



COALITION FOR THE INTERNATIONAL CRIMINAL COURT



REPORT ON THE TENTH SESSION OF
THE ASSEMBLY OF STATES PARTIES
TO THE ROME STATUTE

12-21 DECEMBER 2011
NEW YORK, USA

This document was compiled by the Secretariat of Coalition for the International Criminal Court, based on reports from Coalition caucuses, teams and experts, as well as official Assembly of States Parties (ASP) documents on each respective subject, and should not be taken to represent the views of all Coalition members.

The Coalition Secretariat would like to thank the following people who made it possible to draft this report: Coalition interns for their production of daily minutes of the plenary and working group meetings of the ASP; Coalition team leaders and all members of the teams who made the production of the Coalition team reports possible; and the ASP Secretariat of for the summary of the proceedings and the list of documents.

Cover Photo: Top: The panel during the opening of the 10th ASP. Bottom: View of the CICC's Middle East & North Africa regional meeting on 14 December 2011. Middle images, left to right: 1) Speakers at a press conference on the ASP, sponsored by the Coalition, on 16 December 2011; 2) ICC Prosecutor-elect, Fatou Bensouda; 3) Newly elected ASP President Tiina Intelmann speaks at the Coalition's reception on 13 December 2011; 4) Balloting during the judicial elections at the 10th ASP; 5) Ambassador Christian Wenaweser (left), outgoing ASP president, shakes the hand of UN Secretary-General Ban Ki-Moon at the Coalition's reception on 13 December 2011. All images, credit: CICC/Solal Gaillard.

TABLE OF CONTENTS

I. INTRODUCTION	4
II. PLENARY SESSION AND GENERAL DEBATE	6
III. PROSECUTOR AND JUDICIAL ELECTIONS	9
IV. BUDGET AND FINANCE.....	13
V. OMNIBUS RESOLUTION	16
VI. COMPLEMENTARITY	19
VII. COOPERATION	21
VIII. ICC PERMANENT PREMISES	23
IX. PUBLIC INFORMATION AND OUTREACH.....	25
X. TRUST FUND FOR VICTIMS.....	27
XI. STUDY GROUP ON GOVERNANCE	29
XII. INDEPENDENT OVERSIGHT MECHANISM	31
XIII. SIDE-EVENTS	33

I. INTRODUCTION

The present report constitutes a summary of the 10th session of the Assembly of States Parties (ASP) to the Rome Statute of the International Criminal Court (ICC), which took place at United Nations (UN) headquarters in New York on 12-21 December 2011. The Coalition for the International Criminal Court (“the Coalition”) has taken the utmost care to ensure accuracy in the production of this report. Corrections, clarifications or additions should be addressed to communications@coalitionfortheicc.org.



Participants on the opening day of the tenth Assembly of States Parties.

Representatives from approximately 112 of the 120 states parties to the Rome Statute of the ICC—who together form the ASP, the ICC’s management oversight and legislative body—gathered in December 2011 to decide upon a number of issues central to the Court’s operations. Among these were: the adoption of the 2012 ICC budget; the elections of the next ICC prosecutor, six new judges and the president and vice-presidents of the ASP, as well as six members of the ASP’s Committee on Budget and Finance (CBF);

an amendment to the ICC’s Rules of Procedure and Evidence; cooperation; non-cooperation procedures; governance; and the permanent premises of the Court.

As with previous sessions of the ASP, the 10th session was a pivotal event for NGOs. More than 150 NGO representatives from all parts of the world attended the session, including from six ICC situation territories—Uganda, the Democratic Republic of Congo (DRC), Sudan, Kenya, Côte d’Ivoire and the Central African Republic (CAR)—as well as from territories under ICC preliminary examination.

The continued commitment of NGOs to invest time and resources in the ASP is a clear indication of sustained support for the Rome Statute system. The consultative arrangements for NGOs in the ASP and the ICC are extraordinary and this constructive cooperation was evident throughout the 10th session.

As in previous years, NGOs attending the ASP coordinated their activities through the Coalition. A number of side-events were held, creating a platform for dialogue between participating NGOs, the Court and states parties. Although consensus on issues could not always be found between the respective parties, the dialogue was constructive and informative. Various states parties continued to invest time and resources in crucial side events with the intention of building capacity, continuing dialogue and exchanging information.

Prior to the 10th session of the ASP, the Coalition continued its advocacy for a fair, effective and independent ICC by addressing a number of key issues in relation to the Rome Statute system and the ICC. The Coalition produced a number of position papers in this regard, which were made available prior to and during the ASP to all the participants at the session. At the conclusion of each day the Coalition produced and circulated reports of the events that took place.

The next, 11th, session of the ASP will take place from 14-22 November 2012 in The Hague, the Netherlands.

Relevant Documents

The CICC informal daily summaries of the tenth ASP session can be found at:

<http://www.coalitionfortheicc.org/?mod=asp10>

All Coalition Team Papers and individual Coalition members' recommendations can be found at:

<http://coalitionfortheicc.org/?mod=asp10&idudctp=21&show=all#21>

The official records of the 10th ASP session can be found at:

<http://www.icc-cpi.int/Menu/ASP/Sessions/Documentation/10th+Session/Tenth+session+of+the+Assembly+of+States+Parties.htm>

You may also connect with the Coalition on Facebook: <http://www.facebook.com/pages/New-York-NY/Coalition-for-the-International-Criminal-Court/151245993784>, Twitter:

http://twitter.com/_CICC and Flickr: <http://www.flickr.com/photos/coalitionforicc/>.

II. PLENARY SESSION AND GENERAL DEBATE

The plenary session opened with an introductory statement by the outgoing ASP president, Ambassador Christian Wenaweser (Liechtenstein), followed by a minute of silence and the adoption of the agenda for the 10th ASP session. The plenary session continued with the election of Ambassador Tiina Intelmann (Estonia) as the new ASP president from the 10th to the 12th session.

H.E. Markus Börlin, Swiss ambassador to the Netherlands, and H.E. Ken Kanda, Ghanaian ambassador and permanent representative to the UN, were elected as ASP vice-presidents. The election of the 18 members of the ASP Bureau—the ASP's executive committee, followed. The members of the Bureau, appointed for three-year terms come from: Argentina, Belgium, Brazil, Canada, Chile, Czech Republic, Finland, Gabon, Japan, Republic of Korea, Nigeria, Poland, Portugal, Samoa, Slovakia, Republic of South Africa, Trinidad and Tobago and Uganda.



ASP President Ambassador Intelmann delivers her opening address. Credit: ASP Secretariat.

UN Deputy Secretary-General Asha-Rose Migiro then addressed the plenary, highlighting the progress achieved in the course of the last year towards ending impunity for international crimes. She reaffirmed that the partnership between the UN and the Court was based on shared values as well as mutual respect for the respective mandates of these institutions.

In his statement, President of Botswana Lt. General Seretse Khama Ian Khama gave a positive assessment of the work of the Court, which he characterized as an important actor in the overall human quest for global peace and security of mankind. He stated that the effectiveness of the ICC depended on state cooperation and expressed regret in this regard over the African Union decision in June 2011 not to cooperate with the Court in relation to the arrest of ICC suspect and Sudanese President Omar Al-Bashir. He appealed to all states to support victims by promoting judicial and other efforts to end impunity and promoting accountability for serious international crimes.

UN High Commissioner for Human Rights Navanethem Pillay also addressed the Assembly, observing that the ICC and human rights protection complement each other.

ICC President Judge Sang-Hyun Song then presented a report on the activities of the Court. Topics highlighted by the president included the growth of the Court in 2011, the busiest year for the Court so far, as well as the need for states parties to come to an outcome in the budget discussions which would reflect a rational balance between the task-driven needs of the Court and the requirements of economy and efficiency.



ICC Prosecutor Luis Moreno-Ocampo addresses the assembly during the plenary session. Credit: Solal Gaillard/CICC

In his final address to the ASP, outgoing ICC Prosecutor Luis Moreno-Ocampo spoke on the importance and uniqueness of the ICC and the prosecutor's mandate, particularly in light of past atrocities. The prosecutor also referred to the policy papers his office had produced in establishing the office and emphasised the importance of galvanizing national investigations as well as cooperation, particularly arrests and ensuring the independence of the prosecutor's office.

The presentation was followed by an intervention from Chair of the Board of Directors of the Trust Fund for Victims (TFV) Elizabeth Rehn. Ms. Rehn emphasized the Trust Fund's unique undertaking and its need for continued financial support

from states, especially in light of the need to prepare for challenges related to Court-ordered reparations.

Roberto Bellelli (Italy), chair of the Oversight Committee, a subsidiary body of the Assembly that provides strategic oversight for the permanent premises project, subsequently gave an oral report on the work of the committee in 2011.

The presentations were followed by the election—by acclamation—of Fatou Bensouda (The Gambia) as the next prosecutor of the Court for a period of nine years, beginning on 16 June 2012. Taking the floor and expressing gratitude for her appointment, Prosecutor-elect Bensouda emphasized the importance of the “one court” principle and inter-organ dialogue, which she would seek to continue during her term, as well as building on the achievements of the Office of the Prosecutor (OTP) to date, particularly in the context of institutional developments, with a view to ensuring predictability, consistency and transparency. Prosecutor-elect Bensouda also expressed gratitude to the incumbent, Luis Moreno-Ocampo, for the achievements of the OTP during his tenure.

General Debate

General Debate statements were made on 14 and 15 December 2011. Forty-eight statements were delivered by states representatives at the Assembly, with a further nine delivered in writing due to time constraints. ICC states parties statements included those from Luxembourg, Costa Rica, Liechtenstein, Mexico, Samoa, Australia on behalf of CANZ (Canada, Australia, New Zealand), the Philippines, Serbia, the Netherlands, Ecuador, Uganda, Austria, Bangladesh, Jordan, Sweden, Italy, Switzerland, Belgium, Poland on behalf of the European Union, Croatia, Norway, Namibia, Nigeria, Lesotho, the DRC, Trinidad and Tobago, Republic of Korea, Slovenia, France, Côte d'Ivoire, Spain, Peru, Brazil, Burkina Faso, Maldives, Colombia, the Central African Republic, Japan and Tanzania. A number of states acknowledged and thanked the Coalition for its work in their respective speeches.

United States Ambassador-at-Large for War Crimes Issues Stephen J. Rapp delivered a statement on behalf of his government. The US was participating as an observer state, as it is not party to the Rome Statute. Guillaume Soro, prime minister and head of government of Côte d'Ivoire, also addressed the ASP as part of the General Debate. Coalition member the International Federation for Human Rights (FIDH) and its members organizations in Côte d'Ivoire, Ligue ivoirienne des droits de l'Homme (LIDHO) and Mouvement ivoirien des droits humains (MIDH), issued a press statement responding to the minister's intervention, emphasizing that while the attention given by Côte d'Ivoire to the ICC's activities may be legitimate, “Mr. Soro's visit should not interfere in any way with the ongoing investigations of the International Criminal Court.”

