Behind the Scenes

The Registry of the International Criminal Court

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Preface

The Registry is one of the four organs of the International Criminal Court (ICC). It is responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor. It is the organ where indeed most of the staff work "behind the scenes".

The statutory framework sets out the various responsibilities and functions of the Registry.

Any attempt to summarize the work of the Registry inevitably runs the risk of losing some of the depth and complexity of its constituent parts, and of paying insufficient tribute to the invaluable efforts of all those who work for and with the Registry.

The document before you, a collection of contributions by staff from the various sections of the Registry, endeavours to avoid that risk.

The contributions reveal not only the diversity of expertise amongst Registry staff, but also a flavour of their distinctive approaches and styles.

Individually, they provide an insight into the work done by the different sections. Collectively, they convey how important, challenging and interesting the work of the Registry is as a whole.

I hope that this compilation is of interest both to those with little or no prior knowledge of the Registry, and to those already familiar with some aspects of its work but lacking a comprehensive overview.

Didier Daniel Preira, Deputy Registrar

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An Interview with the Registrar

You have been Registrar of the ICC since April 2008. Do you find the job rewarding?

Yes I do; being Registrar of the ICC is a real privilege for me as a lawyer and as a woman. The ICC was established to try individuals accused of committing the most serious crimes of concern to the international community, and to signal that those crimes shall never be tolerated nor go unpunished. What is unique about the ICC is that it is permanent, independent and gives a true voice to victims. For the first time, victims have their own status and are allowed to participate in the proceedings on the international level. The mandate is noble, and also ambitious. Its implementation requires the concerted effort of many different stakeholders, such as the Judges, the Office of the Prosecutor, the Defence, Victims, States and also the Registry.

The Registrar during her swearing-in ceremony April 2008 © ICC-CPI

The Registry encompasses a variety of responsibilities that are crucial to the delivery of fair and public justice. Notably, with respect to the ICC's unique mandate in relation to victims, it is the Registrar who is responsible for assisting victims in participating in the different phases of the proceedings and also for taking gender-sensitive measures to facilitate the participation of victims of sexual violence. The Office of the Registrar is the point of convergence of the different parties, stakeholders and functions.

The Office derives its energy from the diversity of its responsibilities, which range from contact with victims to detention, and from security to administration, including important duties such as the preparation of the budget for the entire organisation. The Registry furthermore interacts with national jurisdictions in respect of co-operation and in ensuring the effective implementation of complementarity. As I served as a national judge for many years and later worked for almost nine years as an international prosecutor, the position of Registrar is of particular interest for me.

Last, but not least, the Office is a charming place to work in because of the dedication, professionalism and the different expertise, backgrounds and cultures of the people I have contact with on a daily basis. Altogether there are over 100 nationalities represented within the Court. I do hope that in future we will have more women in leading positions at the ICC.

I believe that this document faithfully conveys both the important contribution made by the Registry to international criminal justice, and the challenging nature of the work done by the Registry.

Is the ICC Registry similar to the registries of national judicial systems?

Without knowing all national systems, I believe only a small part of the ICC Registry can be compared to registries found in national systems. Most likely, functions such as court management, records management and language services would be similar to those of national registries.

The ICC Registry's responsibilities extend further, however. For instance, it is responsible for the protection and support of witnesses and victims, support to the defence, assistance to victims appearing before the Court, the ICC detention centre, public information, security, and also administrative services such as procurement, budget, finance, recruitment and other personnel services. The Registry supports the ICC not only as a Court, but also as an independent international organisation.

In addition, the Registry has to maintain a close dialogue with various external stakeholders, like the States Parties, civil society and academia.

Perhaps another difference is that the ICC Registry has to function not only at the seat of the Court, but in all countries where the Court conducts its operations, particularly in the situation countries. For instance, the Registry is responsible for the field offices and for the security of staff travelling on mission.

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Furthermore, the Registry not only supports the judges and parties to the proceedings, but also assists different independent entities that are linked to the Registry for administrative purposes. For instance, the Secretariat of the Assembly of States Parties (ASP), the Secretariat for the Trust Fund for Victims, and the ASP Permanent Premises Project Office.
Overall, the ICC Registry operates within a far broader realm than national registries. It is responsible for many services that in most national systems would be within the remit of other government services.

The Registry has a staff of 500 people, and a budget of about 60 million euros, making it the largest organ of the ICC. However, doesn't the work of the ICC revolve around prosecutions and trials? Why then are most resources channelled into the Registry?

Investigations and prosecutions are rightly referred to as the engines of the ICC, meaning it is the Office of the Prosecutor (OTP) that triggers all subsequent activities. It is absolutely true too that the work of the judges, the conduct of trials and the rendering of decisions, are at the heart of the enforcement of international criminal justice.

Registrar meeting affected communities in the DRC © ICC-CPI

However, without witnesses that are protected, counsel that are supported, victims that are informed of their right to participate, and without adequate detention facilities and access to the public galleries, it would be impossible to ensure fair trials before the ICC. All those functions, clearly indispensable to the work of this Court, are performed by the Registry and need to be budgeted for accordingly.

Certain sections of the Registry directly service proceedings before the Court. For example, resources of the Victims Participation and Reparations Section (VPRS) are exclusively devoted to victims; the Counsel Support Section assists legal counsel and also provides funds for legal aid; two independent offices, the Office of Public Counsel for the Defence (OPCD) and the Office of Public Counsel for Victims (OPCV), which are available to represent defendants or victims respectively, or to assist their representatives, are also located within the Registry.

Other sections, such as language services, field offices, security, human resources and information technology, serve all organs of the Court. In addition, and as mentioned above, the Registry also supports a number of independent offices.[1]

In a nutshell, the Registry works in support of other organs, the parties and participants to the ICC proceedings, and its budget must reflect their activities accordingly.

The ICC came into existence in 2002, when the Registry was nothing more than statutory provisions. How was it possible to transform the texts into a functioning Registry?

The Registry, like the rest of the Court, has its origins in the Common Services Division, which was responsible for the initial set-up before elected officials came on board in 2003. Bruno Cathala, my predecessor as Registrar, originally headed this division and did remarkable work in setting up the Office.

The creation of the Registry and the other organs was certainly a complex task. With only the Rome Statute, the *Rules of Procedure and Evidence*, the *Financial Regulations and Rules* and a budget to work with, not only a Court but also an international organisation had to be established. In other words, the aspirations which the diplomats, amongst whom I had the opportunity of being, had codified in Rome, needed to be given flesh and bones.

I arrived at the start of the first trial before the ICC, an important time for the Court and also for the Registry.

The establishment of the Registry was, and its development continues to be, made possible thanks to highly qualified and motivated staff and an effective dialogue between the organs. It is also the product of a fruitful exchange between the legal profession, academia and civil society. A crucial role in shaping

1. See organigram page 79.

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the organisation is obviously played by the Assembly of States Parties, in particular its Committee on Budget and Finance.

The elected officials of the Court 2010 © ICC-CPI

The ICC, and particularly the Registry, is also very grateful for the co-operation extended to it by the *ad hoc* tribunals - the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL) - other regional and national jurisdictions and by other important actors, notably the UN and the EU.

While the bulk of the setting up of the Registry has now been accomplished, procedures, workflows and structures still have to be fine-tuned and adapted. It is important to bear in mind that the Court has not yet gone through a full cycle of the judicial process. The most advanced cases are still in the trial phase. Many structures of the Registry still need to be put to the test and essential lessons have to be learned, particularly with regard to the implementation of orders related to reparations for victims.

What is your vision for the Registry, perhaps from a critical perspective?

It is fundamental for the Registry to remain neutral, as it supports different actors with diverse, if not to a certain extent opposing, roles. The Registry supports counsel for the defence, just as it supports counsel for victims, and the prosecution. The Registry will have to keep up with best practices and technical developments in all its functions so as to provide the best possible support and assistance. The Registry shall endeavour to be flexible and practical, while putting in place overall comprehensive solutions.

Obviously, the Registry will continue to strive to ensure that all functions are performed in an effective and efficient manner.

An important project for the Court is the construction of the permanent premises. It is essential that the Court, as the user of these tailor-made premises, gives timely and high-quality input, via the Registry, during this process.

Critical for the Court is the need to receive necessary support from the States, be it for the execution of arrest warrants or the tracing and freezing of assets of suspected or accused persons. The Registry has to be proactive and unrelenting in encouraging and facilitating the necessary co-operation.

Reflecting upon the judicial process, the Registry jointly with the other organs will have to tackle the question of "legacy", namely what does the ICC and the Registry in particular, leave behind in those countries where the Court has been active? What is the Court's role in creating its own legacy?

Why do you think it is important to have this publication about the Registry?

Sometimes I get asked, "What exactly does the ICC do, and why does the Court employ so many staff, particularly in the Registry?"

It might appear to some people that the ICC is only busy at those times when it is in the limelight: the opening of a case, the arrest of a suspect, the confirmation of charges or the opening of a trial. However, behind the scenes there is, and has to be, constant and vigorous activity in all areas of the Court. In addition, while the work of the Office of the Prosecutor and the judges is easily understood, the breadth of the Registry's mandate cannot be explained in one sentence. It is a challenge to ensure that the work of the Registry's sections is understood not only by external stakeholders, but also by sections of the Registry itself. As in other

Registrar participating in an outreach event in relation to the situation in Darfur/Sudan © ICC-CPI

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institutions or private companies, some operations are only visible and attract attention when something goes wrong, e.g. security or information technology. So often, the efforts of many committed staff go unnoticed and not adequately recognised.

I am optimistic that this document will help to promote a greater understanding of the invaluable work of the ICC Registry.

In concluding, I would like to express my sincere appreciation and thanks to the staff of the Registry for all their hard and excellent work!

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Court Services

Servicing the Court

The Division of Court Services was created in 2002, at the very beginning of the Court's operation, to provide support for the judicial activities of the Court. Between 2002 and 2003, the Division faced its greatest challenge - to learn from the experiences of both *ad hoc* and mixed tribunals, as well as national tribunals, in order to develop plans for the effective and efficient support of the proceedings, taking into account the completely new legal framework of the ICC, the diversity of possible proceedings before the Court, and the ambition of creating an electronic Court.

Given the reduced level of judicial activity in the early days, and in order to obtain sufficient legitimacy for its work, the Division consulted extensively with experts, specialized institutions, United Nations agencies, non-governmental organisations, international institutions and intergovernmental agencies in order to put in place a constructive operational network. Following a series of seminars, workshops, site visits to other tribunals and institutions at an international and national level, and bilateral and multilateral meetings, the foundations were laid for the proper functioning of the Division.

In order to be able to provide effective and efficient support for the proceedings, it was of paramount importance to group together all the active components for sound and comprehensive judicial assistance. It is for this reason that, unlike in other tribunals, the Court Interpretation and Translation Section (STIC) was incorporated into the Division, in addition to the Court Management Section (CMS), Victims and Witness Unit (VWU) and the Detention Section (DS). The recent addition of the Victims Participation and Reparation Section was decided by the Registrar with a view to increasing efficiency and harmonizing the Registry's approach with regard to victims. The Division is very active and has achieved a good level of continuous monitoring and assessment of the real requirements for the smooth running of the proceedings.

With its overview of the judicial situation and the experience gained from following the proceedings and providing services on a daily basis, the Division is in a unique position both to assess whether there is a need to amend or adjust current courtroom procedures, and to facilitate the running of the proceedings. Consequently, it is able to take practical and constructive measures to assist the Registrar in fulfilling her quasi-judicial mandate.

A Co-ordination Office has been established in order to centralize, evaluate, analyze and assess information useful for the Registrar's decision-making process vis-à-vis the proceedings, and with full respect for the rights of all participants in the proceedings. In particular, decisions have been taken with regard to:

- Establishing an e-Court;
- Protecting victims and witness, from their very first contact with the Court, as opposed to from their appearance before the Court, as has been the case with other tribunals;
- Conditions of detention respecting the rights of the detainees, and the setting up of a family visit scheme; and
- Devising and implementing a training system for interpreters of less common languages, and creating a terminology unit.

The Division of Court Services has also developed field activities for improving operational communications strategies at local level. For this purpose, training has been given on sensitive issues, including cultural behaviour and sensibilities, gender and the importance of gender balance in dealing with traumatized women or girl victims of gender crimes and ill-treatment during armed conflicts.

Concerning the implementation of decisions or orders issued by Chambers, the Co-ordination Office has finalized various agreements and standard operational procedures with States on the process for the transfer to the Court of suspects or other persons summoned to appear.

Lastly, the Division has become not only a neutral actor in the proceedings, but also a facilitator, thanks to a sound understanding of the cases and situations, the experience acquired and the provision of regulation 24bis of the Regulations of the Court, which grants the Registrar the ability to make submissions to the Chambers when necessary for the proper discharge of her functions and in so far as they relate to the proceedings.

Marc Dubuisson, Director DCS

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Witness Protection and Support

Protecting and supporting victims and witnesses

Article 68 of the Rome Statute provides an obligation upon the Court as a whole to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.

Appropriate support for and protection of witnesses, victims appearing before the Court, and other persons at risk on account of testimony given by such witnesses, are crucial to the successful functioning of the Court; the aim is to ensure that victims can participate in proceedings and witnesses can testify freely and truthfully without fear of retribution or suffering further harm because of their interaction with the Court.

The Victims and Witness Unit was created within the Registry in accordance with article 43(6) of the Rome Statute. Over the years, the VWU has established a fully functional and operational system of protection, support and assistance and provides its services to all participants in the proceedings, as well as to the Chambers.

The VWU facilitates the unhindered and timely appearance of witnesses and victims before the Court, by organising and implementing the necessary logistical arrangements. The services provided by the VWU include organising the safe transit of victims and witnesses, providing travel documents, and providing psychosocial and practical assistance in the field and at the seat of the Court. To date, the VWU has facilitated the appearance of more than 50 victims and witnesses in the proceedings against Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui, and Bahar Idriss Abu Garda.

The Unit also ensures that victims and witnesses appearing before the Court feel secure and comfortable during all stages of the proceedings. For this purpose, a familiarization process is in place. The process aims at preparing and familiarizing victims and witnesses prior to their appearance before the Court; this involves providing them with information and guidance by, for example, showing and "walking witnesses through" the courtroom, explaining courtroom procedures, showing them where the various participants will be seated and the technology used, explaining any protective measures that may be granted, and allowing witnesses to refresh their memory by reviewing the statements they previously gave.

VWU teams working in difficult circumstances in the field © ICC-CPI

The Unit's tasks also include the provision of psychosocial support, crisis intervention, information and debriefings before and after appearance before the Court, and access to medical care when needed. In addition, a number of special measures can be applied during testimony. These measures have been developed to meet the special needs of particularly vulnerable victims or witnesses. They are granted by the judges and can include providing in-court support by sitting next to the witness or victim throughout testimony or appearance, or allowing frequent breaks when needed. Furthermore, the support team provides an activity programme for the victims and witnesses throughout their stay at the seat of the Court for the times when they are not required at the Court. To be able to provide all these different services, the Unit is composed of staff with expertise in working with children and the elderly, trauma issues, as well as gender crimes.

The VWU also launched an evaluation programme in order to gather both immediate and long-term feedback from witnesses and victims about their court appearance and the services provided to them. In general, the feedback from victims and witnesses who have testified or appeared thus far has been very positive. After giving testimony, many witnesses reported a general feeling of relief, accomplishment and elevation, using phrases such as: "great relief to tell my story" and "finally now I can start my life".

A further responsibility of the Unit is to advise the Chambers on protective measures for victims and witnesses. Protective measures are specific measures taken to ensure the safety and well-being of the person. During trials, such measures may include, for example, voice and facial distortion or the use of pseudonyms.

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The VWU is involved at all stages of the proceedings, since its mandate begins at the initial phases of the investigations. For this purpose, the VWU has established and expanded a strong operational field presence in the countries where investigations are ongoing. The VWU endeavours to find appropriate protective measures that are the least intrusive or disruptive to victims or witnesses. Working closely with the local security forces, where appropriate, the Unit has developed sustainable protective measures, including an Initial Response System; this is a 24/7 emergency response system that enables the Court to be informed at short notice if there is a threat to victims and witnesses and to take appropriate action, including relocating the person if necessary. Additionally, local protective measures in the country where the person lives - such as strengthening the physical security of the residence of witnesses and victims - are implemented and victims and witnesses are made aware of the importance of confidentiality and of good practice they can follow to minimize the risks to their safety and security.

Witness waiting room at the seat of the Court © ICC-CPI

The protection of victims and witnesses is a matter of concern for the entire Court. This is why the Unit also provides training on good practices to Court staff and others in direct contact with victims and witnesses, and gives advice on protection and security issues.

As a measure of last resort, the Court's protection system provides for the inclusion of the person in its Protection Programme. Inclusion in the programme involves relocating the person at risk and his or her close relatives away from the source of the threat, either internally in the country where they live or in another country.

For this purpose, the Registrar negotiates relocation agreements, which are bilateral agreements between a State Party and the Court, whereby States agree to consider requests for the relocation of persons to their territory. To date, however, only a very limited number of States Parties have agreed to enter into such agreements. The Court and the Registrar have therefore developed a new approach to such agreements. This approach provides for the possibility for States Parties to contribute to a Special Fund without accepting the persons at risk onto their territory. The contributions to the Special Fund can then be used to finance relocations to countries which previously denied such requests for financial reasons, but which committed to capacity-building in the area of witness protection. This new approach aims at increasing the number of relocations and fulfilling the Court's mandate of complementarity by helping to build the host State's capacity for witness protection.

Maria Luisa Martinod-Jacome, Acting Chief of the VWU &
Christine Schön, Associate Legal Officer of the VWU

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Victims Participation and Reparations

Assisting victims participating in the proceedings before the ICC

The role afforded to victims in ICC proceedings is one of the key innovations of the Rome Statute. For the first time in an international criminal court, victims are permitted to present their views and concerns directly to Chambers where their interests are affected, and to be represented by counsel to do so. If an accused were to be found guilty by the Court, the Trial Chamber could award reparations to the victims, whether on an individual or a collective basis.

The Victims Participation and Reparations Section was established within the Registry to help victims to turn into a reality the rights provided to them under the Rome Statute.

VPRS staff discussing with victims, DRC © ICC-CPI

To date, the provision allowing the presentation of victims' views and concerns ("participation") has led to victims' legal representatives attending most of the proceedings. Participation has included making opening and closing statements at trial and in confirmation of charges hearings, questioning witnesses, presenting submissions on legal questions, and presenting evidence in person.

In contrast, judicial determinations on the scope of rights to reparations, and how these will be realized in practice, have not yet been made because trials have not yet reached that stage. The Court's texts grant victims the right to present individual applications for reparations. At the same time, when making an order for reparations, the Chamber may decide to take a collective approach and/or to request the Trust Fund for Victims to implement the order for reparations.

In order to facilitate the realization of victims' rights both to participation and reparations, the section has established procedures for:

- Informing victims of their rights at the ICC;
- Helping victims to complete and submit application forms to enable them to have their requests for participation or reparations considered;
- Analyzing victims' applications and entering information in a database;
- Redacting identifying information in victims' applications so that those applications can be transmitted to the parties for observations without endangering victims' safety or privacy;
- Reporting to the Pre-Trial and Trial Chambers on applications received from victims in order that decisions on victim status, participation and reparations can be made; and
- Informing victims about the outcomes of decisions made by the Chambers, and where necessary requesting further information from them in order to complete their applications.

Since it was established, the VPRS has worked jointly with the Outreach Unit in all the situations before the Court to inform victims of their rights. It has also helped victims to make their applications to the Court by preparing, distributing and collecting application forms and making known the Court's formal requirements. In order to identify, reach, inform and assist victims, the section has actively developed relationships with victims' groups, non-governmental organisations and other national and international organisations which have contact with victim communities. The VPRS provides training for persons (also referred to as intermediaries) who decide to assist victims participating in the Court's proceedings.

The VPRS has also helped victims to obtain legal advice and organise their legal representation. This includes helping them to choose a legal representative and, if necessary, organising common legal representation for groups of victims.

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In addition to assisting victims, the VPRS also serves as a conduit for the Chambers regarding victims' applications and related information. The section analyzes applications using a specialized database, goes back to victims to obtain any missing information, and prepares reports extracting the relevant information to the Chambers in order to assist them in making their decisions. This responsibility includes providing information to the Chambers on realities in the field, for example, regarding identification documents that are available.

In carrying out this work the section has faced a number of challenges, many of which are linked to the complex environments in the countries in which it operates, including security and logistical constraints. Some key challenges include:

- Difficulties in reaching the large numbers of victims affected by crimes in the situation countries, due to the geographical location of the victims in remote areas, as well as the risks that victims may face in interacting with the Court;
- Working with the intermediaries who assist the Court in reaching and working with victims. Due to resource limitations, as well as logistical and security constraints, the VPRS has sought to expand its reach by relying on local intermediaries. This raises particular challenges related to the training and resourcing needs of intermediaries;
- Limitations on the types and extent of assistance which the Court can provide to victims in terms of protection and medical or psychosocial support. Such forms of assistance are in many cases urgently required by victims; and
- The need to continue improving the quality of legal representation of victims (see below).

VPRS strategies aim to respond to challenges of this kind and to improve the section's capacity to interact with victims in a way that ensures victims' safety and well-being.

Nevertheless, many victims have been reached and victims have been able to participate in nearly all situations and cases. This has included various categories of victims, including women and children, and victims of gender-based and sexual violence.

