

August 2005

ICC NEWSLETTER

5

CONTENTS

Editorial	p.1
ICC Enters Judicial Phase	p.1
President's Keynote Speech International Humanitarian Law	p.2
International Justice at Crossroads	p.3
ICC "Preparatory Works" Database Completed	p.3
Prosecutor Reports to Security Council on Situation in Darfur	p.4
OTP Hosts Meeting with States Parties	p.5
Interpretation and Translation: The Challenges Ahead	p.6
The Regulations of the Registry: The Drafting Process	p.7
Media Centre Ready to Accommodate Journalists	p.8
ASP	p.9
Fourth Strategic NGO Meeting	p.10
Upcoming Events	p.10
Latest Documents	p.10

EDITORIAL

ICC Recognises Key Role of NGOs

The Rome Statute has done more than just create a Court; it has created an international criminal justice system with, at its heart and playing a key role, the International Criminal Court. The Court considers that in order to achieve the aims set out in the Rome Statute, it is necessary to inform the various components of the international criminal justice system of developments on a regular basis and to maintain a constructive dialogue with them.

Regular diplomatic meetings provide the opportunity to brief States on the Court's development. The last of such meetings was held on 8 June in Brussels and focused on field operations, which is one of the activities carried out both by the Office of the Prosecutor and the Registry and is currently of particular significance. The Court also maintains close relations with the Committee on Budget and Finance, as well as with the two working groups established by the Assembly of States Parties last year. It is also looking to work in synergy with international and regional organisations such as the UN, the African Union and the European Union.

The ICC also recognises the key role played by NGOs and the importance of establishing a solid relationship with them. Regular meetings have served as a framework for an institutionalised dialogue on topical issues between the Court and NGOs whilst respecting the independence of both. The seminars and the exchange of information have furthermore allowed for the dialogue to focus on specific issues.

Bruno Cathala, Registrar



ICC ENTERS JUDICIAL PHASE

Just two years after the inauguration of judges and swearing-in of the Prosecutor, the ICC has entered the judicial phase of its activities. This spring, one of the Pre Trial Chambers issued the first judicial decisions of the ICC, relating to the situation in the Democratic Republic of Congo (DRC). A total of four situations have now been referred to the Prosecutor, three of which by States Parties, and one by the Security Council. The Office of the Prosecutor has formally opened investigations in relation to the situations in Uganda, DRC and Darfur, Sudan.

The extension of operations to the field has posed new challenges for the ICC and has required significant preparation and effort. The Office of the Prosecutor has already carried out numerous investigative missions. At the same time, the Registry - in close cooperation with the Office of the Prosecutor - has set up the first field offices, established networks with local counterparts, and is providing information on the work of the Court to the communities affected.

As the ICC's work moves into this new phase of its activities, it will need to find ways of responding to yet another set of questions and challenges. It is also increasingly clear that the Court's success will be affected by the level of cooperation from external actors in, for instance, preserving and providing evidence, sharing information, and securing the arrest and surrender of persons to the Court. I am confident that by working together we will successfully respond to these challenges and meet the high expectations placed upon the Court.

Judge Philippe Kirsch, President of the ICC

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[Click on underlined text to reach pages or for further information](#) INDEX [P.1](#) [P.2](#) [P.3](#) [P.4](#) [P.5](#) [P.6](#) [P.7](#) [P.8](#) [P.9](#) [P.10](#)

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ISBN: 92-9227-000-1

PRESIDENT'S KEYNOTE SPEECH - INTERNATIONAL HUMANITARIAN LAW

The following is a summary of the keynote speech delivered by the President of the ICC, Judge Philippe Kirsch, on 31 May 2005 at a conference to mark the publication of a study on Customary International Humanitarian Law by the International Committee of the Red Cross (ICRC), which was sponsored by the Netherlands Red Cross, the ICRC and the Netherlands Ministry of Foreign Affairs



Judge Philippe Kirsch, President of the ICC

International humanitarian law (IHL) can be described as an interplay between customary law and treaty law. Some norms develop into customary law and are subsequently codified in treaties. The Rome Statute is a good example of this, as the crimes which it defines and which are elaborated in the Elements of Crimes were intended to reflect customary international law. Customary law is also important in binding States regardless of their treaty obligations. The relative flexibility of customary law enables international law to keep pace with the dynamic and fast-paced world it regulates. Relying on customary law, however, involves discerning the precise content of the law, a significant challenge. The ICRC's important study on customary IHL should assist in this task. Over and above the ICRC's assessment of the current rules of customary IHL, the study contains an impressive compendium of state practice, which will be a valuable resource for practitioners.