The following NGOs made statements to the Assembly: the Coalition for the ICC, the Côte d'Ivoire Coalition for the ICC, Human Rights Watch, Parliamentarians for Global Action (PGA), the Georgian Young Lawyers Association, Amnesty International, the REDRESS Trust, FIDH, and the University of Sousse, Tunisia. Statements by Afghanistan Watch, the Open Society Justice Initiative and CIPRODEH were circulated in writing.

Issues raised by NGOs in the statements included, among others, the ICC elections and change in leadership, current ICC situations and preliminary examinations, UN Security Council referrals to the ICC, cooperation and political support to the Court, universality, complementarity, the Court's budget for 2012, victims rights, ICC communications and planned celebrations of the 10th anniversary of the entry into



Ali Ouattara, president of the Cote d'Ivoire Coalition for the ICC, speaks at the 10th ASP Credit: Solal Gaillard/CICC

force of the Rome Statute. Both NGOs and states parties welcomed those states which had ratified the Rome Statute since the ninth ASP session: Cape Verde, Grenada, Maldives, Philippines, Tunisia and Vanuatu.

Relevant Documents

General Debate statements made by States, organisations and NGOs:

<http://www.icc-cpi.int/nr/exeres/8e728ec3-5785-4127-83d7-d910d99df603.htm>

Remarks by outgoing ASP President Ambassador Christian Wenaweser:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-PASP-CW-CLRemarks-ENG.pdf

Oral report of the Bureau by Ambassador Christian Wenaweser:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-Report-Bureau-CW-ENG.pdf

Opening remarks by Ambassador Tiina Intelmann, newly-elected President of the Assembly (2012-2014):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-NPASP-Remarks-ENG.pdf

Statement of UN Deputy Secretary-General Asha-Rose Migiro:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-UNDSG-Remarks-ENG.pdf

Statement of President of Botswana Seretse Khama Ian Khama:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-Botswana-ENG.pdf

Statement of UN High Commissioner for Human Rights Navanethem Pillay: http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-UNHCHR-ENG.pdf

Statement of ICC President Judge Sang-Hyun Song:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-Pres-Song-Remarks-ENG.pdf

2011 Report on the activities of the Court:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-39-ENG.pdf

Statement of ICC Prosecutor Luis Moreno Ocampo:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-ProsecutorLMO-ENG.pdf

Statement of Prosecutor-elect Fatou Bensouda:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-FatouBensouda-ENG.pdf

Statement by Chair of the Board of Directors of the Trust Fund for Victims Elizabeth Rehn:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-TFV-Chair-ENG.pdf

Statement of Chair of the Oversight Committee Roberto Bellelli:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-OCChair-ENG.pdf

Joint media statement issued by the International Federation for Human Rights (FIDH), Ligue Ivoirienne des droits de l'Homme (LIDHO) and Mouvement Ivoirien des droits humains (MIDH) responding to the ASP address by the Ivorian prime minister:

<http://www.fidh.org/The-Ivory-Coast-and-the-ICC-The>

III. PROSECUTOR AND JUDICIAL ELECTIONS

Prosecutor Elections

In 2010, the ASP Bureau established a Search Committee for the position of the prosecutor of the ICC. The Search Committee was given a mandate to recommend a minimum of three suitable candidates to the Bureau for consideration. On 25 October 2011, the Search Committee issued a report outlining its efforts to identify suitable candidates. The report commended four individuals for the position. On 1 December 2011, the president of the ASP announced that an informal agreement had been reached to nominate Fatou Bensouda (The Gambia) as the consensus candidate for election as the next prosecutor of the ICC. This announcement followed informal consultations among ICC states parties to identify one candidate for formal nomination and election by consensus during the 10th ASP session.



Coalition Convenor William R. Pace congratulates ICC prosecutor-elect Fatou Bensouda during the plenary session on 12 December 2011. Credit: Solal Gaillard/CICC

The election of Mrs. Bensouda as the new ICC prosecutor, took place on the first day of the 10th session of the ASP. The term of the current prosecutor, Mr. Moreno-Ocampo (Argentina), ends in June 2012. ICC prosecutors cannot be re-elected. Mrs. Bensouda has been elected for a term of nine years and will take responsibility for all ongoing and future investigations. This includes the cases currently before the ICC in relation to situations in the CAR, Côte d'Ivoire, Darfur, the DRC, Kenya, Libya and Uganda, as well as the numerous preliminary examinations undertaken in Asia, Africa, Europe, Latin America and the Middle East.

Mrs. Bensouda is currently the deputy-prosecutor of the ICC. Upon taking office as prosecutor, her current post will become vacant. The next deputy-prosecutor will either be elected at the 11th ASP session in November 2012, or at an earlier resumed session of the ASP, convened for this purpose, during the course of 2012.

Judicial Elections

The fourth judicial election was held to fill six judicial vacancies at the Court. After 15 rounds of balloting, the judges elected were Miriam Defensor-Santiago (Philippines), Anthony Thomas Aquinas Carmona (Trinidad and Tobago), Robert Fremr (Czech Republic), Olga Venecia Herrera Carbuccion (Dominican Republic), Howard Morrison (United Kingdom) and Chile Eboe-Osuji (Nigeria). The election of six of the ICC's 18 judges will result in a significant change in the bench's composition. The new judges will be sworn in early March 2012 and serve for a period of nine years. The judges shall not be eligible for re-election.

The ASP elected those judges who obtained the highest number of votes and a two-thirds majority of states who were present and voted. The six new judges were elected from a pool of 19 candidates nominated by individual states parties. The Rome Statute requires that candidates have established competence in criminal law and procedure and the necessary relevant experience in criminal proceedings (list A candidates) or in relevant areas of international law and extensive experience in a professional legal capacity (list B candidates). The procedure used for the nomination and election of judges requires states parties to take into account equitable geographical representation and a fair representation of female and male judges. Indeed, ICC judicial elections are subject to minimum voting requirements (MVRs) in the areas of legal competence and expertise, regional representation and gender. The MVRs require states parties

to cast a minimum number of votes, as determined by an established formula, for candidates from areas that are underrepresented based on the anticipated composition of the Court. This is to ensure that the composition of the judicial bench is adequately representative in the three MVR areas. The following minimum voting requirements had to be met during these judicial elections:



Balloting at the 10th session of the ASP. Credit: Solal Gaillard/CICC

- Regional: Asian States: 1, Latin American and Caribbean States: 2, Eastern European States: 1
- Gender: Male: 2
- List A: 3

In December 2010, the Coalition established the Independent Panel on ICC Judicial Elections ('Panel'), an independent committee of international law and judicial experts, which reviewed the nominations received by the ASP Secretariat for the judicial elections. The views of the Panel and its assessments of judicial candidates were strictly its own and did not reflect those of the Coalition. The Panel undertook an

independent assessment of whether each judicial candidate fulfilled the qualifications prescribed by Article 36 of the Rome Statute. With a view to raising awareness of the qualifications for ICC judicial candidates and encouraging states parties to nominate only the most highly qualified candidates for these crucial ICC elections, the Panel issued a report containing an assessment finding 15 of the judicial candidates "Qualified" for the list for which they were nominated and four candidates "Not Qualified". The report explained the four assessments of "Not Qualified". However, the Panel neither endorsed nor opposed any individual candidate in the election.

In the lead-up to the ASP, the Coalition hosted two judicial candidate forums in advance of the elections to introduce candidates to representatives of civil society and states, as well as meetings with individual candidates in The Hague and New York. Candidates were also asked to complete a questionnaire prepared by the Coalition. These efforts were part of the Coalition's overall campaign to promote the nomination and election of highly qualified candidates. Detailed information regarding the Coalition elections campaign as well as relevant documentation can be accessed on the Coalition website (see link below).

Advisory Committee on the Nomination of Judges of the ICC

At the ninth session of the ASP in 2010, the ASP requested the Bureau to prepare a report to the Assembly for the 10th session on the potential implementation of Article 36(4)(c) of the Rome Statute. This article states that the ASP may decide to establish an Advisory Committee on nominations. In the omnibus resolution, the recommendations contained in the Bureau Report were adopted by the 10th ASP, mandating the committee to facilitate the election of the highest-qualified individuals as judges of the ICC, guided by the applicable provisions of Article 36 of the Rome Statute. The ASP further requested the Bureau to start the process of preparing the election of the members of the Advisory Committee. The ASP also decided in the omnibus resolution to review the procedure for the election of judges on the occasion of future elections with a view to making any improvements as may be necessary, and requested the Bureau to report to the Assembly at its 11th session.

Newly Elected Judges

Anthony Thomas Aquinas CARMONA

Group of Latin American and Caribbean States (Trinidad and Tobago), list A, male



Curriculum vitae:

http://www.icc-cpi.int/iccdocs/asp_docs/Elections/EJ2011/ICC-ASP-EJ2011-TT-CV-ENG.pdf

Reply to the CICC Questionnaire to ICC Judicial Candidates:

http://www.coalitionfortheicc.org/documents/CICC_Judicial_Questionnaire_-_Anthony_Thomas_Aquinas_Carmona.pdf

Miriam DEFENSOR-SANTIAGO

Group of Asia-Pacific States (Philippines), list B, female



Curriculum vitae:

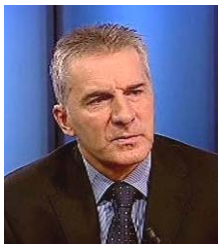
http://www.icc-cpi.int/iccdocs/asp_docs/Elections/EJ2011/ICC-ASP-EJ2011-PH-CV-ENG.pdf

Reply to the CICC Questionnaire to ICC Judicial Candidates:

http://coalitionfortheicc.org/documents/CICC_Judicial_Questionnaire_-_Miriam_Defensor-Santiago.pdf

Robert FREMR

Group of Eastern European States (Czech Republic), list A, male



Curriculum vitae:

http://www.icc-cpi.int/iccdocs/asp_docs/Elections/EJ2011/ICC-ASP-EJ2011-CZ-CV-ENG.pdf

Reply to the CICC Questionnaire to ICC Judicial Candidates:

[http://coalitionfortheicc.org/documents/Reply_from_Dr._Robert_Fremr_\(Czech_Republic\)_to_CICC_judicial_questionnaire.pdf](http://coalitionfortheicc.org/documents/Reply_from_Dr._Robert_Fremr_(Czech_Republic)_to_CICC_judicial_questionnaire.pdf)

Olga Venecia HERRERA CARBUCCIA

Group of Latin American and Caribbean States (Dominican Republic), list A, female



Curriculum vitae:

http://www.icc-cpi.int/iccdocs/asp_docs/Elections/EJ2011/ICC-ASP-EJ2011-DO-CV-ENG.pdf

Howard Morrison

Group of Western European and Other States (United Kingdom), list A, male



Curriculum vitae:

http://www.icc-cpi.int/iccdocs/asp_docs/Elections/EJ2011/ICC-ASP-EJ2011-UK-CV-ENG.pdf

Reply to the CICC Questionnaire to ICC Judicial Candidates:

http://coalitionfortheicc.org/documents/CICC_Judicial_Questionnaire_-_Howard_Morrison.pdf

