



Newsletter

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Editorial

The Bangui field office was inaugurated on 18 October in the presence of the highest authorities of the Central African Republic. With the opening of this office, the Court now has a presence in five countries outside of the Netherlands.

A number of points need to be made. First, the ICC has succeeded in opening this office in just five months. This underlines the progress we have achieved in relation to logistics and organisation. It must be further stressed that although this physical presence is first and foremost a tool for facilitating judicial work (the Office of the Prosecutor's investigation, witness protection etc), it also reminds victims that the ICC is accessible and that it is their Court.

Almost one hundred members of the Court's staff are currently based in one of the six field offices (which includes the New York liaison office). A challenge for the Court is to ensure that in their daily work, all ICC employees take the same approach and that, wherever they are based, they feel that they play a part in the organisation's common goals.

Bruno Cathala, Registrar

Mr Germain Katanga transferred into the custody of the ICC

The Congolese authorities surrendered and transferred Mr Germain Katanga, a Congolese national and alleged commander of the *Force de résistance patriotique en Ituri* [Patriotic Resistance Force in Ituri] (FRPI), to the International Criminal Court (ICC) on 17 October. Mr Katanga, also known as 'Simba', is alleged to have committed six war crimes and three crimes against humanity in the territory of Ituri, in the Democratic Republic of the Congo (DRC). His case arises from the situation in the DRC which has been under investigation by the Office of the Prosecutor of the ICC since June 2004, for crimes allegedly committed in the DRC since 1 July 2002.

On 2 July 2007, Pre-Trial Chamber I (PTC I) issued a sealed warrant of arrest for Mr Katanga after having examined the request and evidence submitted by the Prosecutor. The warrant was unsealed on 18 October 2007. The Chamber found that there were reasonable grounds to believe that Mr Katanga, as the highest ranking FRPI commander, played an essential role in the planning and implementation of an indiscriminate attack against the village of Bogoro, in Ituri, on or around 24 February 2003.

The Chamber also found that there were reasonable grounds to believe that during and after the attack on the village of Bogoro, the following criminal acts were committed against civilians, primarily of Hema ethnicity: the murder of about 200 civilians; causing serious bodily harm to civilians; arresting, threatening with weapons and imprisoning civilians in a room filled with corpses; pillaging; the sexual enslavement of several women and girls, and the use of children under the age of fifteen years to participate actively in the attack.

The Chamber further found that there were reasonable
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Mr Katanga's first appearance



Mr Katanga makes his initial appearance before Pre-Trial Chamber I © ANP - Robert Vos

Pre-Trial Chamber I held a public hearing on 22 October during which the Congolese national Mr Germain Katanga, appeared for the first time before the Court.

The identity of the suspect was verified as Mr Germain Katanga, born 28 April 1978, in Mambasa, in the Ituri region of the DRC. In order to ensure that Mr Katanga was clearly informed of the charges presented by the prosecution, the presiding judge, Ms Akua Kuenyehia, requested a Court officer to read the arrest warrant in full. The Chamber also satisfied itself that the suspect was informed of his rights under the Rome Statute, including the right to apply for interim release pending trial.

Mr Katanga indicated during this appearance that "he speaks Lingala best" and that "sometimes it is difficult for [him] to understand and to express [him]self in French". In order to ensure the fairness of the trial, the Chamber therefore asked

two interpreters to assist him during the hearing and issued an order on 26 October asking the Registrar to file in the case record a report concerning languages read, spoken or understood by the suspect. The prosecution and the defence were also invited to submit their observations to the Registrar's report.

Pre-Trial Chamber I reminded the detainee that it is in his interest to appoint a principal counsel as soon as possible, and asked the Registry to take all the necessary measures to facilitate this designation. Mr Katanga had appointed the Office of Public Counsel for the Defence (OPCD) as duty counsel to represent him during this initial appearance. However, it is not the mandate of the OPCD to represent the suspect for the next stages of the proceedings.

The Chamber designated Judge Sylvia Steiner as single judge in the case *The Prosecutor vs. Mr Germain Katanga*, in order to organise future status conferences and to ensure that disclosure takes place under satisfactory conditions. The Chamber also reminded the Office of the Prosecutor of his obligation under the Rome Statute to disclose to the Defence, as soon as possible, evidence which he or she believes shows the innocence of the suspect.

