



The International Criminal Court MONITOR

100
Ratifications

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International Criminal Court Becomes a Reality for the DRC

By Christian Hemedi

On 10 February 2006, the ICC Pre-Trial Chamber I issued a sealed arrest warrant for Mr. Thomas Lubanga Dyilo. The Congolese authorities were notified by the ICC Registrar about this decision on 14 March. After an initial hearing, Congolese authorities decided on 16 March to surrender and transfer Mr. Lubanga – who had been imprisoned in Kinshasa awaiting trial since his arrest in March 2005 – to The Hague. In an historic first for the Court, on 17 March, Mr. Lubanga was surrendered to the ICC at Ndjili International Airport, marking the Court's first-ever arrest. The Congolese authorities benefited from the cooperation of the French Government and the UN Mission in Congo (MONUC) in this transfer and Mr. Lubanga is now being held at the Haaglanden Detention Center at Scheveningen in The Hague.

Who exactly is Thomas Lubanga? Within the Democratic Republic of Congo (DRC), NGOs know him as a warlord whose militia has been active in the Ituri region since 2002. According to the ICC arrest warrant, Mr. Lubanga is identified as “the alleged founder of the UPC (Union des patriotes congolais) and the FPLC (Forces patriotiques pour la libération du Congo), the alleged former Commander-in-Chief of the FPLC and the alleged current President of the UPC.” During a press conference on 18 March, ICC Prosecutor Luis Moreno Ocampo declared, “Thomas Lubanga Dyilo was the founder and leader of one of the most dangerous militias in Ituri.”



Mr. Thomas Lubanga Dyilo (left) and his Duty Counsel, Mr. Jean Flamme of Belgium, during Mr. Lubanga's first appearance before Pre-Trial Chamber I on 20 March 2006. Credit: ICC-CPI/Hans Hordijk.

The Office of the Prosecutor's (OTP) press release from 17 March on the arrest noted that Mr. Lubanga “is alleged to have been involved in the commission of war crimes, namely, enlisting and conscripting children under the age of 15 and using them to participate actively in hostilities.” The Prosecutor also affirmed that the ICC will continue to investigate other crimes that may have been committed by Lubanga as well as alleged crimes

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U.S. Campaign Against the ICC Churns Up Blowback

By Hannah Gaertner

The U.S. administration's ill-conceived and heavy-handed policy against the ICC and its States Parties has hit an unexpected snag. The effort to bully States around the world into signing unlawful bilateral immunity agreements (BIA) by threatening to cut military and economic aid has had some very negative impacts on U.S. foreign policy and military relations. Interestingly, senior U.S. military officers are the ones who are speaking out.



General James L. Jones, NATO Supreme Allied Commander (Europe), suggested that U.S. anti-terrorism efforts in Africa have been hindered by military sanctions required by ASPA. Credit: Robert D. Ward, DoD.

Consistent with reports in the recently published Quadrennial Defense Review, General Bantz Craddock, Commander of U.S. Southern Command, testified to House and Senate committees in mid-March that implementing the military aid cutoffs

mandated by the American Servicemembers' Protection Act (ASPA) is having “negative effects on long-term U.S. security interests in the Western Hemisphere.” There have been growing press reports that ASPA is undermining cooperation with U.S. counter-terrorism, peacekeeping and border security operations by reducing training and the provision of military equipment and logistical support. The law was used as a cudgel to press States to sign a BIA. Twelve Latin American governments have had their military assistance terminated when they refused to do so. Craddock further stated in his testimony that by supplying the assistance that the U.S. has cut, the People's Republic of China has taken advantage of the vacuum left by the decreasing U.S. presence. This development will surely sound alarm bells in the U.S. Congress.

Characterizing this impact even more concretely, U.S. Secretary of State Condoleezza Rice acknowledged on a recent trip to Latin America that the U.S. has been “shooting [itself] in the foot” by penalizing its closest allies. She stated that the policy would need to be reviewed to avoid further damage. On Capitol

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Transitions

After almost five years of diligent work at the Coalition in various capacities, CICC Policy and Advocacy Officer **Caroline Baudot** has left the CICC to return to her homeland of France. There, she continues to work on ICC issues as a consultant for Human Rights Watch. Caroline was instrumental to the CICC's work on issues dealing with the UN and the Bureau of the Assembly of States Parties, most notably the 2003 election of ICC judges.



(l-r) Nerea Suero Fontecha, Oswaldo Zavala, and Oriane Maillet, CICC Hague Secretariat.

We also say goodbye to CICC Legal Officer **Kristèle Younés**. Kristèle has been an asset to the CICC Legal Section through her work on victims and defense issues, and will now be taking her skills to a position at Refugees International in Washington, D.C. Additionally, **Joanna Barrett**, the Communications and Programme Assistant in The

Hague, has moved on to pursue a Masters degree in international journalism. Joanna was a major force behind the production of *Insight on the ICC*.

Fortunately, the CICC Secretariat is pleased to welcome many new staff members. Joining the CICC Legal Section is **Nerea Suero Fontecha**, a Spanish lawyer who has worked for the International Committee of the Red Cross (ICRC) for over three years in Ethiopia, Jerusalem, and Sri Lanka. **Oswaldo Zavala Giler**, who has been an intern in the Hague office since October 2005, will be taking on a new role as Associate Legal Officer for the next six months. Oswaldo previously worked with a law firm in Ecuador, assisting in cases before the Inter-American Court of Human Rights. **Oriane Maillet** has taken up the role of Communications and Programme Assistant in The Hague. A native of France, Oriane has a background in law and international relations, and previously worked in communications for a Norwegian energy group.

Joining the CICC Legal Section through the New York office is **Wasana Punyasena**. A lawyer who has been working closely with the CICC Secretariat in recent years as the Deputy Convenor of the American NGO Coalition for the ICC (AMICC), Wasana comes with diverse NGO experience and also legal experience at both the ICC and the International Criminal Tribunal for Rwanda (ICTR).

We wish Caroline, Kristèle, and Joanna the best of luck in their future endeavors and we welcome Nerea, Oriane, and Wasana to our team!



Wasana Punyasena

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CICC Informal Steering Committee

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Views expressed here are those of the author and not necessarily those of the CICC Secretariat, its members, or our funders.



Foreign Affairs
Canada



Interview with Mr. Juan Méndez, UN Special Adviser on the Prevention of Genocide

In April 2006, CICC conducted an interview in writing with Mr. Juan Méndez, Special Adviser to the UN Secretary-General on the Prevention of Genocide, discussing the interaction between his mandate and that of the Court, as well as issues related to the Court's investigation of Sudan in advance of the ICC Prosecutor's report to the Security Council in June 2006.

Q: What do you perceive as the ICC's contributions – or possible contributions – to the prevention of genocide? Do you think that the Court has already had a deterrent effect?

A: I have emphasized repeatedly that accountability in the form of punishment for genocide, crimes against humanity and war crimes is crucial to the prevention of similar acts in the future. The sense of impunity for the crimes already committed breeds insecurity among populations at risk and creates a permissive environment for repeated offences by perpetrators. The ICC is an important means of establishing accountability for war crimes, crimes against humanity and genocide in countries where government and courts do not meet their obligation to protect the civilian population. However, in the absence of any particular studies on the deterrent effect of the opening of investigations in Darfur and the issuance of arrest warrants in Uganda, we could only speculate in this regard. The effects of the creation of the ICTY and the ICTR have not been reviewed thoroughly either.

Q: How do you perceive the relationship between your mandate and the work of the Court? What do you think is the role of national NGOs in these efforts to prevent genocide?

A: My office and the Office of the Prosecutor informally exchange information on country situations that are of mutual interest. However, my mandate does not foresee a formal relationship with the ICC. National NGOs have been very important for my work and we have been meeting



Juan Méndez serves as the United Nations Secretary-General's Special Adviser on the Prevention of Genocide and is the President of the International Center for Transitional Justice. Credit: ICTJ.

with them in different countries whenever we visited. Their information and analysis is an important ingredient to understand the situation in the country at question.

Q: What kind of impact do you think recent UN reform efforts, including the establishment of the Peacebuilding Commission and the Human Rights Council, will have on your work and possibly that of the Court?

A: At the current stage of discussions, it is difficult to assess the possible impact of these developments on my work. I should stress that according to my mandate, I do not engage in a formal relationship with either the Human Rights Council or the Peacebuilding Commission. I consider it important for my mandate that I report directly to the Secretary-General and the Security Council. The situations my office is dealing with require this short-track approach. However, in fulfilling the important part of my mandate to enhance the

capacity of the United Nations system regarding early warning and prevention of genocide, I will be happy to give my advice and cooperate in any way possible with these new bodies.

Q: How can the ICC best interact with other national reconciliation mechanisms, such as truth commissions?

A: The ICC will prosecute only those "bearing the greatest responsibility" for the crimes under its jurisdiction. For this reason, and also for practical ones, in the best case scenario the ICC will prosecute and try only a handful of cases in each country or situation. It stands to reason, therefore, that its work needs to be complemented with domestic prosecutions conducted with due regard for fair trial guarantees, and by other non-judicial means to obtain redress for the large universe of victims. In this regard, truth-telling mechanisms, reparations schemes and a rigorous, transparent policy of institutional reform (including vetting of perpetrators) will always be necessary. How that interaction will occur will depend on the context and circumstances, and to a large extent will require effective outreach and dissemination by the Office of the Prosecutor, the Registry and the Court itself.

Q: The Prosecutor will soon give his third report to the Security Council on his investigation in Sudan – what do you expect the Prosecutor to include in his report and what do you think should be included that he has not been in previous reports?

A: In his last report, the Prosecutor submitted that he has finally obtained agreement on cooperation in his investigations from the Sudanese authorities. However, with a view to the lack of security for victims and witnesses, the Prosecutor could not undertake investigations inside Darfur. Therefore, I would hope that there is

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Special Working Group on the Crime of Aggression to Convene for its Third Inter-session Meeting at Princeton

By Jutta Bertram-Nothnagel

The Special Working Group on the Crime of Aggression (SWGCA) of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ASP) will hold its third inter-session meeting on 8-11 June 2006, at the Liechtenstein Institute on Self-Determination, Princeton University. The crime of aggression is already under the jurisdiction of the ICC, yet the exercise of that jurisdiction remains dependent on achieving agreement about a definition of the crime and about conditions for the exercise of jurisdiction. The SWGCA, chaired by Ambassador Christian Wenaweser of Liechtenstein, is entrusted with the mandate to come up with a proposal in this regard. The adoption of the proposal will be decided upon by the Review Conference for the Rome Statute in 2009. The duration of the 2006 Princeton meeting, one day longer than in 2004 and 2005, reflects the recognition of the ASP that the SWGCA needs to conclude its work one year prior to the Review Conference.

The upcoming June meeting promises to be fruitful not only due to the extended time, but

also because of the ground prepared by the 'Virtual Working Group (VWG)' which engages the SWGCA through informal electronic interchange throughout the year. At the moment of writing, the agenda for the upcoming meeting has not yet been issued, yet most likely attention will be focused on the insightful discussion papers of the three Coordinators of the VWG: Phani Dascalopoulou-Livada (Greece) for the definition of the act of aggression; Claus Kress (Germany) for the crime of aggression and general principles under Part 3 of the Rome Statute; and Pål Wrangé (Sweden) for the conditions for the exercise of jurisdiction.

The structured approach, dividing the work on the crime of aggression into three 'baskets' of issues, serves as a reminder that States have long moved past the early negotiating stages when the interlinkage of questions resulted in paralysis. The many queries posed by the Coordinators (see in

CONTINUED ON PAGE 15



H.E. Christian Wenaweser (right), Permanent Representative of the Principality of Liechtenstein to the United Nations and Coordinator of the Special Working Group on the Crime of Aggression, Dr. Ben Ferencz (left), former Prosecutor at the Nuremberg war crimes trials, and Mr. Roger S. Clar (center), Adviser to the Permanent Mission of Samoa to the United Nations, have contributed to discussions on the definition of the crime of aggression.

IWPR Holds Media Training Workshop in Uganda

By Stephen Arthur Lamony

On 13-14 February 2006, the Institute of War and Peace Reporting (IWPR) held a workshop on international justice at the Uganda Radio Network in Naguru with the aim of helping journalists gain a fuller understanding of international justice and the International Criminal Court (ICC). The workshop highlighted the growing need for accurate reporting on the ICC and provided an opportunity to explore reporting methods. The training was also meant to strengthen the capacity of those who had benefited from a previous IWPR training in Northern Uganda in August 2005. The participants included 17 journalists from Uganda, Rwanda and Sudan.