Chile Eboe-Osuji

Group of African States (Nigeria), list A, male



Curriculum vitae:

http://www.icc-cpi.int/iccdocs/asp_docs/Elections/EJ2011/ICC-ASP-EJ2011-NI-CV-ENG.pdf

Reply to the CICC Questionnaire to ICC Judicial Candidates:

http://coalitionfortheicc.org/documents/CICC_Judicial_Questionnaire_-_Chile_Eboe-Osuji.pdf

Relevant Documents

Coalition Team on Elections, Comments and Recommendations to the 10th ASP:

http://coalitionfortheicc.org/documents/CICC_Elections_Team_Paper_ASP_10.pdf

Report of the Independent Panel on ICC Judicial Elections':

<http://www.iccindependentpanel.org/sites/default/files/Independent%20Panel%20on%20ICC%20Judicial%20Elections%20-%20Report%2026%20October%202011.pdf>

More information on the CICC campaign to promote the nomination and election of highly qualified candidates for the ICC and ASP Elections is available at:

<http://coalitionfortheicc.org/?mod=elections>

ASP 10 Omnibus Resolution ('Strengthening the International Criminal Court and the Assembly of States Parties'):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf

Report of the Bureau on the establishment of an Advisory Committee on the appointment of judges of the International Criminal Court (ICC-ASP/10/36):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-36-ENG.pdf

IV. BUDGET AND FINANCE

Background

The Working Group on the Budget met both informally and formally in the lead-up to the 10th session of the ASP to consider the proposed ICC budget for 2012 and in preparation for further discussion during the ASP itself. The main discussions focused on the report of the Committee on Budget and Finance (CBF) and its recommendations. The CBF is an expert subsidiary mechanism of the ASP, responsible for addressing the Court's financial resources. In doing so, the CBF considered the Court's proposed 2012 Budget on 22-31 August 2011. The Court submitted in July 2011 a budget proposal for 2012 of €117.73 million. Following developments in the situation of Côte d'Ivoire and costs related to the permanent premises project, the Court submitted on 6 December 2011 a supplementary budget of €5.33 million.

The initial proposed budget for 2012 of €117.73 million represented an increase of €14.12 million or 13.63% over the approved 2011 budget of €103.61 million. The CBF recommended an adjustment to the proposed 2012 budget by approximately €5.5 million less, giving a 2012 budget of €112.2 million, which was an increase on the approved budget for 2011 of about €8.6 million or 8.3%. The CBF explained to states parties that they had pushed the Court to its limit in coming to this adjustment, and any more cuts would have impacted on the ICC program. The principal cost drivers in the 2012 proposed budget are the increased costs of legal aid (approximately €5 million) and the costs of the Libya situation (approximately €7 million). The breakdown of costs for the principle organs of the Court are: Judiciary—approximately €9.99 million; OTP—approximately €29.8 million; Registry¹—approximately €67.06 million; with approximately €5.15 million divided up among other programs.² The CBF did not give its recommendations prior to the 10th session on the supplementary budget of €5.33 million relating to the Côte d'Ivoire situation and the permanent premises project, which was submitted by the Court days before the start of the 10th ASP session. However, CBF Chairman Santiago Wins (Uruguay) orally presented the CBF recommendations on the supplementary budget, which recommended a cut of €1.3 million to the supplementary budget.

Over the last few years, discussions on the budget have taken place in the context of a global financial crisis. This has resulted in some states parties seeking to adopt a 'zero nominal growth' approach to the Court's budget (adopting the same exact budget as the previous year without accounting for inflation), thus amounting to a reduction in the budget. To date, however, such an approach has yet to be adopted in any finally approved budget by the ASP.

ASP Discussions

The Assembly approved a budget of €108,800,000 for the ICC in 2012, as well as an additional €2,200,000 to replenish the ICC's Contingency Fund—additional finances available to the Court as a last resort—bringing the total appropriations approved for 2012 to €111,000,000.

The adoption of this compromise budget followed significant and lengthy closed discussions between ICC states parties on the total amount to be allocated to the Court in 2012 in the context of the global financial climate and the aforementioned "zero growth" position of some states. The Assembly also noted the financial implications of the situations referred to the Court by United Nations Security Council Resolutions 1593 (on Darfur, Sudan) and 1970 (on Libya) and

¹ The budget for the Registry includes budgetary allocations for, among other things, the Public Information and Documentation Section; the Office of the Public Counsel for Victims; the Office of the Public Counsel for Defence; field operations; Victims Participation and Reparations Section; and Counsel Support Section.

² This includes, among other things, the ASP Secretariat; the Trust Fund for Victims; and the Independent Oversight Mechanism.

the provision in the Rome Statute for UN funding of such referrals. The Assembly called on the Court to include this matter in its institutional dialogue with the UN and to report thereon to the 11th session of the Assembly in 2012.

During the closing debate, a number of states parties stated that while they supported the work of the Court, the budget discussions had taken place during a very difficult global economic situation and that due to their management oversight role it was for states parties to decide on an adequate budget for the Court's essential functions. However, other states voiced their concerns that the budget appropriation for the Court was not adequate for the Court to undertake its work and that the budgetary figure which had been agreed upon was lower than that which would have been hoped for. Some states parties stressed that the budget allocation, which was lower than the CBF recommendation, had put the Court in a precarious position and would create difficulties in the coming year. ICC Registrar Silvana Arbia was then invited to make a brief statement on the budget appropriation for 2012. The registrar stated that the ASP had imposed arbitrary cuts on the Court which would unavoidably hamper the operations of the Court and would lead to certain Court activities having to be cut. The registrar expressed disappointment that the ASP had not demonstrated how, in its view, the cuts to the CBF recommended budget would not affect the Court's operations and also expressed disappointment that the adopted budget did not reflect the needs and work of the Court.

The Assembly additionally requested the registrar to finalize ongoing consultations with relevant stakeholders and to present a proposal for a review of the ICC's legal aid system to the ASP Bureau by 15 February 2012.

Committee on Budget and Finance Elections

On Monday 19 December 2011, the Assembly elected six members of the CBF, three of whom have never previously served on the CBF: Hugh Adsett (Canada), Fawzi Gharaibeh—incumbent (Jordan), Samuel P.O. Itam (Sierra Leone), Monica Sanchez Izquierdo (Ecuador), Elena Sopkova—incumbent (Slovakia), and Masatoshi Sugiura—incumbent (Japan). Outgoing members of the CBF include Rosette Nyirinkindi (Uganda), Santiago Wins (Uruguay) and Masud Hussein (Canada).



Balloting at the 10th session of the ASP. Credit: Solal Gaillard/CICC

The new members of the CBF will serve three-year terms from 21 April 2012 to 20 April 2015. The nominees had to fulfill regional criteria: one nominee from the African States group, one nominee from the Eastern European States group, one nominee from the Latin and Caribbean States group, two nominees from the Asian States group and one nominee from the Western European and other States group. Seven nominations were made,³ of which four nominees were incumbent. The only contested seat was for the African region.⁴

³ Nominees: Elena SOPKOVA (Eastern European States) – *incumbent*; Hugh ADSETT (Western European States and Other States); Rosette NYRINKINDI (African States) – *incumbent*; Samuel P.O. ITAM (African States); Masatoshi SUGIURA (Asia-Pacific States) – *incumbent*; Fawzi Gharaibei (Asia-Pacific States) – *incumbent*; Mónica SÁNCHEZ IZQUIERDO (Latin American and Caribbean States).

⁴ The 2 nominees for the 1 African Region seat were; Rosette NYRINKINDI (Uganda) – *incumbent*; Samuel P.O. ITAM (Sierra Leone).

Relevant Documents

ASP Resolution Establishing the Programme Budget of the Court for 2012:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.4-ENG.pdf

Proposed Programme Budget for 2012 of the International Criminal Court:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-10-ENG.pdf

Proposed Supplementary Budget for the International Criminal Court for 2012:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-10-Add.2-ENG.pdf

The Report of the Committee on Budget and Finance on the work of its sixteenth session:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-5-ENG.pdf

The Report of the Committee on Budget and Finance on the work of its seventeenth session:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-15-ENG.pdf

Coalition Team on Budget, Comments and Recommendations to the 10th ASP:

http://coalitionfortheicc.org/documents/CICC_Budget_and_Finance_Team_Paper_ASP10.pdf

Coalition press release on the adoption of the 2012 Budget by the 10th ASP:

http://coalitionfortheicc.org/documents/CICC_PR_ASP10_BUDGET_ADOPTION_FINAL_211211.pdf

The ASP Resolution Establishing the Programme Budget of the Court for 2011 (ASP 9):

http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-9-Res.4-ENG.pdf

Note by the ASP Secretariat on the election of members of the Committee on Budget and Finance:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-21-ENG.pdf

V. OMNIBUS RESOLUTION

Background

At each of its sessions since 2003 the ASP has adopted an “Omnibus Resolution,” formally titled “Strengthening the International Criminal Court and the Assembly of States Parties.” The Omnibus Resolution addresses numerous substantive issues before the Assembly. It calls for ratification of the Rome Statute and other agreements; notes developments linked to institution building and linked to each organ of the Court; highlights cooperation issues; and deals with administrative matters.

Following informal consultations on its draft content, chaired by the facilitator for the Omnibus Resolution, Zenon Mukongo Ngay (DRC), the Omnibus Resolution adopted by the 10th ASP covers a wide range of policy and practical issues relating to the ICC, the ASP and other stakeholders. The 2011 resolution was organized into discrete sections and subheadings for the first time with the issues addressed including Rome Statute ratification, complementarity, the Agreement on Privileges and Immunities, cooperation, non-cooperation, institution-building, the judicial and prosecutor nomination and election processes, governance, oversight, strategic planning, victims and affected communities, the Trust Fund for Victims, recruitment, gender and geographical representation and outreach and public communication, among others.

ASP Discussions

Cooperation

The paragraphs in the Omnibus Resolution on cooperation call upon states parties to strengthen their efforts to ensure full and effective cooperation with the Court and to express their political and diplomatic support for the Court.

Non-Cooperation

The language adopted iterates the negative impact that the non-execution of Court requests can have on the ability of the Court to execute its mandate, and welcomes the report of the Bureau on potential Assembly procedures relating to non-cooperation. Pursuant to Article 87(5) and (7) of the Rome Statute, the ASP also decided to adopt a series of procedures relating to non-cooperation, annexed to the Omnibus Resolution, to assist it in responding to instances of non-cooperation.

Recruitment of ICC Staff

The ASP stresses the continued need to ensuring equitable geographical representation and gender balance in the recruitment of staff members.

Elections

In the paragraphs in the Omnibus Resolution on elections, the ASP requests *inter alia* the Bureau to start the process of preparing the election of the members of the Advisory Committee on nominations of judges. The ASP also decided to review the procedure for the future election of judges.

