

Newsletter

#06 November

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Court



President Kirsch

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Editorial

Public trust and confidence are built on the quality of justice and are fundamental to the legitimacy of both national and international courts.

It is therefore essential for the Court to establish how it will disseminate information on its activities to the public and secondly to define who that public is. It is not surprising then, that one of the first strategies developed by the Court was an integrated strategy for external relations, public information and outreach. The public can be separated into three categories, those who are directly affected by a particular situation referred to the Court, those who actively seek dialogue with the Court, and finally the general public. The public can be further structured into different groups, such as victims, the legal profession, academia and civil society. These groups all play distinct and crucial roles in international criminal law. Knowing the structure of the public and then identifying the needs and expectations of the various groups that constitute the public is a necessary basis for building trust and thus represents one of our key challenges.

If trust is based on reality as well as, and perhaps to an even greater extent, on perception, then an on-going dialogue with the public is mandatory. It requires the Court to provide general information about the Court as well as specific information related to the on-going cases. The Court must be accessible and open to public opinion, it must respond to founded criticism and learn from its experiences. You will find in this newsletter two articles specifically related to the dialogue the Court engages in with the public, one on the Court's outreach programme and the other on visits to the Court. I hope that providing you regularly with the newsletter presents in itself a window of opportunity to gain trust and confidence for the work of the Court.

Bruno Cathala, Registrar

Message of the President

The ICC has issued its first warrants of arrest. On 13 October, Pre-Trial Chamber II unsealed five warrants of arrest against senior leaders of the Lord's Resistance Army for alleged crimes committed in Uganda since July 2002. The gravity of the alleged crimes included in the warrants is an important reminder to each of us of the need for an international criminal court.

In my recent presentation of the first report of the ICC to the UN General Assembly, I emphasised that if the ICC is to contribute to the aim of ending impunity for the most serious crimes of international concern, it requires cooperation in all phases of its operations.

The Court's investigations, for example, are occurring in situations of ongoing conflict. Cooperation is needed in such areas as ensuring security of Court staff, victims and witnesses; arranging adequate transportation, logistics and communications; and preserving and providing evidence. In order for the Court to commence its first trials, persons subject to warrants by the Court must be arrested and surrendered into its custody. Sentences handed down by the Court will have to be enforced. In that regard, the Court welcomes the first agreement on enforcement of sentences between a State Party and the ICC signed by Austria in October 2005. Given the Court's limited jurisdiction, universality is a necessary part of progressing towards the goal of ending impunity. The Court was very pleased, therefore, that Mexico ratified the Statute in October. The ICC welcomes the opportunity to engage in a constructive and open dialogue at the upcoming Session of the Assembly of States Parties. In particular, the Court needs input from States on the broader issues which affect the Court's ability to carry out its mandate. We are open to this communication and look forward to a productive Session.

Philippe Kirsch, President

The Proposed Programme Budget for 2006

At the end of August of this year, the Registrar submitted the proposed programme Budget for 2006 to the Secretariat of the ASP for distribution to all States Parties. As already described in an earlier issuance of the ICC Newsletter the preparation of the draft programme budget was facilitated by the Budget Steering Committee. Three aspects shall be mentioned here in connection with the proposed budget for 2006. First the format and preparation of the budget, second its content and third the communication related to the budget. In preparing the budget the Court has distinguished between 6 different phases of the judicial process (Analysis, Investigation, Pre-Trial, Trial, Appeal, Implementation). The needs for each of the situations have been examined in light of these phases. In addition the Court has analyzed all costs and separated 'basic' from 'situation-related' costs.

This methodology presents the groundwork for the Court's endeavour to identify the costs for each of the phases for each situation.

The following assumptions shape the content of the budget 2006. The Office of the Prosecutor will monitor up to eight situations and expects to begin investigations into the fourth situation. The Court assumes that a trial in one situation will start in May 2006, and a trial in another situation in July 2006. Until the commencement of trials, investigation and pre-trial activities will continue and appeals may arise. One investigation will continue throughout 2006.

From these assumptions one can derive two important components of the challenges for 2006. These components are the activities related to the field and the activities related to the proceedings before the Court. The Court will continue to put major efforts into activities in the field. Namely into investigations on the ground by the Office of the Prosecutor, activities related to defence, victims, witnesses and outreach. The proper legal framework for these activities will have to be established as well as support in terms of security, communications, logistics, translation, interpretation etc. will have to be well catered for. Furthermore, the Court has to provide for the smooth conduct of two simultaneous hearings. Hearings not only involve the Judges and its participants but also call upon court room teams and require the availability of proper facilities, including detention cells.

Another important aspect in this context is translation and interpretation. It shall be highlighted that proceedings imply, besides the two working languages of the Court, the language of the accused, witnesses and victims.

The increase in the budget 2006 is – to a large extent – on account of the resources that are required to overcome all of these challenges mentioned above.

In addition, the coming year will also be characterised by the continuation of the establishment of this still young organisation. This is mirrored – for instance – in the resources that are requested in respect of the ongoing development and implementation of the administrative and judicial systems.

The Court regards communication and transparency as crucial features of a proper process leading to the approval of the budget. The Court has continued to improve the dialogue with the States Parties, the Committee on Budget and Finance ("CBF") and with other key players such as NGOs. With these in mind the Court has organised various meetings related to the budget before, during and after its preparation and has done its utmost best to present valuable information. The Court particularly appreciated the fruitful exchange that took place with the CBF during its fifth session in October. The Committee itself *"welcomed the presentations made by the Office of the Prosecutor outlining the work of the investigation teams. This gave the Committee a vivid insight into the practical issues faced by investigation teams performing their critical work"*.¹ Also the CBF noted in connection with the budget proposals made by Registry that it *"welcomed the opportunity to discuss them thoroughly with the Registrar and each of his divisional Directors and Section Heads. The Committee particularly appreciated this dialogue and the explanations provided by all concerned."*²

The Court will continue to uphold its efforts to provide proper information on the budget. The Assembly of States Parties will finally consider the recommendations of the CBF and approve the budget during its fourth session that will be held from 28. November - 3. December 2005.

