

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Ninth Diplomatic Briefing of the International Criminal Court*

*Compilation of Statements*

**Check Against Delivery**

*The Hague, 29 March 2007*

## **Philippe Kirsch, President/Le Président**

Excellencies, Ladies and Gentlemen,

It is a pleasure to welcome you to the ninth diplomatic briefing of the International Criminal Court. For the past three years, the Court has held three diplomatic briefings between each session of the Assembly of States Parties (ASP). They are also an opportunity for you to communicate directly with the Court's senior management on issues and developments of importance to the Court and to States.

In preparation for the briefing, advance information packages were sent to you with an update of the activities of the Court and the Assembly of States Parties since the last session of the ASP. We are open to any questions you may have related to this information.

Since the ASP, there have been two important judicial developments within the Court.

In the situation in Darfur, Sudan, the Prosecutor requested that the Pre-Trial Chamber issue summonses to appear for two individuals: a former Minister of State for the Interior and an alleged militia leader. They are accused of committing war crimes and crimes against humanity in Darfur. The Prosecutor indicated that it will be for the Pre-Trial Chamber to determine whether it is appropriate to issue warrants of arrest or summonses.

In the case against Thomas Lubanga Dyilo, the Pre-Trial Chamber confirmed charges of war crimes against Mr. Lubanga Dyilo, setting the stage for the constitution of a Trial Chamber and the first trial of the Court, pending the outcome of the appeals process.

As the Court moves forward in its judicial activities, we are able to more clearly understand and articulate what type of cooperation and support is required from States. Naturally, this is a process which will continue as the Court reaches each new phase of its development and faces the challenges of carrying out operations in new, complex environments.

The ability of the ICC to rely on effective, sustained and predictable forms of cooperation is essential to the successful execution of the Court's mandate.

As I stated at the ASP, the ICC system is designed on two separate pillars: one judicial and the other enforcement. The Court itself is the judicial pillar. The enforcement pillar belongs to States. These two pillars are intertwined in national systems. National courts do not seek cooperation; they rely automatically on the enforcement power of the State. The two pillars have been separated in the ICC system. There is no such mechanism of automatic reliance upon enforcement by States Parties. As the Court moves forward in its judicial operations, the success of the system relies increasingly on the enforcement pillar.

How these pillars interact in practice depends upon the particular circumstances facing the Court. At the time of the Rome Conference, the precise circumstances and situations in which the Court would operate could not be predicted. The only available models were existing and earlier international tribunals which operated in under very different circumstances – where the armed conflict had ended and, as a result, access to certain documents, places and people was less difficult.

Experience has shown, however, that the reality for the ICC is very different from those tribunals. For one, the ICC operates in situations of ongoing conflict where crimes continue to be committed. This fundamentally determines the type of cooperation required. In carrying out its investigations, the Court faces enormous challenges in protecting Court staff, victims and witnesses; collecting evidence; gathering intelligence; and facilitating the participation of victims in proceedings. The ICC also has no police force to secure evidence or apprehend persons wanted by the Court. This role belongs to States and others.

In addition, the Court faces significant logistical challenges. The situations before the ICC are far away from the seat of the Court, spread across very different countries, often with poorly developed infrastructures in areas under investigation. Each situation involves multiple local and regional languages. The needs of the Court will vary from situation to situation, and it is important for both the Court and States to adapt to evolving practical operational needs.

It is becoming increasingly clear that the fight against impunity is an ongoing, collective effort of the international community. We must further develop our understanding of the distinct and mutually enforcing roles in this effort. The creation of the ICC was but one important step in a long journey. The Court alone will not be able to fight impunity. States have a crucial role to play and should continue their active engagement to firmly establish the fundamental principle of accountability on the international level. This requires not only a sustained effort on the part of States, but also close cooperation and coordination between the different actors, for example, between States and the ICC.

The response of States to previous mentions by the Court of the need for cooperation have been consistently positive. The Court is also pleased that the ASP Bureau has taken up the issue and has appointed facilitators on cooperation for The Hague and the New York Working Groups. The Court made a presentation on cooperation to the Hague Working Group earlier this year and we look forward to our further discussion. Following a request of the Bureau, the Court is also preparing a consolidated report of its cooperation needs, which will be submitted shortly.

