

NewsLetter

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Editorial p.1 | Lubanga's Confirmation of Charges: 9th November p.1 | President Kirsch addresses UN General Assembly p.1 | The proposed ICC programme budget for 2007 submitted to the ASP p.2 | Public Information and Outreach Teams for DRC and Uganda recruited p.3 | Registrar visits South Africa p.4 | Outreach: ICC holds workshop with local leaders in Amuria district p.4 | ICC holds meeting with representatives of Iteso traditional Leaders p.4 | Paris Bar Colloquium on the ICC p.4 | Third Prosecutors' Colloquium p.5 | OTP's Second Public Hearing: Looking Ahead p.5 | Update on the Activities of the Secretariat of the Assembly of States Parties p.6 | Special Court for Sierra Leone holds Second Status Conference at the ICC p.6 | Latest Public Legal Filings p.6 |

Editorial

The next session of the Assembly of States Parties (ASP) is scheduled to take place between 23 November and 1 December 2006. During this session a number of important items will be discussed, that are bound to impact upon the work of the Court in years to come.

The Court has taken numerous steps in preparation for the upcoming session, most notably, presenting the budget proposal for 2007, which reflects the Court's requirements for functioning in the judicial phase.

Other important issues to be discussed by the States Parties will be the ICC strategic plan, the outreach strategy of the Court and the permanent premises.

In this edition of the newsletter, we hope to give you an insight with respect to the preparatory work being undertaken by the Court for the forthcoming session, which we very much hope will lead to fruitful discussions and a positive outcome.

Bruno Cathala, Registrar

Lubanga's Confirmation of Charges: 9th November

The Pre-Trial Chamber I has decided that the hearing of the confirmation of charges in the case of the *Prosecutor vs. Thomas Lubanga Dyilo* will take place on 9 November. The hearing originally planned for 27 June 2006 has been postponed on two occasions due to the need to implement measures for the protection of victims and witnesses and to ensure that all the evidence upon which, the Prosecutor intends to base the case of the confirmation of charges, was made accessible to the Defence. The confirmation hearing is a public hearing at which ICC judges will determine whether there is sufficient evidence to establish substantial grounds to believe that Lubanga committed each of the crimes charged and whether he should be tried. A Congolese national and alleged founder and leader of the Union des Patriotes Congolais (UPC), Lubanga is charged of conscripting and enlisting children and using them to participate actively in hostilities. In the presence Mr Lubanga and his defence counsel, the Prosecutor is required to support each specific charge with sufficient evidence. The Prosecutor may rely on documentary evidence or/and call witnesses.

Next issue of the Newsletter will be devoted to this hearing.

President Kirsch addresses UN General Assembly

On 9 October 2006, the President of the Court, Judge Philippe Kirsch presented the second annual Report of the ICC to the United Nations (UN) General Assembly. In his statement, the President provided an update on where the Court stands today. He described current judicial proceedings as well as the Court's activities in the field. President Kirsch underlined the importance of outreach to local populations. He also highlighted the importance of cooperation to the Court being able to carry out its functions. In particular, he mentioned that it is up to States and international organizations to arrest persons for whom warrants have been issued.

The Court is independent from the UN. In accordance with the Relationship Agreement concluded between the two institutions in 2004, the Court submits an annual report of its activities to the UN.

President Kirsch's remarks: www.icc-cpi.int/library/organs/presidency/PK_20061009_en.pdf

Second annual report of the Court: www.icc-cpi.int/library/organs/presidency/ICC_Report-to-UN_2006_English.pdf

The proposed ICC programme budget for 2007 submitted to the ASP

In accordance with financial regulation 3.1 and financial rule 103.2, the proposed programme budget for 2007 was submitted in September by the Registrar of the ICC, to the Assembly of States Parties (ASP). The ASP will decide upon the budget submission, for a total of €93.46 million, during their next session, scheduled to take place in December.

Total budget submission:

- 89.12 million (95.4%) is for the Court itself; and
- 4.34 million (4.6%) is for the Secretariat of the Assembly of States Parties.

Within the Court, the budget is apportioned as follows:

- 10.59 million (11.4%) for the Judiciary (Presidency and Chambers);
- 25.25 million (27.0%) for the Office of the Prosecutor;
- 50.71 million (54.3%) for the Registry; and
- 2.57 million (2.7%) for investment in the Court's premises.