Victims and Affected Communities

The paragraphs note the ongoing work of the Court in reviewing and finalizing its victims strategy, as well as the importance of victims’ participation. However, the ASP notes with concern the continued backlogs the Court has had in processing applications from victims seeking to participate. The ASP therefore calls on the Court to consider reviewing the victims participation system with a view to ensuring its sustainability, effectiveness and efficiency; and requests the Court to report thereon to the Assembly at its 11th session.

The Trust Fund for Victims (TFV)

The importance of the Trust Fund was reaffirmed and the ASP called upon states, international and intergovernmental organizations, individuals, corporations and other entities to contribute voluntarily to the Trust Fund in view of possible imminent Court ordered reparations.

Strategic Planning Process of the ICC

The paragraphs discuss the strategic nature of public information and communication (see below), as well as the relationship between the strategic planning process and the budgetary process and the review of the Strategic Plan, which will take place in 2012.

Independent Oversight Mechanism (IOM)

The paragraphs recommend the ASP continue its discussion on the IOM and invite the temporary head and permanent head (when appointed) of the IOM to continue to work on the further development of the investigative function of the IOM, including the Manual of Procedures; the operation of the inspection and evaluation functions; and amendments to existing legal instruments necessary for the full operationalisation of the investigation, inspection and evaluation functions. This is with a view to the Bureau submitting, at the eleventh session of the Assembly (2012), a comprehensive proposal that would make possible the full operationalisation of the IOM.

Governance

The resolution stresses the need for a continued structured dialogue between states parties and the Court with a view to strengthening the institutional framework of the Rome Statute system and enhancing the efficiency and effectiveness of the Court while fully preserving its judicial independence and requests the Bureau to extend, for a period of one year, the mandate of the Study Group on Governance, within The Hague Working Group.

Complementarity

The paragraphs call on all stakeholders to strengthen the effective domestic implementation of the Rome Statute, and to enhance the capacity of national jurisdictions (if necessary by enacting legislation) to prosecute the perpetrators of the most serious crimes of international concern. The resolution also makes reference to the continuing work in The Hague Working Group and giving effect to the mandate of the ASP Secretariat to facilitate the exchange of information with a view to strengthening national jurisdictions.

Public Information and Outreach

Since 2005, the Omnibus Resolution has referred to the importance of the Court's communications activities, in particular public information and outreach. The paragraphs for the 10th session of the ASP recall that the issues of public information and communication about the Court and its activities are of a strategic nature and constitute a shared responsibility of the Court and states parties, and emphasize the need to continue to improve and adapt outreach activities in affected communities. The paragraphs also make reference to International Justice Day and the upcoming 10th anniversary celebrations of the ICC.

Relevant Documents

ASP 10 Omnibus Resolution ('Strengthening the International Criminal Court and the Assembly of States Parties'):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf

Coalition Team on Cooperation, Comments and Recommendations to the 10th ASP:

http://coalitionfortheicc.org/documents/Cooperation_Team_Submission_ASP10_2_Dec_2011_.pdf

Coalition Team on Elections, Comments and Recommendations to the 10th ASP:

http://coalitionfortheicc.org/documents/CICC_Elections_Team_Paper_ASP_10.pdf

Coalition Team on Communications, Comments and Recommendations to the 10th ASP:

http://coalitionfortheicc.org/documents/CICC_Communications_Team_Paper_-_ASP10.pdf

Coalition Team on ASP Oversight, Comments and Recommendations to the 10th ASP:

http://coalitionfortheicc.org/documents/CICC_ASP_Oversight_Team_Paper_-_ASP_10.pdf

Report of the Bureau on the establishment of an Advisory Committee on the appointment of judges of the International Criminal Court (ICC-ASP/10/36):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-36-ENG.pdf

VI. COMPLEMENTARITY

Background

The Hague Working Group, under the facilitation of Yolande Dwarika (South Africa) and Christian Nygård Nissen (Denmark), held informal consultations in 2011 on complementarity. Discussions with states parties principally focused on ways in which the ASP Secretariat could undertake its positive complementarity mandate. However, some discussions have also focused on the role of states parties in positive complementarity efforts. Reports on complementarity were prepared by the ASP Secretariat and the Bureau for the 10th session of the ASP.

Facilitators' Approach in Consultations

The facilitators focused on ways in which the international community can support and strengthen national jurisdictions and enable them to investigate and prosecute serious international crimes--or "*positive complementarity*." The Hague Working Group undertook to:

- i. Provide guidance to the ASP Secretariat in setting up its information sharing function;
- ii. Stimulate and reinforce the dialogue on complementarity and the strengthening of domestic jurisdictions;
- iii. Provide political support;
- iv. Provide suggestions on activities to be undertaken in relation to positive complementarity; and
- v. Provide a forum for an exchange of views and information on complementarity, such as best practices and lessons learnt.

The ASP Secretariat and the 'Complementarity Extranet'

In order to discharge its mandate and to advance the goal of strengthening national capacity the ASP Secretariat was mandated to work on two levels: a 'General level' and a 'Case specific level'.

General level

As a first step, the ASP Secretariat established a '*Complementarity Extranet*' website which will be accessible on the ASP section of the ICC website. The extranet will:

- i. Provide an information base on events relating to complementarity;
- ii. Identify main complementarity actors and their activities;
- iii. Facilitate contacts between donor states, organizations, civil society and recipient states;
- iv. Give designated actors the ability to post relevant information on the Extranet in order to share information; and
- v. Provide a 'message board' forum for users with passwords.

The ASP Secretariat also met with the Coalition prior to the ASP to discuss the role it might play in contributing to the extranet and assist in gathering data from civil society organizations involved in complementarity initiatives.

Case specific level

On a more gradual basis, the ASP Secretariat will be expected to take a more proactive role: sharing and exchanging information between relevant complementarity stakeholders within the international criminal law community and the donor community.

Discussions at the ASP

The ASP addressed the issue of complementarity in the Omnibus Resolution. The relevant paragraphs call on all stakeholders to strengthen the effective domestic implementation of the Statute, and to enhance the capacity of national jurisdictions (if necessary by enacting legislation)

to prosecute the perpetrators of the most serious crimes of international concern. The resolution also makes reference to the continuing work in The Hague Working Group and the ASP Secretariat to facilitate complementarity endeavours.

The ASP session also included a number of side events (see below) where states parties, NGOs and other actors discussed complementarity initiatives and endeavours.

Relevant Documents

Report of the Secretariat of the ASP on Complementarity:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-2-ENG.pdf

Report of the Court on Complementarity:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-23-ENG.pdf

Report of the Bureau on Complementarity:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-24-ENG.pdf

Strengthening the International Criminal Court and the Assembly of States Parties (Omnibus Resolution):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf

VII. COOPERATION

Background

During 2011, The Hague Working Group, under the facilitation of Ambassador Mary Whelan (Ireland), discussed via a series of informal consultations various issues of particular importance in relation to cooperation, including: interim release, sentence enforcement and implementing legislation. The Hague Working Group also discussed the ICC's "Report on Cooperation", which detailed, *inter alia*, cooperation between states parties and the Court in support of preliminary examinations, investigations and prosecutions; cooperation between states parties and the Court in support of judicial proceedings' and Court initiatives to support cooperation with states parties. The outcome of the discussions held in 2011 was a standalone resolution on cooperation, which welcomes the Court's report and stresses the importance of effective and comprehensive cooperation and assistance by states parties, other states and international and regional organizations in order for the Court to completely fulfill its functions at every level, as mandated in the Rome Statute system.

Chapter IX of the Rome Statute elaborates on the different forms of cooperation that the Court can demand from a state party for the purpose of investigating or prosecuting a crime within the jurisdiction of the Court. The obligation to cooperate with the ICC also entails an obligation to implement procedures under national law that will facilitate such cooperation. Accordingly, a state should be able to fully comply with requests regarding arrests, provisional arrests, surrender of persons and other forms of cooperation regarding, *inter alia*, access to information, gathering of evidence, searches and seizures, witness protection, freezing of assets and any other type of cooperation not prohibited by the law of the requested state party. Special voluntary cooperation agreements can form the basis of enhanced cooperation with states where situations are being investigated or cases prosecuted, or for the implementation of witness protection and relocation programs, as well as sentence enforcement or interim release of accused persons.

Non-Cooperation

Under the Rome Statute, states have an obligation to cooperate with the Court. In particular, states parties are obliged to arrest a suspect wanted by the ICC if that suspect is on their territory. If a states party does not fulfil its obligation in arresting a suspect, the relevant chamber of the Court may make a finding of non-compliance with a Court request to cooperate against that states party and inform the Assembly and/or the UN Security Council for them to take any measures they deem appropriate.⁵ In 2011, the issue of non-cooperation came to the fore due to the travels of ICC suspect Sudanese President Omar Al-Bashir to Kenya and Chad, and the failure of the Kenyan or Chadian authorities to arrest President Al-Bashir. Since the last ASP in December 2010, President Al-Bashir has reportedly traveled to Chad, Djibouti and Malawi—all states parties to the Rome Statute. On 12 December 2011, Pre-Trial Chamber I decided that Malawi failed to cooperate with the Court by not arresting President Al-Bashir when he visited the country in October 2011. On 13 December 2001, in the case of Malawi, the Pre-Trial Chamber made its first finding of non-compliance with a court request pursuant to Article 87(7) of the Rome Statute and referred the matter to both the UN Security Council and the ASP.

Bureau Work on Non-Cooperation Following ASP Nine

Following the ninth session of the ASP in December 2010, the Bureau was tasked with preparing a report on the procedures that the Assembly could adopt to address instances of non-cooperation in general and non-compliance in particular as per Article 112(2) and Articles 87(5) and (7) of the Rome Statute. Under the facilitation of Mr. Stefan Barriga (Liechtenstein), suggested procedures were developed in consultation with Bureau members. The suggested procedures were the subject of approval by the Assembly at its 10th session.

⁵ See Articles 87(5)(b) and (7) of the Rome Statute.

ASP Discussions

Omnibus Resolution - Cooperation

During the General Debate and discussions on the Omnibus Resolution, states parties emphasized the need for all states to comply with their obligations under the Rome Statute, particularly in situations where the Court is being challenged. States parties were also urged to continue and strengthen their efforts to ensure full and effective cooperation with the Court, in particular in the areas of implementing legislation, enforcement of Court decisions and execution of arrest warrants. States parties were also encouraged to express their political and diplomatic support to the Court

Omnibus Resolution – Non-Cooperation

In the Omnibus Resolution, states parties reaffirmed and recognized the negative impact that the non-execution of Court requests can have on the ability of the Court to execute its mandate. The ASP therefore welcomed the report of the Bureau on potential Assembly procedures relating to non-cooperation and adopted the procedures annexed to the omnibus resolution.

The Bureau report and the annex to the Omnibus Resolution seeks to deal with two instances of non-cooperation on the part of states parties (non-states parties fall outside the remit of the report): where the Court has referred a matter to the ASP under Articles 87(5)(b) or (7) of the Rome Statute; and where the Court has not referred the matter, but there are reasons to believe an incident of non-cooperation is about to occur. Where the matter has been triggered by a decision of the Court, the proposed procedure would involve a formal (and possibly public) response, including an emergency Bureau meeting; open letter from the ASP president to the defaulting state reminding it of its responsibilities and seeking a response; open discussion in the New York Working Group; Bureau report on the outcome of the dialogue leading to further discussion at the ASP; and a possible ASP resolution with recommendations. Where the matter has not been referred by the Court to the ASP, an informal response is envisaged using the good offices of the ASP president and the possibility of an emergency Bureau meeting.

