



Newsletter May 2009

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ASP Special Edition #1



Seventh session of the Assembly

Highlights of the seventh session of the Assembly

Seventh session of the Assembly, 14 to 22 November 2008, The Hague

The seventh session of the Assembly was opened by the new President, Mr. Christian Wenaweser (Liechtenstein), who would preside over the Assembly until 2011. The Assembly approved a budget totaling €101,229,900 and a staffing level of 744 (379 at the professional level and 365 at the general service level).

As regards the construction of the permanent premises of the Court, the Assembly accepted the offer of the host State to provide a loan of up to a maximum of €200 million, to be repaid over a period of thirty years, at an interest rate of 2.5 percent.

The Assembly also decided that the Review Conference of the Rome Statute would be held in Kampala, Uganda, during the first semester of 2010 for a period of five to ten working days, with the specific dates to be determined by the Bureau.

From left:

Ms. Silvana Arbia
Registrar

Mr. Luis Moreno-Ocampo
Prosecutor

Judge Philippe Kirsch
*President of the
International Criminal Court*

Mr. Christian Wenaweser
*President of the
Assembly of States Parties*

Mr. Renan Villacis
*Director of the
Secretariat of the Assembly*

Madame Simone Veil
*Chair of the Board of Directors
of the Trust Fund for Victims*

SASP Publications *

Selected Basic Documents related to
the International Criminal Court
- Second edition



10th Anniversary
Commemoration

* Arabic, English, French and Spanish

First resumption of the seventh session, 19 to 23 January 2009, United Nations Headquarters

The Assembly elected six judges of the International Criminal Court for a term of nine years and six members of the Committee on Budget and Finance for a term of three years.

Second resumption of the seventh session, 9 to 13 February 2009, United Nations Headquarters

The Special Working Group on the Crime of Aggression, which has been chaired since 2003 by Mr. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations, concluded its discussions on, inter alia, the definition of the crime of aggression and the conditions for the exercise of jurisdiction by the Court over this crime. Furthermore, the Assembly also adopted a decision on the issue of an independent oversight mechanism foreseen in article 112, paragraph 4 of the Statute.

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First resumption of the seventh session, 19 to 23 January 2009, United Nations Headquarters © ICC-CPI

ELECTION OF MEMBERS OF THE COMMITTEE ON BUDGET AND FINANCE

The Committee on Budget and Finance, which is composed of 12 members, is responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature, as may be entrusted to it by the Assembly of States Parties. The members of the Committee are experts of recognized standing and experience in financial matters at the international level from States Parties.

The Assembly elected six members of the Committee on Budget and Finance for the period 21 April 2009-20 April 2012:

- Mr. Fawzi Gharaibeh (Jordan)
- Mr. Masud Husain (Canada)
- Mr. Shinichi Iida (Japan)
- Ms. Rossette Nyirinkindi Katungye (Uganda)
- Ms. Elena Sopková (Slovakia)
- Mr. Santiago Wins (Uruguay)

The following are members for the period 21 April 2008-20 April 2011:

- Mr. David Banyanka (Burundi)
- Ms. Carolina María Fernández Opazo (Mexico)
- Mr. Gilles Finkelstein (France)
- Mr. Juhani Lemmik (Estonia)
- Mr. Gerd Saupe (Germany)
- Mr. Ugo Sessi (Italy)

CRIME OF AGGRESSION

The draft provisions on the crime of aggression under consideration include a definition of the act of aggression, which is based on United Nations General Assembly resolution 3314 (XXIX), with a threshold, a

lists of acts that would qualify as an act of aggression and wording on the requisite leadership element to establish individual criminal responsibility for the act.

There are divergent views regarding a possible role for the United Nations Security Council prior to the initiation of an investigation by the Prosecutor. Some delegations consider that the Prosecutor may only proceed with an investigation in respect of a crime of aggression if the Security Council has previously made a determination that an act of aggression has been committed by a State. Additional work on the crime of aggression will be undertaken at an informal inter-sessional meeting scheduled from 8 to 10 June 2009 in New York and at the eighth session of the Assembly in November in order to further refine the proposals on the crime of aggression which would be submitted for consideration by the Review Conference.

ASSEMBLY OF STATES PARTIES

In accordance with article 112 of the Rome Statute, the Assembly of States Parties meets at the seat of the Court in The Hague or at United Nations Headquarters in New York once a year and, when circumstances so require, may hold special sessions.

Each State Party has one representative in the Assembly who may be accompanied by alternates and advisers. The Statute further provides that each State Party has one vote, although every effort shall be made to reach decisions by consensus. States that are not party to the Rome Statute may take part in the work of the Assembly as observers, without the right to vote.

The Assembly, inter alia:

- Provides management oversight to the

Presidency, the Prosecutor and the Registrar regarding the administration of the Court;

- Elects the judges, the Prosecutor and Deputy Prosecutors, as well as the members of the Committee on Budget and Finance and of the Board of Directors of the Trust Fund for Victims;
- Considers the reports and activities of the Bureau and takes appropriate action in regard thereto;
- Adopts the Rules of Procedure and Evidence, as well as the Elements of crimes;
- Considers and decides the budget for the Court; and,
- Performs any other function consistent with the Rome Statute or the Rules of Procedure and Evidence.



The 108 States Parties to the Rome Statute belong to the following regional groups.

African States	30
Asian States	14
Eastern European States	16
Group of Latin American and Caribbean States (GRULAC)	23
Western European and other States (WEOG)	25

BUREAU OF THE ASSEMBLY

The Bureau of the Assembly consists of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms. The current Bureau assumed its functions at the beginning of the seventh session of the Assembly, on 14 November 2008.

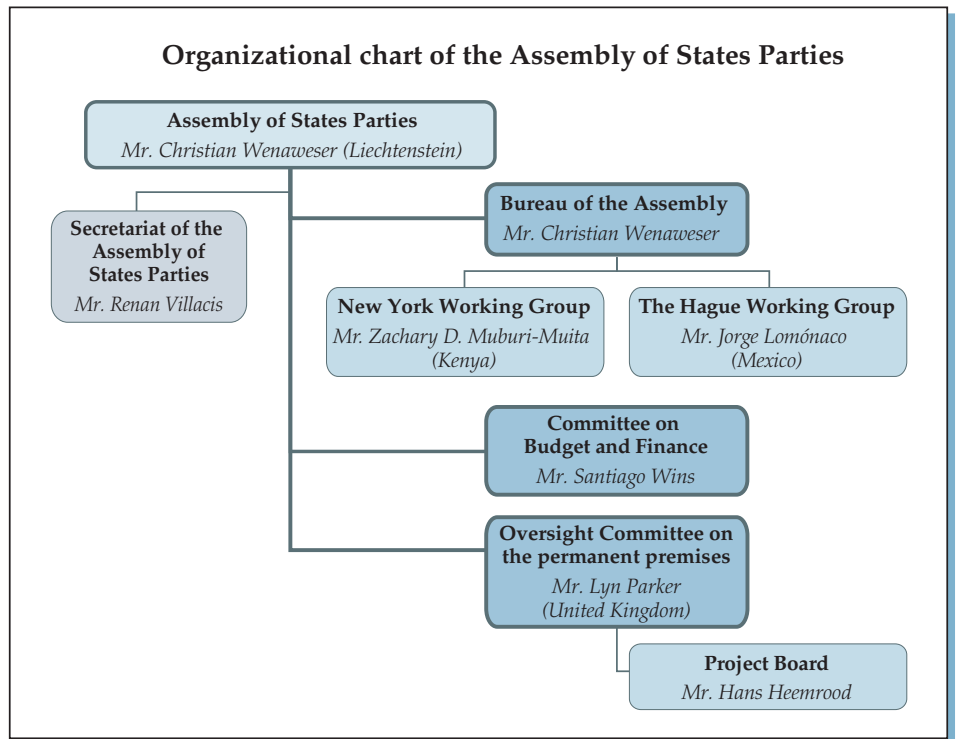
President:
Mr. Christian Wenaweser (Liechtenstein)