The Court today - background to the budget submission

Following the arrest and surrender in March 2006 of Thomas Lubanga Dyilo, the Court may conduct its first trial in 2007.

In the situation in Uganda, five arrest warrants have been issued and the Court is seeking cooperation in securing the arrest and surrender of Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen.

The Prosecutor is conducting investigations into three situations and intends to open one into a fourth in the latter half of 2006.

Also this year, the Prosecutor announced his conclusion, following intensive analysis, that in two situations there were no reasonable basis to open investigations.

Five other situations remain under intensive analysis.

Although it is still in the early stages of the first cycle of its operation, the Court has started to consolidate its main activities and has adopted its Strategic Plan for the next 10 years.

Explanation of the Budget Proposal:

Operations in the field

The Court's field activities include: investigations by the Office of the Prosecutor

(OTP), the carrying out of functions relating to defence, victim participation and reparations, witness protection, and outreach to affected populations.

Field offices

The Court's field offices face particular challenges in terms of security and safety, especially where the Court operates in situations of ongoing conflict or instability. The Court must take special care to ensure the security and well-being of its staff as well as of victims and witnesses. In 2007, the Court envisions increasing the budget by more than €500,000 to meet its obligations towards victims and witnesses. The logistical challenges of operating in rough terrain far from major roads add to the complexity of its task. The provision for standby capacities for evacuation and medical treatment alone in connection with field missions amounts to €300,000.

Outreach

One of the major challenges for the Court in 2007 is the customisation of its outreach activities to local requirements, including ensuring the availability of appropriate language capacities. For the production alone of print, audio-visual and other materials in at least 10 languages, the Court intends to spend more than €500,000 in 2007. These activities are supported by additional staff in the field.

Proceedings

In the case of the *Prosecutor v. Thomas Lubanga Dyilo*, the Court conducted regular hearings for the first time and is now prepared to take on the expected full-scale trial proceedings on a daily basis.

Trials before the Court face different challenges than those before national courts. In addition to the prosecution and defence, States and victims may also participate in the proceedings. Statutory obligations require translation and interpretation from and into the working languages of the Court, the languages of the accused, victims and witnesses, and such other languages as are authorised by the Chamber. It is envisaged that a standard hearing will involve 43 persons in the Courtroom alone, at a cost of €3,900,000 per year.

Additionally, it is vital for the credibility and impact of the Court that its proceedings are visible and transparent, in particular to those living in the regions in which the alleged crimes were committed. In this context, advanced communications technologies play a significant role and require constant updating.

Approach to the budget

Link to the Strategic Plan

In 2006, the Court marked a significant development with the adoption of its first Strategic Plan, which provides a common framework to guide the Court's activities over the next 10 years, with emphasis on the first three years. By setting clear goals and objectives, the Plan establishes the Court's priorities and enhances internal coordination of its operations. The proposed programme budget for 2007 follows the Strategic Plan. Each major programme has identified the strategic goals and each sub-programme the strategic objectives to which it will contribute. Expected results and performance indicators were then linked to the objectives. This first attempt will be further refined in future budget cycles.

Use of the contingency fund

In keeping with the Court's commitment to accurate budgeting, the States Parties have been requested to provide funds only where funds are clearly needed. In the case of trials, for example, the determinant for requesting funds is the arrest and surrender of individuals or a decision by the judges to hold proceedings *in situ*.

Management and administration

Space requirements

In July 2006, due to the need for additional office space at the seat of the Court, the Court relocated a portion of its staff to the Hoftoren building and the translators of the Secretariat of the Assembly of States Parties to a third location. This is a temporary solution to the need for interim premises. One option proposed, was the use of prefabricated buildings however, just prior to the submission of this budget, the Court was informed by the Host State that the installation of prefabricated buildings may now be postponed. In its budget submission, the Court has continued to plan for the prefabricated buildings but may submit a budget amendment to the Assembly when new information becomes available.

Special Court for Sierra Leone (SCSL)

Following the acceptance by the States Parties of the request from the Special Court for Sierra Leone, the Court is allowing the Special Court to use ICC facilities for the trial of Charles Taylor. In accordance with the Memorandum of Understanding with the Special Court, there will be no budgetary implications for the ICC, as all costs to be incurred will be paid by the Special Court in advance.