Statistics related to the VPRS's work from 2005 to December 2009

Victims' applications for participation received	2035
Victims' applications for reparation received	128
Reports and filings to Chambers	232
Victims for whom a legal representative has been appointed by the Court (including OPCV)	967
Missions in the field	78
Meetings and seminars	251

Statistics related to victims' applications for participation from 2005 to December 2009

Proceedings	Victims applications for participation received	Victims authorized to participate
DRC situation	1021	196
• *Lubanga case*		103
• *Katanga/Ngudjolo case*		359
Uganda situation	701	21
• *Kony et al case*		41
Darfur situation	141	11
• *Abu Garda case*		78
• *Al Bashir case*		12
CAR situation	167	0
• *Bemba case*		54
TOTAL	2035	760

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All victims participating in the proceedings have been represented by a lawyer, and all victims needing legal aid have received it, which means that the costs involved in their legal representation have been borne by the Court.

Outreach event for victims in the CAR © ICC-CPI

VPRS recognizes that the effectiveness of victim participation depends on the quality of victims' legal representation. For this reason, the section has worked with other sections of the Registry to organise training opportunities for lawyers (including through annual seminars). The aim of this training is to develop the lawyers' capacity to effectively represent victims before the Court, including by improving their skills with regard to information technologies and their substantive and legal knowledge of issues before the Court.

Experience gained through managing common legal representation in several cases has led to valuable lessons being learned. For example, it has become apparent that the organisation of common legal representation must include a significant support structure in the field, and that allowances for this must be made within the legal aid scheme. This is necessary in order for legal teams to have the means to properly represent victims in The Hague, while also ensuring regular contact with victims for the purposes of informing and consulting with them.

The provisions in the Rome Statute relating to victims have also served to strengthen awareness on victims' rights at a national level, resulting in the creation of certain civil society movements to defend victims' rights.

Fiona McKay, Chief of the VPRS &
Gabriela Gonzalez Rivas, Legal Officer for the VPRS

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Court Management

Outreach event for victims in the CAR © ICC-CPI

The section's mandate is twofold: to keep a record of the Court's proceedings and to ensure that hearings run smoothly.

Keeping a record of the Court's proceedings

Keeping an accurate record of the Court's proceedings may seem like a straightforward and rather uninventive and repetitive activity. However, for this to be successful, it requires the co-ordinated interaction of a number of professional disciplines. The challenges faced by the staff of the Court Management Section are numerous and varied in nature.

Behind the scenes in the AV booth during a hearing at the ICC © ICC-CPI

Court Records Assistants and Transcript Co-ordinators are responsible for the processing of the Court records (decisions, orders, motions, transcripts of hearings, etc.). These are well-trained legal records management professionals operating in a highly technological environment.

Courtroom officers (i.e. Associate Legal Officers) are in charge of keeping a record of the hearings by indexing and maintaining evidence and witness lists, and are responsible for ensuring that the relevant procedural rules are adhered to during the hearings. They are legal professionals focusing on legal administration and judicial support.

Well-trained audiovisual staff are in charge of producing an audiovisual record of the hearings; an audio recording of all the languages used is also made.

Finally, Court clerks maintain the physical archives where the evidence and audiovisual record of the proceedings are securely stored in accordance with the relevant archiving standards.

The tasks facing the above-mentioned staff are constantly evolving due to the relative immaturity of the Court's processes and its unique procedural framework.

The aim of the Registry is to evolve in-line with cutting-edge technology and to optimize its processes using the latest information technologies, thus making the work of the CMS staff even more challenging.

Ensuring hearings run smoothly

The Court Management Section is involved in the running of hearings in several ways: it ensures that the courtroom proceedings are scheduled appropriately; it produces a written record of what is said during the hearings in real time and in both working languages of the Court; it also serves as the communication hub for the parties, participants, Chambers and relevant Registry sections, such as language services, detention and witness protection, in all matters relating to the organisation of hearings. The courtroom officers, court clerks and audiovisual specialists are all involved in these tasks.

In addition, specially-trained stenographers (court reporters) are in charge of providing a real-time transcript of the hearings in both working languages of the Court.

As mentioned above, in a highly technological environment where many different information and communications technology systems are running in parallel and interdependently, being able to operate effectively and to handle potential technological failures is both challenging and exciting.

Charlotte Dahuron, Chief of the CMS &
Uros Mijuskovic, Legal Officer / Information Systems Co-ordinator for the CMS

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e-Court

Modern technology in the courtroom

From the outset, the Registry has been striving to implement an electronic Court (e-Court).

The reasons for the introduction of the e-Court are numerous:

1. Expediting the trials (displaying of evidence; quick notifications of documents; enhanced search/analysis capacity);

2. Optimizing resources used for trial support (automation of processes results in reduction of support staff and paper use);

3. Contributing to the equality of arms of parties/participants to the cases being heard before the Court (higher search/analysis capacity of defence teams; easier access to the situation/case file);

4. Increasing the efficiency of the Court's operations (no records duplication; increased speed of document transmission; easier information security control; enhanced search and analysis capacities); and

5. Staying in line with the rapidly evolving world of courtroom/court technologies (almost all the *ad hoc* tribunals and many national courts have been implementing various information systems supporting their activities).

Legal Basis

The Rules of Procedure and Evidence provide that a database containing relevant information on the situations/cases heard before Court shall be maintained by the Registry. The Regulations of the Court and the Regulations of the Registry shed more light as to the extent and nature of the database mentioned in Rule 15.

Rule 15 of the Rules of Procedure and Evidence provides that: the Registrar shall keep a database containing the particulars of the cases brought before the Court.

Regulation 26 of the Regulations of the Court provides that:

1. The Court is to establish a *reliable, secure, efficient electronic system which supports its daily judicial and operational management and its proceedings.*

2. Electronic versions of the documents submitted for registration in the situation/case files are to be considered the authoritative versions.

3. Evidence other than live testimony is to be presented in electronic form whenever possible.

Regulation 52 of the Regulations of the Registry provides that: evidence shall be presented in electronic format.

Regulations 88 and 98 of the Regulations of the Registry provide that: a secure, electronic database shall be maintained for the storage of data relating to witnesses, victims and accompanying persons.

Obstacles encountered

The Court was not able to identify one single information system that could cater for the different processes. The challenge was to integrate several information systems to avoid record duplication.

Furthermore, since the Court is a new organisation, many judicial and operational processes were under constant change before consolidation was possible. Initially workflows were established solely on the basis of legal texts at hand without reference to any relevant jurisprudence and/or reliance on previous experience. A good example is the protocol on the exchange of evidence between parties which is being changed in each case and in each case phase.

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Another significant challenge is providing technical support for various counsel operating outside of the Court's premises and support to the field offices (remote locations, unstable technical environments).

Also, high expectations mean that users are more likely to be discouraged if systems malfunction.

Goals Achieved

Notification and access to decisions, orders and documents:

Links to registered decisions, orders and documents are sent to the relevant parties/participants and Chambers. The e-mails containing the links to the documents are considered to be forms of notification. The documents are all stored in the Court's recordkeeping repository and access to them is strictly controlled by the Court Management System.

Real-time transcripts of hearings:

The pleadings in the courtrooms are transcribed in real time in both working languages, French and English. These transcripts are immediately available to the participants to the hearings who can then analyze, annotate, report and perform in-depth searches using the Court's transcript distribution tool.

Evidence presentation and analysis:

The evidence is presented during the hearings in electronic form. The Court uses specific software enabling evidence presentation and analysis. This software is available to all the parties/participants, the Registry and the Chambers. Relevant training and support is provided by the Registry.

e-Court technology © ICC-CPI

Registry operations support:

Some of the evidence processes are supported by information systems. Currently, the translation process (programming of translation jobs, translators), court scheduling (courtroom booking and notification of events), court calendar and detention processes (visitors database, transport orders) are all supported by a custom built system.

Future challenges:

1. As mentioned above, the integration of various information systems used in the Court is an ongoing task of the ICT section of the Court and the business process owners;

2. Custom-built software supporting various Registry processes (comprising of a module for document management and a module for the support of witness and victims support operations) needs to be finalized;

3. Review and optimization of current processes;[1]

4. Finalization of various yet undocumented business processes;

5. Full implementation of a PKI[2] solution;

6. Establishment of a generic e-Court protocol stretching across all cases and phases of cases; and

7. Planning for the replacement of outdated or redundant information systems.

Charlotte Dahuron, Chief of the CMS &
Uros Mijuskovic, Legal Officer / Information Systems Co-ordinator for the CMS

1. Various business processes set up at the Court are evolving hand-in-hand with its jurisprudence.
2. PKI, or private key infrastructure, is a technical infrastructure allowing for the electronic signing of documents and their encryption (necessary for the circulation of confidential/under-seal documents).

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The drafting of the Regulations of the Registry

Consultative meeting on the Regulations of the Registry, 2005 © ICC-CPI

Rule 14 of the *Rules of Procedure and Evidence* (Rules) provides for the enactment of the *Regulations of the Registry* (Regulations), which are necessary for the proper organisation and management of the Registry. The principle aim in drafting the regulations was to lay down in a single document, unlike at the *ad hoc* tribunals, the rules governing the operation of the Registry within the procedural framework of the Court established by the *Rome Statute* (Statute) the Rules and the Regulations of the Court, which were adopted by the judges on 26 May, 2004.

The Statute, the Rules and the *Regulations of the Court* served to identify the subjects for regulation and guided the drafting process. Indeed, the regulations must be read subject to those instruments.

The regulations were the result of a complex drafting process.

In February 2004, a drafting board was appointed by the former Registrar, Bruno Cathala and entrusted with the task of preparing a first draft. The board was composed of all heads of section within the Registry in order to ensure that all matters and issues related to the daily management of the Court were dealt with. Furthermore, extensive research was undertaken in order to identify best administrative and quasi-judicial practices of international organisations, in particular on matters such as court management, detention, and protection and services for victims and witnesses appearing before the Court. Between 13 April and 9 May, 2005, the Registry invited lawyers, academics, experts, non-governmental organisations and other interested parties to provide comments and observations on the draft regulations via online consultation.

The Registry considered that transparency and inclusiveness were essential elements of the complex drafting process, and through consultation it aimed to ensure the fairness, efficiency and credibility of its proceedings. To this end, a consultation meeting with experts in the different domains covered by the regulations was held at the seat of the Court between 25 and 27 May, 2005. The Registry also invited the Presidency, Chambers and the Office of the Prosecutor to comment on the draft regulations. The draft was also submitted to States Parties and experts for observations, and was finally approved by the Presidency on 6 March, 2006.

In framing the regulations, due consideration was given *inter alia* to:

- The provisions of article 21, paragraph 3 of the Statute, directing the Court to operate in accordance with internationally recognized human rights;
- The provisions of article 43 of the Statute underlining that the Registry shall be responsible for the non-judicial aspects of the administration and servicing of the Court;
- The provisions of rules 13 – 22 of the Rules, which specify the functions of the Registrar and his or her responsibilities towards victims, witnesses and defence;
- The relevant provisions of the *Regulations of the Court*;
- The result of the on-line consultation with regard to defence and victims' issues; and
- The practice of the two *ad hoc* tribunals, in particular their procedural rules.

The drafting board has also taken into account, where appropriate, the provisions of the Code of Professional Conduct for counsel and the *Regulations of the Trust Fund*, as presented to the Assembly of States Parties during its session in September 2004.

A major challenge was to draft a comprehensive instrument that included all practical aspects of court management without the benefit of the experience of daily proceedings. Indeed, the existing legal framework had to be tested in practice. Regulating the practical implementation of the rules could not mean choosing which direction to impose. Although the practice of the *ad hoc* tribunals and internationalized courts was of some assistance, the innovative and specific nature of the Court required tailored solutions

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to numerous issues. In particular, those related to victims, and the fact that in many ways the Statute has left unresolved conflicts between common law and civil law.

ICC courtroom during proceedings © ICC-CPI

Another challenge was to reconcile the need to regulate the practical implementation of the legal framework, while avoiding over-regulation. Indeed, the existing framework was already substantial. Additionally, judicial discretion had to be preserved. Furthermore, the Registry was striving to propose regulations with lasting validity, thus, for instance, not tying them to a specific structure of the Registry nor supporting a particular management style.

In conclusion, the drafting exercise proved to be extremely enriching, entailing a thorough review of the existing legal framework, including the various interpretations thereof. This allowed the drafters to conceptualize how it could be implemented in practice, while respecting the limits of the Registry's mandate.

To date, practice has shown that, overall, the Regulations of the Registry have been both instrumental in setting out a structured implementation framework where possible, and flexible enough to remain applicable to various situations.

Charlotte Dahuron, Chief of theCMS &
Paolina Massidda, Principal Counsel of the OPCV

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Language Services

Bridging the language divide

1. What does the Court Interpretation and Translation Section do?

The Court Interpretation and Translation Section, or STIC - an acronym based on the French name for the section - provides language services for the efficient conduct of Court business. The section provides language services to the Presidency, Chambers and Registry, these being:

- Translation, revision and editing of Court documents;
- Consecutive and simultaneous interpretation for meetings, trial hearings, press conferences, specialized seminars, diplomatic briefings and other events, held in-house or away from the seat of the Court;
- Assistance and guidance in terminology and references, and management of language tools to ensure that consistent terminology is used in all the organs of the Court; and
- Recruitment, training and accreditation of field interpreters needed for work with staff in the field and/or at the seat of the Court.

Furthermore, the section must ensure that users are familiar with all the types of language services provided and with the procedures and requirements of the professions in question. The Office of the Prosecutor has its own core Language Services Unit (LSU) to ensure independence of investigations and prosecutions. STIC and LSU co-operate in a number of projects.

2. Main challenges facing the STIC

Interpreters at work in the booth of the courtroom © ICC-CPI

As in any international organisation with two or more working languages, STIC faces the usual challenges such as document management, shortage of qualified candidates for language staff, and re-assignment of duties if events are postponed or cancelled. The challenges specific to the ICC relate to the languages used. The situations dealt with by the Court can change at short notice and so therefore can the languages involved. Most of the languages in question are not "usual" languages with substantial numbers of qualified interpreters and translators available; quite the contrary. Other issues that have been explored over the last seven years include:

- Development of Court-specific terminology for relevant languages;
- Electronic court management system for requesting language services;
- Accreditation of field interpreters jointly with the Office of the Prosecutor's Language Services Unit;
- Development of paraprofessional training programme; and
- Prevention of secondary traumatization of language staff who translate and interpret distressing material.

3. Standing on the shoulders of previous tribunals

On 3 and 4 June 2004, STIC organised a roundtable on the Multilingual Courtroom at the ICC and invited language experts from:

- The International Criminal Tribunal for the former Yugoslavia (ICTY);
- The International Criminal Tribunal for Rwanda (ICTR);

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- The United Nations Office in Vienna (UNOV);
- The International Court of Justice;
- The Directorate General for Interpretation, European Commission;
- The Translation Division, Dutch Ministry of Foreign Affairs;
- The Interpreting and Translation Studies, University of New South Wales, Australia;
- The Translation and Interpreting Studies, University of Bar-Ilan, Israel;
- The Institute for Interpretation and Translation Studies, Stockholm University, Sweden; and
- The Translation Division, OECD.

Participants also included the chief interpreter and interpretation co-ordinator of the Lockerbie trial, principal counsel in the Milošević case, several ICC judges, senior trial attorneys, freelance interpreters and defence counsel. An experienced court reporter, a staff counsellor, as well as OTP, LSU staff members and various ICC staff also took part in the discussions.

This highly useful and interesting roundtable explored many aspects of multilingual trials including, but not limited to:

- Accuracy in interpretation vs. accuracy in translation;
- Difference between conference and court interpreting;
- Training in less common languages;
- Community interpreter training;
- Verification of terminology at trial;
- Behaviour of counsel in the courtroom;
- Dealing with secondary post-traumatic stress disorder amongst language staff;
- Validity of interpretation for court record;
- Chuchotage ('whispered' interpreting) and consecutive interpretation at multilingual trials;
- Transcript corrections; and
- Remote testifying of witnesses via video link.

Since the meeting was interpreted, transcribed and disseminated to all interested staff at the Court, it provided a valuable blueprint of best practice for the future development of the section as well as an important record of experiences from previous tribunals.

4. Electronic Court System

Electronic Court System - ECOS (previously the CMS, Court Management System), is a well-functioning tool within STIC used for the electronic management of the workflow, from request to delivery of translation, with manual assigning of tasks. It is also the document management system of the section as part of a wider e-Court system developed over 18 months of work with in-house experts and external consultants. The translation module of the system went live in the summer of 2007 and is the first fully functioning part of the e-Court system. STIC ECOS 3.0 release is expected in 2010, to be followed by a prototype of ECOS modules that will automate interpretation requests and scheduling of staff. The ECOS modules for Interpretation, Staff Profiles and Operational Interpretation are expected to be finalized in the second part of 2010.

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5. Accreditation of field interpreters

Based on the experiences of the ICTY and ICTR and in close co-operation with the Security and Safety Section within the Registry, the managers of the section drafted a procedure of accreditation of field interpreters so that field interpreters can be recruited through a controlled process. Following the conclusions drawn from the Swedish experience of accrediting and training community interpreters, in 2004 - 2005 the STIC and LSU managers jointly adopted an accreditation procedure to include the following: testing of interpretation skills, extended interview to include knowledge of countries, security vetting and medical screening. Having completed this process, all field interpreters are trained jointly by the STIC and LSU for specific ICC field interpretation situations. After a field interpreter is accredited, the STIC and LSU agree on which roster to place the interpreter. This co-operation allows for efficient use of resources and avoids two different language services chasing the same language staff. So far there are 55 accredited field interpreters on the STIC roster who, between them, interpret from and into 23 languages.

6. Training in paraprofessional interpretation

Since the ICC cases were likely to be tried in languages that are not well supplied with interpreters, there was a need to develop methodology for dealing with less common languages in the courtroom. In 2005 - 2006, two STIC staff interpreters were enrolled in a distance-learning course with the University of Geneva in interpreter training with the specific objective of setting out an interpreter training course template for all rare languages. The two interpreters co-wrote the model for the training of paraprofessional interpreters in rare languages, or languages never before used in this context. The model is based on a four-month training programme with a well-defined curriculum after which a preliminary examination follows. The more specifically targeted training then continues for an additional four to five months, and a final exam selects the best candidates. The expert examination panels for paraprofessional interpreters are made up of external experts from sister organisations (the ICTR, DG Interpretation of the European Commission, Afro-Caribbean and Pacific Secretariat) and language experts from universities. In this way, the STIC has found a way to engage with other organisations and language professionals in a unique training venture. So far, paraprofessional interpreters have been trained in Acholi (Uganda), Swahili and Lingala (Democratic Republic of the Congo). The Sango (Central African Republic) paraprofessional interpreter programme started on 1 March, 2010.

7. Terminology

High-quality translation and interpretation services can only be provided with the comprehensive support of the Terminology and Reference Unit. Judicial documents, in particular, require careful dissecting with regard to sources used for drafting. In addressing this need, the STIC Terminology and Reference Unit has instituted procedures of verification and codification of terms used in the ICC context. This is valuable for all the 33 languages that STIC works in and more particularly for less well-established languages (e.g. Acholi, Lingala and Congolese Swahili) where specific codification of legal and judicial terms had to take place. Between 2005 and 2009, nine expert panels for situation/case language were organised to support the codification and standardization work. Between 2006 and 2009, the STIC Terminology and Reference Unit published eight Terminology Bulletins covering subjects relevant to the Court and which are used Courtwide to disseminate official terminology. STIC uses two sets of language tools: ISILine (Metaread) was launched in 2004, and MultiTrans (MultiCorpora) is being introduced following a call for tender in October 2008. The training of all section staff is in progress.

8. Self-care and prevention of secondary traumatization

Interpreters and translators, as well as Court reporters and victim and witness support assistants, are exposed to witness/victims statements and witness testimony that are usually of a highly distressing nature. The trauma is experienced indirectly "through the process of being a witness to another person's story", according to Dr Andrea Northwood of the Center for the Victims of Torture in Minneapolis. Professionals who work with traumatized people, victims and witnesses are considered to be themselves on the "frontline". It has become apparent from the experience of other tribunals and institutions that many professionals working with traumatized victims or processing material related to torture and crimes may suffer from secondary traumatization for many years without the symptoms being diagnosed. This can affect their well-being, health and productivity. Convinced that prevention was better than cure, STIC organised three consecutive workshops on secondary traumatization in 2006. The purpose of these workshops was to address the need for recognizing the factors and symptoms of secondary traumatization and for identifying steps to deal with it. This programme was resumed in 2009 following the start of the first ICC trial, with a comprehensive workshop, compulsory for all the STIC staff, preceded by a staff welfare survey. The workshop, delivered in English and in French by the Staff Welfare Officer,

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also tackled the issue of general stress management in a dynamic and high-stakes environment. Individual follow-ups will take place in June 2010, with the assistance of the Staff Welfare Office, and another welfare and secondary traumatization survey will be conducted in November 2010.

9. STIC Open Day

In order to raise awareness throughout the Court of what STIC does, the section invites ICC staff and judges to attend an Open Day where they can learn more about the work of translators, interpreters and terminologists. ICC staff are invited to try their hand at interpretation and play the STIC terminology game and various STIC-related quizzes. In previous years, the STIC staff have produced humorous sketches and made presentations on less well-known aspects of translation and interpretation. The Open Day helps to familiarize STIC's clients with the services that STIC provides to the Court, and is also useful as a team-building exercise.

The STIC Open Day is usually held on St Jerome's Day, or International Translation Day, established in 1991 by the International Federation of Translators. It takes place on or around 30 September to celebrate the work of St Jerome (circa 347-420 AD), patron saint of translators, interpreters and librarians. St Jerome is best known as the first translator of the Bible from Greek and Aramaic into Latin.