During the 10th session a number of side events relating to cooperation were held (see below).

Relevant Documents

ASP10 Resolution on Cooperation:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.2-ENG.pdf

Omnibus Resolution ('Strengthening the International Criminal Court and the Assembly of States Parties'):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf

Report of the Bureau on Cooperation:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-28-ENG.pdf

Report of the Court on Cooperation:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-40-ENG.pdf

Coalition Team on Cooperation, Comments and Recommendations to the 10th ASP:

[http://coalitionfortheicc.org/documents/Cooperation Team Submission ASP10 2 Dec 2011 .pdf](http://coalitionfortheicc.org/documents/Cooperation%20Team%20Submission%20ASP10%202%20Dec%202011.pdf)

VIII. ICC PERMANENT PREMISES

Background

The ICC is currently housed in interim premises, known as the “Arc”, in The Hague, the Netherlands. As the host state, the Netherlands is providing the current interim premises free of charge until 2012. However, the interim premises do not fulfil the Court’s requirements in terms of office space and security in the long term. The permanent premises of the Court, to be built on the site of the Alexanderkazerne, a former military barracks complex on the outskirts of The Hague near Scheveningen, will be built by Schmidt Hammer Lassen Architects (Denmark). Construction of the new premises is scheduled to start in 2012 and scheduled for completion in 2015.

The Permanent Premises Project (PPP) has now entered the final design phase. The costs of the project remain at €190 million and the timeline for moving into the new premises has been extended to December 2015. The host state has begun the preparation of the site of the PPP. Discussions within the ASP during 2011 have focused on additional costs which will be incurred as a result of costs related to the project but not directly related to the construction (“Box 4 costs”).

ASP Discussions



During the opening plenary session, the chair of the Oversight Committee on Permanent Premises, Roberto Bellelli (Italy), presented the report of the Oversight Committee. Mr. Bellelli stated that the budget of the project remained within budget of €190 million. Currently, the construction phase of the project was due to commence in September 2012. Mr. Bellelli proceeded to discuss the finances and budgeting for the project, specifically in relation to “Box 4” costs. €22.1 million would be absorbed in the regular construction budget of €190 million, while other Box 4 costs

would have to be financed from the regular budget of the Court and this was currently estimated to cost €19.8 million. However, Mr. Bellelli stressed that a review of the Box 4 cost requirements was underway and this would be in order to make savings if possible and to ensure that these costs did not exceed their budget allocations. Mr. Bellelli also stated that the Oversight Committee had put in place a cost review strategy which would examine the overall budget of the permanent premises project rather than the previous phase-by-phase analysis which had been undertaken. Mr. Bellelli also described the new management structure for the project, in which the new project director, Neil Bradley (UK), would undertake overall leadership and management of the project. Finally, Mr. Bellelli discussed the “one time payment option”, which had been chosen by 29 states parties and which was only available as an option for one more year–2012.

The Assembly adopted the report and the standalone resolution on permanent premises, which included the issues of the budget and timeliness of the project, governance of the project, financial reporting, management of the project, voluntary contributions and the future work and composition of the Oversight Committee.

The Oversight Committee also held a side-event which presented the final design of the permanent premises (see below).

Relevant Documents

Resolution on the Permanent Premises:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.6-ENG.pdf

Proposed 2012 Programme Budget for the Permanent Premises:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-10-Add.1-Rev.2-ENG.pdf

ICC website on the Permanent Premises:

<http://www.icc-cpi.int/Menu/Go?id=c0bf504b-5ca8-4b1a-bb69-15c62a15ef8f&lan=en-GB>

IX. PUBLIC INFORMATION AND OUTREACH

Background

The Court's external communications functions include external relations, public information and outreach. These functions are defined in the Court's "Integrated Strategy for External Relations, Public Information and Outreach."



An ICC outreach session was held in Bossemptele, CAR in September 2011 to increase the general understanding by the affected communities regarding the judicial proceedings related to the Bemba case. Credit: ICC-CPI

On the basis of the recognition granted by the ASP to the most significant of the non-judicial activities of the Court, during the past six years, the ICC has developed and increased its outreach activities in situation countries to promote understanding of and support for the Court's mandate, thereby managing expectations and enabling affected communities to follow and understand its processes. The Court's outreach efforts aim not only to sensitize or simply provide information, but also to engage those communities in a two-way dialogue. The ICC's outreach work is vital to conducting successful investigations in the field, which in

turn is essential for holding fair trials. These activities are designed and carried out by the Court's Public Information and Documentation Section (PIDS) within the ICC Registry and guided by the Court's Strategic Plan for Outreach.

States parties have also increasingly recognized the importance of the Court's public information activities, in particular through the adoption at the ninth ASP of the 2011-2013 ICC Public Information Strategy. ICC public information consists of the distribution of information about the principles, objectives and activities of the Court to the public at large and specific target audiences through different channels of communication, including media and communications materials such as the ICC website or audiovisual summaries of proceedings. These activities are targeted to a broader audience and aim to increase general understanding and awareness about the Court.

The ICC has stated that outreach activities will remain a priority in 2012 in spite of financial restraints. In synchrony with the progress of the judicial proceedings, ICC outreach activities in the DRC in connection with the conclusion of the Lubanga and Katanga/Ngudjolo trials will be prioritized. In the CAR, the level of operations will remain the same as in 2011. In connection with the situation in Uganda, with reduced judicial activity, outreach activities will decrease and the PIDS will keep a small presence to maintain existing networks and continue to support the production of interactive radio programs. For the situation in Darfur, Sudan, the Outreach Unit will decrease operations in Chad, though it will continue to engage with refugees, exile communities, journalists and lawyers. Some of the resources initially allocated to Uganda and Chad will be redeployed to situation countries with cases at the trial stage and ongoing investigations. In parallel, the ICC-PIDS will continue to implement its Public Information Strategy within existing resources.

ASP Discussions

Budget

The total proposed budget for the ICC–PIDS for 2012 was €4.0279 million. This would have represented an increase of 16.4% on the approved budget for 2011 of €3.4614 million. However, the CBF recommended that this be cut to €3.7938 million, which would still have represented an increase of 9.6% on the 2011 budget of €3.4614 million. Although the Assembly did not mention specific cuts to the PIDS budget, in light of the ASP's decision to appropriate less funds to the Court than recommended by the CBF, it remains to be seen if the reductions made by the Assembly to the CBF's recommended budget for the Court overall will have to be borne, at least in part, by the PIDS budget for 2012.

Omnibus Resolution

In the Omnibus Resolution, states parties emphasized the need for the Court to continue to improve and adapt outreach activities with a view to further developing and implementing effectively and efficiently the Strategic Plan for Outreach in affected countries, including, where appropriate, by early outreach from the outset of the Court's involvement, including during the preliminary examination stage. States parties also recalled that the issues of public information and communication about the Court and its activities constitute a shared responsibility of the Court and states parties. The omnibus resolution also recalled initiatives undertaken to celebrate--in the context of its information and communication strategy--International Justice Day. Finally, states parties made reference to the preparation of the 10th anniversary of the ICC and encouraged states to engage in activities relating to the 10th anniversary, as well as in other significant activities to implement the Court's Public Information Strategy 2011-2013, in consultation with the Court and other relevant stakeholders.

General Debate

During the general debate, a number of states parties emphasised the continuing importance of public information and outreach, especially for affected communities.

Relevant Documents

Omnibus Resolution ('Strengthening the International Criminal Court and the Assembly of States Parties'):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf

Coalition Communications Team, Comments and Recommendations to the 10th ASP:

http://coalitionfortheicc.org/documents/CICC_Communications_Team_Paper_-_ASP10.pdf

2011-2013 ICC Public Information Strategy:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP9/ICC-ASP-9-29-ENG.pdf

ICC Integrated Strategy for External Relations, Public Information and Outreach:

http://www.icc-cpi.int/NR/rdonlyres/425E80BA-1EBC-4423-85C6-D4F2B93C7506/185049/ICCPIDSWBOR0307070402_IS_En.pdf

Strategic Plan for Outreach of the International Criminal Court:

http://www.icc-cpi.int/NR/rdonlyres/FB4C75CF-FD15-4B06-B1E3-E22618FB404C/185051/ICCASP512_English1.pdf

X. TRUST FUND FOR VICTIMS

During the opening plenary, Chair of the Trust Fund for Victims (TFV) Board of Directors Elizabeth Rehn gave a presentation summarizing the activities and projects of the Trust Fund for TFV conducted in 2011 and informing the Assembly on the progress made. It was also announced that the TFV's winter progress report had been published and was made available to states parties. Ms. Rehn also described the two mandates--reparations and general assistance--which are undertaken by the TFV and under the tutelage of its director, Peter de Bahn.



Chair of the Trust Fund for Victims Board of Directors Elizabeth Rehn. Credit: Solal Gaillard/CICC

Funding

In 2011, the TFV saw its fourth full year of operations. During 2011, the TFV raised roughly €2.6 million, of which approximately €1.5 million was raised through voluntary contributions. During the 10th ASP session, the Swedish International Development Agency (Sida) announced a voluntary contribution of SEK10 million (approximately €1.1 million) to the TFV. This was the largest single donation to the fund of date, and represents a significant boost in the Funds' resources. In the Trust Fund, an amount of €1 million has been reserved for reparations, which equates to roughly one-third of the fund.

Reparations

The TFV is preparing its mandate for the implementation of Court-ordered reparations awards against a convicted person in light of a possible first conviction by the Court in 2012. Ms. Rehn stated that the Trust Fund's Board of Directors was aware of the challenges which would be faced by the Trust Fund in the initial phase of the implementation of its reparations mandate. In this regard, the TFV Secretariat had recently published a document "On the Reparations Mandate of the Trust Fund for Victims" which details, *inter alia*, the structure and forms of ICC reparations (e.g. individual or collective awards); those victims who may benefit from reparations awards; and the role of the TFV in implementing reparations awards, financially administrating and funding reparations awards and providing expertise on crafting reparations awards.

General Assistance

The TFV undertakes its general assistance mandate using voluntary contributions from donors to provide victims and their families in situations where the Court is active with physical rehabilitation, material support and/or psychological rehabilitation.

In relation to its general assistance mandate, in 2011, the TFV extended 27 of its 28 active projects, and has increased the number of its beneficiaries by approximately 11,000 victims. In total, approximately 81,500 victim survivors have been reached by TFV rehabilitation assistance projects in the DRC and northern Uganda since the beginning of 2011. The TFV is also preparing to commence activities in the CAR by early 2012, with projects also foreseen in the future, possibly in Kenya and Côte d'Ivoire.

