

**Cour
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**International
Criminal
Court**

Eleventh Diplomatic Briefing of the International Criminal Court

Compilation of Statements

The Hague, 10 October 2007

Philippe Kirsch, President

Excellencies, Ladies and Gentlemen,

Welcome to the eleventh diplomatic briefing organised by the International Criminal Court.

The Court values these opportunities to come together with representatives of States. These meetings allow the Court to provide States with a regular update on its activities and the progress made, and to have useful direct contact with their representatives.

I will begin with a brief description of the legal proceedings held at the Court over the past few months. I will then outline the role cooperation has played in the development of the Court, and highlight in general terms the areas where we need the strengthened support of our partners. The Prosecutor and the Registrar will explain their most recent activities and the progress made by their respective organs. They will also highlight important issues in view of the upcoming Assembly of States Parties, including the Court's 2008 budget. Finally, the Director of the Secretariat of the Assembly of States Parties will inform you about the activities undertaken by the Assembly. Following the presentations, we will gladly respond to your questions.

In the situation in the Democratic Republic of the Congo, the first trial, that of Mr. Thomas Lubanga Dyilo, who was transferred to the Court last year, is set to begin early next year. Judge Adrian Fulford was elected Presiding Judge of Trial Chamber I, which is currently reviewing issues requiring early determination. In order to facilitate the efficient preparation of trial, the Chamber has sought the observations of the participants and is holding a series of hearings on issues such as the disclosure of evidence, the role of victims in the proceedings, and the status of the testimony heard by the Pre-Trial Chamber.

In the situation in Darfur, Sudan, proceedings continued with respect to applications for victim participation in proceedings. The two arrest warrants issued in April for Mr. Ahmad Muhammad Harun ("Ahmad Harun") and Mr. Ali Muhammad Ali Abd-al-Rahman ("Ali Kushayb") for crimes against humanity and war crimes have yet to be executed, however. The non-execution of the warrants is a point I will return to when discussing the role of cooperation.

In the situation in Uganda, there were no substantial developments in the proceedings in the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya and Dominic Ongwen* since they have not been arrested. Nonetheless, proceedings in this case and in the situation continued before Pre-Trial Chamber II on issues related, *inter alia*, to the participation of victims. The Chamber terminated the proceedings against Raska Lukwiya following confirmation of his death, thereby rendering the warrant of arrest for him without effect.

As regards the Central African Republic, the Office of the Prosecutor is continuing its investigations following the Prosecutor's decision in May of this year to open investigations in that situation.

This brief overview of the recent judicial activities of the Court over the past few months highlights that much has been accomplished in order to achieve the aims expressed by States in the Preamble of the Rome Statute. Nevertheless, the cooperation of States and other actors continues to be of utmost importance.

In the past couple of years, I have repeatedly recalled that in the Rome Statute, States established a system for the ICC that is founded on two pillars: the judicial pillar provided by the Court itself, and the operational pillar, which has to be provided by States and, by extension, international organisations. For the system to work effectively, their cooperation is essential.

Five years after the entry-into force of the Rome Statute, the Court has clearly established itself as a fully operational and permanent international criminal institution. The very fact that we are here today is due to the contributions and support of our partners, particularly States. There are several examples of how cooperation has worked well and how this direct support has allowed the Court to advance its work. The transfer to the Court of Thomas Lubanga Dyilo in 2006 is one important example. There are many others, including the ongoing support of states in the field with operations and investigations, and the conclusion of relocation agreements for witnesses. The response of States to the work of the Court and to the need for cooperation has been positive both at the ASP and in UN debates. In addition, the Hague and New York Working Groups and their work on the topic of cooperation has been of great value. We look forward to continuing this process.

As a result of these efforts, the Court has already been credited with having a positive impact in preventing further crimes from being committed. This has been achievable because the Court has presented a credible possibility of international prosecution where national courts either could not or would not act. This credibility is not only due to the Court's strict adherence to its judicial mandate, but also to the public and tangible support the Court has received from States and from international organisations. The expectation that decisions of the Court, including arrest warrants, will be enforced, is one of the reasons why the ICC has already made a difference.

