

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Tenth Diplomatic Briefing of the International Criminal Court

Compilation of Statements

Check Against Delivery

Brussels, 26 June 2007

Philippe Kirsch, President

Excellencies, Ladies and Gentlemen,

Welcome to the tenth diplomatic briefing organised by the International Criminal Court. This is the fourth time that the briefing has been convened in Brussels, for the benefit of those of you who are not based at the seat of the Court.

I would like to express our gratitude to the Council of the European Union, which has been so kind as to accommodate us, and which lends its unfailing support to the Court and its activities.

These diplomatic briefings were set up in order to provide States with an update on the Court's activities between sessions of the Assembly of States Parties, and to offer you the opportunity to communicate directly with the Court's senior management.

We attach considerable importance to our contacts with States. In order for the Court to be able to attain its objectives, it is of paramount importance that its work, and the challenges it faces, be understood by States and our other partners in cooperation. We warmly welcome any suggestions to make the format of these meetings with States as well as the information packages you received last week as useful as possible for you. The information packages provide you with information about the Court in general and about the recent developments in the various organs: the Presidency and Chambers, the Office of the Prosecutor, the Registry and the Secretariat of the Assembly of States Parties.

I will begin with a brief description of the legal proceedings held at the Court in these last few months. I will then proceed to highlight, in general terms, some of the challenges that the Court faces as a result of some of its unique features or the circumstances in which it is evolving. The Prosecutor and the Registrar will explain the specific nature of these challenges with regard to their respective organs, and in particular their field operations. Finally, the Director of the Secretariat of the Assembly of States Parties will inform you about the activities undertaken by the Assembly. Following the presentations, we will gladly respond to your questions.

Since we last met in Brussels in June 2006, there have been some important judicial developments.

In the situation in the Democratic Republic of the Congo, following the arrest and transfer to the Court of Thomas Lubanga Dyilo in March of last year, Pre-Trial Chamber I confirmed the charges of war crimes against him. Both the Defence and the Prosecution appealed the decision on the confirmation of charges. The appellate proceedings were recently concluded with the appeals being dismissed and the decision rendered by the Pre-Trial Chamber upheld. The first trial is set to begin at the Court this year.

In the situation in Darfur (Sudan), the Prosecutor submitted to the Pre-Trial Chamber evidence against two persons: a former Minister of State for the Interior and a militia leader. At the end of April, the relevant Pre-Trial Chamber issued warrants of arrest for Ahmad Harun and Ali Kushayb, relating to alleged war crimes and crimes against humanity in Darfur. Requests for cooperation seeking their arrest and surrender to the Court were also sent to all States Parties, all members of the United Nations Security Council who are not parties to the Rome Statute, and to Sudan, Egypt, Eritrea, Ethiopia and Libya.

The situation in the Central African Republic was assigned to Pre-Trial Chamber III and the Prosecutor recently announced his decision to open an investigation in a fourth situation in the country. The Prosecutor will carry out an investigation, collect evidence and prosecute the persons presumed to bear the greatest responsibility.

In the situation in Uganda, the warrants of arrest issued for the leaders of the Lord's Resistance Army in relation to alleged crimes against humanity and war crimes are still outstanding. The Court continues to call on States and of regional and international organisations whose cooperation and assistance are essential for the execution of the arrest warrants. Proceedings within the situation in Uganda have continued in the area of victims' applications for participation in proceedings before the Court. Victims' participation is unprecedented in international criminal tribunals and raises issues that are extremely important to the Court.

As already mentioned, the Court's first trial is expected to start this year in the case against Mr. Lubanga Dyilo. The Court's first trial will also mark an important new phase for the Court. The Court will once again be confronted, this time in a different context, with the complexities of international criminal proceedings, as well as those particular to the Rome system.

Our experience with the judicial activities of the Court and with the implementation of the Rome Statute has already shown that the ICC operates under quite different circumstances from the earlier international criminal tribunals. The Rome Statute contains a number of innovative provisions. In the conduct of proceedings the judges of the Court have been addressing fundamental issues which in practice are even more complex than envisioned. These issues and the judicial determinations made will have an impact on how future proceedings will be handled and can also affect the capacity of the Court.

