

Assembly of States Parties

Distr.: General
9 March 2005

Original: English

Fourth Session

The Hague

28 November to 3 December 2005

**Report to the Assembly of States Parties on the
Future Permanent Premises of the
International Criminal Court: Housing Options**

Note by the Secretariat

The Secretariat of the Assembly of States Parties has received the following Report from the International Criminal Court and has been requested to submit it to the Assembly for its consideration

**REPORT ON THE
FUTURE PERMANENT PREMISES
OF THE
INTERNATIONAL CRIMINAL
COURT**



**A COMPARATIVE EVALUATION OF THE THREE POSSIBLE OPTIONS FOR THE
PERMANENT PREMISES OF THE INTERNATIONAL CRIMINAL COURT**

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This report was prepared by the Inter-Organ Committee on the Permanent Premises of the International Criminal Court under the chairmanship of Judge Hans-Peter Kaul.

The Court would like to express its appreciation for the contributions and data provided by the ICC Task Force, the Netherlands Government Building Agency and the Registry of the International Criminal Tribunal for the former Yugoslavia.

EXECUTIVE SUMMARY

1. Objective

1. This report was prepared at the request of the Assembly of States Parties (the Assembly) by the Inter-Organ Committee on the Permanent Premises of the International Criminal Court. It compares three options for the future permanent premises of the Court as suggested by the Assembly at its session in 2004, namely: staying indefinitely in the interim premises (the Arc); moving into the premises of the International Criminal Tribunal for the former Yugoslavia (ICTY premises) once the Tribunal has finalized its work; or moving into new purpose-built premises to be located at the Alexanderkazerne.

2. Methodology and findings

2. The three options are compared in the light of objective criteria and given a weighted rating for each criterion. This method allows for an objective assessment with a quantifiable outcome. The criteria that are used for the comparison are the same as those formulated in the Project Presentation, the document containing the estimated accommodation requirements of the Court by 2012.

3. The conclusion of this report is that the best option would be to move into new purpose-built premises.

4. The ICTY premises and the Arc are both considered to be sub-optimal solutions. They each suffer from the same problem: although they may be adaptable to some extent to the formal requirements of the Court, they are not really suitable for an international criminal court. Accordingly, although there would be a slight preference for the ICTY premises over the Arc, the existing buildings cannot in either case fully meet the spatial and functional requirements of the International Criminal Court and this is an insurmountable disadvantage.

5. The big difference between the ratings for the Arc and the ICTY premises, on the one hand, and the Alexanderkazerne, on the other, is due mainly to the fact that the former:

- Are too small to house the Court at Full Capacity;
- Do not allow for further possible expansion (scalability);
- Do not meet the specific functional needs of an international criminal court;
- Do not meet the required security standards;
- Do not project the correct image of the Court.

6. The Alexanderkazerne has the important advantage of permitting the permanent premises to be designed exactly in accordance with the requirements of the Court. As a consequence, many of the disadvantages that ensue from moving an organization with specific needs to an already existing building do not arise.

7. The costs for each option were one of the main criteria in the overall comparison. They were allocated 20% of the total weight of all criteria. Even applying this relatively high level of importance, the outcome is more evenly distributed than might be expected, because it is estimated that the differences in total annual costs for accommodation over a longer period would not be very great.

I. INTRODUCTION

8. This report is submitted further to paragraphs 23 and 24 of part II (Programme Budget for 2005 and related documents) of the official records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, held in The Hague, from 6 to 10 September 2004 (ICC-ASP/3/25). In paragraph 23 the Assembly noted that there were at present three possible options for the Court as regards its permanent premises: to stay in its current premises; to move into the building of the International Criminal Tribunal for the former Yugoslavia, if and when vacated; or to move to a different dedicated building.

9. In paragraph 24, the Assembly also endorsed the recommendations contained in paragraphs 101 and 102 of the report of the Committee on Budget and Finance dated 13 August 2004 (ICC-ASP/3/18). There, the Committee had recommended, in particular, that the Assembly should consider the desirability of establishing purpose-built permanent premises for the Court. The Committee had also recommended that the Court and the Assembly consider the possibility of continuing to use the interim premises in the longer term. Furthermore, the Committee had requested that the Court prepare an analysis of the costs and benefits of continuing to use the current premises, in order to assist the Assembly in considering the options.