Public Information and Outreach Teams for DRC and Uganda recruited

The field public information and outreach staff for the Democratic Republic of the Congo (DRC) and Uganda have been recruited. The teams will contribute to the implementation of the plan for outreach which has been developed in line with the ICC strategic goals, which include, ensuring the effectiveness, impartiality and transparency of the Court and developing its institutional identity.

The permanent presence of the Court through outreach activities is crucial in promoting a better understanding of the ICC's role. Delivering public and transparent justice is critical to ensuring that justice is not only done but is seen to be done. The Court is committed, therefore, to engaging in a sustainable two-way communication with the communities on the ground, promoting understanding and support for its mandate, managing expectations and enabling those communities to follow and understand the international criminal justice process.

ICC Outreach activities are managed by the Public Information Unit, within the Public Information and Documentation Section of the Registry. Staff at the Headquarters oversee coordination between the organs of the Court and field offices on planning and implementing activities; develop general strategies and oversee implementation of the outreach programme.

Staff members:

In Uganda - The Kampala office:

Charles Jjuuko Field Public Information and Outreach Coordinator

Prior to joining the Court, Charles was employed as Programme Officer at the Embassy of Japan in Kampala. His role included, providing advice for grassroots grants interventions for northern Uganda and Teso regions and analysing programme proposals to ensure proper alignment with Uganda's poverty Eradication Action Plan. Before this, he worked as a communications consultant, assisting with the documentation of the proposed Communication Strategy of Uganda's Justice sector. Charles holds a post graduate diploma in project planning and management from the Uganda Management

Institute, a bachelors degree in development studies from Makerere University and a diploma in journalism from the Uganda Institute of Business and Media Studies.



Photo: The Kampala Office

Jimmy Otim Field Public Information and Outreach Assistant

Prior to commencing with the ICC, Jimmy worked as a researcher in northern Uganda for Human Rights Watch, Human Rights Center and the International Centre for Transitional Justice. Jimmy has written several publications on the humanitarian crisis in northern Uganda and the resettlement experiences of formerly abducted persons. Jimmy holds a bachelors degree in democracy and development studies and a post graduate diploma in peace and conflict management.

Judi Emorut Field Public Information and Outreach Assistant

Until 2002, Judi worked for the Uganda Human Rights Commission and for the last four years as a United Nations Volunteer Specialist within the human rights project in Uganda. She was the Team Leader and training coordinator for the project field office in Soroti. Judi is a member of FEMRITE Uganda, a women writers group and contributes to the New Era magazine. She has made regular contributions to the newsletter of the Human Rights Project in Uganda and is a member of the Editorial Board of the UNV Uganda website. Judi graduated in 2000 from Makerere University majoring in Literature.

Lynette Nalukwago Field Public Information and Outreach Administrative Assistant

With experience in project planning and management in the field of public relations, Lynette will assist the office in all administrative matters.

Prior to joining the ICC she spent four years preparing and producing publications in the advocacy and media relations field. She worked with the Uganda Human Rights Commission from mid-2003 to mid-July 2006. She also worked as Acting Public Relations Officer in 2002 for a consultancy firm and as a freelance journalist in 2001. She holds a degree in Mass Communication and a certificate in Project planning and management.

In the Democratic Republic of the Congo (DRC) - The Kinshasa office:

Paul Madidi Field Public Information and Outreach Coordinator

Prior to joining the ICC, Paul worked as a journalist in the DRC. He started his career as a reporter, then as an anchor man for RTKM, a private television station in Kinshasa. In 2002, he was employed by Radio Okapi, the radio station of the United Nations Mission in Congo (MONUC), where he worked for three years. During which time, he presented the radio programme "Dialogue entre Congolais", one of Radio Okapi's most popular programmes.



Photo: The Kinshasa Office

Patrick Tshibuyi Field Public Information and Outreach Assistant

Before joining the ICC, he was a news presenter on national television. Patrick, who is in charge of media relations, is currently organising a series of events focusing on the Thomas Lubanga case and the upcoming confirmation of charges hearing. Patrick studied to be a lawyer but combined this with a passion for journalism. He began his media career on national television where he presented political and legal programmes.