The issue of victims' participation is one such challenge, and is a feature of the system established by the Rome Statute that is unprecedented in international criminal tribunals. Beyond the question of modalities of participation of victims, the Court has the specific statutory obligations to ensure the safety, security and well-being of victims. Related to this challenge is the issue of disclosure of evidence. The Court must ensure the appropriate disclosure of evidence by the Prosecutor to the defence, but it also has specific statutory obligations to ensure the security of victims in this process.

In other words, challenges facing the Court not only relate to the Rome Statute, but also to the specific circumstances in which it operates. The provisions in the Statute related to the security and protection of victims are of particular importance given that the Court operates in situations of ongoing conflict. The fact that the ICC operates in unstable situations also means that unanticipated external factors outside the realm of the Court's control can affect our operations, resulting in practical and logistical challenges. The Prosecutor and the Registrar will expand on some of these realities, including the matter of security, which arise due to the complexity of the situations in which the Court operates.

Today, as we approach the five-year anniversary of the entry into force of the Statute on 1 July 2002, we can recall our collective accomplishments, while considering the challenges ahead.

Over the past five years since the entry-into-force of the Statute and four years since its actual establishment, the Court has established itself and consolidated its operations, and has moved decisively into its judicial activities. Early on, the responsibility of developing the Court and establishing its systems and infrastructure rested in large part on its own shoulders. As the Court moves ahead with its first trial, the responsibility of the Court remains to demonstrate its credibility in practice, through the fairness and efficiency of its proceedings.

However, the Court has now reached a stage in its operations where it has become increasingly clear that its success also depends to a large degree on the cooperation it receives from States, and by extension, from international and regional organisations. In 1998, the countries at the Rome Conference developed the fundamental framework for the Court and laid the foundations for the establishment of the ICC in practice. Now that the Court exists and functions, the continuing support of States is particularly fundamental at this stage in the life of the Court to allow judicial proceedings to evolve and progress in the future.

As the Court has continued to develop its jurisprudence and advance in its judicial activities, we are able to more clearly understand and articulate what types of cooperation and support are required from States. As we know, the Court does not operate in isolation. It is but one part in a broader system of international justice. The need for cooperation and action on the part of States is clearly important at the level of political and diplomatic support in all relevant *fora*, and of course in ensuring that internal system is well-equipped for cooperation with the ICC, notably through implementing legislation and agreements (Agreement on Privileges and Immunities, enforcement and relocation). It is also essential in concrete terms in the area of execution of judicial decisions, in particular arrest warrants, and with respect to operational support in the field, the collection and examination of evidence, security, and the protection of victims and witnesses.

In keeping with this dialogue with States on the need for cooperation, at the end of March, the Court submitted a consolidated report on cooperation to the Bureau of the Assembly of States Parties. The report identifies priorities and sub-divides cooperation into three clusters, namely general legal mechanisms; international cooperation and judicial assistance; and public and diplomatic support. In addition, the Court has been working with both the Hague and New York Working Groups on the topic of cooperation. The Court has benefited greatly from this dialogue with the Working Groups and we look forward to continuing this process.

As we mark our five-year anniversary, we must also acknowledge that we are still in the early stages of development and that together with our partners in cooperation, we are engaged in an ongoing learning process. Establishing and building the first permanent international criminal jurisdiction to try persons accused of the most serious crimes of international concern has been and continues to be an ambitious mission. We must further develop our understanding of our respective distinct and mutually enforcing roles in this effort.

Nearly five years ago, the Statute entered into force upon ratification by 60 States. Today 104 countries representing broad geographical diversity are States Parties to the Rome Statute. This is an unusually rapid pace for a treaty establishing an international institution, and reflects a broad commitment on the part of the international community to the objectives agreed to in Rome. These objectives were set by States themselves through their establishment of the Court. States now have a crucial role to play in working to achieve these goals. The ICC needs their active commitment to the objectives they set in Rome, and their increased capacity to implement their obligations under the Rome Statute.