10. Staffing

STIC grew from three translators, one administrative assistant and one manager at the end of 2003 to becoming operational on a basic level in the late spring of 2004. Based on the Court's requirements, the section recruited relevant staff after putting in place testing procedures and priorities in respect of the institution's basic documents. This included drafting the work surveys needed for the section's different job profiles (over 20), putting them through the UN-style classification process before proceeding with the recruitment process. This was followed by the recruitment of the heads of the following units: French Translation, English Translation, Terminology and References, Translation Programming Office, Interpretation and Field Interpretation. Today, in 2010, the section has over 50 fixed-term staff, including 21 translators and revisers, 20 interpreters, five terminology and reference staff, three field/operational interpretation staff, five administrative support staff, three document management staff and four managers. The section also recruits short-term staff, freelance interpreters, external translators, language assistants and expert consultants who provide language services as and when required.

Alex Tomic, Chief of the STIC

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Detention

Safe, secure and humane conditions for detained persons

The Detention Section's aim is to provide safe, secure and humane conditions to those persons detained by the Court while awaiting trial and/or appeal. Its overall objective is to deliver a physically and mentally healthy environment to suspect and accused at every stage of the initial detention up until the person is either released on the Court's order or transferred to a State of enforcement to serve his or her sentence.

Persons detained by the Court are most likely to be powerful and influential leaders in their countries, or high ranking military officers. It is the Detention Section's responsibility to secure and safeguard these individuals, presumed innocent until they are convicted.

The Court is bound by a set of obligations regarding the quality of the Detention Centre. The primary obligation is to satisfy the international standards set out by the treaties and conventions on human rights, prohibition of torture, prevention of discrimination, rights of women and children, and the administration of justice requiring persons under any form of imprisonment to be treated with humanity.

ICC Detention Centre, standard cell © ICC-CPI

The international human rights provisions do not explain what is meant by "treating with humanity". The meaning of the term has to be extracted from a large body of covenants, conventions, guidelines, declarations, norms, standards, instruments and Court decisions, as well as from standards accepted by the world community for the treatment of human beings by authorities. Article 10 of the International Covenant on Civil and Political Rights is the key article and requires treatment with "humanity" and "respect for the inherent dignity of the human person". These three elements - humanity, respect and inherent dignity - offer some guidance on how every human being should be treated - as a fellow member of the human race and as worthy of respect, because the right to respect and preservation of dignity is inherent in being a human being.

The international instruments leave no doubt that this level of treatment applies to all human beings, imprisoned or free. These documents provide strict guidelines on the treatment the suspect/accused will receive while detained. It is the Detention Section's responsibility that each detained person will be respected as an equal human being, provided with the necessary medical care, properly fed and clothed, permitted to spend his or her free time in a personally enriching way, provided with conditions as close as possible to the ones resembling the outside environment, and most importantly, not be discriminated against nor humiliated during any stage of detention. And in this respect, an agreement has been signed with the International Committee of the Red Cross (ICRC) allowing ICRC staff to carry out visits and inspections on the Detention Centre in order to ensure that the detention regime is in accordance with internationally recognized standards.

In light of the international provisions, the Regulations of the Court clearly state that:

1. All detained persons shall be treated with humanity and with respect for the inherent dignity of the human person.

2. There shall be no discrimination of detained persons on grounds of gender, age, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status.[1]

But of course, measures applied to protect the rights and special status of particular categories of detained person – women, persons with disabilities - shall not be deemed to be discriminatory.

The Detention Centre was opened in 2005. Almost 14 months later, in 2006, the first detained person was transferred into its custody. The Detention Centre now hosts five detainees, one of whom is appearing before the Special Court for Sierra Leone as part of an agreement signed between the latter and the ICC.

1. Regulation 91 of the Regulations of the Court.

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The Detention Section is composed of six ICC staff headed by a Chief Custody Officer, who also has a supervisory role over 17 Dutch custodial staff in charge of the day-to-day life of the Detention Centre.

The Detention Section's staff are trained to respect the inherent dignity of all the detained persons regardless of any crime that they are alleged to have committed. A properly trained staff will be able to carry out its duties successfully and respect the fundamental safeguards for detained persons. Given the special circumstances of persons detained by the Court, custody officers need a complex set of skills, knowledge and ability to interact positively with individuals who may well have a range of personal problems, who may sometimes be difficult to manage, and who in some cases may be dangerous. Since the detained persons have/may come from different countries, language training has been provided to allow the custody officers to interact properly with them. In addition, cultural awareness training has helped all Detention Centre staff to try and understand behaviour pertaining to other regions of the world, including those where the detainees come from.

The Detention Section's principal task remains to convert all the provisions set out in international standards into an actual working environment, and to set a benchmark against which other detention facilities could be compared in the future, and which could be used to promote good detention practice around the world.

Standard operating procedures have been drafted to help with day-to-day management of the Detention Centre. They set out clear guidelines and instructions which enable the Court Detention Section to operate effectively in all aspects of its work. Although such procedures may be a standard feature of any complex administration, they are of vital importance in a Detention Centre where the health, well-being, welfare and security of the detainees, the custodial staff and the management alike, must be handled with due care and attention.

ICC Detention Centre, residential wing © ICC-CPI

A number of policies have also been adopted for the effective and responsible management of the Detention Centre. Amongst those is the telephone policy that requires that detained persons provide detailed information about their contacts; the laptop and telephone policy for privileged members of the defence team aims at safeguarding the attorney-client privilege in terms of communication, and responsible use of communication tools by defence teams; the policy on suicide prevention and self-harm, which is supported by a Suicide Prevention and Self-Harm team, pays particular attention to the health and welfare of detainees and provides for regular monitoring of their situation to prevent suicide and self-harm. Other policies, such as the family visits policy, which has been reviewed, and the policy on protest fasting and hunger strike, has been finalized and should be adopted in the near future.

Given that persons detained by the ICC may well come from different regions of the world, it is important for the Detention Centre, which sets a benchmark for other similar detention regimes, to take into account the cultural sensibilities of detainees. In this respect, various initiatives have led to improving some of the services provided to the detainees. Culturally adapted food has been negotiated with the host prison, on the basis or research carried out by the Detention Section with the assistance of a nutritionist. The food services are assessed regularly in order to ensure that such cultural requirements are always taken into consideration.

The promotion of the well-being of detainees also entails the provision of access to news and information. In this regard, the Detention Centre has ensured that they have access to a range of TV programmes. Thus a variety of channels has been provided via satellite dish covering at least the two working languages of the Court and broadcasting news, sports, documentaries, shows and other programmes that take into account the detainees' regions of origin.

In order to help detainees understand their rights and obligations, they are provided upon admission at the Detention Centre with a handbook containing user-friendly documents on the relevant international instruments, including the UN Minimum Standard Rules for the Treatment of Prisoners, and the ICC-related provisions, computer policy, shopping list, complaints forms and procedures, disciplinary procedures, visitor's guide, and family visits policy. The house rules are available in French, English and

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Swahili. These documents allow the detained persons to be acquainted with their rights, obligations and the activities available within the detention facilities.

An important component of the detention regime is the possibility for a detainee to communicate freely with his or her defence team - this is essential for the preparation of the defence case. With a specific computer system, each detainee is able, from his or her cell through a computer which is connected to another computer in the defence office within the Court premises, to share and review documents sent by the team.

Two important projects are to be concluded this year:

- Product price agreement: the Registry has been negotiating with the Dutch authorities an agreement on detention and associated services - which include personnel, facilities, medical costs and other services - provided by the host State. This agreement is due to be signed in spring 2010 or at the latest during the summer.

- Tripartite agreement on security and good order at the Detention Centre: the agreement has been drafted and finalized and needs to be discussed by all parties before being signed. It is due to be signed by the end of autumn 2010.

The Detention Section is wholeheartedly committed to ensuring that in the process of making the building secure and safe, the basic privacy and dignity of detainees is not violated. The Section maintains detention facilities that strike a balance between security and safety and respect for individual human needs.

Dahirou Sant-Anna, Associate Legal Officer of the Detention Section

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Counsel Support

Counsel support for defendants and victims

It goes without saying that fair proceedings before any court of law requires that participants receive appropriate legal assistance. This right is recognized by the Rome Statute and firmly entrenched in the spirit and *modus operandi* of the Court, which has been very aware since its inception of the need to put into practice this fundamental legal requirement. This recognition has manifested itself in policies and measures aimed at incorporating counsel at the Court as extensively as possible, without impinging upon the principle of independence of the legal profession.

The Registrar discussing with counsel appearing before the Court © ICC-CPI

In this spirit, in 2009 the Registrar created a Counsel Support Section, which is in charge of centralizing and co-ordinating all assistance provide to counsel by the Court; it serves as the Registry's focal point for the Offices of Public Counsel, which depend on the Registry solely for administrative purposes and also provides logistical and administrative assistance. The Counsel Support Section also manages the Court's programme of legal aid for indigent defendants and victims. Previously, these functions were provided by the Division of Victims and Counsel.

Set-up of structures

The *Rules of Procedure and Evidence* set out the Court's primary objectives in this regard. Work began immediately within the Registry on meeting three primary needs:

1. Preparation of the Code of Professional Conduct for counsel, adopted by the ASP in 2005;

2. Establishment of a List of Counsel, meeting the conditions established in rule 22 of the Rules of Procedure and Evidence; and

3. Devising and putting in place a comprehensive legal aid system to guarantee that relevant persons implicated in ICC proceedings can benefit from legal assistance paid by the Court proportionate to their means.

In view of the complexity of the proceedings before the Court, which renders it practically impossible for a lawyer to manage a case alone and of the need in practice therefore to build a team, the Registry prepared a List of Assistants to Counsel and a List of Professional Investigators, in order to allow counsel to benefit from the assistance of competent and experienced persons. The Court actively encourages women, as well as persons from countries where a situation has been referred to the Court or which are underrepresented in the lists, to apply for admission to the above-mentioned lists.

Implementation

Among the 335 persons admitted to the List of Counsel by April 2010, more than 60 had been appointed to act before the Court, either to represent persons throughout the proceedings or with temporary mandates to represent persons for specifically defined purposes or the general interests of the defence.

The right to counsel is generally guaranteed for accused persons by article 67 of the Rome Statute, while suspects have such a right recognized only when questioned by the Prosecutor or by national authorities pursuant to a request from the Court under article 55(2) of the Statute.

These rights have been extended in the Chambers' practice, article 67 having been applied to persons against whom the Prosecutor has brought charges before the Chamber, and article 55(2) to suspects when appearing before the Chamber as witnesses.

All appointed counsel receive logistical and administrative assistance for the purpose of their intervention before the Court, including in particular office space at the seat of the Court; they also receive all necessary support, for example in terms of security, during their missions to the field and all ICT services relevant to an e-Court environment.

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As mentioned above, in order to enable counsel to receive competent assistance during proceedings, the Court has also created a List of Assistants and a List of Professional Investigators, composed of persons meeting certain minimum requirements, and facilitates the appointment of pro *bono* members where requested by counsel.

The legal aid system allows all persons who lack sufficient means to ensure that they are legally represented before the Court by experienced counsel. The decision whether or not to grant legal aid at the Court is based on a reasonable calculation mechanism, which utilizes objective criteria to assess whether these persons are totally or partially indigent. Furthermore, the Registrar has appointed three legal aid commissioners – an innovation in the world of international criminal justice – who are independent experts proposed by the legal profession and can provide advice on matters related to the legal aid system when called upon to do so.

Partnership with the legal profession

Mr Justice Richard Goldstone, former Prosecutor of the ICTY addressing counsel during the Seminar of Counsel in the presence of the Registrar and Deputy Registrar © ICC-CPI

Since its inception, the Court has endeavoured to establish a solid and frank partnership with the legal profession. The consultation effort made by the Court is unprecedented in the history of international criminal justice, in terms of both its material scope and the number of interlocutors approached. The first years of the Court's work were marked by a policy of actively seeking the contribution and input of the legal profession when preparing the Code of Professional Conduct for counsel, Regulations of the Court, Regulations of the Registry and all reports prepared and sent to the ASP, in particular those concerning the Court's legal aid system.

These consultations have been conducted in various forms. For instance, in writing, through questionnaires sent to international and national lawyers' associations – including the national bar associations of all States Parties – as well as to persons with specific expertise in the matters under discussion; the Court has also made a dedicated extranet available to counsel on the list.

Furthermore, since 2003, the Registry has organised a series of annual seminars, during which lawyers acting before the Court, members of the legal profession and experts from around the world, as well as representatives of *ad hoc* tribunals and special courts, have discussed policy and other relevant issues related to the intervention of lawyers and the protection of the rights of clients before the Court. It is worth mentioning that, while the first seminars were limited to experts and representatives of lawyers' organisations, since 2006 the seminar has been open to and attended by persons admitted to the List of Counsel. In order to encourage and facilitate the participation of this latter group in the seminar, to date, the Registry of the Court has contributed to the travel, accommodation and subsistence expenses in The Hague of a total of more than 100 counsel from developing countries.

Training for counsel and legal teams

The Court has organised information sessions and training programmes in countries where a situation has been opened by the Court. Its members have addressed audiences around the world, in events organised by bar associations and other lawyers' associations, as well as by universities, foundations and other research and training institutions.

Appointed members of defence teams receive specific training in the software applications used in the e-Court environment.

Moreover, since 2007, the above-mentioned seminar has been complemented by three days of training in selected aspects of the law and practice of the Court. All lawyers admitted to the List of Counsel and, subject to available space, assistants on cases before the Court can participate in these training sessions free of cost. A comprehensive training manual for investigators working for legal teams has also been made available by the Court. Additionally, the Registry has actively ensured that relevant substantive legal training intended for its staff is extended to counsel intervening before the Court and to their team members.

Esteban Peralta, Chiefof the Legal Aid Unit of the Counsel Support Section

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Public Information and Outreach

Ensuring public trials: challenges, achievements and new perspectives

Outreach activity in Bogoro, DRC © ICC-CPI

In January 2009, when the trial of Mr Lubanga Dyilo began, the Public Information and Documentation Section (PIDS) put in place a system to publicize the first days of the public hearings. It was an important date: the trial of a Congolese person accused of war crimes was the first trial in the history of the International Criminal Court. In The Hague everything was ready: international journalists were accredited, press releases and background information packages were issued and distributed, web streaming was in place and videos and photos were prepared. The key aspect of the whole public information operation was to ensure that, far from The Hague, the most affected communities in the Democratic Republic of the Congo would be able to follow the proceedings live. National Congolese TV had agreed to broadcast countrywide the images that the Court would send via satellite. Aware of the fact that owning a television set is not common in some areas of the Congo, and following consultations with local leaders and NGOs, a large screen was set up in a room in the centre of Bunia in Ituri, the Congolese region where alleged crimes were committed. Staff of the Court who work on a daily basis with affected communities and who speak the local languages and know the local culture, were on hand to explain the complexities of the trial and answer questions.

Shortly after the hearing began and despite the efforts of the PIDS staff in preparatory consultation with local leaders, more than 500 individuals arrived at the site, which was intended to accommodate only 170 people. The situation became tenser as the trial proceeded until, due to security concerns, the event was closed. We were confident that even though plans did not work out as expected, a nationwide broadcast would still reach those who owned a television in Ituri and the rest of the country. At least, that's what we thought, until we discovered a few hours later that the national TV station owned by the government had decided, all of a sudden, to interrupt the broadcast. On a previous occasion, despite all the agreements, the same TV station cut the signal from the Court because… there was a football match.

Outreach event, Uganda © ICC-CPI

This example illustrates some of the challenges faced by the PIDS, in particular when trying to bridge the distance between The Hague and the communities most affected by the work of the Court. Besides security aspects that are linked to the work of the ICC in ongoing conflict areas, there are some logistical difficulties. Affected communities are very often in remote areas, with a lack of infrastructure, where the internet is unheard of, and where there is no television and very often no electricity. Only a few small radio stations with very limited resources serve as a channel to inform communities. The lack of political will to co-operate with the ICC, the conditions of life in refugee and displaced persons camps, and disinformation campaigns launched by powerful propaganda machines are some other challenges faced on regular basis. Other obstacles, such us the high level of illiteracy and the existence of a large variety of local languages, are common in our daily work.

Much has been done in the field of communication to overcome these and other challenges since the Court opened its doors in 2002.

The first steps

In July 2002, a very small advance team entered the temporary premises of the Court and the first steps towards raising awareness of the newborn international judicial organisation were taken.

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Lacking a logo, the building of the Court was used as a corporate image for a time. With very limited resources, the Public Information Unit, consisting of three staff members, launched a basic website and prepared its first information tools, including the publication of the Rome Statute and other legal texts, as well as leaflets and fact-sheets on basic topics concerning the Court its history, jurisdiction and mandate.

In its early years, the Unit established a basic structure and functions in terms of media relations and organisation of events and protocol of what later would become a robust public information section. One of the key identified priorities at that time was the establishment of a network of journalists who would follow and report regularly on the ICC. In 2003, encouraged by the Court, the Association of Journalists at the International Criminal Court was created. The association was often consulted on various issues and their contribution was much appreciated, in particular regarding the technical requirements for building the Media Centre located in the public area of the Court. Key events such us the swearing-in ceremonies of the first judges, the Prosecutor and finally the Registrar were organised during those early stages and publicized all over the world.

Explaining the proceedings in the context of the ICC moot court © ICC-CPI

When, in 2004, the first situation - northern Uganda - was referred to the Court, the need to establish a good outreach programme was already apparent. Lessons learned from the experiences of the *ad hoc* tribunals such as the ICTY, ICTR and the Special Court of Sierra Leone showed the importance of putting in place mechanisms to bridge the distance between the Court and the communities directly affected by its work; in effect, a two-way communications system that would increase the confidence of these communities in the international criminal justice system.

While independence, impartiality and fairness are defining attributes of justice, making judicial proceedings not only public but also accessible is a central element of a fair trial. Justice must be both done and seen to be done. However, a few years passed before the necessary resources were allocated. Following the submission of the *ICC Strategic Plan for Outreach* and an unexpected public debate that finished late one night in November 2006, the Assembly of States Parties noted the particular importance of outreach as a key element in the successful accomplishment of the Court's mission and approved a relevant increase in the PIDS budget for 2007. That decision marked the starting point of the establishment of the Outreach Unit and the consolidation of the Public Information and Documentation Section of the Court, which also incorporates the Public Affairs Unit, Protocol and Events and the Library.

Overcoming the challenges

Drama portraying a LRA abduction, Otuboi IDP camp, Uganda © ICC-CPI

While continuing to stream public hearings on the web, publish press releases and provide international media with timely and accurate information and background fact-sheets, the newly created Public Information and Documentation Section hired and trained small teams in the field and consolidated mechanisms to bridge the distance between the Court and the countries under investigation. Much has been achieved, but not without difficulties. PIDS local teams based in Uganda, the Democratic Republic of the Congo, the Central African Republic and, from The Hague, the team working for Darfur, Sudan, have achieved incredible results engaging local populations in direct information sessions. Working in difficult situations, our people very often arrive in a village with a generator and a projector to screen images from the courtroom. Using a megaphone, they answer questions and address the concerns of hundreds of citizens at town hall-style meetings. Information sessions are conducted in nearly 10 languages, from English, French and Arabic to Swahili, Acholi, Luo, Fur and Massalit. Creative tools such as drama, competitions, tailored publications, videos and radio programmes have been developed and used to reach out to millions of people in the four countries mentioned above. Women, the army, police, victims, displaced populations, the legal community, members of parliament, NGO representatives, refugees, diasporas, journalists - all have been approached by the Court's outreach teams.

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The Court has now consolidated its Outreach Programme in ICC situation-related countries. For example, between 1 October, 2008 and 1 October, 2009, a total of 365 interactive sessions were organised by field Outreach teams in situation-related countries targeting directly nearly 40,000 people, and an estimated audience of nearly 34 million people were regularly exposed to information about the ICC through local radio and television stations. In the last few years, the Court has become better known and more relevant to the groups engaged. This has been demonstrated in the following: responses to surveys by participants attending interactive sessions; a change in the questions asked about the ICC; more local non-governmental organisations taking a proactive approach and voluntarily organising ICC-related outreach activities; more schools and universities interested in holding ICC information sessions for students.

Press conference held to announce the arrest warrant for President Al Bashir of Sudan on 4 March, 2009© ICC-CPI

However, the areas where the Outreach Programme is in full operation, though crucial for the Court, are geographically limited. Therefore, going beyond the borders of situation-related countries in order to have a broader impact, and helping to foster lasting respect for and enforcement of international justice have been key aspirations for PIDS: while outreach efforts in situation-related countries have been consolidated, international audiences have not been forgotten.

Hearings can be followed on the internet and all public filings by participants to the proceedings, as well as transcripts, are regularly uploaded onto the Court's website. Furthermore, the PIDS staff provide international media with timely and accurate information, give interviews in English, French, Arabic and Spanish, and co-ordinate interviews with elected officials and senior staff for media outlets from all over the world; they also organise press conferences and issue media advisories, press releases and background notes. Numerous publications are also produced, such as the legal texts, fact-sheets on key topics of the mandate and work of the Court, case information sheets, the Q&A booklet called, "Understanding the ICC", posters and a "Weekly Update". All these documents are produced in the working languages of the Court, English and French, and in Arabic when they concern the Darfur situation, and are distributed by e-mail to more than 1,200 subscribers to our comprehensive database.

A key element in raising awareness of the Court and countering misperceptions is the production of programmes for television and radio. In 2009, the small, temporarily recruited audiovisual team produced a total of 220 audiovisual programmes for international and regional media. Weekly summaries of hearings are uploaded onto the internet in broadcast-quality resolution, for download by the media for further broadcast and sent to over 150 French-language radio stations in Africa.