ASP Discussions

The importance of the Trust Fund was re-affirmed in the Omnibus Resolution and the ASP called upon states, international and intergovernmental organizations, individuals, corporations and other entities to contribute voluntarily to the Trust Fund in view of possible imminent Court ordered reparations. The ASP also called on the Court and the Trust Fund for Victims to develop a strong collaborative partnership to implement said reparations.

Relevant Documents

Omnibus Resolution ('Strengthening the International Criminal Court and the Assembly of States Parties'):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf

Statement by Chair of the Directors of the Trust Fund for Victims Elisabeth Rehn: http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Statements/ASP10-ST-TFV-Chair-ENG.pdf

Report of the Bureau on victims and affected communities and the Trust Fund for Victims:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-31-ENG.pdf

Trust Fund for Victims, Progress Report, winter 2011:

http://www.trustfundforvictims.org/sites/default/files/imce/TFV_Programme_Progress_Report_Winter_2011_USA_PRINTING.pdf

Trust Fund for Victims Document 'On The Reparations Mandate Of The Trust Fund For Victims':

<http://www.trustfundforvictims.org/news/reparations-mandate-trust-fund-victims>

Trust Fund for Victims, Progress Report, summer 2011:

<http://www.trustfundforvictims.org/sites/default/files/imce/TFV%20Programme%20Report%20Summer%202011.pdf>

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2010 to 30 June 2011:

http://www.icccpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-14-ENG.pdf

XI. STUDY GROUP ON GOVERNANCE

Background

During its ninth session in 2010, the ASP established a Study Group on Governance (SGG) with a one-year mandate to conduct a structured dialogue between states parties based in The Hague and the Court with a view to strengthening the institutional framework of the Rome Statute system and enhancing the efficiency and effectiveness of the Court pursuant to Article 112(2) of the Rome Statute. Extensive discussions were held throughout the year on the clusters described below, which culminated in a draft resolution on the adoption of principles on reparations, as well as a stand-alone resolution on the amendment of Rule 4 of the Rules of Procedure and Evidence and draft language for the Omnibus Resolution recommending the extension of the SGG for another year.

The SGG organized its inter-sessional work around three topical clusters:

Cluster 1: Relationship between the Court and the Assembly

- Extension of judges terms; and
- Elections of judges.

Cluster 2: Strengthening the institutional framework within the Court

- Powers and competences of the president of the Court in relation to the judiciary;
- Relationship between the Presidency and the Registry with regard to the administration of the Court; and
- Administrative accountability of the OTP and its relationship with the other organs of the Court.

Cluster 3: Increasing the efficiency of the criminal process

- Expediting the criminal process; and
- Reparations.

In addition the Study Group held a one-day event in October to reflect on the institutional infrastructure of the Rome Statute system, focusing on how to strengthen the ASP structures and the work of The Hague and New York Working Groups as well as the Committee on Budget and Finance. The event, hosted by the Embassy of the United Kingdom to the Netherlands, also included representatives from the Court and a representative from the Coalition.

Amendments

After consultations in the Study Group with interested states parties, an amendment to the Rules of Procedure and Evidence was proposed which would obligate the plenary session of judges to establish Court-wide coherent principles in order to clarify reparations proceedings and to avoid a fragmented approach and possible conflicts between the Court and states parties in the area of reparations. However, as an overwhelming majority of judges were strongly opposed to the draft amendment, states parties eventually accepted the withdrawal of the amendment in order to accommodate to some extent the concerns expressed by the Presidency.

ASP Discussions

Omnibus Resolution

In the Omnibus Resolution, the ASP stressed the need for a continued structured dialogue between states parties and the Court through the forum of the SGG, and requested the Bureau to extend, for a period of one year, the mandate of the SGG, within The Hague Working Group. This would include the introduction of a fourth cluster to focus on the budgetary process of the Court.

Amendment to Rule 4

A stand-alone resolution was adopted amending Rule 4 of the Rules of Procedure and Evidence, changing the power to assign judges to Chambers from the plenary of judges to the Presidency.

Resolution on Reparations

A stand-alone resolution on reparations was adopted, requesting the Court to ensure that Court-wide principles relating to reparations be established in accordance with Article 75(1). The Assembly also requested the Court to report back to the Assembly at its 11th session on the implementation of this request.

Relevant Documents

Omnibus Resolution ('Strengthening the International Criminal Court and the Assembly of States Parties'):

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf

ASP 10 Resolution on Reparations:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.3-ENG.pdf

ASP 10 Resolution on the Amendments to Rule 4 of the Rules of Procedure and Evidence:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.1-ENG.pdf

Report of the Bureau on the Study Group on Governance:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-30-ENG.pdf

Study Group on Governance: Dialogue on institutional review of the governance framework of the Assembly of States Parties [Informal summary]:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-INF.4-ENG.pdf

Resolution on Establishment of a Study Group on Governance - ICC-ASP/9/Res.2:

http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-9-Res.2-ENG.pdf

Coalition Team on ASP Oversight, comments and recommendations to the 10th session of the ASP:<http://coalitionfortheicc.org/documents/CICC ASP Oversight Team Paper - ASP 10.pdf>

XII. INDEPENDENT OVERSIGHT MECHANISM

Background

At the eighth session of the ASP in November 2009, the Assembly established an Independent Oversight Mechanism (IOM) in accordance with Article 112(4) of the Rome Statute, which was mandated to provide for inspection, evaluation and investigation of the Court in order to enhance the Court's efficiency and economy. In doing so the ASP decided that the independent investigative function would be implemented immediately and the inspection and evaluation functions at a later stage.



A scene from the 9th ASP, held in New York on 6-10 December 2011. Credit: CICC

At its ninth session, the Assembly decided by that the investigative function of the IOM would operate pursuant to the provisions of its "Operational Mandate." The Bureau was also tasked to prepare a report on the operationalization of the investigative as well as the operation of the inspection and evaluation functions within the oversight. This included the terms of reference and related financial implications, with a view to a decision on its adoption at the 10th session of the ASP. The temporary

head of the IOM was also invited to continue working on the development of functions, regulations, rules, protocols and procedures of the investigative function of the IOM for eventual approval by the ASP. This included working with the Court in this regard.

Operationalization of the Investigative Function of the IOM

During the course of 2011, the temporary head of the IOM prepared a Manual of Procedures which set out guidelines on the technical aspects of investigations that were to be utilized by the IOM in undertaking its investigative function. In drafting the Manual, the temporary head consulted with different focal points within the Court, including the Staff Union Council representatives and the inter-organ legal working group which included representatives from all three Court organs.

The Operational Mandate describes the ways in which an IOM investigation might be triggered, namely: (i) through the receipt of all reports of misconduct or serious misconduct; (ii) through head of organ referrals; or (iii) through initiating a case "on its own motion" (that is, in the absence of a referral or receipt of a report or complaint), which would be subject to an external third party ruling in case of disagreement between the head of the IOM and the organ head on whether initiating such an investigation would undermine judicial or prosecutorial independence. The temporary head of the IOM, the Staff Union Council and Registry and Presidency of the Court, as well as a number of states parties, saw this as three distinct ways in which an investigation could be triggered, or a "three-pronged approach."

During The Hague Working Group's consultations, however, it became evident that other states parties and the OTP had a different reading of the Operational Mandate, interpreting it to provide for a "two-pronged" approach for the IOM to initiate investigations; one being through head of organ referrals while the initiation of investigations in all other instances, in the absence of head of organ referral, would constitute an "own motion" investigation by the IOM, which would be

subject to an external third party ruling in case of disagreement between the head of the IOM and the organ head on whether initiating such an investigation would undermine judicial or prosecutorial independence.

The Staff Union Council of the ICC had also addressed issues relating to the need for whistleblower protection and a policy on protection from retaliation, the right of a suspect to have legal support, the staffing of the IOM, the transparency and publicity of recommendations made by the IOM and proper deadlines for the investigation process.

Given that consensus was not achievable on the interpretation of how an investigation might be triggered, The Hague Working Group decided not to proceed with the submission of the Manual of Procedures to the 10th session of the ASP, but instead that discussion on this matter continue in 2012 with a view to obtaining a consensus as quickly as practicable.

ASP Discussions

The issue of the IOM was dealt with in the context of the Omnibus Resolution with the ASP inviting the temporary head and permanent head (when appointed) of the IOM to continue to work on the further development of the investigative function of the IOM, including the Manual of Procedures; the operation of the inspection and evaluation functions; and amendments to existing legal instruments necessary for the full operationalization of the investigation, inspection and evaluation functions. This is with a view to the Bureau submitting, at the 11th session of the ASP in November 2012, a comprehensive proposal that would make possible the full operationalization of the IOM.

Relevant Documents

Report of the Bureau on the Independent Oversight Mechanism:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-27-ENG.pdf

ASP 9 Resolution on the Independent Oversight Mechanism, ICC-ASP/9/Res.5:

http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-9-Res.5-ENG.pdf

ASP8 Resolution on the Establishment of an independent oversight mechanism:

http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-8-Res.1-ENG.pdf

Coalition Team on ASP Oversight (including IOM), comments and recommendations to the tenth session of the ASP:

<http://coalitionfortheicc.org/documents/CICC ASP Oversight Team Paper - ASP 10.pdf>

XIII. SIDE-EVENTS

12 December 2011

Event on the Crime of Aggression

A side-event on the Crime of Aggression, including the book launch of the “Travaux Préparatoires of the Crime of Aggression”, was hosted by the Permanent Mission of Liechtenstein, in collaboration with Cambridge University Press, the Global Institute for the Prevention of Aggression, and Parliamentarians for Global Action (PGA).



Speakers at the side-event on the crime of aggression on 12 December 2011. Credit: Solal Gaillard/CICC

Coalition Europe Regional Meeting

The Coalition organized—together with Poland (holding the rotating presidency in the Council of the European Union) and the European External Action Service (EEAS)—a Europe Regional Meeting with government delegates and members of civil society. Presentations were made by civil society representatives from Europe (Women Support Centre, Kyrgyzstan; Georgian Young Lawyers Association), Africa (the DRC Coalition for the ICC; International Commission of Jurists-Kenya), the Americas (Colombian Commission of Jurists; the Andean Commission of Jurists), Asia (Malaysian Bar Association and Malaysian Coalition for the ICC; IMPARSIAL Indonesia and the Indonesian Coalition for the ICC) and Middle-East–North Africa (CICC MENA; Adaleh Centre for Human Rights, Jordan). Issues touched upon included Rome Statute ratification, cooperation, key ICC issues for the respective regions, EU support for civil society in regions and the ICC budget for 2012, among others. A question and answer session ended the side-event.