Vice-Presidents:
Mr. Jorge Lomónaco (Mexico)
Mr. Zachary D. Muburi-Muita (Kenya)

Rapporteur:
Ms. Simona Drenik (Slovenia)

- Other members of the Bureau:*
- Australia
 - Brazil
 - Burkina Faso
 - Estonia
 - Gabon
 - Georgia
 - Japan
 - Jordan
 - Nigeria
 - Norway
 - Romania
 - Samoa
 - South Africa
 - Spain
 - Trinidad and Tobago
 - United Kingdom
 - Venezuela (Bolivarian Republic of)

The Bureau has a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world. The Bureau meets as often as necessary, with its regular meeting taking place the first Tuesday of each month. It assists the Assembly in the discharge of its responsibilities. Additional information on the Bureau can be found in article 112 of the Rome Statute and rule 29 of the Rules of



Procedure of the Assembly of States Parties. The Bureau decisions may be found at the Court’s website, under Assembly of States Parties.

WORKING GROUPS OF THE BUREAU

Pursuant to resolution ICC-ASP/3/Res.8, the Bureau established, on 1 December 2004, two Working Groups of equal standing, one based in The Hague and the other in New York. On 14 February 2006, the Bureau reconstituted its two Working Groups and adopted their terms of reference, which are subject to review by the Bureau. In addition, the Bureau decided that the Working Groups shall be in operation until it decides otherwise. All States may participate in the Bureau’s Working Groups.

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THE ROAD TO RATIFICATION : CHILE

On 7 April 2009 the Senate of Chile approved Draft Bill 6406-07 that aims at incorporating crimes against humanity, the crime of genocide and war crimes into national legislation. This bill still requires the approval of the Chamber of Deputies to become law. In this connection, on 15 April the Chamber’s Human Rights Committee approved the bill, which must then be considered by the Chamber’s Constitutional Committee, foreseen in early May, prior to its submission to the plenary of the Chamber of Deputies. Once that occurs, Chile would proceed with the pending constitutional amendment required by the Constitutional Court in its decision of April 2002 concerning the Rome Statute and thus be ready to deposit its instrument of ratification.



Second resumption of the seventh session, 9 to 13 February 2009, United Nations Headquarters © ICC-CPI

Election of six judges*†

At its ninth meeting, held on 19 and 20 January, the Assembly elected the following judges to serve for a term of nine years, which commenced on 11 March 2009:



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Ms. Joyce ALUOCH (Kenya, list A)

was appointed Judge of the High Court of Kenya in 1983, exercising original and appellate jurisdiction over criminal and civil cases. In 2007, she was appointed to the Court of Appeal. She also served as Magistrate overseeing a Juvenile Court. In the area of human rights, Ms. Aluoch served on the United Nations Committee of Experts on the Rights of the Child and on the African Union Committee of

Experts on the Rights of the Child. At the national level, Ms. Aluoch played an active role in the reform of laws relating to women. She holds a MA degree in international affairs from the Fletcher School of Law and Diplomacy, a post-graduate diploma in legal studies from the Kenya School of Law and a LL.B degree from the University of Nairobi.



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Ms. Sanji Mmasenono MONAGENG (Botswana, list B)

served as Judge in the High Court of the Gambia from 2006 - 2008 and was then appointed as a Judge of the High Court of Swaziland. She exercised jurisdiction over criminal cases and civil cases and dealt with constitutional matters. In 2003, Ms. Monageng was appointed a member of the African Commission on Human and People's Rights, one of the main continental bodies charged with the promotion and protection of

human and people's rights. Since 2007, she served as Chairperson of the Commission. One of the main tasks of the Commission is ensuring the protection of human rights under the conditions laid down in the African Charter on Human and People's Rights. This includes, inter alia, hearing cases of alleged violations of human rights by States Parties to the African Charter.



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Mr. Cuno TARFUSSER (Italy, list A)

has over 20 years experience in the field of criminal law and procedure. From 1985 to 2001, he served as Deputy Prosecutor in the Public Prosecution Office of the Bolzano District Court. In 2001, he was appointed Chief Prosecutor. He prosecuted crimes against individuals and personal freedoms, such as sexual crimes, child abuse, violence and murder, as well as crimes involving drug trafficking, illegal possession of weapons, explosives and small arms,

and terrorist activities. In addition, he initiated the reorganization of the Public Prosecution Office in Bolzano, so as to increase its efficiency and effectiveness. As a lecturer, he taught courses, among others, in criminal procedure at the Universities of Innsbruck, Trento and Verona.



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Ms. Christine VAN DEN WYNGAERT (Belgium, list A)

started her career as an international judge in 2000 when she was appointed judge ad hoc to the International Court of Justice. In 2003, she was appointed judge ad litem to the International Criminal Tribunal for the former Yugoslavia. As of 2005, she served as a permanent judge of the Tribunal. Ms. Van den Wyngaert holds numerous academic distinctions and served as an

expert to governmental and non-governmental organizations, in fields ranging from human rights issues to terrorism and measures to combat fraud. In addition, she has written several books and articles on the issue of international criminal law.

IN MEMORIAM

Passing of Judge Fumiko Saiga



Judge Fumiko Saiga
Marugame, Japan 1943 - Rotterdam, Netherlands 2009

Judge Fumiko Saiga passed away on 24 April 2009 after a brief illness. She was elected by the Assembly of States Parties in December 2007 for a term of fifteen months and re-elected in January 2009 for a nine year term. Judge Saiga had been serving in Pre-Trial Chamber II and Trial Chamber II. Prior to her election as a judge she had a distinguished career with the Ministry of Foreign Affairs of Japan, having served as Ambassador in charge of human rights, as well holding the posts of Ambassador to the United Nations in New York, Iceland and Norway.

"Her untimely passing away deprives the International Criminal Court of an eminent judge, whose lifetime devotion to human rights and the cause of international criminal justice constitutes an exemplary legacy for future generations." *Mr. Christian Wenaweser, President of the Assembly of States Parties.*

* By a communication dated 16 February 2009, Mr. Mohamed Shahabuddeen (Guyana, list B) indicated that he was not in a position to assume his duties as a judge of the International Criminal Court.

On 7 April and 5 May the Bureau of the Assembly decided that the elections to fill the judicial vacancies would be held at the eighth session of the Assembly, which is scheduled for 18 to 26 November 2009.

† List A judges have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings.

List B judges have established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

Election of judges: Voting and counting the ballots

The election of judges by the Assembly of States Parties entails the participation of two groups of tellers, as well as of conference officers. One person from each of these groups provides some insight into the special procedure followed in these elections. Unlike the case of other elected officials, the four elections for judges since 2003 have been held at United Nations Headquarters.

CONFERENCE OFFICER

Mr. Dannel Price



On how many occasions have you been involved in assisting with elections of the Court?

Twice, in January 2009 and November 2007.

Can you describe your role in the distribution of the ballots?

