal Public Prosecutor from 1982 to 1995, in São Paulo, Brazil. In 1995, she was appointed to the Federal Court of Appeal, where she served as a judge until her election to the International Criminal Court in 2003. From 1989 to 1995, she was a member of the Penitentiary Council of São Paulo, where she served as a vice-president for four years. Judge Steiner obtained her law degree at the Law School of São Paulo University. In 1999 she received her specialist degree in criminal law at Brasilia University and in 2000 obtained her master's degree in international law at the Law School of São Paulo University.

Judge Steiner has written extensively on human rights, the rights of women and children, criminal law and international criminal law. Judge Sylvia Steiner is a founding associate member of the Brazilian Institute of Criminal Sciences, and was Deputy Director of the Brazilian Criminal Sciences Journal for four years. She is also a member of the Brazilian Judges for Democracy Association. Judge Steiner has been a member of the Executive Council of the Brazilian Section of the International Commission of Jurists. As a lecturing professor, Judge Steiner has addressed classes and given lectures at the most important universities in Brazil and at conferences in Latin America, Europe and Africa. Judge Steiner was a member of the Brazilian Delegation to the Preparatory Commission of the International Criminal Court from 1999 to 2002. She was also a member of the Official Working Group on the Implementation of the Rome Statute in 2003, in Brazil.

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PRE-TRIAL CHAMBER II

Pre-Trial Chamber II is composed of Judges Tuiloma Neroni Slade (Samoa), presiding, Mauro Politi (Italy) and Fatoumata Diarra (Mali). The Presidency assigned the situation regarding Uganda to this Pre-Trial Chamber.



Judge Tuiloma Neroni Slade was elected for a three-year term from the Asian Group of States.

He was formerly Attorney-General of Samoa. He has experience of the courts and competence in criminal law and procedure, having worked as an advocate and prosecutor from 1967 to 1982. From 1983 until 1993 he served as a senior legal advisor in the Legal Division of the Commonwealth Secretariat in London, working closely with the legal and judicial establishments of Commonwealth member states. For the next ten years, from 1993 until his election to the Court in 2003, he was the Permanent Representative of Samoa to the United Nations in New York. From 1995 onwards he led the Samoan delegations to international meetings and other processes for the development of the International Criminal Court. He was a Vice-President at the Rome Conference in 1998, and Coordinator for the Preamble and Final Clauses of the draft Statute of the Court.



Judge Politi was elected for a six-year term from the Western European and Others Group of States (WEOG).

He has been a full professor of international law at the University of Trento since 1990. Prior to this, and since 1976, he had taught at the Universities of Cagliari and Urbino. As Legal Adviser to the Permanent Mission of Italy to the United Nations (1992-2001), he participated actively in the negotiation process that led to the adoption of the Rome Statute. He also served on the Italian delegation to the Preparatory Commission for the ICC. During his judicial career (1969-1983), he was a judge at the Tribunals of Oristano and Milan. He was also Deputy Prosecutor at the Juvenile Court of Milan. In 2001, he was elected by the United Nations General Assembly to be on the list of ad litem judges of the International Criminal Tribunal for the Former Yugoslavia. As a former judge and prosecutor, he has dealt with numerous cases of

human rights violations and of violence and abuse against women and children. He has published several articles on the Rome Statute of the International Criminal Court and on the related Elements of Crimes.



Judge Diarra was elected for a nine-year term from the African Group of States.

She has a *certificat de licence en droit* (LLB) from Dakar University, a *maîtrise en droit privé* (LLM in private law) from the Mali *École Nationale d'Administration* (national college of public administration), she is a graduate of the *École Nationale de la Magistrature* (national college for the judiciary) in Paris, and holds a diploma in the Implementation of Regional and International Standards for the Protection of Human Rights. Immediately prior to her election to the ICC, she was serving as an ad litem judge at the International Criminal Tribunal for the Former Yugoslavia. Before this, she had been National Director of the Mali Justice Department, President of the Criminal Chamber of Bamako Appeals Court, President of the Assize Court, as well as an Examining Magistrate and Deputy Public Prosecutor.