During the course of the two-day workshop, the Uganda Coalition on the International Criminal Court (UCICC) presented a paper entitled 'Understanding the International Criminal Court' which provided information on the history of the ICC, the Rome Statute and the Court's role in the modern world. The workshop was participatory in nature and allowed journalists to ask questions and raise concerns about the ICC's work in Uganda and Sudan.

In addition to learning about the history, structure and inner-workings of the ICC, workshop participants also examined key differences between the ICC and the International Court of Justice (ICJ), the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Tribunal for the former Yugoslavia (ICTY). They also explored the question of how to report on international justice, with particular focus on the ICC. This included sessions about basic issues and problems that tend to arise in reporting international justice stories and practical strategies about where to find ICC-related information through the internet and how to best assess and use that information. Participating journalists learned practical specifics about how to communicate with



Stephen Lamony (far right), Coordinator for the Uganda Coalition for the ICC (UCICC), presents a paper on 'Understanding the International Criminal Court' during a media training organized by the Institute for War and Peace Reporting held in Uganda on 13-14 February 2006. Credit: IWPR/Thapelo Mokushane.

the Court and which Court officials to contact for different types of information requests.

Many participants noted that even though they had already been reporting, to varying extents, on the ICC, they lacked a fuller picture of many issues, such as not knowing the difference between the gravity of certain crimes and the correct words used when referencing them—specifically, genocide, war crimes, and crimes against humanity.

Some journalists were also given a chance to write pieces for the IWPR website where they can compete with other journalists across the world to get their articles published. Participants also received a variety of resources useful for journalists

including copies of the IWPR's *Reporting for Change: A Handbook for Local Journalists in Crisis Areas* and 'Understanding the International Criminal Court.'

At the conclusion of the workshop, participants expressed interest in continuing work on accurate ICC reporting using available resources, especially the internet and newly identified Court contacts with whom they could cross-check future stories.

Stephen Lamony serves as the Coordinator for the Uganda Coalition on the International Criminal Court (UCICC), based at the Human Rights Network-Uganda.

ICTJ Cape Town Meeting on "The Interests of Justice" with ICC Prosecutor Luis Moreno Ocampo

By Marieke Wierda

The International Center for Transitional Justice (ICTJ) hosted an eight-day course in partnership with ICC Prosecutor Luis Moreno Ocampo in Cape Town, South Africa in February 2006. Its purpose was to discuss considerations that should guide the Prosecutor and other justice actors in navigating tensions between peace and justice, and the interpretation that should be given to the concept of the "interests of justice" found in Article 53 of the Rome Statute. Discussions were chaired either by the Prosecutor himself or by Juan Mendez and Alex Boraine of the ICTJ. The Office of the Prosecutor was also represented by Silvia Fernandez and Paul Seils. Guest speakers included individuals who had played a prominent role in the South African transition, such as Richard Goldstone, Kadar Asmal from the ANC, Roelf Meyers from the National Party, and Yasmin Sooka, formerly on the Truth and Reconciliation Commission. The course was supported by the Foundation for Human Rights in South Africa and the Governments of Finland and The Netherlands.

The course posed a number of hypothetical situations for discussion, such as whether South Africa would have fallen within the jurisdiction of the ICC if the Rome Statute had been passed and if South Africa was a State Party when it decided to have a Truth and Reconciliation Commission instead of prosecutions for crimes committed during apartheid. There were also detailed case studies led by participants on Liberia



The ICTJ held an eight-day course in partnership with ICC Prosecutor Luis Moreno Ocampo in Cape Town, South Africa in February 2006, which included about 40 participants, to discuss considerations that should guide the interpretation of the concept of the "interests of justice." Credit: ICTJ.

and Sierra Leone and the case of Charles Taylor; the Justice and Peace Law in Colombia; and the current situations in Uganda and the Democratic Republic of Congo (DRC). Presentations were also given on peace-building; peace agreements and human rights; domestic legal obligations; and a discussion on "ubuntu" as a traditional African reconciliation response to the past.

Approximately 40 participants for the course were selected from a pool of highly qualified applicants and they brought with them wide experience in a range of disciplines, including

human rights, peace-building, peacekeeping, government, academia, and other fields. The diversity in their backgrounds led to a very rich, off-the-record discussion which reflected the complex nature of the relationship between peace and justice. It is hoped that the discussions will help to inform a policy paper that is currently being drafted by the Office of the Prosecutor on the "interests of justice."

Marieke Wierda is Senior Associate with the International Center for Transitional Justice.

Progress Report on Implementing the Rome Statute into National Law

By Sara van der Pas

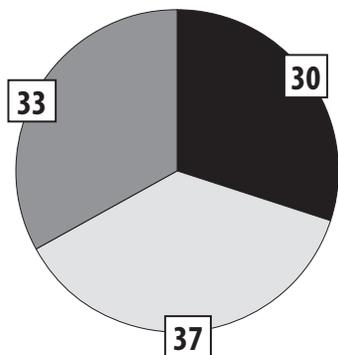
Complementarity Provisions

Amnesty International (AI) has been monitoring the drafting and enactment of legislation implementing the Rome Statute into national law since 2002. Where appropriate and where resources allow, AI comments and makes recommendations on draft legislation. In regard to complementarity, it is essential that genocide, crimes against humanity and war crimes, as well as other crimes under international law, be incorporated into national law, to ensure that States can fulfill their primary duty to investigate and prosecute.

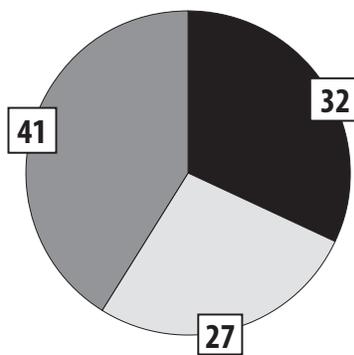
At the start of January 2006*, it appears that 40 States Parties have enacted some form of legislation implementing the Rome Statute (of these, 30 States have legislation that implements their complementarity obligations). A further 37 States Parties have some form of draft complementarity legislation. However, this means that some 33 States Parties currently have no form of draft or enacted legislation with regard to complementarity.

In addition to concerns about this lack of legislation, AI is also seriously concerned that even when States have enacted implementing legislation, it is often seriously flawed. One of the main problems is weak definitions of crimes. For example, a number of States have failed to include the prohibited conduct of causing serious mental harm to members of a group in defining genocide. Several definitions of crimes against humanity are substantially weaker than international law, particularly with regard to the crimes of extermination and sexual violence. In defining war crimes, many States are adopting those provisions of the Rome Statute that are actually narrower than definitions in other international law – such as defining child soldiers as those under 15 years of age, rather than the standard adopted by the Convention on the Rights of the Child, which defines a child as those under 18 years of age. In addition, States are omitting other war crimes that are codified under international law but are not included in the Rome Statute, such as the war crime of intentionally using starvation of civilians as a means of warfare in non-international armed conflicts.

Implementation of weak principles of criminal responsibility is also a grave concern. The distinction in Article 28 between civilian and military superiors (which sets a lower threshold of responsibility for civilian superiors) should be avoided. Likewise, Article 33, which provides for superior orders as a defense to war crimes, departs from customary and conventional international law: States should ensure that they do not provide for any impermissible defenses or bars to prosecution in enacting implementing legislation. AI is also concerned that some States are not implementing the procedural guarantees in the Rome Statute, including the fair trial guarantees in Article 55, in a satisfactory fashion.



■ Enacted complementarity legislation
 ■ Draft complementarity legislation
 ■ No complementarity legislation



■ Enacted cooperation legislation
 ■ Draft cooperation legislation
 ■ No cooperation legislation

Enacted complementarity legislation (30)

Australia, Belgium, Bosnia-Herzegovina, Bulgaria, Burundi, Canada, Colombia, Congo (Republic of), Costa Rica, Croatia, Denmark, Estonia, Finland, Georgia, Germany, Iceland, Lichtenstein, Lithuania, Mali, Malta, the Netherlands, New Zealand, Niger, Portugal, Serbia and Montenegro, Slovakia, South Africa, Spain, Trinidad and Tobago, United Kingdom.

Draft complementarity legislation (37)

Argentina, Benin, Bolivia, Botswana, Brazil, Central African Republic, Democratic Republic of Congo, Dominica, Dominican Republic, Ecuador, France, Gabon, Ghana, Greece, Honduras, Hungary, Ireland, Italy, Jordan, Kenya, Korea (Republic of), Lesotho, Luxembourg, Nigeria, Norway, Panama, Peru, Poland, Samoa, Senegal, Slovenia, Sweden, Switzerland, Uganda, Uruguay, Venezuela, Zambia.

No complementarity legislation (33)

Afghanistan, Albania, Andorra, Antigua and Barbuda, Austria, Barbados, Belize, Burkina Faso, Cambodia, Cyprus, Djibouti, East Timor, Fiji, Gambia, Guinea, Guyana, Latvia, Liberia, Macedonia (FYR), Malawi, Marshall Islands, Mauritius, Mexico, Mongolia, Namibia, Nauru, Paraguay, Romania, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Tajikistan, Tanzania.

* The status of implementation in States Parties is listed to the best of AI's knowledge as of January 2006, but there may be developments of which we are not aware. AI welcomes any corrections.

For more information on implementation, see <http://web.amnesty.org/pages/icc-implementation-eng> or contact Sara van der Pas at svanderp@amnesty.org.

Enacted cooperation legislation (32)

Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Croatia, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Latvia, Lichtenstein, Lithuania, Malta, the Netherlands, New Zealand, Norway, Peru, Poland, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, United Kingdom.

Draft cooperation legislation (27)

Argentina, Benin, Bolivia, Botswana, Brazil, Central African Republic, Colombia, Congo (Republic of), Democratic Republic of Congo, Dominica, Gabon, Ghana, Greece, Ireland, Italy, Kenya, Korea (Republic of), Lesotho, Luxembourg, Mexico, Nigeria, Samoa, Serbia and Montenegro, Senegal, Uganda, Uruguay, Zambia.

No cooperation legislation (41)

Afghanistan, Albania, Andorra, Antigua and Barbuda, Barbados, Belize, Burkina Faso, Burundi, Cambodia, Costa Rica, Cyprus, Djibouti, Dominican Republic, East Timor, Ecuador, Fiji, Gambia, Guinea, Guyana, Honduras, Hungary, Jordan, Liberia, Macedonia (FYR), Malawi, Mali, Marshall Islands, Mauritius, Mongolia, Namibia, Nauru, Niger, Panama, Paraguay, Portugal, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Tajikistan, Tanzania, Venezuela.

Cooperation Provisions

In addition to implementing legislation covering crimes, States Parties must also ensure that they enact legislation implementing the cooperation obligations set out in the Rome Statute. Cooperation from States is essential to ensuring that the ICC can effectively investigate and prosecute crimes. States Parties' cooperation obligations include enacting implementing legislation for the Agreement on Privileges and Immunities of the ICC (where such legislation is necessary), the basic obligation to cooperate fully with the ICC as set out in Article 86 of the Rome Statute, and specific obligations to cooperate, including *inter alia* cooperation in investigations and permitting the ICC to sit in a state.

As the ICC proceeds with its investigations, it is becoming increasingly important that States enact effective implementing legislation on cooperation – it is a matter of grave concern that neither Uganda, nor the Democratic Republic of Congo, nor Sudan has enacted implementing legislation providing for cooperation with the ICC. This failure has grave repercussions for the ICC's ability to work effectively in its investigations.

At the start of January 2006*, it appears that 40 States Parties have enacted some form of legislation implementing the Rome Statute (of these, 32 States have legislation that implements their cooperation obligations). A further 27 States Parties have some form of draft cooperation legislation. However, this leaves 41 States Parties that have no draft or enacted legislation with regard to cooperation.

Amnesty International is concerned that even where States have legislation providing for cooperation with the ICC, they have often failed to include all of the specific obligations to cooperation in Articles 86-102

of the Rome Statute. These specific obligations include: providing international assistance under Articles 88 and 93; permitting the ICC to sit in a state under Article 62; allowing for on-site investigations under Articles 54, 57 and 99; providing national security information to the ICC subject to Article 73; assisting the Trial Chamber in compelling witnesses to testify under Articles 64 and 93; and providing for tracing, freezing, seizing and forfeiting assets of accused persons under Article 93.