In this context, we felt it would be important to dedicate today's briefing to developing the discussion of the relationship of cooperation between the States and the Court as well as the different aspects of this cooperation. Today, we will give you some general indications of the different areas in which cooperation is needed. The Prosecutor and Registrar will elaborate on specific cooperation needs relevant to the work of the Office of the Prosecutor and the Registry.

I would like to highlight specifically one area of cooperation - the need for public and diplomatic support from States.

As a judicial institution, the Court cannot promote itself. It can only explain its activities, how it functions, and what it needs in order to succeed. The role of building political and diplomatic support for the Court lies with States.

For practical and principled reasons, universality of the Statute is inherent to the character of the Court and remains an important objective. The Court is very pleased with the "Plan of action of the ASP for achieving universality and full implementation of the Rome Statute of the ICC" adopted by States. Ongoing efforts to build support for the Court are bearing fruit. For example, as you may be aware, the Yemeni House of Representatives voted in favour of ratification last week. Other States will follow suit.

The Court needs support in general and specific debates within international fora and in relevant decisions, reports, resolutions and statements. Support for the Court is not just needed in UN General Assembly and Security Council discussions on the ICC, but on thematic issues such as children in armed conflict.

We also believe that it is important to mainstream the ICC within ministries of States Parties, between the different divisions and departments of Ministries of Foreign Affairs, such as Legal, Multilateral or Regional or Country Divisions; as well as between different Ministries. Now that the Court is operational, it is no longer dealing exclusively with Ministries of Foreign Affairs and Justice but also with other Ministries, such as those dealing with Political Affairs or Development. The Court must be known and understood by the various departments and Ministries with which it must cooperate.

As I have indicated through my remarks, the topic of cooperation is both vital to the success of the Court and wide-ranging. We look forward to further developing the discussion of cooperation between the Court and States Parties over time.

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

## **Luis Moreno-Ocampo, Prosecutor/Le Procureur**

Excellencies, Ladies and Gentlemen,

As you will recall, at the last Diplomatic Briefing, I provided an update on the different situations; and I emphasized that the success of the Rome System is a joint responsibility. I detailed potential areas of enhanced cooperation, including political support; information-sharing; consolidation and expansion of our relationship with the UN; and finally, collaboration in the areas of arrest and surrender.

Today, I would like to provide an update on the OTP's activities and mention some of the present challenges for the effective implementation of the Rome System.

### **Cooperation to implement the Rome System**

As the President indicated, many of the crimes under our jurisdiction occur in the context of ongoing armed conflict; as a consequence there is an interlink between the delivery of justice and efforts to secure peace and reconciliation. This was actually foreseen in Rome where the drafters of the Statute introduced a lot of provisions which can come into play: they set a high gravity threshold so that the Court would only have jurisdiction over the most serious crimes, they organized the complementarity regime and they introduced the reference to a Security Council role.

That being said, the decision taken in Rome in 1998 and ratified since then by 104 countries is clear: Lasting peace requires justice.

The Rome Statute established a new approach: victims are entitled to both peace and justice. Consequently, it is essential in any conflict resolution initiative to seek a solution compatible with the Rome Statute. We must be mindful of the mandate of the Court and not compromise on legality and accountability. Implementing this new paradigm means fulfilling our duty to respect and uphold the law. The Court depends on State support to consistently reiterate this point in your public statements and your bilateral and multilateral efforts. It must be made clear to mediators and negotiators in particular that when arrest warrants have been issued by the Court, they must be implemented. While the Rome Statute does establish a complementarity system that allows the States concerned or the named individuals to challenge the admissibility, it must be clear that the final decision will rest with the Judges and that there can be no preliminary negotiation of the ICC's decisions. I cannot emphasize enough that your cooperation is needed in mainstreaming Court issues within international fora and in relevant decisions, reports, resolutions, declarations, and statements. Promoting respect for the independence of the OTP's justice mandate during conflict resolution initiatives is a priority.

This issue of political support for the Court will be one of the points highlighted in the consolidated report on cooperation that the three organs of the Court have prepared following the request of the Bureau.