¹ See ICC-ASP/4/27, paragraph 41.

² Ibid, paragraph 47.

In brief:

President Kirsch addresses the UN General Assembly

On 8 November 2005, the President of Court, Judge Philippe Kirsch addressed the United Nations (UN) General Assembly. President Kirsch provided an update on recent developments at the Court and spoke about the cooperative relationship that exists between the Court and the UN. President Kirsch was speaking during the session of the UN General Assembly discussing the first-ever report of the ICC to the UN.

The report was submitted in July 2005. Under the Relationship Agreement between the ICC and the UN, the Court may submit reports on its activities to the UN.

Both President Kirsch's remarks and the Report of the ICC to the UN are available on the ICC website at:

www.icc-cpi.int/library/organs/presidency

In brief:

Austria: First State to sign an Agreement on the Enforcement of Sentences



On Thursday 27 October 2005, the Federal Minister of Justice of Austria, Ms. Gastinger, and the President of the Court, Mr. Kirsch, signed the first agreement between a State Party and the ICC on the enforcement of the sentences to be handed down by the Court. The signing ceremony took place at the seat of the International Criminal Court in The Hague.

The Rome Statute provides that the sentences handed down by the Judges *"shall be served in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons"*. (Article 103).

The signing of the first Enforcement of Sentences Agreement is an important step in the Court being fully operational.

President Kirsch thanked the Minister for Austria's decision to enter into the agreement with the Court and expressed his appreciation for Austria's longstanding commitment and support for the Court.

First ICC Arrest Warrants Unsealed

On 13 October 2005, the first warrants of arrest to be issued by the International Criminal Court were unsealed by Pre-Trial Chamber II. The warrants for five senior leaders of the Lord's Resistance Army (LRA) concern charges of Crimes against Humanity and War Crimes committed in Uganda since July 2002. The Chamber concluded that "there are reasonable grounds to believe" that Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya, "ordered the commission of crimes within the jurisdiction of the Court".

The warrants of arrest were issued under seal by Pre-Trial Chamber II on 8 July 2005 to "ensure the safety or physical or psychological well-being of" and to "prevent the disclosure of the identity or whereabouts of any victims, potential witnesses and their families". The Chamber also issued requests for arrest and surrender of the five LRA commanders named in the warrants and decided that they would be transmitted by the Registrar of the International Criminal Court to the Government of Uganda.

Pre-Trial Chamber II decided on 13 October to unseal the arrest warrants, noting that "the overall plan in respect of the situation in Uganda for the security of witnesses and victims in the field has been completed and implemented; and that by the assessment and advice of the Prosecutor and the Victims and Witness Unit the overall plans provides the necessary and adequate protective measures for all concerned at this stage".

Background

According to the allegations set out in the warrants of arrest, the LRA is an armed group which "has established a pattern of brutalization of civilians by acts including murder, abduction, sexual enslavement, mutilation, as well as mass burnings of houses and looting of camp settlements; that abducted civilians, including children, are said to have been forcibly recruited as fighters, porters and sex slaves and to take part in attacks against the Ugandan army (UPDF) and civilian communities".

The specific allegations are that in mid-2002 Joseph Kony ordered LRA forces to begin a campaign of attacks against civilians in Uganda. It is alleged that during the last quarter of 2003

Kony issued orders to kill, loot and abduct civilian populations, including those living in camps for internally displaced persons ("IDP"). In response, senior LRA commanders and all of the brigade commanders, including the persons named in the warrants of arrest, began attacking several regions in Uganda. The direct involvement of the persons whose arrest and surrender are sought in the objectives and strategies of the campaign is supported by evidence submitted by the Prosecutor.

Pre-Trial Chamber II

On 5 July 2004, the Presidency of the Court decided to assign the situation in Uganda to Pre-Trial Chamber II composed of Judge Tuiloma Neroni Slade (Samoa); Judge Mauro Politi (Italy); Judge Fatoumata Dembele Diarra (Mali).

The Counts:

The warrant of arrest for Joseph Kony lists thirty-three counts on the basis of his individual criminal responsibility (Articles 25(3)(a) and 25(3)(b) of the Statute) including:

- Twelve counts of crimes against humanity (murder - Article 7(1)(a); enslavement - Article 7(1)(c); sexual enslavement - Article 7(1)(g); rape - Article 7(1)(g); inhumane acts of inflicting serious bodily injury and suffering - Article 7(1)(k)), and;
- Twenty-one counts of war crimes (murder - Article 8(2)(c)(i); cruel treatment of civilians - Article 8(2)(c)(i); intentionally directing an attack against a civilian population - Article 8(2)(e)(i); pillaging - Article 8(2)(e)(v); inducing rape - Article 8(2)(e)(vi); forced enlisting of children - 8(2)(e)(vii)).

The warrant of arrest for Vincent Otti lists thirty-two counts on the basis of his individual criminal responsibility (Article 25(3)(b) of the Statute) including:

- Eleven counts of crimes against humanity (murder - Article 7(1)(a); sexual enslavement - Article 7(1)(g); inhumane acts of inflicting serious bodily injury and suffering - Article 7(1)(k)), and;
- Twenty-one counts of war crimes (inducing rape - Article 8(2)(e)(vi); intentionally directing an attack against a civilian population - Article 8(2)(e)(i); forced enlisting of children - 8(2)(e)(vii); cruel treatment of civilians - Article 8(2)(c)(i); pillaging - Article 8(2)(e)(v); murder - Article 8(2)(c)(i)).