Pre-Trial Chamber I provisionally set the confirmation of charges hearing for 28 February 2008.

The counts of the warrant of arrest

The warrant of arrest for Mr Katanga lists nine counts on the basis of his individual criminal responsibility (articles 25(3)(a) or 25(3)(b)) of the Rome Statute of the International Criminal Court) including:

- three counts of crimes against humanity (murder - article 7(1)(a), inhumane acts - article 7(1)(k), and sexual slavery - article 7(1)(g));
- six counts of war crimes (willful killing - article 8(2)(a)(i) or 8(2)(c)(i), inhuman treatment - article 8(2)(a)(ii) or cruel treatment - article 8(2)(c)(i), using children under the age of fifteen years to participate actively in hostilities - article 8(2)(b)(xxvi) or article 8(2)(e)(vii), sexual slavery - article 8(2)(b)(xxii) or article 8(2)(e)(vi), intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities - article 8(2)(b)(i) or 8(2)(e)(i), pillaging a town or place even when taken by assault - article 8(2)(b)(xvi) or article 8(2)(e)(v)).

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grounds to believe that a common plan to carry out an attack on the village of Bogoro was agreed upon by Mr Katanga and other commanders of the FRPI and the *Front nationaliste et intégrationniste* [Nationalist and Integrationist Front] (FNI).

Again, according to the Chamber, there were reasonable grounds to believe that the attack on the village of Bogoro took place in the context of an armed conflict in the territory of Ituri and, that the attack was jointly launched by the FRPI and the FNI as part of a systematic or widespread attack directed against the civilian population of certain parts of Ituri, primarily of Hema ethnicity, between January and at least March 2003.

The Registrar of the Court, Mr Bruno Cathala, welcomed the decision of the Congolese authorities to surrender Mr Katanga to the ICC. "The Congolese authorities have co-operated with the Court in the spirit of the Statute by executing the warrant of arrest and surrendering him", said the Registrar.

Latest public legal filings

For an update of all public legal filings relating to situations and cases before the Court, please consult the ICC website at:

www.icc-cpi.int/cases.html.

The trial of Mr Thomas Lubanga Dyilo announced for 31 March 2008

The first trial before the International Criminal Court, *The Prosecutor v. Mr Thomas Lubanga*, has been assigned 31 March 2008, as its start date. Trial Chamber I announced its decision following the conclusion of the latest status conference held on 1 - 2 October.

Based on the submissions of the parties and participants (the defence, prosecution, and legal representative of the victims) the Trial Chamber determined that in order to ensure that the trial will be fair and expeditious, it will not commence earlier than 12 weeks following the date of disclosure (taking into consideration the recess period). Chambers therefore ordered the prosecution to serve the entirety of their evidence to the defence and possibly the victim's representatives, including incriminatory and exculpatory material, by

14 December 2007.

As part of the preparations for the trial specific legal and procedural issues have first to be agreed. To do this a number of status conferences are taking place in which such issues will be discussed. These include amongst others, the date of the trial; the languages to be used in the proceedings; e-Court protocol; disclosure of evidence that the Prosecution seeks to rely on; procedures to be adopted for *ex parte* proceedings; the implementation of the reporting system between the Registrar and the Trial Chamber, etc..

Regarding the e-Court protocol discussed on 1 - 2 October, the Chamber stated its intent to seek the opinion of an expert to inform it on the technical issues

surrounding the e-Court protocol, and invited the parties to submit their observations to the expert via the Registry.

The following status conferences on 29 until 31 October were used to address issues related to the role and participation of victims in the proceedings leading up to, and during, the trial. Also under consideration was the issue of common legal representation and the criteria for granting victim status; the procedures to be adopted for instructing expert witnesses; the approach to be implemented for witness familiarisation and witness proofing; and the place of trial.

Once this series of status conferences are complete and the Trial Chamber is satisfied that the issues under discussion are finalised, it is anticipated that the trial will begin.

