

THOMAS VERFUSS: Mr. Prosecutor, ladies and gentlemen, I feel honoured that the ICC gives me this opportunity today to address you on behalf of the AJICC, the Association of the Journalists covering the Court. I should like to commend the advance team which, at a very early stage after the entry into force of the Rome Statute, suggested that the press corps should establish such an organisation as an interlocutor to help define what press facilities and press policy the new Court should have. A good working relationship has been developed with the Registry as it is building the Court, and we hope this will be extended to the Prosecutor and the OTP.

As far as this session's theme is concerned, it is clear what the function of the press coverage of important criminal trials is. Theories have been developed in national criminal systems about the function of deterrence when justice is seen to be done through the media. There is no need to repeat this here as those mechanisms will be very similar at the ICC.

I do intend to address you on the very specific situation of the establishment of an international criminal court here in The Hague to deal with war crimes that have been committed elsewhere in the world, in war-torn and thus poor countries. Based upon more than ten years of ICTY experience, we can say that for the press corps, the specific set of circumstances creates two major problems with a potential so serious that they might lead to ICC trials not being reported about at all in the countries concerned.

The first matter is that the Netherlands is one of the richer countries in the world, which of course is great for the Dutch and we are happy for them, whereas in the Balkans, 500 euros is a good salary for a journalist. For many years, not a single Bosnian media organisation could afford to have a permanent correspondent here in The Hague while

most of the ICTY trials dealt with war crimes committed in Bosnia. It goes without saying that the same might happen if the first ICC cases deal with countries like the Democratic Republic of Congo or the Central African Republic, for example. But there is hope.

If we look at the ICTY experience, generous donors have been found to sponsor the stay of journalists from the former Yugoslavia here in The Hague. Those donors have been national governments like the Dutch government, which has given millions of euros in the past years, or the government of Luxembourg. The European Union has given money, as well as NGOs like Press Now, the Soros Foundation, or IREX. Journalists from the former Yugoslavia are most grateful for this financial support over the past years without which their stay in The Hague would have been impossible. I do sincerely hope that similar mechanisms will be found for the country's concerned with the first ICC cases, which will probably be even poorer.

Apart from that hope, I also have a certain fear. What if ICC trials start requiring the financing of the daily presence of journalists in the countries concerned before the ICTY and the ICTR have concluded their activities? The donor community should be aware that there might be a period of overlap when the three courts are active at the same time. Extra financial resources will be necessary for such a period of overlap to make sure that ICC coverage can start without ICTY and ICTR coverage being discontinued.

This financial problem is the first of the two problems I mentioned at the beginning. The second one is the very restrictive and rigid Dutch immigration regime which makes it very difficult for journalists in the former Yugoslavia to get visa or residence permits for the Netherlands. Journalists from the Balkans were confronted with waiting periods of many months and often the very impossibility to obtain

a residence permit. Sometimes visas are delivered so late that the very event the journalist intended to come and cover is already over.

The rules have led to absurd situations. The coverage of the Milosevic trial by the only Bosnian journalist present has been discontinued several times. As he could only get a tourist visa, he had to return to the Dutch Embassy in Sarajevo every three months to apply for a new one. After many protests and questions being asked in parliament, the matter was solved and he is now the only Bosnian journalist who has a residence permit for the Netherlands.

The only Serb TV station that provides daily coverage of the Milosevic trial and two Belgrade-based news agencies who would like to send just one permanent correspondent to The Hague to follow the Tribunal have still not succeeded to obtain a residence permit while the Milosevic trial, as we all know, started in February last year.

If we look at the countries the first ICC cases are likely to come from, the Dutch immigration regime is possibly even more strict. The Dutch government has made assurances that this problem will be addressed. We shall have to hold them to those promises because otherwise the very first ICC hearing might be held without one single journalist from the country concerned being present.

As a matter of solidarity and gratitude as far as immigration problems are concerned, I should like to also mention the NGOs which have done a lot of very precious work for the press during the past years. As the ICC is not a European but a global court with an ambition to become universal, they must of course be given the opportunity to hire staff worldwide for their office in The Hague. An exception must be made to the current Dutch policy of making hiring people from outside the European Union difficult or virtually impossible.

Thank you very much.