In addition, some States have failed to require their national authorities to provide for the fullest possible cooperation with the Prosecutor, the Registry and the Pre-Trial Chambers, and some have given executive officials discretion to refuse cooperation. States should seek to eliminate any procedural or substantial obstacles to the work of the ICC: failure to do so will undermine the effectiveness of the ICC.

Sara van der Pas works with the International Justice Project of Amnesty International.

Parliamentarians Meet in Mexico City to Promote Universality and Effective Implementation of the Rome Statute

By Sen. César Jauregui (Mexico) and Sen. Maria Cristina Perceval (Argentina)

With the objective of promoting the adoption of implementing legislation on the Rome Statute and of consolidating the entire membership of the ICC in Latin America, the Mexican Senate and Parliamentarians for Global Action (PGA) recently organized a regional seminar on “The Impact of the Rome Statute of the ICC on National Legal Orders.” This event took place on 16-17 March 2006 in Mexico City and included the participation of 30 legislators from States Parties (Argentina, Canada, Costa Rica, Dominican Republic, Mexico, and Portugal) and non-State Parties (Guatemala, El Salvador, Nicaragua, and Suriname).

The seminar was officially inaugurated by Mexican Foreign Minister Luis Ernesto Derbez who was accompanied by the two Vice-Presidents of the Mexican Senate, the Convenor of the PGA International Law and Human Rights Programme Senator Raynell Andreychuk of Canada, and Ambassador Werner Druml of Austria on behalf of the Presidency of the European Union.

The seminar served as a venue for multiparty delegations of fellow parliamentarians from Guatemala, Nicaragua, and Suriname to express their commitment to having their countries ratify the Rome Statute in 2006, and to share with the participants their views about the principal obstacles in making such commitments a reality.

With respect to implementation laws, in addition to the presentations made by experts from Amnesty International, the Internatioal Committee of the Red Cross, the CICC and PGA, Deputy Minou Tavarez Mirabal, a parliamentarian from the Dominican Republic, and Min. Joel Hernandez, Head Legal Adviser of the Foreign Affairs Ministry of Mexico, each presented specific information on the process and content of implementation in their respective countries.



The Mexican Senate and Parliamentarians for Global Action (PGA) organized a regional seminar on “The Impact of the Rome Statute of the ICC on National Legal Orders” on 16-17 March 2006. Pictured here: Mexican Foreign Minister Luis Ernesto Derbez (center) with the two Vice-Presidents of the Mexican Senate, Sen. César Jauregui (left) and Sen. Carlos Chauwand (right). Credit: Mexican Senate.

The nearly 150 students, academics, diplomats and legislators participating in the seminar were honored by the presence of ICC Vice President Judge René Blattmann, whose keynote speech, along with the recorded message from ICC Prosecutor Luis Moreno Ocampo and the presentation of Ambassador Juan Manuel Gomez Robledo of Mexico, helped to dispel the recurrent misconceptions about the ICC. Clarifications about the principles of the Rome Statute, such as independence,

non-retroactivity, and complementarity, as well as about prosecution policy and the relationship with the UN Security Council remain crucial issues that, once shared, guarantee commitment with the Court from policymakers and lawmakers.

Additionally, recent developments in US-ICC related policies, as Surinamese MP Dr. Ruth

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Latin America Continues Favorable Trend of Support to the ICC

By Paulina Vega-Gonzalez

Over the course of the last few months, Latin America has shown signs of continuing a favorable trend of support toward the International Criminal Court (ICC). Countries in the region that have not yet ratified the Rome Statute are trying to press through their internal processes in order to join the ICC, and those countries that are ICC States Parties are completing work on domestic implementation. In one particularly encouraging example, with focused effort by Congress this year, Guatemala could be able to ratify by the end of 2006. As another example, in Chile, the new President’s cabinet has shown real signs that they are committed to achieving ICC ratification.

In early April, the CICC conducted a joint advocacy mission to Chile in order to meet with authorities and learn about their views on ratification. The mission was carried out by the CICC, Amnesty International, the Andean Commission of Jurists and Humanas, one of the CICC’s member organizations based in Chile. The mission held meetings with senators, deputies, and government officials in order to discuss Chile’s path to ratification.

As a result of a 2002 opinion from the Chilean Constitutional Court, amendments to the Chilean Constitution are required before the Government is able to ratify the Rome Statute. To satisfy this requirement, the Executive branch has drafted a constitutional amendment which has subsequently been modified and approved by the Senate’s Constitutional Commission, and is currently pend-

ing approval by the Senate plenary before it can be submitted to the Lower Chamber. According to the Government’s estimates, this process could be concluded within the next six months. Others who are not so optimistic – primarily Congressmen – believe that ratification might not occur until the first half of 2007, given the normal speed at which matters are treated legislatively.

In a similar vein, Suriname appears to be moving forward positively with its own accession to the ICC treaty. In a December 2005 address to the Parliament of Suriname, President Venetiaan declared his Government’s intention to accede to the Rome Statute in the near future. Building on this momentum, the Coalition selected Suriname as its target country for the monthly Universal Ratification Campaign in March 2006 in order to help focus ratification efforts and encourage the Government to continue with this initiative. Local press in Suriname picked up on the CICC campaign and a number of articles were published in March about accession to the ICC treaty.

In terms of implementation, Latin American countries are continuing to move forward with their internal procedures to fulfill their obligations under the Rome Statute. While some countries such as Peru are in the final stages of discussing the incorporation of crimes under the Statute’s jurisdiction into their domestic law, others countries like Mexico are finalizing the drafting of ICC cooperation bills in order to submit them for Congressional approval.

Ratification of the Agreement on Privileges



H.E. Diego Cordovez, Permanent Representative of the Mission of Ecuador to the United Nations, deposits Ecuador’s instrument of ratification for the Agreement on Privileges and Immunities of the ICC (APIC), becoming the 38th party to APIC, on 19 April 2006.

and Immunities of the ICC (APIC) has also been moving forward positively in Latin America. Bolivia deposited its instrument at the UN earlier this year, and Ecuador did so on 19 April 2006, becoming the 38th State Party to APIC. Moreover, at the level of the Organization of American States (OAS), Member States gathered in February to analyze what measures are needed to fully cooperate with the ICC.

These concrete advancements so far in 2006 reflect a continued commitment by the region in support of the International Criminal Court.

Paulina Vega-Gonzalez serves as CICC Regional Coordinator for Latin America and the Caribbean.

Asian Civil Society Planning Meeting and China Seminar on International Criminal Law

By Francesca Varda

ICC members in Asia gathered from 20-21 March 2006, in Guiyang, China to discuss the status of the ICC in the region and to develop campaign strategies for the next year. An incredibly wide range of NGO experts participated in the two-day meeting including representatives from: the Asian Human Rights Commission; ODHIKAR; Forum Asia; the Cambodia Human Rights and Development Association; Burma Lawyers Council; ICC India; Amnesty International-Pakistan; MINBYUN-Lawyers for a Democratic Society (Republic of Korea); the Philippine Coalition for the ICC; the Malaysian Coalition for the ICC; the Vietnam Lawyers Association; the ICC Project Office of Beijing Normal University; the Japanese Network for the ICC; the Mongolia National Coalition for the ICC; and the Informal Sector Service Center from Nepal.

The event was hosted by the ICC Project Office of Beijing Normal University, Gui Zhou University and the CICC. This gathering offered an opportunity to strategize on key targets for ratification and implementation of the Rome Statute for 2006 in Asia, coordinate information-dissemination activities and resource production in the region, and share developments and efforts being conducted as part of the regional campaign on the ICC. Experts also provided updates on their respective country situations and detailed the activities conducted during 2005 and their plans for this year.

Earlier in the month, from 18-19 March, the first of a three-part series of seminars to be held in China in 2006 took place in Guiyang. Entitled "Developments in Contemporary International Criminal Law," this seminar brought together Judge Sang-hyun Song from the ICC, international legal scholars, and an array of Chinese criminal lawyers and academics.

A main point of discussion was the principal issues faced by China in relation to ratification of the Rome Statute. Participants provided insight into the legal issues being considered by the Chinese Government, including discussions about complementarity, the crime of aggression, the United States' position on the ICC, and implementation of the Rome Statute into national law. Advances in the field of international terrorism law, as well as other developments in relation to international criminal tribunals and international justice were also discussed. The seminar was

covered widely by national media and offered a chance to learn about new resources being produced nationally to support ICC efforts in the country, including a recent compilation of selected ICC implementing legislation from around the world that has been translated into Chinese, as well as proceedings from previous seminars on the ICC. The next seminar in this series will be held in Beijing, targeting key government officials.

Francesca Varda serves as CICC Outreach Liaison for Latin America, the Caribbean, and Asia/Pacific.



The Asia Regional Meeting on the ICC took place from 20-21 March 2006 in Guiyang, China with participation of about 20 NGO representatives from Asia who met to assess their work and strategize on actions and efforts for the year.

PARLIAMENTARIANS MEET IN MEXICO CITY,
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Wijdenbosch noted, may remove some of the obstacles to the pending ratifications and accessions to the Rome Statute. The United States' realization about the negative impact that some of its ICC policies are having in the region may well serve the cause of the ICC in other regions beyond Latin America.

In closing remarks at the seminar, PGA expressed its continued commitment to supporting parliamentary motions for the inclusion of the topic of strengthening the ICC system in the agenda of the forthcoming EU-Latin American Summit and to also making all relevant resources available to MPs in their efforts to defend the integrity of the Rome Statute and to achieve as soon as possible the adoption of comprehensive implementation laws.

This seminar was made possible with the support of the UK Foreign Office-War Crimes Office and with the PGA ICC Campaign by the European Union and the Belgian, Dutch and Swiss Governments.

For more information on the outcome of the Seminar and related materials, please contact Deborah Ruiz Verduzco, PGA's Adviser for Latin America, at deborah.ruiz@pgaction.org.

Sen. Maria Perceval (Argentina) is President of the National Defense Committee and Member of the PGA International Council. Sen. César Jauregui (Mexico) is Vice-President of the Senate and a member of PGA.

Vietnam Hosts First National Workshop on the ICC

By Francesca Varda and Evelyn Balais Serrano

Vietnam's capital city, Hanoi, was host to the country's first "National Workshop on the International Criminal Court" on 1-2 March 2006. The two-day workshop, which was organized by the Vietnam Lawyers Association and made possible by contributions from the Dutch and Swiss Governments, drew approximately 80 participants from the Ministries of Foreign Affairs, Justice, and National Security as well as from Vietnam's Political Academy, the National University of Hanoi, and the Supreme People's Court. Judges, prosecutors and lawyers from across Vietnam also participated and guest experts at the workshop included: ICC Judge Hans-Peter Kaul; consultant for the Office of the Prosecutor Mr. Morten Bergsmo; and Mr. Michael Cottier from the Swiss Foreign Affairs Office. Representatives from other Asian countries, the European Commission, local civil society organizations and the International Committee of the Red Cross (ICRC) were also present. CICC Asia/Pacific Coordinator, Evelyn Balais Serrano, who has been following the Vietnamese process closely over the last few months, participated in this event and conducted parallel meetings with key government officials and agencies present at the conference to maximize the Coalition's efforts toward achieving ratification.

The workshop raised an array of issues which were widely covered by the national media in Vietnam including: compatibility between Vietnamese national law and the

Rome Statute; the United States' campaign to obtain bilateral immunity agreements providing immunity from the ICC for US personnel; the Court's jurisdictional scope and mandate; the first International Criminal Court cases being investigated; the crime of aggression; the principle of complementarity; and questions regarding the *proprio motu* power of the ICC Prosecutor.

Serving as a useful information-sharing forum, the workshop also allowed for the discussion of a range of recommendations including, notably, the possibility of creating a formal translation of the Rome Statute into Vietnamese in coordination with the Ministry of Foreign Affairs and Ministry of Justice. As discussed, this translation could then be distributed to a wide range of groups – both non-governmental and governmental – concerned with the ICC issue including relevant government agencies such as the Defense Ministry.

Other recommendations under discussion included the idea of ensuring that Vietnam send a delegate to participate as an observer at the next Assembly of States Parties in the Hague and also the need for further ICC events and workshops in Vietnam in order to promote continued work toward ratification of the Rome Statute.

Francesca Varda serves as CICC Outreach Liaison for Latin America, the Caribbean and Asia/Pacific; Evelyn Balais Serrano acts as CICC Regional Coordinator for Asia/Pacific.

