

October 2004

ICC NEWSLETTER

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UNITY ESSENTIAL FOR EFFECTIVENESS



The articles in this newsletter illustrate the diversity of the Court's current activities. At the same time, these articles indicate the Court's unified commitment to the goal of putting an end to impunity for perpetrators of crimes within its jurisdiction, thus contributing to the prevention of such crimes. In the exercise of their respective functions, the judiciary and the Office of the Prosecutor must be strictly independent. Yet, many issues affect the Court as a whole. Within the limits of judicial and prosecutorial independence, cooperation and coordination among all organs are essential to a strong, effective Court, particularly now that the Court is beginning the judicial phase of its operations. Sharing this fundamental belief,

the Presidency, Chambers, Office of the Prosecutor, and Registry are working together as one Court to formulate common strategies on management and budgetary issues affecting all organs.

I meet regularly with the Prosecutor and Registrar to address common administrative matters through the Coordination Council. Interorgan working groups presently exist at all levels of the Court on an extensive range of issues, such as information technology and human resources. The recent Assembly of States Parties to the Rome Statute of the ICC welcomed the internal coordination and cooperation demonstrated by the Court and encouraged the organs to continue and to strengthen this work.

Pursuing the maximum unity while maintaining the necessary independence of the organs will remain a priority for the Presidency. Through cooperation and coordination, we can ensure that the Court will achieve our shared objectives.

Philippe Kirsch
President

EDITORIAL

Firstly, I would like to thank those readers who have kindly provided us with such constructive feedback regarding the first edition of the ICC Newsletter. We can only view this as a clear indication of your interest in the work of the Court. We sincerely hope that this interest continues as we will undertake to use this newsletter as a tool to contribute towards rendering the judicial process of the ICC wholly transparent.

The two months since the publication of the first newsletter have been eventful for the Court as it focused its attention on the first investigations in the Democratic Republic of Congo (DRC) and Uganda and the eventual trials that may follow. It was also during this period that the Assembly of States Parties (ASP) adopted the Court's programme budget for 2005 during its third session. The Assembly approved a total budget of almost 66,900,000 euros. In addition to the regular budget, the Assembly approved the establishment of a 10,000,000 euros Contingency Fund. The third session, held for the first time in The Hague, in addition to adopting the budget, dealt with various other issues of importance for the progress of the Court. Fundamental decisions have been taken with respect to victims and defence, which will be decisive for the Court's future endeavours.

Bruno Cathala
Registrar

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ICC-UN AGREEMENT SIGNED



Courtesy of the UN/DPI

On Monday, 4 October 2004, an agreement between the International Criminal Court and the United Nations defining the terms by which both institutions will be brought into relationship was signed in New York by Judge Philippe Kirsch, President of the ICC, and Kofi Annan, Secretary-General of the United Nations.

The Agreement, which provides a framework for the relationship between the United Nations and the Court, entered into force directly upon signature.

It recognises the role and mandates of both institutions. It is critical to the work of the Court as it strengthens the cooperation of the two organisations on matters of mutual interest relating to the exchange of information, judicial assistance, cooperation on infrastructure and technical matters.

These include the exchange of representatives; the participation of the Court in the General Assembly of the UN in the capacity of observer; administrative cooperation; the provision of conference services (on a reimbursable basis); and the use of the UN laissez-passer as a valid travel document by ICC staff and officials.

The UN also undertakes to cooperate on judicial issues, if the Court requests the testimony of an official of the United Nations or one of its programmes, funds or offices.

In addition, the Agreement defines the mechanisms of cooperation between the Security Council of the United Nations and the Court concerning a referral by the Council of a situation in which one or more crimes under the jurisdiction of the Court appears to have been committed. Article 18 of the Agreement defines the terms of cooperation between the United Nations and the Prosecutor with respect to investigations, exchange of information, conditions of confidentiality of information, protection of persons and security of any operation or activity of the UN. It further addresses issues of privileges and immunities and protection of confidentiality.