First I have to assemble a team of five meeting servicing assistants as my office needs to provide as many staff as there are national tellers. Second, using the seating chart of the conference room I divide the room into as many sections as there are teams of tellers/meeting servicing assistants. Ballots received from the Secretariat of the Assembly are then carefully counted with each meetings servicing assistant receiving the exact number of ballots corresponding to his/her section. As the time to start the voting process approaches my team take position at their respective section of the

conference room. When the President announces that "ballot papers are now being distributed" I give them a signal to start doing so as sometimes they cannot hear the President. I watch the distribution very carefully from that point on ready to respond to any unusual occurrence and await by the podium the report of each of our staff distributing the ballot papers. If they were able to hand out all their ballots then they have nothing to declare; however, if one or more State Party was absent then the corresponding number of ballots is returned and the name of each missing State Party is conveyed through me to the Secretary of the Assembly. Thus every single ballot paper is accounted for. The national tellers then join us in front of the podium and, when so instructed by the President, we proceed to collect the ballot papers. I watch the process carefully again looking for anything that would require my intervention even though a national teller accompanies each one of my staff. As long as the President has not yet announced that "the voting is now closed", a State Party that has not received a ballot paper because the respective delegate was not in the room at the time of initial distribution can approach the podium, identify himself/herself and receive a ballot paper from the Secretary. After collection I insure that the ballot boxes are brought to a designated room for counting.

Once in the secluded "counting room" the ballot boxes are opened before the President and tellers, the ballots are placed on the table and my team exits the room to await the announcement of the results by the President. After counting, if the vote is inconclusive the process is repeated as often as necessary until the required number of judges is elected.

How would you compare the balloting for the January 2009 election with that of the November 2007 election to fill three judicial vacancies?

The January 2009 balloting took quite a bit longer as six judges were to be elected.

Is there a difference between the role of a conference officer in the ASP process as compared with similar elections by secret ballot in the General Assembly of the United Nations?

The role is basically the same. There is no room for error in either place as a mistake from our part would invalidate a round of voting and necessitate it to be repeated.

Are you ready for another election?

Definitely.

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Composition of the judges

At their 14th plenary meeting held on 13 March 2009, the judges of the International Criminal Court decided on their assignment to the Pre-Trial, Trial and Appeals Divisions of the Court, in accordance with rule 4 of the Rules of Procedure and Evidence.

The composition of the judges of these divisions is as follows:

Pre-Trial Division *

- **Mr. Hans-Peter Kaul** (Germany, list B,
Second Vice-President of the Court)
- **Ms. Sylvia Steiner** (Brazil, list A)
- **Ms. Ekaterina Trendafilova** (Bulgaria, list A)
- **Ms. Sanji Mmasenono Monageng** (Botswana, list B)
- **Mr. Cuno Tarfusser** (Italy, list A)

* Judge Fumiko Saiga had been designated to be part of the Pre-Trial Division.

Trial Division

- **Ms. Fatoumata Dembele Diarra** (Mali, list A,
First Vice-President of the Court)
- **Ms. Elizabeth Odio Benito** (Costa Rica, list A)
- **Mr. René Blattmann** † (Bolivia, list B)
- **Mr. Adrian Fulford** (United Kingdom, list A)
- **Mr. Bruno Cotte** (France, list A)
- **Ms. Joyce Aluoch** (Kenya, list A)
- **Ms. Christine Van den Wyngaert** (Belgium, list A)

Appeals Division

- **Mr. Sang-Hyun Song** (Republic of Korea, list A,
President of the Court)
- **Ms. Akua Kuenyehia** (Ghana, list B)
- **Mr. Erkki Kourula** (Finland, list B)
- **Ms. Anita Ušacka** (Latvia, list B)
- **Mr. Daniel David Ntanda Nsereko** (Uganda, list A)

† It should be noted that Mr. René Blattmann (Bolivia), who upon his election in February 2003 was selected by lot to serve for a term of six years, will continue in office to complete the trial of Thomas Lubanga Dyilo before Trial Chamber I, in accordance with article 36 (10) of the Rome Statute.

NATIONAL TELLER

Ms. Eva Šurková
Third Secretary
Permanent Mission of
Slovakia to the United
Nations



What are some of your regular functions as a delegate?

As a human rights expert with our Permanent Mission to the United Nations in New York I deal with all of the human rights issues, international human rights law, international humanitarian law, etc. I cover sessions of the Economic Social and Cultural Committee of the United Nations General Assembly but also some items on the agenda of the United Nations Security Council. Furthermore, I perform the duties of an election officer.

What were your expectations of the role as national teller?

This was my first experience in an electoral process as a teller. In 2007 I had already participated as a delegate for the previous elections of judges for the Court; at that time I told myself that it would be interesting to take part in such elections as a teller. So I did not hesitate to volunteer as a teller at the first possible occasion. I was expecting to learn about the electoral process of electing judges for such an important judicial institution. In 2006 I organized an international conference “The International Criminal Court at the beginning of the 21st century” in Slovakia with judge Erkki Kourula, representatives of the International Committee of the Red Cross, the Slovak Ministry of Foreign Affairs and Austrian, Czech and Slovak Faculties of Law. I appreciate participating in any event where I can learn more about the Court, including elections.

What main differences do you see vis-à-vis other elections held at United Nations Headquarters?

When compared with other elections held at the UN, I find the elections for judges of the Court to be extremely important. The reason is that the Court was established to help end impunity for the perpetrators of the most serious international crimes defined in the Rome Statute like genocide, war crimes and crimes against humanity. It is therefore in the interest of all States to present the most qualified candidates; the beneficiary of electing the best judges is thus the international community. The personality, qualification, moral character, impartiality and integrity of candidates play a greater role than elsewhere.

How would you view the ASP process compared with similar elections by secret ballot in the General Assembly in terms of the time involved in the balloting and counting?

The overall process of electing judges to the Court formally begins 26 weeks before the election with the opening of the nomination period and thus usually takes longer than any other election. The nomination procedure as well as the elections are complicated given the need to comply simultaneously with geographical region and gender criteria, in addition to the list A or list B criteria that relate to the specialization of the candidates. The process must be carried out in accordance with the relevant provisions of the Rome Statute, including possible extensions of the nomination period for up to six weeks when the minimum requirements are not met. Personally, I do not believe that the balloting and counting themselves take that much time. In case candidates do not obtain the required two-thirds majority of the votes additional rounds of balloting are held. However, delegates as well as tellers are aware of this fact.

What is the role of a national teller?

National tellers are delegates from Permanent Missions to the United Nations who have been designated by the Assembly upon the recommendation of the regional groups via the Bureau. They are not nationals of States with candidates. Each of the five regional groups has the right to nominate one teller and they all have equal standing. Being a teller means bearing responsibility for collecting the secret ballots, then together with the Secretariat tellers, counting them correctly and, if necessary, taking decisions on the validity of the ballot in uncertain cases. Being a teller might seem underestimated in some quarters yet it constitutes a very important function with a lot of responsibility. It merits recalling that the President of the Assembly, who presides over the balloting and counting and who is with the tellers during the entire time, is ultimately responsible for the election procedure.

Given the high number of candidates for the six positions of judges, how long did you expect the voting and counting to last?

I was expecting the election of both judges and members of the Committee of Budget and Finance (CBF) to take the entire week. Finally it was not that difficult, “just” nine rounds for the election of the judges, elections which took about a day and a half. On the other hand, the need to hold a vote to elect two members of the CBF from the Asian Group was a surprise for me.

Would you consider the time devoted to the counting of the votes to be lengthy?

Not at all, it was adequate without any doubt, we even had time for “double counting” the votes, which is key to ensuring an accurate result.

Is there any particular moment you may wish to share?

I will never forget an emotional moment after the announcement of the election results. While passing near a newly elected judge of a State known for overt expressions of feelings we suddenly received thousands of kisses from the entire delegation! Their joy, emotions and gratitude to all supporting States Parties were truly touching.

Given that a new election would be held in the coming months to fill a vacancy, if so designated would you have any suggestions to make on the counting process?

From my point of view the elections were held in an absolutely appropriate manner. The whole electoral process, time allocated for counting and announcing the results – everything was performed in a very professional manner, especially thanks to the President of the Assembly and the staff of the Secretariat. Under these circumstances it was a veritable pleasure to be a teller. I acquired new experiences and met many interesting people. So, as you can imagine I really enjoyed the elections and look forward to the next one.