Africa: ICC Campaign in Africa Reaches New Heights

By CICC Africa Regional Section

Over the last few months, ICC-related activities have increased in several countries on the African continent with a wide array of actors – including governments, NGOs, the media, and the Court itself – becoming actively engaged in actions to move the work of the ICC forward.

DRC: The adoption of the Agreement on Privileges and Immunities of the ICC, the transfer of a suspect to the ICC, and a visit of the Office of the Prosecutor

On 6 March 2006, the Transitional Parliament of the Democratic Republic of Congo (DRC) adopted the Agreement on Privileges and Immunities of the International Criminal Court (APIC). The adoption of the Agreement represents an important development and should significantly benefit the successful work of the Court in the DRC. APIC was introduced to the Parliament by the Government last year, along with an implementation bill. It is hoped that the implementation bill, which has already been placed on the Parliament's agenda, will also be adopted soon.

In early April, three weeks after the historic transfer to the ICC of its first-ever detainee Thomas Lubanga (see cover story), ICC Prosecutor Luis Moreno Ocampo and his Deputy Prosecutor in charge of prosecutions, Fatou Bensouda, traveled to the DRC where they held a number of meetings with Congolese actors including government officials, members of the Congolese Coalition for the ICC and the media.

Uganda: The CICC and the ICC raise awareness among populations in Northern and Eastern districts

In March 2006, the Uganda Coalition for the International Criminal Court (UCICC), in collaboration with the Ugandan NGO Forum, organized a series of capacity-building workshops for about 150 participants drawn from NGOs, civil society organizations and community-based groups in Northern and Eastern Uganda. The workshops took place from 24– 31 March in Gulu, Kitgum, Lira and Soroti and were facilitated by staff of the ICC, the CICC and UCICC.

Issues examined during the workshops included the establishment of the ICC, the functions of the Office of the Prosecutor, and the role of victims in ICC trials. Also discussed was the work of NGOs and the UCICC in the process, as well employment and internship opportunities available at the Court for qualified Ugandans.

The participants welcomed the workshops and asked for follow-up programs to enable them to reach out to the communities with clear messages on the ICC. Many of the participants also requested that the ICC engage in more outreach to communities affected by the conflict to provide people with a better understanding of the activities of the Court and how they will affect the population. They also suggested that the Court should consider relocating its field office to Gulu with a liaison office in Kampala. Such a move would enable the Court to carry out effective outreach in Northern Uganda. They also

requested that the ICC consider the possibility of carrying out outreach programs in the Internally Displaced Persons' (IDP) camps. The ICC presented certificates of participation to those who attended the capacity-building workshops and distributed information materials for wider coverage in surrounding communities.

Zambia: The national implementation process has started

The Zambian Coalition for the ICC (ZCICC) and the CICC organized a workshop on the ICC on 7 April 2006 in Lusaka. The workshop was inaugurated by the Minister of Justice and Attorney-General of Zambia George Kunda. Participants at the workshop included the staff from the Ministry of Justice, the Director of Public Prosecution, members of the Judiciary, members of the Law Association of Zambia, academics, journalists, NGOs and civil society organizations (CSOs). In his opening remarks, the Attorney-General welcomed the workshop and reiterated the commitment of his Government in promoting and protecting human rights in Zambia and throughout Africa. He also noted that he looked forward to the report of the proceedings of the workshop and pledged that his office would partner with NGOs, the media, academia, human rights organizations and law reform institutions in order to the promote and protect the rights of Zambian citizens through the domestic implementation of the Rome Statute of the ICC.

During the course of the workshop, participants were also informed that on 22 August 2005 the Government of Zambia had given approval in principle for the domestic implementation of the Rome Statute and that all that was required was for NGOs and CSOs to partner with the Government to achieve this desired result. The workshop agreed that a Committee of Experts to draft an implementation law needed to be set up comprised of representatives from NGOs and government departments. This Committee was given two months to prepare a draft that will be circulated amongst NGOs and CSOs. The Law Reform Commission of Zambia agreed to partner with the ZCICC Coalition to host a two-day stakeholders meeting to discuss the initial draft and promised to officially hand over the final draft to the Ministry of Justice as a product of the Law Reform Commission. The ZCICC was also mandated to reach out to the media to make sure that the issue is brought to the front burner to enable participation of a wide range of Zambians in the process.

The CICC Africa Regional Section consists of Désiré Assogbavi, Outreach Liaison for Africa, Francis Dako, Francophone Africa Regional Coordinator, and Benson Olugbuo, Anglophone Africa Regional Coordinator.



The Office of the Prosecutor (OTP) conducted a visit to Kinshasa, DRC in April and held a meeting with members of the national DRC Coalition for the ICC (CN-CPI) on 4 April 2006. (l-r) Pascal Turlan (OTP expert), Fatou Bensouda (ICC Deputy Prosecutor), Luis Moreno Ocampo (ICC Prosecutor), Jean Jacques Badibanga (OTP expert), and Christian Hemedi (Coordinator of CN-CPI). Credit: CN-CPI.

CICC's policy on the referral and prosecution of situations before the ICC:

The Coalition for the ICC is not an organ of the Court. The CICC is an independent NGO movement dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization. The Coalition will continue to provide the most up-to-date information about the ICC and to help coordinate global action to effectively implement the Rome Statute of the ICC. The Coalition will also endeavor to respond to basic queries and to raise awareness about the ICC's trigger mechanisms and procedures, as they develop. The Coalition as a whole, and its secretariat, do not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC. However, individual CICC members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts.

Communications to the ICC can be sent to: ICC, P.O. Box 19519, 2500 CM The Hague, The Netherlands

AND SITUATION COUNTRIES

Chad Commits to Joining the International Criminal Court

During the course of a training seminar on the ICC on 29 March 2006 in N'Djamena, Chad, the Chadian Minister of Foreign Affairs and African Integration, His Excellency Ahmad Allam Mi, announced that his country intends to ratify the Rome Statute as soon as possible. The seminar was officially opened by Mr. Allam Mi, in the presence of the French Ambassador to Chad, His Excellency Jean Pierre Bercot, representing the European Union. During his opening speech, Mr. Allam Mi declared, "The Government of Chad will study and adopt the ratification bill of the ICC Statute without further delay. [...] We will then try to get the National Assembly to adopt it as soon as possible." According to the Minister, Chad shares the ICC's ideals and its objective to combat genocide, crimes against humanity and war crimes. In light of this and in accordance with Resolution 1593 of the UN Security Council, Chad has engaged in active cooperation with the ICC, most notably in providing necessary facilities to help the ICC carry out its mission in the Darfur situation.

The N'Djamena seminar – which ran from 29-31 March – was organized by the Chadian Civil Society Coalition for the ICC (CCSC), in collaboration with the CICC. In November 2005, the CICC chose Chad as the target country of its monthly Universal Ratification Campaign and during the course of this campaign, the Chadian Coalition was created in N'Djamena by 12 human rights organizations. The Chad Coalition's focus is to advocate for the speedy ratification of the ICC treaty and its national implementation. With the support of the CICC, the Chadian Coalition organized a roundtable on the ICC in December



The Chad Minister of Foreign Affairs, H.E. Ahmad Allam Mi (at the microphone) gives the opening speech at a training seminar on the ICC on 29 March in N'Djamena, Chad. Around him, (l-r) Mr. Gosgar Doumnguinan, Convenor of the Chad Coalition, H.E. Jean Pierre Bercot, French Ambassador to Chad, and Désiré Assogbavi of the CICC.

2005 which concluded with a formal NGO appeal to the Government to ratify the Rome Statute.

The three-day seminar in March – which was sponsored by the Kingdom of The Netherlands – brought together 50 participants from different state institutions, NGOs, religious groups, universities and the media and aimed at providing participants with basic knowledge about the ICC and engaging them in the campaign to urge Chad to join the ICC as soon as possible. ICC Registrar Mr. Bruno Cathala and the Principal Counsel of the ICC Office of Public Counsel for Victims Ms. Paolina Massida also took an active part in these activities.

While in N'Djamena, CICC Africa Outreach Liaison Désiré Assogbavi hosted a public conference on the ICC – with the participation of about 300

audience members – which was broadcast on both national public radio and national public television. Mr. Assogbavi also met with Chadian Government officials, NGOs, and foreign diplomats based in Chad as well as with officials from international organizations for bilateral meetings. Building on the Foreign Minister's announcement that Chad will quickly ratify the Rome Statute, the CICC has engaged in discussions with the Minister of Justice and his technical advisers in order to lay the foundations for an effective implementation of the treaty.

The CICC and its members in Chad welcome the commitment by the Chadian Government to join the ICC, and encourage authorities to do everything possible for implementation of the Rome Statute.

Assessing Sudan's National Efforts to Achieve Justice

By Adwoa Kufuor

Since the Security Council referral of the situation in Darfur to the ICC in February 2005, there have been many encouraging developments in the pursuit of justice and accountability for gross human rights violations perpetrated in Darfur. However, many of these gains have been mired by a worrying series of notable failures.

Inside Sudan, the ruling government's strategy in addressing alleged crimes has not been motivated by justice but by self-interest and politics. The measures taken have been desultory and arbitrary, ranging from random compensation, publicity-driven reconciliation ceremonies between opposing ethnic groups, and the establishment of various national investigative committees to the establishment of Criminal Court for Darfur's Incidents. The approach has been incomprehensive, has lacked transparency and has been reactive to international demands, exposing the government's lack of commitment to combating impunity and punishing human rights violations. Furthermore, the measures taken have been ineffectual.

Immediately following the launch of the ICC investigation, the government publicly expressed its rejection of the ICC process. It accused the ICC investigation of being political rather than serving international justice. In statements to national media, government officials issued contradictory statements and accusations about the nature of the ICC, including the claim that the ICC is a US Trojan Horse as well as claims that the Sudanese judiciary was capable and able to try perpetrators of war crimes. Despite this relentless government

smear campaign against the ICC, in Darfur this campaign has remained largely unsuccessful.

While there is a certainly a role for domestic courts in the pursuit of justice for victims in Darfur, a total dependence on prosecutions by the Sudanese courts for alleged crimes committed by the ruling government forces would be contrary to international norms of justice, including impartiality. The judicial system in Sudan is characterized by a culture of intimidation and impunity and government interference and obstruction in the administration of justice is commonplace. In the Darfur conflict, where civilians are targeted for abuses based specifically on their tribal lineage, the concept of equal protection under the law is unattainable not in the least because of systematic under-funding and a lack of training on international human rights jurisprudence which have completely decimated the Sudanese judiciary. The current judiciary system in Sudan does not have the capacity nor the will to try crimes of the magnitude committed in Darfur.

Nonetheless, this reality did not prevent the government from establishing the Criminal Court for Darfur's Incidents, on 7 June 2005, a week after the ICC launched its formal investigations. The Court was initially mandated to hear cases of 160 people accused of committing crimes in the states of North, West and South Darfur. Despite this enormous task, the judges appointed had scant



A mother with her child at the Zam Zam camp for internally displaced people in Darfur, Sudan. Credit: UN Photo/Eskinder Debebe.

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Europe Sees Important Advances in ICC Support

By Luisa Mascia

Important ICC developments have unfolded in European States and at the European Union (EU) level since the beginning of the year. With regards to the ICC ratification campaign, positive developments are taking place in Eastern Europe, particularly in Moldova, Ukraine and Azerbaijan.

In Moldova, the Ministry of Justice recently stated that the necessary amendments to the Constitution as well as to the Criminal Code and Criminal Procedural Code are being prepared in order to enable prompt ratification by Moldova. On the Foreign Affairs side, the Ministry, in consultation with local civil society, is adopting a strategy on implementation of the EU-Moldova Action Plan, whereby Moldova would be committed to “ratify the Rome Statute of the ICC and make provisions for the necessary constitutional amendments foreseen thereto in the new draft constitution that is being elaborated by the Joint Constitutional Commission [and] ensure its unhindered implementation.” As ratification nears, civil society engagement and media coverage is also increasing, with several articles on the ICC being published in popular local newspapers and in recognized academic legal reviews.

In Ukraine, official reports indicate that the country is currently addressing its constitutional incompatibility with the Rome Statute, as identified by the ruling of the Constitutional Court. In this regard, a constitutional amendment is being prepared and a draft should be presented to the Parliament following parliamentary elections in March.