In effect, the Agreement reinforces and institutionalises the relationship between the ICC and the UN, ensuring that on both a philosophical and practical level these two important elements of international justice can work together.

www.icc-cpi-int/newspoint/pressreleases/47.html

In Brief

Delegation of Mexican Legislators Visit the ICC

On Monday 13 and Tuesday 14 September 2004, a delegation of Mexican legislators visited the ICC. The objectives of the visit, coordinated by Parliamentarians for Global Action, were to facilitate the understanding of the justice mandate of the ICC and to inform the legislators on the current status of the Court and its activities. The importance of the Mexican membership to the ICC system was addressed, as well as the role of parliamentarians in strengthening and monitoring the ICC mandate.

During their two day visit, the delegation met with H.E. Judge Philippe Kirsch, President of the ICC, and H.E. Judge Elizabeth Odio-Benito, Second Vice-President of the ICC; Ms. Sylvia Fernández de Gurmendi, Chef de Cabinet and Special Adviser to the Prosecutor; Mr. Sam Muller, Special Adviser to the Registrar on External Relations and Mr. Medard Rwelamira, Director Permanent Secretariat of the Assembly of States Parties.

In Brief

Provisional Memorandum of Understanding on Privileges and Immunities between the ICC and the DRC

A provisional Memorandum of Understanding on the Privileges and Immunities of the Court was signed this Tuesday 12 October 2004 between the International Criminal Court and the Democratic Republic of Congo. This agreement should facilitate the activities of the ICC on Congolese territory whilst awaiting the ratification by the Congolese authorities of the Agreement on the Privileges and Immunities of the International Criminal Court (APIC). It guarantees in particular that the Court will be able to carry out its activities in the field independently, safely and confidentially.

ICC Welcomes New Ratifications to the Rome Statute

The International Criminal Court welcomes the ratifications by Burundi (21 September), Guyana (24 September) and Liberia (22 September) to the Rome Statute. These bring the total number of States to become party to the Statute to 97. So far, 139 States are signatories of the Statute.

www.icc-cpi.int/officialjournal/legalinstruments.html

ICC Welcomes New Parties to the Agreement on Privileges and Immunities

The International Criminal Court would like to warmly welcome the new parties to the Agreement on Privileges and Immunities of the ICC (APIC).

Over the last two months, five States have become party to the Agreement: Estonia (13 September), Germany (2 September), Liechtenstein (21 September), Panama (16 August), Slovenia (23 September).

The Agreement entered into force on 22 July this year. However, it remains open at the United Nations Headquarters in New York for ratification, acceptance, approval or accession.

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DETENTION : LOSS OF LIBERTY NOT DIGNITY



"People who are detained or imprisoned do not cease to be human beings, no matter how serious the crime of which they have been accused or convicted. The court of law or other judicial agency that dealt with their case decreed that they should be deprived of their liberty, not that they should forfeit their humanity."

[Dr. Andrew Coyle, Director of the International Centre for Prison Studies in the United Kingdom]

The Court is progressing steadily towards commencing its first cases. With the prospect of the first accused arriving in the not too distant future, the issue of detention is demanding increasing attention.

In accordance with universally recognised human rights standards, the ICC will provide safe, secure and humane conditions to all persons charged and detained by the Court during each stage of their incarceration, from their initial detention up until the time that they are either released on the orders of the Court or transferred (in accordance with Chapter 12 of the Rules of Procedure and Evidence of the International Criminal Court), to a State to serve sentence. Presumed innocent, it is the Court's responsibility to provide all accused with the necessary facilities to live in a dignified manner while deprived of their freedom.

For this purpose, the Registry of the ICC established the Court Detention Section (CDS), with the principal task of converting the above standards into an actual working

environment, which can serve as a basis for the future.

It is the Section's responsibility to provide the accused with necessary medical care, to ensure that they are properly fed and clothed, be provided with conditions as close as possible to the ones resembling the outside environment and, most importantly, that they not be discriminated against or humiliated at any stage of their detention.

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.

The Section attaches great importance to the ongoing training of its staff members. Training will include education on human rights matters in order for the inherent dignity of all detained persons to be respected,

regardless of what crimes they are accused of having committed.

Considering the peculiarity of persons transferred to the custody of the Court, custody officers will require complex knowledge, skills and ability to interact positively with these individuals.