From left, second row: The national tellers, Mr. Naseer Ahmad Faiq (Afghanistan), Ms. Pilar Serrano (Spain), Ms. Eva Šurková (Slovakia) and Mr. Justin Kisoka (United Republic of Tanzania), prepare to accompany the meeting servicing assistants to collect the ballots. © ICC-CPI

**SECRETARIAT
TELLER**

**Ms. Gabrijela Filipović
Secretariat of the
Assembly of States
Parties**



How many times have you performed the functions of a Secretariat teller?

Twice, at the sixth session of the Assembly in November 2007 and at the first resumption of the seventh session, held in January 2009.

Would you be able to indicate any differences between the elections you took part in?

There were two main differences. The January 2009 election required more time as six judges were to be elected, as opposed to three in 2007. In addition, in January the Assembly had a round of balloting to elect the two Asian members of the Committee on Budget and Finance as well.

What was your role as a Secretariat teller in the balloting process?

My role in the balloting process was to assist the national teller during the counting phase of the election. The ballots were organized into sets of 21 (with one set having 24), each of which was "double counted" (i.e. counted by two tellers separately). The ballots were then divided into five sets and one set was given to each of the five teams of national and Secretariat tellers. The teams then proceeded to different parts of the room to count their respective ballots. This was done in two phases: first, each ballot was checked by the national and Secretariat teller, for validity in terms of the minimum voting requirements. The tellers then turned to counting the votes for each candidate, the national teller reading out the name and the Secretariat teller making the corresponding mark on the counting sheet. Once the counting was completed the teller's report was filled in, indicating the number of ballots counted, the number of invalid ballots, the number of valid ballots, the number of abstentions, the number of States Parties present and voting as well as the results for each

candidate. Each national teller then signed his/her teller's report, and proceeded together with the Secretariat teller to report to the President of the Assembly on the outcome of the counting.

In addition to the counting of the votes, I was responsible as well for tracking the timing of the balloting and counting process.

Can you tell us how long the balloting and the counting took for the nine rounds held in January 2009?

	19 January - afternoon		20 January - morning			20 January - afternoon			
	1 st round	2 nd round	3 rd round	4 th round	5 th round	6 th round	7 th round	8 th round	9 th round
Balloting	15 min.	10 min.	5 min.	5 min.	5 min.	10 min.	10 min.	5 min.	5 min.
Counting	60 min.	40 min.	40 min.	60 min.	50 min.	20 min.	10 min.	10 min.	10 min.

What is the range of time it took your counting team to provide the partial results to the President of the Assembly?

Approximately 30-45 minutes to count the votes during the first rounds and 5-10 minutes for the last few rounds.

What occurs once the President has received the partial results from the five counting teams?

The President reviews the invalid ballots and tallies the partial results manually to get the total results. Once that is done, he reads out the results to the five teams. The official President's report on the result of that particular ballot is then prepared in electronic format and signed by the five national tellers and the President. The Secretariat then has to adjust the President's notes regarding the results of that round. If the intention is to hold another round of voting immediately, the Secretariat must then prepare and print a new ballot, as well as a second set of notes for the following round of balloting. This requires reflecting adequately any changes to the minimum voting requirements for lists A and B, for geographical regions and for gender. Furthermore, some minutes are also required to make sets of the newly printed ballots for distribution to the different meeting servicing assistants.

Can you tell us how a withdrawal of a candidate affects the balloting and the counting process?

From the Secretariat point of view, there are two implications. After each round of counting, new ballots are prepared and printed on different colour paper so that the next round can begin immediately after the announcement of the results. A withdrawal of a candidate, especially when it occurs only a few minutes before the beginning of the next round of balloting, means that the Secretariat needs to

modify and reproduce the ballots again, which must be done expeditiously in order not to delay the process. On some occasions, it is faster to cross-out the names of some candidates on the printed hardcopies, as occurred during the fourth round when three candidates withdrew and the new ballots had already been distributed among the five meeting servicing assistants.

On the other hand, a withdrawal of a candidate means that the counting takes less time as well. However, that does not necessarily lead to a quicker election of the remaining candidates since the votes may nonetheless remain split among the different candidates impeding the two-thirds majority requirement from being met.

What happens to the ballots after the election?

The ballots are sealed in envelopes, taken back to The Hague and stored in a safe in the Secretariat of the Assembly.

How far in advance does the Secretariat begin preparations for an election?

Approximately one year in advance by preparing background information for the Bureau and then sending a note verbale to Embassies in The Hague and Brussels as well as to the Permanent Missions to the United Nations wherein it informs States about the opening of the nomination period for the elections and the minimum voting requirements applicable to that election. The information on the nominations is voluminous: approximately 202 pages per language which must be edited, translated, printed, posted on the website and mailed to States. The Secretariat also organizes a mock-election a few days before the respective session of the Assembly to familiarize new delegates and national tellers with the voting process.



From left: The national teller for the Group of Eastern European States, Ms. Eva Šurková, observes as Mr. Stefan Barriga (Liechtenstein) casts a ballot. © ICC-CPI

Interview with H.R.H. Prince Zeid Ra'ad Al-Hussein



President of the Assembly of States Parties (2002-2005) and Head of the delegation of Jordan

Given that you are one of progenitors of the Statute, as well as having been the first President of the Assembly for the period 2002-2005, can you share with us your impressions of how the Court has evolved?

The Court has evolved in much the same way we hoped it would, and that gives many of us a great deal of satisfaction. It is not to say this has been a journey free of anxieties – in fact I don't think there's been a moment when I haven't felt desperately worried about it!

What key challenges do you foresee for the coming years?

Perhaps naively, I thought once those of us who believed in the Court succeeded in convincing our governments and parliaments to accede to the Rome Statute that would be the end of it. Others would then step in to help and, in any case, we wouldn't have to lobby internally anymore. I soon realised how wrong I was. For the Court to exist we must accept that we have to continue fighting for it internally, as well as beyond our own borders, all the time. This continues to be my single greatest worry: that the strong commitment of the drafters of the Rome Statute will not be maintained by succeeding waves of government officials, and our devotion to international criminal justice will consequently just wane over time.

Jordan played a key role in the negotiations leading to the adoption of the Rome Statute and was the first Arab State to ratify the Statute. H.M. Queen Rania was a founding member of the Board of Directors of the Trust Fund for

Victims and Mr. Fawzi Gharaibeh, a former Education Minister, has been a member of the Committee on Budget and Finance since its establishment in 2003. Could you share your perception of the growing acceptance of the Court in Arab States in particular, including civil society?

I really can't speak for the rest of the Arab world; I haven't been elected their spokesman, and there are others who can better explain their respective government positions. Many in the Arab world are confused though, and are finding it difficult to understand or discriminate between Security Council action and the jurisdictional regimes applicable to the Court – and even if they could understand it rationally, or technically, emotionally it all seems so unbalanced. The participation by civil society is growing which, I think, is excellent.

What prospects you do see for increasing the number of States Parties from Arab countries?

I think you're confusing me with the Secretary-General of the Arab League! I simply do not know. We had made a conscious decision to separate ourselves from the Arab group position in Rome and while I recognize the very important participation of countries like the United Arab Emirates to our discussions on the crime of aggression, because there as so few Arab State Parties generally, the overall Arab contribution to the work of the ASP is next to zero. I only wish it could have been otherwise.

Would you consider that the January 2009 recognition of the Court's jurisdiction by Palestine will have a positive impact in the perception of the Court in the Arab world?

Perhaps ... much will rest on subsequent events in this regard. On the other hand, whenever we believe injustice has intruded upon our lives in the Middle East we scream for the International Criminal Court and yet many of us never seem to read the Statute properly, and in particular articles 12 and 13. If more of us read those articles, we would be more understanding of how the Court – rightly or wrongly – was designed to operate.