The warrant of arrest for Okot Odhiambo lists ten counts on the basis of his individual criminal responsibility (Article 25(3)(b) of the Statute) including:

- Two counts of crimes against humanity (murder - Article 7(1)(a); enslavement - Article 7(1)(c)), and;
- Eight counts of war crimes (murder - Article 8(2)(c)(i); intentionally directing an attack against a civilian population - Article 8(2)(e)(i); pillaging - Article 8(2)(e)(v); forced enlisting of children - 8(2)(e)(vii)).

The warrant of arrest for Dominic Ongwen lists seven counts on the basis of his individual criminal responsibility (Article 25(3)(b) of the Statute) including:

- Three counts of crimes against humanity (murder - Article 7(1)(a); enslavement - Article 7(1)(c); inhumane acts of inflicting serious bodily injury and suffering - Article 7(1)(k)), and;
- Four counts of war crimes (murder - Article 8(2)(c)(i); cruel treatment of civilians - Article 8(2)(c)(i); intentionally directing an attack against a civilian population - Article 8(2)(e)(i); pillaging - Article 8(2)(e)(v)).

The warrant of arrest for Raska Lukwiya lists four counts on the basis of his individual criminal responsibility (Article 25(3)(b) of the Statute) including:

- One count of crimes against humanity (enslavement - Article 7(1)(c)), and;
- Three counts of war crimes (cruel treatment of civilians - Article 8(2)(c)(i); intentionally directing an attack against a civilian population - Article 8(2)(e)(i); pillaging - Article 8(2)(e)(v)).

The Court's Strategic Plan

The Court has committed itself to sound management, transparency, accountability and effective planning in all its activities. To this end, the Coordination Council, composed of the President, Prosecutor and Registrar, has made developing a five-year strategic plan for the Court one of its main priorities. The plan will set out the overarching objectives of the Court's different organs to work together to advance the aims of the Rome Statute as well as a strategy for attaining these objectives. The plan is being prepared by a Project Group overseen by the Coordination Council, with the assistance of Court staff.

The strategic planning process will have several benefits for the Court. First and foremost, it will stimulate and sustain strategic thinking and action in its planning. As a common plan for the Court, it will also ensure continuous coordination among the institution's units, sections and organs. By helping to identify key issues, needs and challenges, the planning process will facilitate sound decision-making and enhanced performan-

ce in all the Court's activities. Disseminating the strategic plan will be a further demonstration of transparency and accountability.

The Court has established the framework for the strategic plan and, to a great extent, has developed its content. Issues addressed include ensuring the effectiveness, impartiality, transparency and efficiency of the Court and developing its institutional identity. The agreed objectives will be supplemented by a strategy identifying the key elements needed to reach them. Strategic indicators will make it possible for the Court to assess its progress as it moves forward. (see overview of the strategic plan, inset)

This framework will form the foundation for strategies for each organ and common strategies for issues requiring a coordinated approach. The strategic planning process has already led to the development of common strategies in external relations, public information and outreach, victims and field offices. The Court has begun to integrate

the strategic planning and budget processes in order to ensure that the budget contributes most effectively to meeting the strategic objectives.

The Court Capacity Model

An integral part of the strategic planning process is the development of a Court Capacity Model, designed to provide estimates of what the Court can achieve over a five-year period in respect of each of its activities. The model takes varying levels of resources and underlying assumptions into account.

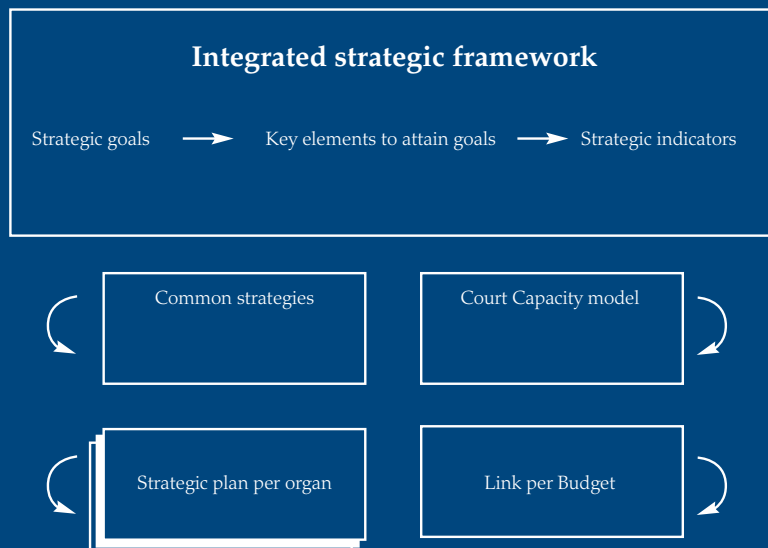
The model is based on the Court's resources in the 2005 budget, proposed 2006 budget and current activities. For budgetary purposes, the Court has identified six phases: analysis, investigation, pre-trial, trial, appeal, implementation of its activities. The model will allow the Court to forecast what is needed for each phase and optimise resource needs across phases. By varying the underlying assumptions and available resources, the Court will be able to make use of the model to carry out a broad range of simulations.

Forecasting the frequency and magnitude of situations warranting Court action is not possible. The model relies on the Court's experiences to date. Because the Court has not yet gone through a full cycle of proceedings, the model depends largely on assumptions. It will be continuously assessed in light of accumulated experience and operational and strategic decisions. The Court is establishing contacts with business and management schools to make an external assessment of the methodology used for the model.

The model is already proving to be an important analytical tool which provides a solid basis for management and decision-making in the future. The model can, for example, provide a suitable methodology for defining the Court's needs in respect of its permanent premises. Simulations will also assist in detecting and preventing bottlenecks in Court processes and developing sound budgetary proposals.