Considerable emphasis will be placed on the development of interpersonal communication skills. The possession of such skills will enable custody staff to defuse potential situations which could otherwise turn violent, and more generally, will lead to a lowering of tension, and the raising of the quality of life in the detention centre, to the benefit of all concerned.

The following steps are being taken by the Registry with regard to its detention facilities:

- Regulations governing conditions of detention are currently being drafted and are in part approved. They outline in detail the guidelines to be followed at the Court Detention Section, providing clear instructions on every aspect of the proper functioning of the detention centre.

- The Court is in the process of discussing future permanent ICC detention facilities with the Host Nation.

The Court detention centre will be located in a Dutch penitentiary complex.

The detention centre will be regularly inspected to guarantee that the conditions are fully compliant with the international provisions relating to detention matters.

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THE ROLE OF THE PRE-TRIAL CHAMBER

The establishment by the Rome Statute of a Pre-Trial Division composed of several Pre-Trial Chambers is a novelty in the system of international criminal justice. As one of the judicial bodies of the ICC, the role of each Pre-Trial Chamber is essentially threefold: it must act as a check on the powers of the Prosecutor as regards his investigation and prosecution activities; it must guarantee the rights of suspects, victims and witnesses during the investigation phase; and it must assure the integrity of the proceedings.

At the start of the proceedings, the Pre-Trial Chamber plays an important role in authorising the Prosecutor to start an investigation. When the Prosecutor wants to initiate an investigation on his own initiative (*proprio motu*), he must first obtain authorisation from the Pre-Trial Chamber. But also in cases where a situation has been referred to the Prosecutor by a State, the Pre-Trial Chamber may be asked by the Prosecutor for authorisation to investigate when one or more States have asked him to defer the investigation and the Prosecutor thinks it is important to carry on with the investigation. The Pre-Trial Chamber may also at any time during an investigation be seized with a challenge to the jurisdiction of the Court by a State or arrested person, which, if successful, would end the investigation by the Prosecutor.

Conversely, when the Prosecutor makes a decision not to proceed with an investigation or prosecution, the Pre-Trial Chamber, at the request of the referring State or the Security Council, may review the Prosecutor's decision and may request the Prosecutor to reconsider that decision. In addition, the Pre-Trial Chamber may, on its own initiative, review a decision of the Prosecutor not to proceed if it is based solely on considerations of the "interests of justice". In such a case, the decision of the Prosecutor shall be effective only if confirmed by the Pre-Trial Chamber.

Once the investigation has started and the Prosecutor has gathered sufficient evidence against a person to show that there are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court, he may apply to the Pre-Trial Chamber for a warrant of arrest or a summons to appear. And when at the end of the investigation the Prosecutor decides to prosecute, he must again apply to the Pre-Trial Chamber for confirmation of the charges on which he intends to seek trial. This confirmation hearing also serves to define the scope of the trial in terms of the exact nature of the crimes alleged and the precise form of participation attributed to the accused.

The Pre-Trial Chamber must also ensure that investigations proceed with efficiency and integrity. The first concern in this respect is upholding the rights of the defence and to guarantee the equality of arms during the investigation phase. To that end, the Pre-Trial Chamber may, upon the request of a person who has been arrested or has appeared pursuant to a summons, issue such orders as are necessary to assist

the person in the preparation of his or her defence and seek the cooperation of States. Moreover, after the initial appearance of the person before the Court, the Pre-Trial Chamber must also ensure that a person is not detained for an unreasonable period prior to trial due to inexcusable delay by the Prosecutor.

The Pre-Trial Chamber is also concerned with safeguarding the interests of victims and witnesses and especially protecting their safety, physical and psychological well-being, as well as their dignity and privacy. For this purpose, the Pre-Trial Chamber may issue such orders as are necessary and take any other measure as may be required, taking into account a fair balance with the rights of the defence. Moreover, the Pre-Trial Chamber may also seek cooperation of States to take protective measures for the purpose of forfeiture at a later stage for the benefit of the victims.