Continued from previous page

Nicolas Kuyaku

Field Public Information and Outreach Assistant

Nicolas, who is in charge of relations with the Non-Governmental Organisations (NGOs), previously worked with UNICEF, the World Health Organisation (WHO) and the Ministry of Health, specifically on sensitisation programmes including HIV/AIDS and mass vaccination projects. The section will benefit greatly from his knowledge of the local NGOs who have extensive networks throughout the country that can be used to disseminate information about the Court.

Jacky Mambenga

Field Public Information and Outreach Administrative Assistant

Jacky worked at the United States Embassy as a secretary and administrative assistant, in procurement and public relations departments before joining the ICC in July 2006. As administrative assistant, Jacky will carry out all administrative duties required by the office.

Registrar visits South Africa

As part of the Court's commitment to strengthening dialogue with States Parties, in particular African States, the Registrar visited South Africa between 26 and 28 September 2006.

During his visit, he met with representatives of the Ministry of Foreign Affairs, the Ministry of Justice and the Presidency in order to discuss modalities for reinforcing support of the Court's activities. He also addressed representatives of the diplomatic corps. In addition to which he gave a presentation during a public debate involving representatives of local civil society groups, media and academics at the South African Institute for International Affairs in Johannesburg.

Outreach

ICC holds workshop with local leaders in Amuria district

On 26 August, 70 local leaders from the Amuria district participated in an introductory workshop entitled "Understanding the ICC". Information on how victims can participate in Court proceedings was distributed and Court officials responded to questions and concerns raised by the participants.



During the meeting, 10 representatives of the Amuria sub-counties were elected to coordinate activities concerning the ICC. They shall elect additional persons to coordinate activities at the grassroots level in due course.

Representatives of the local authorities and community leaders from Amuria District will now review proposed strategies in order to start raising awareness about the International Criminal Court and explain how the Court functions to the people from the area.

ICC holds meeting with representatives of Iteso traditional Leaders

The Ugandan Iteso Cultural Union has agreed to disseminate information and raise awareness among the Teso population on the mandate and activities of the Court. During a second round of meetings with Iteso traditional leaders from northern Uganda, held in Soroti on 24 August 2006, representatives of the Registry discussed operational mechanisms for the coordination of outreach activities. The meeting was attended by the Prime Minister, the Minister of Gender and Social Development, the Minister of Information and a representative of the Iteso women.

For more information on all outreach activities taking place in Uganda, please contact:

Mr Charles-Martin Jjuuko
Field Public Information and Outreach
Coordinator for Uganda,
Tel.: +256-312261879,
Email: Charles.Jjuuko@icc-cpi.int



Paris Bar Colloquium on the ICC

In the framework of the cooperation between the Court and national Bar associations, the Paris Bar held a one day colloquium on the International Criminal Court on 4 October 2006. The colloquium was opened by Yves Repiquet, Bâtonnier de l'Ordre des Avocats de Paris and Bruno Cathala, Registrar of the ICC. Following general presentations regarding the Court made by Judge Claude Jorda and Principal Counsel for the OPCV, Paolina Massida, the Schedule covered:

1. Practical issues regarding working as a defence counsel before the ICC. This session was chaired by Bruno Cathala and included presentations by Didier Preira, Head of the Division for Victims and Counsel at the ICC, Jean-Marie Biju-Duval and Aïcha Condé, Defence Counsel before the ICTR, Esteban Peralta-Losilla, Officer in Charge of the Defence Support Section of the ICC and Laurent Pettiti, Member of the Paris Bar Association.

2. The representation of victims before the ICC. This session was chaired by Simone Veil, President of the Trust Fund for Victims before the ICC. Paolina Massida, the Head of the Victims Participation and Reparation Section, Fiona McKay and Patrick Baudouin, President of FIDH.

3. The first case before the ICC from the perspective of the Defence and Victims. This session was chaired by Didier Preira. Presentations were given by Emmanuel Daoud, lawyer representing victims before the ICC and Jean Flamme, lead defence counsel for Thomas Lubanga Dyilo.