Let me at this point explain the goal we the OTP are trying to achieve with this report. In our first years, we have had to deal with cooperation issues mostly on an ad hoc basis, as needs arose, and often on an emergency basis. As we are in a process of stabilizing the Office and establishing frameworks and procedures, we are now developing a more proactive approach to cooperation; the idea is to present examples of the types of cooperation required by the OTP well in advance, so that all States can determine

in which field they could provide help and we can prepare a framework; thus when we are faced with emergency situations, we can act together swiftly and efficiently.

Already, since the first presentation made by the 3 organs of the Court to the Hague working Group on the 17<sup>th</sup> of January, we have noticed very positive reactions by States ; with the permission of the Spanish Ambassador, I would like to use the example of my recent visit to Madrid where all the different Ministries and relevant authorities had been informed of our priority list and were ready to study the possibilities of developing a framework for global cooperation with the Court, including the most sensitive fields such as intelligence sharing or extraction of threatened witnesses especially with the provision of emergency humanitarian visas – an area of course where the Registrar is leading. Less than 2 weeks after my visit this framework was put to use and the Spanish authorities responded to a sensitive request in less than 48 hours. I could use other examples, for instance South Korea – which is now working on the possibility of offering forensics services. I am also looking forward to a very important trip by the Registry and the OTP to Berlin on issues of cooperation.

Of course such an approach should not lead to any breach in the confidentiality of our bilateral cooperation.

Let me now move to an update of our current situations to give you very concrete examples of the importance of securing political support and judicial cooperation.

### **Current situations**

As you all know, the Office has had some important developments in the last few months. Notably, the Pre-Trial Chamber confirmed the charges against DRC militia leader, Thomas Lubanga Dyilo, so we are continuing our preparation for trial. And, on Darfur, we have submitted an application to the Pre-Trial Chamber naming two individuals in relation to 51 counts of war crimes and crimes against humanity. But we are confronted with a worrying stalemate in relation to Uganda, since the LRA commanders have not yet been arrested.

Let me start with Northern Uganda as it is a prime example of the challenges we are facing.

Our common challenge of course is to ensure the implementation of the Rome Statute; in this case it requires the enforcement of the arrest warrants. It is the law.

The crimes allegedly committed by the LRA in Northern Uganda have decreased since the issuance of the ICC warrants and the movement of the LRA into the DRC, but the LRA is still committing crimes in particular by keeping abducted children in their ranks; furthermore there are regular reports of LRA attacks in Southern Sudan and DRC as well as worrying reports of the LRA re-grouping and re-arming in preparation for a renewal of violence. There is also recent information of some LRA units, possibly including Kony and Otti, moving into or towards the Central African Republic.

Securing the arrest of the remaining four LRA commanders is on all counts a priority. Enforcing the decision of the Court on their arrest is important; it is important for the victims in Uganda and Southern Sudan, it is important for the credibility of the Court and its deterrent impact and it is important for the establishment of a legal framework worldwide.

The OTP is committed to galvanizing international efforts to execute the warrants. We are not directly involved in arrests, but we can help the States Parties concerned, especially the Government of Uganda, set up a network of countries and international organizations (e.g. UN, MONUC and UNMIS) to initiate contingency planning for arrest of the LRA commanders. We must not lose a sense of urgency to arrest the four individuals we believe to be responsible for the worst atrocities in Uganda. We acknowledge that other complementary solutions could be satisfactory for other LRA members.

In January, I met with Mr. Chissano, the former President of Mozambique and current Special Envoy for LRA Affected Areas, to discuss this issue. I will have further discussions in New York next week to emphasize again that the 4 LRA commanders must appear before the judges. Regarding the peace negotiations, as we have always said, any solution can and must be compatible with the Rome Statute. We have taken a low public profile up to now to make sure the Court does not appear as if it is interfering in the peace process, but we are reassessing possibilities to expose better the horrific crimes committed by the LRA.

I count on your political support to emphasize that holding the remaining four LRA commanders accountable for their crimes is the law as established in Rome. It will prevent recurrent violence and contribute to sustainable peace and security. The victims in Uganda are entitled to peace, security and justice.

### **Democratic Republic of the Congo**

As you all know, on 29 January, the Pre-Trial Chamber confirmed the charges against Thomas Lubanga Dyilo.