Nonetheless, while we may take stock of all that we have achieved together, there are certain realities which pose challenges for the progress of the Court's work and for the attainment of our collective goals. As already mentioned in my earlier overview of the situations in Uganda and in Darfur, Sudan, six warrants of arrest are still outstanding – 4 in Uganda and two in Darfur. The relative silence of states and of international organisations about the importance of enforcement of the Court's decisions and even the importance of justice in circumstances that clearly called for such mention has been widely noticed. It sends exactly the wrong message about accountability for the most heinous crimes, including to would-be perpetrators.

The credibility of the Court in the future, including its capacity to prevent the commission of further crimes, depends on a clear and consistent position on the part of States Parties manifesting concrete support for execution of the Court's decisions, public and diplomatic support, and respect of the judicial process. This is no less important in situations where parallel processes of a non-judicial nature at the national level may be ongoing.

Compliance with the Court's orders is not and cannot be a matter of convenience of the moment but is a legal obligation.

The Court needs the sustained operational and public support of States and international organisations in order to send a clear and general signal that the culture of impunity does not and will not prevail. Earlier I

gave examples of how support in operations has facilitated the Court's activities; this level of cooperation in the field is pivotal to the ICC's functioning and to the Court's credibility.

In sum, the Court needs continuing and active assistance in the execution of warrants, respect for the judicial process, and support at the public, diplomatic and operational levels.

The ICC did not create itself. It was created by States for the fulfilment of certain objectives stated by them and provided in the ICC statute: to put an end to impunity for the perpetrators of the most serious crimes that threaten the peace, security and well-being of the world; to contribute to the prevention of such crimes, and to guarantee lasting respect for the enforcement of international justice.

Those objectives are as valid today as they were at the time of adoption of the Rome Statute. The Court understands and accepts its responsibility in contributing to the achievement of these objectives through the proper exercise of its judicial functions. But these objectives can only be achieved if States Parties are truly committed to play their part in making the system work.

I would now like to hand the floor over to the Prosecutor.

Luis Moreno-Ocampo, Prosecutor/Le Procureur

Excellencies, Ladies and Gentlemen,

The President has described the challenges that we, together with States parties, are confronted with.

The concept of the Rome treaty has become a reality. The Court has made this body of law operational, has transformed ideas and concepts into a working system. States parties which committed to the new law are now facing a more difficult challenge: enforcing the law, enforcing the Court's decisions.

Ensuring the enforcement of the Court's decisions, ensuring, in particular, the arrest and surrender of individuals sought by the Court, in all situations before the Court, requires your support.

Such support can take a variety of forms:

1. Political support. In any bilateral meeting, in any multilateral activity, in any development program, the States Parties should automatically mention the need to respect and implement the ICC judges' decisions.
2. Marginalization of the individuals sought by the Court to facilitate their arrest. No support, no supplies, no financial aid should reach indicted individuals. They have to be isolated within their own communities.
3. Tracing of whereabouts of the individuals sought by the court.
4. Planning and execution of arrest operations.

Let me describe how this can apply to each situation.

The Situation in the Democratic Republic of the Congo (DRC)

In the case against Thomas Lubanga Dyilo, we are preparing to go to trial.

The OTP is also completing its second investigation in the DRC related to crimes allegedly committed by another armed group in the district of Ituri. Any arrest warrants issued would have to be enforced. We hope to be able to make the results of this second investigation known before the end of the year.

Finally, we are in the process of selecting a third case to investigate. We are monitoring to this end the overall situation and collected information on alleged crimes committed by individuals and armed groups in different provinces and at different periods under our temporal jurisdiction. Among others, there are allegations of massive sexual violence, forced displacements of persons, killings or pillaging in most of the Eastern parts of the DRC, including the Kivus.

DRC is a situation where your political support is concretely needed. There are a lot of issues on the agenda of the international community in the DRC: demobilization and reintegration of militia into the national forces; security. Justice could easily be pushed off the agenda. Consistent support to international justice is being tested.

I have raised the subject of keeping cooperation with the Court on the DRC agenda with the Secretary General of the UN on the 28th of August, with Legal Advisor Nicholas Michel, Under Secretary General Jean-Marie Guehenno and with SRSG Swing in Kinshasa. The UN Secretary General and his team have accepted

to raise it at the highest level with the DRC authorities. I have also raised this matter with the EU Special Representative for the Great Lakes; he and several States committed to provide their support for my demarches; I am grateful to them.