The colloquium was attended by 210 lawyers of the Paris Bar Association. A special edition of the Bar monthly Newsletter "Barreau autour du monde" was dedicated to the Court, available at the following link:
www.avocatparis.org/new/R_E_I/rei.asp

Third Prosecutors' Colloquium

The Prosecutors of the International Criminal Court and the International Criminal Tribunal for the former Yugoslavia, Luis Moreno-Ocampo and Carla Del Ponte, co-hosted the Third Prosecutors' Colloquium on the sixth and seventh of October 2006 in The Hague. The organisers are grateful to the Open Society Institute (OSI) for financial support in making the Colloquium possible.

This Colloquium brought together the world's leading international prosecutors from the permanent International Criminal Court (ICC), the UN *ad-hoc* International Criminal Tribunal for the former Yugoslavia (ICTY), the UN *ad-hoc* International Criminal Tribunal for Rwanda (ICTR), the hybrid Special Court for Sierra Leone (SCSL) and the Extraordinary Chambers in the Courts of Cambodia (ECCC).

This two-day event was the third in a series of annual colloquia aimed at providing a

forum for international prosecutors to discuss the main challenges of international criminal justice. Previous colloquia were held in Arusha, Tanzania in 2004 and in Freetown, Sierra Leone in 2005.

The Third Prosecutors' Colloquium provided a unique setting for the Prosecutors to discuss topics crucial to the development of international justice. The prosecutors had the opportunity to interact with their counterparts on matters of mutual concern, share experiences, and compare best practices. Approximately 300 people including, diplomats, representatives of civil society, members of the press, academics, Dutch government officials and staff of the international courts and tribunals attended.

The format of the Colloquium included an Opening Ceremony, a Roundtable discussion entitled "The Emerging International Justice

System: Impact on the fight against impunity" and a series of closed sessions on topics of particular significance to each institution.

In connection with the closed sessions each tribunal prepared a working paper on a pre-assigned topic. Each paper served as a catalyst to discuss lessons learned and provided an analysis from the perspective of the authoring institution. The ICTR prepared a discussion paper entitled "Speeding up Trials". The SCSL presented their perspective on working with national systems. The ICTY offered insights on cooperation with States and the ICC delivered a paper on focused investigations. These sessions were intended to help the prosecutors and the international justice community conceptualize and formulate concrete proposals to address emerging global challenges.

OTP's Second Public Hearing: Looking Ahead

The Prosecutor hosted ambassadors and representatives of interested states and representatives of non-governmental organisations at the Office's second public hearing in The Hague. The event took place at the Court on 25 September for interested states and 26 September for non-governmental organisations and other experts. The aim was to discuss a "Three-Year Report" summarising the activities of the Office of the Prosecutor (OTP) and the Report on Prosecutorial Strategy, defining the objectives for the forthcoming three years.

The first public hearing was held in June 2003 to consider the Office's regulations and policies.

Representatives from 70 states attended the hearing and representatives from 15 organisations participated in the session for non-governmental organisations.

Mr Gareth Evans (International Crisis Group), Ambassador Richard Ryan (Ireland), Ambassador Hlengiwe Mkhize (South Africa) and Mr Edmond Wellenstein (Netherlands Ministry of Foreign Affairs) presented comments in the session for interested states. Mr David Tolbert (ICTY), Mr Antoine Bernard (FIDH), Ms Geraldine Mattioli (HRW) and Mr William Pace (CICC) presented comments in the session for civil society.

In addition, other representatives intervened with comments on the mentioned topics.

There was consensus among participants that the Office has made significant progress in the last three years. Some of the main issues discussed at the hearings included, the importance of harmonising efforts with states and other actors while retaining independence; the importance of victims participation; the necessity for collective action and creative thinking in the execution of arrest warrants; and the need for the Office to consolidate its relationship with the United Nations and expand its relationship with UN affiliates.



Representatives of the OTP listen to the Public Hearing / H. Hordijk

Participants also discussed the interaction between the ICC and conflict resolution initiatives. On this note, Gareth Evans of the International Crisis Group commented:

"I have no doubt that dealing with impunity and pursuing peace can work in tandem even in an ongoing conflict situation: these are not necessarily incompatible objectives. The prosecutor's job is to prosecute and he should get on with it with bulldog intensity. If a policy decision needs to be made, in a particular case, to give primacy to peace, it should be made not by those with the justice mandate, but with the political and conflict resolution mandate, and that is the Security Council. The Statute allows for this in Article 16, and this is the way the international community should be thinking about it."