10. With regard to these issues, the Assembly expressed the view that further consultation would be required on this matter and decided to be seized of the matter in 2005.

11. As requested by the Assembly and the Committee on Budget and Finance, this report has been prepared to inform, initially, the Committee, during its session in The Hague from 4 to 6 April 2005, on the three housing options identified by the Committee and the Assembly. Furthermore, it is planned to use this report for the proper and full information of States Parties on other occasions, in particular at meetings of the Working Group with the Bureau of the Assembly under the chairmanship of Ambassador Gilberto Vergne Saboia (Brazil).

12. It should be ensured that the States Parties are properly informed and have enough time to consider and compare the housing options before the 2005 session of the Assembly.

II. OPTIONS

13. Three options for the future permanent premises of the International Criminal Court, as suggested by the Assembly at its 2004 session, are compared in this report:

- Staying indefinitely in the interim premises (this option is referred to hereinafter as “the Arc”);
- Moving into the premises of the International Criminal Tribunal for the former Yugoslavia once the Tribunal has finalized its work (this option is referred to hereinafter as “ICTY premises”); or
- Moving into new purpose-built premises, to be located at the Alexanderkazerne (this option is referred to hereinafter as “Alexanderkazerne”).

II.1 The Arc

Location: Maanweg 174, 2516 AB, The Hague

14. The Arc is made up of three interconnected buildings (called “wings”), the main element of which is a 15-storey high-rise tower building. The buildings almost entirely cover a piece of land measuring 5,259 m². The whole complex provides a rentable floor area of 21,333 m², which allows for the accommodation of approximately 800 to 850 staff members. It also houses an improvised deliberation room of 65 m² to meet the most urgent Pre-Trial Chambers needs. In addition, there is a newly built “D-wing” with a gross floor area of 6,371 m², with two courtrooms of 170 m² and 70 m² respectively and adjacent reception facilities.

15. The parking lot is located at a considerable distance from the Arc itself and provides space for 375 cars. There are no parking provisions for visitors, satellite vans, buses, etc.

II.2 ICTY premises

Location: Churchillplein 1, 2517 JW, The Hague

16. The International Criminal Tribunal for the former Yugoslavia accommodation is divided among three buildings.

17. The main building, which dates from the 1950s, has a rentable floor area of 19,883 m² and can accommodate around 700 staff members spread over 5 storeys. The main building includes the three courtrooms. The total area of the land is 8,600 m².

18. In addition, there are two buildings located at different addresses in the vicinity of the main building. One provides office space for up to 200 staff members and the other for 70. There are no parking provisions for satellite vans or buses.

19. There is an underground parking lot with space for 335 cars. In addition, there are 63 parking spaces inside the security fence. Visitors are able to use the car park of a neighbouring congress centre, but must pay a parking fee.

II.3 New permanent premises

Location: Alexanderkazerne, Van Alkemadeaan, 2597 AK, The Hague

20. The site on which the permanent premises would be constructed is the former Alexanderkazerne military barracks. The area of this site is 72,267 m², which is sufficient to construct the permanent premises exactly as defined in the Project Presentation and leaves ample room for reorganization and expansion, using the basic model of a campus-like arrangement. The Alexanderkazerne will be available by 2009.

III. REQUIREMENTS

21. This chapter describes the requirements for the future permanent premises (according to the definition in the Project Presentation) and assesses the three possible options against these requirements. The evaluation leads to a rating of each option in terms of points ranging from 1 (very unfavourable) to 5 (very favourable). In the next chapter, these ratings are summed up and compared to produce the final result.

III.1 Spatial requirements

III.1.1 Office space for staff members of the International Criminal Court

Requirement

22. The Court currently assumes that it will need working spaces for between 950 staff members (at Standing Capacity) and 1,300 staff members (at Full Capacity). (*See III.2 in Project Presentation.*)

Evaluation

- The Arc: *Unfavourable (2 points)*
 - The Arc can house around 800 staff members.
 - Currently, the Court is using ancillary space located at the Saturnusstraat site, some 400 metres from the main building.
- ICTY premises: *Unfavourable (2 points)*
 - The main building of the ICTY premises is designed for 700 staff members.
 - The satellite building at Eisenhowerlaan, located 350 metres from the main building, can accommodate up to 200 staff members.
 - The satellite building at Vuurtorenweg, located 1,500 metres from the main building, can accommodate up to 70 staff members. A shuttle bus service connects this location to the main building.
- Alexanderkazerne: *Very favourable (5 points)*
 - The Alexanderkazerne allows for construction to accommodate 1,300 staff members.