Following such efforts, the reaction from the DRC authorities has been positive. We are very hopeful that this will lead to concrete steps being undertaken in the near future.

Given the importance of maintaining such diplomatic activities, we urge you to request from your authorities that any bilateral meeting with the DRC authorities, President Kabila in particular, be the occasion to explicitly mention cooperation with the ICC. As States parties, as members States of the UN which are actively supporting the demobilization process, it is important that you should also express your full support to the Court. In the same way, any multilateral meeting on the DRC in the UN context should be used to mention the ICC. Silence is undermining us ; but any expression of support is helping us.

The Situation in Northern Uganda

Warrants of arrest for Joseph Kony and senior leaders of the LRA for crimes against humanity and war crimes were issued on 8 July 2005. They are still outstanding.

As I have stated in the ASP last year, those warrants must be executed. There is no excuse. There is no tension between Peace and Justice in Uganda: arrest the sought criminals today, and you will have Peace and Justice tomorrow. Victims deserve both.

The 4 criminals have threatened to resume violence if the arrest warrants are not withdrawn; they are setting conditions; it is blackmail; the international community has to ensure protection for those exposed to those threats.

My Office has again devoted efforts to galvanize national and international efforts to arrest. A lot can be done by all of you to support these efforts.

- Joseph Kony and the three other indicted commanders have re-gained credibility in the past months. We ask all States Parties to contribute to their re-marginalization and to use all public occasions to recall that those 4 individuals are responsible for massive crimes; abduction of children; transforming them in killers or sexual slaves. The LRA is continuing to commit crimes as no children have been released, as no sexual slaves have been freed; UNICEF and the UN Special Representative of the Secretary General on children in armed conflicts stated that the LRA should release the abductees immediately;
- Joseph Kony and the three other indicted commanders have regained strength and financial means. We ask States Parties to monitor with utmost vigilance supply networks, possible diversion of aid and funds to the benefit of the sought individuals. We thank States parties which have renewed efforts to monitor assistance from Diaspora communities to the LRA ; it must be recalled that any assistance that can help the sought individuals abscond from the Court would be illegal ;
- Joseph Kony and the three other indicted commanders have become a regional power, threatening stability in the sub region. We ask all States parties to support collaborative efforts between the DRC and Uganda to address the issue of arrests; we hope that the support of MONUC will remain forthcoming.

As you can see, at a national level, or in multilateral fora, each of you can do a lot to contribute to arrests. The speech of the Belgian Prime Minister during the 25th of September UNSC summit is a good example. I would be extremely grateful if you could keep the Office updated of any step taken in furtherance of such requests for support.

The Situation in the Central African Republic (CAR)

On 22 May we announced the opening of an investigation in the Central African Republic.

The OTP's investigation will focus on the most serious crimes, which were mainly committed during a peak of violence in 2002-2003 and with a particularly high number of allegations of rapes and other acts of sexual violence, perpetrated against hundreds of reported victims.

As the CAR has not yet any implementing legislation, we have prepared a draft cooperation agreement specifying in particular channels of communications between the Office and CAR for the processing of our requests for judicial assistance¹. The text will be signed shortly. However, we have already started our investigative activities on an *ad hoc* basis.

Cooperation wise, we would again request all States parties to mention the need for cooperation with the ICC in all bilateral or multilateral meetings with the CAR. 6 States parties have an Embassy locally in Bangui. A good opportunity to address the issue is offered by the Donor Roundtable that will take place in Brussels on 26 October that a number of States parties will attend (Canada, France, Germany, Italy, Japan, Peru, Slovakia, South Africa, The Netherlands, UK) alongside Organizations such as the World Bank, the IMF, the African Union.

Finally, we hope to benefit from the full cooperation of the EU Force to be deployed in CAR. We are thankful for the support already given by the EU Delegation in Bangui.

The Situation in Darfur, the Sudan

On 7 June, I briefed the Security Council of the United Nations on the situation in Darfur. I emphasized that the territorial State, the Sudan, has the legal obligation and the ability to arrest Ahmad Harun, former Minister of State for the Interior and Ali Kushayb, a Militia/Janjaweed leader and surrender them to the Court.