The Court has already incorporated the great majority of its activities into the model and expects to be in a position to run the first simulations by the end of the year. In addition to serving as a guide for the Court's development, the strategic plan will form a benchmark for annual evaluations of the Court's performance and achievements. The Court will periodically review the plan in light of new experiences to ensure that it remains consistent with needs and demands.

Structure of the ICC Strategic Plan



Outreach: Engaging Communities

There has been a significant increase in the ICC's public information and outreach activities in the field. The Court has established its field presence this year and has carried out several outreach activities. In Kinshasa, Paul Madidi, a Congolese journalist, was appointed Acting Field Public Information and Outreach Assistant. Next year, the Court will have strengthened teams in the field offices responsible for carrying out outreach and public information tasks in the three countries where investigations are ongoing: the Democratic Republic of Congo, Darfur in Sudan, and Uganda. The teams are coordinated by the Public Information and Documentation Section in The Hague. In close consultation with the field office and with the advice of local partners, the situation-related strategies and derived action plans are carefully developed. The general framework is the integrated strategy for external relations, public information and outreach, adopted by the Court in July 2005. The strategies and action plans are evolving products that are continuously refined by the inter-organ External Communications Working Group on the basis of consultations and experience.

While carrying out outreach activities is primarily a responsibility of the Court, the ICC will in part rely on partners to help it fulfil its mandate and to reach the broadest possible audience.

The current planned outreach activities aim at raising awareness, sensitising the population to the principles and functioning of the Court and promoting a better understanding among the

population of Uganda, the Democratic Republic of Congo and Darfur. This is done through holding seminars and workshops, developing and distributing printed materials including ICC legal texts, through radio broadcasts and by using educational audiovisual tools in group presentations.

These information tools explaining the judicial proceedings, functioning and structure of the Court have been developed, tested and disseminated. Messages are tailored to target groups, including women and children. In general, these products have been translated into local languages, and are designed to answer frequently asked questions, address concerns raised by the affected communities, correct misperceptions, and manage expectations.

Outreach tools

The "ICC information kit" is a folder containing the Rome Statute and a set of fact sheets with the following titles: The International Criminal Court at a Glance; The Judges of the Court; The Presidency and Chambers; The Office of the Prosecutor at a Glance; Victims before the ICC; and The Trust Fund for Victims. New fact sheets are currently being prepared on various subjects.

"Understanding the International Criminal Court" explains the judicial process and features of the Court in simple terms. Drawings to illustrate the final publication are being prepared by local artists. "Open Court" is a series of radio programmes mainly aimed at members of affected communities, including internally displaced persons, and



Uganda Law Society Seminar, 24 - 26 October 2005

women and children. Each lasts for three minutes. Two new outreach videos are currently under preparation. "ICC at your fingertips" is aimed at the general public and uses animation to answer frequently asked questions about the ICC. It leads the viewer through the Court's proceedings in a very didactic way. "Victims and witnesses before the ICC" is a more specialised video addressing the issues regarding the status of victims and witnesses before the Court.

Upcoming events

In line with the activities listed in the table below, several events are planned for the coming months in the DRC and Uganda. The Court will continue to hold training seminars with judicial authorities, NGOs, individual lawyers and other selected audiences. It will also expand its activities to reach academia representatives and students. The use of radio to disseminate information will increase. New communication tools that have already been identified will be developed.

Recent events

Democratic Republic of Congo

Training seminars on ICC for senior judges, magistrates and other judicial personnel, both civilian and military. Kinshasa, Kisangani and Lubumbashi. April 2005.

Informational meetings with Congolese NGOs and individual lawyers. Kinshasa, Kisangani and Lubumbashi. April 2005.

Mission to Bunia in order to hold bilateral meetings with IGOs and NGOs operating in Ituri. April 2005.

Seminar on the protection of victims and witnesses, with the Congolese Initiative for Justice and Peace, Human Rights Watch and Redress. Bukavu, April 2005.

With Association Contre L'Impunité pour les Droits Humains seminar on the rights of victims before the ICC. Lubumbashi, July 2005.

With the Congolese NGO Coalition for the ICC, seminar on the work of the Court and the potential role of NGOs. Kinshasa, September 2005.

Uganda

Information meeting with local councils of 9 districts affected by the internal conflict, Entebbe, August 2005.

With the Ugandan Coalition of NGOs for ICC, information meeting on ICC, Kampala, August 2005.

Information meetings with IGOs, NGOs and media representatives, Gulu, August 2005.

Media consultation meeting on ICC outreach and public information products, Kampala, September 2005.

Seminar for judicial authorities and government officials, Kampala, October 2005.

With the Uganda Law Society and the Uganda Association of Women Lawyers (FIDA), training on ICC for lawyers, Kampala, October 2005.

With the Legal Aid Project of the Uganda Law Society, and FIDA, workshop for lawyers providing legal aid. Kampala, October 2005.

With the Institute for War and Peace Reporting (IWPR), briefing with journalists, members of the Uganda Radio Network. November 2005.

The Strategy for External Relations, Public Information and Outreach

External relations, public information and outreach are critical areas of activity for the ICC and are key to delivering public and transparent justice, securing necessary support for the Court and ensuring its effective impact. In July 2005, an inter-organ working group including the Presidency, Office of the Prosecutor and Registry, finalised an integrated strategy for external relations, public information and outreach. The strategy was prepared in conjunction with the work on the broader Strategic Plan of the Court and is intended to assist the Court in maximizing coordination in these three areas and in developing common messages, approaches, and activities. The integrated strategy is an evolving document and will be updated periodically in light of additional consultations and the experiences of the Court.

To ensure implementation and development of the integrated strategy as well as continued coordination, the President, Prosecutor and Registrar established an inter-organ External Communications Working Group. This Group currently meets twice a week and addresses a range of issues in these areas such as situation-specific outreach and public information strategies; crisis communication plans; web-site redesign; and communication with States, including preparation for Diplomatic Briefings and reports on Court activities for the ASP and United Nations.