Beyond the actual proceedings, I would like to use the example of this case to explain how we can implement our goal of maximizing the impact of our case. On 5-6 February, I participated in a conference, "Free Children from War" co-presided by UNICEF and the French Ministry of Foreign Affairs and attended by the Secretary General's Special Representative for Children and Armed Conflict and the Director of UNICEF. My presentation provided only judicial information but it was interesting to note how most participants would use the facts we presented to advance their advocacy campaigns against the recruitment of child soldiers worldwide, with this new idea that it is indeed a serious crime and that it will be prosecuted.

To conclude on DRC, let me mention the ongoing second investigation, which is related to crimes allegedly committed by another Ituri armed group. We are of course confronted with the deterioration of the security situation on the ground. As you know, more than 1000 people were killed during the last combats within Kinshasa. Our witnesses are threatened.

Finally, we are in the process of selecting a third case to investigate in the DRC. We hope to select it in the summer so that the investigation can commence before the end of 2007. This is an important process. More generally, I have asked the OTP to develop an overall strategy for the DRC to explain better our approach and to take into consideration the interests of victims.

## The Situation in Darfur, the Sudan

Over the past 20 months, we have conducted an investigation into crimes allegedly committed in Darfur, the Sudan.

On 27 February 2007, we applied to Pre-Trial Chamber I for the issuance of summonses to appear against Ahmad Harun, former Minister of State for the Interior of the Government of the Sudan and current Minister of State for Humanitarian Affairs, and Ali Kushayb, a Militia/Janjaweed leader. Our case is about Ahmad Harun and Ali Kushayb working together to attack the civilian population in Darfur. There is no such investigation in the Sudan.

Ensure the appearance of the individuals in the Hague is the most difficult challenge. The Office has suggested a summons to appear could be the first option pursued. Our goal is efficiency. We assessed at the time of the application and we still assess that a summons to appear, an approach which clearly focuses on the individuals named, would be in the Sudanese context, the most efficient way to ensure the appearance of the named individuals. It would be of course the responsibility of the territorial State, the Sudan, to serve the summons and to facilitate the process. The formal reaction by the GOS will be decisive for the Judge's decision. The case is in their hands.

Let me also inform you that before and after the filing, we remained in contact with the authorities of the Sudan. They informed after the filing of the creation of the ministerial committee in charge of reviewing all aspects of the filing. They have published on the website of the Sudanese what seems to be an official position although it has not been confirmed formally to the OTP; it is interesting to note that the Government of Sudan while putting forward its objections to the Security Council referral has apparently decided to engage legally with the Court on the issue of admissibility; it is also worthy of interest that Ahmet Harun is now announced to be under investigation.

In support of the filing and to secure the widest support for our judicial activity, the OTP has actively engaged with Arab and African countries. I can only emphasize the support given to the OTP before and after our application by the Secretary General of the Arab League as well as the MFA of Egypt. Other Arab countries were also open and helpful while emphasizing that a scenario where arrest warrants would be issued could create a confrontational scenario where ability to support and cooperate with the Court would be affected. The Ministry of Foreign Affairs of Ghana as Presidency of the AU has been key in ensuring AU positive reaction. We visited the AU and gave a report on our activities. This constructive cooperation with the Court is also reflected in the way this issue was addressed during the Arab Summit in Riyadh. All those personalities were keen to promote the continued legal engagement of the Sudan with the Court. UN representatives including Mr Jan Eliasson with whom I talked a week ago, also emphasized the difficulties related to the peace negotiations, and the deployment of peace keepers. Next week I will brief the Secretary General of the UN on our activities.

The judges will review the evidence submitted and decide how to proceed. If the Pre-Trial Chamber is satisfied that there are reasonable grounds to believe that the named individuals have committed crimes within the jurisdiction of the Court, the Chamber may issue either a summons to appear or a warrant of arrest against Ahmad Harun and Ali Kushayb.

As I noted at the ASP and at the press conference of the February filing, the Office is continuing to gather information about current crimes committed by all the parties in Darfur and is monitoring the spill-over of



violence into Chad, including in the refugee camps, and into the Central African Republic, which are both State Parties. In the meantime, we hope that this case will contribute to stopping the violence.

### **Other potential situations**

As you are aware we are also monitoring a number of other situations, some of which are already publicly known. In particular, in relation to Côte d'Ivoire, as part of the information gathering process the Office has proposed to the authorities of that country that we undertake a mission. A new letter was sent in December and we have not received any answer; we are continuing to press them. The UN has been very supportive on this matter.