Her civil society positions have included those of Vice-President of the International Federation of Women in Legal Careers (IFWLC), Vice-President of the African Women Jurists' Federation, President of the *Association des Juristes Maliennes* (Malian women jurists' association) and President of the *Observatoire des Droits de la Femme et de l'Enfant* (women's and children's rights monitoring body).

Judge Diarra has published several articles and carried out several studies, including one on three branches of law: family, national and international. Furthermore, she has worked with the ICRC on humanitarian law and with the *Agence de la Francophonie* (agency for the francophone world) within the framework of the Preparatory Committee on the draft Rules of Procedure and Evidence and on the definition of the Elements of Crimes which fall within the jurisdiction of the ICC. She has taken part in many international forums on women's and children's rights. She chaired the Preparatory Committee on the participation of Mali in the Beijing Summit in 1995.

PRE-TRIAL CHAMBER III

Pre-Trial Chamber III is composed of Judges Sylvia Steiner (Brazil), presiding, Hans-Peter Kaul (Germany), Tuiloma Neroni Slade (Samoa) and Sylvia Steiner (Brazil). The situation regarding the Central African Republic has been assigned to this Pre-Trial Chamber.



Judge Kaul was elected for a three-year term from the Western European and Others Group of States (WEOG), and was elected as the first President of the Pre-Trial Division.

Judge Kaul is qualified for the German bar. In 2002, he was appointed Ambassador and Commissioner of the Federal Foreign Office for the International Criminal Court. From 1996, Judge Kaul participated as head of the German delegation in the discussions and negotiation process on the Rome Statute of the International Criminal Court. Furthermore, in his capacity as Head of the Public International Law Division of the Federal Foreign Office (1996 - 2002), he was responsible, inter alia, for several cases involving Germany which were before the International Court of Justice. He has written extensively on the International Criminal Court and other fields of public international law.

Please note that Judge Sylvia Steiner is also a member of Pre-Trial Chamber I and Judge Tuiloma Neroni Slade is also a member of Pre-Trial Chamber II.

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THE LEGAL ADVISORY SECTION (LAS)

The Legal Advisory Section (LAS) is one of four sections and units in the ICC Office of the Prosecutor (OTP), working alongside the three operational divisions. The section may not be well known outside the Court and the OTP, but plays a vital role in providing legal services and training in the Office of the Prosecutor.

Headed by Morten Bergsmo (Norway), a veteran legal adviser to war crimes investigations in the former Yugoslavia, the LAS performs four functions: providing legal advice to the Immediate Office of the Prosecutor and the services and operational divisions of the OTP; developing and maintaining networked legal tools and services; providing legal training to members of the OTP; and developing the legal part of the academic network of the OTP.

In the past 15 months, the Section has produced more than 50 legal memoranda, covering a wide range of legal issues relevant to the work of the OTP. It has participated in the legal training of members of the operational divisions of the OTP and has been responsible for the ICC-OTP Guest Lecture series. The Section has extensive contacts with legal/academic experts and groups in Asia, Europe and North America.

The LAS is at the forefront of developing electronic and web-based legal tools and services. In the past year the Section has been working on five services, most of which will be completed shortly:

1. Two on-line Legal Commentaries: (i) a commentary on applicable elements of crimes and legal requirements of modes of liability; and (ii) a commentary on key procedural and evidentiary provisions in the ICC legal infrastructure.
2. The Legal Tools service: this is an electronic library of all key sources of information on international criminal law, including treaty law, international case law, national case law, internet resources, preparatory works and more.
3. The Legal Kit service: this is a mobile mini-library of international criminal law sources which will fit on a USB-drive and can be kept with the user

at all times. It contains all the main legal sources one needs when working on questions of international criminal law.

4. The Case Matrix application: this is a unique, law-driven case management application developed by the Section. Firstly, it provides an overview of elements of crimes and legal requirements of modes of liability for all offences in the Rome Statute. Each element or requirement is hyperlinked to the substantive on-line legal commentary for an elaboration of the legal standard or term in question. Secondly, it provides a comprehensive list of elements of proof for every element of crime and of legal requirements for the applicable modes of liability. Each element of proof is hyperlinked to a document providing a legal authority as to why this may be a relevant element of proof (with a precise indication of the source and a quotation from it). Finally, the Case Matrix provides a database service to organise and present the potential evidence or evidence of a case, broken down into the level of elements of every crime and legal requirements for the applicable modes of liability. This gives a unique overview of the status of the potential evidence or evidence of a case.