Following an official request by the Ministry of Justice of Azerbaijan, the South Caucasus Coalition for the ICC and the CICC organized a conference entitled “The International Criminal Court: Southern Caucasus Perspectives” which took place on 5-6 April 2006 in Baku, Azerbaijan, and which has helped raise awareness of the importance



Ms. Ursula Plassnik (left), Chairperson of the Council of the European Union and Austrian Minister for Foreign Affairs, and Mr. Philippe Kirsch, President of the ICC, sign the EU-ICC Agreement on Cooperation and Assistance on 10 April 2006. Credit: Council of the European Union.

of Azeri accession to the Court and the impact it could have in countries across the region.

At the EU level, in an historic achievement on 10 April, the EU and the ICC signed a cooperation agreement that set the framework for cooperation and assistance between the two institutions.

Additionally at the EU level, the current President of the EU, Austria, has started implementing its ambitious ICC agenda by undertaking a number of démarches in several countries across the globe, bringing up the ICC in political dialogues with third countries and addressing concerns regarding the United States' bilateral immunity agreements. The COJUR sub-area ICC working group held a meeting on 9 March, during which an informal exchange of

views with NGOs also took place. This exchange focused on ratification and implementation issues, follow-up from the last Assembly of States Parties session and other related ICC issues, such as victims and witnesses' protection and ICC premises. In upcoming plans, the Austrian Presidency of the EU will host an ICC event in Salzburg at the end of May with the goal of promoting a greater number of ratifications in the Commonwealth of Independent States (CIS) region – one of the most underrepresented in the Court system. This event is aimed at bringing together high-level delegations from all CIS countries, along with representatives of NGOs and international organizations.

Luisa Mascia serves as CICC Europe Coordinator.

CICC Campaign in the Middle East and North Africa Gains Momentum

By Amal Basha and Anjali Kamat

The campaign for the ICC in the Middle East and North Africa (MENA) has been given a significant boost recently. As a result of both the ICC investigation in Sudan as well as two other politically-charged developments that do not bear directly on the ICC – the international investigation into the assassination of former Lebanese Prime Minister Rafiq al-Hariri and the contested trial of the deposed Iraqi President, Saddam Hussein – international criminal justice and accountability have come into the public spotlight in this region for the first time in years. Simultaneously, NGOs from Morocco to Bahrain have redoubled their efforts and joined with parliamentarians, academics, journalists, and lawyers to strengthen national coalitions and urge their governments and the League of Arab States to support the ICC.

Since the formation of a Lebanese Coalition for the ICC in October 2005, Lebanese members have met with leading officials and launched a broad campaign in support of accession to the ICC treaty. Several awareness-raising activities in addition to a well-attended press conference marked the CICC's Universal Ratification Campaign in Lebanon this February. A larger conference focused on encouraging Lebanon's accession is planned for May 2006.

In Yemen, following an official announcement in December 2005 that ratification would be discussed in the Parliament, international and Yemeni CICC members launched an extensive



CICC members at a press conference at the Beirut Bar Association/Human Rights Institute on 7 February 2006 announce the launching of CICC's Universal Ratification Campaign in Lebanon. (l-r) Dris El Yazimi (FIDH), Raymond Chedid (Human Rights Institute), Ghasan Moukheiber (Member of Parliament), Brigitte Chelebian (Justice Without Frontiers), and Ahmad Karoud (Amnesty International Beirut).

campaign urging parliamentarians to vote in favor of ratification. While the discussion has been delayed to the next session, prominent MPs from all political parties have made strong public statements in favor of the ICC.

Meanwhile, the newly-created Bahraini Coalition made significant advances in discussing ratification with parliamentarians and the Ministry of Foreign Affairs, and hope to form a Gulf Coalition for the ICC later this year.

MENA members did not solely work on national campaigns; on 27 March 2006, in an important show of solidarity, prominent NGOs across the Arab world signed a statement initiated by the Cairo Institute for Human Rights Studies and Human Rights Watch urging the Arab League to call on Sudan to fully cooperate with the ICC.

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The Architecture of Global Justice: Imagining the ICC's Permanent Premises

By Damir Pozderac

The process of securing permanent premises for the International Criminal Court (ICC) – perhaps the most unique architectural project of our time – is currently going through a phase that, to those uninitiated in the process, may seem rather obscure. The issues surrounding the project are stretched between a number of concerns: immediate needs and long-term goals; current options and long-term possibilities; available real estate and the limits of funding; as well as politics and diplomacy.

For victims – the ultimate constituency of the ICC – this process does not have much meaning in their search for a permanent institution that will provide justice for the gravest crimes because it remains distant, unexplained and largely invisible. Although the Court is established and functioning, there is not yet an architectural concept of the institution which would allow people to more easily link it in their minds with an actual physical form or image; hence the importance of this architectural project and the importance of making the process around it as visual and comprehensible as possible.

To help the process, graduate students in Architecture at Columbia University in New York City designed and presented their visions of what the future ICC premises might look like on 9 December 2005, and again during the resumed session of the Fourth Assembly of States Parties in January 2006. The latter presentation was organized by Juerg Lauber, Legal Adviser for the Permanent Mission of Switzerland to the UN and Coordinator for the New York Friends of the ICC. Students not only made inspired presentations of their visions for future ICC premises, but also introduced new concepts that minds preoccupied with the legal issues, real estate concerns and politics of the process might forget or omit. During the two presentations, it became clear that a multidisciplinary approach – tying in conceptual architecture to the issue of permanent premises – would be the most favorable one.

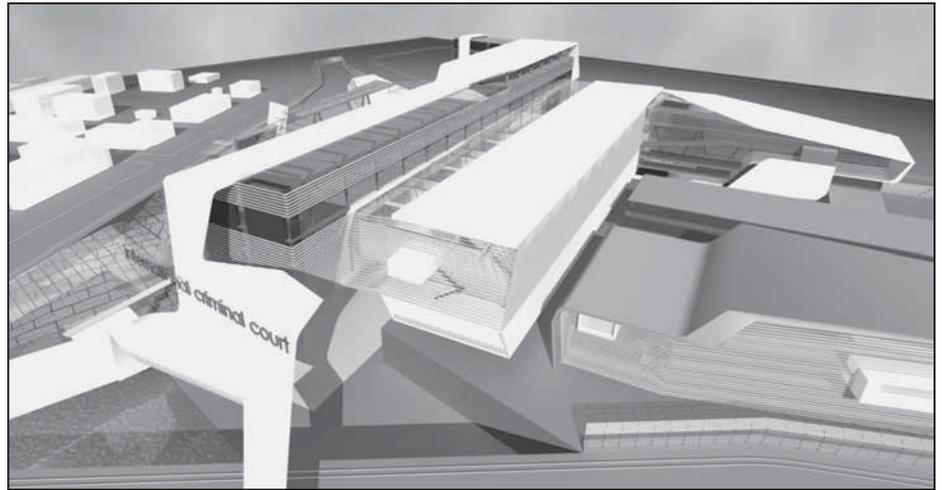
Issues concerning the ICC's overall identity and how to translate the ICC concept into a physical form were raised in one project that dealt with court-building types and broke down the preconceptions of what a court building should look like. The project – which used a minimalist approach and investigated the building as a simple box – generated a debate about how even simple forms can contain immense possibilities of meaning and can be interpreted in a myriad of ways given the Court's international context and global constituency.

Another project presented the possibility of mobile courtrooms located in situation countries, highlighting the need for *in situ* trials. This project envisioned a broader role and mandate for the Court in post-conflict reconciliation and transitional justice, linking architectural phases of these mobile courtrooms with investigation and trials phases.

Mr. Lauber, who participated in the final review at Columbia University, noted the important role of symbolism in the development of the Court's premises, especially since much of the Court's audience will only see the building in pictures.

The continued interest in and discussion about the Court's permanent premises among architectural professionals should bring with it more understanding about the ICC's nature, character and its unique role in history as well as more inspired design ideas. It will also remain crucial for this process to be open and transparent, allowing for the free-flow of public debate.

Damir Pozderac serves as Coordinator of the Architectural and Urban Development Group at the Academy of Bosnia and Herzegovina in New York. He is also a member of the CICC's NGO Team on Permanent Premises.



Dorian Bybee is one of several students in Professor Laura Kurgan's graduate architecture class at Columbia University who designed models for the ICC permanent premises. Credit: Dorian Bybee.

CICC CAMPAIGN IN MIDDLE EAST AND NORTH AFRICA, CONTINUED FROM PREVIOUS PAGE

While there was unfortunately no response from the Arab League on this issue, the Council of Arab Ministers of Justice, in December 2005, did adopt model ICC implementing legislation. This law, while not binding, has been made available to Arab League Member States.

In other official developments, the Moroccan Equity and Reconciliation Commission's final report – which was approved by the King – included a crucial recommendation that Morocco ratify the Rome Statute. Moroccan members will work closely with the national Consultative Council on Human Rights, the body responsible for implementing the report's recommendations.

These activities by CICC's members are aimed at achieving more ratifications from the region and increasing the participation of MENA States in the Court, which will go far in bolstering the Court's universality.

The Council of Arab Ministers of Justice model ICC implementing legislation is available on the CICC website at <http://www.iccnw.org/?mod=romeimplementation> and <http://www.iccnw.org/?mod=leagueofarabstates>.

Amal Basha serves as CICC Regional Coordinator for MENA; Anjali Kamat acts as CICC Outreach Liaison for MENA and Europe.

Office of the Prosecutor Publishes Update on Communications Received

By Oswaldo Zavala Giler

On 9 February 2006, the Prosecutor of the ICC responded to communications received concerning situations in Iraq and Venezuela. In both cases, the Prosecutor concluded that, at this stage, the requirements to seek authorization to initiate investigations have not been satisfied. At the end of both responses, however, the Prosecutor also noted that these conclusions could be reconsidered "in the light of new facts or evidence" and that, in accordance with Rule 49(2) of the Rules of Procedure and Evidence, additional information could be submitted to his office.

According to the Prosecutor, his office received 1,732 communications between July 2002 and 1 February 2006. Following the Office of the Prosecutor's (OTP) initial review of these communications, 80% were found to be manifestly outside the jurisdiction of the Court and 20% were grouped by situations and considered for further analysis.

When a situation is not referred by a State Party or by the UN Security Council, the Prosecutor of the ICC may also start an investigation of his own initiative on the basis of communications submitted by individuals or organizations which contain information on crimes within the jurisdiction of the Court. All communications are subject to an initial review to determine whether there exists

a basis for possible further action. In this review, the Prosecutor assesses if the communications concern: events which occurred after the date that the Rome Statute entered into force; allegations of genocide, crimes against humanity or war crimes, or alleged crimes committed on the territory of, or by nationals of, States Parties.

In considering communications about Iraq, since Iraq is not a State Party, the Prosecutor could only consider the alleged crimes committed in Iraq by nationals of ICC States Parties in order to assess whether they could amount to one of the crimes within the jurisdiction of the Court. In his response, the Prosecutor made no specific reference to actions carried out by the United States or its nationals. As a result of this review, 20 cases of wilful killing and/or inhumane treatment of civilians (war crimes) were estimated. However, the Prosecutor did not consider them to meet the required threshold of gravity set out in the Statute.

In the allegations regarding Venezuela, which only concerned crimes against humanity, the Prosecutor did not find basis to believe that the attacks against civilian groups were widespread or systematic.

Oswaldo Zavala Giler is Associate Legal Officer at the CICC Hague Secretariat.

New Handbook for Journalists on Reporting on the ICC

By Stacy Sullivan

The Institute for War and Peace Reporting (IWPR) – a London-based media development organization with projects in about two-dozen countries – recently published a handbook for journalists on how to cover war crimes courts, with a special emphasis on the International Criminal Court (ICC).

The publication, *Reporting Justice: A Handbook on Covering War Crimes Courts*, provides journalists with an overview of the courts in which war crimes are tried; gives an outline of the history of these courts; explains the body of international law under which the courts operate; details how war crimes trials work; and explores the actual process of reporting both in the courts and on the ground.