In brief:

Mexico ratifies the Rome Statute

On 28th October 2005, Mexico ratified the Rome Statute of the International Criminal Court. The Statute will enter into force for Mexico on 1 January 2006, bringing the total number of States Parties to the Rome Statute to 100. 139 States are signatories.

Reacting to the 100th ratification of the Rome Statute, the ICC President, Judge Philippe Kirsch, noted that "The ICC was established to help put an end to the most serious international crimes. Because of the limits on the Court's jurisdiction, universal ratification is a necessary part of achieving this goal. I therefore welcome the 100th ratification of the Rome Statute by Mexico."

Visiting the Court



Students visit the ICC

Delivering public and transparent justice is key to the success of the ICC. The Court is committed to being accessible to the public at large. One of the main tools used to effectively share information is the ICC visits programme and each week some one hundred people visit the International Criminal Court in The Hague.

The programme was created three years ago and includes two types of visits: those aimed at the general public interested in the work of the Court, including student groups and lawyers, and official or courtesy visits made by representatives of States Parties to the Rome Statute, governments, or international organisations and institutions.

Between January and October this year, 3600 visitors coming from all over the world have participated in 194 briefings organised by the Court, compared to 2004, when 110 visits were organised for a total of 2350 visitors. The number of requests is increasing.

The programme for the general public begins with an introduction to the history of the Court followed by 30 minute presentations from a representative of each organ of the ICC. At the end of the presentations time is available for discussion.

In general, presentations are given in the working languages of the Court, English and French, but whenever possible, briefings in other languages requested by a visiting group are provided. In addition to the briefings, whenever hearings and proceedings are held in open session, visitors will be able to follow them from the public galleries.

The visits to the Court are organised by the Protocol Officer of the Public Information and Documentation Section and his assistant. They are responsible for ensuring the smooth running of all public visits and briefings, and for coordinating conferences and events. Most notably in the case of official and courtesy visits they ensure that the correct protocols are in place.

Those wishing to visit the Court can find all practical information on the ICC website at: www.icc-cpi.int/about/Visits.html

The Office of Public Counsel for Victims: A New Step in Ensuring Effective Participation of Victims before the Court

On 19 September 2005 the Office of Public Counsel for Victims was established. Paolina Massidda was appointed Principal Counsel.

The Office, which is independent and provides support and assistance to victims and victims' legal representatives, will play a key role in ensuring effective victim participation in the proceedings. Over the coming months, the internal organisation of the Office will be developed and it is expected to be operational by the end of the year.

The second paragraph of the preamble of the Rome Statute states that States Parties are *"mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shocked the conscience of humanity"*. One important objective has therefore been to ensure that the interests of the victims are addressed through their participation in the proceedings, personally or on their behalf.

Unlike other statutes, the Rome Statute accords to

victims of crimes under the jurisdiction of the Court explicit rights to make representations, submit observations and have their views and concerns presented and considered *"when [their] personal interests are affected"*. This was seen as an important achievement during and following the Rome Conference because the Court's role was seen to be not merely punitive but also rehabilitative. Participation of victims was therefore considered an essential tool for bringing the Court and its proceedings closer to those who have suffered atrocities.

For the purpose of assisting victims in their participation in the proceedings and asking for reparations, regulation 81 of the Regulations of the Court provides for the establishment of an Office of Public Counsel for Victims.

Trust Fund for Victims

Annual Meeting of the Board of Directors

The Second Annual Meeting of the Board of Directors of the Trust Fund for Victims was held at the seat of the International Criminal Court on 22 and 23 November 2005.

Her Majesty Queen Rania Al-Abdullah of Jordan (via telephone), Madam Minister Simone Veil (France) and His Eminence Archbishop Emeritus Desmond Tutu (South Africa) took part in the two day meeting during which they discussed among other matters, financial issues and the budget for 2006, the draft Regulations of the Trust Fund for Victims as well as issues relating to fundraising and the Trust Fund Secretariat.

Annual Report to the ASP

Second Annual Report to the ASP on the activities and projects of the Board of Directors of the Trust Fund for Victims, 16 July 2004 to 15 August 2005. On 26 September 2005, the Second Annual Report on the activities and projects of the Board of Directors of the Trust Fund for Victims covering the period 16 July 2004 to 15 August

2005 was transmitted to the Secretariat of the ASP. The First Annual Report addressed to the ASP included a proposed budget. In similar fashion, the Second Annual Report contains the proposed budget of the Secretariat of the Board for 2006. The budget was analysed at the meeting of the Committee on Budget and Finance in The Hague from 10 to 14 October 2005.

The report can be consulted at:

<http://www.icc-cpi.int/vtf/vtfboard.html>

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005.

Current situation of Contributions and Pledges to the Trust Fund for Victims of the International Criminal Court.

Approximate amount received to date:

EUR 733 760.00

Approximate amount pledged to date:

EUR 250 000.00

VPRS

Frequently asked questions

What does the Victims Participation and Reparation Section (VPRS) do?

The VPRS informs victims of their rights in respect of participation and reparations. It also assists them to apply for participation in the proceedings or reparations, or both. It helps them obtain legal advice and organises their legal representation. In order to identify and reach victims, the VPRS is actively developing relationships with victims' groups, civil society organisations and other national and international institutions, particularly in countries where the Court is active. The VPRS remains neutral and focuses on facilitating access to the Chambers for victims and those acting on their behalf.

What does the VPRS attempt to achieve?

The VPRS attempts to take into account the local traditions and cultural norms of the countries where the Court is active. Accordingly, it develops strategies for reaching out to victims to ensure that no person, organisation or institution is denied the right to apply for participation or reparations. At the same time, it considers the very sensitive nature of this mandate. Special attention is given to the particular needs of children, the elderly, persons with disabilities and victims of sexual or gender violence.