You have recently been designated by the Assembly to chair the negotiations on the crime of aggression. An inter-sessional meeting is

scheduled for 8 to 10 June 2009 in New York. What prospects would you have for the discussions to be held at that inter-sessional meeting, which will be subject to further consideration at the November session of the Assembly?

The President of the Assembly whom, as we all know, chaired brilliantly the work of the Special Working Group, has brought us to a point where we should have an interesting and hopefully successful conclusion in Kampala. No one underestimates the difficulties we will face over article 15 *bis*. And we may not resolve it until the very last few moments of the Review Conference, with a stopped clock and all of us alternating between panic and a desperate desire to finally get some sleep. On the other hand, we are now closer than we have ever been to a result, owing to the amazing effort on the part of Ambassador Wenaweser and his legal adviser Mr. Stefan Barriga. As for the inter-sessional, I expect we will cover the Elements of the Crime of Aggression, and any other proposal brought to our attention by individual delegations. At the November session, the work on aggression will be dealt with in the context of the Review Conference agenda item itself.

What is the most memorable moment of your involvement with the ICC process?

There are so many, but the giant among memories will always be that hot day in Rome when, after five weeks of continuous negotiations, we voted for the Rome Statute! It was simply time!

Could you share with us your most difficult moment in that process?

There are four separate moments marking my experience with the ICC process overall, which I could classify as being the most difficult: 1) The US push for an article 16 application to UN peacekeepers in June/July 2002 and 2003; 2) The US campaign relating to article 98, paragraph 2; 3) The attacks by well-meaning but ill-informed Arab official commentators against the Court in the wake of the arrest warrant issued against the President of Sudan and finally 4) The ridiculous and quite childish squabbling between the New York based diplomats and The Hague based diplomats – the last was quite exhausting and pointless.

Any particular anecdote you may wish to share?

There was a point during the first election for the judges of the Court, on the second day when, after repeated balloting, the situation became extremely tense in the room as some of the candidates favoured for early election were not being elected. I knew that if I began to lose even the slightest control over the proceedings we would face a volcanic outcome. As I was calling the room to order for the next ballot, the new French Ambassador, Jean-Marc de La Sabliere, was still campaigning. So I demanded twice, while bagging away at the gavel, that the distinguished Ambassador of France sit down ... now!! ... A soft, barely-audible, female secretariat voice then rose out from behind me saying: "I've never seen that before, and I have to say, as a chairman you're good", and then after a long pause "not as good as Christian Wenaweser however!" I have since forgiven Ms. Mona Khalil for that!! Ambassador de La Sabliere and I soon became, and remain to this day, good friends!

Do you have any special recollection from Mr. Medard Rwelamira, the first Director of the Secretariat of the Assembly, with whom you worked with as a colleague in the negotiations and then in setting up the Court and organizing the third and fourth session of the Assembly in The Hague?

What a fine, decent, man! No matter how impregnable a problem would seem to both us, while I would sigh out of frustration and exclaim: "This is impossible Medard" his good humour would lift our spirits and, when thrown together with his keen intelligence, would inevitably produce a solution to it. I miss him.

After being based at United Nations Headquarters for almost 11 years, you assumed the post of Ambassador to the United States in January 2007. Would you consider that a more promissory approach towards the Court might be in the offing with the new United States administration?

We hope so. It may be too early to tell now in March 2009 but I expect in time

we would see an improvement where the US attitude to the Court is concerned.

At the personal level, how do you enjoy the changes that come with living inside what is known as "The Beltway" compared with New York?

Ahhh, now you're trying to catch me out! I enjoy both – the coffee's better in New York though!

Your contribution and commitment to the Court is well known and unwavering. Could you share with us whence and how your devotion to international criminal justice stems from?

Many of us who've served in UN peacekeeping, or served in humanitarian operations, emerge from those experiences believing: "If I could ever be in position to do something meaningful to change this, then I would try." It's as simple as that.

continued from page 3

SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES

The Secretariat of the Assembly of States Parties (SASP) operates under the full authority of the Assembly and reports directly to the Assembly in matters concerning its activities. The functions of the Secretariat are to provide the Assembly and its Bureau, as well as any subsidiary body established by the Assembly, with independent substantive servicing as well as administrative and technical assistance in the

discharge of their responsibilities under the Rome Statute, where applicable by means of pooling with resources available with the Court. The Secretariat thus carries out conference-servicing, legal, financial and administrative functions for the Assembly, the Bureau, The Hague Working Group and the New York Working Group, the Committee on Budget and Finance and the Oversight Committee on Permanent Premises. Documentation of the Assembly is prepared in Arabic, Chinese, English, French, Russian and Spanish.

The Secretariat of the Assembly has a core staff of nine (five at the professional level) from all regions of the world who are conversant in five of the six official languages of the Assembly, plus an additional nine languages. During the servicing of Assembly sessions the Secretariat staff expands temporarily with the requisite translation teams.

President Christian Wenaweser (center) and Ms. Simona Drenik (Slovenia), Rapporteur, (second from the right), with the staff of the Secretariat of the Assembly © ICC-CPI



Interview with Ms. Navi Pillay, United Nations High Commissioner for Human Rights



The United Nations High Commissioner for Human Rights, Ms. Navi Pillay (South Africa), was a judge at the International Criminal Court (hereinafter “the Court”) from April 2003 to August 2008, having served in the Appeals Chamber. She had previously been a judge and President at the International Criminal Tribunal for Rwanda (ICTR).

Do you consider that international criminal justice has a role in the defence of human rights?

By seeking to put an end to impunity for grave crimes that have affected millions of children, women and men, international criminal justice offers an avenue to ensure the peace, security and well-being of human beings all over the world. The Court defends the most basic of human rights, the right to life, along with the right to be free from violence, torture or inhuman treatment, rape and enslavement. Effective prosecution of perpetrators of serious crimes is seen not only as delivering justice to victims of human rights violations, but serves as a deterrent against recurrence of such crimes.

How would you view the contribution of Africa, at the State level, but also from academia and the NGO community, to international criminal justice?

Africa has embraced the principle of ending impunity for serious crimes as is evident from the fact that the largest number of State ratifications come from the continent of Africa, namely, 30 States Parties. Three African States have invited the Court to investigate serious crimes alleged to have

been committed in their territory. Similarly, NGOs and academia have demonstrated support for the Court by calling for ratifications by States, for implementing legislation, and for the Court’s Prosecutor to conduct investigations in various situations.

Do you sense the same level of commitment as in the past?

In my view the level of commitment to ending impunity for serious crimes has not wavered: expressions of anger and opposition have been leveled by many parties specifically to the Court’s indictment of a serving Head of State, or rather to the Security Council deferral of the situation in Darfur to the Court.

What particular insight has your background as a magistrate given you in carrying out your duties as UNHCHR?

My judicial background serves to ensure my independence, free from political and other influences: to be even-handed and apply the same standards to all and to protect and promote the human rights of all persons.

Does the fact that you are the first African UNHCHR facilitate your work in that region?

The fact that I am the first African to occupy the position of High Commissioner indeed facilitates my work. I am perceived as having the experience and understanding for the human rights concerns of developing countries. Economic, social and cultural rights are particularly relevant for impoverished countries as is the right to development. It is also clear to me that no country in the world is free of human rights problems and that violations everywhere should receive the attention of the High Commissioner.

As UNHCHR you have a much higher public profile than as a judge. Your statements resonate on a global scale while also serving as barometers of compliance with human rights standards and policy-making guidelines in many countries and regions. The impact of your statements and reports from your office on current events can immediately affect thousands of lives, perhaps even by saving many of them. Would you say that entails a

commensurate or higher responsibility than the decisions you made as a magistrate?