I described how Ahmad Harun, responsible for the forced displacement of millions of people into camps, is now controlling his victims, in his new position as Minister for Humanitarian affairs. I urged key partners—the African Union, the League of Arab States, the United Nations and the European Union—to call on the Sudan to arrest and surrender the sought individuals to the ICC.

However, the issue of enforcement of the arrest warrants has been put off the agenda of relevant international meetings.

Justice was not formally on the agenda of the UNSC trip to Khartoum following my report. Justice was not mentioned in the UNSG subsequent reports on Darfur where the UN secretariat developed a three prong approach with a humanitarian, political and security components only. Not justice.

¹ See also The Registrar's comments on the Court-wide agreement

I have engaged in efforts to raise awareness of the need for execution of the arrest warrants. Efforts have included high-level meetings with senior UN officials, including the Secretary General Mr Ban Ki Moon prior to his visit to Khartoum and with the Arab League Secretary-General Amr Musa. I also addressed the issue in New York in September on the eve of the UNSC Summit on Africa, and of the 2nd meeting of the extended contact group on Darfur. I explained to my interlocutors that the Court needed first and foremost words expressing their political support. Their silence could be interpreted as a weakening resolve of the international community on the enforcement of the arrest warrants. Their silence could encourage the provocative gesture of promoting Harun instead of removing him from Office.

I am grateful for the efforts of Ambassadors and advisors who managed to secure references to the arrest warrants in high level speeches of Ministers and Heads of Government, among them the UK, Germany, the Netherlands, Portugal on behalf of the EU, Denmark, Australia, Trinidad and Tobago, New Zealand and Lichtenstein.

The issue will not go away. On 5th December 2007 I will inform officially the UN Security Council, that the Sudan is not cooperating with the Court. The Sudan is not complying with Security Council Resolution 1593.

Finally, let me mention also that we are continuing our investigative activities in neighbouring Chad and have requested the assistance of the future EU mission in Chad on issues of security.

Conclusion

As a Prosecutor, I have been approached by States and other stakeholders suggesting that the responsibility to secure arrests lies in large part with the Prosecution. They suggested more requests for arrest warrants targeting lower level perpetrators, easier to arrest than Ministers or powerful militia leaders. I wish to take the occasion of this briefing to state clearly that the Prosecutorial policy, in accordance with the Statute, will seek to investigate and prosecute those most responsible for the most serious crimes of concern to the international community, based on the criminal evidence we collect and subject only to the judicial review of the Chambers.

The Rome Treaty consolidates the “duty of every state to exercise its criminal jurisdiction over those responsible for international crimes” but also to support a permanent International Criminal Court whenever and wherever the Court decides to intervene. They have to “guarantee lasting respect for and the enforcement of international justice”. They have to seriously address the issue of arrest.

Thank you.

Excellencies,
Ladies and Gentlemen,

Allow me also to extend to you a warm welcome to the last Diplomatic Briefing of this year. It is always my pleasure to use these special opportunities for dialogue and continue exchanging views with you on matters of mutual interest and concern.

In my brief presentation today, I would like to focus on a few priority areas for the Court in general, and the Registry in particular, in preparation for the forthcoming Assembly session. Such areas include cooperation matters, the 2008 draft programme budget and, more particularly, certain aspects relating to it, such as the implementation of the ICC's Detailed Strategic Plan on Outreach and the permanent premises.

1. Cooperation

The President and the Prosecutor have already outlined the Court-wide and organ-specific challenges we are currently facing in the area of cooperation.

On a number of occasions, such as the meetings of The Hague Working Group, the regular Diplomatic Briefings as well as during the many bilateral contacts with your representatives, the Court has already communicated its thoughts and needs regarding the specific matter of cooperation, which were consolidated in a report submitted to the Bureau in March 2007. Subsequently, in-depth discussions were held in order to further clarify the areas in which cooperation from the States Parties has been shown to be necessary or may become so in the future. Furthermore, the Working Groups in New York and The Hague compiled reports on cooperation matters. So the time has now come to move from theory into practice.

At the last Diplomatic Briefing I made reference to the various practical forms of cooperation which are part of the daily activities of the Court, and emphasised those of particular relevance and essential and practical importance for the Registry.