The trial chamber and how the judicial process works

The Trial Chamber, composed of three professional judges, has a dual function: it is both the trier of law and the trier of fact. As the trier of law, the Trial Chamber determines the trial procedure and decides on the admission of evidence. Moreover, it identifies the substantive law applicable to a particular case. As the trier of fact, the Trial Chamber weighs the evidence, applies the law to it and decides the case in question by ruling on the guilt or the innocence of the accused.

The Rome Statute and the Rules of Procedure and Evidence have devised a system of criminal procedure characterised by two main features: firstly, it contains structural elements or building blocks of both the adversarial system and the inquisitorial system and therefore constitutes a mixed *sui generis* model of criminal justice. Secondly, the provisions contained within the rules do not define the proceedings to be conducted before a Trial Chamber in their ultimate detail, but allows the Trial Chamber discretion to interpret these rules and to devise procedures within the framework defined by the Rome Statute, the Rules of Procedure and Evidence and the Regulations of the Court. In so doing, the Trial Chamber must ensure that a trial is fair and expeditious and that it is conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

Upon assignment of a case for trial, the designated Trial Chamber must confer with the parties and adopt the necessary procedures to facilitate the conduct of the trial proceedings. To that end, it may hold a number of status conferences during which it may, among other things, give instructions as to the manner in which disclosure and inspection are to be handled, rule on the manner in which evidence is to be presented, put in place protective measures for victims and witnesses, issue guidelines regarding the participation of victims in the proceedings and establish principles relating to reparations.

Subsequently, the parties present evidence. The Trial Chamber rules on the admission of evidence without being bound by detailed technical rules of admissibility. The process of establishing the facts is not left to the parties alone. Rather, the Trial Chamber may play a significant initiative role in this process by questioning any witness, by requesting from the parties the submission of additional evidence that it considers necessary for the determination of the truth, and by requiring the attendance and testimony of witnesses and the production of documents and other evidence. The role of victims and the form of their participation in the trial proceedings will be determined by the Trial Chamber on a case by case basis. In so doing, the Trial

Chamber must ensure that the manner by which victims participate in the proceedings is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

At the end of the trial, the Trial Chamber weighs all the evidence and decides whether the facts charged by the Prosecutor - and ultimately the individual criminal responsibility of the accused - have been established beyond a reasonable doubt. If satisfied of the guilt of the accused, the Trial Chamber will hand down a conviction and impose a sentence on the person. A separate sentencing hearing may be held. If the Prosecutor cannot eliminate any reasonable doubt as to the guilt of the accused, the latter will be acquitted.

In the event of a conviction, proceedings regarding reparations to the victims may take place before the Trial Chamber. If satisfied that the victims in question have suffered harm as a consequence of the crime of which the accused has been convicted, the Trial Chamber may issue an order for reparations against the accused. In so doing, the Trial Chamber may dispose of resources obtained by way of fines or secured through forfeiture of proceeds, property or assets that have been derived directly or indirectly from the crime of which the accused has been convicted.

Memorandum of Understanding signed with the Central African Republic

The Registrar of the International Criminal Court, Mr Bruno Cathala, whilst on mission in Bangui, signed on 18 October, a memorandum of understanding (MOU) between the Central African Republic and the International Criminal Court regulating the establishment and functioning of the Court on the territory of the Central African Republic, with the Minister of Justice, Mr Thierry Maleyombo, in the presence of the Prime Minister, Mr Elie Doté.

The agreement paves the way for effective co-operation between the Court and the Government of the Central African Republic. It facilitates the proper functioning of the Court, in particular with regard to its needs in the areas of investigations, victim and witness protection, safety and security, and logistical support for its operations.



Mr Cathala shakes hands with Mr Maleyombo, Minister of Justice in the presence of Prime Minister Mr Doté © ICC-CPI

The Court opens a new field office in the Central African Republic

The Court has opened a new field office (FO) in Bangui, the capital of the Central African Republic (CAR). The inauguration of the field office on 18 October, was attended by the Registrar, as well as members of the diplomatic corps, United Nations agencies including BONUS, representatives of the CAR government and judiciary and other international organisations. Delegates from the European Commission, NGOs and members of the media were also invited.

This is the fifth field office established by the Court in Africa, in countries where the Court

currently conducts its operations. To date, the Court has field offices in Kampala, Uganda; Kinshasa and Bunia, the Democratic Republic of the Congo; and Abéché, Chad.