We look forward to further developing our dialogue together with you over time.

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

Luis Moreno Ocampo, Prosecutor

Excellencies, Ladies and Gentlemen,

It is now 4 years since I became Prosecutor. Four years ago, the challenge was to transform the Rome Statute, a detailed body of law, into an operational system of international criminal justice. How to trigger cases, how to select situations where the worst crimes were committed, how to protect witnesses and investigate in situations of ongoing conflict were the issues to be addressed.

Over these 4 years, we have opened investigations in 4 situations – the Democratic Republic of Congo, Northern Uganda, Darfur, Central African Republic – all countries still engulfed at various degrees in conflict. Three situations were referred to us by the States themselves ; one situation, Darfur, was referred to us by the United Nations Security Council. In all cases, the Office of the Prosecutor has the same duty to carry out an independent and impartial investigation.

We also analyzed the situation in Venezuela and the activities of nationals of 25 States parties involved in Iraq. We are currently monitoring other situations in three different continents.

The Court is now operational. Our new and complex challenge is the enforcement of the judicial decisions.

I am grateful for this opportunity to present the current activities of my Office.

Let me first update you on our cases.

The Situation in the Central African Republic (CAR)

On 22 May my Office announced the opening of an investigation in the Central African Republic. As a State Party, CAR referred the situation to the OTP on 22 December 2004. We also received significant communications by NGOs.

The OTP's investigation will focus on the most serious crimes, which were mainly committed during a peak of violence in 2002-2003. There are allegations of killings, looting and rapes. The high number of allegations of rapes and other acts of sexual violence, perpetrated against hundreds of reported victims, is a distinctive feature of the investigation, with aggravating aspects of cruelty: multiple perpetrators, public rapes ; the social impact appears devastating.

In parallel, the OTP will continue to monitor closely allegations of crimes committed since the end of 2005 in the northern part of the country.

In liaison with the Registry we will conduct extensive outreach activities towards affected communities.

The Situation in Darfur, the Sudan

On 27 February 2007, I presented evidence to the ICC Judges. The Pre-Trial Chamber rendered their decision on 27 April, finding that the evidence presented offered reasonable grounds to believe that Ahmad

Muhammad Harun, former Minister of State for the Interior, and Ali Muhammad Ali Abd-Al-Rahman, otherwise known as Ali Kushayb—a Militia/Janjaweed leader—joined together to persecute and attack civilians in Darfur.

The Prosecution's case demonstrated how Ahmad Harun organised a system through which he recruited, funded and armed Militia/Janjaweed to supplement the Sudanese Armed Forces, and incited them to attack and commit massive crimes against the civilian population; the Prosecution's case demonstrated that Ali Kushayb, by personally delivering arms and leading attacks against villages, was a key part of that system. Acting together, they committed crimes against humanity and war crimes.

Concerning the admissibility of the case, let me recall that the Prosecution application is concerned with Ahmad Harun and Ali Kushayb joining together to attack civilian populations in Darfur. There is no investigation in the Sudan into such criminal conduct. No proceedings have taken place in relation to Ahmad Harun. And the investigation on Ali Kushayb does not relate to the same incidents as those investigated by the Office; it does not connect Ali Kushayb to Ahmad Harun. The Sudanese investigations do not encompass the same persons and the same conduct which are the subject of the case before the Court.

The Pre-Trial Chamber concluded that the case against Ahmad Harun and Ali Kushayb falls within the jurisdiction of the Court and appears to be admissible.

The Government of the Sudan or the defendants can challenge this decision, but it has to be in front of the Court, not in the media, not in political fora. Any decision on admissibility belongs to the judges.