Rather than revisiting those areas of cooperation, today I would like to turn our attention to the progress we have made to date and propose, where possible, perspectives for the future.

As you are all aware, the Court needs to rely on various legal instruments in order to conduct its operations in an effective and impartial manner. I am referring here, in particular, to implementation of the *Rome Statute* at national level and to the Agreement on Privileges and Immunities. I would like to take this opportunity to note that, since our last meeting, the number of countries having communicated to the Court that they have implemented the provisions of the *Rome Statute* has not increased. By June, 21 of the 105 States Parties had communicated to the Court that they had adopted the implementing legislation, and the situation remains unchanged. As regards the Agreement on Privileges and Immunities, only 52 States have ratified or acceded to this fundamental legal instrument.

Another area of priority is witness protection, an aspect of cooperation which is closely linked to the work of both the Registry and the Office of the Prosecutor. You are all familiar by now with this concept and what it entails in practice. Experience to date has shown us that, in this field, the cooperation of States is essential,

ranging from implementation at national level of witness protection and support mechanisms to logistical support to extract, when needed, witnesses at the greatest risk, through rapid reaction and deployment of national or multinational forces, such as the multidimensional presence in Chad and the Central African Republic which has just been approved by the Security Council together with the European Union. A brief look at the forecasts of the Victims and Witnesses Unit as the Court's judicial activities unfold reveals that there is a definite risk that the Court will be unable to handle the increasing number of applications for protection in the appropriate manner due to a lack of resources.

In this regard, I must note that, since June, the Court has not had the opportunity to sign any new agreements for the relocation of witnesses. I would like to take this opportunity to launch a new appeal for the conclusion of more agreements of this type.

In this respect, I would like to share with you some of my observations on my missions in the countries where there is a situation. Some of you have invested heavily in these countries – by providing funding or technical support and expertise – to rebuild national judicial capacities and reinforce national democratic structures and the rule of law, for example. Achieving what I believe serves our common goal – quality justice – requires, in my view, a holistic approach when dealing with the complex process of rebuilding national capacities and mechanisms, including the judiciary. A number of initiatives undertaken by your representations in the countries where there is a situation are solely directed towards strengthening either civil or commercial branches of the judiciary, training the police, and so on, but leave out the international criminal justice component. As I noted during my meetings in the field, in the eyes of the general public, all of this is linked.

On the other hand, one can imagine that each evaluation of a national judicial system that you support or may support in the future – in particular in the countries where the Court is investigating – includes a witness protection dimension and offers assistance to create operational structures and viable protection mechanisms.

The President and the Prosecutor have emphasised the compelling need to enforce the outstanding warrants of arrest issued by the Pre-Trial Chambers in the situations referred to the Court. In order to facilitate the execution of the arrest warrants, donor States could perhaps envisage innovative ways of continuing their bilateral assistance, which might include means of facilitating the surrender and transfer of persons for whom warrants of arrest have been issued by the Court.

Concrete steps in the area of cooperation have yet to be taken. The Court is eager to try those six suspects who continue to elude justice.

2. Draft Budget programme for 2008

As I indicated at our last meeting, the draft budget programme for 2008 is closely linked to the Court's forecasts for judicial work next year and to its activities in the field. This underlying philosophy can be seen in the presentation of the draft budget and the allotment of the necessary resources.

In the preparation of its draft budget, the Court benefited not only from the advice of the Committee on Budget and Finance, but also from your constructive input and comments. However, I would like to share a few observations with you on the CBF's recommendations, particularly those which propose significant cuts to the proposed budget.

a) Budget presentation

The Committee on Budget and Finance has duly observed significant improvements made by the Court in the quality of the presentation of its 2008 draft budget. Such an improvement was made possible by the continuous and useful dialogue that the Court has maintained with the CBF members. Concerns about this matter persist, however, as a result of the tight deadlines for finalising the draft budget and for preparing for the autumn CBF session. If it had more time, the Court would be able to not only maintain but also improve the quality of its draft budget and better define its performance indicators.

b) The Court's recruitment procedure

As you are already aware, the Court came up against a number of difficulties in recruiting staff this year. The Committee's recommendations to temporarily adjust the vacancy rate for all existing posts expose a number of shortcomings in this respect. The Court is considering these recommendations, studying their implications and currently working on the implementation of a recruitment strategy which will enable it to overcome them effectively.