The new FO was established in a very short timeframe, barely five months after the Prosecutor announced the opening of an investigation into the situation in CAR on 22 May 2007. Its establishment is in line with the Court's overall strategy and will act as the Court's public face in the field. Essentially, the FO will play an important role providing the necessary administrative, logistical and

operational assistance required for the Court's activities. It will enable teams of investigators, the defence, as well as experts in victim participation and reparation, outreach and witness protection to work effectively in the field.

In his speech, the Registrar stated that "the legitimacy of the International Criminal Court was especially dependent on its acceptance and the understanding of its role by the people of the Central African Republic and, in particular, by the victims of the crimes under investigation by the Prosecutor".

Outreach for journalists in the Central African Republic

Thirty journalists from the Central African Republic (CAR) took part in an outreach event on 13 October. It was the first time the Court had met with journalists from the region since the Prosecutor announced the initiation of an investigation there in May.

Participants were given the opportunity to exchange information on the work of the Court and invited to attend presentations on victim participation and the functions, powers and activities of the Office of the Prosecutor in the Central African Republic.

A three - day workshop for journalists, between 15 - 17 October, based on ways of reporting on international justice, organised in co-operation with an expert from the BBC was also held.



CAR journalists participate in the Outreach presentation © ICC-CPI

Outreach Unit targets new areas of the Ituri region of the DRC

New areas of the Ituri region in the Democratic Republic of the Congo (DRC) were targeted by the Outreach Team throughout September and October including Kasenyi, Mahagi, Aru and Bunia. Staff from the field office in the capital Kinshasa, were re-deployed to Ituri's main city, Bunia, as part of an initiative to bolster outreach activities in the region where a high number of conflict victims continue to live. The cities of Mahagi and Aru on the border with Uganda were also visited by Court officials where many of the displaced population have attempted to re-settle, away from the conflict in Bunia and its surrounding villages.

An estimated four hundred people travelled from these immediate areas to attend a series of five meetings held by the Court in Mahagi and four in Aru, including civil society organisations (CSOs), district heads, journalists, religious leaders and students. The local political and administrative authorities and community leaders helped facilitate communication with the general public, demonstrating the increased trust that key members of the community have in the International Criminal Court's (ICC) work. Two non-governmental organisations (NGOs), working in Mahagi and Aru, also made a commitment to provide practical assistance to the ICC, relaying information

between the Court and the local communities.

Working in co-operation with the Victims Participation and Reparations Section (VPRS), the Outreach Unit used these meetings to inform participants on the latest judicial developments in The Hague, and the crimes within its jurisdiction. The field officers explained the objectives of Pre-Trial Chamber I's decision of 18 July in which a non-exhaustive list of matters requiring determination before the commencement of the trial, including amongst others, hearing dates and procedural issues for *The Prosecutor v. Mr Thomas Lubanga* case was proposed. Further meetings to explain the judges' decision took place in Kinshasa for 30 journalists, followed by a meeting held specifically for NGOs of which 20 representatives attended.

Additionally, in Kasenyi and Bunia, journalists from these areas were brought together to communicate information regarding the judges' decision and other ICC activities. In collaboration with representatives from VPRS, field officers gave an explanation of the prosecutorial and investigations policy of the Office of the Prosecutor, including the right of the accused to a fair trial, and the rights of victims to participate in the proceedings.

ICC plans 'listening clubs' for the DRC

In collaboration with local non-governmental organisation (NGOs) and radio stations, members of the Outreach Unit are working to bring to fruition a plan to create 53 community listening sites or listening clubs that will provide coverage for the entire Ituri region. The clubs will invite participants from all backgrounds to attend 'mass listenings' of radio broadcasts about the Court and the judicial process, amongst other topics. During the broadcast participants will be able to put forward their own questions as part of an interactive question and answer format aimed at encouraging the local population's participation in the Court's activities and preparing them for the next stage of the judicial procedure, which, it is envisaged, they will be able to follow via radio and TV broadcasts. The radio broadcasts will also offer the chance to evaluate the impact of radio in the field.

This was followed with a debate on each of the issues raised by participants.