5. The Legal Issues Matrix: this is a database which aims at providing an instantaneous overview of the internal and main external legal sources addressing any specific provision in the ICC legal infrastructure, as a starting point for legal research and drafting.

In the words of Morten Bergsmo, there are several objectives underpinning the development of the legal tools: they will empower users to find answers to most legal questions they encounter by themselves through the computer network and, in so doing, will increase the autonomy and efficiency of existing staff, thus reducing growth in human resource needs. The tools will further avoid duplication of legal research and drafting exercises within the OTP and increase the quality of legal submissions and other legal drafting. Finally, the tools will make legal research and drafting more efficient and ensure proper legal direction of fact-finding and analysis.



Morten Bergsmo, © ICC-CPI

It is also noteworthy that some national criminal justice systems are expressing an interest in using the legal tools and methodologies developed by the Legal Advisory Section. The Case Matrix, for example, has been translated into Indonesian for use in the investigation and prosecution of international crimes cases in Indonesia.

Morten Bergsmo was Legal Adviser to the United Nations Commission of Experts for the former Yugoslavia between 1993 and 1994 and served as Legal Adviser to the ICTY Office of the Prosecutor between 1994 and 2002. He was the official representative of the ICTY to the UN negotiation process to establish the ICC. He was a consultant member of the ICC Advance Team and finally joined the ICC on 1 November 2002, coordinating the team which prepared the establishment of the ICC Office of the Prosecutor.

Gilbert Bitti (France), who is also a veteran of the ICC establishment phase and a renowned expert in international criminal law and procedure, works alongside Bergsmo as the Deputy Head of Section, with other staff members from countries as diverse as Australia, Korea, South Africa, Belarus and Spain. The section employs between five and ten law clerks, primarily assisting in the development of the legal tools.

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ICC PROSECUTORS ATTEND COLLOQUIUM ON THE CHALLENGES OF INTERNATIONAL CRIMINAL JUSTICE

From 25 to 27 November 2004, ICC Prosecutor Luis Moreno-Ocampo, along with Deputy Prosecutor (Investigations) Serge Brammertz and Deputy Prosecutor (Prosecutions) Fatou Bensouda, attended three days of discussions on how to meet the challenges of delivering international criminal justice.

Organised by Prosecutor Hassan Bubacar Jallow of the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, this historic colloquium brought together prosecutors and senior trial attorneys from the ICC, the ICTR, the International Criminal Tribunal for the former Yugoslavia, the Special Court for Sierra Leone, and a number of attorney-generals, humanitarian law experts, and academics from Africa, North America, Europe and the United Nations.

Delivering the keynote address at the opening ceremony, ICC Prosecutor Moreno-Ocampo said that the colloquium marked a milestone since the establishment by the UN Security Council of the ICTR, adding: "The creation of the ICTR served as an important demonstration that humanity can learn. Humanity can produce massacres but it can also learn from such tragedies". He congratulated the ICTR on its success in arresting, indicting,

and convicting a head of state for genocide, noting that it was a first in the history of humanity. He pledged to learn from the ICTR's achievements in carrying out the ICC's mandate under the Rome Statute and in helping to build a global legal system.

"We now have a body of jurisprudence that puts substance where there were only broad principles," he said. "And we are making our way toward universal criminal procedures that no longer respond to the labels of common or civil law."

Prosecutor Moreno-Ocampo also appealed to his fellow prosecutors in national systems to work in a cooperative and complementary way with the global legal system, citing a remark by ICC President Judge Philippe Kirsch that while international institutions such as the ICC must be independent at all times from states and state structures, they must nevertheless work in an interdependent manner with them. Mr Moreno-Ocampo then proposed that the emerging concept of interdependence be expanded to include cooperation with the communities where investigations into international crimes are taking place and that greater attention be paid to traditional reconciliation and justice mechanisms such as Gacaca in Rwanda.

Underlining the need to deliver international criminal justice in a swift and cost-effective way by focusing on those most responsible for the worst crimes, he said: "We have to learn how to interact with local communities, how to be independent and interdependent, how to explain our approach to them because we need them to work with us. We cannot do it without them."