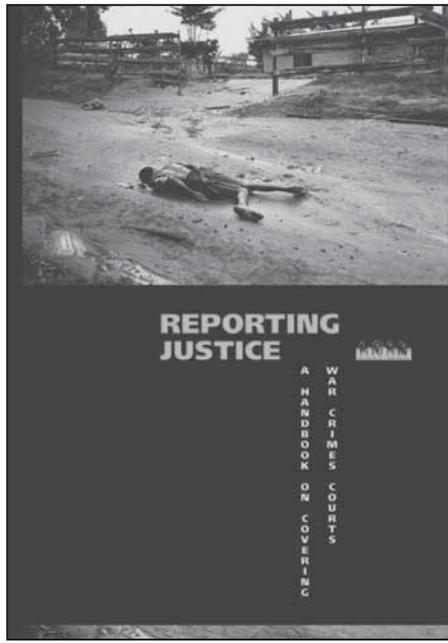
“The purpose of this book is to support countries emerging from war by improving public understanding of international and other justice processes,” said Tony Borden, IWPR’s Executive Director. “Strengthening the skills of individual reporters will increase responsible and reliable reporting on justice issues and make a major contribution to the process.”

The handbook was designed both to support formal training sessions with experts in international humanitarian law and experienced journalist trainers, or to be used on its own for independent study and review.

It will first be introduced in Uganda, where IWPR already has a program in place training local journalists in both print and radio journalism; however, it will also be used in other countries where IWPR operates.

IWPR has programs in Iraq, Afghanistan, Central Asia, the Balkans and Africa, as well as an office in The Hague, which has covered the UN Tribunal for the former Yugoslavia (ICTY) since its inception more than a decade ago and today has the only thorough archive of articles on the ICTY.

In some sense, *Reporting Justice* is the type of tool we at IWPR wish we had when we began



“Reporting Justice: A Handbook on Covering War Crimes Courts” is intended for journalists reporting on the trials of war crimes suspects or investigating war crimes on the ground. Credit: Marcus Bleasdale and IWPR Contributors.

our Tribunal reporting project and we believe it will be helpful for any journalist interested in covering the ICC.

Reporting Justice: A Handbook on Covering War Crimes Courts is available on the IWPR website at <http://www.iwpr.net>

Stacy Sullivan is a senior editor with IWPR based in New York.

CICC Launches New Website

The Coalition is very pleased to announce the launch of its new and improved website (www.iccnw.org). We hope that the enhanced design, layout and organization of the site can greatly contribute to your work and enable us to continue serving as a key source of information on the ICC. Some of the added features include:

- A section dedicated to specific Issues and Campaigns that NGOs continue to monitor, from Budget and Finance to Victims and Witnesses.
- A section on Cases and Situations before the Court, including timelines of developments related to each situation.
- Improved Regional and Country Information highlighting developments related to the ratification and implementation of the Rome Statute and conferences and events.
- A database-driven documents system that allows visitors to research and locate documents of particular interest.
- A news system that will enable us to share and archive media digests and country updates circulated to our ICC-info listserv.

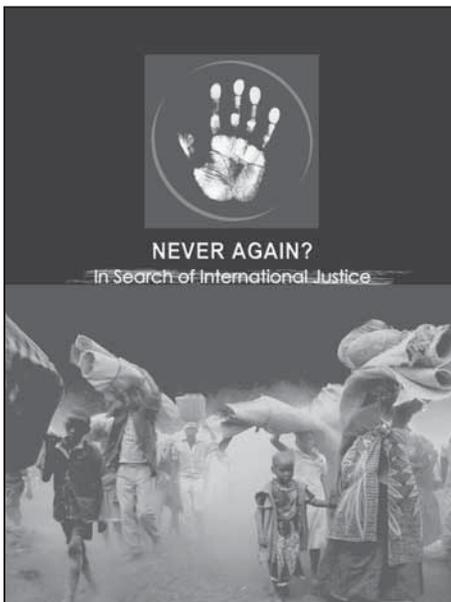
ASSESSING SUDAN'S NATIONAL EFFORTS, CONTINUED FROM PAGE 9

war crimes experience and, to date, this court has heard just six cases. The court sessions were un-systematic; cases were transferred from the existing Specialized Criminal Courts in Darfur (which had been established in April 2003 following the outbreak of the conflict) to the Criminal Court for Darfur's Incidents without notice or justification. Despite the complexity of many of the cases, the majority of the six cases were heard on a single day in the absence of witnesses. In many cases, no reasons were given for withdrawal of charges against defendants, contributing to victim dissatisfaction with the criminal justice system in Sudan. There is widespread suspicion, mistrust and lack of confidence among victims. Despite the gravity of the crimes committed, only lower level soldiers have been prosecuted, with a complete absence of attention to the crimes of sexual violence. By September 2005, it had become apparent that the Criminal Court for Darfur's Incidents was a charade and a failed attempt to pacify the international community. The impotence of this court sent a clear signal to all parties in the conflict that very little had changed and that they could continue to perpetrate gross human rights violations with impunity.

Comprehensive judicial reform in Sudan is needed to ensure that the Sudanese judicial system is able and willing to conduct impartial investigations and hold perpetrators to account according to international standards of fair trial. This enforcement of the fundamental right to justice alongside traditional African reconciliation mechanisms in the Darfur context can be a complement the ICC and can help secure justice and reparations for victims as well as local reconciliation. These mechanisms can contribute to reconcile residual tensions and animosities especially as the perpetrators of many of these crimes originate from Darfur and will live alongside their victims. Nonetheless, for this very reason, these local mechanisms can only at best be complementary to the ICC investigation and criminal prosecution of those who bear the highest responsibility for war crimes and crimes against humanity committed in the region. In the meantime, in the search for justice and redress for victims in Darfur, the ICC remains their best and only hope.

Adwoa Kufuor is a campaigner with the Sudan Organization Against Torture (SOAT), a CICC member.

“Never Again? In Search of International Justice” – A New Documentary on the ICC and Global Justice



Narrated by musician-activist Peter Gabriel, a new documentary about the ICC 'Never Again? In Search of International Justice' traces the evolution of international law. Credit: Judy Films/Judy Jackson.

Award-winning Canadian filmmaker Judy Jackson has produced a powerful and thought-provoking new documentary film, ‘Never Again? In Search of International Justice.’

The film – which is narrated by musician-activist Peter Gabriel – traces the evolution of international law and justice from the Nuremberg trials that followed World War II through the tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR) to the new international justice movement which created the ICC. It features focused interviews with victims, investigators, judges, human rights groups, as well as high-profile figures from the world of international justice including former ICTY and ICTR Prosecutor Louise Arbour (now UN High Commissioner for Human Rights), ICTY Prosecutor Carla del Ponte and ICC Prosecutor Luis Moreno Ocampo.

‘Never Again?’ creates a vivid and moving picture of the remarkable movement for global justice which continues to grow around the world. The United States’ opposition to the ICC is also discussed, with responses to the United States’ arguments against the Court provided by international legal experts. This new film offers an excellent new resource for NGOs working on the ICC to help explain what the ICC is and its role in bringing justice to victims of the world’s worst crimes.

For more information or to order copies of the film, visit www.judyfilms.com.

Election of Judges Leads to New Composition of Chambers

some progress with regard to cooperation in practice. I don't expect it, however, given what I know to be the Government of Sudan's stated position on this so far. In addition, I hope that the Prosecutor will be able to announce advances in his investigation even without cooperation from Khartoum, and that indictments can be envisaged relatively soon.

Q: Sudan has expressed the fact that it will not cooperate with the Court and that it wishes to conduct its own trials, raising issues with regards to admissibility and complementarity. How can one assess 'willingness'? Do you perceive Sudan's efforts as legitimate efforts toward national justice and reconciliation? What do you think the appropriate response of the international community should be if Sudan's refusal to cooperate stands in the way of effective ICC investigations and prosecutions?

A: I have studied efforts at reconciliation between communities in Darfur that the Government of Sudan sponsored during 2005, and I am persuaded that their purpose was not to seek genuine reconciliation but to create images for international consumption, as well as – secondarily – to intimidate the civilian population. This is important because I believe that serious inter-communal talks to promote reconciliation among the communities that share the Darfur territory are urgent; they should, however, be conducted under the auspices of the international community, not the Sudanese Government.

During my two visits to Darfur in September 2004 and September 2005, respectively, I observed the unwillingness or lack of capacity of the Sudanese judiciary to deal with the crimes committed by Janjaweed or Sudanese Armed Forces in the course of the conflict. While alleged victims of rape have been charged with adultery, effective investigations of the alleged perpetrators did not take place. Since its creation, the Special Criminal Court for Darfur only dealt with six cases, none of them addressing the serious crimes committed during the conflict. The Special Court started a procedure regarding an attack of Government affiliated troops on a village, but failed to proceed. Since the referral by the Security Council was decided on as a measure under Chapter VII, the cooperation of the Government of Sudan is not an option, but an international obligation.

Q: In light of the many problems that the ad hoc tribunals (ICTY and ICTR) had in the past, do you think the ICC is doing a good job so far in navigating the many problems faced by international justice? What areas do you think may continue to need special attention?

A: I think the ICTY and ICTR are having problems but those problems are exacerbated by a tendency to dismiss the many contributions of those two courts under a misguided interpretation of their relative cost and their impact on the culture of the societies they operate in. In that sense, the ICC has the advantage of being able to draw lessons from those mis-

During the resumed meeting of its fourth session on 26-27 January 2006, the Assembly of States Parties elected six judges, five of whom had already served three years as ICC judges. The composition of the current bench of judges is:

Judges	Nationality	Region	Gender	List A/B	Term Ends
BLATTMANN, René	Bolivia	Latin America and Caribbean	Male	B	2009
CLARK, Maureen Harding	Ireland	W. Europe and Other	Female	A	2012
DIARRA, Fatoumata Dembele	Mali	Africa	Female	A	2012
FULFORD, Adrian	United Kingdom	W. Europe and Other	Male	A	2012
HUDSON-PHILLIPS, Karl T.	Trinidad and Tobago	Latin America and Caribbean	Male	A	2012
JORDA, Claude	France	W. Europe and Other	Male	A	2009
KAUL, Hans-Peter	Germany	W. Europe and Other	Male	B	2015
KIRSCH, Philippe	Canada	W. Europe and Other	Male	A	2009
KOURULA, Erkki	Finland	W. Europe and Other	Male	B	2015
KUENYEHIA, Akua	Ghana	Africa	Female	B	2015
ODIO BENITO, Elizabeth	Costa Rica	Latin America and Caribbean	Female	A	2012
PIKIS, Georgios M.	Cyprus	W. Europe and Other	Male	A	2009
PILLAY, Navanethem	South Africa	Africa	Female	B	2009
POLITI, Mauro	Italy	W. Europe and Other	Male	B	2009
SONG, Sang-hyun	Republic of Korea	Asia	Male	A	2015
STEINER, Sylvia H.	Brazil	Latin America and Caribbean	Female	A	2012
TRENDAFILOVA, Ekaterina	Bulgaria	E. Europe	Female	A	2015
UŠACKA, Anita	Latvia	E. Europe	Female	B	2015

List A are judges with established competence in criminal law and procedure. List B are those judges with established competence in relevant areas of international law.

Composition of the Chambers

In a plenary session held on 11 March 2006, the Judges finalized the composition of the different Divisions of the Court as follows:

The Pre-Trial Division

Judge Akua Kuenyehia, Judge Claude Jorda, Judge Hans-Peter Kaul, Judge Mauro Polit, Judge Fatoumata Dembele Diarra, Judge Sylvia Steiner, and Judge Ekaterina Trendafilova.

The Trial Division

Judge René Blattmann, Judge Karl Hudson-Phillips, Judge Elizabeth Odio Benito, Judge Maureen Harding Clark, Judge Anita Ušacka, and Judge Sir Adrian Fulford.

The Appeals Divisions

Judge Philippe Kirsch, Judge Georgios M. Piki, Judge Navanethem Pillay, Judge Sang-hyun Song, and Judge Erkki Kourula.

Composition of Pre-Trial Chambers

On 14 March 2006, the Presidency announced its decision on the composition of the Pre-Trial Chambers. The Chambers have been constituted as follows:

Pre-Trial Chamber I

Democratic Republic of Congo

Judge Claude Jorda, Judge Akua Kuenyehia and Judge Sylvia Steiner.

Pre-Trial Chamber II

Uganda

Judge Mauro Polit, Judge Fatoumata Dembele Diarra and Judge Ekaterina Trendafilova.

Pre-Trial Chamber III

Central African Republic

Judge Hans-Peter Kaul, Judge Sylvia Steiner and Judge Ekaterina Trendafilova.

understandings. I would hope, however, that the ICC will refuse the temptation to rush judgments to avoid being accused of "slow justice." In addition, the ICC is better positioned to withstand the criticisms directed at the ad hoc courts because its origin on 100 ratifications and more than 140 signatures assures it a prestige and legitimacy that is less controversial than when the origin is a decision of a political organ. I think the ICC is doing a very good job of explaining itself to the world; but we need to see more prosecutorial and adjudicatory activity before we can judge whether it is doing a good job in its specific function.