On 7 June, I briefed the Security Council of the United Nations on the situation in Darfur. I recalled that the ongoing situation in Darfur remains alarming. There are 4 million people in need of humanitarian assistance in the region, constituting *two thirds* of the population of Darfur. There are 2 million internally displaced people, immensely vulnerable. There are continuing attacks against them and against international workers, as well as frequent impediments by the authorities to the delivery of assistance. Presiding over this dire situation is the same individual sought by the Court, Ahmad Harun, now Minister of State for Humanitarian Affairs.

It is of particular concern to my Office that, Ahmad Harun, who coordinated the crimes against the civilian population, crimes which forced their displacement, is still today the Minister of State for Humanitarian Affairs with the responsibility to monitor and affect these vulnerable people, and the international personnel helping them. I asked the Council to address this unacceptable situation.

Ladies and gentlemen,

The Darfur situation requires a comprehensive solution. The ICC is doing its part. The Office will complete its first investigation and will continue to evaluate information about current crimes. As the Rome Statute emphasizes, justice for past and present crimes will enhance security in Darfur.

The Security Council and regional organizations must take the lead in calling on the Sudan to arrest the two individuals and surrender them to the Court. The territorial State, the Sudan, has the legal obligation and the ability to do so. And we count on every state to execute an arrest should either of these individuals enter their territory.

Democratic Republic of the Congo (DRC)

The situation in the DRC was referred to us by the Congolese authorities. As you know, the situation in the DRC, in terms of gravity of crimes committed since the entry into force of the Statute, is the worst within our treaty jurisdiction.

In very difficult logistic and security circumstances, we have completed the investigation of the first case involving the prosecution of Thomas Lubanga Dyilo, leader of the most dangerous militia in Ituri; our evidence shows that he is individually responsible for the crimes of enlisting, conscripting and using children under the age of 15 years to participate actively in hostilities.

On 29 January, the Pre-Trial Chamber confirmed the charges against Thomas Lubanga Dyilo. As the President said we are preparing to go to trial.

The OTP has also conducted a second investigation in the DRC related to crimes allegedly committed by another armed group in the region of Ituri. We expect to present the case before the judges in a near future.

Finally, we are selecting a third case to investigate in the DRC. We will do it before the end of 2007. This is an important process, taking into consideration the views and interests of victims.

In the DRC, the worst problem we are confronted with at the moment is the security of our witnesses. As you know the Registry is responsible for witness protection and the Registrar will further elaborate on this issue in his presentation, but I want to emphasize how grateful we are for his efforts. The problem is affecting all of us and must be solved in the framework of the "One Court principle". I call upon you to support the Registry efforts.

Northern Uganda

On 6 May 2005 the Office requested warrants of arrest for Joseph Kony and four senior leaders of the LRA.

On 8 July 2005 the Pre-Trial Chamber issued the warrants of arrest for crimes against humanity, including enslavement, sexual slavery, rape and murder, and war crimes.

The OTP, in liaison with other Organs of the Court, is committed to galvanizing international efforts to execute the warrants.

Other national mechanisms can be useful for the other combatants, those who want to give up arms and rejoin their families, those who did not bear the greatest responsibility.

Enforcing the decision of the Court on their arrest is important; it is important for the victims in Uganda and Southern Sudan, it is important for the credibility of the Court and its deterrent impact and it is important for the establishment of a legal framework worldwide. The victims in Uganda are entitled to peace, security and justice.

Other potential situations

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

Cooperation

The President has underlined the importance of State cooperation to implement our mandate. Let me emphasize this point. The investigative activities I just described would not have been possible without the cooperation of States. Visas for our witnesses, use of facilities for our interviews, exchange of information, evacuation of threatened staff in deteriorating security situations : the daily support of States and international organizations to our investigation is key. As reflected in the structure of my Office, the needs and functioning of investigation, prosecution and cooperation are absolutely intertwined in our work.

In order to facilitate the participation of States Parties in implementing the principles embodied in the Statute, we are developing a more proactive approach to cooperation. Our goal is to provide States with a clearer sense of the types of cooperation required by the OTP. Our objective is to give States the information they need to prepare a framework for cooperation with the Office and the Court as a whole; thus when we are faced with emergency situations, we can act together swiftly and efficiently. This process is working well.