CBOs, media houses and IDPs targeted by Outreach in Uganda

The field Outreach Unit in Uganda has continued to direct further efforts at the grassroots communities of the Acholi, Teso and Lango regions. In this context, the main targets throughout September and October were local community based organisations (CBO), media houses and internally displaced peoples (IDP) camps, aimed at making contact with as many social groups as possible throughout the area, thereby significantly strengthening current networks and assisting the dissemination of information about the International Criminal Court (ICC) in The Hague and its activities in the various regions.

As part of the Outreach Team's efforts to promote the work of the Court in the IDP camps of the Amuria, Kaberamaido and

Soroti districts where 11,700 people currently live, over seventy camp leaders participated in a one day informative meeting. During the meeting discussions were held to examine how the ICC works and the implementation of outreach in the various encampments. The invited leaders included representatives from the Kapelebyong, Kabulabula, Kadungulu, Obalanga, Kuju, Kidetok, Arapai, Pingire-Otem, Wera, Morungatuny, Baptist B, Orungo, Katine, Tubur, Anyara-Otuboi, Swaria, Moruapesur, Shema, Opiyai PAG, Asianut, Labori Irrigation, Nakatunya, Kasilo-Omigini, Kabola, Kakusi and Olio camps.

The leaders voiced their approval of the meeting as it had given them an opportunity to discuss what the International Criminal Court is doing in Uganda and the ability to

in turn share this knowledge with others of their communities. Their participation was awarded with a diploma certifying their contribution and an agreement for future outreach activity was reached. Initial plans were also made to hold further meetings in the Pingire, Labori Irrigation, Kabola, Kakusi and Obuku camps, in December 2007.

As the result of an ongoing partnership with the local youth group, Youth out of Poverty and Aids (YOPA), and following the success of the activities carried out with the community based organisation in August, the Court held a one day intensive training course for 50 CBOs representatives working in the IDP camps of the Amuru district, in the Acholi sub-region. During the workshops,

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Workshop for community based organisations in Amuru, Acholi sub-region © ICC-CPI

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ICC officials made presentations on the Court's mandate, its investigation in northern Uganda and gave explanations on the judicial phases of the process. ICC materials were distributed and concerns raised by the participants were addressed.

A one day training session was also held on 24 October, for 52 media house representatives working in the Lango, Acholi and Madi sub-regions of northern

Uganda. The interactive training session attended by journalists from both the electronic and print media was held to further raise awareness of Court activity and encourage impartial reporting of ICC related issues. Discussions related to the different methods of distributing information were held and Court officials took the opportunity to provide a judicial update on the proceedings whilst ICC materials were circulated. At the close of the session Mr Richard Todwong, the

Sudanese expatriate community the focus of outreach workshops

As part of a strategy to develop the current impact of the Court's activities in Sudan, the Outreach Unit of the International Criminal Court (ICC) has conducted an on-going series of one day and weekly workshops, aimed at Sudanese journalists, lawyers, non-governmental organisations (NGOs), parliamentarians and artists.

The initial objective of these meetings, conducted by the Outreach Co-ordinator for Sudan, was to identify people representing different sectors of Sudanese society interested in engaging with the Court and to inform them about the activities of the ICC in the Darfur region. It is envisaged that these contacts will enable the Court to expand its reach in Sudan, providing new ways of conveying clear and understandable information about how the Court works and its relevance to people affected by the

conflict in Sudan.

In addition to the Outreach Team, representatives from the Office of the Prosecutor and the Victims Participation and Reparations Section provided an overview of the Court's investigations, responding to any queries regarding judicial procedure and clarifying the rights of victims and witnesses.

Participants were invited to contribute their thoughts and suggestions relevant to future sustainable outreach plans.

The Outreach Unit is currently identifying new ways of developing visual information materials about the Court's role that are situation specific to the Darfur area of western Sudan, an area of many dialects and where illiteracy is high.

presidential advisor for northern Uganda commended the work of the Outreach Unit and noted, "[The] ICC is the answer to impunity".

Arrangements for further intensive training workshops for journalists and local leaders are currently being finalised for the districts of Soroti in the Teso sub-region and Kitgum, Amuru and Pader, all in the Acholi sub-region.