I think my current role as High Commissioner for Human Rights and my previous role as a judge are complementary. An important part of my current work is to advocate for the universal protection of human rights. My work is better served when judges take seriously the voluntary obligations that States accept when ratifying human rights treaties and apply them to specific cases. Through the domestic enforcement of human rights law we can solve a lot of problems that need not be discussed at the international level. So my role today is to make human rights real for people and I see the judges and the judicial systems, at the national and international levels, as real allies for me in my current job.

Unlike the case of a judge, formulating such statements requires, at least in some cases, taking into consideration a plethora of factors that go beyond the application of legal regimes. How difficult has it been to make that transition?

As High Commissioner for Human Rights, I have many tools at my disposal that judges do not have. I can engage in a dialogue with States. I can offer technical assistance, send fact-finding missions and I can, in addition, have staff working in the respective country or region. My tool box also includes issuing statements and reports. Whatever tool I choose to employ comes after a lot of thinking about the best method of implementing rights. When I issue a statement or a report, it is because I would like to see something particular occur, and I would like my position to be known to the international community as a whole. Sometimes I would like to stress an angle that is not given sufficient attention, for instance the need for accountability. Sometimes I wish to share our appreciation of events and their legal qualifications and consequences from a human rights perspective. The bottom line is that I see human rights as giving rise to legal obligations that need to be universally applied by all without distinction between the powerful and the powerless.

As for the transition, I must say that I never felt that I left the human rights world. I always saw the world from a human rights perspective and took human rights with me wherever I went. Perhaps this is because of living under apartheid in South Africa, but also because I was able to see the end of the tunnel with the defeat of apartheid.

Would you say that being a Party to the Rome Statute constitutes an additional tangible demonstration of a Government's commitment to defend human rights on a global scale and certainly of its own people?

Absolutely. I cannot emphasise this hard enough. The Court was established to end impunity for the perpetrators of genocide, crimes against humanity and war crimes. Many of these are human rights crimes. When a State ratifies the Rome Statute, it sends a signal that it accepts international scrutiny of the action of all its nationals and those living on its territory irrespective of their official capacity. It also means that it is willing to strengthen its national legal system so that it can genuinely address violations that amount to international crimes. This is very good for human rights.

As an African magistrate who has served on two international criminal tribunals, what would you say to those who espouse the view that the Court is used or at least perceived to focus excessively on Africa?

As a human being, I say that all victims of human rights violations wherever they are deserve justice and remedy. I think that rendering justice for victims of violations of human rights in Africa is good for Africa. We Africans believe in justice and I believe we should be pleased that justice is taken seriously in the continent. Having said that, I think justice is universal and victims everywhere demand and deserve justice, not only in Africa but also in Asia, the Middle East, the Americas and Europe. We need to work hard to ensure that the rights and aspirations of victims in all parts of the world are taken seriously. We need to ensure a global approach to ending impunity, and that the powerful and the weak are treated equally. Justice not only has to be done, but also has to be seen to be done, impartially. I also note that three African States, namely the Democratic Republic of the Congo, Uganda and the Central African Republic invited the Prosecutor of the Court to investigate

serious crimes committed in their territory. Thus they sought international help when they were themselves unable to prosecute these crimes.

In the past six months as UNHCHR you have had to face some situations in places where the Court has been either involved or some of its organs might be. The situation in Darfur and the acts which took place in Gaza are the main ones that come to mind. Are there formal or informal channels of communication between your office and the Court on issues of common interest?

My Office is part of the United Nations. We work within the framework of the Relationship Agreement that was negotiated between the Court and the UN. I have staff working in 50 countries many of which have ratified the Rome Statute or made a declaration to that effect. My staff and I respect the independence of the Court. I should also say that my mandate as High Commissioner is broad. Assisting States to implement their human rights obligations often requires my office to be in a country before, during and after a human rights crisis has occurred. In that context, I often call on States to cooperate with the Court.

In your trips and contacts with Government representatives, what is your impression of how they view the Court, especially after the 4 March 2009 Pre-Trial Chamber decision requesting the arrest of a Head of State?

There is no doubt that the Court is making an impact. It is now an important part of the international equation of how allegations are perceived. Cooperation with the Court is key for the credibility of any State.

Would those views vary considerably among African policy-makers in general or African States Parties to the Rome Statute?

I cannot speak for different African leaders, clearly there are different appreciations by different leaders.

There have been references to a possible withdrawal of some of the 30 African States Parties from the Rome Statute. What possible benefits would you see to such a withdrawal, from the perspective of those States and the interests of their peoples?

It is difficult to see what benefits there would be for human rights protection from a withdrawal of any State from the Rome Statute.

The Assembly has to fill a judicial vacancy in the coming months. Can you share your view on the suggestion that it would be in the interest of the Court to have more "list A" judges (with experience in criminal law proceedings) elected to the Court than "list B" judges (with experience in human rights/international law/academia).

I do not wish to comment on whether the judges should come from List A or B. I think justice and human rights are served when we have competent judges that are able to demonstrate technical legal skills, impartiality and fairness. Judges are there to judge the behaviour of individuals. Their decisions have serious consequences for both accused persons and victims. I think the best judges are those who understand and respect the rights of the defence and the rights of victims and how they interplay in an actual trial. They can come from either list. Having said that, I acknowledge that prior judicial experience should be a recommended requisite.

The composition of the Court is different from other international tribunals, inter alia, because of the mandatory distribution of seats between male and female judges. At the present time, there is a majority of female judges (10 over the male ones (7, or 8 if one includes a judge whose term has been extended). What specific insight can female judges bring to bear on the proceedings or decisions?

I think a gender perspective to judicial work is important. This was one of the major developments in the Rome Statute. Studies show that gender may be a strong determinant in the outcome in certain types of cases. In my view, the main issue is to ensure diversity in the composition of the Court so as to minimize concerns about the potential for bias or lack of understanding.

At the Court you had to face the multiple inherent challenges ensuing from setting up and setting into motion a new international organization. As UNHCHR you have also been faced with the institutional changes resulting from the establishment of the Human Rights Council. Can you refer to how your experience with the first may have been useful in addressing the latter?

I have been fortunate to have challenging jobs. Being the President of the ICTR was a great learning experience for me during the early years of its establishment. I felt that sometimes we were navigating in un-charted waters. I was also honoured to be amongst the first

group of judges in the ICC and to help set up this institution. I am also pleased that I have become the High Commissioner for Human Rights at the early stage of the establishment of the Human Rights Council. The Council was established to replace the former Commission of Human Rights that was considered to be overly selective and ineffective. In establishing the Council very good features were added to ensure that all States are treated equally. I particularly consider the fact that all States must go through what is termed Universal Periodic Review of their human rights record, to be an important part of restoring the credibility of inter-governmental work on human rights. It is still in its early days and thus we still need to do a lot more to make the Council effective and responsive to the plight of victims anywhere in the world, but we have an important framework that can help us to go in the right direction.

What would be your expectations vis-à-vis the Review Conference of the Rome Statute to be held in Kampala in the first semester of 2010?

This Conference will be an important opportunity for strengthening the Court in terms of jurisdiction and method of operation. It will provide a momentum for ensuring that key States become parties to the Rome Statute and cooperate with the Court. The discussion on progress regarding enhancing the substantive jurisdiction of the Court in terms of the additional crimes that were already identified in the Statute itself and in the Final Act of the Rome Diplomatic Conference will be interesting. This will also constitute a unique opportunity to review the operational work of the Court and fill any gaps in the Statute that have been identified.

Are there some provisions of the Rome Statute and its complementary norms that you consider States and interested stakeholders may wish to revisit or clarify in order to enhance the Court's operations, perhaps as part of the "stocktaking" exercise?