If the customary rules of IHL are to be effective they must, once identified, be enforced. International criminal law is one of several means of enforcing IHL. As the study shows, there are two principles of customary law underlying the recourse to

international criminal law. Firstly, the principle that individuals may be held criminally responsible for serious violations of IHL, and secondly, the principle that, as also expressed in the preamble to the Rome Statute, "it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes." International courts and tribunals may be necessary where States are unwilling or unable to exercise this duty. The International Criminal Court has a special role among such institutions due to its broad geographical jurisdiction and permanent nature. The ICC is also designed to address several factors often cited as giving rise to non-compliance with IHL. Firstly, state sovereignty does not justify non-compliance with IHL vis-à-vis the ICC. Rather the ICC, as a court of last resort, is complementary to national jurisdictions. Secondly, the ICC does not allow accused persons to escape liability for grave crimes on the ground that they did not know the law. Thirdly, the ICC Statute provides that State actors and non-State actors are equally liable for the commission of war crimes or other crimes within the Court's jurisdiction, which addresses an important challenge faced by traditional IHL.

The ICC is situated within the existing framework of conventional and customary IHL. The interrelationship between customary IHL and the Court is evident in a number of ways. The drafters of the Rome Statute drew heavily on customary law in defining the crimes within the Court's jurisdiction. In deciding on cases, judges will apply established principles of the international law of armed conflict. Because of its complementary relationship with States, the ICC may also spur the further development of customary international law.

The ICC is already making visible contributions to the effective enforcement of IHL. As more States ratify or accede to the Rome Statute, the Court's potential role in the enforcement of IHL will become more pronounced. Together with all the other mechanisms undertaken by the ICRC, States and others to ensure respect for IHL, the ICC will help to protect individuals from unnecessary death and suffering during armed conflict.

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INTERNATIONAL JUSTICE AT CROSSROADS

On June 24-25, ICC Chief Prosecutor Luis Moreno-Ocampo and Deputy Prosecutor (Prosecutions Division) Fatou Bensouda attended the second colloquium of prosecutors of international judicial institutions in Freetown, Sierra Leone. Hosted by David Crane, the outgoing Prosecutor of the Special Court for Sierra Leone, the colloquium provided a venue to discuss the challenges facing international justice, as well as share success stories and best practices. Other participants included Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda; David Tolbert, Deputy Prosecutor of the International Criminal Tribunal for the former Yugoslavia; and representatives from global human rights groups and academics.

Based on their experiences, the prosecutors determined that international justice is at a crossroads and that cooperation from States and relevant international bodies still left much to be desired.

In a joint statement, they called on all sovereign States to discharge their obligations under treaties such as the Geneva Conventions and the Rome Statute of the International Criminal. State cooperation, the prosecutors declared, is one of the pillars upon which the future development of international law depends. The prosecutors noted that investigations into international crimes cannot be completed without open access to all areas under investigation and to documentation. Investigating teams cannot complete their missions unless granted permission to move freely and securely within the state or area of investigation and with the cooperation and support of the Nation State.

“We believe that the people of the world are entitled to a system that will deter grave international crimes and hold to account those who bear the greatest responsibility,” the prosecutors stated. “Only when a culture of accountability has replaced the culture of impunity can the diverse people of the world live and prosper together in peace.”

ICC “PREPARATORY WORKS” DATABASE COMPLETED

The ICC-OTP Legal Advisory Section (LAS) has completed the first version of a database containing the “preparatory works” of the main legal instruments of the Court. The ICC “Preparatory Works” Database is composed of documents from States, NGOs, academic institutions, United Nations bodies and other international organisations related to the negotiation and drafting of the Rome Statute, the Rules of Procedure and Evidence and the Elements of Crimes.

According to LAS Chief Morten Bergsmo, “the Database is a unique tool to research the drafting history of the legal infrastructure of the ICC. It provides invaluable assistance to appliers of ICC law in understanding better the reasons that led to the inclusion of some provisions in the Statute and the Rules”.

The Database contains more than 9000 electronic documents, most of them in the six official languages of the Court (Arabic, Chinese, English, French, Russian and Spanish). It covers thirteen years of “preparatory works”, from 1989 to 2002. Arranged chronologically, it is also fully searchable.

Produced over a period of five months, the Database saw the contributions of LAS members and lawyers Enrique Carnero Rojo (Spain) and Anna Ivanovitch-Wijsman (Belarus) under the day-to-day supervision of Gilbert Bitti, Deputy Chief of LAS and an important negotiator of the ICC Statute.