External survey by research institutes ranks the ICC positively

According to an independent survey carried out by three American research institutes between April and June 2007 to assess the affects of the ongoing conflict on the adult population in the Acholi, Lango and Teso regions of northern Uganda, 70 per cent of those interviewed believed it was important to hold accountable those responsible for committing violations of human rights.

The Human Rights Center of the University of California Berkeley, the Payson Center for International Development of the Tulane University, and the New York based International Centre for Transitional Justice, said that 89 per cent said they were willing to talk openly about their experiences in a court or public hearing. When asked which mechanism would be the most appropriate, the International Criminal Court (ICC) ranked the highest (29 per cent), followed by the Ugandan national court system (28 per cent) and the Amnesty Commission (20 per cent). Only three per cent said traditional ceremonies would be the most appropriate.

Of the almost 3,000 adults interviewed in the districts of Amuru, Gulu, Kitgum, Pader, Lira, Oyam, Soroti and Amuria, as many as 71 per cent of those who had heard about the ICC said it had contributed to reducing the violence and to pressuring the Lord's Resistance Army (LRA) into peace talks.

The President of the Federal Republic of Germany visits the International Criminal Court in The Hague

The President of the Federal Republic of Germany, H.E. Mr. Horst Köhler, paid an official visit to the International Criminal Court (ICC) on 8 October. President Köhler met with the judges of the Court, after which he had a meeting with the ICC President, Judge Philippe Kirsch, the Prosecutor, Luis Moreno-Ocampo and the Registrar, Bruno Cathala.

President Kirsch and the Prosecutor both thanked President Köhler for Germany's longstanding support for the ICC and

emphasised the importance of operational and public support for the Court and its current activities. President Kirsch stated, "Now that the Court is beginning to have the impact for which it was created, it is important that we build on the initial momentum and guarantee the credibility of the Court".

The two delegations discussed the activities of the Court and the on-going relationship between the ICC and Germany. Germany ratified the Rome Statute on 11 December 2000.



President Kirsch receives President Köhler © Kick Smeets

ICC President meets United Nations officials and representatives of States and civil society in New York

The President of the International Criminal Court (ICC), Judge Philippe Kirsch, travelled to New York from 29 October until 5 November, to attend a series of meetings with the Secretary-General of the United Nations (UN), senior UN officials, Permanent Representatives and delegations of UN Member States and representatives of civil society organisations. On 1 November, he addressed the United Nations General Assembly and presented the ICC's annual report on its activities.

In his meetings, President Kirsch discussed

the Court's needs for support and co-operation from States, the United Nations and civil society. According to President Kirsch, "The ICC does not have its own police force or military. States and, by extension, international organisations must enforce the decisions of the Court and ensure respect for its judicial processes." He further noted, "The early, positive impact of the Court has resulted from its credibility as an independent and impartial judicial institution." To sustain this impact, President Kirsch observed that "the Court must have the strong support and

co-operation of States, the United Nations, other international and regional organisations and civil society."

As an independent, international judicial institution, the International Criminal Court is separate from the United Nations. However, a formal relationship was established between the two organisations through the Relationship Agreement, concluded on 4 October 2004. In accordance with this agreement, the Court submits an annual report on its activities to the UN.

The OTP and Registry conduct the eighth strategic meeting with NGOs

The Office of the Prosecutor (OTP) and the Registry held the second of their 2007 bi-annual strategic meetings with non-governmental organisations (NGOs) in The Hague, marking it the eighth in total. The meetings of 25 - 26 September were hosted by the Prosecutor, Mr Luis Moreno-Ocampo followed by those of 27 - 28 conducted by the Registrar, Mr Bruno Cathala.

This forum of exchanges with representatives of various international and local NGOs provided an opportunity to evaluate the impact of the work undertaken since the commencement of this regular dialogue in 2003/2004. Positive developments were noted at both institutional and operational levels of the working relationship between the OTP, Registry and NGOs. This dialogue has contributed towards shaping an effective, transparent interaction between

the various parties and to an understanding of each others roles, responsibilities and concerns. The meetings also benefited from the participation of a number of local civil society groups, in particular those coming from countries in which the Court is currently undertaking investigations.