Finally, the Pre-Trial Chamber is responsible for protecting the overall integrity of the investigation proceedings. It must ensure that when a unique investigative opportunity arises, it takes all such measures as may be necessary to ensure the efficiency and integrity of the proceedings and particularly to protect the rights of the defence. At the request of the Prosecutor, the Pre-Trial Chamber may also issue such orders and warrants as are required for the purposes of an investigation, especially if those investigative measures are of an invasive or intrusive nature. In addition, the Pre-Trial Chamber may authorise the Prosecutor to take specific investigative steps directly within the territory of a State Party without having secured its cooperation when the State is unable to comply with the request. Further, the Pre-Trial Chamber is at all times responsible for protecting national security information of concerned States.



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UPDATE ON INVESTIGATIONS

Fifteen months after the swearing-in of Luis Moreno-Ocampo as the first Chief Prosecutor of the International Criminal Court, the Office of the Prosecutor (OTP) has opened two investigations in Africa.

In a speech delivered at the Third Assembly of State Parties to the Rome Statute held in The Hague 6-10 September, the President of the Court, Judge Philippe Kirsch, mentioned that two States Parties, the Republic of Uganda and the Democratic Republic of Congo, "have referred two situations to the Prosecutor. In both situations, the Prosecutor has decided to open an investigation. It is significant that the first two situations facing the Court stem from referrals by the governments most directly concerned with the situations."

In his address to the States Parties delegates, Prosecutor Moreno-Ocampo stressed that "on 21 June 2004, after a rigorous analysis we announced the opening of an investigation in the Democratic Republic of Congo. Reportedly, an estimated 5,000 to 8,000 unlawful killings have been committed since 1 July 2002, among many other crimes. On 28 July 2004, we announced the opening of the investigation in Northern Uganda [where] widespread and systematic attacks have [allegedly] been committed against the civilian population since July 2002, including the abduction of thousands of girls and boys."

The Prosecutor expressed satisfaction with "the smooth manner in which the investigations have begun. No requests for deferral to national investigations were received following the notification to States Parties." He also stressed that "in both situations the available information suggests that rape and other crimes of sexual violence, torture, child conscription, and forced displacement continue to take place."

Court officials are acting expeditiously and judiciously to address the gravity of the alleged crimes. A joint OTP-Registry delegation visited Uganda in the week of 16 August and signed an agreement setting out practical terms for cooperation. Another delegation met with Congolese officials; and an agreement was subsequently signed.

With the start of the investigations, the OTP's Jurisdiction, Complementarity and Cooperation Division (JCCD) has been negotiating with governments and regional organisations to establish relations likely to facilitate the work of the Court.

In his speech to the Assembly of States Parties, the Prosecutor also outlined the future activities of his Office. "We will conduct analysis [...] in up to eight situations," he said.



"We assume that we will finish the investigation of one case during this year and, if defendants are arrested, will start the trial in that case at the beginning of 2005. We also plan to investigate two other cases, to finish one in 2005, and, if the defendants are arrested, start that trial. We estimate that we will open an investigation in a new situation in the middle of [2005]."

So far, the OTP has received more than 1000 communications from individuals and humans rights organisations from more than 80 countries. Communications are reviewed by the OTP's Jurisdiction, Complementarity and Cooperation Division to determine if it establishes a reasonable basis for an investigation.

In Brief

Deputy Prosecutor (Prosecutions) Elected by the Assembly of States Parties

On 8 September, 2004, during its third session, the Assembly of States Parties (ASP) elected Ms. Fatou Bensouda of the Gambia as Deputy Prosecutor (Prosecutions). In accordance with article 42, paragraph 4 of the Rome Statute Ms. Bensouda was elected by secret ballot by an absolute majority of the members of the ASP for a term of nine years starting from 1 November 2004. A ceremony will be held at the ICC on Monday 1 November for the Solemn Undertaking of Mrs Bensouda.

Initially, the Prosecutor of the ICC, Mr. Luis Moreno-Ocampo, nominated three candidates for the position. The list of the three nominated candidates was transmitted to the Assembly of States Parties for election during the third session. The other two candidates nominated were: Ms. Nicola Crutchley of New Zealand and Mr. Josaia Naigulevu of Fiji. As Deputy-Prosecutor (Prosecutions), Ms. Fatou Bensouda will be responsible for the management, supervision and direction of the Prosecution Division of the Office of the Prosecutor, which consists of the Prosecution Section and the Appeals Section. She will work in close cooperation with Mr. Serge Brammertz (Belgium), Deputy Prosecutor (Investigations).