In order to ensure that its work with victims and those assisting them is done as practically, safely and respectfully as possible, the VPRS collaborates with and conducts training seminars for lawyers, local authorities, organisations and civil society actors in the field. By discussing the local needs of victims with these players, the VPRS has been able to initiate efforts geared to the best interests of specific victim populations.

What are the current developments of the VPRS work?

The VPRS has begun to disseminate the approved Standard Application Form for Participation in the Democratic Republic of the Congo and Uganda, and has already received the first six applications from the DRC. The Section plans to continue dissemination of the form via local authorities, civil society organisations, and others. The VPRS is currently in the process of developing a Standard Application Form for Reparations. The forms have been developed in consultation with a range of actors, including relevant intermediaries, experts and practitioners in the field.

The Services Section, a Pillar of the OTP

Established in October 2003, the Services Section is one of three sections in the Office of the Prosecutor. Headed by former German judge Klaus Rackwitz, the OTP Services Section handles all matters pertaining to budget and finance, translation, transcription of documents and field interpretation, technology services and the information database, information and evidence storage. The Services Section also acts as the OTP's liaison point with the Registry for administrative and technology-related matters. For the sake of efficiency, the Section is divided into four Units, some of which were stand-alone OTP operational components until October 2003.

The General Administration Unit handles budget and finance, which includes procurement. It also provides technical support for selection and recruitment of OTP staff, coordinates their professional development needs, and administers the Clerkship and Visiting Professionals Programme. With three investigations ongoing, speaking about the General Administration Unit, Mr. Rackwitz said *"there is not one request not fulfilled, indicating that we are adequately resourced for the time being."*

The Language Services Unit provides all the translation, transcription and field interpretation services requested by OTP staff to advance the investigations. Currently, the Unit provides services in 15 languages: the Court's two working

making use of descriptive explanations and introducing new words and phrases. For example, the name of the ICC in Acholi, *kot madit maloyo iwilobo*, was first proposed by the Unit. In this way, OTP interpreters have an influence on those languages and, consequently, the legal concepts and practices of the communities where they are spoken. Despite the challenges, OTP Language Coordinator Christl Schraut says that *"all service requests from the Ugandan team have been met and recognised as high quality by the team members."*

staff, the Information and Evidence Unit has been receiving, storing and handling all physical and electronic evidence and potential trial exhibits. An important part of its duties is to safeguard the integrity of material to be used as evidence.

Headed by Mr Kebba Khan from Gambia, the Unit also performs the function of evidence custodian and, under article 15 of the Rome Statute, receives, acknowledges, and stores communications and referrals sent to the Prosecutor. Registration of



Services Section managers' meeting: (from the left) Nathalie Groves, Christl Schraut, Michael Lees, Kebba Khan and Klaus Rackwitz.



Inside the Information and Evidence Unit: Andreia David and Ana Gabriela Perl process evidentiary materials.

languages, English and French, and African languages such as Acholi, Lingala and Musalit.

Many legal concepts of international justice do not exist in some cultures and languages, which poses serious translation and interpretation challenges for OTP language specialists. Still, the message must be delivered as accurately as possible,

"The biggest success is implementing the information management procedures. The next challenge is having them accepted," says Knowledge Base Unit Manager Michael Lees. His unit provides specialised technology-based services and maintains an OTP database to build a long-term and case-independent knowledge resource. It also organises all services related to analysis and evidence presentation technology and assists analysts, investigators, legal advisers and trial specialists by providing them with the most suitable technical solutions. Where applicable, the Unit provides technical assistance in customisation of existing in-house applications to handle unique requirements. In conjunction with the OTP management, the Unit is responsible for maintaining the security classification and access privileges of staff in respect of all electronic evidentiary material within the OTP network. Equipped with high-tech tools and an experienced

evidence normally takes place at the seat of the court. Upon receipt, the materials are batched, numbered, delimited, scanned or digitised. Hard-copy items are stored in the evidence vault and the electronic versions are released into the electronic document management system.

Commenting on the Unit's objectives, Mr. Khan says, *"The goal of the Information and Evidence Unit is to maintain the integrity of the information and evidence collection and to have it readily available to all members of the Office of the Prosecutor."*

Nurturing talent through representative selection

OTP Clerkship and Visiting Professionals Programmes

Almost from the start, the OTP has had Clerkship and Visiting Professionals (VP) Programmes specifically targeted to individuals who may be able to educate their peers about the role of the ICC. Over the last 18 months, the OTP programmes have hosted 152 law clerks (LCs) and 10 VPs.

Among current VPs is Professor Renwen Liu of China, a Senior Research Fellow of Criminal Law and Policy at the Law Institute of the Chinese Academy of Social Sciences, a Beijing advisory think-tank. Professor Liu says that taking part in the programme will allow him to educate his students and peers about the positive role the ICC plays for humanity and that *"we should persuade the Government of China, which is not a State Party, to be more involved with the ICC"*.

The Clerkship and Visiting Professionals programmes were developed when the ICC-OTP start-up team began its work. *"One of our main challenges was to find a fair way to attract highly competent talent with integrity from all continents to the Court"*, says Morten Bergsmo, who designed the programmes. *"Incubating such talent through representative selection, professional coaching and skills development is an invaluable human resources investment in this new area of international practice."*

Hard at work on the OTP Legal Tools Project, Bergsmo's Legal Advisory Section (LAS) has greatly benefited from the Clerkship Programme, with LCs coming from more than 30 countries, including Brazil, Cambodia, Egypt, Ghana, India, Indonesia, Japan, Mexico, Russia, South Korea, Sri Lanka, and Uzbekistan. Modest stipends from the European Union, Finland, Norway and Canada have helped to ensure proper geographic representation.