In addition to the issues mentioned before, some issues have posed significant challenges to the Court in its early years of operation. I think in particular of managing expectations in terms of the issue of the rights of victims to reparations. I also think in terms of outreach. There is furthermore the issue of effective defence as well as the rights of the accused and the rights of victims. The Review Conference will provide an important opportunity to "take stock" of such issues.

Solemn undertaking of five judges



The President of the Assembly, Mr. Christian Wenaweser, witnesses the solemn undertaking by Ms. Joyce Aluoch (Kenya) on 11 March 2009. On the right: Judge Elizabeth Odio-Benito, who presided over the solemn undertaking, and Mr. Didier Preira, Deputy Registrar. © ICC-CPI

Agreement on Privileges and Immunities

The Agreement on Privileges and Immunities of the International Criminal Court (APIC) provides Court officials and staff with certain privileges and immunities necessary for the independent exercise of their functions. With the deposit of the instrument of ratification by Colombia on 15 April 2009, a total of 59 States are now parties to the Agreement.

The 59 States that have ratified the agreement are from the following regional groups:

African States	10
Asian States	2
Eastern European States	15
Group of Latin American and Caribbean States (GRULAC)	12
Western European and other States (WEOG)	20



ASP Calendar

2009

Assembly of States Parties

The Hague

18-26 November - Eighth session

Elections

Judicial vacancies

Nomination period:

5 August to 16 September

Board of Directors of the Trust Fund for Victims (five members)

Nomination period:

20 May to 11 August

Inter-sessional meeting on the

Crime of aggression

New York

8-10 June

Committee on Budget and Finance

The Hague

20-24 April - Twelfth session

24 August-1 September - Thirteenth session

2010

Review Conference

Kampala, Uganda

31 May to 11 June 2010

Coordinator of the Friends of the ICC, New York



Mr. Arto Haapea
First Secretary, Permanent Mission of Finland to the United Nations

Can you explain what are the ICC Friends and who can be a part thereto?

The Friends of the ICC is a very informal governmental grouping that consists first and foremost of the States Parties to the Rome Statute. Basically any like-minded country that supports the work of the Court can become a Friend. However, it has been a long-standing principle that the work of the Court needs to be transparent in all its aspects, and therefore representatives of other countries and of international organizations have also been warmly welcomed to most of the meetings of the Friends group. Last time I checked, there were 98 States Parties and 22 non-Parties on my mailing list. The Coalition for the International Criminal Court (CICC) is also an important contributor to the Friends of the ICC.

Do you have focal points for certain topics/regions?

Unlike the Friends group in The Hague, of which I had the pleasure to be part before my posting in New York, the Friends in New York have not actively used focal points in recent times. As my predecessor Mr. Stefan Barriga (Liechtenstein) kindly advised me, focal points were mostly used in the early days of the Friends Group in NY, in particular prior to the establishment of the Court's Liaison Office which now provides much of the information that had previously been channelled through the focal points. Nonetheless never say never - we might give it another go, should there be a need.

You assumed the coordination of the Group of Friends in New York in November 2008. Can you tell us some of the main activities you have undertaken since then?

My activities have mainly involved informing the group of Court-related news or events, and organizing some meetings. The Prosecutor was in New York for his biannual briefing to the Security Council in December, and we had an excellent meeting with him. He also took us to see a photo exhibition of child soldiers that was on display at the UN.

Perhaps the most memorable event during my tenure was co-hosting a farewell reception for President Philippe Kirsch in February, in the margins of the second resumption of the seventh session of the Assembly. The CICC and its Director, Mr. Bill Pace, organized a reception which was sponsored by the Finnish mission. We had an amazing turnout and UNSG Mr. Ban Ki-moon himself turned up to honour President Kirsch's service. He really made a presence, and convinced the Friends that the Court is very high on his agenda.

Might there be an overlap vis-à-vis the New York Working Group of the Bureau (NYWG)?

I do not really see it that way. In New York, all delegates have way too many meetings as it is, so I haven't taken it upon myself to organize meetings just for the sake of meeting. I have repeatedly told colleagues that whenever there is a need to gather the Friends, I will be delighted to do so. I am of course in close contact with colleagues coordinating the topics assigned to the NYWG, but unless they ask me to, I do not see a need to organise "competing meetings".

Given the pace of your regular functions as a delegate at UNHQ, has it been very demanding to integrate your role as a coordinator into your schedule?

So far it has been quite alright. I sometimes get a feeling of guilt and think that I should be more active in my role as coordinator - but then colleagues assure me that the coordinator is only supposed to share information and organize activities when there is a clear need. I also remind myself that if my predecessor and colleague, Mr. Stefan Barriga, was able to do such an excellent job while having so

much on his shoulders, I really should not complain.

What activities would you have in mind for the rest of 2009 and in the run-up to the Review Conference in 2010?

The Review Conference is naturally on my radar. The joint facilitators of the NYWG have recently convened their first meetings on the topic, and it looks like a promising process which is in very capable hands. Whether the Friends might have a role to play in the process remains to be seen.

It goes without saying that I would very much like to organise meetings with the new Presidency of the Court, as well as with the Prosecutor and Registrar when they visit New York. These meetings are extremely useful for the diplomats based in New York.

There are also plans to convene a seminar or panel discussion for the Friends in the near future, but this remains to be confirmed.

You are one of few delegates that has had a chance to work on Court issues both as a Hague-based delegate and subsequently as a New York-based one. What peculiar insight has that given you?

It has really been a blessing in many regards. Being based in The Hague, you feel somehow closer to the Court and its daily activities - not only physically -. However, I do feel that there should be something in addition to The Hague Working Group (HWG) meetings and the three annual diplomatic briefings to give the delegates in The Hague additional insight to the Court's work. I discussed a few ideas with colleagues at the time, e.g. one including occasional informal meetings with the judges, but there is certain understandable hesitation that has to do with issues such as confidentiality. In New York it's very different, starting from the fact that for me and most of my colleagues, the Court is only one of the many topics to be followed. Furthermore, there is the more political angle here that makes it exciting in a different manner.

As regards the topics assigned to the HWG and the NYWG respectively, I think there could be more informal contacts between

the Friends groups and the facilitators, to keep both sides of the Atlantic engaged in the processes. I have talked about this with my friend, Mr. Akram Harahsheh (Jordan) who coordinates the Friends group in The Hague, so we'll see what can be done.

What are some of the main functions you are entrusted with as a delegate?

The array of issues is just overwhelming. There are issues like terrorism and sanctions, the Sixth Committee, law of the sea, other courts and tribunals, international humanitarian law, etc. It is fascinating and it keeps us busy day and night.

How frequently does the Court come up in relation to some of these functions?

Very frequently indeed. At the moment, the situation in Sudan is dominating the whole scene in New York, whether political, humanitarian or legal. You have to try and follow all of these aspects to get a holistic understanding of the situation.

Could one say that while in The Hague the Court looms large on the diplomatic horizon, at UNHQ the Court has a lower profile given the myriad of items dealt with by all delegations?

That is true to some extent, yet as coordinator of the Friends, I have been really excited to see how the Court has become fully operational and is now a credible and independent institution. As such, the Court is a cross-cutting theme that cannot be ignored in any respect.

There was a time when there was a slight trans-Atlantic "rift" or difference of perceptions between the States Parties in New York and those in The Hague. Do you think that such perceptions are basically overcome?

Yes and no. In The Hague, there appeared to be a certain jealousy of the NYWG that seemed to be assigned with the more "exciting" topics whilst the HWG was busy with many administrative issues that felt distant from the Court's actual work. Now in New York I think there is a different kind of jealousy as the Court is actually based in The Hague and colleagues have direct daily contacts with the Court. Then again I think that just as the Court has matured and established itself, so have the States Parties on both sides of the Atlantic; most of us are of the

opinion that whereas the perspective to Court questions might be different in New York and in The Hague, we're all as excited about following those questions.