The Database will be available for the other Organs of the Court. It will eventually be made public via the ICC website, thus contributing to general knowledge about ICC law.

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PROSECUTOR REPORTS TO SECURITY COUNCIL ON SITUATION IN DARFUR



Prosecutor Moreno-Ocampo addresses the press after Security Council presentation.

On 29 June, ICC Chief Prosecutor Luis Moreno-Ocampo addressed the United Nations Security Council on his actions pursuant to Resolution 1593 (2005). In Resolution 1593, adopted on 31 March 2005, the Security Council decided to refer the situation in Darfur, Sudan, since 1 July 2002 to the Prosecutor of the ICC and invited him to address the Council within three months.

Immediately following the referral—the first such referral in the history of the Court—the Prosecutor received the archives of the UN International Commission of Inquiry on Darfur, comprising over 2 500 documents. On 5 April, the Prosecutor collected from UN Secretary General Kofi Annan a sealed list of 51 individuals identified by the Commission as potentially bearing responsibility for the crimes. In addition, the Office of the Prosecutor requested information from a variety of sources, leading to the collection of thousands of additional documents.

On 1 June, the Prosecutor opened a formal investigation into the situation in Darfur. In his report to the Security Council, Prosecutor

Moreno-Ocampo declared that a preliminary analysis of available materials has established “a significant amount of credible information disclosing the commission of grave crimes within the jurisdiction of the Court having taken place in Darfur.”

“These crimes include the killing of thousands of civilians, the widespread destruction and looting of villages, leading to the displacement of approximately 1.9 million civilians,” he told Council members. “The conditions of life resulting from these crimes have led to the deaths of tens of thousands from disease and starvation.”

The Prosecutor noted that vulnerable groups, including children and the elderly, have been most strongly affected, and that rape and sexual assault are pervasive. He also noted the deliberate and targeted intimidation of humanitarian personnel.

The challenge of bringing justice to Darfur is significant, the Prosecutor commented, adding that he was confident his Office would meet the challenge. He said that analysis and planning are already at an advanced stage, while a database and key analytical and research tools have been created for the investigation. He also told Council members that preserving information and materials for evidence in future proceedings would be vital, and that his Office had developed protocols and systems to handle disclosure obligations and the investigation of exonerating circumstances, as well as for the storage and use of information from sensitive sources.

Emphasising the Court’s complementarity regime, the Prosecutor reported that he had initiated a study of Sudanese institutions, laws and procedures. He also explained that some Darfur cases would be admissible under the Rome Statute as a result of the absence of genuine criminal proceedings by national authorities. In the weeks and months ahead, the Prosecutor said, his Office “will identify those individuals who bear the greatest responsibility for the crimes and assess the admissibility of the selected cases.” He would continue to assess

Sudanese institutions ostensibly dealing with crimes committed in Darfur.

During his address, Prosecutor Moreno-Ocampo said that support from the international community would be crucial. Citing provisions in Resolution 1593 (2005), he asked for full cooperation from the Government of Sudan and all other parties to the conflict, adding that exploratory meetings had already been held with Sudanese officials in order to establish channels of communication for future cooperation.

The Prosecutor also asked for cooperation with the African Union. In opening the investigation on June 1, he had noted that his work would require sustained cooperation from national and international authorities. It will form part of a collective effort, complementing African Union and other initiatives to end the violence in Darfur and to promote justice.”

In his address to the Security Council, he outlined efforts undertaken to finalise a formal relationship agreement with the African Union, expressed satisfaction at the October 2004 agreement between the Court and the UN, and reaffirmed his desire to strengthen relations with the Arab League and others seeking to end the conflict in Darfur.

Prosecutor Moreno-Ocampo sees the ICC as playing a part in a bid to protect life in Darfur, saying: “The referral of the situation in Darfur to the ICC has brought an international, independent and impartial justice component to the collective international and regional efforts to end the violence in Darfur.”

He pledged to take the Court closer to those affected by the crimes and to communicate effectively in order to foster understanding of and participation in the process. He acknowledged “the importance of traditional [African] mechanisms for justice and reconciliation.

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19 OTP staff, including Deputy Prosecutor Brammertz, briefed States Party representatives.

OTP HOSTS MEETING WITH STATES PARTIES

On 20 June, the Office of the Prosecutor (OTP) hosted a meeting with States Parties in The Hague. Attended by 41 representatives from 32 State Parties, the meeting provided a forum for an informal exchange of views and ideas on the policies, strategies and activities of the Office, with 19 OTP staff giving insight into on their areas of expertise.