Another element, very effective from a communications perspective, is the organisation of visits to the Court. Around 7,000 people, ranging from prosecutors, students and diplomats, to members of the army, professors, lawyers and journalists from all over the world visit our headquarters annually. Besides ensuring that these groups receive information tailored to their profile before attending a hearing, the staff members of the Protocol and Events Unit organise regular diplomatic briefings and meetings with NGOs. Prime ministers, ministers, ambassadors and high representatives of States and other international organisations are welcomed to the seat of the Court in accordance with the highest standards of protocol.

Outreach activity with local police in Bunia, DRC © ICC-CPI

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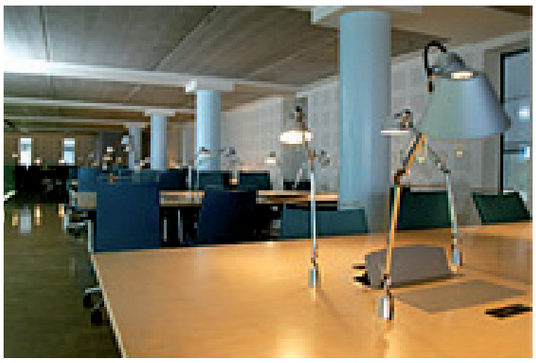
New perspectives

Recent developments in the field of communications are opening up new ways of providing information cost effectively.



Hot-desk area for journalists, Media Centre, ICC headquarters © ICC-CPI

The use of digital tools and social networking sites such as Twitter, Facebook, YouTube and Flickr can serve as a quick, cheap and easy way to keep the public updated and engaged. The popularity of these web-based tools is constantly rising and they are currently used on a regular basis by millions of people. After launching its YouTube channel, the Court will be using some of these new tools in the course of the next few months. It will also start participating in blogs and will give press briefings or press conferences via the internet on an interactive basis. For obvious reasons, the use of these new technologies cannot replace the traditional face-to-face meetings, town-hall style meetings and radio and television programmes broadcast through local or national television or radio stations in countries with less-advanced technology.

Such efforts by PIDS to close the communications gap are complemented by a long-term programmatic approach designed to establish networks and co-operation with key stakeholders at an international level. Initial steps have been taken to set up three programmes: a legal programme aimed at involving legal communities, bar associations, magistrates, prosecutors, human rights activists and parliamentarians; a media programme for journalists and journalists' associations, NGOs involved in training journalists and associations protecting journalists; and an academic programme for professors, teachers and school and university students. This programmatic approach cannot be expected to have immediate short-term results. It is, nevertheless, a way of ensuring a sustainable flow of information from the Court, as well as raising awareness and the public profile, of the Court.

Raising awareness and addressing misperceptions is and will remain a major challenge, which the Court cannot face alone. The Rome Statute created not only the ICC, but also a completely new system of international law that requires active support from individuals and organisations, vociferous States Parties, civil society and all those who believe in the principles and mandate of the Court.

Sonia Robla, Chief of the Public Information & Documentation Section,
Fadi El Abdallah, Associate Legal Outreach Officer of PIDS
Jelena Vukasinovic, Associate Legal Outreach Officer of PIDS

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The Library of the ICC

Beyond the courtroom: accommodating international justice

When the Chief Librarian arrived in July 2003, at the International Criminal Court, she was the library. Everything from books to staff had to be developed from scratch with the additional challenges of working on an international scale.

ICC Library © ICC-CPI

The Library falls under the Public Information and Documentation Section (PIDS). It plays the leading role in meeting the information needs of the constituents of the four organs of the Court, the Presidency, Judicial Divisions, the Office of the Prosecutor and the Registry, and is therefore not open to the public. The ICC staff members include 18 judges,[1] legal officers, administrative staff, interns and consultants. Services have also been extended to members of victim and defence counsel teams of the ICC, as well as the staff of the Special Court for Sierra Leone for the case of The *Prosecutor vs. Charles Taylor*, in accordance with the Memorandum of Understanding (MOU) concluded by the ICC and the Special Court on 13 April, 2006, whereby the Special Court will use the facilities of the ICC during the trial.[2]

The Library aims to select, acquire, preserve and provide access to a wide range of relevant print, non-print and electronic legal information resources. The Library also strives to provide efficient and timely services to expand the research base of the Court for use in investigations and deciding questions of international importance.

1. Getting started

Within the last quarter of 2003, library materials and services needed to be purchased quickly to meet end-of-year budget deadlines, following the financial and procurement rules adopted by the ICC. The objective being to assist with potential investigations even before the Court had investigations planned. At this early stage of the Court's operation, its work was still being formulated. The *Regulations of the Court*,[3] which describe the routine functioning of the Court as stipulated in article 52 of the *Rome Statute*, were not adopted until 26 May, 2004,[4] ten months after the arrival of the Chief Librarian.

Within this framework, the first step of building the ICC Library was to meet the staff's immediate information needs. This was achieved by setting up trials for databases with full-text content such as Westlaw, LexisNexis, and HeinOnline. The second step was to build networks and investigate areas of Co-operation among local librarians in The Hague. The Chief Librarian visited the librarians of the Peace Palace Library (PPL),[5] the International Court of Justice and the International Tribunal for the former Yugoslavia. A visit was also made to the International Criminal Tribunal for Rwanda in 2007.

1. The judiciary of the Court is composed of three divisions: 1. Pre-Trial Division; 2. Trial Division; 3. Appeals Division. The judges serve a term of office of three, six, and nine years and constitute a forum of international experts that represents the world's principal legal systems. Chambers (2006), International Criminal Court www.icc-cpi.int/organs/chambers.html at 2 November 2006.
2. See ICC Newsletter October 2006 #09, p. 6. www.icc-cpi.int/library/about/newsletter/files/ICC-NL9-200610_En.pdf at 7 November 2006. Following a resolution by the United Nations Security Council and an order by the President of the Special Court ordering a change in venue, Charles Taylor was transferred to The Hague on 20 June, 2006. Status Conferences took place on 21 July, 2006 and 22 September, 2006. A tentative date for the start of the trial has been set for 2 April, 2007. www.sc-sl.org/Taylor.html at 7 November, 2006.
3. Following the adoption of the Rome Statute, the United Nations convened the Preparatory Commission for the International Criminal Court. As with the Rome Conference, all States were invited to participate in the Preparatory Commission. Among its achievements, the Preparatory Commission reached consensus on the Rules of Procedure and Evidence and the Elements of Crimes. These two texts were subsequently adopted by the Assembly of States Parties. Together with the Rome Statute and the Regulations of the Court adopted by the judges, they comprise the Court's basic legal texts, setting out its structure, jurisdiction and functions.' Establishment of the Court. (2006) International Criminal Court www.icc-cpi.int/about/ataglance/establishment.html at 31 October, 2006.
4. Regulations of the Court ICC-BD/01-01-04' (2004) The International Criminal Court www.icc-cpi.int/library/about/officialjournal/Regulations_of_the_Court_170604-EN.pdf at 2 November, 2006.
5. See www.ppl.nl

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All were generous with their time and offered assistance to their new colleague from the antipodes. To this end she was able to forge an interlibrary loan arrangement with the PPL, which gave ICC staff access to one of the largest international law collections in the world with over one million volumes. The Chief Librarian promoted PPL services, including signing up to receive bibliographic alerts to new materials. This interlibrary loan arrangement was instrumental in meeting the staff's needs during the first few years of the Court while the ICC Library was developing its services.

During her visits she also established informal document delivery agreements with other libraries, such as the United Nations Library in Geneva, the United Nations Dag Hammarskjold Library in New York and the Max Planck Institute for Foreign and International Criminal Law Library in Germany. In 2004, the Library extended its document delivery services by setting up deposit accounts for interlibrary loans with the British Library and OCLC Pica in The Netherlands.

In 2004, her trip to the library of the International Tribunal for the Law of the Sea (ITLOS) in Hamburg was particularly helpful. ITLOS shares many similarities with the ICC, such as its relation to, but independence from, the UN,[6] governance by State Parties [7] and the choice of English and French as working languages. Since the convention that created the ITLOS, the *United Nations Convention on the Law of the Sea*, entered into effect as recently as 16 November, 1994,[8] the ITLOS Foundation Librarian [9] was able to offer valuable advice about establishing a library for such an organisation within the framework of the UN financial and procurement rules.

The ICC Library Committee was established early in 2004 to serve as an advisory body to assist with collection development and to help determine which services the Library should offer. It is composed of representatives from three organs of the Court: Judicial Divisions, the Office of the Prosecutor and the Office of the Registrar. Before the committee was established, the Chief Librarian consulted with representatives from the various organs and explained her mission and goals to the Court, in particular to the Presidency and the Judicial Divisions, at the first plenary session in November 2003.

The Chief Librarian chose the Anglo-American Cataloguing Rules (AACR2), MARC21, the LC classification system and LC subject headings, as well as the French equivalent *Répertoire de vedettes-matière* (RVM). The benefits of using these systems are that they are based on international standards, are regularly updated by international bodies, and allow for the sharing of catalogue records, using the Online Computer Library Center (OCLC).

2. Collection development

In establishing the material content of the Library, the jurisprudence and books on previous war crimes tribunals were of fundamental importance. These include the Nuremberg trials, the Tokyo war crimes trials, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone. It was also important to acquire the jurisprudence of and works about other international courts, such as the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights and bodies like the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights. The Library also purchased multiple copies of key works about the ICC by authors such as Otto Triffterer,[10] Antonio Cassese[11] and Roy S. Lee.[12] It was necessary to acquire a variety of legal and non-legal dictionaries and other reference works for both the library's main collection and office copies for Court staff, including online subscriptions.

I6. In his speech at the inauguration of the Judges of the Tribunal, the Secretary-General of the United Nations noted that: "Though not an organ of the United Nations the Tribunal finds its origin in efforts sponsored by the United Nations. As a sign of this excellent linkage a relationship agreement should soon be signed between the Tribunal and the United Nations." International Tribunal for the Law of the Sea, 'ITLOS/Press/4' (Press Release, 1 November, 1996).

7. "The Meetings have dealt primarily with elections of the members of the International Tribunal for the Law of the Sea and of the members of the Commission on the Limits of the Continental Shelf as well as with budgetary and administrative matters of the Tribunal." **www.un.org/Depts/los/meeting_states_parties/meeting_states_parties.htm** at 7 November, 2006.
'The Assembly of States Parties is the management oversight and legislative body of the International Criminal Court.' Assembly of States Parties (2006) International Criminal Court **www.icc-cpi.int/asp.html** at 2 November, 2006.

8. General Information – Overview Introduction (2006) International Tribunal for the Law of the Sea www.itlos.org/start2_en.html at 2 November, 2006.

9. Ellen SchafferThe Hague, Kluwer Law International, c1999.

10. See Commentary on the Rome Statute of the International Criminal Court: observer's notes, article by article / Otto Triffterer (ed.) ; authors: Kai Ambos … [et al.]. 1 Aufl. Baden-Baden: Nomos, 1999.

11. See The Rome Statute of the International Criminal Court: a commentary/ edited by Antonio Cassese, Paola Gaeta, John R.W.D. Jones. Oxford, Oxford University Press, 2002.

12. See The International Criminal Court: elements of crimes and rules of procedure and evidence/edited by Roy S. Lee; associate editors, Håkan Friman…[et al.] Ardsley, NY, Transnational Publishers, c2001. and The International Criminal Court: the making of the Rome Statute-issues, negotiations, results/edited by Roy S. Lee; in Co-operation with the Project on International Courts and Tribunals. The Hague, Kluwer Law International, c1999.

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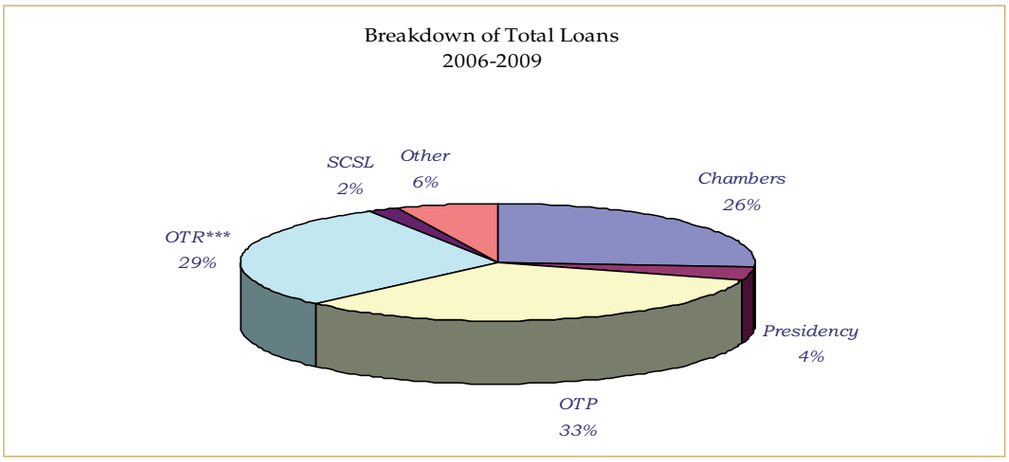
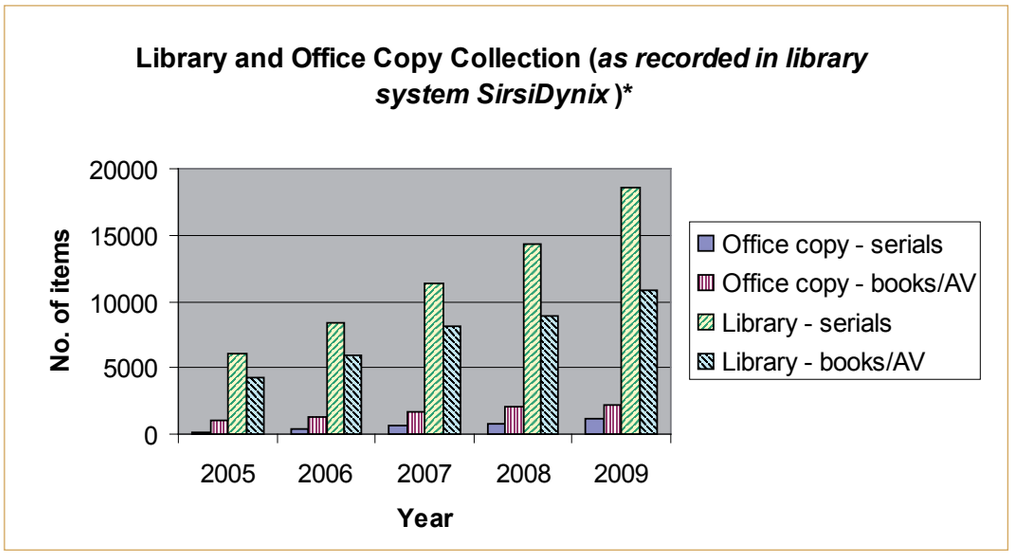
After the initial purchase of the core collection, the specific needs of the Court needed to be considered more explicitly by focusing on geographical regions where investigations were likely to occur. More than most legal libraries, the focus of the ICC Library's collection can change as legal and political decisions are made in lesser-known corners of the world. This is apparent when the current work of the Court is considered.





To date, three States Parties to the Rome Statute – Uganda, the Democratic Republic of the Congo and the Central African Republic – have referred situations occurring on their territories to the Court. In addition, the Security Council has referred the situation in Darfur, Sudan – a non-State Party. In March 2010, Pre-Trial Chamber II granted the Prosecutor authorization to open an investigation into the situation in the Republic of Kenya.

Information about these African states is of vital importance to the staff and therefore the library of the ICC.

Representatives from different organs can express the information needs of staff at library committee meetings, which are essential to maintaining a relevant collection. Acquiring the documents recommended in these meetings can be quite challenging, however, considering the Western focus of most established databases and the overall difficulty of getting African, South American and South Asian published material. The Library uses the Nairobi Office to order through the Library of Congress Acquisition Programme, but it would be beneficial for Library staff to visit African countries to purchase relevant materials. The Librarian is keen to develop and maintain relationships with other major international law libraries and libraries with strong African collections, although some have stopped purchasing such material because of the difficulties involved.

The ICC Library specializes in materials about international criminal law, international humanitarian law, military law, and comparative and national criminal law and procedure. The Library also collects

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supportive material about general public international and human rights relevant to the daily workings of the Court. The criminal law and procedure of States, including legal codes, commentaries and domestic implementation legislation of the Rome Statute, have become a subject area of particular strength for the ICC Library.

The Chief Librarian must also develop a collection that meets the requirements of lawyers from both civil and common law jurisdictions. This requires collecting not only common law primary sources, but also backdated copies of reviews from civil law countries that contain commentaries on their jurisprudence.

Although one of the aims of the institution is to become an e-Court, the Library has developed both a print and digital collection. Many of the legal materials from civil law jurisdictions are not digitized. Furthermore, the collection development policy establishes that the core collection should be owned by the institution, whether in print or digital form and not leased or accessed. This policy also considers the judges' preference that the Library has some printed materials.[13] Law librarians still complain that there are few titles published in e-book collections that are relevant to their users' needs. The Library is currently negotiating licence agreements regarding the purchase of e-book collections.

Enabled by a US$50,000 grant from The John D. and Catherine T. MacArthur Foundation in 2004, the Library has developed a significant selection of material about victims and witnesses issues. One of the innovations of the Rome Statute and the ICC's Rules of Procedure and Evidence is the series of rights that are granted to victims. 'For the first time in the history of international criminal justice, victims have the possibility under the Statute to present their views and observations before the Court' and to obtain, 'where appropriate, some form of reparation for their suffering'.[14] 'It is this balance between retributive and restorative justice that will enable the ICC not only to bring criminals to justice, but also to help the victims themselves obtain justice'.[15] The Witness Participation and Reparations Unit, the Witnesses and Victims Unit, the Chief Librarian and the Library Committee worked together to establish a list of relevant material. This list included materials on issues ranging from compensation, victims' rights, rehabilitation, and issues related to women and children who are victims of the types of crimes that fall under the jurisdiction of the Court. An interdisciplinary approach was taken to select materials in a variety of languages and consideration was given to regional and national legal systems. General books on international human rights, international humanitarian law, international criminal law, international law, legal encyclopaedias and legal dictionaries were also purchased in order to support this area of research.

The victims and witnesses collection will be a valuable resource for research on the status of victims in other legal systems and it will contribute to the development of a general understanding of the rights and position of victims under international criminal law for both ICC staff and external persons, including victims and their legal representatives.

3. Space

Procuring sufficient space to properly serve the constantly growing staff of the ICC has proved to be a significant challenge.

The library space has grown over the years from an initial two-person office that did not resemble a library, to its main location in the Haagse Veste building since 2009. While the Chief Librarian believes in an open collection, shortage of space has forced the closure of part of the non-circulating collection.

4. Staff

The current permanent staff of four serves a Court of more than 1,000 people. This includes the Chief Librarian, the Associate Library Officer and two Library Assistants with specializations in management, collection development, acquisitions, systems, serials, cataloguing and reference.

Short-term funds enable the Library to supplement its staff with a contractual cataloguer for multilingual works. Another manner of supplementing staff is through the ICC's Courtwide internship and visiting professional programme.

13. These include, but are not limited to: the Max Planck Institute for Comparative Public and International Law; the Institute of Advanced Legal Studies; the University of London School of Oriental and African Studies; the Swiss Institute of Comparative Law, Lausanne; North western University Library; Arthur W. Diamond Law Library at Columbia Law School; Harvard Law School Library; Lillian Goldman Law Library Yale Law School; and the Law Library of Congress.
14. Victims and witnesses (2006), The International Criminal Court www.icc-cpi.int/victimsissues.html at 2 November 2006.
15. Ibid.

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5. Technology

In addition to staying on top of the many influences that affect the Court, the Library must also keep pace with rapidly changing technology. Technological advances can improve efficiency, but they also require the investment of time for training and maintenance. In the three years since the Library was established, three different systems have been used to control material. The first system was simply a Microsoft Access database, which served until the second interim system was developed using a hosting service called Minisis. While this programme delivered the Online Public Access Catalogue (OPAC) to the desktop of the user, it did not provide all of the functionalities of an integrated library system (ILS). Since a permanent court requires long-term solutions, the Chief Librarian determined that it was best to start with a fully functional ILS as soon as possible. A systems consultant from the Supreme Court of Canada [16] was enlisted and the Library finalized its choice within a nine-week period. The SirsiDynix ILS was chosen for its user-friendly, bilingual interface and its ability to fit within the operational requirements of the Information Communication and Technology Section of the Court.

In March 2005, the Library launched the new bilingual SirsiDynix Unicorn ILS. This system enables the management of acquisitions, cataloguing, circulation, interlibrary loans, serials, reports (Director's station) and reference work. The Court's no-growth budget means that key, ongoing projects such as further implementation of the programmes Enterprise,[17] 360Search[18] and 360Link,[19] electronic ordering using Electronic Document Interchange protocols, and exchanging information with vendors, including electronic invoicing and the use of Web 2.0 technologies have been frozen. Staff members need to be proficient in the SirsiDynix Java Client (GL3.0), TRIM Context, the Courtwide documentation records storage system and SAP, the ICC's internal administration system. EBSCO services and software is used for its serial subscriptions and management.

The online catalogue provides common functionalities, such as online renewals, interlibrary loan requests and a new acquisitions list. The Library aims to facilitate more relevant information retrieval through catalogued tables of contents and electronic links to copyright-free and unrestricted documents within TRIM Context. Using TRIM as a digital repository has enabled the Library to begin selectively linking and cataloguing the basic ICC 'preparatory works'.[20]

6. Services

Despite the challenges provided by limited resources, the Library offers quite a range of services. At the start of 2010, the Library has 30,000 processed volumes, it manages just under 400 serial subscriptions and standing orders and numerous electronic resources, including e-books, e-journals and access to over 100 commercial and non-commercial databases. The Library is able to provide such a range of databases through its participation in the United Nations System Electronic Information Acquisition Consortium, which allows it to purchase many databases at reduced cost.