The challenge I see at the moment is more related to the enforcement of the law.

How to ensure the enforcement of the Court's decisions? How to ensure, in particular, the arrest and surrender of individuals sought by the Court? How to ensure the enforcement of the Court's decisions in situations where the international community is trying to achieve in parallel many objectives; re establishing security, providing humanitarian assistance, promoting political dialogue between the parties to the conflict, and preparing for reconstruction and development.

As the Prosecutor of the ICC, I was given a clear judicial mandate. My duty is to apply the law without political considerations. I will present evidence to the Judges and they will decide on the merits of such evidence.

And yet, for each situation in which the ICC is exercising jurisdiction, we can hear voices challenging judicial decisions, their timing, their timeliness, asking the Prosecution to use its discretionary powers to adjust to the situations on the ground, to indict or withdraw indictments according to short term political goals. We also hear officials of States parties calling for amnesties, granting of immunities and other ways to avoid prosecutions, supposedly in the name of peace; we can hear voices portraying the ICC as an impediment to progressing further with Peace processes.

These proposals are not consistent with the Rome Statute. They undermine the law States parties committed to. It is essential to ensure that any conflict resolution initiative be compatible with the Rome Statute, so that peace and justice work effectively together. Arrest warrants are decisions taken by the judges in accordance with the law, they must be implemented. States parties and other stakeholders must remain in all circumstances aware of the mandate given to the Court; there can be no political compromise on legality.

The beneficial impact of the ICC, the value of the law to prevent recurring violence are clear. Arrest warrants have brought parties to the negotiating table; have contributed to focus national debates on accountability and to reducing crimes ; exposing the criminals and their horrendous crimes has contributed to weaken the support they were enjoying, to de-legitimization them and their practices such as conscription of children ; on the longer term, the Court will contribute to harmony or at least peaceful co-existence between former enemies as a sense of justice and reparation is achieved.

The tension I see in Uganda is not between Peace and Justice. It is not the decisions of the International Criminal Court which undermine peace processes and conflict resolution initiatives.

It is the lack of enforcement of the Court's decisions which is the real threat to enduring Peace. Allowed to remain at large, the criminals exposed are continuing to threaten the victims, those who took tremendous risks to tell their stories; allowed to remain at large, the criminals ask immunity under one form or another as a condition to stopping the violence. They threaten to attack more victims. We cannot yield.

The challenges are immense for political actors. The Rome treaty is a new system, global standards have been established without a global police or enforcement apparatus; enforcement of Court's decisions is the responsibility of national states.

Dealing with the new legal reality is not easy. It needs political commitment; it needs hard and costly operational decisions: arresting criminals in the context of ongoing conflicts is a difficult endeavour. Individuals sought by the Court are often enjoying the protection of armies or militias, some of them are members of Governments eager to shield them from justice.

Those difficulties are real. They can however not lead us to change the content of the law and our commitment to implement it. In all situations, more State cooperation in terms of securing arrests is needed. For the ultimate efficiency and credibility of the Court you created, arrests are required. The Court can contribute to galvanize international efforts, and support coalitions of the willing to proceed with such arrest. But ultimately, the decision to uphold the law will be the decision of States parties.

Thank you.

Bruno Cathala, Registrar

Excellencies,
Ladies and Gentlemen,

Please allow me in turn to welcome this new opportunity to expand the dialogue which the Court has always wished to maintain with States, in particular, within the framework of the diplomatic briefings in Brussels.

This briefing focuses on issues relating to cooperation, which are at the core of the Court's current activities, now that, as the President stated, the Court has entered its judicial phase.

In this respect, I intend to make a brief presentation on the practical and concrete areas of cooperation where the assistance and support of States are required to allow the Court, and the Registry in particular, to operate effectively.

I would then like to share with you briefly the elements on which we have based the proposed programme budget for 2008.