At the end the three-day colloquium, the prosecutors issued a joint statement from the Arusha headquarters of the ICTR, where the conference was held, in which they reaffirmed their commitment to ending impunity, deterring crimes against humanity, instituting a culture of accountability and bringing about peace and reconciliation in post-conflict societies. The statement was signed by Prosecutors Moreno-Ocampo of the ICC, Carla Del Ponte of the ICTY, David Crane of the Special Court for Sierra Leone and Hassan Bubacar Jallow of the ICTR.

The prosecutors concluded the colloquium by laying the framework for a task force to gather and exchange strategies and best practices for the prosecution of international crimes. They agreed to meet again in Sierra Leone in six months' time.

SWEARING - IN OF DEPUTY PROSECUTOR FATOU BENSOU DA



On Monday 1 November 2004, Mrs Fatou Bensouda of The Gambia made her solemn undertaking as Deputy Prosecutor (Prosecutions) of the International Criminal Court in an open session of the Court. The ceremony and court session was presided over by the President of the ICC, Judge Philippe Kirsch. Following the President's opening address, Mr Felipe Paolillo, the Vice-President of the Assembly of States Parties, Mr Bruno Cathala, the Registrar of the Court, and Mr Luis Moreno-Ocampo, ICC Prosecutor, all took the floor to extend their welcome to the new Deputy Prosecutor. Prosecutor Hassan B. Jallow of the International Criminal Tribunal for Rwanda and Prosecutor Carla Del Ponte of the International Criminal Tribunal for the Former Yugoslavia followed with speeches and congratulations for Mrs Bensouda, who was elected for a period of nine years by the Assembly of State Parties of the International Criminal Court on 8 September 2004. As Deputy Prosecutor (Prosecutions), Mrs Fatou Bensouda will head the management of the Prosecution Division of the Office of the Prosecutor, reporting directly to the Prosecutor, Mr Moreno-Ocampo. All staff of the Office of the Prosecutor were invited to attend the ceremony.

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THE FUTURE OF COURTROOM TECHNOLOGY: ICC BUILDS AN E-COURT



ings, but also save a considerable amount of space.

Each courtroom will be fitted with:

- eight cameras - six unobtrusively installed around each courtroom, one has also been installed in the public galleries and one in a remote witness room;
- video tele-conferencing facilities designed for communication with witnesses in the field. In the event that there is no field office in the vicinity of a witness, equipment consisting of satellite facilities, satellite phones or even a generator may be required;

Both courtrooms will have network connections and with visual display units on which the Electronic Court System (e-Court) will run. This system will allow users to view real-time transcripts and to make any necessary annotations. It will also support evidence analysis and presentation.

Initial appearances, judgments and sentencings will be broadcast live. The audio and video feed of all other hearings will be transmitted with a 45 minute delay for witness protection purposes.

In addition to this, up-to-date security measures will be taken as deemed appropriate in accordance with the Statute of the Court and the Rules of Procedure and Evidence. Witnesses will be protected by either face and/or voice distortion if and when necessary.

Adjacent to the courtrooms, the modern media centre will be equipped with:

- video and audio connections – members of the media

present in the media centre will be able to monitor directly the feed from one of six interpretation channels;

- media 'hot desks', with outputs for internet use and audio-visual recording equipment;
- telephone lines and computer connections.

The briefing room will be equipped with plasma screens displaying delayed or live courtroom feed.

A breakout box will provide satellite uplink trucks with courtroom footage outside of the Court building.

And, as impressive as the audio-visual infrastructure already is, there is even more to an e-Court:

To be an e-Court - a Court where almost no hardcopies are required all material must be in an electronic version from the start. Regulation 26 of the Regulations of the Court requires all documents submitted for registration to be in electronic form whenever possible. In addition, Rule 15 of the Rules of Procedure and Evidence establishes that it is fundamental to have a database system to maintain all records of the Court.

Electronic Records:

The Court is implementing an Electronic Document Management System (EDMS) which will be the main storage place for all court records.

A Court Management System (CMS) is currently being built to support business processes such as the registration or notification of filings.