Programme regulations have not prevented clerks from seeking gainful employment at the Court immediately after their clerkships. During its establishment phase, the Court has continued to benefit from the enthusiasm and expertise of some of its unusually well qualified former clerks who have succeeded in competitions for positions at the Court or, exceptionally, been granted temporary contracts to work on the completion of specific projects. However, this has always been conditioned by budgetary constraints.

Brief portraits of five former LAS law clerks now employed by the Court follow:

Claudia Angermaier (29, South Africa and Austria) holds a BA in philosophy and psychology from the University of Witwatersrand in Johannesburg and a law degree from the University of Vienna, Austria, where she has started work on a doctoral thesis on amnesties. As Assistant Legal Adviser, she is working on an online commentary to procedural provisions of the Rome Statute as part of OTP-LAS Legal Tools Project.

Sangkul Kim (35, South Korea) completed his LL.B. at Korea University in Seoul before working in legal departments for multinational corporations for four years. He then obtained a LL.M. in International Legal Studies from Georgetown University Law Center in Washington, D.C., majoring in international criminal law. He is working as Associate Legal Adviser on the Case Matrix and Legal Tools Projects.

Pubudu Sachithanandan (25, Sri Lanka) completed the Sri Lankan Bar exams after obtaining an LL.B. from the University of London. He participated in the Salzburg Law School on International Criminal Law and worked twice as a university research assistant. He is now an Assistant Trial Lawyer in the Prosecution Division. Among his duties are assisting senior counsel in litigation and analysing evidentiary material.

Julieta Solano (29, Colombia) studied law at Universidad de Los Andes in Bogotá, with minors in history and French. She represented Colombia at the 2000 international round of the Jessup moot court in Washington, D.C. and earned a Magister Juris degree from the University of Oxford. In Bogotá, she worked as a public defender with the Legal Aid Bureau of her university. She joined the OTP as one of its first law clerks in March 2003. Currently, she works as Associate Trial Lawyer in the Prosecution Division.

Jennifer J. Schuetze (27, United States and Germany) studied German and French literature at the University of Victoria, before earning a dual degree in both civil and common law (BCL/LL.B.) and a Master's degree in law (LL.M.) from McGill University. She was the Assistant Director of the McGill Faculty of Law Legal Clinic for the Special Court for Sierra Leone. As a Network Project Assistant working in the Investigation Division, she manages development and maintenance of networks with law enforcement agencies.



From top to bottom of page: Claudia Angermaier, Sangkul Kim, Pubudu Sachithanandan, Julieta Solano, Jennifer J. Schuetze

The Assembly of States Parties

Fourth Session and Resumed Fourth Session of the Assembly

The fourth session of the Assembly will be held in The Hague from 28 November to 3 December 2005 and the resumed fourth session in New York from 26 to 27 January 2006. At the fourth session to be opened by the incoming President, Ambassador Bruno Stagno Ugarte of Costa Rica, two Vice-Presidents and 18 Bureau members will be elected for a three-year term. The Assembly will consider, inter alia, the following items: the draft 2006 programme budget, audit reports, the draft Code of Professional Conduct for Counsel, the establishment of a New York liaison office, the draft Regulations of the Trust Fund for Victims, draft guidelines on gratis personnel, permanent premises for the Court, and the report of the Special Working Group on the Crime of Aggression. Several reports to the Assembly along with information about the provisional agenda, credentials and registration for the fourth session and resumed fourth session are available on the Court's website¹.

Committee on Budget and Finance

The Committee on Budget and Finance held its fifth session from 10 to 14 October 2005 in The Hague and considered or made recommendations regarding, inter alia, the draft 2006 programme budget and several other reports on budgetary matters, audit reports, the Strategic Plan of the Court, legal aid, and proposals concerning permanent premises for the Court.² The issue of such premises is under consideration. The Netherlands, as host State, has made interim premises available to the Court free of rent for a period of 10 years which will end on 1 July 2012.

Bureau

Regarding the outcome of the consultations of the two Working Groups of the Bureau based in New York and The Hague, the Bureau has submitted its reports to the Assembly on the arrears of States Parties, the draft Code of Professional Conduct for Counsel, the establishment of a New York liaison office and the draft Regulations of the Trust Fund for Victims. The Hague Working Group of the Bureau held its fourth meeting on 2 November 2005 to consider the issue of permanent premises for the Court.

Elections

The nomination period for the election of six judges of the Court, initially scheduled to close on 9 October 2005, has been extended three times, pursuant to operative paragraph 11 of resolution

ICC-ASP/3/Res.6, and will close on 20 November 2005.³ The elections are scheduled to take place in New York on 26 and 27 January 2006 at the resumed fourth session of the Assembly.

Of the 18 judges elected by the Assembly in 2003, one-third were chosen by lot for a term of three years, one-third for a term of six years and one-third for a term of nine years. The six judges whose term ends on 10 March 2006 come from the following regional groups: one from the African States; two from the Asian States; one from the Eastern European States; and two from the Western European and Other States.

At the resumed session, the Assembly will elect six judges to fill these positions. The six judges to be elected will serve a term of nine years.⁴

The nomination period for the election of six members of the Committee on Budget and Finance closed on 9 October 2005. The Secretariat received six nominations.⁵ Of the 12 members of the Committee on Budget and Finance, six will be elected for a three-year term. The six current members, whose term of office ends on 20 April 2006, come from the following regional groups: one from the African States; two from the Asian States; one from the Eastern European States; one from the Group of Latin American and Caribbean States; and one from the Western European and Other States.

¹ <http://www.icc-cpi.int>, Assembly of States Parties.

² <http://www.icc-cpi.int>, Assembly of States Parties.

³ Detailed information on the candidates and on the extension of the nomination period can be found at <http://www.icc-cpi.int>, Assembly of States Parties.

⁴ Information regarding the requirements related to gender, regional groups and competence in criminal law and procedure or competence in relevant areas of international law, which must be met at the forthcoming election can be found in the note verbale of 18 April 2005, reproduced at <http://www.icc-cpi.int>, Assembly of States Parties.