These divergent views sometimes arise when the issue of deciding on the choice of venues for the annual session of the Assembly is discussed. There is a certain pattern of alternating between The Hague and New York which has been followed in recent years. Do you think that this has helped to eliminate some of the "friction"?

From a purely personal and utilitarian perspective, I love having the Assembly sessions alternate between The Hague and in New York – it's a great opportunity to catch up with old colleagues and remember what it was like cycling around Den Haag... But seriously speaking, I think we should look at this issue from a purely practical perspective: Is it more practical to have sessions in New York, where most States Parties are represented, or in The Hague, where the Court and its busy officials are located? I'm afraid I will have to pass this question though!



There have been some occasional visits by Hague-based Coordinators and facilitators to brief the New York States Parties and vice-versa. Would you suggest any other means of increasing the inter-action between The Hague and New York based delegates?

I think these visits are an effort that is to be welcomed. Although at times the number of participants in New York may be smaller than expected, that is not to be considered as any sort of discouragement – it is just the reality of too many simultaneous meetings. As I said before, I think there might something that we could do on a very informal basis between the working groups and Friends groups. Any ideas from colleagues on either side of the ocean and in the Court are warmly welcome!

There are at times some controversial or dividing issues that the Court must deal with. As coordinator, do you ever feel that it is difficult or strenuous to address such issues?

This is an interesting question and one that I had not thought of so much before taking on the role of coordinator. It is clear that as the Court's activities extend to new countries and regions, there will be dividing lines between the membership of the Rome Statute and other influential players. I think the Friends of the Court have a very clear mandate: to support the Court in its activities and help the members of the Friends group to do the same. Of course, if there are balanced, critical views that the Friends should learn, I certainly would not be blocking them.

Could you share with us your impressions on the process of balloting and counting to elect the judges at the first resumption of the seventh session in mid-January?

For a first-timer, it was an exciting exercise indeed. I think most colleagues shared a feeling of surprise at the many rounds we had to have before all the judges were elected. What I found curious was the nervous candidates walking around the conference room in-between the rounds of balloting eagerly waiting for the results.

Is there anything you miss from The Hague?

Loads! The collegial atmosphere in The Hague was great – it was a wonderful place for a first posting. We had both lots of fun and a great many fascinating discussions with colleagues. Whereas the weather is not at the top of my list "Things to miss in Den Haag", the easy-going life and cycling... Those of you reading this in The Hague, do enjoy them while you can!

We understand that when you lived in The Hague you received a traffic ticket for riding your bicycle at excessive velocity on your way to the beach. Has any similar case of cycling above the Manhattan speed limit occurred yet?

I see the Secretariat of the Assembly is all too well informed about the diplomatic community in The Hague. I'm afraid the police in Manhattan are busy trying to keep the cyclists from getting killed in the crazy traffic of Manhattan – and my Finnish Jopo is lying in the basement as I have not yet had the courage to take it to the streets...

Architectural design competition

On 31 October 2008 an international jury selected three prize winners for the designs of the new premises for the Court. The three designs were selected from 19 entries originating from different regions of the world on the basis of criteria such as the incorporation into the urban fabric and the

surrounding landscape, architecture, safety and sustainability. The Oversight Committee of the Assembly on permanent premises will make a final decision in 2009 based on the negotiations undertaken with the design team to be selected from among the three winners.

The construction of the permanent premises would commence in 2011 at the Alexanderkazerne site, a plot of approximately 72,000 square meters, located near Scheveningen beach and conclude by 2014.

First prize

**Ingenhoven Architects,
Düsseldorf, Germany**



Second prize

**Schmidt Hammer Lassen / Bosch & Fjord,
Århus, Denmark**



Third prize

**Wiel Arets Architects & Associates,
Maastricht, The Netherlands**



Farewell to President Philippe Kirsch



From left: Mr. Christian Wenaweser, President of the Assembly, judge Philippe Kirsch, President of the Court and H.E. Mr. Ban Ki-moon, Secretary-General of the United Nations, at the reception organized by the Permanent Mission of Finland and the CICC. ©CICC

On 10 February and 9 March 2009, receptions were held in New York and The Hague, respectively, in honour of President Philippe Kirsch, who was ending his six year term as judge and his second three year term as President of the Court on 10 March. Prior to his election as a judge, Mr. Kirsch had chaired the Working Group of the Whole at the 1998 Rome Diplomatic Conference, as well as the Preparatory Commission for the establishment of the International Criminal Court from 1999-2002.



From left: Mr. Christian Wenaweser, President of the Assembly, Ms. Silvana Arbia, the Registrar, Mr. Philippe Kirsch and Mr. Luis Moreno-Ocampo, the Prosecutor, at the reception held with Court staff.

Tenth anniversary of the adoption of the Rome Statute



Tenth anniversary of the adoption of the Rome Statute in New York © ICC-CPI

From left: Ms. Ruth Wijdenbosch, Member of Parliament of Suriname, Parliamentarians for Global Action; Mr. Nicolas Michel, Under-Secretary General for Legal Affairs, United Nations; Mr. Luis Moreno-Ocampo, Prosecutor; H.E. Mr. Ban Ki-moon, Secretary-General of the United Nations; Mr. Bruno Stagno Ugarte, President of the Assembly of States Parties; Mr. Philippe Kirsch, President of the International Criminal Court; Mr. André Laperrière, Executive Director of the Trust Fund for Victims; Mr. Bill Pace, Convener of the NGO Coalition for the ICC

The Permanent Mission of Liechtenstein to the United Nations and the CICC organized a commemorative event in New York on 17 July 2008.

The President of the Assembly, H.E. Mr. Bruno Stagno Ugarte (Costa Rica), paid tribute to all those who had contributed to the establishment of the Court.

Addresses were also made by, inter alia, the Secretary-General of the United Nations, H.E. Mr. Ban Ki-moon, the President of the International Criminal Court, Judge Philippe Kirsch, and the Prosecutor, Mr. Luis Moreno-Ocampo.

Furthermore, the former President of Trinidad



From left: Mr. Ben Ferencz, former prosecutor at the Nuremberg Tribunal, who delivered a *laudatio* in honor of President Arthur N.R. Robinson (centre) and Mr. Christian Wenaweser, Permanent Representative of Liechtenstein © ICC-CPI

and Tobago, H.E. Mr. Arthur N.R. Robinson, was honoured for his contribution to the cause of international criminal justice.

On 3 July 2008, a celebratory event was held at the Peace Palace in The Hague, organized jointly by the Ministry of Foreign Affairs of the Netherlands, the Embassy of France and the Coalition for the International Criminal Court. Keynote statements were delivered by, inter alia, Mr. Maxime Verhagen, Minister of Foreign Affairs of the Netherlands, and Ms. Rama Yade, Secretary of State for Foreign Affairs and Human Rights of France.



Tenth anniversary of the adoption of the Rome Statute in The Hague © Embassy of France to the Netherlands / Emy Cottet-Dumoulin

From left: Ms. Rama Yade, Secretary of State for Foreign Affairs and Human Rights of France; Judge Philippe Kirsch, President of the International Criminal Court; H.R.H. Princess Maxima of the Netherlands; Judge Rosalyn Higgins, President of the International Court of Justice; H.E. Mr. Maxime Verhagen, Minister of Foreign Affairs of the Netherlands; Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court; H.E. Mr. Jean-Michel Gausson, Ambassador of France to the Netherlands; Mrs. Liesbeth Lijnzaad, Legal Adviser, Ministry of Foreign Affairs of the Netherlands; Ms. Fatma Waheb Wassef, Assembly of States Parties, International Criminal Court

Colophon

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