Biographical Note:

Ms. Fatou Bensouda has been a lawyer, a prosecutor, and a government minister in the Republic of The Gambia. She began her career as a Public Prosecutor in 1987. She rose to the positions of Deputy Director of Public Prosecutions, Solicitor General, Attorney General and Minister of Justice. In May 2002, she took up the position of Legal Advisor at the International Criminal Tribunal for Rwanda, after which she became a trial attorney.

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PREVENTING THE WORST: THE ROLE OF THE UN SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE



He was arrested, subjected to torture and detained for a year and a half during the Argentinian military dictatorship. After his release in the late 1970s, Mr. Méndez moved to the United States where he worked for Human Rights Watch. In 1994, he became General Counsel of Human Rights Watch, with duties including the organisation's litigation and standard setting activities. Between 1996 and 2003, Mr. Méndez served as Executive Director of the Inter-American Institute of Human Rights in Costa Rica; as Professor of Law and Director of the Centre for Civil and Human Rights at the University of Notre Dame, Indiana; and as member and later President, of the Inter-American Commission on Human Rights of the Organization of American States. He lives and works in New York.

On 18 August 2004, the newly appointed United Nations Special Adviser on the Prevention of Genocide, Juan E. Méndez of Argentina, visited the ICC headquarters in The Hague. Mr. Méndez, who was appointed in July 2004 by Secretary General Kofi Annan, delivered a one-hour lecture on the challenges of establishing an international genocide prevention mechanism. Invited to speak to ICC staff by Chief Prosecutor Luis Moreno-Ocampo, Mr. Méndez called the creation of his post an attempt at self-criticism by the UN and the world for failing to prevent the Rwanda and Yugoslavia genocides. As Special Advisor on the Prevention of Genocide, Mr. Méndez is tasked with organising a global early warning system, an assignment he described as two-pronged: high-profile human rights advocacy and communicating UN human rights policies to the public.

"Previous UN efforts failed for lack of good information and reliable information processing mechanisms," he told a large audience of ICC officials and staff members.

"But it is not enough to warn. I must also suggest a constructive and actionable response."

As Special Adviser to the Secretary-General, Mr. Méndez's scope of work encompasses close monitoring of conflicts with religious or ethnic elements. Since his appointment, he has been consulting with various expert organisations to determine a set of indicators to identify genocide in its early stages. "My job is to save lives," he said, adding that close relations between his office and the ICC are of high strategic importance. "If in my own investigations I come across evidence pointing at a perpetrator, I will of course pass it on to the Office of the Prosecutor," he noted. "The Court punishes the perpetrators of genocide, while I work at the other end of the spectrum of the Genocide Convention, that of prevention. I think there will be opportunities for synergy and coordination."

Mr. Méndez is President of the International Center for Transitional Justice, based in New York. A native of Argentina, he has a distinguished record of human rights advocacy.

In Brief

OTP and Government of DRC sign Agreement

On Wednesday 6 October 2004, in Kinshasa, Mr. Serge Brammertz, Deputy Prosecutor (Investigations) of the International Criminal Court, represented the OTP at the signing ceremony for a cooperation agreement between the Office of the Prosecutor and the Government of the Democratic Republic of Congo (DRC). The agreement covers a wide range of operational modalities and will enable the Office of the Prosecutor to investigate allegations of massive crimes committed on the territory of the DRC since July 2002, when the Statute of the ICC entered into force. The alleged crimes include war crimes and crimes against humanity. The agreement with the government of the DRC will ensure that OTP investigators and officials are able to work and travel unhindered within the DRC. It also compels DRC authorities to cooperate with the investigations.

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VICTIMS BEFORE THE ICC

One of the great innovations of the Statute of the International Criminal Court and its Rules of Procedure and Evidence is the series of rights 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.