George Kegoro, executive director of ICJ-Kenya, at the CICC Europe Regional Meeting on 12 December 2011. Credit: Solal Gaillard/CICC

Press Conference by the ASP President and the Prosecutor-Elect

The newly elected president of the ASP, Ambassador Tiina Intelmann, and the ICC prosecutor-elect, Mrs. Fatou Bensouda, gave a joint press conference. The press conference can be viewed on UNTV at:

<http://www.unmultimedia.org/tv/webcast/2011/12/international-criminal-court-assembly-of-states-parties-to-the-rome-statute.html#>

A Complementarity-tool: Assisting International Criminal Investigations

An event entitled "A Complementarity-tool: Assisting International Criminal Investigations - launch of a handbook for the international field worker as well as the occasional practitioner" was held during the afternoon, co-hosted by the Permanent Mission of Sweden and the Folke Bernadotte Academy. States parties' delegates, the Swedish Foreign Ministry, the OTP and civil society representatives were in attendance. The handbook has been developed in order to provide non-lawyers in the field with the basic knowledge needed to correctly identify, gather and forward information on possible international crimes to international criminal courts and tribunals. An electronic version of the handbook is available at:

http://folkebernadotteacademy.se/Global/RuleOfLaw_Handbook.pdf

Victims Rights Working Group Strategy Meeting

The Victims Rights Working Group also held a strategy meeting, discussing past achievements and future actions which may be undertaken. For more information on the work of the Group visit:

<http://www.vrwg.org>

Reception

In the evening, the Permanent Mission of Sweden and the TFV hosted a reception on the occasion of the tenth session of the ASP. Read more on the TFV on:

<http://www.trustfundforvictims.org/>

13 December 2011

Coalition Africa Regional Meeting

The Coalition organized an African Regional Meeting with government delegates, representatives of the ICC OTP and members of civil society. Chaired by Francis Dako, Coalition Africa regional coordinator, presentations were made by civil society representatives from Kenya (ICJ-Kenya), Uganda (HURINET-Uganda), Côte D'Ivoire (Côte D'Ivoire Coalition for the ICC), Nigeria (Civil Resource Development and Documentation Centre–Nigeria), DRC (Coalition francophone Africa situations advisor) and Amnesty International. Issues touched upon included Rome Statute ratification, the status of implementing legislation and cooperation, among others. States delegates from the DRC, Kenya and Liberia also made interventions on some of the issues raised during the session, including the importance of the ICC engaging with African heads of state. For more information on the ICC and Africa, visit:

<http://www.coalitionfortheicc.org/?mod=region&idureg=1>

Coalition Asia and Pacific Regional Meeting



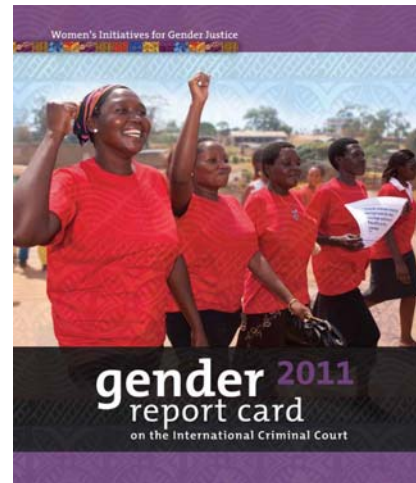
[ICC President Judge Sang-Hyun Song addresses government representatives and members of civil society at the Asia regional meeting.](#) Credit: Solal Gaillard/CICC

Hosted by the Permanent Mission of Japan, the Coalition also organized an Asia and Pacific Regional Meeting with government delegates, ICC officials and members of civil society. Ambassador Tsuneo Nishida, permanent representative of Japan to the UN, opened the session, with a statement also delivered by ICC President Song, congratulating the Coalition on its work in promoting the fight against impunity in the region. Delegates from the Philippines, Malaysia, Maldives, Samoa, Fiji, Mongolia, Australia, Thailand, Laos, China, Brunei, Russia, Palau and Indonesia made interventions. Civil society representatives included Amnesty International, the Bar Council of Malaysia, Human Rights Watch, ICC Thai Task Force, IMPARSAL and Afghanistan Watch, among others, some of whom addressed the meeting. Finally, a representative from the ICC Registry made a

statement, concluding the session. Issues touched upon included Rome Statute ratification in the region, current ICC activities and the constraints to the ICC budget despite the Court's ever-increasing workload, as well as elections. For more information on the ICC and Asia-Pacific, visit: <http://www.coalitionfortheicc.org/?mod=region&idureg=7>

Launch of the “Gender Report Card on the International Criminal Court, 2011”

Women's Initiatives for Gender Justice hosted an event to launch the “Gender Report Card on the International Criminal Court for 2011”. The launch was attended by states delegates, UN officials, ICC officials, media and NGO representatives. Speakers included Fatou Bensouda, prosecutor-elect of the ICC, Radhika Coomaraswamy, special representative of the UN secretary-general for children and armed conflict, and Brigid Inder, executive director of Women's Initiatives for Gender Justice).



The “Gender Report Card” analyses the institutional developments of the ICC throughout 2011, as well the Court's substantive work and jurisprudence, with a focus on cases where gender-based crimes have been charged or where these issues have arisen during the legal proceedings, as well as those decisions affecting victims and witnesses appearing before the Court.

The “Gender Report Card on the International Criminal Court 2011” will be made available shortly at: <http://www.iccwomen.org/publications/index.php>.

For more information on the work of Women's Initiatives for Gender Justice, visit: <http://www.iccwomen.org/>

Victims, Reparations and the ICC: Challenges and Opportunities



Credit: Solal Gaillard/CICC

In an event entitled “Victims, Reparations and the ICC: Challenges and Opportunities”, organized by the Victims Rights Working Group and sponsored by Finland, panelists Yoshiki Ogawa (focal point of the Study Group on Governance), Jonathan O'Donohue (legal advisor on international justice, Amnesty International), Lyn Parker (chef de cabinet of the ICC president), Pieter de Baan (TFV executive director) and Andre Kito (coordinator of the DRC Coalition for the ICC) presented on a number of topics including the consideration of reparations by the Study Group on Governance; the principles for reparations; the reparations mandate and outlook of the TFV; and the perspective of victims in the DRC.

The panel was moderated by Miia Aro-Sanchez (facilitator of The Hague Working Group on Victims' issues and the TFV and first secretary, Embassy of Finland to the Netherlands). Following questions to the panelists, ICC Registrar Silvana Arbia presented closing remarks on the work of the Registry relating to victims. For more information on the Victims Rights Working Group, visit: <http://www.vrwg.org/>

Event on Complementarity and Inter-State Cooperation

A panel discussion on “Complementarity and inter-state cooperation in criminal matters in the investigation and prosecution of ICC core crimes at the national level: presentation of the expert

meeting held in The Hague on November 22” was chaired by Belgium, the Netherlands and Slovenia. A number of states delegates and civil society representatives were in attendance. The meeting gave an overview of the outcome of an expert meeting that took place in The Hague to discuss the interest in drafting an international convention on mutual legal assistance, establishing inter-state legal frameworks for cooperation.

Coalition Reception



Credit: Solal Gaillard/CICC

In the evening, the Coalition hosted a reception attended by an overflow crowd of delegates, NGOs, UN officials and media honoring the election of the newly ASP president, Tiina Intelmann, and honoring the work of the outgoing ASP president, Ambassador Christian Wenaweser. UN Secretary-General Ban-Ki Moon was the keynote speaker. ASP President Intelmann and ICC President Song, former ASP president Bruno Stagno-Ugarte joined Coalition Convenor William Pace in making presentations. Photos from the event can be viewed via the Coalition’s Flickr page at

<http://www.flickr.com/photos/coalitionforicc/page7/>

14 December 2011

Coalition Middle East and North Africa Regional Meeting

The Coalition organized a Middle East and North Africa Regional Meeting with government delegates from Tunisia, Egypt, Palestine, Iran, Israel, Algeria and Bahrain, along with civil society representatives from the Arab Network for Human Rights Information (Egypt), Adaleh Centre for Human Rights Studies-Jordan, Public Committee Against Torture in Israel, Human Rights Advocacy Network for Democracy Sudan, Human Rights Watch, No Peace Without Justice, FIDH and Amnesty International. Issues touched upon included Tunisia’s accession to the Rome Statute and the Agreement on Privileges and Immunities of the ICC, cooperation with the Court on the Libya and Darfur situations, prospects for ratification in Egypt and in the region, the preliminary examination in Palestine and other comments on developments in Syria and Yemen.



Credit: Solal Gaillard/CICC

For more information on the ICC and the Middle East and North Africa, visit:

<http://www.coalitionfortheicc.org/?mod=region&idureg=13>

Coalition Ibero-American Regional Meeting



Credit: Solal Gaillard/CICC

The Coalition also organized a Regional Meeting with Ibero-American government delegates from Argentina, Brazil, Ecuador, Costa Rica, Mexico, Venezuela, Peru, Cuba, Uruguay, Panama, Dominican Republic and Andorra. Representatives from the ASP and the ICC Registry were also in attendance. Civil society organizations participating included PGA, FIDH, Amnesty International, Women’s Initiatives for Gender Justice, the Andean Commission of Jurists, the

Colombian Commission of Jurists, the Mexican Coalition for the ICC, CIPRODEH Honduras, Avocats Sans-Frontières and CASIN. Issues touched upon included the ICC budget for 2012; ICC judicial and prosecutorial elections; states' implementation processes and strengthening cooperation with the ICC; the funding of UN Security Council referrals to the ICC; the role of the Organization of American States (OAS) in promoting further ratifications in OAS states and in providing assistance with implementation processes; the recent cooperation agreement between the ICC and OAS; and consideration of ratifications of the Kampala amendment.

For more information on the ICC and the Americas, please visit:

<http://www.coalitionfortheicc.org/?mod=region&idureg=4>

Witness Protection: Lessons Learned and Ways Ahead

A panel discussion on “Witness Protection: Lessons Learned and Ways Ahead” was organized by Denmark, Uganda and the United States. Speakers included Carsten Staur (ambassador and permanent representative of Denmark to the UN), Stephen J. Rapp (ambassador-at-large for war crimes issues, US Department of State), Justice Daniel Akiiki-kiiza, (president of the International Crimes Division of the High Court of Uganda), Mirjam Blaak (ambassador and deputy head of mission of the Embassy of



Credit: Solal Gaillard/CICC

Uganda to Belgium), Iwan Waltenburg (head of operations, ICC Victims and Witnesses Unit) and Chris Mahony, (consultant, international crime in Africa programme, Institute for Security Studies; author of “The Justice Sector Afterthought: Witness Protection in Africa”). Other participating states included the UK, Finland, Italy and Japan, among others. Civil society representatives from REDRESS, FIDH and No Peace Without Justice were also in attendance. The panelists spoke about the lessons learned, challenges and remaining gaps in ensuring security and protection for witnesses, both at the international and national levels; as well as key issues to be explored, including the ICC’s witness protection efforts, the Special Fund for Relocation, best practices and lessons learned from other tribunals and internationalized courts, and witness and judicial protection at the national level.