Furthermore, I would like to draw your attention to the fact that the CBF's recommendations to accept a higher rate of post vacancies jeopardise to an even greater extent those programmes which support the work of sections employing few staff.

c) Defence matters

The main goal of the ICC Strategic Plan is quality justice. For this goal to become reality, the Defence must be given the necessary resources to enable it to properly assume its responsibilities. In this respect, I would like to mention the Court's concerns about the CBF recommendations on the resources to be allocated to the Defence. The Court has planned for reasonable resources for the Defence in its 2008 draft budget. These resources are derived from an amendment to the Court's legal aid system which the CBF considered during its 9th session and which it viewed as extremely thorough and sound (see para. 80 of document ICC-ASP/6/2). We believe that these resources will be just enough to enable the Defence teams to work in accordance with the principle of equality of arms.

It is appropriate to further recall that the first trial should commence early 2008. Accordingly, the current budgetary resources allocated to legal aid will be used by the Court during the course of next year.

Additionally, I would like to stress that the range of activities of the newly established Office of the Public Counsel for the Defence has widened, if only out of a need to undertake the work assigned to it by Chambers' recent decisions. We therefore consider that the Office needs sufficient resources to implement the judges' decisions.

d) Interim premises

The Committee on Budget and Finance indicated that the costs relating to the Court's interim premises must be partially borne by the Host State, particularly those relating to security. The Court and the Host State consult one another regularly on this subject.

e) Permanent premises

As I have already stated on many occasions, appropriate permanent premises remain one of the Court's priorities.

I believe that, overall, we have made considerable progress in this matter during the last year. At The Hague Working Group and meetings with the experts, the Court has had ample opportunity to discuss various documents prepared at the request of the Assembly of States Parties and the Committee on Budget and Finance – to be specific, the Functional Brief, the agreements with the authorities and Cost Appraisal. In addition, we met with the experts for a third time to discuss the project.

Current state of affairs

The Host State, which kindly offered to organise the architectural competition, is currently finalising extensive preparation for this competition which should be held next year.

Consequently, the Working Group's facilitator prepared a draft resolution on the permanent premises which The Hague Working Group is currently considering and which the New York Working Group is also likely to examine.

This resolution sets out the project's main components: from the decision-making structure to the overall financial envelope calculated according to a modest but realistic proposal (46 000 m2).

The draft resolution is a result of negotiations which gave the Court, as user of the premises, an important role. However, the text did not intend to make the Court responsible for seeing the construction of the permanent premises through to completion. The governance structure, which is clear from reading the resolution, faithfully reflects this option by giving the ASP sole control over this project which will be onerous to manage.

Please allow me to update you on the Court's outreach activities.

3. Communication with affected communities

Before concluding, I would like to inform you about the status of the outreach activities which the Court conducted in accordance with the detailed Strategic Plan adopted by the Assembly during its last session.

We have continued to adapt our activities to the particular nature of each country where there is a situation, whilst taking into account the ever-present security considerations. The outreach objectives for each situation have been adjusted as the target audiences' needs for information have evolved. As a general rule, the Court has tailored its outreach activities to those very members of communities most affected by the ongoing conflicts, whilst continuing to specifically target certain groups with particular information needs, such as media representatives, traditional leaders, religious leaders etc. In Uganda, for example, the most recent activities in this area were directed at communities in camps for internally displaced persons. In the Democratic Republic of the Congo, outreach is also tailored to the communities themselves. The team which the Court sent to the country for this purpose no longer limits outreach missions to Bunia and Ituri in general, but extended its sphere of activity to other centres such as Aru, Mahagi, Kasenyi, Goma and Mambassa, regions which have been severely affected by conflict.

With respect to the situation in Darfur, Sudan, the Court was unable to conduct outreach activities in the field itself because of security problems. We did, however, strive to go out to meet refugees from Darfur in camps in Chad. Training sessions on the ICC for the Sudanese media were provided at the Seat and outside of the Court. The ICC also expended considerable effort in setting up an informal network for exchanging information with local populations and used the media to make its role and activities better known.