III.1.2 Three courtrooms

Requirement

23. The International Criminal Court will need one large and two normal courtrooms with sufficient ancillary space for the public, victims and media representatives. (*See III.5 in Project Presentation.*)

Evaluation

- The Arc: *Average (3 points)*
 - The Arc has two courtrooms of 170 m² and 70 m² respectively. In addition, there is an improvised deliberation room of 65 m² to meet the most urgent Pre-Trial Chamber needs.
- ICTY premises: *Average (3 points)*
 - The Tribunal has three courtrooms but the public galleries of one of the courtrooms are too small.
 - The courtrooms of the Tribunal are not suited to the participation of victims, counsel or State representatives.
- Alexanderkazerne: *Very favourable (5 points)*
 - The Alexanderkazerne site allows for the construction of courtrooms and public galleries as required.

III.1.3 Working space for victims/defence/State legal teams

Requirement

24. The International Criminal Court should provide suitable facilities for the requirements of victims and witnesses as well as for the needs of defence counsel. (*See II.2.2 in Project Presentation.*)

Evaluation

- The Arc: *Unfavourable (2 points)*
 - The waiting rooms for witnesses are located in the regular office area and do not have separate facilities (separate entrance, toilets, etc.).
 - No separate corridor between waiting area for witnesses/victims and courtroom.
 - No separate working space for counsel for the defence, victims or States.
- ICTY premises: *Unfavourable (2 points)*
 - The waiting rooms for witnesses do not have adequate facilities.
 - No separate corridor between waiting area and courtroom.
 - No separate working space for counsel for the defence, victims or States.
- Alexanderkazerne: *Very favourable (5 points)*
 - The design of the buildings can take into consideration all requirements related to victims and witnesses.
 - Facilities for the different types of counsel can be foreseen as required.

III.1.4 Scalability

Requirement

25. The premises and buildings of the International Criminal Court must be adaptable to the Court's changing needs in terms of size and use. Accordingly, the site of the permanent premises must allow for expansion beyond 1,300 staff members without disruption of the Court's work process. (*See II.2.1 and II.2.2 in Project Presentation.*)

Evaluation

- The Arc: *Very unfavourable (1 point)*
 - The Arc site has no space left for either horizontal or vertical expansion.
- ICTY premises: *Very unfavourable (1 point)*
 - The ICTY premises has no capacity for expansion. Vertical expansion is not possible.
- Alexanderkazerne: *Very favourable (5 points)*
 - The Alexanderkazerne site has sufficient space for expansion, if necessary.

III.1.5 On-site parking

Requirement

26. For security and accessibility reasons, the International Criminal Court requires a car park on or immediately adjacent to the site. The capacity has been calculated according to the Netherlands ratio of 1 parking space for 3 staff members. In addition, there must be separate parking facilities for 100 visitors, 3 coaches, 10 satellite vans, 10 VIP vehicles and 10 official vehicles. The last two categories must be within the security perimeter. (*See II.2.1 and III.4 in Project Presentation.*)

Evaluation

- The Arc: *Very unfavourable (1 point)*
 - The car park is located several hundred meters away from the Arc, which is potentially dangerous for high-level officials walking to and from the Court and their car.
 - Not enough capacity for the maximum of 1,300 staff members.
 - No provision for visitors, satellite vans, VIP vehicles, official vehicles and coaches.
- ICTY premises: *Unfavourable (2 points)*
 - Not enough capacity for the maximum of 1,300 staff members.
 - No space for satellite vans or buses.

- Alexanderkazerne: *Very favourable (5 points)*
 - Enough space on the site for all requirements.