In his opening remarks, Prosecutor Moreno-Ocampo stressed the importance of dialogue between States Parties and the OTP. He reviewed the progress made in the two years since he had taken office, noting the creation of a functioning OTP currently carrying out investigations in three situations: Uganda, the Democratic Republic of Congo and Darfur, Sudan.

Serge Brammertz Deputy Prosecutor (Investigations Division) explained the OTP's guiding strategies for investigations, including careful analysis to identify the most serious crimes, focused and cost-effective investigations, as well as protocols and training on the principle of objectivity and the protection of witnesses.

Members of the Investigation Division (Ewan Brown, Bernard Lavigne and Michel de Smedt) provided updates on the three investigations. Xabier Aguirre, Gloria Atiba Davies and Vedrana Mladina-Damjanovic explained the analysis of crimes as well as challenges faced in the area of security, psycho-social and trauma care faced by OTP investigators, which are addressed in coordination with the the Registry.

OTP work has also recently been characterised by its readiness for the courtroom, as explained by members of Prosecution Division. Fabricio Guariglia spoke about case selection and the development of criteria ensuring fairness and objectivity on the basis of factors such as gravity of crimes, availability of evidence and victim and witness security. Ekkehard Withopf explained the development of internal OTP protocols to ensure compliance with statutory duties on objectivity, disclosure, interviewing witnesses and unique investigative opportunities.

Paul Seils of the Jurisdiction, Complementarity and Cooperation Division (JCCD) described challenges faced in analysing admissibility issues and the interests of justice. He noted that the obligation to assess these issues arises not only prior to initiation of investigation but also during investigation.

Silvia Fernandez outlined the progress made in agreements with States Parties, NGOs, the United Nations, the African Union and the European Union in the area of securing cooperation. Miriam Spittler introduced tools such as templates for requests for cooperation as well as a database tracking outgoing requests for assistance, as well as the responses. Concerning the comprehensive strategy to building support, Gavin Hood explained that the Office has managed the timing and manner of investigations to avoid unnecessary impact on other processes.

Other OTP staff briefing the State Parties representatives included Christl Schraut of the language Services Section, Yves Sorokobi and Christian Palme of the Public Information Unit, and Morten Bergsmo of the Legal Advisory Section, who introduced the OTP's electronic litigation support and legal research and drafting tools. Klaus Rackwitz explained proposed organizational changes in response to comments received and also reviewed the status of recruitment.

In their closing remarks to Darryl Robinson of the JCCD, who coordinated the organisation of the meeting, several State Parties representatives expressed their satisfaction with the initiative, the informative presentations and the professionalism of the OTP staff, and expressed interest in continuing the dialogue with future meetings on specific substantive issues.



Darryl Robinson of the JCCD coordinated the organization of the OTP-State Parties meeting.

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INTERPRETATION AND TRANSLATION: THE CHALLENGES AHEAD

The official languages of the ICC are Arabic, Chinese, English, French, Russian and Spanish and the working languages are currently English and French. There are two language departments at the ICC, each with different responsibilities. The Language Services Unit (LSU) of the Office of the Prosecutor provides translation and field interpretation for the Office of the Prosecutor (evidence, speeches, supporting materials for charges, etc.), whereas the Court Interpretation and Translation Section (STIC) provides translation and editing services for the Presidency, Chambers and the Registry, as well as simultaneous interpretation for all organs of the Court (meetings, seminars, conferences, lectures and court hearings). This article will mainly focus on the work done by STIC.

STIC has an English and a French translation unit, as well as an interpretation unit. At the present time, it has translators, revisers, interpreters, linguists (persons who interpret, translate and edit), a terminologist and a field interpretation coordinator. Obviously, the range of languages that need to be interpreted in the field presents a considerable challenge. In order to meet this, STIC and the LSU have developed a joint accreditation programme in order to source, recruit and train field interpreters for the situations currently under investigation. Certain field interpreters may in future receive additional training in order to be able to interpret in the courtroom when trials begin.

Translators work under the supervision of revisers and receive terminological assistance from a terminologist. Electronic language tools, in the form of a customised translation support package developed by MetaRead, have been installed in order to facilitate the work of both STIC and the LSU. This application has three components: ISIRef (which analyses new documents to

determine whether parts of the document have already been translated), ISITerm (which searches for individual terms in a terminology database) and ISIView (which searches by keywords in a multilingual corpus of aligned texts).