The Library provides a personalized reference and information service, induction sessions, product sessions and an intranet page promoting its mission and services. The intranet Library page links databases, web resources and electronic journals and books. Representatives from Westlaw, Factiva and Lexis-Nexis have given ICC staff training sessions. Depending on the skills and background knowledge of current interns, additional training sessions are provided on topics such as effective searching techniques and database familiarization.

Since the ICC is an evolving organisation, the Library must be willing to innovate to serve the ICC staff more effectively. The Library manages various specialized collections dispersed throughout the

16. Louise Houston, Manager, Information and Library Systems, Information Management and Technology Branch, Supreme Court of Canada. The Supreme Court of Canada also chose SirsiDynix a year later.
17. Enterprise is a single environment that gathers information according to subject areas and allows users to access all relevant content in that area.
18. 360Search allows users to make a single, simultaneous search of all the electronic resources the library offers.
19. 360Link provides retrieval of information by linking related content among various e-resources, such as full-text articles, bibliographical information and reviews of related material by the same source.
20. Preparations for ICC record of negotiations:
- International Law Commission (1989-1995)
- Ad Hoc committee (1994-1996)
- UN Diplomatic Conference of Plenipotentiaries on the establishment of an International Criminal Court. Culminated at Rome Conference (1998).
- Preparatory Commission for the International Criminal Court (1999-2002).

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Chief Librarian assisting staff inside the ICC library © ICC-CPI

organs of the Court. These collections consist of highly used materials that are referred to as 'office copies'. The Library manages office copy collections by cataloguing, processing and assigning the items that individual units purchase with their own funds. Although office copies (over 3,500 volumes) are not available for normal circulation nor physically located in the Library, they appear in the online catalogue. In this way, the Library keeps a comprehensive record of all books, journals and magazines belonging to the Court.

7. Conclusion

The planning of the permanent premises provides a further challenge to ensure that the Library is able to keep abreast, incorporate and maintain 21st-century library developments. This will require further investment in staff, technological resources and infrastructure to meet the demands of a growing Court and to faithfully accommodate the ICC staff in their pursuit of international criminal justice.

Elizabeth Naumczyk, Chief Librarian

See also:

'A modern library for the 21st century' (2006) ICC Newsletter # 8
www.icc-cpi.int/library/about/newsletter/files/ICC-NL8-200607_En.pdf at 30 October 2006.
'The ICC library' (2005) ICC Newsletter # 3
www.icc-cpi.int/library/about/newsletter/files/ICC-NL3-200502_En.pdf at 30 October 2006.
The author has published an updated version of her chapter on "Electronic Legal Research" by Elizabeth Naumczyk and Debbie Trew, in Expert Evidence by Ian Freckelton and Hugh Selby. Sydney, Thomson Lawbook Co., 2006.

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Field Operations

The ICC operating outside headquarters

Containers for staff accommodation at the Bunia field office, DRC © ICC-CPI

The ICC was established as a result of the international community's firm determination to put an end to impunity for perpetrators of serious crimes of concern. The ambitious judicial mandate of the Court entails undertaking investigations and prosecutions, ensuring protection of witnesses and victims, enabling the victims to exercise their statutory rights of participation and reparations, carrying out a sustainable and meaningful two-way dialogue with the affected communities, assisting counsel teams (defence and legal representatives of victims) and enabling the implementation of the specific functions of the Trust Fund for Victims. Based in The Hague, far away from where the crimes that it tries were committed, the Court was soon faced with a fundamental question - how to implement effectively this mandate outside the headquarters?

In order to fulfil the Court's responsibilities outside the seat of the Court, in particular the obligations of the Registrar under the Statute,[1] a field presence is relied upon. However, there are other forms of field operation that may be employed to help implement the Court's judicial mandate. These include: exploratory missions and periodic missions;[2] limited and temporary deployment of certain functions, a time-bound scalable presence in and/or near situation countries, transfer of suspect(s), holding of certain important hearings, or even parts of the trials[3] in and/or near these countries; and a Court presence other than in countries of situation.[4] The co-operation of national authorities of the States concerned as well as of local offices of international organiations also play an important role in facilitating the Court's operations. Furthermore, field operations take many forms that do not rely on the support of a field office.[5]

Moving of the field office in Abeche, Chad© ICC-CPI

In carrying out its specific responsibilities to date, the Registry has acquired a great deal of experience in all of the above-mentioned forms of field operations. Through its five field offices, the Registry has continued to provide expert advice on conducting operations in the field, security, logistic and administrative support and services to the teams of the Office of the Prosecutor, counsel teams (defence and legal representatives of victims), the Trust Fund for Victims and the Registry's units deployed in the field.[6]

1. See Regulations of the Registry, regulation 8: Presence in the field.
2. Prior to authorization by the Pre-Trial Chamber of the commencement of a proprio motu investigation by the Prosecutor: missions of the Registry's Victims Participation and Reparations Section and Public Information and Documentation Section pursuant to the Pre-Trial Chamber order to make legal representations (article 15.3 of the Rome Statute).
3. In 2008, the Registry completed a feasibility study on holding hearings in the Democratic Republic of the Congo on the occasion of the commencement of Mr Lubanga's trial. The feasibility study remains a reference document which will facilitate the organisation of similar hearings, in future, should the judges decide to hold proceedings in situ.
4. New York and Addis Ababa Liaison Offices.
5. Investigative and public information activities of the Office of the Prosecutor are conducted with the assistance of the host State, international organisations such as the UN, the EU, the AU and others.
6. To date, the ICC has established five field offices in three countries of situation Uganda (Kampala), the Democratic Republic of the Congo (Kinshasa and Bunia) and the Central African Republic (Bangui). The fifth field office was established in a neighbouring country to the country of situation, namely Chad (Abeche). Seven functional units of the Registry are present, at different levels, in the field offices: Victims and Witnesses Unit (VWU), Victims Participation and Reparations Section (VPRS), Public Information and Documentation Section (PIDS), Security and Safety Section (SSS), Field Operations Section (FOS), Information and Communication Technologies Section (ICTS) and Health and Welfare Unit (HWU).

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The field office is one of the tools for implementing the Court's mandate effectively in a given country. The field offices were set up at the beginning of Court activities in the situation countries in response to operational needs and a number of other key factors, including security challenges, political, socio-economic and cultural contexts, logistical considerations, media and communication opportunities, the existence of support networks for the Court's mandate and the judicial developments in the situations and cases before the Court.

Bangui Field Office, CAR © ICC-CPI

Designed as time-bound scalable presences, these field offices have become an effective way to bridge the gap between the Court based in The Hague and its operations in the five countries of situation, in some cases located 6,000 kilometres away from headquarters. They have become indispensable to publicizing the Court's judicial proceedings, an integral part of delivering public and transparent justice, thus bringing the Court closer to affected communities in the countries of situation. They are also a key element in building and maintaining co-operation and support for the Court's activities.

These field offices have been set up in the face of severe logistical and security obstacles, including the challenge of moving equipment and setting up communications networks in remote areas and carrying out a number of evacuations [7] of ICC personnel due to the volatility of the security environment in which the Court operates. This phase corresponded with the "pioneer" phase of the Court's field operations. During the pioneer phase the immediate needs were the driving force of field operations. Witnesses and victims had to be protected without delay or risks to their safety; the Court's mandate and judicial proceedings had to be properly understood by affected communities; victims, often living in remote areas, had to be given the opportunity, as soon as possible, to exercise their rights under the Statute, while the security of staff had to be fully guaranteed.

In order to rationalize its activities, with the experience accumulated in the early years of field operations and bearing in mind that a field office has to be fully functional in the shortest time possible after the Prosecutor has announced that he is opening an investigation, the Registry has developed a field office "generic model". [8] This model has proved to be useful in the setting up of new offices and providing them with the necessary equipment and resources to support judicial activities in relation to a given situation. It has enabled the streamlining of processes, including identifying suitable premises for the Court's operations, with the potential to expand or downsize if need be. Thus, in 2007, the field office in the Central African Republic became operational just five months after the Prosecutor's announcement of the opening of an investigation.

Since 2005, the ICC judicial activities have rapidly increased over the past years in all areas: preliminary examinations, investigations and trials. The development of the field operations has followed closely these judicial developments. To date 122 staff members, 31 international staff and 91 national personnel,[9] representing 14.4 per cent of ICC staffing,[10] are working on the ground in the five field offices.

Table 1 below illustrates the staffing distribution in each country of situation since 2005. It is worth noting that over the past five years the ICC has witnessed a 13.5 per cent increase in its field-based staff.

The field offices have been instrumental in supporting external and internal missions.[11] *Tables 2* and *3* below illustrate the volume of external and internal missions requiring assistance and support from the field offices since 2007.

7. To date five evacuation exercises have been conducted in Abeche and one in Kinshasa. Additionally, the N'djamena office was looted once.
8. See Annex I.
9. Established and GTA posts.
10. 847 staff members (as at 1st February 2010): elected officials, established posts and GTA.
11. Missions from headquarters to the field are considered external missions, whereas missions within the territory of the country of situation are internal missions.

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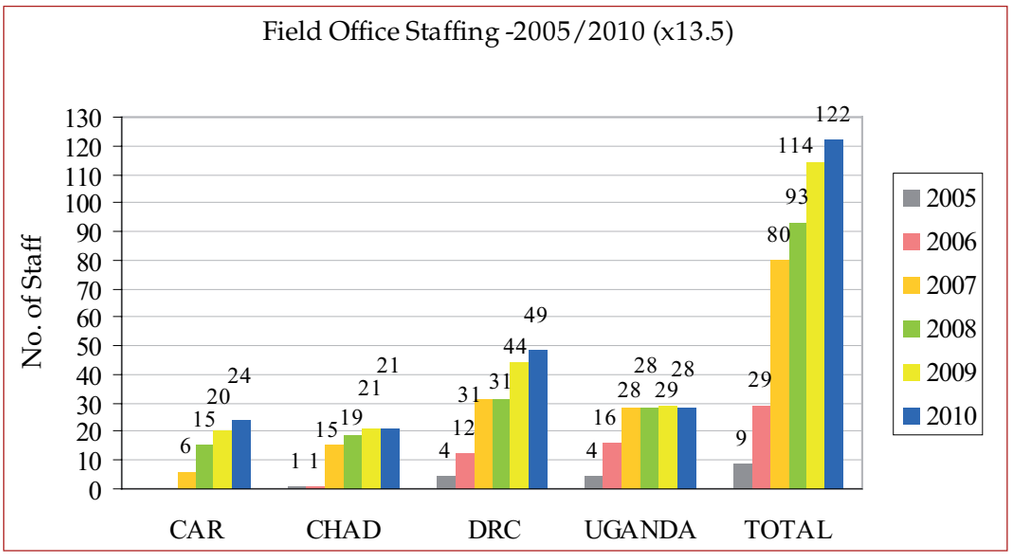
Table 1



Tabel 2

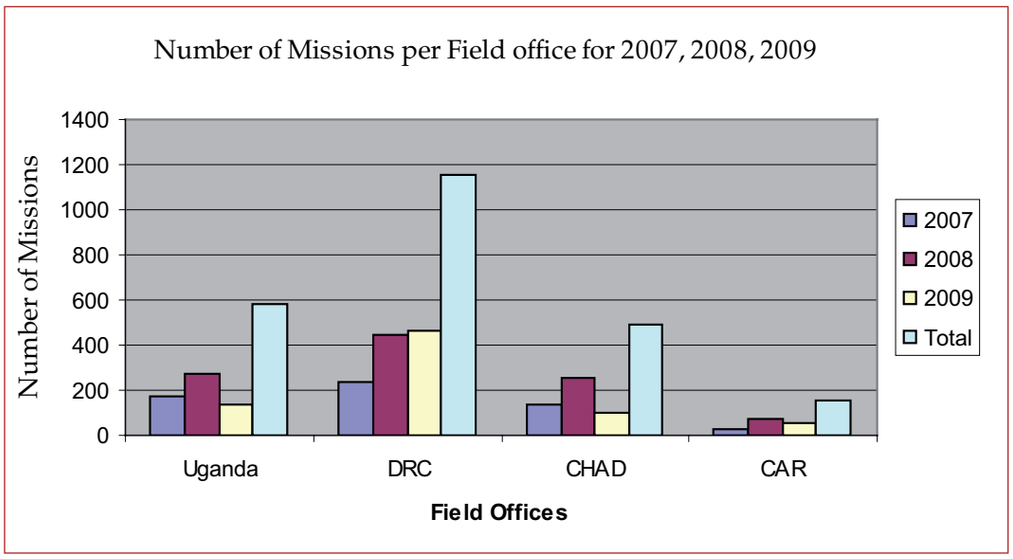
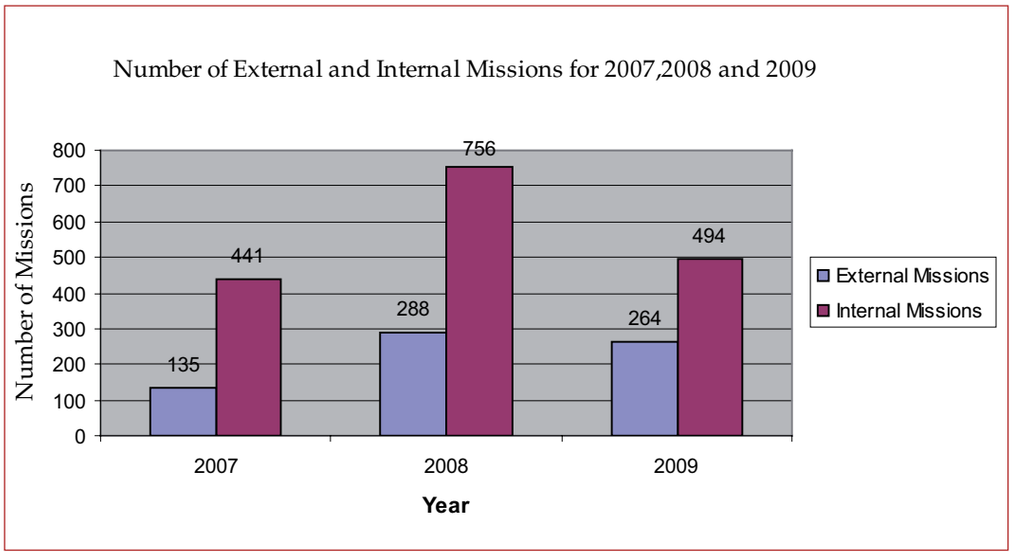


Table 3



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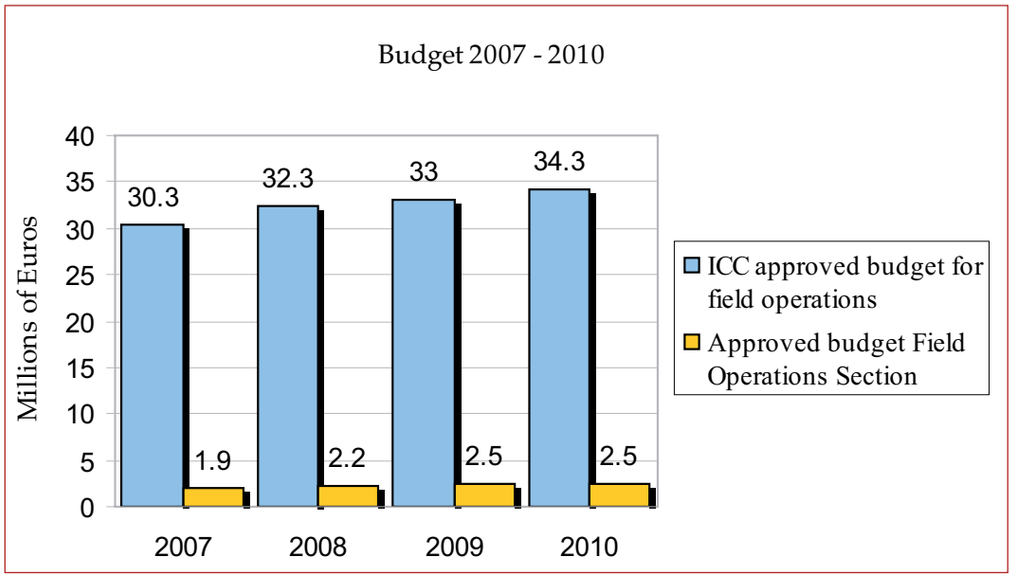
Since 2007, the Court has consistently identified the costs related to its field operations. *Table 4* below reflects the trend of the approved budget allocated to ICC field operations over the past 3 years in relation to the budget of the Field Operations Section called upon to support and assist Courtwide field operations.

Table 4



Where the United Nations has an established presence, either a peacekeeping mission of a military base, the ICC field offices rely on its support and assistance in accordance with the UN-ICC Relationship Agreement, concluded in 2004. Additionally, two protocols have been concluded with two specialized agencies, the World Food Programme and the United Nations Development Programme as well as a Memorandum of Understanding with MONUC. Since the start of the Court's operations in the countries of situation, the Court has made use of over 900 flights operated by the UN in support of its missions.

Since 2008, under the guidance of the Registrar, a number of enhancements have been undertaken with a view to optimizing the presence in the field in light of growing field needs and in order to ensure a strategic policy-driven development of field operations. The main enhancements are related to authority, co-ordination and planning at headquarters and field–based levels and streamlining decision-making and communication lines, thereby increasing efficiency in the Registry's operations on the ground and the provision of services to the Office of the Prosecutor, counsel teams and the Trust Fund for Victims.

Enhancements to field operations at a field-based level relate mainly to the creation of a pool of experts, Registry Field Co-ordinators. They represent valuable resources to be draw upon by the organisation over the coming years. They can be easily deployed to assist the Court in the implementation of its mandate outside headquarters, irrespective of the form of field operation utilized by the Court.[12] As the Court's judicial activities evolve, the Registry Field Co-ordinators will enable the Registry to have the necessary in-house rapid reaction capacity and flexibility needed to undertake complex operations in different geographical areas, at the same time, without endangering the effectiveness of its ongoing activities. The proposed enhancements are currently being discussed with the Committee on Budget and Finance.

When comparing the field operations experiences of the *ad hoc* tribunals with those of the ICC field operations, there is unanimous agreement that effective field engagement contributes to the consolidation of the credibility and legitimacy of international judicial institutions. Late deployment in the field of outreach experts is often quoted by the ICTY experts as an approach to be avoided. It touches the core element of fair trial - making the judicial proceedings public - and consequently has important negative consequences for the credibility of international criminal jurisdictions.

12. For example, they can be used to pursue exploratory missions in a new situation, conduct feasibility studies for hearings in situ, and establish a field-based presence or other presences as and when required. When and if decided to establish a field presence, the Registry Field Co-ordinators are the key person to oversee the efficient operation or life cycle of a field office in its pre-set up and set up, running and closure phases. They are key resources in collecting pertinent data and preparing realistic and comprehensive assessments in relation to the timing and the scaling up or down of a field office presence. They are also an important resource in the coherent implementation of exit strategies, including the disposal of ICC assets.

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Again it should be underlined that the Court has not yet completed any of its pending cases. As the judicial activities unfold and a number of these first cases are completed, lessons will continue to be learned and incorporated into the way the Court conducts its field operations, thus ensuring their streamlined and efficient development.

The field operations at the ICC have come a long way. New challenges will arise as judicial developments progress. This, in turn, will have an impact on the way the Court operates outside headquarters. These challenges may include the closing of a field office in a situation, dealing with residual functions and legacy while continuing at the same time to operate other forms of field operations in different areas of the world.

Cecilia Balteanu, Acting Chief of the Field Strategic & Planning Unit, Field Operations Section

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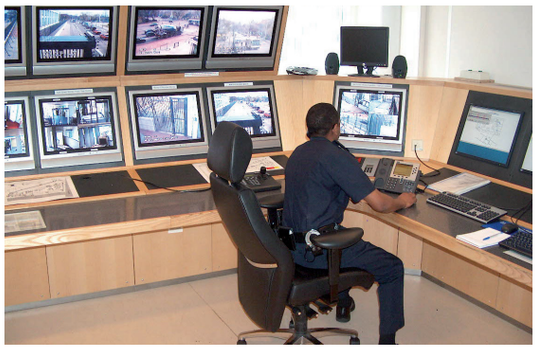
Security and Safety

Providing a safe, secure and confidential working environment



Security Control Centre © ICC-CPI

The Security and Safety Section (SSS) of the Court reports to and conducts its activities under the direction of the Registrar who is responsible for the internal security of the Court, in consultation with the Presidency and the Prosecutor, as well as the host State.

The SSS acts as the lead unit in defining and executing the security policies to be adopted by the Court. Such policies are necessary to provide a safe, secure and confidential working environment for officials, staff, experts, counsel, accused persons, witnesses and visitors. The section serves and advises all organs of the Court on the measures necessary to provide an adequate level of protection to the personnel, information assets and tangible property of the Court. Therefore the section accordingly handles issues relating to physical security, information security, personnel security, field security, operational security, fire and safety. In particular the section promotes and embeds security awareness and risk management strategy in all the activities of the Court and at all levels of the organsation. It co-ordinates with the other security-related units of the Court, such as the Detention Section and the Victims and Witnesses Unit, in order to provide an integrated and comprehensive approach to security and safety risk management throughout the institution, and liaises with the security agencies of States and with other international and national agencies able to contribute to the security and safety of the Court or the protection of its information assets. In order to be able to provide all services requires, the section is composed of four units:

- Field Security Unit, which is the focal point for all field activities, including security and safety risk assessments and planning requirements in support of field activities;
- Protective Security Unit, which provides year-round, 24-hour-a-day control over access to the seat of the Court, including the continuous monitoring of the premises and safe custody of detained persons when at the premises;
- Information Security Unit, which develops and implements policies on matters associated with physical and personnel security management and handling of information in any form in a safe way; and
- Security Support Unit, which provides a number of specialist functions such as training and is responsible for budgetary planning, finance, procurement, security recruitment and staff administration.