In Brief

Registrars of the International Courts meet in Arusha:

On 8 and 9 February 2005, Mr Bruno Cathala, Registrar of the International Criminal Court (ICC), Mr Hans Holthuis, Registrar of the International Criminal Tribunal for the former Yugoslavia (ICTY), Mr Adama Dieng, Registrar of the International Criminal Tribunal for Rwanda (ICTR) and Mr Robin Vincent, Registrar of the Special Court for Sierra Leone (SCSL) met at the seat of the ICTR in Arusha, Tanzania. The meetings were held to 'pursue talks, initially held over a year ago, with a view to consolidating cooperation ties among the different courts'. For the full text of their Joint Declaration on the Identification of Good Practices in the Administration of International Criminal Justice please go to: www.icc-cpi.int/press/pressreleases/91.html

Visit our Website : <http://www.icc-cpi.int>

THE ICC LIBRARY

The Library of the International Criminal Court represents an important tool for ICC officials, the legal community, academic representatives, researchers and members of the media interested in the development of international criminal law.

Establishing a law library to meet the needs of the first permanent international criminal court is an enormous undertaking. However, in 2003, following the arrival of the Chief Librarian in July, much has been achieved to initiate the funding of a modest library in what will in future become a mandatory point of reference for those interested in criminal law.

Last year saw the establishment of the ICC Library Committee, which includes representatives from each organ of the Court. The Committee, which acts in an advisory capacity, met regularly and worked rigorously to ensure that the library needs of each organ of the Court are represented. It provides guidance on collection development issues, ensuring that there is a balance between digital and print resources and common and civil law material. It reviews expensive purchases and serial and database subscriptions, as well as discussing policy issues such as the selection of appropriate classification and cataloguing systems.

The Library uses the Anglo-American Cataloguing Rules (AACRII), MARC21, the LC classification systems and LC subject headings, as well as the French equivalent Répertoire de vedettes matière. The benefit of using these systems is that they are based on international standards, are regularly updated by international bodies, and allow for the sharing of catalogue records.

The Library also has an intranet presence, including links to online databases, external online catalogues, the ICC online catalogue, e-journals and news. The unit is currently in the process of adding a list of useful web resources in consultation with staff members from all of the organs.

The Library now has a permanent staff comprising the Chief Librarian, the Technical Services Librarian and a Library Assistant.

It has been fortunate also to have the additional assistance of interns and temporary staff to cope with demands in circulation, interlibrary loans and the large influx of material through acquisitions and donations, the latter including one generously made by the MacArthur Foundation in 2004 to the victims and witnesses section of the Library.

In 2004 the Library introduced an interim library system, and it is currently in the process of implementing the Sirsi/Unicorn integrated library system which will enable library staff to manage all financial, circulation, interlibrary loan, acquisition, and cataloguing information, as well as providing access to a superior bilingual information retrieval facility and its user-friendly online public access catalogue (OPAC).

The new integrated library system will allow library staff to deliver an improved library service to ICC staff as well as to the public. For example, loans can be automatically recalled, orders can be executed electronically using Electronic Document Interchange (EDI) protocols, and efficiency can be gained



by cataloguing records being imported, where available, from other libraries.

While it is difficult to provide statistics which reflect all the work that has been achieved by the unit using the present interim library system, the following figures can be provided:

- Total bibliographic records (books, serials, articles, collections): 2,929;
- Total number of volumes: over 6,000;
- Estimate of information queries (email, in person, phone) for 2004: over 3,500;
- Document deliveries from the Peace Palace Library, the British Library and libraries in the Netherlands and elsewhere for 2004: over 260;
- Serial subscriptions: 370.

In its first year the unit has received over 1,600 serial issues. These numbers do not include any of the electronic subscriptions received.

2005 will see the Library consolidate the rapid growth of the collection by developing workflows, policies and procedures, and by cataloguing its collection to international standards. It is envisaged, within staff constraints, to enrich data by adding a Table of Contents (TOC) for books, and linking it to freely available electronic information such as conference proceedings and reports. Enrichment of records ensures more relevant search results for patrons.

In addition, the Library will expand its services this year by providing a circulation/information/reference service.

Furthermore, the Library will in due course open its doors to the public. In the long run, the Library could become a centre of reference for specialised publications on international criminal law.

In Brief



Colloquium on the African Human Rights System and the ICC

The Pan-African Colloquium for Judges on The African Human Rights System and the International Criminal Court was staged by Africa Legal Aid in Johannesburg on 19 and 20 November 2004.

