

PRESS RELEASE

No.: ASP2004.003-EN

6 September 2004

**INTERNATIONAL CRIMINAL COURT “NOW A FULLY FUNCTIONAL
JUDICIAL INSTITUTION”, ASSEMBLY OF STATES PARTIES TOLD
AS IT BEGINS ONE-WEEK SESSION**

States Parties to the treaty creating the International Criminal Court (ICC), which came into force on 1 July 2002, began their one-week session this morning in The Hague, the Netherlands, where the Court is based. The President of the third session of the Assembly of States Parties to the Rome Statute of the ICC, H.R.H. Prince ZEID RA'AD ZEID AL-HUSSEIN (Jordan), asked the participants to observe a minute of silence in memory of all the innocent victims of violence who had lost their lives since the last session.

In his opening remarks, Prince Zeid said that during the past twelve months, the International Criminal Court's principal community of supporters – its States Parties – have protected this new institution in a manner that has been spirited and noble, although they were confronted in many instances by pressures to enter into other arrangements or resolutions, the cumulative effect of which would probably weaken the Court.

He added that the States Parties view the International Criminal Court (ICC) as the only new institution which offers hope for a more honourable century – for a future, after the disasters of the twentieth century, in which the perpetrators of the most terrible offences can no longer skirt justice and in which their victims will see justice done.

He welcomed the participation in the Assembly of States Parties (ASP) of the Interim Chair of the Board of Directors of the Trust Fund for Victims, Ms. Simone Veil (France); urged States to match their political commitment with the financial resources necessary for the operation of the Court and the Fund; and appealed to all States Parties to pay their assessed contributions to the Court in full and on time,

In view of the fact that this is the first session of the Assembly to be held in The Hague (Netherlands), the President of the Assembly invited the Minister for Foreign Affairs of the host country to take the floor.

Dr. BERNARD BOT, Minister for Foreign Affairs of the Netherlands, announced a first pledge by the Netherlands to the Trust Fund for Victims of €100,000 and said that he trusted this gesture would be followed by others. “Justice is not only about the perpetrators. It is even more about giving the victims recognition and a chance for a better future”, he said.

Promoting the universality of the Court is a priority for the Government of the Netherlands and for the European Union, he said, and in this context the Netherlands “regrets that the United States, at this stage, cannot commit itself to the ICC and to its crucial role in fighting impunity. ... We will defend the integrity and the independence of the ICC in accordance with our legal obligations, if necessary in a critical dialogue with the United States, our ally and friend.”

Judge PHILIPPE KIRSCH, President of the International Criminal Court, announced that the Court is ready to begin proceedings in its first cases, which could start at any time as two situations are under investigation by the Office of the Prosecutor. “The situation in the Democratic Republic of Congo has been assigned to Pre-Trial Chamber I, while the situation in Northern Uganda has been assigned to Pre-Trial Chamber II. The Appeals Judges are also permanently based at the Court, ready for any appeals which could arise.”

Turning to the budget, President Kirsch said that after extensive, rigorous discussions among and within the different organs, the Court had drafted a budget closely tied to its operational needs. “In some instances the novelty of the Court and the lack of jurisprudence created inevitable uncertainties in arriving at a definitive assessment of needs.... The helpful proposal of the CBF to create a contingency fund may reduce some of the uncertainty in the budget.”

“This Fund”, he continued, “could prevent allocated resources going unused and guarantee that essential but difficult to estimate tasks such as meeting the needs of victims, outreach, or the maintenance of field offices are adequately covered. Any contingency fund must, however, respect the need for the Court to be independent in the exercise of its judicial functions”.

The President of the Court also underscored the importance of establishing an ICC liaison office in New York and a pattern of regular cooperation with the United Nations from the beginning of the Court’s operational work, especially if the ICC is to have observer status in the General Assembly.

The Prosecutor, LUIS MORENO-OCAMPO, announced that his Office has concluded cooperation agreements to facilitate investigations and to execute arrests in the Democratic Republic of the Congo and Uganda, where the crimes allegedly committed fall within the jurisdiction of the Court.