⁵ Detailed information on the candidates can be found at <http://www.icc-cpi.int>, Assembly of States Parties.

Term of Office of Current President of ASP Completed

The term of office of H.R.H. Prince Zeid Ra'ad Zeid Al'Hussein, who was elected President of the Assembly of States Parties on 3 September 2002, will expire at the beginning of the fourth session of the Assembly. A member of the delegation of Jordan, he was previously involved actively in the Preparatory Committee for the Establishment of an International Criminal Court, the Rome Diplomatic Conference and the Preparatory Commission for the International Criminal Court. He played a pivotal role as coordinator of the informal consultations during the drafting of the elements of crimes. In addition to his responsibilities as President of the Assembly, he has been the Permanent Representative of Jordan to the United Nations in New York since August 2000. H.R.H. Prince Zeid Ra'ad Zeid Al'Hussein will be succeeded by Ambassador Bruno Stagno Ugarte of Costa Rica.



The President of the Assembly of States Parties, H.R.H. Prince Zeid Ra'ad Zeid Al'Hussein, drawing lots to determine the State Party that shall occupy the first desk during the fourth session of the Assembly: Nigeria. At his right, the Director of the Secretariat of the Assembly, Mr. Medard Rwelamira and at his left, Judge Hans-Peter Kaul of the ICC. Meeting of the Bureau in New York on 16 June 2005.

Latest Documents

Pre-Trial Chamber I

05.10.2005	Decision to Hold Consultation
09.11.2005	Decision following the consultation held on 11 October 2005 and the Prosecution's submission on Jurisdiction and admissibility filed on 31 October 2005

Pre-Trial Chamber II

13.10.2005	Decision on the Prosecutor's Application for unsealing of the warrants of arrest
13.10.2005	Warrant of Arrest for Joseph Kony issued on 8 July 2005 as amended on 27 September 2005
13.10.2005	Warrant of Arrest for Vincent Otti
13.10.2005	Warrant of Arrest for Raska Lukwiya
13.10.2005	Warrant of Arrest for Okot Odhiambo
13.10.2005	Warrant of Arrest for Dominic Ongwen
18.10.2005	Prosecutor's Position on the Decision of Pre-Trial Chamber II To Redact Factual Descriptions of Crimes from the Warrants of Arrest, Motion for Reconsideration, and Motion for Clarification
20.10.2005	Decision on the Exercise of Functions by the Full Chamber in Relation to an Application by the Prosecutor under Article 58 (Dated 18.05.2005 - Unsealed pursuant to Decision ICC-02/04-01/05-52)
20.10.2005	Decision on the Extension of the Page Limit in Relation to an Application by the Prosecutor under Article 58 (Dated 19.05.2005 - Unsealed pursuant to Decision ICC-02/04-01/05-52)
20.10.2005	Decision on the Prosecutor's Motion for Clarification and Urgent Request for Clarification of the Time-limit Enshrined in Rule 55 (Dated 18.07.2005 - Unsealed pursuant to Decision ICC-02/04-01/05-52)
20.10.2005	Decision on Prosecutor's Application for Leave to Appeal in part Pre-Trial Chamber II's Decision on the Prosecutor's Applications for Warrants of Arrest under Article 58 (Dated 19.08.2005 - Unsealed pursuant to Decision ICC-02/04-01/05-52)
28.10.2005	Decision on the Prosecutor's Position on the Decision of Pre-Trial Chamber II to Redact Factual Descriptions of Crimes from Warrants of Arrest, Motion for Reconsideration and Motion for Clarification
02.11.2005	Decision to Hold a Hearing on the Request under Rule 176 made in the Prosecutor's Application for Warrants of Arrest Under Article 58 (Dated 09.06.2005 - Unsealed pursuant to Decision ICC-02/04-01/05-62)
02.11.2005	Order to the Registrar to Attend the Status Conference Scheduled for 3 October 2005 (Dated 30.09.2005 - Unsealed pursuant to Decision ICC-02/04-01/05-62)
02.11.2005	Decision to Unseal further Documents of the Record

Recent Appointments at the International Criminal Court (ICC)

Special Adviser on External Relations, Registry Strategy and Planning

In August 2005, Catherine Cisse joined the Registry of the ICC as Special Adviser on External Relations, Registry Strategy and Planning.

Field Office Coordinator

In September 2005, Jean-Claude Aubert joined the Registry of the ICC as Field Office Coordinator.

The Senior Legal Adviser to the Pre-Trial Division

In October 2005 Gilbert Bitti took up his position as The Senior Legal Adviser to the Pre-Trial Division, Chambers.

Situation Analyst with the Jurisdiction, Complementarity and Cooperation Division

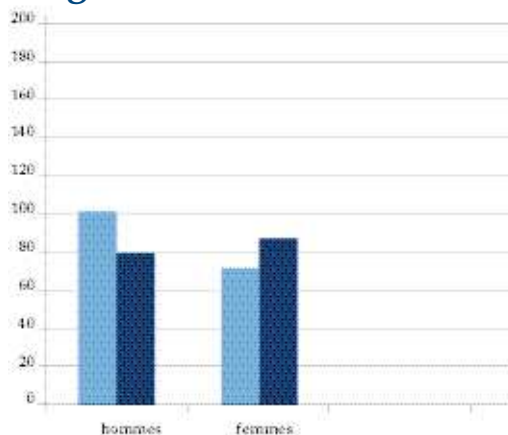
In November 2005, Emeric Rogier joined the Office of the Prosecutor as Situation Analyst with the Jurisdiction, Complementarity and Cooperation Division.

Latest recruitment Figures

Of the 344 ICC Staff Members from 62 countries, 181 are male and 163 are female.

Not including:
22 on elected posts
97 on temporary posts

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