Justice Yvonne Mokgoro of the Constitutional Court of South Africa and President of the Governing Council of Africa Legal Aid chaired the two-day round table, which was attended by numerous prominent figures in the field of international law.

Themes included: The African Union and the African Regional System: Prospects and Challenges; The Mandate of the African Commission and the Jurisprudence of the African System; The Domestic Impact of the African Human Rights System; Africa and the International Criminal Court: Prospects and Challenges; and The International Criminal Court and Universal Jurisdiction. Mr Phakiso Mochochoko, Senior Legal Officer in the Legal Advisory Section of the Registry of the ICC, presented a paper on the topic 'The International Criminal Court: Prospects and Challenges'. Judge Navanethem Pillay of the ICC, former Judge and President of the International Criminal Tribunal for Rwanda (ICTR), chaired the ensuing discussion.

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ADMINISTRATION OF THE ICC

The development of a common platform for all administrative services within the ICC has been crucial to running the Court effectively. It opened the way for standardised solutions to problems common to all branches of the organisation.

Obviously, in such a complex organisation, extra flexibility is necessary in certain cases. However, as flexibility can often lead to increased costs and delays, reviewing priorities is essential. It is clear that the requirements of each organ of the Court are different. Thankfully, administrative services at the ICC are process-oriented and therefore able to deal with most situations. Nonetheless, given limited staff and funds, finding generic solutions to problems is favoured whenever possible.

Interaction regarding administrative issues has become increasingly process-based over the last year. Front-of-office systems have been implemented in ICT and GSS, saving not only time, but also boosting efficiency.

Furthermore, roll-out of an Enterprise Resource Planning system (ERP) by the Court in the coming months will continue to improve daily operations and services at the ICC.

Functions of the Administrative Sections

Information and Communication Technologies Section (ICT):

Key functions:

- Providing and maintaining essential computing facilities on a day-to-day basis and collaborating on numerous projects aimed at creating a more efficient and structured organisation;
- Introducing the Electronic Document Management System (EDMS), which will create a common document depository for the whole of the ICC;
- Introducing the Court Management/Electronic Court Systems and assisting the judiciary in carrying out its court-related functions;
- Setting-up ICT facilities in the field offices and creating communication channels between those areas and ICC headquarters.

Human Resources Section (HR):

Key functions:

- Recruiting staff members, ensuring payment of salaries and benefits and

monitoring fulfilment of rights and obligations;

- Training staff members;
- Providing occupational health and welfare services to staff members of the Court.

Procurement Section:

Key functions:

- Implementing the acquisition and procurement process for supplies, equipment and services required by the Court;
- Ensuring that the Court receives maximum value for its purchases in compliance with relevant Financial Regulations and Rules.

Finance Section:

Key functions:

- Issuing financial statements for adoption by the Assembly of States Parties;
- Developing internal procedures and reviewing existing work processes related to disbursements, payroll and treasury operations to improve efficiency;
- Implementing the financial module of the ERP system, which, as of 1 January 2005, was integrated with budget, procurement, and treasury modules to record all transactions related to purchase orders, contracts, contributions and treasury (payroll and travel operations will be implemented in the second quarter of 2005);
- Providing disbursements, payroll and treasury services to meet the requirements of ongoing investigations, and establishment of offices in Uganda and the DRC.

Budget and Control Section:

Key functions:

- Providing a central service on matters related to the programme budget, extra budgetary and special funds;
- Establishing and applying budgetary policies and procedures to ensure their compliance with the Financial Regulations, Financial Rules and other applicable guidelines;
- Preparing the annual programme budget, the financial plan, the budgetary performance reports and other reports concerning budgetary issues;
- Setting up and ensuring sound budgetary monitoring and control, and the economical

and proper use of all resources made available to the organisation.

Security Section:

Key functions:

- Providing physical protection of Court facilities;
- Consulting and co-ordinating with a wide range of external government security agencies in order to promote safety at the ICC. (The meeting of the Assembly of States Parties in September 2004 was the first to be held in The Hague and necessitated significant planning and preparatory work by both the Security Section and a range of other internal and government stakeholder groups);
- As the Court falls under the protective remit of national government, the Section is required to engage with a range of security practitioners, ranging from the police through to the fire service, as well as other national-level government security departments;
- Supporting ICC units operating in the field. The Field Security Cell within the Section provides co-ordination and direct support to missions to Uganda and the DRC.