For more information, see

http://www.missionfnnewyork.um.dk/NR/ronlyres/86C05DFB-C49A-4937-98CA-0D975934BA18/0/14DecFlyer_2011ASPwitnessprotectionsideeventDK.PDF

15 December 2011

Between the Courtroom and the Field

The Registry of the ICC gave a presentation on “Between the Courtroom and the Field,” ICC Registrar Silvana Arbia, Iwan Waltenburg (head of operations, ICC Victims and Witnesses Unit) and Cecilia Balteanu (chief of the ICC Field Operations Section) answered questions from states delegates and representatives of civil society on the realities and practicalities of the Court’s operations in situation countries. Issues discussed included the strategy and capacity of the ICC field offices, witness protection, victim participation and ICC outreach activities to victim and

affected communities, among others. A video presentation was also screened detailing a day-in-the-life of an ICC field office.

Complementarity Capacity Building: Examples from Serbia

A panel discussion on “Use of National Experiences in Complementarity Capacity Building: Examples from Serbia” was organized by Serbia. A number of states delegates and civil society representatives were in attendance. The meeting gave an overview of the Serbian experience in respect of the International Tribunal for the former Yugoslavia (ICTY) and the investigation and prosecution of international crimes at the national level. Participants included different Serbian government departments, an ICTY representative and local and international civil society representatives, as well as academics. Issues touched upon included lessons learned from Serbia in terms of cooperation and the importance of outreach to victims and affected communities in the work of the ICTY, among others.

The ICC and International Crimes Against Children

A roundtable on “The ICC and international crimes against children” was organized by the UN Office of the Special Representative for Children and Armed Conflict. Speakers included Radhika Coomaraswamy (special representative of the UN secretary-general for children and armed conflict), Brigid Inder (executive director of Women’s Initiatives for Gender Justice), Elisabeth Rehn (chair of the Board of the Trust Fund for Victims), Grace Akallo (United Africans for Women’s and Children’s Rights) and Silvana Arbia (ICC registrar). Issues discussed included the participation of child soldiers as victims and witnesses at the ICC, the need for protection of child soldiers in the context of their interaction with the ICC, and reparations for child soldiers, including through the mandate of the TFV. Grace Akallo also recounted her experiences as a child soldier in Uganda, an ICC situation country.

Book Launch: “All the Missing Souls” by David Scheffer

The Permanent Representation of Liechtenstein to the UN hosted an event to launch the book “All the Missing Souls” by David Scheffer, former US ambassador-at-large for war crimes issues. The launch was attended by states delegates, UN officials, ICC officials, media and NGO representatives.

Preliminary Examinations before the ICC



Salvador Herencia-Carrasco of the Andean Commission of Jurists addressing Coalition members at the meeting on preliminary examinations. Credit: Solal Gaillard/CICC

In the evening, the Coalition—together with Belgium—organized a discussion on “Preliminary Examinations before the ICC.” Discussed were the eight situations currently under preliminary examination by the Court on four continents, including Afghanistan, Colombia, Georgia, Guinea, Palestine, Nigeria, Honduras and the Republic of Korea. Civil society representatives included the Côte D’Ivoire Coalition for the ICC, Human Rights Watch, Georgian Young Lawyers Association, FIDH, the Norwegian Helsinki Committee, PCATI, Afghanistan Watch, CIPRODEH and the Colombian Commission of Jurists, many of whom addressed the meeting. Representatives

of the OTP and states were in attendance. Participants reflected on the impact of ICC preliminary examinations and concerns regarding the process with a view to providing recommendations to the prosecutor on how the process could be further strengthened.

To read more on Preliminary Examinations, visit <http://www.coalitionfortheicc.org/?mod=developments> and <http://www.icc-cpi.int/Menu/ICC/Structure+of+the+Court/Office+of+the+Prosecutor/Comm+and+Ref/>

16 December 2011

Coalition Media Briefing

The Coalition held a briefing with UN media on key issues at the ASP as well as current prospects and challenges for the ICC. Speakers included Jonathan O'Donohue (legal advisor on international justice, Amnesty International); Katharine Orlovsky (legal officer, Women's Initiatives for Gender Justice), María Solís García (board member, Women's Initiatives for Gender Justice),



Credit: Solal Gaillard/CICC

George Kegoro (executive director, ICJ-Kenya), and Gamal Eid (director, Arabic Network for Human Rights Information). The panel was moderated by Oriane Maillat, head of communications for the Coalition. Issues discussed included ICC elections, the Court's budget for 2012, gender and the ICC, the ICC and Africa, as well as role of the ICC in the context of the Arab spring, among others.

The briefing can be viewed at: <http://www.unmultimedia.org/tv/webcast/2011/12/the-coalition-for-the-international-criminal-court-on-the-assembly-of-states-parties-to-the-rome-statute-of-the-icc-press-conference.html>

Supporting Complementarity at the National Level: An Integrated Approach to Rule of Law

A panel discussion on "Supporting Complementarity at the National Level: An Integrated Approach to Rule of Law" was organized by the International Center for Transitional Justice (ICTJ) and the United Nations Development Programme (UNDP) and was co-sponsored by Denmark and South Africa. Speakers included ICTJ President David Tolbert, ASP President Intelmann, Jordan Ryan (assistant of the secretary-general, assistant administrator of UNDP and director of the Bureau for Crisis Prevention and Recovery of UNDP). States delegates, ICC representatives and civil society representatives were in attendance. The panelists spoke about the options for the way forward in bolstering the principle of complementarity. Key issues raised included how trials for serious crimes can contribute to rebuilding rule of law; ending impunity for Rome statute crimes; strengthening respect for the rule of law; how justice sector reform supports conditions for processing mass crimes; and the roles of development and rule of law

actors within these processes. The discussion also highlighted the principal findings of the Greentree II event titled “Supporting Complementarity at the National Level: An Integrated Approach to Rule of Law”, which took place on 7 December 2011.

For more information, see:

<http://www.missionfnnewyork.um.dk/NR/rdonlyres/958683D4-1247-460C-9233-097E99C009DF/0/16DecFlyerSupportingComplementarityattheNationalLevel.pdf>



ICTJ President David Tolbert.
Credit: Solal Gaillard/CICC

Strategic Consultations on the Role of International Organisations in Enhancing Law Enforcement and State Cooperation with the ICC

PGA organized an event entitled “Strategic Consultations on the role of International Organisations in Enhancing Law Enforcement and State Cooperation with the ICC”, which was co-hosted by Switzerland. Introductory remarks were made by Ambassador Paul Seger (permanent representative of Switzerland to the UN), ASP President Intelmann and Minou Tavares Mirabal (president of the Foreign Affairs Committee and member of the Executive Committee of PGA). Olivia Swaak-Goldmann (international cooperation adviser of the Office of



ICC Registrar Silvana Arbia addresses government representatives and members of civil society. Credit: Solal Gaillard/CICC

the Prosecutor, ICC) spoke on the OTP’s cooperation policies and the need for states parties’ political support. Dr. Stefano Carvelli (director of the Fugitives Investigative Support Unit of Interpol) spoke about arrests and other forms of cooperation between the ICC and Interpol. ICC Registrar Silvana Arbia spoke on the challenges faced by the ICC, particularly in the freezing of assets. David Sharia (Counter Terrorism Executive Directorate, UN Security Council) discussed sanctions imposed by the UN, freezing of assets and lessons learned from the UN Counter-Terrorism Committee. Stefan Barriga (deputy representative of Liechtenstein to the UN) outlined possible procedures to respond to non-cooperation by ICC states parties, Thomas Henquet (senior

international criminal law advisor, Ministry of Foreign Affairs of the Netherlands) expounded on the need for cooperation with prosecuting authorities at the national level, and Gabor Rona (international legal director, Human Rights First) spoke about the importance of diplomatic initiatives to enhance cooperation with the ICC. Ambassador Jurg Lindenmann (Switzerland) presented closing remarks highlighting the need for a standing agenda item on cooperation at future ASP sessions. States parties and civil society representatives were also in attendance, some of whom made interventions.

For more information, see:

<http://www.pgaction.org/uploadedfiles/PGA%20Consultations%20on%20Cooperation%20ASP%20X%2016%20Dec%202011%20LEAFLET.pdf>

To read the paper of the *Coalition's Cooperation Team*, see:

http://coalitionfortheicc.org/documents/Cooperation_Team_Submission ASP10_2_Dec_2011_.pdf

19 December 2011

Plan of Action: Universality of the Rome Statute and Implementing Legislation

Romania and the Secretariat of the Assembly of States Parties organized an event entitled "Plan of Action: Universality of the Rome Statute and Implementing Legislation: developments and resources". Speakers included: ICC President Song, Akbar Khan (director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat), Eden Charles (legal adviser, Permanent Mission of Trinidad and Tobago to the United Nations), Anne-Marie La Rosa (legal adviser, International Committee of the Red Cross) and David Donat Cattin (senior director, international law and human rights programme, PGA). The panel was moderated by Ion Galea, director general for legal affairs, Ministry of Foreign Affairs of Romania. Speakers discussed initiatives to encourage universality and implementation of the Rome Statute as well as possible improvements in the future, among others. Civil society representatives and states delegates were in attendance, some of whom made interventions.

Justice Rapid Response Group of Participants

The Permanent Mission of Canada hosted a Justice Rapid Response (JRR) Group of Participants meeting. The incoming director of the JRR Group, Mr. Andras Vamos-Goldman (Canada), and Ambassador Mirjam Blaak (Uganda), the incoming chair of the JRR, provided a report of the work undertaken by the JRR in 2011 and the program of work for the JRR in the coming years. Following the presentations, a question and answer session took place, with interventions from states and civil society representatives.

For more information on Justice Rapid Response, visit:
<http://www.justicerapidresponse.org>

20 December 2011

Challenges for the Next ICC Prosecutor

Human Rights Watch, together with Costa Rica, Norway and Switzerland, organized a panel discussion on "Challenges for the next ICC Prosecutor". Speakers included David Tolbert (ICTJ president), Elizabeth Evenson (senior counsel, Human Rights Watch), Mii Aro-Sanchez (first secretary, Embassy of Finland to the Netherlands) and Martin Sørby (deputy director-general, Ministry of Foreign Affairs, Norway). Issues raised included some of the key challenges for the OTP and the prosecutor-elect, Fatou Bensouda, in 2012, particularly in light of the office's change of leadership and the Court's budgetary situation. The role of states parties and the ASP in supporting the prosecutor's office with respect to fostering greater cooperation was also discussed. Particular mention was made of the importance of strengthening the OTP's communication activities. Representatives from various states, the OTP and civil society were also in attendance.



Credit: Solal Gaillard/CICC

Presentation on the Status of the ICC Permanent Premises Project



Credit: [schmidt hammer lassen architects](#)

The chair of the Oversight Committee on Permanent Premises, Roberto Bellelli, gave a presentation on the status of the ICC permanent premises project. The ASP Permanent Premises Project Director Neil Bradley, gave an overview of the project's finances and presented the final design of the permanent premises. This was followed by a question and answer session with states parties and civil society representatives on key issues.

To read the Report of the Oversight Committee and the annexed draft resolution, visit: http://icc-cpi.int/iccdocs/asp_docs/ASP10/ICC-ASP-10-22-ENG.pdf.

The ICC Permanent Premises webpage can be found at: <http://www.icc-cpi.int/menus/icc/about%20the%20court/permanent%20premises/permanent%20premises?lan=en-GB>