1. Cooperation

As the President and the Prosecutor have already highlighted, cooperation from States and international organisations is indispensable for the Court to fully accomplish its mandate.

From the Registry's perspective, I will endeavour to provide examples within the context of the day-to-day activities of the Court, both in the field, or here at the seat of the Court. It is also worth noting that the required forms of assistance and support are not in any particular chronological order but can co-exist at any time.

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

Before the Court even establishes a physical presence on the ground following a decision by the Prosecutor to open an investigation, teams from the Court, whether Prosecution investigators or, later, Defence investigators, must travel to the country in question. In order to facilitate the work carried out by the Court in the country, amongst other undertakings, the country will have to develop the necessary legal instruments to ensure that an independent investigation may be conducted (agreement on privileges and immunities, implementing legislation, etc.). It must be noted that, to date, only 48 countries have ratified the Agreement on Privileges and Immunities and 21 countries have communicated to the Court that they have adopted the implementing legislation. Similarly, in order to facilitate the deployment of Court staff on the ground, States must be in a position to deliver long-term visas in good time through their diplomatic representations. The provision of logistical support, such as transportation of suspects, victims or witnesses, and information about the general security situation in the country concerned, and the facilitation of communication between the Court's representatives and the competent national authorities, are other concrete examples of the sort of cooperation that is required.

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

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

To date, we are working out of 4 operational field offices in Kinshasa and Bunia (Democratic Republic of the Congo), Kampala (Uganda), and Abeche (Chad), and we have been working on setting up a fifth office in Bangui (Central African Republic) since the announcement by the Prosecutor.

In this respect, I would like to point out that the field office concept has developed over the last three years.

Specifically, the governing strategy for setting up field offices is to have offices which present the public face of the Court. At the same time, we have to give preference to locations with large plots of land which allow us the flexibility to adjust our presence according to the various judicial phases.

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

However, security-related requirements are, to be sure, not restricted to premises used by the Court, but obviously include suitable protection for our staff. We need to develop cooperation mechanisms in this area. In this respect, allow me once again to express the Court's great gratitude for the various types of practical support it has received from many States in this area, in particular by providing the Court with local security guards. It would be useful for such assistance to include the provision of intelligence to the Court regarding the general security situation in the country to which the Court sends its teams, the anticipated security-related threats and risk assessments. As the Court has neither an army nor a police force, in order to try to limit the risks faced by its staff or the persons with whom it is in contact, it can rely only on a genuine capability to anticipate the dangers they are going to have to face.

I would now like to turn to the issue of witness relocation agreements, a legal mechanism which, more generally speaking, is covered by our witness protection measures.

As you know, witness relocation is a complex undertaking in countries that confronted with serious difficulties, and even wars, and requires specialised knowledge, resources and, sometimes, a certain amount of creativity when the support structures are absent. Over the past three years, experience in the field has demonstrated that the lack of witness protection measures and targeted operational support at the national level has a potentially negative impact on the Court's capability to protect witnesses effectively.

In this area also, we must mention the mechanisms facilitating contacts between the competent authorities and the potential witnesses and thereby guaranteeing the implementation of a rapid response plan by local police authorities in order to provide timely assistance to the witnesses in potential danger and, if necessary, evacuate the witnesses whose security is seriously compromised.

In the three countries in which situations exist, the Court has established support structures providing a satisfactory level of protection for its witnesses. In the case of the Central African Republic, we are currently conducting an evaluation.

In light of the increase in applications for witness protection we have received, we will need your support to process them within a reasonable time. Recent experience in Chad has proven the advantages to witnesses of rapid and effective cooperation between the Court, States and other international organisations.

Based on our experience and with a view to facilitating the implementation of a viable national witness protection programme, there are two feasible approaches:

- the provision of technical assistance at national level by States, as is already the case in several countries (experts could be seconded and work closely with the national police);
- creating a programme in which States receive financial support when they agree to the relocation of witnesses on their territory. Such an approach would help to integrate witness protection issues into the local cultural context and adapt them to realities in the field. Moreover, in this way, the countries concerned could acquire new skills which would remain available to the State after the Court's intervention.