There are currently four rooms equipped with interpretation equipment: the main courtroom and the Pre-Trial Chamber - both with permanent booths - and two meeting rooms with portable equipment. The portable equipment is sometimes moved to the cafeteria to accommodate large meetings such as diplomatic briefings and swearing-in ceremonies. A second courtroom is under construction. Video and audio recordings and French and English transcripts will be made of all proceedings. Various technological measures will be used when the trials begin: testimony via video link, interpretation via remote link, video conferencing, etc. A combination of consecutive and simultaneous interpretation will be used in the courtroom depending on the languages used in each case. Training in language awareness will be scheduled for all courtroom users in the hope of avoiding problems that have arisen in other courts in the past.

Training within STIC has taken various forms. Videotapes of ICTY and ICTR

proceedings were used to train interpreters from non-Court disciplines in the rigours of interpreting at live hearings. In anticipation of the language combinations and training requirements of new staff, two staff members are studying to become certified interpreter trainers and two are receiving instruction in Swahili. Moreover, with a view to ensuring the legal specialisation of language staff, two staff members have been participating in distance learning programmes in law, and another has followed a short intensive course in international humanitarian law. Workload permitting, language staff attend the public lectures organised by the Registry and the Office of the Prosecutor. Now that formal filings are being made and hearings have begun, this preparation and interpreter training has proved invaluable.

Whilst covering the Court's current needs, STIC is also making preparations to meet the challenges of full-blown multilingual court cases. Competent language services are essential to ensuring a fair trial and that the rights of all participants in court proceedings are respected as well as to ensuring that the Court and its work are well understood the world over.



¹ Article 50: "1. The official languages of the Court shall be Arabic, Chinese, English, French, Russian and Spanish... 2. The working languages of the Court shall be English and French. The Rules of Procedure and Evidence shall determine the cases in which other official languages may be used as working languages." Rome Statute of the International Criminal Court.

THE REGULATIONS OF THE REGISTRY: THE DRAFTING PROCESS

•Registry

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Rule 14 of the Rules of Procedure and Evidence provides for the putting in place of the regulations governing to operation of the Registry. The principle aim of the Regulations of the Registry is to lay down the rules governing the functioning of the Registry within the procedural framework of the Court established by the Rome Statute, the Rules of Procedure and Evidence and the Regulations of the Court.



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In February 2004 a Drafting Board for the Regulations was appointed and entrusted with the task of preparing a draft.

The Statute, the Rules of Procedure and Evidence and the Regulations of the Court adopted by the Judges on 26 May 2004 served to identify the subjects for regulation and guided the drafting process. Extensive research was undertaken prior to drafting, and internal discussions were held on the main issues to be regulated.

In drafting the Regulations, due consideration has been given *inter alia* to:

- the provisions of article 21 (3) of the Statute, directing that the Court should operate in accordance with internationally recognised human rights;
- the provisions of article 43 of the Statute, stipulating that the Registry shall be responsible for the non-judicial aspects of the administration and servicing of the Court;
- the provisions of rules 13 to 22 of the Rules of Procedure and Evidence, outline the functions of the Registrar and his/her responsibilities towards victims, witnesses and the defence;
- the relevant provisions of the Regulations of the Court;
- the result of the online public hearing with regard to defence and victims' issues;
- the practice of the *ad hoc* tribunals and in particular their procedural rules, where relevant considering that the Statute and the Rules of Procedure and Evidence provide for a different system.

The draft text follows the structure of the Regulations of the Court.

• **Chapter 1** is general in nature and includes regulations on adoption and amendment of the Regulations, delegation of authority in order to facilitate the day-to-day management of the Registry, and general operational issues such as the adoption of standard operational procedures and the establishment of field offices.

• **Chapter 2** lays down provisions applicable to all stages of the proceedings and relates in particular to Court management. Section 1 contains all the procedures for composition of situation or case files, registration of documents and material filed with the Registry, notification of documents and material, access and storage of documents and material; scheduling of judicial activities, and the management of proceedings (including audiovisual recordings and transcripts). Section 2 relates to language services of the Registry and Section 3 contains procedures with respect to restriction and deprivation of liberty.

• **Chapter 3** addresses issues related to the responsibilities of the Registry towards victims and witnesses. In particular, Section 1 refers to victim and witness support, both in the investigation phase and during

hearings. Section 2 lays down the procedures for the participation of victims in the proceedings and for reparations, as well as the role and functions of the Office of Public Counsel for Victims.

• **Chapter 4** addresses issues related to Counsel and legal assistance, including procedures for the appointment of Counsel, procedures to grant legal assistance paid by the Court, the training of counsel and the role and functions of the Office of Public Counsel for the Defence.