General Services Section:

Key functions:

- Input into the design and construction of Courtroom 1 and press and public galleries;
- Input into the design and implementation of Courtroom 2;
- Removal of staff within the Arc as a result of the move of Ministry of Foreign Affairs from the building;
- Involvement in the set up of a Field Office;
- Project management for the ICC annex building – warehouse, training rooms, vehicle storage, receipt and inspection point for goods and equipment;
- Preparation of budget 2005 and control and monitoring of budget 2004;
- Designing and implementing key plan for the ARC;
- Active participation in planning for Permanent Premises;
- Property Control procedures for ICC.

Strategic Meeting – Registry and NGOs

On Thursday 2 and Friday 3 December 2004, the third Strategic Registry - Non-Governmental Organisations (NGOs) meeting took place at the seat of the Court in The Hague. The main objective of the meeting was to discuss further ways in which to enhance the dialogue between the Registry and the NGOs.

The debate focused entirely on strategic issues relevant to the work of the Registry and discussions included ongoing dialogue, the September session of the Assembly of States Parties, the budget process, training and outreach, victims and witnesses and counsel.

OTP: On Tuesday 30 November and Wednesday 1 December the NGO representatives also met with various officials of the Office of the Prosecutor (OTP), including the Prosecutor Mr Luis Moreno-Ocampo, Ms Silvia Fernandez, Mr Darryl Robinson, Mr Fabricio Guariglia, Mr Paul Seils, Media Relations Officer for the OTP, Mr Christian Palme.

Upcoming events:

Diplomatic

Briefing:

On Tuesday, 1 March 2005 a diplomatic briefing will take place at the Court.

The President, Mr Philippe Kirsch, the Prosecutor, Mr Luis Moreno Ocampo, the Registrar, Mr Bruno Cathala and the Director of the Secretariat of the Assembly of States Parties Mr Medard Rwelamira will provide diplomatic representatives based in The Netherlands and Belgium with a general progress report on the work of the Court and information regarding the Court's plans for the future.

February 2005

ICC NEWSLETTER

•General

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Latest Documents:

ICC-01/04 - Decision to convene a status conference on the situation in the Democratic Republic of Congo

ICC-01/05 - Election of the Presiding Judge of Pre-Trial Chamber III

ICC-01/05 - Decision Assigning the Situation in the Central African Republic to Pre-Trial Chamber III

These documents can be found on the ICC website at:
www.icc-cpi.int/organs/chambers/chambers_decision.html

Budget Steering Committee:

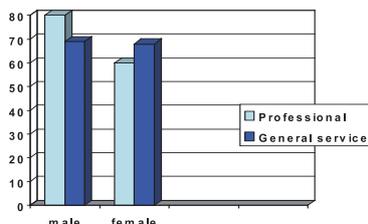
In December 2004, the Coordination Council established the Budget Steering Committee ('BSC') in order to facilitate the preparation of the draft programme budget 2006 in a sound, efficient and transparent manner. This inter-organ Committee consists of representatives of all organs of the Court and is chaired by the Director of Common Administrative Services. In a common effort, the BSC has set up the process which will lead to the timely submission of the draft budget, in addition to overseeing the implementation of this process. Besides ensuring compliance with the Financial Regulations and Rules, the BSC will see to it that the recommendations made by the CBF and the ASP are implemented. With a view to ensuring a proper establishment of the process and its continuous follow-up, the members of the Committee have undertaken to hold brief meetings on a daily basis.

The BSC endeavours to update those involved on all the important steps it envisages for the process and to report on the progress made.

Staff cooperation will be essential for the Committee to carry out its task effectively.



ICC Latest Recruitment Figures



Of the 277 ICC Staff Members from 52 countries, 149 are male and 128 are female.
Not including:
• 22 on elected posts
• 78 on part-time posts

Your comments or suggestions regarding issue three of the newsletter should be addressed under the subject heading ICC Newsletter to: pio@icc-cpi.int or by fax to: +31 70 5158555

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