In this respect, I would like to reiterate my great gratitude to the States which have entered into witness relocation agreements with the Court. However, while 104 States have ratified the Rome Statute to date, the Court has only signed 8 relocation agreements, of which one is *ad hoc*. This means that we must accelerate the signing of such agreements.

The provision of support in the execution of the warrants for arrest is an essential matter of concern to us. Concrete and effective ideas need to be developed.

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

As I saw first-hand on my last visit to the Democratic Republic of the Congo and in Chad, where I visited several refugee camps a month ago, the issues of arrests or witness protection are of concern not only to the Court, but also to the populations themselves. The meetings with affected populations were organised in the context of the development of our outreach activities in accordance with the Outreach Strategic Plan.

In Bunia, in Congo, during an open discussion session in which over 200 people took part, the population's burning desire to see justice rendered was very clear. The timely arrest of those responsible for the heinous crimes committed in their country was a theme repeatedly brought up by the representatives of civil society, religious leaders of various denominations, and most importantly by the people.

The very same concerns were raised by the refugees whom I met in the camps in Chad. While their immediate preoccupations obviously centre on finding food and the deterioration of the security situation within the camps, their heartfelt wish is to see justice rendered in Darfur. This means, amongst other things, the arrest of the two suspects for whom warrants of arrest have been issued, as the Prosecutor has already

pointed out. Here again, the combined efforts of States and international organisations will be essential to secure the arrest of these people as soon as possible. The same applies to the situation in Uganda. The Court is ready to organise these trials. All we are waiting for is the suspects.

2. Draft programme budget for 2008

The draft budget for 2008 was prepared with the goal of supporting, and if necessary, extending our field work so that international justice can be rendered.

In 2008 the Court expects to deal with one trial and four situations. In the situation in Uganda the investigation by the Office of the Prosecutor should be concluded and trial proceedings might commence subject to the arrest of the top commanders of the Lord's Resistance Army. As regards the situation in the Democratic Republic of the Congo, following the Decision of Pre-Trial Chamber I of 13 June 2007, the trial of Thomas Lubanga Dyilo is expected to commence in the coming months and should run from January to December 2008. Investigations will be concluded in the second case, and a trial could begin if forthcoming warrants of arrest are executed, while an investigation will continue in a third case. As the Prosecutor indicated, the investigations will continue in the situation in Darfur and in the Central African Republic.

You have understood that here again, the Court has sought a realistic approach, knowing that should it come to the execution of several warrants of arrest, it can always rely on the contingency fund. This was made possible by the flexibility you allowed us in implementing our budget.

Bearing in mind these assumptions, the main objectives the Court is setting for the next year, in direct relation to its Strategic Plan, can be summarised as follows: conduct one trial and four investigations, continue to work on ensuring a sustained dialogue with the affected communities, guarantee the continuous establishment of systems to protect witnesses and of appropriate security measures for field staff, and continue its efforts regarding its interim and permanent premises.

Seeking to achieve these objectives will result in a very reasonable budgetary increase. This is for two main reasons:

- firstly, a structural increase (about 6.6%), which the Court has to bear in its entirety and which is due to the changes in the salary scale for 2008 as planned by the International Civil Service Commission calculated on the basis of the approved vacancies for 2007, the judges' pensions and the interim premises.
- secondly, an increase (5% maximum) due mainly to field work such as witness protection, personnel security, implementation of the outreach strategy, and field offices.

It should be noted that some of these budget items have fallen, for example, translation contracts and travel costs. Furthermore, some of the budget items have been redeployed to cover the needs for 2008 so as to avoid approaching you again.

The permanent premises are another chapter of the 2008 draft programme budget which shows a significant increase. You are aware of the importance to the Court of the permanent premises project. During the next session of the Assembly, this question will be discussed in detail. In order to prepare for the session, the Court is involved in continuous dialogue with The Hague Working Group.