Q: Many people raise criticisms about how much time international justice cases take to proceed. The Court has been in existence for almost four years now. How do you perceive the Court's workload to

date, especially in relation to other international justice tribunals?

A: I actually think that the ICC has achieved a lot in a very short time, given the required process of ratifications, logistical and administrative steps needed, and so on. Not only is the Court already active in three important conflicts, but it also lends its weight (by the fact that it could eventually exercise jurisdiction) in at least three others. All of them are counted among the conflicts that draw the most attention from the international community today. In that sense, the ICC is positioning itself to become an essential instrument of peace and justice. Obviously, the fact that it has now obtained personal jurisdiction over one defendant is also a welcome development, to be followed – I am confident of this – by similar breakthroughs in the near future.

Remembering Dr. Medard Rwelamira, Director of the ASP Secretariat

Message from William Pace, Convener of the Coalition for the International Criminal Court

On behalf of the international NGO Coalition for the International Criminal Court (CICC), I wish to extend our deep condolences to the family and friends of Dr. Medard Rwelamira, who died on 3 April 2006 after a short illness. Dr. Rwelamira was the first Director of the Secretariat of the Assembly of State Parties (ASP) of the Rome Statute of the International Criminal Court. Many of us worked with Medard for years, in his representation of South Africa in the negotiations leading to the Rome treaty conference in 1998, and in the UNGA Preparatory Commissions from 1999-2002. He brought great legal and political expertise to the negotiations. He was steadfast and fair and made sure Africa's best interests were served.

I got to know Medard best after he moved to The Hague in early 2003 to set up the ASP Secretariat, a legacy that will serve his memory and international justice for years to come. The Coalition was greatly served by the positive and constructive relationship Medard established with non-governmental organization observers at the ICC and ASP.

Medard, who was born in Tanzania and spent most of his professional life in South Africa, was just in his 50s; he had so much still to give to the ICC and international law and justice. Besides his good humor, anyone who dealt with him recognized his intelligence, honesty and integrity. He will be missed.

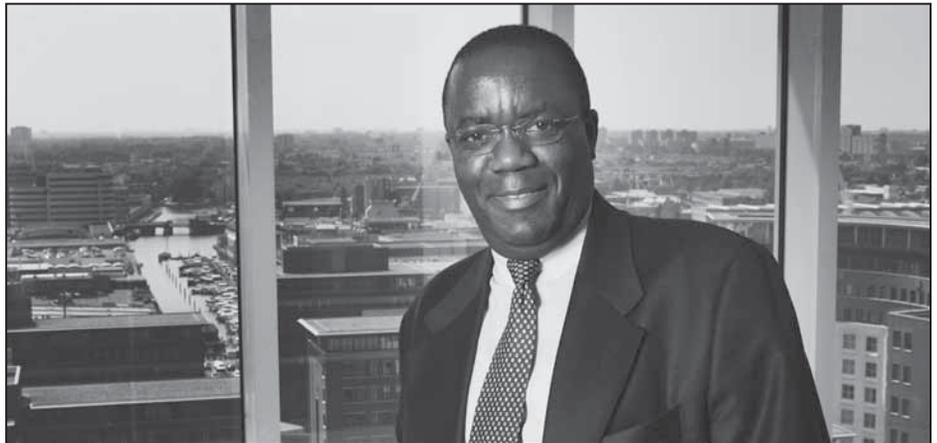
Dr. Medard Rwelamira, 1948 - 2006

In 2004, Dr. Medard Rwelamira was appointed Director of the Permanent Secretariat of the Assembly of States Parties (ASP). From 1997 to 2001, he had led the South African delegation to the Preparatory Commission and was Chief Legal Adviser to the South African delegation to the Rome Conference. He also served as a Vice-President of the Commission on the Establishment of the ICC and coordinated Part IV of the Statute on the "Composition and Administration of the Court."

Prior to his appointment as ASP Director, Dr. Rwelamira – who had earned his masters

and doctorate degrees from Yale Law School and was a professor of law for many years at a number of universities including the National University of Lesotho and University of Pretoria in South Africa – was Head of Policy Unit at the Department of Justice and Constitutional Development of South Africa from 1994-2001. During this period he also chaired the Drafting Committee for the Truth and Reconciliation Commission Legislation.

Dr. Rwelamira passed away in Pretoria, South Africa, on 3 April 2006. He is survived by his wife Juliana and his three daughters, Adeline, Adele and Anita.



Dr. Medard Rwelamira, 1948 – 2006. Credit: ICC-CPI / Wim Van Cappellen.

INTERNATIONAL CRIMINAL COURT BECOMES REALITY FOR THE DRC, CONTINUED FROM [PAGE 1]

committed by other groups. The Prosecutor also explained that the OTP is planning to proceed in a 'sequence' and that this warrant is just the first in a series in the DRC situation.

On 20 March, Mr. Lubanga came before Pre-Trial Chamber I during a public hearing which was also broadcast on national television in the DRC. The Chamber confirmed his identity and informed him of his alleged crimes and his rights under the Rome Statute. Mr. Jean Flamme, a Belgian lawyer, served as Mr. Lubanga's Duty Counsel for the Defense. A hearing on the confirmation of charges against Mr. Lubanga was provisionally set for 27 June 2006.

Since the announcement of the surrender of Thomas Lubanga, there have been many positive reactions – both within the DRC and internationally – supporting the ICC's arrest and its procedure. The DRC Coalition for the ICC, in its 17 March press release, welcomed the arrest and noted that the arrest represents "an important step forward by the ICC in the fight against impunity." The DRC Coalition also encouraged the ICC "to continue its mission by issuing more arrest warrants for the persons who are the most responsible for the war crimes and crimes against humanity committed on the entire Congolese territory since 1 July 2002, no matter their official position in public institutions or their nationality."

At the governmental and intergovernmental level, during a press conference held in Kinshasa on 21 March, UN Secretary-General Kofi Annan declared that "[The arrest] sends an important message: we cannot tolerate impunity. The people behaving like him will be accountable and punished. We started with him, and there will be more of them. I am confident that they will pay for the crimes they committed." The Congolese Minister of Justice, Kisimba Ngoy, during an appearance on a national television show soon after the ar-

rest, stated: "Thomas Lubanga has been handled by our justice. [...] It is a good thing that our justice is being assisted by international justice." And in a press release issued by the European Union on 21 March, EU High Representative for Common Foreign and Security Policy, Javier Solana, declared, "The arrest of Thomas Lubanga, the first of its kind, is a historical moment for international justice. [...] It is also a crucial step in the fight against impunity, which has prevailed for too long in the Great Lakes region."

Many international NGOs similarly applauded the ICC arrest and, in many instances, also called on the ICC to widen its investigation. Richard Dicker, Director of the International Justice Program at Human Rights Watch, noted, "Thomas Lubanga's arrest offers victims of the horrific crimes in Ituri some hope of seeing justice done at last. [...] Chief Prosecutor Ocampo should also investigate those who armed and supported militia groups operating in Ituri, including key players in power in Kinshasa, Kampala and Kigali."

The arrest and surrender of Thomas Lubanga has caused great surprise in national public opinion in the DRC with a key question now being: Who is next? The main lesson that needs to be promoted from the surrender of Thomas Lubanga to the ICC is that, now, whoever commits an international crime cannot escape justice. One of the greatest merits of the Thomas Lubanga case is also to show to the Congolese authorities and Congolese population that the ICC, far from being a fiction, is a permanent international criminal court created not only to prosecute those responsible for international crimes but also to prevent the future commission of those crimes and ensure peace and security in the world.

Christian Hemedi is the National Coordinator for the DRC Coalition for the ICC (CN-CPI).

U.S. CAMPAIGN AGAINST THE ICC, CONTINUED FROM PAGE 1

Hill, Senators are weighing options on whether the legislation should be amended or even eliminated.

While the recent focus has mainly been on Latin America, the concerns are not limited to that region. In early March, General James L. Jones, NATO Supreme Allied Commander for Europe (pictured on front page), suggested that U.S. anti-terrorism efforts in Africa have been hindered by military sanctions required by ASPA. U.S. military operations in East Africa, which the Pentagon sees as part of its long-term strategy against Islamic militants, could fall victim to expected aid cuts to Kenya. Jones implied that ASPA may "be no longer appropriate."

It is crucial to note that these recent discussions in Washington do not reflect a change in heart by the Administration towards the ICC. However, this ASPA-generated blowback represents the basis for a potential policy shift from a destructive approach to a more pragmatic posture by the U.S. Government.

ASPA is not the only irritant for ICC States Parties, however. The so-called Nethercutt Amendment broadened the scope of aid cuts used to obtain BIAs. This provision, which was just renewed by Congress at the beginning of November 2005, allows the U.S. Government to withhold economic aid in addition to the military aid cuts through ASPA. These cuts include assistance to programs designed to increase stability, promote democracy and the rule of law. It will be critical for the U.S. administration to look at the combined effects of both laws when it reevaluates its policy of ICC sanctions.

Hannah Gaertner is the Associate for the International Justice Program at Human Rights Watch.

Upcoming Events

MAY 2006	2-4 May	Meeting of the Victims Rights Working Group to discuss victims issues in relation to the work of the International Criminal Court. The meeting will also be an important opportunity to discuss priorities and plans of action for the VRWG in the coming years. <i>London, United Kingdom</i> For additional information, please contact Jonathan O'Donohue (jodonohu@amnesty.org) or Mariana Goetz (Mariana@redress.org).
	18-19 May	"International Interdisciplinary Conference on Children's Rights. Theory meets practice," organized by the Belgian Interdisciplinary Research Network on Children's Rights. Topics include the human rights of children and an evaluation of the emancipatory character of human rights instruments. <i>Ghent, Belgium</i> More information at www.law.ugent.be/pub/iuap/c_welcome.html or www.law.ugent.be/pub/iuap/c_bienvenue.html
	19-20 May	Conference on Lebanon and the ICC: "The ICC and the consequences of Lebanon's accession to it" , organized by the Lebanese Coalition for the ICC and Justice Without Frontiers, with the support of FIDH, CICC, the Human Rights Institute at the Beirut Bar Association, the Embassy of The Netherlands in Lebanon, and the Embassy of France in Lebanon. <i>Beirut, Lebanon</i> For more information, contact Anjali Kamat at kamat@iccnw.org and Brigitte Chelebian at jwficc@yahoo.com .
	23-24 May	International Criminal Court Trial Monitoring Meeting , organized by the Coalition for the International Criminal Court (CICC) Secretariat to facilitate efforts of different NGOs, institutions and agencies willing to participate, in the broad sense, in monitoring ICC trials. <i>The Hague, The Netherlands</i> For more information or to RSVP, please contact Oswaldo Zavala at +31 70 363 4487 or zavala@iccnw.org by 15 May 2006.
	24-26 May	III International Meeting on Justice and Law 2006 , organized by the Tribunal Supremo Popular de la Republica de Cuba. <i>Havana, Cuba</i> For further information, contact Mercedes Labrada at mercila@palco.cu or visit www.cpalcoloseventos.cu/justiciayderecho2006
JUNE 2006	29-30 May	Briefings for Commonwealth of Independent States Parliamentarians: Ukraine, Moldova, and other CIS countries <i>Austrian Presidency of the EU Conference on the ICC for the CIS, University of Salzburg, Austria</i> For more info: www.pgaction.org
	8-11 June	Inter-sessional Meeting of the Special Working Group on the Crime of Aggression. Participation is by invitation only. <i>Princeton, New Jersey, United States</i> For more information, please visit www.icc-cpi.int .
	26 June - 7 July	The 4th Summer School on International Criminal Law , organized by the Grotius Centre for International Legal Studies and the T.M.C. Asser Institute, for (nearly) graduated law students and young professionals with an interest in international criminal law. Invited speakers are professors in international law and practitioners from the ICTY and ICC. <i>The Hague, The Netherlands</i> For more information, please contact Mette Leons at melons@campusdenhaag.nl , or visit www.grotiuscentre.org
JULY 2006	9-13 July	Summer School on the International Criminal Court , a program of the Irish Centre for Human Rights. Course faculty include: Judge Philippe Kirsch, President, International Criminal Court; Hakan Friman, Deputy Director, Swedish Ministry of Justice; Fabricio Guariglia, Senior Appeals Council, International Criminal Court; Daryl A. Mundis, Senior Prosecuting Trial Attorney, International Criminal Tribunal for the former Yugoslavia; Professor William A. Schabas, Director, Irish Centre for Human Rights; Rupert Skilbeck, Defense Coordinator for the New Tribunal for Bosnia and Herzegovina; and David Tolbert, Deputy Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) <i>Galway, Ireland</i> For more information, please visit www.conference.ie/Conferences/index.asp?Conference=16 or contact Michelle Farrell at icccsummercourse@hotmail.com
AUGUST 2006	15-16 Aug	Asian Parliamentarians' Consultation on the ICC - Working Group of the Consultative Assembly of Parliamentarians for the ICC on the universality of the Rome Statute in Asia. <i>House of Representatives of The Philippines, Manila</i> For more info: donat@pgaction.org
	6-18 Aug	Eighth Summer Session of the Salzburg Law School on International Criminal Law , Humanitarian Law, and Human Rights Law. The two-week summer course focuses on international criminal law and international justice, substantive international criminal law and the organization of international judicial bodies, in particular, the ad hoc Tribunals for the Former Yugoslavia and Rwanda and the International Criminal Court. <i>Salzburg, Austria</i> For further information, visit: www.sbg.ac.at/salzburglawschool or contact Astrid Reisinger Coracini (astrid.reisinger@sbg.ac.at).
NOVEMBER 2006	21-24 Nov	VIII International Meeting on Criminal Science 2006 Organized by the General Prosecutor and the Institute on Developments and Research in Law. <i>Havana, Cuba</i> For further information contact Ms. Mercedes Labrada mercila@palco.cu or visit www.cpalco.com or www.loseventos.cu/cpenales2006
	23 Nov - 1 Dec	Fifth Session of the Assembly of States Parties <i>The Hague, The Netherlands</i> More information is available at www.icc-cpi.int
JANUARY 2007	29-31 Jan	Resumed Fifth Session of the Assembly of States Parties (Special Working Group on the Crime of Aggression) <i>New York, United States</i> For more information, please visit www.icc-cpi.int .