With respect to the fourth situation, we hope to make the announcement before the summer. It is clear that this determination could lead us to open an investigation into another African country. This might lead to renewed perceptions in the public of an African bias. I hope you can help me to dispel this misperception. The Court is an important institution for African countries to put an end to impunity. Today, one third of all States Parties are African countries. The ideas of the Rome Statute are reflected in the Constitutive Act of the AU, which provides that the organisation shall function consistently with the "condemnation and rejection of impunity." We are working for African victims who have suffered in the past from the indifference of the international community. We cannot repeat the mistake.

The decision to open a new investigation is based on the law, it is not a sanction; it is the result of Africa's own leadership in promoting the fight against impunity.

Thank you.

**Bruno Cathala, Registrar/Le Greffier**

Excellencies, Ladies and Gentlemen,

It is my pleasure to welcome you all today to this diplomatic briefing, a privileged channel of communication between the Court and States.

As the President and the Prosecutor have just mentioned, the issue of co-operation is the main focus of this briefing. I intend to make a brief presentation on the practical and concrete areas of cooperation where the assistance and support of States are required in order to enable the Court, and the Registry in particular in its role to implement judicial decisions, to operate effectively. Although it is vital for the Court to receive the general support of States in order to properly carry out its mission, targeted requests, addressed to some States in particular, will continue to be made by the various organs of the Court, acting within the scope of their respective mandates.

I will therefore not draw up a long and turgid list of the various types of cooperation that we might require. This might make the document prepared by the Court for the Bureau redundant. I will therefore endeavour to place these types of cooperation within the context of the day-to-day activities of the Court, both in the field, or here at the seat of the Court. It is also worth noting that the required forms of assistance and support are not in any particular chronological order but can co-exist at any time.

As far as operations in the field are concerned, various instruments must be adopted in order to allow the Court to conduct all its activities.

Before the Court even establishes a physical presence on the ground following a decision by the Prosecutor to open an investigation, teams from the Court, whether OTP investigators or, later, Defence investigators, must travel to the country in question. In order to facilitate the work carried out by the Court in the country, amongst other undertakings, the country will have to develop the necessary legal instruments to ensure that an independent investigation may be conducted (agreements on privileges and immunities, implementing legislation, etc.). Similarly, in order to facilitate the deployment of Court staff in the field, States must be in a position to deliver long-term visas rapidly through their diplomatic representations. The provision of logistical support and information about the general security situation in the country concerned, the facilitation of communication between the Court's representatives and the competent national authorities, are other concrete examples of the sort of cooperation that is required.

Setting up a field office, or establishing a presence on the ground, requires the intervention and rapid interaction of sometimes complex mechanisms which not only require the mobilisation of Court resources, but also depend on practical assistance from States and/or international organisations which are active on the ground.

While an activity such as finding suitable accommodation which meets relevant security requirements may appear simple at first glance, it is necessary to ensure that these premises are fitted out to meet the demands and specific nature of the work carried out by staff from the Office of the Prosecutor, the Victims and Witnesses Unit of the Registry, the Public Information and Documentation Section, the Defence, etc.

To this end, the Court would greatly benefit from accommodation being made available to it in the country concerned by the situation or, in the absence of such premises, space which can be used for activities in connection with its work, or in order to house its representatives.

This issue of accommodation, which may seem trivial, is of the utmost importance to the Court as can be seen here in The Hague. The fact that the Host State is now suggesting that the Court occupy a fourth site will affect the day-to-day activities of the Court and the effectiveness of its work in addition to increasing its operating costs.

Security-related requirements are not restricted to premises used by the Court. They obviously include suitable protection of our staff. We need to develop appropriate cooperation mechanisms in this area. In this respect, allow me once again to express the Court's gratitude for the various types of practical support it has received from a number of States in this area, in particular by providing the Court with local security guards. I hope that similar support will be offered in the other situations which are either being investigated or which will be investigated in the future. It would be useful for such assistance to be accompanied by the provision of intelligence regarding the general security situation in the country, security-related threats and risk assessments. As the Court has neither armed forces nor a police force, it can only rely on a genuine capability to anticipate risk in order to try to limit the risks faced by its staff or the persons with whom it is in contact.