• **Chapter 5** deals with the detention issues, detailing how the rights of detained persons are safeguarded, as well as provisions for the management of the detention centre, including disciplinary and complaints procedures.

The Registry considers that transparency and inclusiveness are essential elements of the complex drafting process. The Court aims to ensure fairness, efficiency and credibility of its proceedings by holding consultation. Consequently, the Registry invited lawyers, academics, experts, non-governmental organisations and other interested parties to provide comments or observations on the draft Regulations by holding on-line consultation from 13 April to 9 May 2005.

The Registry has 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 their observations.

Following this first round of consultations, a seminar was held on 25, 26 and 27 May 2005. A number of experts in the different areas covered by the draft Regulations attended the seminar at the seat of the Court.

Discussions took place each morning in six different workshops on the following topics:

- Issues related to Court Management;
- Issues related to Interpretation and Translation;
- Issues related to Victims and Witnesses Support;
- Issues related to Victims Participation and Reparations;
- Issues related to Counsel and Legal Assistance;
- Issues related to Detention;

They were followed by plenary sessions during which a *rapporteur* from each workshop gave a report on the main issues discussed as well as on the suggested amendments to the draft.

The Drafting Board is now in the process of reviewing all comments and proposals received in order to provide the Registrar with a revised draft. The final draft will be sent to the Presidency for approval.

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MEDIA CENTRE READY TO ACCOMMODATE JOURNALISTS



The construction of the ICC media centre, part of the Host State's contribution to the Court, has now been completed. Built adjacent to the courtrooms, this modern facility covers two levels of the public part of the D wing. The Centre is divided into two areas comprised of a briefing room and a media 'hot-desk' area, which are connected to the public lobby and reception area.

The briefing room:

The briefing room seats 131 people. In addition to general press briefings, it will

be used for official press conferences and media events. Regular press briefings, on the ongoing activities of the Court, given by the spokesperson of the Court (Mr Ernest Sagaga) and of the Office of the Prosecutor (Mr Yves Sorokobi), are scheduled to commence this autumn.

For occasions of high media presence, the briefing room is equipped with plasma screens which will display courtroom feed to those without a seat in the public gallery. Two rooms off the briefing room are available for use by television and radio media representatives for the conducting of interviews.

The hot desk area:

The hot desk area, exclusively for the use of journalists covering proceedings before the Court, is equipped with seven desks which can seat up to 64 media representatives. In addition to internet and telephone connections, each desk is equipped with connections for PCs and audio and video recording equipment. Audio feed is available on one of six interpretation channels per courtroom. Plasma screens, placed in the media centre, will broadcast ongoing proceedings in the courtrooms. In addition, part of the media centre will be set aside in order to provide computers and telephones to those journalists following proceedings who lack facilities of their own.

Journalists wishing to sit in the public gallery will be able to keep their personal belongings in one of the lockers provided in the 'hot desk' area.

A breakout box outside the building will provide satellite uplink trucks with courtroom footage.

The architect of D wing, Ms Gemma Koppen of the Netherlands Rijksgebouwendienst, explained the concept behind the design of the public area and the key challenges faced in the wing's construction:

Taking into consideration the high security requirements and visibility of the Court, the ICC taskforce (first point of contact for the Rijksgebouwendienst), focused on four main issues. Cost, rapidity of construction, accessibility requirements and the fact that the building was temporary in nature. Access is required at the same time for judges and staff members, the accused, victims, as well as for media representatives and the general public.

During an initial feasibility study, various options were explored, regarding where to construct the Courtroom; at that time the Court occupied only one wing of the entire existing building. From three final proposals presented, the option to use the garage was chosen as it was the easiest area to access from the existing building as well as the street.

In order to fulfil the security requirements for those entering the new wing, she designed the building to incorporate various separate entry routes, using colours to visually differentiate them from one another. Earthy colours are used for the accused, primary colours for security and staff members, birch for the Judges representing the calm, serious nature of their work. Blue in the public and media areas, according to numerous studies, representing justice, confidence and intelligence.

The height of the garage decks left her with a major challenge. Public buildings are not generally built to heights as low as 2.25 metres. By placing all installations, including lighting at floor or wall level, the appearance of height and openness was maximised (See photograph attached). Three huge holes surrounded by glass were cut in the floor of the media centre, giving visitors using the briefing room below the feeling of increased space and light. Acoustic materials have been used in the walls and ceiling in these areas.