Achievements

To date, the Court has not had any major security or safety incidents affecting its ability to conduct its operations at headquarters or in the field. Due to security concerns in the country, the Court has evacuated or suspended its operations in the field on three occasions (twice in Chad and once in Kinshasa, DRC) without major loss.

The key elements contributing to the safety of operations, together with our achievements in this respect, include the following:

a) Agreements with external counterparts

Agreements with the host States and the United Nations are necessary for the safe conduct of the Court's operations wherever they take place; in the field, however, the importance of such agreements is paramount. The host State is responsible for the security and safety of ICC staff, assets and premises and the documentation of this responsibility is essential. Additionally, the Host State Agreement or Headquarters Agreement stipulates clearly the support that the host State is to provide to the Court. Equally, the Court signed an agreement with the United Nations Department of Safety and Security in 2004 and the ICC became a member of the United

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Nations Security Management System (UNSMS), in which both parties agreed to support each other's activities and share relevant security-related information. By signing the document the Court also agreed to observe UN security standards and procedures. The agreement is especially relevant in the field where Court staff were included in the United Nations Emergency plans. Other relevant agreements include the agreement between the Court and the European Union on information sharing.

b) Field operations

The section has effectively managed and supported activities in the field for all organs of the Court and all participants to Court proceedings. The ICC field offices generally provide the basis for ICC operations in the field. Adequate security for the field offices is ensured jointly by the Court and the State where the field offices are located. The section effectively manages the safe conduct of field activities in accordance with established policy and practice on the basis of mission planning and subsequent security assessments conducted both in the field by field security personnel and in the Security Analysis Office. In the field the Court observes the United Nations Minimum Operating Security Standards.

c) Headquarters

At headquarters, the section co-operates effectively with local police, law enforcement and intelligence agencies. To support all activities, the section has put in place procedures, policies and tools, including post orders, emergency procedures and evacuation plans. The section has an effective training plan in place and all security personnel complete the mandatory security and safety training annually with an overall completion rate of 98 per cent. The security training programme has been reviewed by the Registry Legal Services Section, as has the use-of-force policy, which regulates the use of firearms by security personnel. The section operates a 100 per cent screening policy for all incoming persons and items. On average the section screens a total of 1,500 persons (staff and visitors) entering the premises daily. The Fire and Safety Programme of the Court is well established and evacuation exercises are arranged yearly, as is the floor warden training for emergency staff. Separate briefing procedures are in place for contractors and visitors.

d) Information security

Mail Screening © ICC-CPI

Information security is probably one of the most closely regulated areas of Court administration. One Presidential Directive and a total of eight Administrative Instructions regarding information and data handling have been issued based on the advice of the Information Security Unit. The Unit is responsible for the effective monitoring of compliance with these instructions. Over the last three years, the Information Security Unit has led the testing of the Court information security infrastructure by external partners. The results of these tests have provided the basis for improving the robustness of the information security infrastructure against specified threats, and for improving the Court's general network. The Information Security Unit has also conducted inspections of the information security infrastructure in all ICC field offices, resulting in plans for improvement.

The Information Security Unit has also conducted specific activities, such as generic and targeted information security briefings, assessments and advice on a number of issues relating to application, technology and ICT (secure communications, mass storage equipment, use of social sites, etc.). The Information Security Unit runs a poster campaign to improve awareness in this area and maintains its intranet site which is regularly updated with relevant internal and external topics.

In addition, the section has effectively managed the Personnel Security (vetting) Programme. Since commencement of the programme, the Personnel Security and Investigations Office has vetted a total of 1,700 persons.

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Major challenges

The specific nature of the ICC as an independent organisation, and its jurisdiction over the most serious crimes of concern to the international community, sets the Court apart from most of the other international organisations in terms of security and safety. Unlike most humanitarian organisations which aim to help countries and their people deal with different types of crisis situation, the Court's substantial and challenging mandate to investigate and bring to trial persons allegedly responsible for the most serious crimes of international concern logically brings with it equally substantial challenges to safety and security.

ICC headquarters, Front Screening Point © ICC-CPI

The second challenge faced by the Court relates to the operational environment. Whilst the Netherlands where the seat of the Court is located is recognized to be a safe country, in the field, the ICC operates in post-conflict countries, in countries where active hostilities are still ongoing, or in countries where the judicial system has been deemed unable or unwilling to deal with the crimes under the jurisdiction of the Court. In such hostile or volatile operational environments the ICC and its personnel are subjected to a degree of threat that must be carefully assessed and managed.

Thirdly, the ICC has 111 States Parties and takes due account of the geographical representation in its recruitment. Whilst being able to recruit staff from all over the world presents an advantage for the Court as a whole, it presents a challenge from a security perspective. In 2004, the Court decided to implement a staff vetting programme as part of the recruitment process. In such a diverse organisation with near-global participation, reliable and equal verification of the background of potential staff members has proven difficult in practice. An efficient and reliable personnel security programme is one of the cornerstones of an effective information security regime.

Fourthly, the ICC headquarters premises must facilitate activities that are not found in most of the headquarters of other international organisations or national jurisdictions. The ICC headquarters facilitates, in addition to normal office functions, a mixture of activities necessary for the conduct of the ICC's judicial process. The Court's premises house the offices of all participants to the judicial proceedings, such as the investigative teams, with all their documentation and archives, the judges, defence lawyers, representatives of the victims, teams in charge of the protection and support for witnesses or which provide assistance to victims, and facilities for the press. Also, the general public and media have access to the ICC headquarters premises. The co-location of such a diversity of public, semi-public, sensitive and high security activities in one location presents its own unprecedented challenges and demands.

It is expected that the Court will continue to operate in some of the most inhospitable, austere and hostile areas of the world. Whilst the Court has basic field security and safety programmes in place to enable the staff to operate in such areas, these programmes need to be maintained and further developed. Examples of this are the revised field survival training and training for female travellers. The section also anticipates that it will need to maintain its operational flexibility and be prepared to start supporting operations in other situations, such as Kenya today and possibly other countries in the future.

Fire fighting in the context of safety training © ICC-CPI

The safety of local staff is an important yet underdeveloped area of the Court's security programme. This issue has been identified, but whilst there is the willingness and interest to improve the security of local staff, a legally and financially sustainable solution has yet to be developed.

One of the key issues for the Court is the requirement to protect the integrity and availability of information in all forms and in all locations. Compromise, corruption or loss of information could have catastrophic consequences for an individual court case or for the Court in general. Ultimately, if the Court were not able to protect the information in its possession, key partners and States could withdraw their co-operation, leaving the Court to function in isolation with its own limited resources. In practice, this

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means that the Court needs to focus both on protecting its data - technically and administratively through the Information Security Unit - and on broadening the Personnel Security Programme to encompass all staff groups, including interns, contractors, consultants, visiting professionals and others.

Security has also been fully involved in the Permanent Premises project to date. Now that the architectural competition has ended and the contract signed, the section will become increasingly involved in the more technical parts of the project. The Fire and Safety Officer, Information Security Officer and Protective Security Officer are also likely to take an active part in the project in the future.

Lassi Kuusinen, Chief of the Security and Safety Section

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Legal Advisory

Advice with respect to the ICC's legal framework

The birth of the Registry Legal Advisory Service Section (LASS) can be traced back to the advanced team established to set up the Court in 2002. Even at this early stage, the Interlocutory Mechanism established by the Preparatory Commission saw the need for unified legal services for the functioning of the Court as essential for the shaping of the Court's infrastructure. Hence the team included a legal advisor whose responsibility was, amongst others, to ensure the progressive development and implementation of all regulations, rules and policies relating to the work of the Court. From the humble beginning of one person, LASS has grown to a team of six people.

The advanced team's remit was to prepare, as much as possible, the facilities and systems to be used by the first staff of the Court when recruited, taking into account the specific requirements for the judicial process set out in the Statute. Ensuring that the facilities and systems developed are in accordance with the framework documents of the Court, has been, and continues to be, the main focus of LASS activities.

In addition, until the Prosecutor assumed office, LASS acted as custodian of all information, evidence or other material presented to the Court. LASS was responsible for setting up systems and mechanisms for storing such information and for properly informing those who had presented it about how that information would be treated. All the information was subsequently transferred to the Office of the Prosecutor.

As the Court grew, the role of LASS as a provider of unified central legal services for the Registry and other organs became blurred, as other sections within the Registry and the organs recruited various legal personnel, all of whom sought to assume responsibility for legal issues falling within the competence of the section/organ. Potential conflicting interpretations and application of the law and the exposure of the Court to legal problems presented both challenges and risks.

Defining the legal status of the Court and its staff in the host State and developing policies and guidelines for the Court's operations, were amongst LASS' first priorities. Innovative and pragmatic measures had to be adopted to fill the vacuum resulting from the absence of a headquarters agreement (HQA) with the host State and a regulatory framework for employing staff. With regard to the former, discussions with the host State began as early as 2002 to negotiate the application of the ICTY Headquarters Agreement (with some modifications) to the ICC pending the conclusion of the ICC HQA. The interim application of the ICTY to the ICC solved the legal problem of the Court's status, privileges and immunities of staff in the Netherlands and paved the way for the successful conclusion of the ICC HQA under the LASS's leadership.

In the absence of staff regulations or rules, one of the challenges faced by the advanced team and later by the Common Services Division, with regard to the employment of staff, was to define the regime under which staff would be employed. Pending the issue of the ICC Staff Regulations and Rules, the United Nations Rules provided guidance for the Court on most issues. LASS spearheaded internal discussions and facilitated external expertise which informed the issue of the Staff Regulations and Rules of the Court much sooner than anticipated.

Relationships with external players in particular States, inter-governmental and non–governmental organisations were an important part of LASS's initial work. The relationship between the Court and the United Nations was amongst the first that needed to be cemented in an agreement based on the draft prepared by the Preparatory Commission. LASS was at the forefront of internal consultations and external negotiations which culminated in the conclusion of the Relationship Agreement between the Court and the United Nations in 2004. Amongst the early agreements signed with States to facilitate the Court's work in situation countries were the Memoranda of Understanding with Uganda and the Democratic Republic of the Congo.

As the Court evolved from set-up infrastructure to an almost fully-fledged operational institution, the role of LASS also evolved to meet the new organisational changes and challenges. The section's functions can be summarized as follows:

1. Provide legal advice to the Registry and other organs on general legal and policy matters relating to carrying out the Court's mandate under the Statute;

2. Ensure unified and co-ordinated approach to legal issues common to all organs of the Court;

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3. Protect the legal interests of the Court and its staff and minimize legal exposure;

4. Negotiate and prepare legal instruments including contracts, international agreements and memoranda of understanding;

5. Draft and review internal policies and guidelines of the Court;

6. Serve as interlocutor between the Court and host State regarding privileges and immunities and interpretation and application of the Headquarters Agreement; and

7. Represent the Court in legal proceedings and external meetings.

Phakiso Mochochoko, Chief of the LASS

External Relations and Co-operation

The Registry has an important role to play with regard to judicial co-operation. When Chambers issue a decision requesting the co-operation of a State or States, such as a request for the execution of arrest warrants, the Registry prepares the request and sends it to the State(s) in question through the formal channels. The Registry follows up the request by meeting with relevant counterparts for example, and reports periodically to the Chamber on how the request is being implemented. In short, it acts as the implementing arm of the Chamber.

The Registry is also responsible for other aspects of co-operation with States and international and regional organisations on matters which fall within its competency. These include negotiating and concluding agreements or ad hoc arrangements with States and international organisations in respect of witness relocation, interim release and acquittal. The Registry also offers logistical and other support to our field operations and support for the arrest and surrender of ICC suspects, as well as for the exchange of information.

Likewise the Registry deals with a number of issues related to co-operation with the host State, such as protocol matters, detention and its premises.

The Registry participates in the different meetings organised by the Bureau of the Assembly of States Parties, in particular the meetings of The Hague Working Group.

Lastly and importantly, the Registry maintains a constant and fruitful dialogue with civil society, academia and the legal profession.

Giovanni Bassu, Special Adviser to the Registrar on External Relations and Co-operation

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Administration

The Division of Administration (DoA) is providing support to an increasing number of operational processes and is involved in several Courtwide and strategic projects, as reflected in the Court's strategic plan.

The DoA consists of Budget, Finance, Procurement, General Services and Information and Communication Technology. Human Resources is attached to the Division with regard to human resources performance reporting and human resources IT systems.

Administrative activities

The Court's administration has grown from supporting a handful of staff in 2003 to a full-blown operational organisation with more than a thousand collaborators to cater for all year through. Often taking place in the background and with limited visibility for the outside world, the volume and quality of work of the Court's administrative services is nevertheless of utmost importance for the proper functioning of the Court. The statistics below are only few indicators of the work performed.

Budget and Finance Section

The Budget and Finance Section is responsible for managing the Court's budget and for investing surplus funds and ensuring liquidity. The budget and surplus funds being managed have increased greatly over the last seven years.

Court's budgets since 2005

Financial year	Approved budget (in million euros)
2005	66.9
2006	80.4
2007	88.9
2008	90.4
2009	101.2
2010	103.6

The returns on investments have also increased: the interest gained in 2004 was €700,000, while in 2008, despite the financial crisis in the last quarter of 2008, the Court generated €4.7 million in yield. Although the financial crisis affected many companies and institutes the Court treasury had no losses, no liquidity problems and continued to perform well even with the present climate (generating €1.3 million in 2009).

The Budget and Finance Section has more than doubled its output for payments in the last four years. The complexity of the cash operations has also increased in the last seven years: while the cash operations in 2003 were mainly domestic and foreign bank transfers, the Court now uses seven different modes of payment execution. Furthermore, due to the opening of the field offices and the increase in the activities of the Court, the section has gone from administering two bank accounts in 2003 to now administering more than 16 bank accounts worldwide. Banks are monitored for credit rating and service on a regular basis.

Construction of the courtroom and Media Centre in 2003 © ICC-CPI

The Court is currently in the early stages of developing a project plan for this major change in accounting structure (i.e. implementation of IPSAS standards).

General Services Section

The Court's presence in The Hague is concentrated on its headquarters, at the so-called ARC building. Nevertheless, over the years, the Court has grown from a couple of floors in that building to the full utilisation of the building (sharing part of the building with Eurojust). With the continuing expansion of its staff, the Court has had to set up and maintain separate headquarters buildings in other parts of The Hague. At present, the Court is

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located in three separate buildings. The General Services Section has carried out a number of building refurbishments over the years, including, for example, the expansion and construction of a new server room, the construction of vaults, the construction of a dedicated "correspondence processing centre" and, in conjunction with the host State, the construction of the a new wing for the ARC building.

Within its first few years of activities, the section put in place a system to provide official transportation, supplies and materials management, as well as mail operations, as efficiently as possible. Appropriate channels have been established to deal with property administration and claims and are kept fully functional using the highest possible standards and incorporating best practices systemwide. The section has established an office to provide information on travel and host State affairs (including immunities and privileges).It is also working to ensure that despite a large increase in volume, all procurement activities are managed appropriately within the Court, as can be seen in statistics below:

Procurement activity for the period 2004 to 2009							
	2004	2005	2006	2007	2008	2009	Total
Value of spend (in million of euros)	13.8	14.8	17.3	23.7	18.4	20.6	108.7
Number of Purchase Orders and Contracts	673	1,067	1,463	1,680	1,571	1,584	8,038

Information and Communication Technologies Services (ICT)

The ICT Section has its own strategic plan, presented to the ASP as an ICT Strategy Paper in 2006,[1] according to which it delivers its services.

Communications at the field © ICC-CPI

The ICT computer network expands to four locations in The Hague and five field offices through a mixture of secure ground and satellite network links. The ICT Section has provided a service for secure remote access to enable users to log in from distant locations to the ICC network and access their work as needed. The Court is also able to perform video conferencing directly into the ICC courtrooms, thus assisting the Court in ensuring that vulnerable witnesses are able to partake in Court sessions from remote locations.

The provision of core information systems are in place. Applications such as the electronic records and document management system, the enterprise resource planning system for the Finance, Budget, Procurement, Human Resources and Payroll areas were implemented in 2005 and improved over the years.

The delivery of the e-Court applications for use in the courtrooms provides all Court participants with the ability to manage their information inside and outside the Court electronically. The disclosure of case information between the Office of the Prosecutor, the Registry and counsel is also performed electronically, thereby reducing paper copies, and increasing the reliability of information and the speed of retrieval and analysis.

The Court is in a position to take advantage of the core investments made in its ICT infrastructure over the past few years with its ability to provide a reliable and yet flexible service. One example of this was the ability to service the Special Court for Sierra Leone (SCSL) and then later create a 'switchable' Court that enabled both the ICC and the SCSL to conduct Court sessions on the same day in the same courtroom with minimum disruption.

The table below indicates the growth of the computers systems and staff that the ICT Section had to support over a 6 - 7 year period. The cumulative number of users for all applications and databases exceed 30,000.

ICT Support Activity 2004-2009							
	2004	2005	2006	2007	2008	2009	Total
Number of computer systems in production	3	7	17	24	35	40	42
Number of users under support including GTA, contractors, Interns etc	70	160	300	460	650	840	1050

1. See ICC-ASP-5-7_ICT Strategy Paper

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Strategic planning and risk assessment

Under the direction of the Co-ordination Council,[2] the Court continued the implementation of the priority objectives of its Strategic Plan, with a strong focus on implementing and developing efficient work processes. This strategy has been embraced by the Court's administration services and will continue to be implemented in the future. In parallel to the implementation process, the Court is incorporating structured Courtwide risk management processes within its operations. The first phase of this project provided deliverables presenting a holistic appraisal of the internal and external risks of the Court. A risk map was drafted plotting risks in relation to impact and likelihood. After the validation of the risk map, the Court has started assessing and implementing the related risk mitigation strategies. The administration services of the Court are and will continue to be strongly involved in measures related to risk management and business continuity planning within the Court.

Sean Walsh, Acting Director of the DoA &
Pierre Ronziere, Project Manager of the DoA

2. According to Regulation 3 of the Regulations of the Court, the Co-ordination Council comprises the President on behalf of the Presidency, the Prosecutor and the Registrar. The Co-ordination Council discusses and co-ordinates on, where necessary, the administrative activities of the organs of the Court.

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Human Resources

Management of Human Resources

The goal of the Human Resources Section (HRS) is to develop and sustain a high quality human resources management system that ensures that the organisation can carry out its functions efficiently and effectively.

ICC Field paramedic and Health Welfare Unit nurse on home visit in Abeche, Chad © ICC-CPI

The HRS is responsible for recruitment, the administration of entitlements, staff development and training, and health and social welfare services. The section consists of the Staffing Unit, the Staff Administration Unit, the HRS Learning and Development Unit and the Health and Welfare Unit. Furthermore, the Courtwide internship and visiting professionals programme is maintained and supported by the section.

As the ICC has grown, the functions and responsibilities relating to the management of its human resources have expanded considerably. Initial human resources management objectives focused primarily on the speedy recruitment of qualified candidates, the smooth processing of their contracts, benefits and entitlements and the development of key human resources policies and guidelines, including the Court's Staff Regulations and Rules.

As the Court moves towards the end of its first decade, the human resources management functions of the Court have evolved to meet the changing demands of both external and internal stakeholders. These include the States Parties, senior management, the staff representative body and the staff as a whole.

Accordingly, the Court has given priority to developing a strategic approach fully aligned with the overall strategic plan of the International Criminal Court and has set out its own specific objectives as follows:

Overview of key HRS strategic areas and specific objectives

Attract, care for and offer career development and advancement opportunities to a diverse staff of the highest quality

Key areas	Specific HR Objectives
Recruitment	1. Define and apply a systematic, fair and transparent selection process to ensure the highest quality of (external) recruitment and (internal) placement
	2. Strengthen the capabilities of staff with hiring responsibilities
	3. IIncrease external awareness of ICC employment opportunities
Caring Environment	4. Ensure attractive conditions of service and compensation systems for all Court staff at headquarters and field duty stations
	5. Increase staff well-being by enhancing existing and developing new support programmes
	6. Enhance and develop further the administration of internal justice systems
Career Development	7. Institutionalize a well-functioning performance management system, including performance-based incentives
	8. Provide learning and training opportunities that contribute to the achievement of the Court's goals and address individual development needs
	9. Develop and implement approaches and systems for career management and advancement of staff

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Meeting with staff organised by Staff Union Council with video link to field office © ICC-CPI

A few examples of the HR focus have been:

- Maintaining a satisfactory rate of recruitment in combination with a lowering of the turnover rate;
- Development and promulgation of a number of human resource policies;
- Improvements on the conditions of service and compensation systems for staff in HQ and field locations;
- Implementation and strengthening of the Performance Appraisal System;
- Implementation of strategic learning and training plans and induction programmes across the organs;
- Arranging HR briefing sessions to raise knowledge and awareness;
- Enhancing existing and developing new support programmes and arranging workshops such as stress management and work-life balance, secondary traumatization awareness, travel health and first aid in the field;
- Enhancing the social security system for all staff; and
- Supporting partners and families to facilitate integration in the new environment by building a new social and support network and by identifying spouse employment opportunities.