I would now like to turn to the issue of witness relocation agreements, one of the legal mechanisms which forms part of our witness protection measures.

As you know, witness relocation is a complex undertaking in war-torn countries and requires specialist knowledge, resources and, sometimes, a certain amount of creativity when support structures are not up to the task. Over the past three years, experience on the ground has demonstrated that the lack of witness protection measures and targeted operational support at the national level has a potentially negative impact on the Court's capacity to effectively protect witnesses.

In this respect, we should also mention measures to facilitate contacts between the relevant national authorities and potential witnesses in order to ensure the implementation of rapid reaction measures by local police authorities where necessary to provide assistance to witnesses in danger and, if necessary, extract any witnesses whose security is seriously compromised.

In addition, it would also be appropriate for States to offer support to countries which are the focus of an investigation with a view to facilitating the implementation of a viable national witness protection programme. As a result, some problems might be reduced or even eliminated. Such support could take on a variety of forms. Two examples:

- technical assistance, as is already the case in several countries (experts could be seconded and work closely with the national police force)
- a programme in which States receive financial support when they agree to the relocation of witnesses on their territory. Such an approach would help to integrate witness protection issues in the local cultural context and adapt them to realities on the ground.

Moreover, in this way, the countries concerned could acquire new skills which would be available to the State after the Court's intervention.

In this respect, I would like to reiterate my gratitude to the States which have entered into witness relocation agreements with the Court.

The support which is also needed with regard to the execution of arrest warrants ordered by the Chambers is an issue of vital concern to us. We have to work together to develop concrete and effective ideas in order to execute the warrants, some of which were ordered a long time ago, such as the warrants against the five commanders of the Lord's Resistance Army.

Similarly, certain specific forms of cooperation will be required by the Court once a person has been surrendered to the law. I am referring here to the need to enter into agreements with States which may be able to accept individuals who have been granted interim release or who have been acquitted.

These issues of arrest or protection of witnesses are not only of concern to the Court, but are also of concern to the populations themselves, as was brought home to me on my last visit to the Democratic Republic of the Congo where I met with representatives of governmental and judicial authorities, Congolese people of various backgrounds and from several districts affected by the conflict. Over 200 people attended this meeting, which was held in Bunia, in the context of the development of our outreach activities in accordance with the Outreach Strategic Plan, which was presented to the Assembly last December. What emerged from these exchanges, during which participants shared their views and feelings, was the strong desire of the population to see justice done. The rapid arrest of individuals responsible for crimes committed in their country was a recurrent theme raised by civil society representatives, religious leaders of various denominations and, again, by the population. The same applies to Uganda.

There are many other areas in which States may cooperate with the Court and I will conclude my brief introduction by emphasising that the successful carrying out of the Court's mandate results

not only from measures taken by the Court itself, but also from a collective effort between the various players in the criminal justice arena.

Thank you for your attention.

**Renan Villacis, Director, Secretariat of the Assembly of States Parties/ Directeur, Secrétariat de l'Assemblée des Etats Parties**

Excellencies, Ladies and Gentleman,

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

**Recent ratifications**

We welcome the recent ratifications of the Agreement on the Privileges and Immunities of the Court by Argentina and the Ukraine, which bring the total number of parties to 48.

**Sixth session**

Invitations to the sixth session of the Assembly, to be held at United Nations Headquarters in New York from 30 November to 14 December 2007, and the resumed sixth session, also to be held in New York during the first semester of 2008, were sent to States a few days ago.<sup>1</sup>

The Bureau of the Assembly agreed to include in the provisional agenda of the sixth session an item entitled "General debate" and to invite Ministers of States to participate therein. In addition, the Bureau decided to invite the United Nations Secretary-General to attend the session.

**Resumed fifth session**

*Board of Directors of the Trust Fund for Victims*

At its resumed fifth session, held at United Nations Headquarters in New York from 29 January to 1 February 2007, the Assembly elected Mr. Bulgaa Altangerel (Mongolia) as the fifth member of the Board of Directors of the Trust Fund for Victims.

*Resolutions*

The Assembly adopted resolution ICC-ASP/5/Res.6, amending the pension scheme regulations for judges. The amendment precludes the possibility of individuals receiving a pension from the Court while serving as a judge at another international tribunal.