III.2 Functional requirements

III.2.1 All on one site

Requirement

27. The International Criminal Court should never be forced to split up its permanent premises among separate locations. The permanent premises must house all organs of the court together on a single site (except for the detention unit). (*See II.2.1 in Project Presentation.*)

Evaluation

- The Arc: *Very unfavourable (1 point)*
 - Even at Standing Capacity, the Arc could not house all Court's staff and splitting up would be required.
 - Currently the Arc already needs and has acquired ancillary space at another location.
- ICTY premises: *Very unfavourable (1 point)*
 - Even at Standing Capacity, the ICTY premises could not house all the Court's staff and splitting up would be required.
 - Currently the ICTY premises are already divided among three locations.
- Alexanderkazerne: *Very favourable (5 points)*
 - The Alexanderkazerne allows all organs to be housed on one site.

III.2.2 Form defined by function

Requirement

28. The site and the buildings should always be an enabling factor, not a limiting one. Smart organization and structuring of the premises will increase the effectiveness of the work processes and reduce the amount of support facilities (copiers, kitchens, etc.). Proximity relations should be taken into consideration. (*See II.2.1 in Project Presentation.*)

Evaluation

- The Arc: *Unfavourable (2 points)*
 - The Arc is not suited to the Court's work processes and has no scope for providing the required layout for important functional clusters.
- ICTY premises: *Unfavourable (2 points)*
 - The ICTY premises are not suited to the Court's work processes and have no scope for providing the required layout for important functional clusters.
- Alexanderkazerne: *Very favourable (5 points)*

- The Alexanderkazerne would be designed according to the functional requirements.

III.2.3 One site forever

Requirement

29. In order to avoid disruption of its operations, the International Criminal Court must avoid having to move again once it has moved into its permanent premises. It is therefore of great importance for the Court to have the legal certainty that its permanent premises will be at its disposal for as long as is required. (*See II.2.1 in Project Presentation.*)

Evaluation

- The Arc: *Average (3 points)*
 - The Arc is owned by a private bank, which may want to use its property for more profitable ends in the future.
 - The current lease on the Arc expires in 2012.
- ICTY premises: *Average (3 points)*
 - The main building of the ICTY premises is owned by a commercial real estate developer.
 - The current lease on the main building of the ICTY premises expires in 2011 at the latest.
- Alexanderkazerne: *Very favourable (5 points)*
 - The Alexanderkazerne will be a dedicated site with purpose-built buildings, which will be at the disposal of the Court for as long as required.

III.2.4 Separation of organs

Requirement

30. The premises of the International Criminal Court should allow the Court's main organs, in particular Chambers and the Office of the Prosecutor, to be clearly and visibly separated from each other. At the same time, the unity of the Court should be preserved as far as possible. (*See II.2.2 in Project Presentation.*)

Evaluation

- The Arc: *Average (3 points)*
 - Although the Arc consists of three parts, they are not suited to the size of the organs. It would thus be necessary to spread the individual organs among different parts of the building.
- ICTY premises: *Unfavourable (2 points)*
 - The core part of the ICTY premises consists of one large building: no possibility for visible separation.

- Housing one of the organs in a different building would imply locating it at a different address without any connection to the main building.
- Alexanderkazerne: *Very favourable (5 points)*
 - The Alexanderkazerne allows for an architectural design that fully reflects the different nature and function of the organs and respects the necessary distance between judges and parties to the proceedings.

III.2.5 Press facilities and library

Requirement

31. The press should be treated as a permanent observer of the Court's activities and as the prime witness for the outside world. The press facilities should make adequate coverage of the proceedings as easy and efficient as possible.
32. The Court's library should attract scholars and students and establish an intellectual link between the Court and the outside world. Visitors must be able to consult the Court's collection in a comfortable purpose-designed setting. (*See II.2.2 in Project Presentation.*)

Evaluation:

- The Arc: *Favourable (4 points)*
 - Press facilities at the Arc are satisfactory.
- ICTY premises: *Unfavourable (2 points)*
 - The press facilities of the ICTY premises are inadequate.
 - There is no library that is open to the public.
- Alexanderkazerne: *Very favourable (5 points)*
 - Press facilities will be designed to meet the requirements of the media of the twenty-first century.
 - The library will be located and designed in such a way that it can be used by both Court staff and visitors.

III.2.6 Accessibility

Requirement

33. Accessibility is important from different perspectives:
 - The location of the premises of the International Criminal Court should be easily accessible by road and public transport.
 - Access to the premises itself must be easy and secure. This requires at least five different types of entrance: for Court staff, for visitors, for witnesses, for detainees and for goods.
 - The Court must be fully accessible for persons with disabilities.