Participation before the Court may occur at various stages of proceedings and may take different forms. Although it will be up to the judges to give directions as to the timing and manner of participation, some examples of what might happen are as follows:

- a victim may submit observations to the Court where the admissibility of the case is challenged;
- provide observations upon the Prosecutor's request for the authorisation of the Pre-Trial Chamber to initiate an investigation;
- provide observations where the Prosecutor decides not to investigate or prosecute following a State referral;
- provide observations where the Pre-Trial Chamber confirms the charges being brought against an accused;
- present views and concerns during the trial where the victim's personal interests are affected;
- appeal against an order for reparations;
- ask the Court to take special gender-sensitive measures.

Participation in the Court's proceedings will in most cases take place through a legal representative and will be conducted "in a manner which is not prejudicial or inconsistent with the rights of the accused

and a fair and impartial trial". A victim or group of victims, may receive assistance from the Registry, including, as appropriate, financial assistance. Where there are a large number of victims, the Statute envisages the appointment of a common legal representative.

A victim will normally be an individual, but in certain circumstances, where its property is affected by a crime under the jurisdiction of the Court, an organisation or institution may also be considered a victim. Based upon applications submitted to the ICC, the relevant Chamber will determine whether applicants are in fact victims under the jurisdiction of the Court.

The Statute also makes it possible for the Court to order reparations to victims, including restitution, compensation and rehabilitation. The Court may award either individual or collective reparations against a convicted person, and may decide to ask the Trust Fund for Victims to help to implement the award. The Trust Fund will also be able to raise additional funds to ensure that victims will obtain some relief in cases where convicted persons do not have assets.

Situated within the Registry, the Victims' Participation and Reparations Section (VPRS) is mandated to assist victims to participate in the proceedings and to apply for reparation. The VPRS is tasked, among other things, with:

- creating and disseminating standard application forms enabling victims to apply for participation and reparation;
- assisting victims to obtain legal aid and organising their

legal representation;

- receiving applications and storing them in a secure database;
- presenting applications to the relevant Chamber of the Court.

The victim-based provisions within the Rome Statute provide victims with the opportunity to have their voices heard and to obtain, where appropriate, some form of reparation for their suffering. 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.

In Brief

Head, Division of Victims and Counsel appointed

On 8 August 2004, Didier Preira (Senegal), Head of the Division of Victims and Counsel joined the ICC.

In his capacity as Head of the Division of Victims and Counsel, he coordinates with the Division of Court Services relating to detention and victims protection issues and with other relevant Organs of the Court. He liaises with the Trust Fund for Victims on behalf of the Registrar.

Among other duties Mr. Preira will act on behalf of the Registrar as a liaison with associations of counsel world-wide, with a view to ensuring adequate representation of the views of counsel in the activities of the Court and maintaining a list of counsel; monitor and report on compliance with the Code of Conduct of counsel appearing before the Court and ensuring the implementation of the legal aid system.

In Brief

Other Bodies: Victims' Trust Fund Becomes Operational

The third session of the Assembly of States Parties reached agreements that will enable the Trust Fund for Victims to become operational. On the first day of the ASP session, Madame Veil, the Interim Chair of the Board of Directors of the Trust Fund for Victims submitted the draft Regulations of the Trust Fund, a draft budget proposal for a Secretariat and a list of contributions made to the Trust Fund since March 2003.

The ASP, on the recommendation of the working group on the budget decided to allocate up to 470,000 euros to the Trust Fund.

The draft Regulations were not fully adopted during the session. However, provisional use of Parts I [The management and oversight of the trust fund] and II [Receipt of funds] was authorised. It was agreed that further discussion regarding Part III [The activities and projects of the trust fund] of the draft Regulations was required.

It was decided that a Secretariat be established and that it be functionally independent of the Registry, although be placed under the Registry for administrative purposes.

A number of contributions were made to the Trust Fund for Victims during the session, these include 100,000 euros from the Netherlands, 100,000 euros from Finland, 25,000 euros from the United Kingdom and 125,000 euros from France.

After ICC staff member Lex van Noorwijk recently made a donation to the Fund, several other staff members followed with contributions.