Furthermore, the Assembly adopted resolution ICC-ASP/5/Res.5 which amends the procedure for the nomination and election of judges in the event of a judicial vacancy. Accordingly, the Bureau shall fix the date and venue of the election, which should not be later than the 20 weeks after the occurrence of the vacancy unless the Bureau decides otherwise after consulting the Court.

As regards the judicial vacancy arising from the resignation of judge Maureen Harding Clark (Ireland), the Assembly decided that the election would be held during the sixth session of the Assembly and that the nomination period would run from 1 June to 24 August.

In this connection, we recall that on 19 March the Court announced that judge Karl T. Hudson-Phillips (Trinidad and Tobago) had submitted his resignation, which will take effect on 30 September 2007. The

---

<sup>1</sup> Note verbale ICC-ASP/S/6/03, dated 6 March 2007.

Bureau agreed to hold the election for this second judicial vacancy during the sixth session and to apply the same nomination period that was fixed for the first judicial vacancy, i.e. 1 June to 24 August.

The Secretariat is preparing a note informing States of the procedure for nominating a candidate and the minimum voting requirements applicable. I wish to indicate that, due to the occurrence of the second judicial vacancy, note ICC-ASP/S/6/05, referred to in footnote 2 of the information package, has not been sent.

#### *Crime of Aggression*

During the resumed fifth session, the Special Working Group on the Crime of Aggression focused on the definition of the crime of aggression and the conditions for the exercise of jurisdiction by the Court.

The invitations to the fourth inter-sessional meeting of the Special Working Group on the Crime of Aggression, scheduled to take place from 11 - 14 June 2007 at the Liechtenstein Institute on Self Determination in Princeton, have been sent to States earlier this month.<sup>2</sup>

#### *Official Records*

The Official Records of the resumed fifth session, containing, inter alia, the report of the Special Working Group on the Crime of Aggression, as well as the resolutions adopted by the Assembly, were also sent to States Parties last week.<sup>3</sup>

#### **The Hague Working Group of the Bureau**

The Hague Working Group is currently holding a three-day meeting on permanent premises with experts from capitals and the Committee on Budget and Finance to discuss the relevant documents that have been submitted by the Court and the host State.

At 16:30 hours, immediately after the end of this Diplomatic Briefing, in this room, The Hague Working Group will hold a briefing for Embassies based in Brussels. The objective is to provide interested Embassies with information on the programme of work for 2007 and on issues under consideration by the Working Group. In addition, the briefing would address the issue of how to facilitate the involvement of Embassies based in Brussels in the Working Group.

#### **Committee on Budget and Finance**

The Committee on Budget and Finance will hold its eighth meeting, which has been extended by one day, from 23 to 27 April 2007 in The Hague. Its agenda includes: the performance of the 2006 budget, premises of the Court, human resources, as well as the legal aid scheme and the pension scheme for judges.

As regards the election of six members of the Committee, scheduled to take place during the sixth session of the Assembly, the Bureau decided to fix the nomination period to run from 1 June to 24 August 2007. The respective note by the Secretariat was sent to States last week.<sup>4</sup>

I thank you for your attention.

---

<sup>2</sup> Note verbale ICC-ASP/S/6/04, dated 6 March 2007.

<sup>3</sup> The official documents of the Assembly of States Parties and the decisions of the Bureau are available on the website of the Court ([{{ HYPERLINK "http://www.icc-cpi.int" }}](http://www.icc-cpi.int)), under the section 'Assembly of States Parties'.

<sup>4</sup> Note verbale ICC-ASP/S/6/06, dated 12 March 2007.

Filename: 070329 Compilation of Statements English Final.doc  
Directory: U:\Public Informations\WEB SITE\Ronan\24.04.2007  
Template: C:\Documents and Settings\mainguy\Application  
Data\Microsoft\Templates\Normal.dot  
Title: Presidency and Chambers  
Subject:  
Author: koller  
Keywords:  
Comments:  
Creation Date: 23/04/2007 10:59:00  
Change Number: 6  
Last Saved On: 24/04/2007 07:54:00  
Last Saved By: galway  
Total Editing Time: 65 Minutes  
Last Printed On: 24/04/2007 11:45:00  
As of Last Complete Printing  
Number of Pages: 15  
Number of Words: 5 864 (approx.)  
Number of Characters: 32 256 (approx.)