- The premises of the Court should be within a very short distance of the detention centre, a hospital and hotels.
- The location should allow for the proper management of possible demonstrations with the least disruption of public order.

Evaluation

- The Arc: *Unfavourable (2 points)*
 - Easily accessible by public transport and by road.
 - Does not have the required entrances.
 - Limited accessibility for persons with disabilities.
 - Far removed from the detention centre.
 - No way of managing demonstrations without major disruption of public order.
- ICTY premises: *Average (3 points)*
 - Easily accessible by public transport and by road.
 - Does not have the required separate entrances.
 - Limited accessibility for persons with disabilities.
 - The detention centre is within reasonable distance.
 - There is some space in front where demonstrations can take place.
- Alexanderkazerne: *Very favourable (5 points)*
 - The Alexanderkazerne is easily accessible by public transport and by road.
 - Provision will be made for the required entrances.
 - Accessibility for persons with disabilities will be guaranteed.
 - The detention centre is located at a distance of less than 1 kilometre.

III.3 Security requirements

III.3.1 Security-conscious design

Requirement

34. Apart from the regular technological means for securing the premises, the International Criminal Court requires the buildings on its premises to be arranged in such a way as to achieve the optimal security level. One key element for reducing risk is to have enough distance between the surrounding fence and the buildings.
35. Internal measures to protect the security and identity of participants in the proceedings must be in place to guarantee a smooth judicial process.

36. At the same time, all security measures should have as little obstructive impact as possible on the work processes and flow of personnel and visitors. (*See III.10.1 in Project Presentation.*)

Evaluation

- The Arc: *Unfavourable (2 points)*
 - Both the nature of the building (high-rise) and the small distance between the security perimeter and the building make the Arc very difficult to secure.
 - It is not possible to adapt the Arc to the security requirements of the Court.
 - The measures that have been put in place have considerable obstructive impact.
- ICTY premises: *Average (3 points)*
 - The ICTY premises are low-rise, but they are very close to a road and the distance between the security perimeter and the buildings is very small.
 - It is not possible to adapt the ICTY premises to the security requirements of the Court.
 - The measures that have been put in place have considerable obstructive impact.
- Alexanderkaserne: *Very favourable (5 points)*
 - The Alexanderkaserne would allow the security concept to be taken fully into consideration at the design phase.

III.3.2 Feasibility of four-level security concept

Requirement

37. The International Criminal Court requires a four-level security system within the perimeter: public, semi-public, restricted and high security. This will result in the compartmentalization of the Court premises in four different zones, which should be organized as logically as possible so as to avoid unnecessary checkpoints and reduce the risk of confusion. (*See III.10.1 in Project Presentation.*)

Evaluation

- The Arc: *Average (3 points)*
 - The layout of the Arc does not permit the full implementation of a four-level security concept. Certain organizational units are located in the wrong security zone and at some points the security zones overlap, which necessitates either raising the security level (which creates obstructions) or running unwarranted risks.
- ICTY premises: *Average (3 points)*
 - The layout of the ICTY premises does not permit the full implementation of a four-level security concept. Certain organizational units are located in the wrong security zone and at some points the security zones overlap, which necessitates

either raising the security level (which creates obstructions) or running unwarranted risks.

- Alexanderkazerne: *Very favourable (5 points)*
 - As security is one of the main requirements, the premises will be constructed around the four-level security concept.

III.3.3 Safety and evacuation

Requirement

38. The buildings must be designed to provide appropriate evacuation time and suitable escape routes. In principle, security measures must remain in effect during emergencies. This means that escape areas must be controlled and secure. Detainees must be subject to special emergency measures preventing their escape. (*See III.10.2 in Project Presentation.*)

Evaluation

- The Arc: *Unfavourable (2 points)*
 - There is no safe area around the Arc for Court staff to repair to in the event of an evacuation – only very busy streets.
 - It is difficult to implement an evacuation plan that would respect security requirements.
- ICTY premises: *Average (3 points)*
 - It is difficult to implement an evacuation plan that would respect security requirements.
- Alexanderkazerne: *Very favourable (5 points)*
 - The Alexanderkazerne provides ample space for designing an optimal safety concept.