The Team of the Human Resources Section

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Permanent Premises

A permanent home for the ICC

"The establishment of the International Criminal Court (ICC) was a milestone in the development of international law. It is the first and only permanent international criminal judicial institution. … As a permanent and lasting institution, the ICC exists for the sake of all future generations. As long as serious international crimes continue to be committed, the ICC will fairly, effectively and impartially investigate, prosecute and conduct trials of the individuals alleged to be responsible for these crimes …

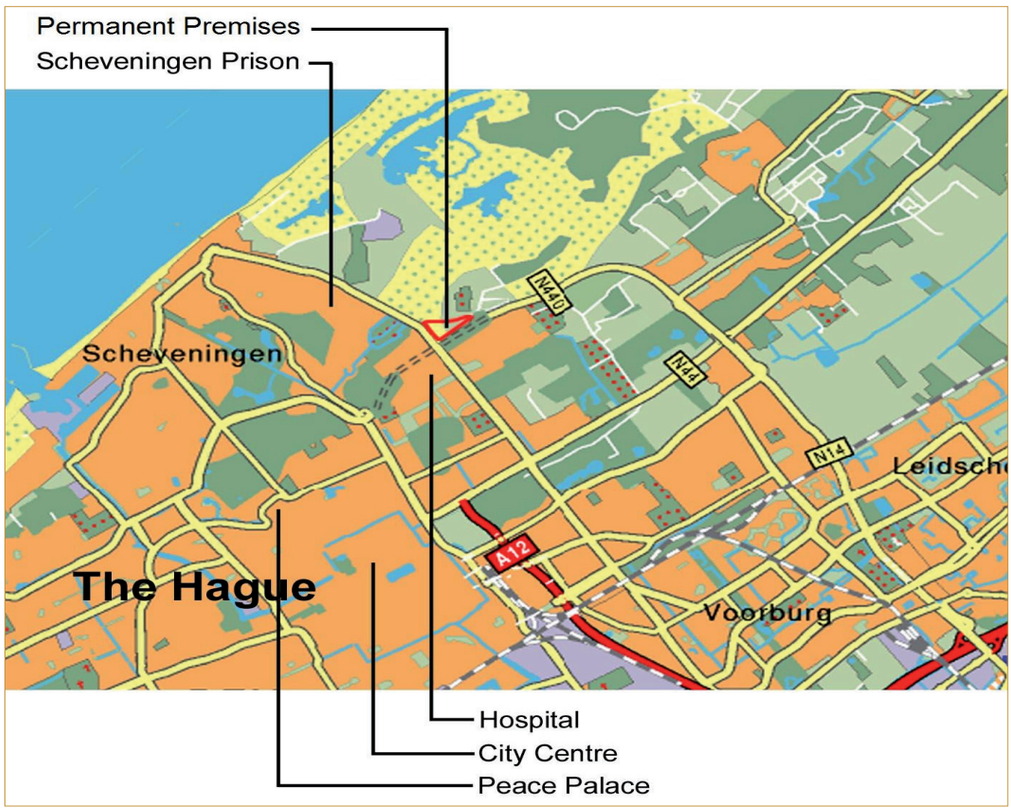
In order to carry out these tasks efficiently and effectively, it is necessary to build suitable permanent premises. The future permanent premises should be an outstanding, timeless and iconic architectural expression of the Court's identity and integrity. They should also be a concrete symbol for the world's desire for more justice, with a universal recognition value. They should convey the Court's eminence and authority while always being on a human scale. The premises must blend in harmoniously with their natural and local environment. While meeting the Court's operational needs, its new permanent premises will also reflect the international community's commitment to the cause of international justice."

Excerpt from the Foreword to the International Design Competition in 2008
by Philippe Kirsch, former President of the ICC

These words by former President Philippe Kirsch summarize well the need for and the goal of the Permanent Premises Project: namely, a permanent, suitable home for the ICC. Although the project started as a humble one back in 2004, it has developed into one of the most important projects of the Court and will continue to deserve special attention over the coming years.

Overview

The first work on the Permanent Premises Project began as early as November 2003, when Judge Hans-Peter Kaul and then Registrar, Bruno Cathala, initiated an inter-organ committee to discuss the possibility of obtaining permanent premises for the ICC. In these deliberations, it soon became clear that the proposed project was beyond the normal scope of the ICC and would require expert support from specialized consultants in the field of construction projects. Consequently, an external consultant was contracted in late 2004 to support the development of the permanent premises project.



Location of the proposed permanent premises © ICC-CPI

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Over the following two years, the Court together with the consultants carried out a number of initial studies. The first official report, entitled "Project Presentation", submitted to the Assembly of States Parties in October 2005, initiated serious and thorough discussion among States Parties on the need for permanent premises in the future. In further studies, the expected staffing levels for the permanent premises were analyzed using the Court Capacity Model. The first cost estimates and feasibility studies soon followed. In order to identify the most suitable option for the permanent premises, a comparative analysis was conducted between remaining in the current building, moving into the building currently housing the ICTY, and the construction of new premises on the site of the *Alexanderkazerne*. Through this comparative analysis, it was clearly established that the construction of new premises would be the most cost-effective option in the long run.

In 2007, a detailed programme of requirements for the new building was developed and discussed in meetings with several experts from different States, resulting in the following main parameters:

- Up to 1,200 workplaces, including staff, interns and visiting professionals with a flexibility margin of 15 per cent and the option of two extensions for 150 workplaces;
- 46,000 m² gross floor area, including three courtrooms and all ancillary areas; and
- A cost estimate of €190 million, based on a time schedule until 2014 and an average annual escalation of three per cent, not including other costs such as moving, furniture or hardware, and costs relating to the interim premises.

During the same year, a governance structure for the project was developed. It foresaw an Oversight Committee, consisting of 10 States Parties and a Project Board, which is a tripartite consultative body consisting of the ASP Project Director, the Court and the host State. Furthermore, the host State offered the use of the *Alexanderkazerne* site free of charge, a subsidized loan of up to €200 million and the organisation of the Architectural Competition.

The International Architectural Design Competition was held in 2008, with applications from 171 offices, from which 19 final participants were selected by an international jury. After the second phase in October 2008, the jury awarded the first three prizes to Ingenhoven Architects (Germany), schmidt hammer lassen architects (Denmark) and Wiel Arets Architects (Netherlands) respectively.

First Prize winner of the International Design Competition, Design Ingenhoven Architects (Germany), © ICC-CPI

Second Prize winner of the International Design Competition, Design schmidt hammer lassen architects (Denmark) © ICC-CPI

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Third Prize winner of the International Design Competition, Design Wiel Arets Architects (Netherlands) © ICC-CPI

During the Design Competition, the ICC further developed the detailed technical and security requirements for the building. These were compiled into the technical brief, the security brief and the functional brief, which serve as the guiding parameters for the detailed design phase once the architect is contracted.

The year 2009 was devoted to an in-depth analysis of the three prize-winning architectural designs in order to determine which was the most functional and cost-effective. During this time, the architects also had the opportunity to modify their original competition designs, while maintaining the primary design elements. Further in-depth analysis was carried out with respect to the main selection criteria such as costs, functionality, security and sustainability.

In light of the final modified competition proposals and their assessments, the Oversight Committee decided in November 2009 to award the contract to the Danish design team schmidt hammer lassen architects subject to successful final contract negotiations.

Having concluded the negotiations and on the occasion of signing the contract with schmidt hammer lassen architects, the Registrar said during a press conference on 8 March 2010: "The selected design shows a safe place that captures the ICC's core values of justice, independence, universality, diversity and transparency. A building incorporating these values and at the same time melting into the natural environment transmits the feeling of harmony and peace."

Final Design schmidt hammer lassen architects (Denmark) after modification stage, awarded the contract for the construction of the permanent premises of the ICC; © ICC-CPI

With a view to accompanying the ICC in the entire project of building tailor-made premises, a specific office, the Permanent Premises Office was established within the Registry, reporting directly to the Registrar.

This Office preserves the interests of the ICC as the final user and owner of the new building, including through defining the user requirements, continuously assessing the design in light of these requirements and eventually preparing for the management phase. The Office is supported by the user working groups within the Court. These groups were set up to ensure an efficient design process and to create Courtwide commitment to the project.

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Furthermore, The Office works jointly on the Project Board with the Project Director appointed by the ASP and the representative of the host State.

Projected milestones

The following milestones are envisaged:

- Design stage: 2010 – 2011
- Construction stage: 2012 – 2015
- Testing and Relocation stage: 2015
- Management stage: ongoing after 2015

Project Office Permanent Premises Registry: Thomas Schuster, Project Director & Delphine Jarraud, Project Administrator

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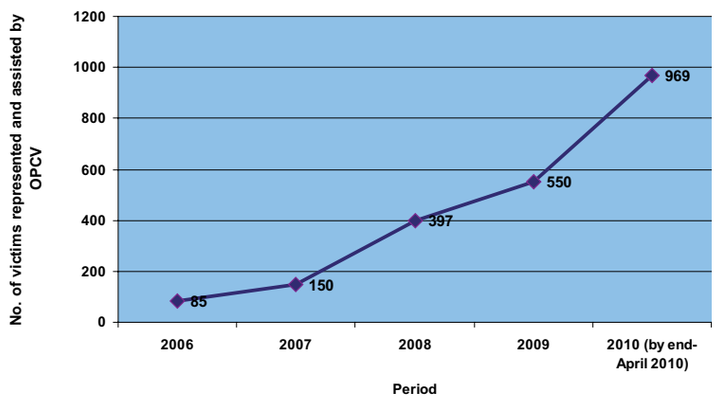
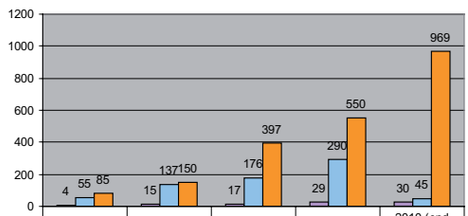
Office of the Public Counsel for Victims

Helping victims make their voices heard

The Office of Public Counsel for Victims (OPCV) was established to provide legal support and assistance to victims and legal representatives of victims. It provides legal research and advice, and appears before the Chambers on matters related to the participation of victims in proceedings before the Court, and represents victims as counsel in those proceedings. In accordance with this mandate and since its inception in September 2005, the Office has to date1 represented approximately 1,600 victims and made around 300 submissions in the various proceedings before the Court. This number does not include victims and affected communities contacted by the OPCV in conjunction with other sections of the Court in order to raise awareness of the proceedings and encourage victims to apply for participation. The Office has also assisted 30 legal representatives in all situations and cases providing them with around 600 items of legal advice and research, and has appeared in court on their behalf and represented them for specific procedures.



As shown in the comparative diagram, the number of victims represented by the Office has steadily increased throughout the years since 2006. This increase in work is primarily the result of the decisions of the Chambers of the Court which have entrusted, and continue to entrust, the Office with the task of providing not only legal assistance but also legal representation to victims until such time as a legal representative is chosen by the person(s) or appointed by the Court. Moreover, an increasing number of victims choose the OPCV as their legal representative. Indeed the Office has qualified counsel authorized to practice in their country and specialized in victims' issues. The Office is also increasingly contacted directly by victims in the field who wish to receive advice on participating in proceedings.



	2006	2007	2008	2009	2010 (end April-2010)
No. of legal representatives	4	15	17	29	30
No. of legal researches/advice	55	137	176	290	45
No. of victims represented and assisted	85	150	397	550	969

With only five jurists and two counsel currently on the staff, the Principal Counsel has had to be very resourceful when distributing the workload of the Office in order to meet deadlines for filing submissions before the Court, to assist external legal representatives with requests for research and advice, and to attend Court hearings in the Lubanga, Kony, Katanga & Ngudjolo Chui and Bemba cases. The diagram shows the increase in assistance given by the Office to legal representatives and the increase in the provision of legal advice/research provided by them over the years, as the number of legal representatives involved in the situations and cases before the Court has also increased.

The involvement of victims in the proceedings requires taking into account the realities of the situation in each specific country, as well as factors such as the prosecution of complex and lengthy trials, likely

1. Statistics are updated through 12 February 2010.

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Principal Counsel, Paolina Massidda, in court
© ICC-CPI

involving hundreds or thousands of victims in The Hague, far from the actual locations where the relevant crimes occurred. To that end, the Office undertakes missions in the field in order to meet with victims, collect their views and concerns, gather evidence and material to be used in the proceedings, and keep them updated on the proceedings before the Court. It is of the outmost importance to establish a relationship of trust with victims in order to be able to truly represent their interests in the proceedings.

Nonetheless, the Office still faces many challenges with respect to fulfilling its mandate. One of the most obvious challenges in recent times has been the increase in workload per staff member due to the factors mentioned above, with a staff budget for only ten employees total, only seven of which are jurists and/or lawyers. This increase in workload is due to the success in fostering victims' participation before the Court. Another challenge has been the ability to maintain contact with its clients, who often live in remote, rural areas without access to telephone lines. To further complicate the situation, victims are sometimes relocated, often for reasons of security or simply in order to survive. In such cases, the Office attempts to reach victims via intermediaries in the field or by soliciting the help of ICC staff from other departments who have a permanent presence there. It is crucial for the Office to be able to maintain contact with its clients in order to keep them informed, as well as to obtain any necessary information and input from them concerning their participation in the proceedings.

Another omnipresent challenge is that of ensuring that victims understand the proceedings concerning them. This is not simply a matter of interpreting or translating from one language into another where necessary, but also of explaining to these victims, who may be unfamiliar with national or international courts of law, complex substantive and procedural aspects of the proceedings before the ICC. The Office deals with the language challenges by ensuring that there will always be an interpreter present during its interviews with clients in the field, as is the case where the clients' mother tongue is Lingala, Swahili or Sango. The challenge of making sure that victims comprehend the nature of the proceedings is a more difficult one and one which takes a consistent effort on the part of the Office during the entire period of the representation. This effort includes regularly updating the client and explaining to him or her the most recent developments in the relevant situation or case. Different methods are used by the Office to keep clients constantly updated and informed of the proceedings, such as: direct communication where possible is always preferred either via phone conversations, individual meetings in the field or by e-mail. The Office also uses radio programmes or information sheets in newspapers to this effect.

Furthermore, as part of its role of representing the general interests of victims and raising awareness of victims' rights and prerogatives under the Rome Statute and the Rules of Procedure and Evidence, the Office has been and continues to be involved in outreach activities for members of the judiciary, the legal profession and civil society, in countries where investigations and/or cases are ongoing, as well as in other countries. The Office has also participated in several conferences and seminars on victims' issues, and contributed to a number of publications.

Despite the many challenges facing the Office it has still managed, within a short space of time, to promote numerous goals championing victims' rights in international criminal law, including:

1. Facilitating the process by which victims, through their participation before the Court, can "tell their story" and have a recognized voice in the proceedings;

2. Contributing to the general perception by victims of their ability to influence the proceedings before the Court by actively responding to any requests for information and by helping them navigate the procedural steps required for their participation, thereby promoting their sense of empowerment;

3. Legally advocating victims' rights to hold the dual status of victims and witnesses before the Court, thereby promoting their sense of dignity as a witness while at the same time helping to meet their need for international recognition as victims of crimes within the jurisdiction of the Court; and

4. Paving the way, through its active advocacy in the proceedings, for victims' rights in international criminal law.

Paolina Massidda, Principal Counsel of the OPCV & Maria Victoria Yazji, Counsel for the OPCV

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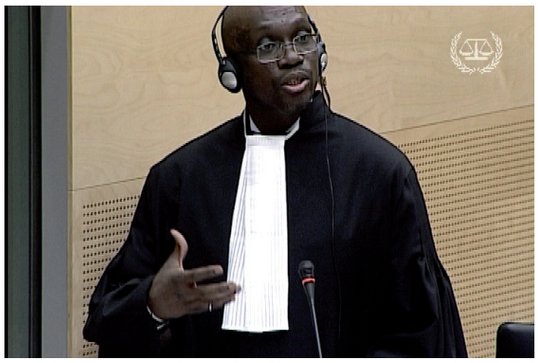
Office of the Public Counsel for the Defence

Respect for the rights of the defence

Respect for the rights of the defence is the cornerstone of a fair and impartial trial. The establishment of an Office of Public Counsel for the Defence (OPCD), which is dedicated to promoting, representing and researching the rights of the defence, raising the profile of defence issues and endeavouring to realize an 'equality of arms' for the defence throughout all stages of an investigation and trial, has therefore played a key role in assisting the ICC to achieve justice for the affected communities.



Principal Counsel, Xavier-Jean Keïta, pleading in court © ICC-CPI

The OPCD has three main objectives: firstly, representing the interests of the defence during the investigation stage; secondly, providing legal advice and research to defence teams and defendants; and thirdly, advocating for the general interests of the defence in connection with internal and external policies and agreements. During the last five years, the OPCD has – within the framework of its means - fully carried out all three aspects of its mandate.

Representing the interests of the defence during the investigation stage

Due to the fact that the Principal Counsel of the OPCD was not recruited until January 2007, it was not possible for the OPCD to be appointed to represent the general interests of the defence or a suspect prior to this date. Nonetheless, in a decision issued in August 2007 in the DRC situation, Pre-Trial Chamber I recognized that since the OPCD was now operational and was explicitly mandated to represent the general interests of the defence during the investigation phase, it would be appropriate to vest this task with the OPCD for future requests for victim participation in the situation phase.

The OPCD has thus been appointed by the different Pre-Trial Chambers on several occasions to file submissions on the impact of victim participation on the interests of the defence, on whether the activities of the Trust Fund for Victims in affected areas (Uganda and the Democratic Republic of the Congo) could impact on the rights of the defence, and on the requirements of a fair and impartial trial. Through these legal submissions, the OPCD has helped the Court to clarify several important aspects of victim participation. In particular, the OPCD successfully litigated the first ever interlocutory appeals concerning the nature and extent of victim participation at the ICC. The Appeals Chamber upheld the OPCD's submissions concerning the fact that there is no procedural status of victim before the ICC and that there is no general right for victims to participate in prosecution investigations. The Principal Counsel of the OPCD was also appointed as duty counsel for Germain Katanga to represent him during his initial appearance before the Court.

Providing legal advice and research to defence teams and defendants

The Rome Statute enshrines the principle that a defendant may freely choose any counsel to represent them, provided that the counsel in question meets certain qualifications. Defendants are not required to choose a counsel from the OPCD; nor indeed would it be practical for them to do so, given the limited resources of the OPCD and the need for the OPCD to protect itself from conflicts of interests between different defendants. It is thus clear that the OPCD is not a public defender's office per se - it exists to supplement rather than replace the role of external defence counsel.

The OPCD assists defence teams in providing quality representation to their clients in an expeditious manner. For example, the OPCD provides new defence teams with practice manuals and research memoranda, which enables the defence teams to acquaint themselves with the complex legal framework and jurisprudence of the ICC within a shorter period of time. The defence teams may also subsequently request the OPCD to conduct research into legal and procedural issues arising in their case. Through these activities, the OPCD endeavours to achieve an equality of arms between individual defence teams and prosecution teams, which are assisted by a separate appellate and legal advisory section.

The OPCD does not determine or interfere with the strategy of individual defence teams. The lead counsel for the defence team is ultimately responsible for the contents of defence filings and submissions and is not obliged to rely on any research provided to the team by the OPCD. In order to avoid the

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possibility of conflicts of interest arising from assistance provided by the OPCD to different defence teams, the OPCD does not provide any advice or assistance in relation to factual issues, nor does it seek or receive instructions from the defendants. For these reasons, the OPCD respectfully informed the Pre-Trial Chamber in the Thomas Lubanga Dyilo case that it would not be consistent with its mandate to file factual submissions on behalf of a defendant, who was at that time, represented by another defence counsel.

Principal Counsel, Xavier-Jean Keïta and his team member Melinda Taylor in court © ICC-CPI

The first staff member of the OPCD was recruited shortly after the arrival of the first defendant before the ICC, Thomas Lubanga Dyilo. The OPCD therefore actively assisted the first defence team in interpreting and breathing life into the legal texts of the Court. The OPCD participated in the first confirmation hearing by providing oral submissions on issues which affect the general interests of the defence, such as disclosure issues, the principle of legality and modes of liability. With the arrival of additional defendants, the OPCD was insufficiently staffed to be able to attend all the hearings in the different cases. The OPCD has nonetheless been able to provide timely assistance to all defence teams by following the transcripts in 'real time' and sending legal advice and case law to the defence teams in the courtroom via email. This has been particularly important in the first trials before the ICC, as many unique procedural issues have arisen which have required immediate responses from the defence teams.

As a permanent component of the Court, the Office seeks to create a collective defence memory and resource centre; in effect, to learn from the experiences of individual defence teams and provide whatever legal resources and advice that it can to ensure that defence teams achieve their full potential before the Court. Through its access to all public decisions and transcripts, the OPCD has compiled various legal digests on specific subject matters, for example, victim participation, oral decisions on trial procedures, the interpretation of the criteria for interlocutory appeal, which it updates on a regular basis and disseminates to all defence teams to ensure that they are familiar with the most recent legal precedents issued in other cases. By virtue of its insight into all the proceedings before the ICC, the OPCD has been invited by different Chambers to file observations concerning the development of protocols regulating the system of disclosure between the parties, which could have significant ramifications for all future defence teams.

When several trials are running concurrently, the OPCD anticipates that it will experience difficulty in providing accurate and timely advice to all defence teams. In order to increase the OPCD's capacity to respond to defence requests for assistance within its limited means, the OPCD has entered into agreements with universities and research institutes to receive legal research in specific non-confidential topics.[1] It has liaised with its defence office counterparts at other courts and tribunals in order to exchange expertise and research on common areas.[2] The OPCD has also endeavoured to facilitate the exchange of experience and expertise between different defence teams by convening informal defence seminars on issues of common concern, for example, how to conduct efficient investigations and how to frame evidential objections in court.