In the context of Uganda, Ambassador Miriam Blaak noted in her intervention that "the Government of Uganda assures the ICC that we are seeking a permanent solution to the violence that serves the need for peace and justice, compatible with our obligations under the Rome Statute."

The OTP will also hold hearings in New York in October building upon the issues raised at the hearing in The Hague and focusing on the issues specifically relevant to the missions and non-governmental organisations located in New York.

Update on the Activities of the Secretariat of the Assembly of States Parties

States Parties

Comoros and Saint Kitts and Nevis deposited their instruments of ratification and accession to the Rome Statute, on 18 and 22 August 2006, respectively. On 1 November, when the Statute enters into force for these two States, there will be 102 States Parties.

Fifth session of the Assembly of States Parties

Several reports to the Assembly, including the proposed programme budget for 2007, as well as information regarding the provisional agenda and credentials for the fifth session and the resumed fifth session are available on the Internet website of the Court¹.

Bureau

The Bureau met on 13 July, 31 August and 25 September. At its 31 August meeting, the Bureau decided to include an item entitled "General debate" in the provisional agenda of the fifth session.

The Hague Working Group of the Bureau

- The Hague Working Group held its ninth meeting on 14 September. On 21 and 22 September, the Working Group organised a meeting in The Hague on the issue of permanent premises, with experts from capitals. States had been invited to provide a list of questions/issues for the experts to address at the meeting. The Hague Working Group has scheduled additional meetings on 4, 18 and 26 October. The Subgroup on the Strategic Plan held its fourth meeting on 12 September to consider its report.
- The Coordinator of The Hague Working Group, Ambassador Colleen Swords (Canada), left the Netherlands in August, to assume her new duties with the Foreign Affairs and International Trade Ministry in Ottawa.
- On 25 September, Ambassador Sandra Fuentes-Berain (Mexico) was designated as Coordinator of The Hague Working Group.
- Ambassador Gilberto Vergne Saboia (Brazil), the Facilitator on permanent premises, has indicated that he would no longer be available to continue in that

capacity. Ambassador Kalimi Mugambi Mworira (Kenya) was designated as the Facilitator for the issues of equitable geographic representation and gender balance in the recruitment of staff members.



Ambassador Sandra Fuentes-Berain (Mexico)

The New York Working Group of the Bureau

- The New York Working Group has held three meetings on the issue of promoting increased ratification and full implementation of the Rome Statute. Furthermore, it has held two meetings on the issue of the arrears of States Parties.

Board of Directors of the Trust Fund for Victims

- The nomination period for the second election of members of the Board of Directors of the Trust Fund for Victims, scheduled to take place during the fifth session of the Assembly, ran from 5 June to 27 August. The Secretariat received a total of 7 nominations. As the minimum requirements for the nomination of members of the Board had not been met, the President of the Assembly extended the nomination period to Sunday, 1 October 2006.
- On 21 August, Her Majesty, Queen Rania Al-Abdullah (Jordan), resigned from the Board.

Committee on Budget and Finance

- Only one nomination was received at the end of the two week nomination

period fixed by the Bureau to fill the vacancy in the Committee on Budget and Finance which resulted from the resignation of Ms Inna Šteinbuka. At its meeting on 31 August, the Bureau designated Mr Juhani Lemmik (Estonia) as the new member of the Committee.

- On 11 August, Mr John F.S. Muwanga (Uganda) tendered his resignation from the Committee on Budget and Finance. With a view to filling in that vacancy, which corresponds to one of the two seats allocated to the Group of African States, the Bureau decided to open a nomination period. The Group of African States has endorsed the nomination of Ms Rosette Nyirinkindi Katungye (Uganda).

1. www.icc-cpi.int, Assembly of States Parties.

Special Court for Sierra Leone holds Second Status Conference at the ICC

On 22 September 2006, the Special Court for Sierra Leone (SCSL) held a status conference in the case of *the Prosecutor vs. Charles Taylor* at the seat of the ICC in The Hague. This is the second status conference to be held at the ICC in relation to this case, the first was on 21 July 2006.

In accordance with the Memorandum of Understanding (MOU) concluded by the ICC and the Special Court on 13 April 2006, the Special Court will use the facilities of the ICC during the trial.

For all information regarding his trial please consult the website of the SCSL at: www.sc-sl.org/

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.