III.4 Costs

Requirement

39. The financial burden of the future premises on the Court's budget should be kept as low as possible. Both the costs of accommodation ("rent") and the costs of maintenance will influence this figure. (*See II.2.2 in Project Presentation.*)
40. It should be noted that any long-term solution will require either building new premises or significantly modifying an existing building. Considering the long-term occupancy, experience shows that the total costs of necessary modifications to/renovations of existing buildings and their maintenance are likely to be comparable to those in respect of new purpose-built premises.

Evaluation

- The Arc: *Average (3 points)*
 - The future rent¹ may be assumed to reflect market conditions. Additional costs would arise for the modification and extension of the building.
- ICTY premises: *Average (3 points)*
 - The rent for the ICTY premises is within the range of market conditions. However, as the main building is fifty years old, additional costs would be incurred for substantial renovation, modification and extension work.
- Alexanderkaserne: *Unfavourable (2 points)*
 - The higher initial costs of a tailor-made solution will be reflected in a financial burden that is likely to be greater than for the other two options. However, potential long-run savings in exploitation, energy and maintenance costs are expected to compensate for the higher initial costs.

III.5 Public identity requirements

III.5.1 Institutional image (exterior/interior)

Requirement

41. The permanent premises will become the public face of the institution. The premises of the International Criminal Court must therefore fully reflect its character and identity as a permanent, effective, functioning, independent and credible international criminal court, with a universal vocation. The Court premises should be dignified without being imposing. For this and other reasons (safety, openness, separation of organs, etc.), the Court has a preference for buildings of modest height with a limited number of floors (3 to 4). (*See II.2.1, II.2.1 and III.8 in Project Presentation.*)

Evaluation

- The Arc: *Unfavourable (2 points)*
 - The Arc lacks the dignity of a court building. Its image as a modern office building does not correspond with the idea of a permanent universal court.
- ICTY premises: *Average (3 points)*
 - Although the ICTY premises have some dignity, its stature does not measure up to that of a permanent universal court.
 - The main building of the ICTY premises is of the required height.
- Alexanderkaserne: *Very favourable (5 points)*
 - The architectural design will reflect the nature and stature of the Court.

¹ The building is rent-free for the ICC until 2012.

III.5.2 Open and welcoming

Requirement

42. The premises of the International Criminal Court should excel in terms of openness to the public and the outside world. The premises must provide adequate facilities for receiving visitors of all kinds (from heads of State to groups of schoolchildren). The area which is open to the public must be perceived as secure (but not as a fortress), people-friendly, comfortable and accessible to all. The conference cluster should allow the Court to receive outside visitors and organize events related to the Court's activities. (*See II.2.2 in Project Presentation.*)

Evaluation

- The Arc: *Very unfavourable (1 point)*
 - The Arc is not a welcoming building.
 - The Arc is unsuited to receiving high dignitaries.
 - It is very difficult to receive visitors in the Arc. There is no conference cluster in a semi-public part of the building. All conference rooms are in the restricted security area that visitors are not allowed to enter.
 - There are limited catering facilities for visitors on the premises.
- ICTY premises: *Unfavourable (2 points)*
 - The ICTY premises are not welcoming.
 - The ICTY premises are unsuited to receiving high dignitaries.
 - There are limited catering facilities for visitors on the premises.
- Alexanderkazerne: *Very favourable (5 points)*
 - The building can be designed to be as open and welcoming as possible.

III.5.3 Location

Requirement

43. The Court requires the location of its permanent premises to be representative of its stature and nature. (*See IV.2 in Project Presentation.*)

Evaluation

- The Arc: *Unfavourable (2 points)*
 - The neighbourhood of the Arc is not suited to a permanent universal court.
- ICTY premises: *Very favourable (5 points)*
 - The location is in a dignified area, with museums, several embassies and other international organizations in close vicinity.

- Alexanderkazerne: *Very favourable (5 points)*
 - The location is in a prime residential area of The Hague, as befits the dignity of a permanent universal court.

III.6 Legal feasibility

Requirement

44. The realization of the permanent premises will depend on conformity with the zoning plan of the relevant area and on issuance of the necessary permits. There must be as much certainty as possible that no legal obstacles will block or delay its realization.