Advocating for the general interests of the defence in connection with internal and external policies and agreements

Since the OPCD is formally part of the ICC, it has the ability to bring defence-related issues and concerns to the attention of the different sections and organs of the ICC. This ensures that ICC policies and procedures are formulated in a manner which is consistent with the rights of the defence, which in turn, avoids the unnecessary litigation which could arise if individual defence teams were forced to contest procedures or policies which impeded their work before the respective Chambers. For example, the OPCD has provided substantive input on defence issues in relation to proposed amendments to the Regulations of the Court, legal aid policies, the strategic plans of the Court for victims, intermediaries and counsel, software and protocols for the distribution of evidence in Court, the office facilities of defence counsel and the design of the permanent premises.

1. For example, the United Nations Interregional Crime and Justice Institute, University of Turin, and the Irish Centre for Human Rights at the National University of Ireland.
2. For example, the defence offices at the Special Tribunal for Lebanon, the Extraordinary Chambers for the Courts in Cambodia, and the Special Court for Sierra Leone.

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The OPCD also liaises with external partners (NGOs and States) and affected communities to promote awareness of the role of defence and the importance of equality of arms to the notion of international justice. It is, however, regrettable that the OPCD was only established four years after the Rome Statute came into effect and was therefore unable to influence early ICC policies and procedures. The lack of a defence presence at the Court has also arguably affected the perception of the defence and the requirements of a fair trial by affected communities. This can only be rectified through increased outreach efforts concerning the presumption of innocence and the fact that the ICC cannot render fair and impartial justice without respecting the rights of the defence.

Future perspectives

The last five years have demonstrated that the existence of a defence office dedicated to promoting the rights of the defence in an independent manner is indispensable to the fairness of the proceedings. Whilst the creation of the OPCD has been an important step forward, the defence still do not have the same structural powers as the prosecution: the defence cannot enter into agreements with States and organisations for co-operation, they cannot formulate their budget needs or lobby the State Parties for their own budget requirements and they have no direct representation in committees which decide upon the legal and administrative policies of the Court. True equality of arms will thus only be achieved when the defence is recognized in principle and in practice as a pillar of the ICC.

Xavier-Jean Keïta, Principal Counsel of the OPCD &
Melinda Taylor, Legal Advisor for the OPCD

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Chronology of events

2002

- 1 July: The Rome Statute enters into force;
- Advance Team, composed of eight technical experts in, amongst other things, human resources, finance, building and facilities management, information technology, legal matters, and security. The Team did preparatory groundwork to enable the Court to start recruiting and commence its basic operations when it formally began its work. The Advance Team also acted as a custodian for all information addressed to the Court. The mandate of the Advance Team ended on 31 October 2002;
- 3 - 10 September: First session of the Assembly of States Parties (New York);
- 3 September: Election of the first President of the ASP, His Excellency Prince Zeid Ra'ad Zeid Al Hussein;
- October: Appointment of Mr. Bruno Cathala by the Assembly of States Parties as Director of Common Administrative Services.

2003

- 3-7 February: First resumption of the first session of the Assembly of States Parties (New York). Election of the first 18 Judges of the ICC, distributed as follows: in the Appeals Division - Judges Pikis (Pres.), Kirsch, Pillay, Song and Kourula; in the Trial Division - Judges Odio Benito (Pres.), Hudson-Philips, Clark, Blattmann, Ušacka and Fulford; in the Pre-Trial Division - Judges Kaul (Pres.), Kuenyehia, Jorda, Slade, Politi, Diarra and Steiner;
- 11 March: Inauguration of the first Judges of the ICC;
- 21 - 23 April: Second resumption of the first session of the Assembly of States Parties (New York);
- 22 April: Election of the first ICC prosecutor, Mr. Luis Moreno Ocampo;
- 16 June: Solemn undertaking of Mr. Luis Moreno Ocampo;
- 24 June: Election of Mr. Bruno Cathala as the first Registrar of the ICC;
- 3 July: Solemn undertaking of Mr. Bruno Cathala;
- 4 - 8 August: First session of the Committee on Budget and Finance (New York);
- 8 - 12 September: Second session of the Assembly of States Parties (New York);
- 10 September: Election of Mr. Serge Brammertz as Deputy Prosecutor for Investigations;
- 22 September: First Registry – NGO Strategic Meeting;
- 23 - 24 October: First Seminar on Counsel Issues;
- 3 November: Solemn undertaking of Mr. Serge Brammertz.

2004

- 29 January: Referral of the Situation in Uganda by the Ugandan Government;
- 29 - 31 March: Second session of the Committee on Budget and Finance (The Hague);
- 6 - 7 April: Second Registry – NGO Strategic Meeting;
- 19 April: Referral of the Situation in the Democratic Republic of Congo by the DRC Government;
- 20 April: First meeting of the Board of Directors of the Trust Fund for Victims;
- 11 - 12 May: Second Seminar of Counsel;
- 26 May: Adoption of the Regulations of the Court;
- 23 June: OTP opens an investigation into the Situation in the DRC (ICC-01/04);
- 29 July: OTP opens an investigation into the Situation in Uganda (ICC-02/04);
- 2 - 6 August: Third session of the Committee on Budget and Finance (The Hague);
- 6 - 10 September: Third session of the Assembly of States Parties (The Hague);
- 9 September: Election of the second President of the ASP, His Excellency Bruno Stagno Ugarte; Election of Deputy Prosecutor, Ms. Fatou Bensouda;
- 4 October: Signature of the Agreement between the ICC and the United Nations;
- 1 November: Solemn undertaking of Ms. Fatou Bensouda as Deputy Prosecutor;
- 2 – 3 December: Third Registry – NGO Strategic Meeting.

2005

- 7 January: Referral of the Situation in the Central African Republic by the CAR Government;
- March: Opening of Field Office in Kampala, Uganda;
- 31 March: UN Security Council adopts Resolution 1593, referring the Situation in Darfur, Sudan to the Court;
- 4 - 6 April: Fourth session of the Committee on Budget and Finance (The Hague);

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- 23 - 24 May: Third Seminar of Counsel;
- 6 June: OTP opens an investigation into the Situation in Darfur (ICC-02/05);
- 23 - 24 June: Fourth Registry – NGO Strategic Meeting;
- June: Opening of Field Office in Kinshasa, Democratic Republic of Congo;
- 8 July: PTC II (Judges Politi (Pres.), Diarra, Trendafilova) issues the first warrants of arrest against five alleged leaders of the Lord's Resistance Army in Uganda (ICC-02/04-01/05);
- 19 September: Establishment of the Office of the Public Counsel for Victims;
- 10 - 14 October: Fifth session of the Committee on Budget and Finance (The Hague);
- October: Opening of Field office in Abeche, Chad;
- 27 October: Adoption of the enforcement agreement with the Federal Government of Austria, which entered into force on 26 November 2005;
- 28 November - 3 December: Fourth session of the Assembly of States Parties (The Hague);
- Adoption of agreement with the United Nations Department of Safety and Security.

2006

- 19 - 20 January: Fifth Registry – NGO Strategic Meeting;
- 26 - 27 January: Resumption of the fourth session of the Assembly of States Parties (New York); Election of 6 ICC Judges: Judges Kuenyehia, Song, Kaul, Kourula, Ušacka, Trendafilova;
- February: Opening of Field Office in Bunia, DRC;
- 10 February: PTC I (Judges Jorda (Pres.), Kuenyehia, Steiner) issues a first warrant of arrest in the Situation in the DRC against Mr. Thomas Lubanga Dyilo, alleged leader of the *Forces Patriotiques pour la Libération du Congo* ("FPLC");
- 6 March: Adoption of the Regulations of the Registry;
- 11 March: Swearing in of elected judges;
- 17 March: DRC authorities surrender Mr. Thomas Lubanga Dyilo to the Court, Transfer organized by Registry in cooperation with OTP;
- 20 March: Initial appearance of Mr. Thomas Lubanga Dyilo before PTC I;
- 10 April: Adoption of Agreement with the EU on Co-operation and Assistance, which entered into force on 1 May 2006;
- 24 - 26 April: Sixth session of the Committee of Budget and Finance (The Hague);
- 31 May - 1 June: Fourth Seminar of Counsel;
- 4 - 5 July: Sixth Registry – NGO Strategic Meeting;
- 22 August: PTC I issues an under-seal warrant of arrest in the Situation in the DRC against Mr. Bosco Ntaganda (ICC-01/04-02/06); the arrest warrant was unsealed on 28 April 2008;
- 9 - 13 October: Seventh session of the Committee on Budget and Finance (The Hague);
- 11 November: OTP confirms the death of one of the five suspects in the Situation in Uganda;
- 9-28 November: Hearing on the confirmation of charges in the case of *The Prosecutor v. Thomas Lubanga Dyilo;*
- 23 November - 1 December: Fifth session of the Assembly of States Parties (The Hague).

2007

- 15 January: Establishment of the Office of the Public Counsel for the Defence;
- 29 January - 1 February: Resumption of the fifth session of the Assembly of States Parties (New York);
- 29 January: PTC I confirms three charges against Mr. Thomas Lubanga Dyilo and commits him for trial;
- 6 March: The case of *The Prosecutor v. Thomas Lubanga Dyilo* is referred to TC I (Judges Fulford (Pres.), Odio Benito, Blattmann);
- 26 - 27 March: Seventh Registry – NGO Strategic Meeting;
- 23 - 27 April: Eighth session of the Committee on Budget and Finance (The Hague);
- 27 April: PTC I issues two warrants of arrest in the Situation in Darfur, Sudan against Mr. Ahmad Harun, Sudan Minister of State for Humanitarian Affairs, and Mr. Ali Kushayb, alleged leader of the *Janjaweed* militia (ICC-02/05-01/07);
- 22 May: OTP opens an investigation into the Situation in the CAR (ICC-01/05);
- 28 - 29 May: Fifth Seminar of Counsel;
- 14 June: Resignation of Mr. Serge Brammertz, Deputy Prosecutor for Investigations;
- 2 July: PTC I issues an under-seal warrant of arrest in the Situation in the DRC against Mr. Germain Katanga, alleged former senior commander of the *Forces de Résistance Patriotiques en Ituri* ("FPRI") (ICC-01/04-01/07);
- 6 July: PTC I issues an under-seal warrant of arrest in the Situation in the DRC against Mr. Mathieu Ngudjolo Chui, alleged former senior commander of the *Front des Nationalistes Intégrationnistes* ("FNI") (ICC-01/04-02/07);

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- 11 July: PTC II terminates the proceedings against the suspect in the Situation in Uganda confirmed dead;
- 4 - 7 September: First hearing before TC I in the case of *The Prosecutor v. Thomas Lubanga Dyilo;*
- 10 - 18 September: Ninth session of the Committee on Budget and Finance (The Hague);
- 27 - 28 September: Eigth Registry – NGO Strategic Meeting;
- October: Opening of Field Office in Bangui, CAR;
- 17 October: DRC authorities surrender Mr. Germain Katanga to the Court;
- 18 October: Warrant of arrest against Mr. Germain Katanga unsealed; Memorandum of Understanding signed with the Central African Republic; field office opened in Bangui;
- 22 October: Initial appearance of Mr. Germain Katanga before PTC I (Judges Kuenyehia (Pres.), Ušacka, Steiner);
- 8 November: Adoption of enforcement agreement with the Government of the United Kingdom of Great Britain and Northern Ireland, which entered into force on 8 December 2007;
- 30 November - 14 December: Sixth session of the Assembly of States Parties (New York);
- 30 November: Election of three ICC Judges, with a mandate of four years and three months: Judges Cotte, Nsereko and Saiga;
- 11 December: PTC II holds a status conference in the Situation in Uganda to assess the status of cooperation of the relevant States in the region and of the United Nations;
- 13 December: Election of the third ASP President, His Excellency Christian Wenaweser.

2008

- 4 February: Official launch of the worldwide architectural design competition for the Permanent Premises of the International Criminal Court;
- 6 February: Mr. Mathieu Ngudjolo Chui became the first person to be arrested pursuant to an arrest warrant issued by the International Criminal Court;
- 7 February: DRC authorities surrender Mr. Mathieu Ngudjolo Chui to the Court; the warrant of arrest against him is unsealed;
- February: Feasibility study carried out by the Registry at the request of TC I, into the possibility of conducting proceedings against Mr. Lubanga in the DRC;
- 28 February: Election of Ms. Silvana Arbia as second Registrar of the ICC;
- 10 March: PTC I orders the joinder of the cases of *The Prosecutor v. Germain Katanga* and *The Prosecutor v. Mathieu Ngudjolo Chui* (ICC-01/04-01/07);
- 11 - 12 March: Ninth Registry – NGO Strategic Meeting;
- 17 April: Solemn undertaking of Ms. Arbia as ICC Registrar;
- 21 - 25 April: Tenth session of the Committee on Budget and Finance (The Hague);
- 28 April: Warrant of arrest against Mr. Bosco Ntaganda unsealed;
- 12 - 13 May: Sixth Seminar of Counsel
- 23 May: PTC III (Judges Diarra (Pres.), Kaul and Trendafilova) issues a warrant of arrest, in the Situation in the CAR, against Mr. Jean-Pierre Bemba Gombo, alleged President and Commander-in-chief of the *Mouvement de Libération du Congo* ("MLC") (ICC-01/05-01/08);
- 2 - 6 June: Resumption of the sixth session of the Assembly of States Parties (New York);
- 13 June: TC I orders a stay of the proceedings in the case of *The Prosecutor v. Thomas Lubanga Dyilo;*
- 2 July: TC I orders the release of Mr. Thomas Lubanga Dyilo;
- 14 July: OTP applies for a warrant of arrest against the current Sudanese President Omar Al Bashir in the Situation in Darfur, Sudan;
- 4 - 12 September: Eleventh session of the Committee on Budget and Finance (The Hague);
- 9 September: Election of Mr. Didier Daniel Preira as first Deputy Registrar;
- 29 - 30 September: Tenth Registry – NGO Strategic Meeting;
- 17 October: Solemn undertaking of Didier Daniel Preira as ICC Deputy Registrar;
- 21 October: The Appeals Chamber upholds the decision to stay the proceedings but reverses the decision to release Mr. Thomas Lubanga Dyilo. It consequently remands the case to TC I;
- 31 October: The Permanent Premises Architectural Design Competition closes; three winning designs chosen from 19 entries by a jury of 17 members;
- 14 - 22 November: Seventh session of the Assembly of States Parties (The Hague).

2009

- 19 - 23 January: First resumption of the seventh session of the Assembly of States Parties (New York); Election of six ICC Judges: Judges Shahabuddeen, Saiga, Tarfusser, Monageng, Van den Wyngaert, Aluoch;
- 26 January: Opening of trial in the case of *The Prosecutor v. Thomas Lubanga Dyilo* before TC I (Judges Fulford (Pres.), Odio Benito and Blattmann);

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- 9 - 13 February: Second resumption of the seventh session of the Assembly of States Parties (New York);
- 16 February: Judge Shahabuddeen resigns for personal reasons;
- 4 March: PTC I issues a warrant of arrest in the Situation in Darfur, Sudan against current Sudanese President Omar Al Bashir (ICC-02/05-01/09);
- 20 - 24 April: Twelfth session of the Committee on Budget and Finance (The Hague);
- 24 April: Judge Fumiko Saiga passes away;
- 7 May: PTC I (Judges Steiner (Pres.), Monageng, Tarfusser) issues an under-seal summons to appear in the Situation in Darfur, Sudan to Mr. Bahar Idriss Abu Gharda, Chairman and General Coordinator of Military Operations of the United Resistance Front in Sudan (ICC-02/05-02/09);
- 11 - 12 May: Seventh Seminar of Counsel;
- 17 May: Summons to appear addressed to Mr. Bahar Idriss Abu Gharda unsealed;
- 18 May: Initial appearance of Mr. Bahar Idriss Abu Gharda before PTC I;
- 6 – 7 July: Eleventh Registry – NGO Strategic Meeting;
- 14 July: Completion of the presentation of the Prosecution case in *The Prosecutor v. Thomas Lubanga Dyilo;*
- 24 August - 1 September: Thirteenth session of the Committee on Budget and Finance (The Hague);
- 8 – 9 October: Twelfth Registry – NGO Strategic Meeting;
- 19-29 October: Hearing on the confirmation of charges in the case of *The Prosecutor v. Bahar Idriss Abu Gharda;*
- 18 - 26 November: Eighth session of the Assembly of States Parties (The Hague);
- 18 November: Election of 2 ICC Judges: Judges Ozaki and Fernández de Gurmendi;
- 24 November: Opening of trial in the case of *The Prosecutor v. Germain Katanga Mathieu Ngudjolo Chui* before TC II (Judges Cotte (Pres.), Diarra and Van den Wyngaert);
- 26 November: OTP applies for leave to open an investigation into the Situation in the Republic of Kenya (ICC-01/09) before PTC II.

2010

- 7 January: Commencement of the presentation of the Defence case in the case of *The Prosecutor v. Thomas Lubanga Dyilo;*
- 20 January: Solemn undertaking of newly elected judges;
- 3 February: The Appeals Chamber remands the determination on the charge of genocide in the warrant of arrest against President Omar Al Bashir to PTC I;
- 8 February: PTC I issues a decision denying the confirmation of charges in the case *The Prosecutor v. Bahar Idriss Abu Gharda;*
- 4 – 5 March: Thirteenth Registry – NGO Strategic Meeting;
- 8 March: The design of the Permanent Premises unveiled;
- 22 - 25 March: Resumption of the eighth session of the Assembly of States Parties (New York);
- 31 March: PTCII grants the Prosecutor's request to launch an investigation into crimes against humanity with regard to the Situation in the Republic of Kenya;
- 3 - 7 May: Fourteenth session of the Committee on Budget and Finance (The Hague);
- 17 - 18 May: Eights Seminar of Counsel.
- 31 May - 11 June: Review Condference of the Rome Statute, Kampala (Uganda).

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Photo: the Registry team

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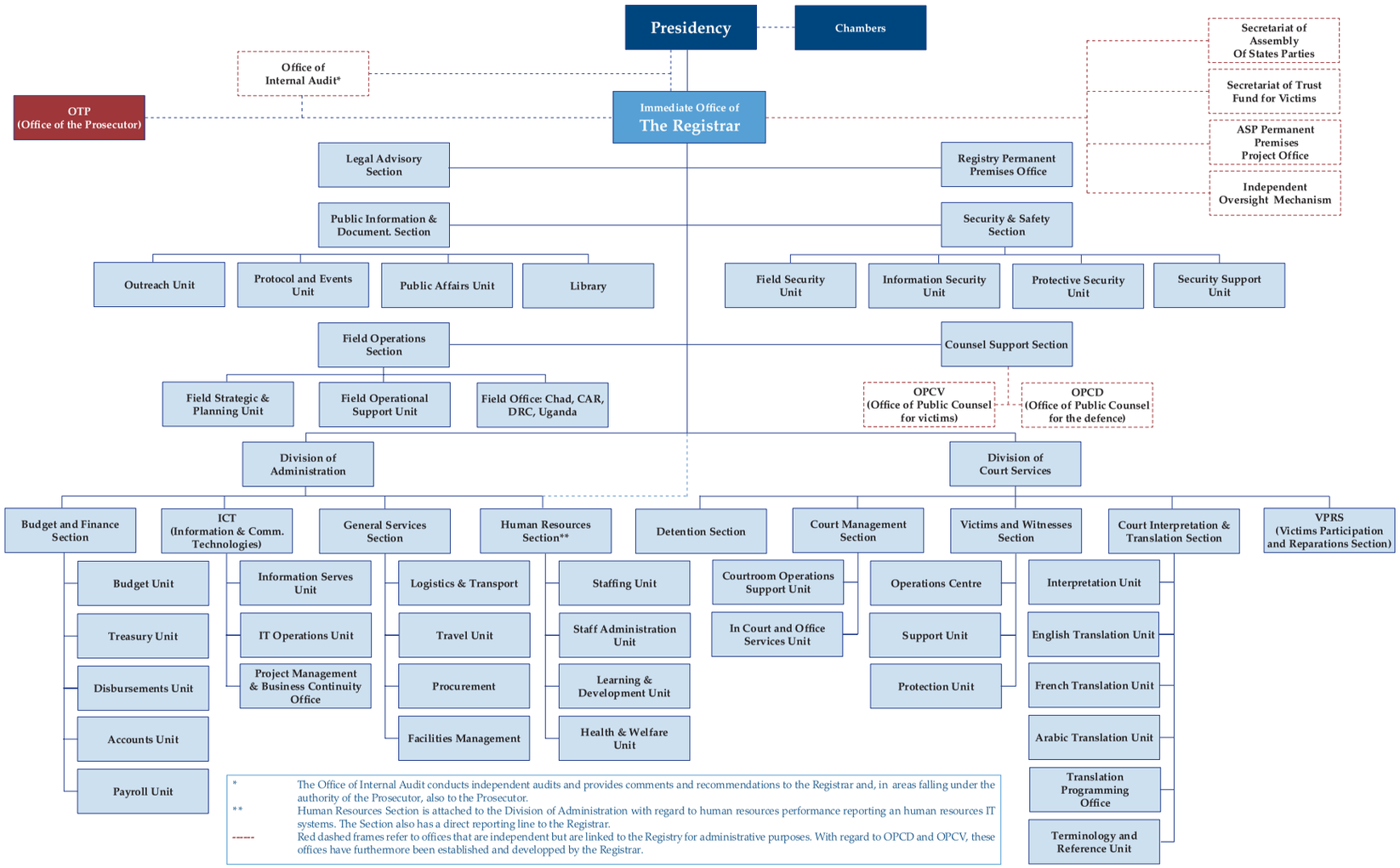

Organigram of the Registry 2010

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