The outreach activities to be conducted in the Central African Republic will endeavour to take into account the specificity of the crimes committed, particularly crimes of a sexual nature. Training journalists is a priority. Moreover, the Court has planned an initial training session which will begin soon. On 18 October, I will personally inaugurate the new ICC field office to which we have invited your representatives in Bangui.

Overall, the Court is continuing to implement its Outreach Strategy, while paying particular attention to refining its performance indicators. In this respect, I wish to recall the Committee on Budget and Finance's positive assessment of the Court's progress in relation to the definition of performance indicators for outreach activities.

Furthermore, the Court intends to prepare a document for the November session of the Assembly of States Parties which will report on the activities undertaken in this regard.

Thank you.

Renan Villacis, Director, Secretariat of the Assembly of States Parties

Excellencies,
Ladies and gentleman,

It is a pleasure to be with you in order to convey some of the most important developments regarding States and the Court since our prior diplomatic briefing. I will limit myself to some highlights since most of the information is reproduced in the information package you have received.

We welcome the recent accession to the Rome Statute by Japan, which brings the total number of States Parties to 105. As regards the Agreement on the Privileges and Immunities of the Court, the Democratic Republic of the Congo, Greece, Mexico and Portugal recently became parties, thus bringing the total number to 52.

The sixth session of the Assembly shall take place from 30 November to 14 December at United Nations Headquarters in New York. The resumed sixth session is also scheduled to be held in New York, from 2 to 6 June 2008 and would be devoted to the Special Working Group on the Crime of Aggression.

Documentation for the sixth session, including a revised provisional agenda (ICC-ASP/6/1/Rev.1) and the proposed programme budget for 2008, is available on the internet website of the Court.

Further to the invitation sent to all States in March, a note on credentials and registration was sent in late July (ICC-ASP/6/SP/21, ICC-ASP/6/OS/22, and ICC-ASP/6/IS/23). In addition, a note has been sent to all States, regarding the possibility to resort to the trust fund established to facilitate the participation of the least developed countries and other developing States in the activities of the Assembly (ICC-ASP/6/LDC/11). The note also requests States who may be able to make contributions to the trust fund to contact the Secretariat of the Assembly. Copies of the respective communications are available on the website of the Court.

As regards the election to fill three judicial vacancies, scheduled to take place at the sixth session, the Secretariat had received six nominations from States Parties at the end of the nomination period on 24 August. However, by a communication, dated 20 September 2007, one State announced the withdrawal of its candidature. Consequently, there are now five nominations for the election of judges (ICC-ASP/6/15 and Add.1).

As regards the election of six members of the Committee on Budget and Finance, the Secretariat had received nine nominations from States Parties at the end of the nomination period on 24 August (ICC-ASP/6/9). At the eighth meeting of the Bureau, on 3 October, the President of the Assembly expressed the desirability that efforts be undertaken within the respective regional groups so that, as in the case of prior elections, candidates for the Committee could be elected with the endorsement of their regional groups.

The Bureau adopted the report on equitable geographical representation and gender balance in the recruitment of staff, the report on the Plan of Action for the universality and full implementation of the Rome Statute, the report on the arrears of States Parties, the report on the Review Conference, as well as the report on cooperation.

The Hague Working Group has scheduled an additional four meetings to further consider the issues of permanent premises, budget and the Strategic Plan of the Court, as well as to adopt the respective reports to the Bureau.

Furthermore, the Bureau adopted a provisional programme of work for the sixth session. It was agreed that the election to fill judicial vacancies, as well as the election for the Committee on Budget and Finance, would be held on Friday, 30 November 2007.

The general debate is scheduled to take place on Monday, 3 December, with additional time reserved on 4 December. On behalf of the President of the Assembly, the Secretariat sent a communication, dated 22 August, to all Ministers of Foreign Affairs, inviting them to participate in the general debate. The list of speakers opens on 1 November.

The Special Working Group on the Crime of Aggression would meet from Tuesday, 4 December to Thursday, 6 December. On Friday, 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.

Furthermore, the Bureau designated Ambassador Rosemary Banks (New Zealand) to undertake informal consultations regarding the election of the President of the Assembly for the next triennium and was informed that consultations towards identifying a facilitator for the omnibus resolution were continuing.

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