Established by the Assembly of States Parties to benefit victims of crimes within the jurisdiction of the Court and of the families of such victims, the Trust Fund for Victims is unprecedented in international criminal institutions. For further information regarding the Fund, please click on the following link:

www.icc-cpi.int/victims/victimstrustfund.html

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THIRD SESSION OF THE ASSEMBLY OF STATES PARTIES HELD IN THE HAGUE

•Other Bodies-ASP

2

6 – 10 September 2004

For the first time, the Assembly of States Parties (ASP) held its annual session in The Hague. This marks a move by the ASP to be closer to the seat of the Court. The previous two sessions were held at the UN headquarters in New York.

Between 6 and 10 September 2004, several key decisions were taken with regard to the work of the ICC, most notably the following:

- The adoption of the Court's 2005 programme budget for a total of 66,784,200 euros and the establishment of a contingency fund of 10 million euros ([ICC-ASP/3/Res.4](#)).
- The adoption of a negotiated Relationship Agreement between the Court and the United Nations ([ICC-ASP/3/Res.1](#)).
- The election of Ms. Fatou Bensouda of the Gambia as Deputy Prosecutor (Prosecutions). The Assembly elected her for a term of nine years, starting on 1 November 2004.
- The re-election of six of twelve members of the Committee of Budget and Finance (CBF). The CBF is responsible for overseeing the financial, budgetary and administrative operations of the Court.
- The adoption of amendments to the procedure for the nomination and election of judges ([ICC-ASP/3/6](#)).
- The establishment of a Secretariat for the Trust Fund for Victims ([ICC-ASP/3/Res.7](#)).



- The election of Mr. Bruno Stagno of Costa Rica as President of the Assembly for the fourth to sixth sessions. Mr. Stagno Ugarte has served as Permanent Representative of Costa Rica to the United Nations in New York since 2002.

In addition to the decisions taken, some States Parties announced contributions to the Trust Fund for Victims.

All States Parties to the Rome Statute have a representative in the Assembly. Other States that have yet to become parties have

observer status or are invited to attend the sessions of the Assembly. The heads of organs of the Court may also participate in the meetings of the Assembly and of the Bureau.

Efforts are made to reach decisions in the Assembly and the Bureau by consensus. If that should not prove feasible, a vote may be taken with a two thirds

majority required for decisions on matters of substance and a simple majority for decisions on matters of procedure. All States Parties have one vote in the Assembly.

The full texts of the speeches made during the session can be found on the ICC website along with the press releases regarding the session.

<http://www.icc-cpi.int/newspoint/pressreleases/39.html>

"The only new institution which offers hope for a more honourable century for a future, after the disasters of the twentieth century, in which the perpetrators of the most terrible offences can no longer skirt justice and in which their victims will see justice done".

[Statement made by the President of the third session of the ASP, H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan) regarding the Court]

In Brief

The Role of the Assembly of States Parties

Established by article 112 of the Rome Statute, the Assembly of States Parties (hereinafter "the Assembly") is an institution which provides management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court. The Assembly has a Bureau, made up of a President, two Vice-Presidents and 18 members elected for three-year terms. The Bureau meets in the course of the year and reports directly to the Assembly.

The Assembly, among other things, has the following responsibilities:

- Electing the judges, the Prosecutor and the deputy prosecutors;
- Making recommendations to the judges on the election of the Registrar;
- Making decisions as to the removal from office of a judge, the Prosecutor or a deputy prosecutor if the individual has committed serious misconduct or a serious breach of his or her duties;
- Considering and deciding the budget for the Court;
- Electing the members of the Board of Directors of the Trust Fund for Victims;
- Approving the staff regulations of the Court;
- Considering any question relating to non-cooperation;
- Establishing criteria for voluntary contributions to the Court.

The Assembly may establish subsidiary bodies it deems necessary, including an oversight mechanism for inspection, evaluation and investigation of the Court, in order to enhance its efficiency and economy. The Committee on Budget and Finance, for example, is responsible for examining any document submitted to the Assembly that contains financial or budgetary implications and for making the relevant recommendations to the Assembly.

In 2003, the Assembly established its own Secretariat as an integral part of the Court and entrusted it with providing the Assembly and its subsidiary bodies with independent substantive servicing as well as administrative and technical assistance. The Secretariat operates under the full authority of the Assembly and reports directly to it, although for administrative purposes the Secretariat and its staff are attached to the Registry.