The OTP conducted discussions and updates on the situations under investigation, namely Uganda, the DRC, Sudan and the Central African Republic; situation-specific challenges and OTP interaction with victims; the Office's investigative and judicial activities and its operational challenges; the ICC victims' strategy; on an 'interests of justice' paper; investigating and prosecuting sexual violence; and on the efforts needed to encourage enforcement of the Court's decisions, in particular in relation to arrest and surrender.

The discussions hosted by the Registry also centred on specific themes providing an update on defence matters including the preparation of the ICC Strategy on Defence as a part of the overall ICC Strategic Plan; an update on the work of the Office of Public Counsel for Defence; victims issues ensuring the effective participation of victims to the ICC proceedings; the ICC Strategy on Victims; an update on the role of the newly functional ICC Trust Fund for Victims; and the work in-progress of the ICC Detailed Strategic Plan on Outreach and its performance indicators. The Registry's second day of debate focused on discussions related to the Court's 2008 draft programme budget and the recommendations of the Committee on Budget and Finance following the autumnal session, as well as on co-operational matters.

Update on the work of the Assembly of States Parties



Members of the Committee of Budget and Finance © ASP

Sixth session of the Assembly

The twelve week nomination period for the election to fill three judicial vacancies, scheduled to take place at the sixth session of the Assembly, to be held at United Nations Headquarters in New York from 30 November to 14 December 2007, ended on 24 August 2007. The Secretariat received six nominations from States Parties. In a communication, dated 20 September 2007, one State Party announced the withdrawal of its candidature. Consequently, there are five nominations for the election of judges (ICC-ASP/6/15 and Add.1/Corr.1).

The Secretariat is organising a mock ballot, which is tentatively scheduled for Wednesday, 28 November at United Nations Headquarters.

As regards the election of six members of the Committee on Budget and Finance, at the end of the nomination period on 24 August, the Secretariat received nine nominations (ICC-ASP/6/9). At its ninth meeting, on 15 October, the Bureau requested the Netherlands, Peru and South Africa to consult within their respective regional groups, with a view to obtaining regional endorsements for the candidates to the Committee. All nominations are available on the Court's website under 'Assembly of States Parties/Elections'.

In a letter, dated 5 October 2007, the First Vice-President of the International Criminal Court, Judge Akua Kuenyehia, conveyed to the President of the Assembly, Mr Bruno Stagno Ugarte (Costa Rica), the names of ten

candidates for the post of Registrar which have been short-listed by the Presidency of the Court. The statements of qualifications of the ten candidates are contained in the note by the Secretariat on the election of the Registrar (ICC-ASP/6/16).

Information regarding the provisional agenda, credentials and registration for the sixth session is also available on the website of the Court.

Bureau of the Assembly

At its eighth meeting, on 3 October, the Bureau adopted and decided to submit for consideration by the Assembly the following reports from its Working Groups:

The Hague Working Group

- a) Report on equitable geographical representation and gender balance in the recruitment of staff (ICC-ASP/6/22 and Add.1).

The New York Working Group

- b) Report on the Plan of Action for the universality and full implementation of the Rome Statute (ICC-ASP/6/23);
- c) Report on the arrears of States Parties (ICC-ASP/19); and
- d) Report on the Review Conference (ICC-ASP/6/17).

In addition, the Bureau also adopted and decided to submit for consideration by the Assembly the report on co-operation (ICC-ASP/6/21), which was prepared jointly by both Working Groups. Furthermore, the Bureau adopted a provisional programme of

work for the sixth session. It was, *inter alia*, agreed that the election to fill judicial vacancies, as well as the election for the Committee on Budget and Finance, would be held on 30 November 2007. The general debate is scheduled for 3 - 4 December. The list of speakers opened on 1 November.

The Special Working Group on the Crime of Aggression would meet from 4 December until 6 December. On 7 December, the Working Group on the Review Conference would hold its first meeting. The second week is reserved for the Working Group on the budget, the Working Group on permanent premises and for the informal consultations on the omnibus resolution.

As regards the election of the President of the Assembly for the seventh to ninth sessions, the Bureau designated Ambassador Rosemary Banks (New Zealand) to undertake informal consultations.