More information on ICC conferences and meetings is available on the CICC website at: <http://www.iccnw.org/?mod=currentevents>

SPECIAL WORKING GROUP ON AGGRESSION, CONTINUED FROM PAGE 3

particular Official Records, ICC-ASP/4/32, Annex II.B.C.D.) demonstrate moreover that persuasive answers must not only abide by keen insight into international law but embrace as well the choices of conscientious legal policy.

For example, the threshold, object and result of the criminal use of force still remain under discussion. New formulations, possibly even reverse constructions, may have to be tested. The decisions of the SWGCA in this regard do not necessarily require agreement about the legality of force exempted from the reach of the Statute, only about the wisdom of restricting the ICC to the most clear-cut cases.

Similarly, when pondering both the monist and differentiated approach to the definition of the crime and the applicability of Article 25(3) of the Statute (individual participation), States do not merely look out for loopholes and overlap but make choices potentially transforming primary into secondary perpetrators or vice versa.

In order to find conditions for the exercise of jurisdiction in harmony with divergent interpretations of the UN Charter, the SWGCA will try to come to a conclusion about the proper weight of the resolutions and opinions of the Security Council, the International Court of Justice and the General Assembly in the context of the ICC. How to position the Court within the pantheon of institutions which already have something to say about the act of aggression plays an important role also with regard to the choice of definition and the accused person's due process right to be heard.

Of course, the SWGCA is driven by more than the need to arrive at enlightened legal policy choices and the appropriate alignment of the provision on the crime of aggression with the UN Charter. At stake is the hope to raise the barriers against aggression and break free from the notorious 'inevitability' of war.

Jutta Bertram-Nothnagel is the Deputy Secretary General for Relations with International Organizations of the Union Internationale des Avocats/International Association of Lawyers, and serves as leader of the NGO Team on the Crime of Aggression.

**NGO
Coalition
for the
International
Criminal Court**



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**About the NGO
Coalition for the ICC**

Non-governmental organizations (NGOs) have been involved at every stage in every aspect of the international effort to ensure the prompt establishment of a fair, effective and independent Court. More than 95% of all NGOs involved in the ICC campaign carry out their work under the umbrella of the NGO Coalition for the ICC. The Coalition currently has over 2,000 NGO members in over 150 countries, and supports their efforts through regional coordinators and liaisons based all over the world. The role of the NGO Coalition is to represent, facilitate and coordinate the work of its worldwide membership, while serving as the primary information resource on the ICC and a liaison between governments, International Criminal Court officials, international organizations, academics and civil society members.

The multi-track approach of the Coalition involves: raising awareness of the ICC and the Rome Statute at the national, regional and global level; facilitating NGO involvement and capacity building in the ICC process; promoting the universal acceptance and ratification of the Rome Statute, including the adoption of comprehensive national implementing legislation; and expanding and strengthening the Coalition's global network. To achieve these goals, some of our activities include:

- Facilitating the exchange of documentation and information concerning the ICC (via our website and email groups) to foster discussion and debate on substantive issues.
- Providing legal advice and research to the International Criminal Court.
- Facilitating meetings between the Coalition and representatives of governments, ICC officials, UN officials, academics and others involved in the ICC process.
- Convening sectoral caucuses (Women's, Children's, Faith, Peace, Universal Jurisdiction, and Victims'), national and regional networks, and issue working groups.
- Promoting awareness of the ICC at relevant public and professional international conferences, including meetings of the Assembly of States Parties and the elections of the Court's officials.
- Producing the ICC Monitor quarterly newspaper, ICC Update monthly bulletins, media advisories, press releases and papers on various issues.
- Facilitating the presence of Coalition members in the Hague.

States Parties and Signatories to the Rome Statute

100 Ratifications/Accessions and 139 Signatories as of 28 October 2005

States Parties	Ratification/ Accession(a) Date	States Parties	Ratification/ Accession(a) Date	Signatories	Signature Date
Afghanistan	10 February 2003	Iceland	25 May 2000	Venezuela	7 June 2000
Albania	31 January 2003	Ireland	11 April 2002	Serbia & Mont.	6 September 2001
Andorra	30 April 2001	Italy	26 July 1999	Zambia	13 November 2002
Antigua & Barbuda	18 June 2001	Jordan	11 April 2002		
Argentina	8 February 2001	Kenya	15 March 2005		
Australia	1 July 2002	Latvia	28 June 2002		
Austria	28 December 2000	Lesotho	6 September 2000	Algeria	28 December 2000
Barbados	10 December 2002	Liberia	22 September 2004	Angola	7 October 1998
Belgium	28 June 2000	Liechtenstein	2 October 2001	Armenia	1 October 1999
Belize	5 April 2000	Lithuania	12 May 2003	Bahamas	29 December 2000
Benin	22 January 2002	Luxembourg	8 September 2000	Bahrain	11 December 2000
Bolivia	27 June 2002	Macedonia, FYR	6 March 2002	Bangladesh	16 September 1999
Bosnia & Herzegovina	11 April 2002	Mali	16 August 2000	Cameroon	17 July 1998
Botswana	8 September 2000	Malawi	19 September 2002	Cape Verde	28 December 2000
Brazil	20 June 2002	Malta	29 November 2002	Chad	20 October 1999
Bulgaria	11 April 2002	Marshall Islands	7 December 2000	Chile	11 September 1998
Burkina Faso	16 April 2004	Mauritius	5 March 2002	Comoros	22 September 2000
Burundi	21 September 2004	Mexico	28 October 2005	Cote d'Ivoire	30 November 1998
Cambodia	11 April 2002	Mongolia	11 April 2002	Czech R.	13 April 1999
Central Af. R.	3 October 2001	Namibia	25 June 2002	Egypt	26 December 2000
Canada	7 July 2000	Nauru	12 November 2001	Eritrea	7 October 1998
Colombia	5 August 2002	Netherlands	17 July 2001	Guinea-Bissau	12 September 2000
Congo (Braz.)	3 May 2004	New Zealand	7 September 2000	Haiti	26 February 1999
Costa Rica	7 June 2001	Niger	11 April 2002	Iran	31 December 2000
Croatia	21 May 2001	Nigeria	27 September 2001	Israel	31 December 2000
Cyprus	7 March 2002	Norway	16 February 2000	Jamaica	8 September 2000
D.R. of Congo	11 April 2002	Panama	21 March 2002	Kuwait	8 September 2000
Dominican R.	12 May 2005	Paraguay	14 May 2001	Kyrgyzstan	8 December 1998
Denmark	21 June 2001	Peru	10 November 2001	Madagascar	18 July 1998
Djibouti	5 November 2002	Poland	12 November 2001	Monaco	18 July 1998
Dominica(a)	12 February 2001	Portugal	5 February 2002	Morocco	8 September 2000
East Timor(a)	6 September 2002	R.of Korea	13 November 2002	Mozambique	28 December 2000
Ecuador	5 February 2002	Romania	11 April 2002	Oman	20 December 2000
Estonia	30 January 2002	Samoa	16 September 2002	Philippines	28 December 2000
Fiji	29 November 1999	San Marino	13 May 1999	R.of Moldova	8 September 2000
Finland	29 December 2000	Senegal	2 February 1999	Russian Fed.	13 September 2000
France	9 June 2000	Sierra Leone	15 September 2000	Sao Tome et Principe	28 December 2000
Gabon	20 September 2000	Slovakia	11 April 2002	Seychelles	28 December 2000
Gambia	28 June 2002	Slovenia	31 December 2001	Solomon Is.	3 December 1998
Georgia	5 September 2003	South Africa	27 November 2000	St. Lucia	27 August 1999
Germany	11 December 2000	Spain	24 October 2000	Sudan	8 September 2000
Ghana	20 December 1999	St. Vincent & theGrenadines(a)	3 December 2002	Syria	29 November 2000
Greece	15 May 2002	Sweden	28 June 2001	Thailand	2 October 2000
Guinea	14 July 2003	Switzerland	12 October 2001	Ukraine	20 January 2000
Guyana	24 September 2004	Tajikistan	5 May 2000	U.Arab E.	27 November 2000
Honduras	1 July 2002	Tanzania	20 August 2002	USA	31 December 2000
Hungary	30 November 2001	Trinidad & Tobago	6 April 1999	Uzbekistan	29 December 2000
		Uganda	14 June 2002	Yemen	28 December 2000
		U. Kingdom	4 October 2001	Zimbabwe	17 July 1998
		Uruguay	28 June 2002		

To Join the Coalition

The Coalition for the International Criminal Court welcomes new NGO members. Our current membership base is a global network of over 2,000 NGOs representing every region of the world, working on a diverse range of themes and issues. Membership is free, and ensures your remaining abreast of the ICC campaign. Membership also offers access to the resources within regional and national networks, ICC-related meetings at the national or international level, proposed International Criminal Court implementation legislation and more.

Organizations wishing to become members of

the NGO Coalition for the ICC must agree to the following: (1) to support and protect the integrity of the Rome Statute of the ICC; (2) to be involved in ensuring the ICC will be fair, effective and independent; (3) to make an active commitment to worldwide ratification of the Rome Statute of the ICC; and (4) to make an active commitment to the adoption of comprehensive national implementing legislation. To join the Coalition, or to receive more information in the future, please fill out the form below and return it to the CICC Secretariat.

You can also visit: <http://www.iccnw.org/gettinginvolved/becomeamember.html>

To Subscribe to the Email List

If you are interested in keeping abreast of day-to-day developments pertaining to the ICC, you are invited to subscribe to the ICC email list. To subscribe, please send a blank email to:

cicc-info-subscribe@yahoogroups.com

To Contribute to the Coalition

If you are interested in making a tax-deductible contribution to the Coalition, please make the check payable to the CICC and send it to:

NGO Coalition for the ICC, c/o WFM, 708 3rd Ave, 24th Floor, New York, NY 10017, USA

Membership in the CICC is restricted to NGOs. Please note - individuals cannot become official members of the CICC. By filling out this form, you will be added to our Monitor mailing list.

Name & Title (please print legibly)	Organization			
Address	City	State	Postal Code	Country
Phone / Fax	e-mail			

- By checking this box, you will become an NGO member of the CICC and agree to the principles set forth in 'To Join the Coalition.'
- Please keep me / my organization informed about the ICC "by adding me / my organization to the Monitor mailing list.

For more information, please return this form to: CICC c/o WFM, 708 3rd Ave, 24th Floor, New York, NY 10017, USA fax: +1 212 599 1332