Evaluation

- The Arc: *Unfavourable (2 points)*
 - The municipality has indicated that it would not be in favour of extending the use of the Arc.²
- ICTY premises: *Unfavourable (2 points)*
 - The municipality has indicated that it would not be in favour of extending the use of the ICTY premises.
- Alexanderkazerne: *Favourable (4 points)*
 - The zoning plan will have to be adapted. The municipality of The Hague has indicated that it will support this procedure.

IV. OVERVIEW

45. The following table is “weighted and rated”. It juxtaposes the individual evaluations of the three options. Each requirement criterion is attributed a weight factor according to its importance as expressed by a percentage. The options are rated by points ranging from 1 to 5 (1 = very unfavourable; 5 = very favourable) for each requirement criterion. These points are then multiplied by the weight factor for the requirement criterion, which gives the weighted evaluation rating. The sum of these weighted evaluation ratings provides the total score of each option.

46. The weight of the individual categories has been attributed according to the following principles:

- Spatial requirements are essential for the operation of the Court and are therefore allocated 20% of the total weight.
- Functional requirements are essential for the operation of the Court and are therefore allocated 20% of the total weight.
- The expected costs are equally essential and are also allocated 20% of the total.
- Security is a very important aspect and is therefore allocated 20%.

² The Ministry of Foreign Affairs of the Netherlands has informed the Court that there are currently only temporary permits for the use of the Arc and the ICTY and that a request for renewal would not be favoured by the municipality of The Hague. Furthermore, the Ministry of Foreign Affairs of the Netherlands has informed the Court that the outcome of the mandatory procedure for obtaining a permanent permit for the Arc or the ICTY seems uncertain.

- Public identity, the image of the Court projected to the world, is also important, but nevertheless not as essential for the operation as the previous aspects. It is allocated 10% of the total.
- Legal feasibility is important because it could cause important obstacles or delays. Considering the importance of having the permanent premises ready on time, and with the necessary certainty that the solution will indeed be permanent, this requirement is allocated 10%.

Requirement criteria	Weight	The Arc		ICTY premises		Alexanderkazerne	
		Points	Weighted	Points	Weighted	Points	Weighted
Spatial requirements	20%						
3.1.1 Office space for ICC staff members	5%	2	10	2	10	5	25
3.1.2 Courtrooms	5%	3	15	3	15	5	25
3.1.3 Working space for victims/defence/ State legal teams	3%	2	6	2	6	5	15
3.1.4 Scalability	5%	1	5	1	5	5	25
3.1.5 On-site parking	2%	1	2	2	4	5	10
Functional requirements	20%						
3.2.1 All on one site	5%	1	5	1	5	5	25
3.2.2 Form defined by function	5%	2	10	2	10	5	25
3.2.3 One site forever	5%	3	15	3	15	5	25
3.2.4 Separation of organs	2%	3	6	2	4	5	10
3.2.5 Press and library facilities	1%	4	4	2	2	5	5
3.2.6 Accessibility	2%	2	4	3	6	5	10
Security requirements	20%						
3.3.1 Security-conscious design	8%	2	16	3	24	5	40
3.3.2 Feasibility of 4-level security concept	6%	3	18	3	18	5	30
3.3.3 Safety, evacuation	6%	2	12	3	18	5	30
Costs	20%						
3.4 Costs	20%	3	60	3	60	2	40
Public identity requirements	10%						
3.5.1 Architectural image	4%	2	8	3	12	5	20
3.5.2 Open, welcoming	3%	1	3	2	6	5	15
3.5.3 Location	3%	2	6	5	15	5	15
Legal feasibility	10%						
3.6 Legal feasibility	10%	2	20	2	20	4	40
Total	100%		225		255		430

Notes

5 = very favourable; 4 = favourable; 3 = average; 2 = unfavourable; 1 = very unfavourable.

The exact weight factor and rating for these requirement criteria are, of course, to some extent discretionary. However, individual changes in the weight factors will not affect the overall result.

V. CONCLUSION

47. The evaluation of the three options shows that the option of new purpose-built premises on the site of the Alexanderkaserne enjoys clear advantages. Both of the other options fail to fulfil basic requirements. Furthermore, when considered over an extended period of time, they would not lead to significantly lower expenses.

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