I would also like to inform you that since the previous briefing, the Court has discussed this issue with the Committee on Budget and Finance, and with specialists at two meetings of experts.

Where do we stand now?

In March 2007, the Court submitted functional specifications to the States Parties, with a description of user requirements. During the last meeting of experts on the permanent premises on 21 and 22 June 2007, discussions focused on the architectural competition, the functional specifications and the project governance structure. There is provision in the 2008 budget for strengthening the existing project office.

Regarding the project's governance structure, it is indispensable for the Court, as it is for States, to focus on establishing a streamlined and efficient structure which will ensure that due regard is given to the interests of the organisation, that is, the functionality of future premises, the project budget, its timeline and its image.

* *

*

In conclusion, although the Court is a new institution, it has already accomplished important work both in the field and at its seat. To increase its efficiency, support and assistance of States and other international players who are part and parcel of international justice must be sought and become more tangible.

Thank you.

Renan Villacis, Director, Secretariat of the Assembly of States Parties

Excellencies, ladies and gentlemen,

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

Sixth session

In terms of the forthcoming meetings we recall that the sixth session of the Assembly will be held in New York from 30 November to 14 December 2007. Relevant documentation, including the provisional agenda, is available on the Court's website.

Elections

As regards the election to fill three judicial vacancies, scheduled to take place during the sixth session, the Secretariat has sent note ICC-ASP/6/S/10, dated 1 June, informing States of the procedure for nominating a candidate and the minimum voting requirements applicable. As at 25 June, the Secretariat has received one nomination. The information is available on the website of the Court (www.icc-cpi.int), under "Assembly of States Parties/Elections".

As regards the election of six members of the Committee on Budget and Finance, as at 25 June, the Secretariat has received four nominations, which are also available on the website of the Court.

Furthermore, the President of the Assembly for the next triennium (2008-2010) would also be elected at the sixth session.

The Hague Working Group of the Bureau

On 21 and 22 June, a meeting on permanent premises with experts from capitals and the Committee on Budget and Finance was held to, inter alia, validate the user requirements in the "functional brief", consider the approach on the architectural design competition and further discuss the issue of governance arrangements. An informal summary of the meeting is under preparation and would be discussed with States on 3 July.

Immediately after the end of this Diplomatic Briefing, in this room, the Coordinator of The Hague Working Group, Ambassador Sandra Fuentes (Mexico), will hold a briefing for Embassies based in Brussels. The objective is to provide interested Embassies with an update on the activities of the Group and to seek the views of those who are not able to attend the meetings in The Hague on a regular basis.

New York Working Group

The New York Working Group held its first, second and third meeting on 4 April, 2 May and 7 June, respectively. At its third meeting, the Group heard a presentation by the facilitator of The Hague Working Group on the issue of geographical representation and gender balance in the recruitment of staff, Ambassador Mirjam Blaak (Uganda).

Furthermore, the New York Working Group is currently holding informal consultations on the issues of the Review Conference, arrears, cooperation and the Plan of Action for achieving universality and full implementation of the Rome Statute. On 15 July, the Working Group held informal consultations with Ambassador Rolf Fife (Norway) on the issue of the scope of the Review Conference. Ambassador Fife will also brief The Hague Working Group on this matter on 4 July as of 10:30 a.m.

Special Working Group on the Crime of Aggression

In relation to the fourth inter-sessional meeting of the Special Working Group on the Crime of Aggression, which took place from 11 to 14 June 2007 at the Liechtenstein Institute on Self Determination at the Woodrow Wilson School of Princeton University, the Secretariat notes that an advance version of the respective report will be available on the Court's website shortly.

Furthermore, as you may recall, the Italian authorities organized a Conference on International Criminal Justice in Turin from 14 to 18 May 2007, to discuss, *inter alia*, the issues of the Review Conference and the crime of aggression. An advance version of the report and additional information is available on the website of the conference (www.torinoconference.com).

* * *