She decided not to hide the fact that a garage was the basis of the structure, on the contrary, the contrasting elements of the old building against the new temporary features are a major feature of her design.

The weight of the proposed Courtroom and public facilities was a concern. Too great for the current supports of the garage, it was necessary to insert concrete - filled steel pillars which pierce through the existing floors, with their own foundations, so as not to have to reinforce the existing floor. These are visible throughout the new structure, giving the feeling of continuity between the different floors, while contrasting against the original concrete car park pillars.

She took on board the orderly and regimented nature of the Court as a legal institution and decided that the construction would be just the opposite. Windows and lighting are positioned in an irregular manner.

The outside of the building has been designed so as not to compete with the existing structure but to subtly stand out from it. A glass skirt around the bottom of the structure gives it the feeling of floating above the ground, making the structure appear much lighter; it is lit up at night. The design is calm but at the same time strong. The metal curtain that winds around the building is composed of two elements, flat and convex lines were chosen to stop it appearing barn-like. Spaced out with three flat followed by three convex bars, play of light is created. What is in fact two-tone, gives the impression of four colours making the building very distinctive from the road.

The Court plans to hold an open day for journalists to inaugurate the Media Centre this autumn. Further information regarding the open day will be sent in due course.



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ASP

Nomination period for elections at the resumed fourth session of the Assembly

The nomination period for the election of six judges of the Court, as well as for the election of six members of the Committee on Budget and Finance, opened on 18 July and shall close on 9 October 2005¹. The elections are scheduled to take place in New York on 26 and 27 January.

Committee on Budget and Finance

The Committee on Budget and Finance will have its fifth session from 10-14 October 2005 in The Hague. The Committee will consider a number of issues including the draft programme budget for 2006, performance reports for 2004 and 2005 and proposals regarding permanent premises of the Court.

Bureau Working Groups

The two Working Groups of the Bureau of the Assembly, based in New York and The Hague, are finalising their reports on, inter alia, the establishment of a Liaison Office for the Court at United Nations Headquarters; the draft Regulations of the Trust Fund for Victims; the arrears of States Parties; and the draft Code of Professional Conduct for Counsel.

Inter-sessional meeting on the crime of aggression

The second informal inter-sessional meeting of the Special Working Group on the Crime of Aggression was held on 13-15 June 2005 at the Liechtenstein Institute on Self Determination at the Woodrow Wilson School, University of Princeton, United States².

¹ Updated information can be found at <http://www.icc-cpi.org>, under Assembly of States Parties.

² The report of the inter-sessional meeting (document ICC-ASP/4/SWGCA/INF.1) is available in all six official languages at <http://www.icc-cpi.org> under Assembly of States Parties.



The Chairperson of the Special Working Group on the Crime of Aggression, Ambassador Christian Wenaweser, and the Director of the Secretariat of the Assembly of States Parties, Mr. Medard Rwelamira.

In Brief

ICC HOLDS WORKSHOP IN UGANDA ON PUBLIC OUTREACH



On 16 and 17 August 2005, the International Criminal Court held an informative workshop in Entebbe for delegates from the local councils in the nine districts affected by the conflict in northern Uganda. The aim of the workshop was to provide information about the ICC and to find mechanisms of cooperation

to disseminate information with regard to outreach activities and participation of victims in court proceedings.

Each delegation was composed of six delegates, led by the Chairperson, the highest elected official of the district.

Local councils are a decentralised governmental system in Uganda whose leaders are elected by the community. The Local Councils agreed to form

sub-committees to assist in disseminating information to their constituents and the public at large.

Participants to the workshop were from Adjumani, Apac, Gulu, Kaberamaido, Katakwi, Kitgum, Lira, Pader and Soroti Districts. A representative of the Ministry of Local Government was also present. The ICC is currently investigating crimes under the jurisdiction of the Court committed in Northern Uganda after 1 July 2002.

SEMINAR ON COUNSEL ISSUES

Between 23 and 24 May 2005, the Division of Victims and Counsel of the Registry held a seminar for Counsel, at the seat of the Court in The Hague. The seminar was opened by Registrar of the ICC, Mr Bruno Cathala on Monday 23 May.

The aim of the seminar was to trigger an exchange of views between the Office of the Prosecutor and counsel on how to improve communication during the proceedings both to facilitate their smooth-running and to inform participants about issues of common interest.

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Diplomatic Briefing (Brussels)



The second diplomatic briefing to be organised this year by the ICC took place at the seat of the European Commission in Brussels on 8 June 2005.