At its ninth meeting, the Bureau designated Mr Marcelo Bohlke (Brazil) as facilitator for the 2007 omnibus resolution, while Mr Emmanuel Bichet (Switzerland) was designated as facilitator for 2008. In addition, the Bureau designated Mr Sivu Maqungo (South Africa) as the focal point to undertake consultations on the proposed amendments to regulations 19 and 27 of the Regulations of the Trust Fund for Victims, which are contained in annex B of the Report of the Board of Directors of the Trust Fund for Victims (ICC-ASP/6/11).

The Hague Working Group

From 5 - 7 September, The Hague Working Group held its fourth meeting of experts on the issue of permanent premises. The facilitator on permanent premises, Mr Masud Husain (Canada) prepared an informal summary of the experts meeting. Through a rigorous validation process of the second functional brief, the experts reached consensus on the area requirements of 46,000 square metres including the provision of three courtrooms, and, in this connection, also determined a preliminary financial envelope of €165 million (2007 prices) for the construction costs of the permanent premises. Furthermore, the experts agreed on a timeline for the architectural design competition, with the recommendation that 17 members are selected to serve on the jury. As regards the issue of governance, the experts

proposed a structure that recognised the critical role of the Court in identifying the operational requirements and subsequently providing assurance on the viability of specific proposals, while also allowing effective oversight by the Assembly of States Parties.

Pursuant to the meeting of experts, the Working Group held several meetings to discuss a draft resolution on permanent premises, prepared by the facilitator, which is to be considered at the sixth session.

At its seventeenth meeting, held on 2 October, the Working Group heard a presentation by the Court on the issue of the Strategic Plan. The Court informed the Working Group of the progress made in the implementation of the Strategic Plan, in particular with regard to the priority objectives, and of the challenges it was facing. On 2 and 24 October, the Working Group considered the proposed programme budget for 2008 and the relevant recommendations of the Committee on Budget and Finance.

As regards the issue of co-operation, on 29 October the Working Group heard a presentation by a representative of the Justice Rapid Response Initiative, an international co-operative mechanism which is aimed at the rapid deployment of experts to assist States in a post-conflict situation, as well as international judicial organisations, with the identification, gathering and preservation of physical and documentary information concerning mass crimes.



Mr Husain and Ambassador Fuentes brief the New York Working Group © ASP

The New York Working Group

The New York Working Group held its fourth and fifth meeting on 6 July and 4 September, respectively. At its fifth meeting, the facilitator on the issue of the Review Conference, Mr Sivu Maqungo (South Africa), indicated that as a result of the informal consultations that were held throughout the year, a recommendation would be made to the Assembly of States Parties to schedule the Review Conference for the first semester of 2010, for a period of 5 to 10 days.

Furthermore, on 29 - 30 October, the Co-ordinator of The Hague Working Group, Ambassador Sandra Fuentes (Mexico), the facilitator on the budget, Ambassador Hans Magnusson (Sweden) and the facilitator on permanent premises, Mr Masud Husain (Canada), briefed delegations in New York on the items under their responsibility.

Committee on Budget and Finance

The Committee held its ninth session from 10 - 18 September 2007, in The Hague and discussed, *inter alia*, the proposed programme budget for 2008, the premises of the Court, the pension scheme for judges and audit issues.

As regards the issue of permanent premises, the Committee recommended that, since at this stage the main objective of all parties involved was to proceed with the first phase of the architectural design competition, the Assembly should proceed on the basis suggested by the experts on permanent premises of The Hague Working Group.

The Committee also considered draft amendments to the pension scheme regulations for judges and recommended their adoption as they would result in annual savings of €2.2 million once fully implemented.

Furthermore, the Committee discussed the role and function of the Office of Internal Audit, and recommended that the role of the Internal Auditor focuses on providing independent assurance and advice to the Registrar, as accounting officer, on the effectiveness of the Court's control and management systems.

The Committee expressed its appreciation to three members, Mr Michel-Etienne Tilemans (Belgium), Mr Eduardo Gallardo Aparicio (Bolivia) and Mr Karl Paschke (Germany), who were elected to the Committee in 2003 and who had thus made an important contribution to the initial phase of setting up the Court and making it operational.



Ambassador Elisaia, the Co-ordinator of the New York Working Group, Ambassador Fuentes, and Ambassador Magnusson © ASP