Visit our Website : <http://www.icc-cpi.int>

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Workshop in the Hague : ICC and ICJ at the journalists' fingertips

On Friday 24 September 2004, the Municipality of The Hague (the Hospitality Centre), in cooperation with the Foreign Press Association and the Clingendael Institute, organised a workshop for foreign and Dutch journalists regarding the International Criminal Court (ICC) and the International Court of Justice (ICJ).

The workshop, which took place at the Clingendael Institute in The Hague, focused on the role of the two organisations, their current legal status and future activities and was chaired by Professor Bart Tromp of the Department of Research of the Institute. Sonia Robla, Acting Chief of the Public Information and Documentation Section of the ICC and Laurence Blairon, Information Officer of the ICJ, gave in-depth explanations regarding their respective institutions and were available to answer questions.

Following this, Dr. Emeric Rogier of the Conflict Research Unit of the Clingendael Institute gave a talk on the current situation in the Democratic Republic of Congo (DRC).

Latest Documents:

•General

2

ICC-ASP/3/Res.1

Negotiated Draft Relationship Agreement between the International Criminal Court and the United Nations

ICC-ASP/3/Res.2

Amendment to rule 29 of the Rules of Procedure of the Assembly of States Parties

ICC-ASP/3/Res.3

Strengthening the International Criminal Court and the Assembly of States Parties

ICC-ASP/3/Res. 4

Programme budget for 2005, Contingency Fund, Working Capital Fund for 2005, scale of assessments for the apportionment of expenses of the International Criminal Court and financing of appropriations for the year 2005

ICC-ASP/3/Res. 5

Travel of members of the Committee on Budget and Finance

ICC-ASP/3/Res.6

Procedure for the nomination and election of judges of the International Criminal Court

ICC-ASP/3/Res.7

Establishment of the Secretariat of the Trust Fund for Victims

ICC-ASP/3/Res.8

Intensifying dialogue between the Assembly of States Parties and the International Criminal Court

These documents can be found on the ICC website at:

<http://www.icc-cpi.int/newspoint/pressreleases/39.html>

Visiting Professionals and Internship/Clerkship Programmes

The International Criminal Court (ICC) offers Visiting Professional and Internship/Clerkship Programmes to candidates from either professional or educational backgrounds, providing participants with the opportunity to undertake work and projects relevant to their expertise, education and interests. From the visiting professionals, the Court seeks demonstrated experience relevant to its work. The programmes will enable them to complement their expertise at national or international level. Participants in the Internship/Clerkship Programmes will acquire practical experience in the implementation of international criminal justice, while having the opportunity to put into practice and deepen their theoretical knowledge of the International Criminal Court as an institution.

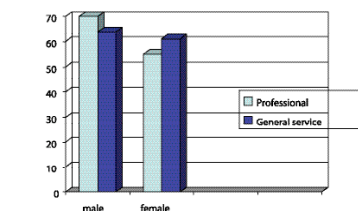
The programmes will provide participants with extensive experience in the unique and dynamic setting of the first permanent international court with jurisdiction over the most serious crimes of concern to the international community as a whole. More specifically, the programmes will afford participants the opportunity to develop a more profound understanding of the operation of the Court and of the future challenges it faces.

The Court seeks intellectual rigour, precision, perseverance, honesty, integrity, motivation, creativity and a co-operative spirit from participants in both programmes.

Candidates from both categories may apply to programmes within either: the Presidency and Chambers, the Office of the Prosecutor, or the Registry. In the case of the Visiting Professional Programme, the period of the work placement will be for one or three months. For the Internship/Clerkship Programmes, a period of up to six months is offered. Subject to the rules and conditions of the programmes, it is possible to combine a placement as a Visiting Professional with a period of paid or unpaid leave, or other affiliation with an external entity.

For more information regarding the above, please consult the ICC website at: www.icc-cpi.int

ICC Latest Recruitment Figures ^{*Budgeted posts}



Of the 250 ICC Staff Members 134 are male and 116 are female

Not including:
-20 elected positions
-47 temporary posts

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

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