The President, Mr Philippe Kirsch; the Deputy Prosecutor, Mr Serge Brammertz; the Registrar, Mr Bruno Cathala; and the Director of the Secretariat of the Assembly of States Parties, Mr Medard Rwelamira, provided diplomatic representatives based in The Netherlands and Belgium with a general progress report on the work of the Court since the last session of the Assembly of States Parties.

Discussions were followed by a Question-and-Answer session. The ICC will hold its third Diplomatic Briefing of 2005 at the seat of the Court on 26 October.

Upcoming events: Meeting of the CBF 10 – 14 October

Diplomatic Briefing 26 October

Latest Documents:

Date Filed	Trial Chamber	Document Title
18.08.2005	PTCI	<u>Solemn undertaking of Mr. Tjarda Van der Spoel</u>
12.08.2005	PTCI	<u>Decision on the Prosecutor's application for Extension of the Deadline</u>
05.08.2005	PTCI	<u>Decisions of Pre-Trial Chamber I Concerning the Two Annexes II</u>
05.08.2005	PTCI	<u>Decision on the Requests Redacted</u>
01.08.2005	PTCI	<u>Appointment of Mr. Tjarda Van Der Spoel as Ad Hoc Counsel for the Defence</u>
22.07.2005	PTCI	<u>Decision on Protective Measures Requested by Applicants 01/04-1/dp to 01/04-6/dp -</u>
20.07.2005	PTCI	<u>Decision on the Designation of a Single Judge</u>
14.07.2005	PTCI	<u>Ex Parte Hearing to request additional information concerning the request for non-disclosure of the identity of the applicants seeking to participate in the proceedings related to the situation in the DRC</u>
14.07.2005	PTCI	<u>Décision portant désignation d'un juge unique</u>
12.07.2005	PTCI	<u>Prestation de serment par Maître Emmanuel Daoud</u>
07.06.2005	PTCI	<u>Prestation de serment par Maître Joseph Tshimanga</u>
12.07.2005	PTCI	<u>Decision on the Request for an Extension of the Deadline (public redacted version - please see also the related Ex Parte Hearing)</u>
01.06.2005	PTCI	<u>Decision on the Prosecutor's Communication to the Pre-Trial Chamber (public redacted version)</u>
27.05.2005	PTCI	<u>Order regarding Request for Additional Information (concerning applications for participation of victims). Confidential and ex-parte</u>

These documents can be found on the ICC website at:
www.icc-cpi.int/organs/chambers/chambers_decision.html.&1=er

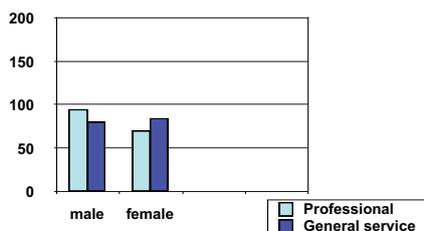
Fourth Strategic NGO Meeting

The fourth strategic meeting between non-governmental organisations (NGOs) and the ICC took place at the seat of the Court in The Hague from 20 to 24 June 2005.

The main objective of these meetings was to discuss further ways in which to enhance the dialogue between the two. The NGOs met for the first day and a half with representatives from the Office of the Prosecutor (OTP) including the Prosecutor, Luis Moreno-Ocampo and the Deputy Prosecutor, Serge Brammertz. Issues addressed during the meeting included current and future OTP activities, with particular emphasis on OTP "interests of justice" policies and the OTP public information strategy, with presentations on these subjects by senior OTP managers. During the afternoon of 22 June the NGOs met with the President of the Court, Judge Philippe Kirsch, who updated them on the ongoing activities of Presidency and Chambers, and with the Director of the Secretariat of the Assembly of States Parties, Mr Medard Rwelamira. On 23 and 24 June, Registry representatives including the ICC Registrar, Bruno Cathala, the Director of the Common Administrative Services Division, Ralph Marten, and heads of section within the Registry, met with the NGOs.



ICC Latest Recruitment Figures



Of the 330 ICC Staff Members from 57 countries, 175 are male and 155 are female.

Not including:

- 22 on elected posts
- 97 on part-time posts

Your comments or suggestions regarding issue five of the newsletter should be addressed under the subject heading ICC Newsletter to: pio@icc-cpi.int or by fax to: +31 70 5158555

[Click on underlined text to reach pages or for further information](#) [INDEX](#) [P.1](#) [P.2](#) [P.3](#) [P.4](#) [P.5](#) [P.6](#) [P.7](#) [P.8](#) [P.9](#) [P.10](#)

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ISBN : 92-9227-000-1