Presenting the key outcomes of the work of his Office in the past year, he expressed great appreciation of the trust that Uganda and the Democratic Republic of the Congo had shown by making the referrals that would allow the Court to start its first cases with clear jurisdiction and clear cooperation. He announced that the Deputy Prosecutor had led investigation missions in Kinshasa and Kampala and that a team in Uganda had begun taking critical investigative steps, interviewing persons and collecting other evidence, with the Government’s full cooperation.

Furthermore, he said, “we assume that we will finish the investigation of one case during this year and, if defendants are arrested, will start the trial in that case at the beginning of 2005. We also plan to investigate two other cases, to finish one in 2005, and, if the defendants are arrested, to start that trial. We estimate that we will open an investigation in a new situation in the middle of next year.”

He mentioned that the Office of the Prosecutor was also analysing six situations in four continents under strict rules of confidentiality.

With regard to the programme budget, the Prosecutor said that he fully supported Judge Kirsch’s idea of establishing a contingency fund, provided that the trigger mechanism is consistent with the proper independence of the Court. “I will not announce the opening of a third investigation without being certain that sufficient resources are available”, he said.

Ms. SIMONE VEIL (France), speaking on behalf of the Board of Directors of the Trust Fund for Victims, announced that on 29 June draft regulations of the Fund had been adopted after consultations with the Prosecutor and the Registrar, other officials of the Registry and international experts. The adopted draft regulations contain the following priorities set by the five members of the Board: independence of the Fund, transparency in the receipt and use of funds; establishment of a Secretariat; and delimitation of activities and projects.

Introducing the annual report on the activities and projects of the Board, she invited the States Parties to approve the draft regulations of the Trust Fund during the session and to adopt a budget, estimated at €1.4 million, that will allow the Board to establish a Secretariat to make the Trust Fund operational. In addition, a list of donations from March 2003 to July 2004 was submitted.

EDMOND WELLENSTEIN, Director-General of the ICC Task Force of the Ministry for Foreign Affairs of the Netherlands, informed the Assembly of the latest developments with regard to the interim premises of the Court, the permanent premises, and the Headquarters Agreement between the ICC and the host country.

He said that, in accordance with the host country bid, housing for the Court is being provided free of rent until 1 July 2012. . The ICC and the host country have defined detention requirements for the short, medium and long term. On the basis of these requirements, Netherlands prison agencies will construct cells, taking into account ICC specifications and budgetary requirements as laid down in the Court's budget for the first financial period.

With regard to the permanent premises of the ICC, he announced that the Court is in the process of reviewing the draft brief that will allow the management of the Court to decide on the basic infrastructural requirements for the Court and submit them to the Assembly of States Parties for approval.

Finally, he announced that the agreement between the ICC and the host country is in the final stages. Once finalized, the text will be presented to the Assembly of States Parties and subsequently to the Netherlands Parliament for approval. The Netherlands Parliament will need approximately one year for its ratification.

Organization of work

In further business, the Assembly adopted its agenda and agreed on the organization of its work. Following consultations with the Bureau, Prince Zeid announced that Mr. Christian Wenaweser (Liechtenstein) would continue to chair the Special Working Group on the Crime of Aggression and that Mr. Patricio Ruedas (Spain) would chair the Working Group on the draft programme budget, Ms. Gaile Ramoutar (Trinidad and Tobago) the Working Group on the Trust Fund for Victims, and Ms. Rossette Katungye (Uganda) the Working Group on the Procedure for the Election of Judges.

The Assembly also appointed Mr. Rolf Fife (Norway) focal point for the Review Conference on the Rome Statute. In addition, Mr. Christian Much (Germany) was appointed focal point on the election of a President of the Assembly and on the composition of the Bureau of the Assembly, and was asked to report on the result of his consultations.

The delegation of Switzerland will coordinate work on a resolution to be adopted during the session on a number of important matters such as a proposal regarding conditions of service and compensation of judges and elected officials and a draft Code of Professional Conduct for counsel.

The Assembly confirmed the election of Benin, Fiji, France, Honduras, Ireland, Paraguay, Serbia and Montenegro, Slovenia and Uganda to the Credentials Committee.

The Assembly of States Parties will meet again at 3 p.m. to consider the budget presentation by the Registrar.

The third session of the Assembly of States Parties is meeting for the first time in The Hague, the Netherlands, where the International Criminal Court is based. The Hague is also the seat of the International Criminal Tribunal for the former Yugoslavia and the International Court of Justice.

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