

Fourth session

The Hague

28 November to 3 December 2005

Report on the activities of the Court

I. Executive summary

1. The present report, submitted on 2 September 2005, provides a general overview of developments at the International Criminal Court (the Court) since the third session of the Assembly of States Parties (the Assembly) in September 2004. It outlines the activities of the Court as a whole and those of the individual organs.

2. Ninety-nine States have ratified or acceded to the Rome Statute of the International Criminal Court. Twenty-six States have ratified or acceded to the Agreement on the Privileges and Immunities of the Court.

3. Four situations have now been referred to the Prosecutor – three by States Parties and one by the United Nations Security Council. The Prosecutor is conducting investigations into three of these situations – Democratic Republic of the Congo, Uganda and Darfur, Sudan.

4. The Court has entered the judicial phase of its operations. The Pre-Trial Chambers held several hearings and issued a number of decisions.

5. Significant developments at the Court since the third session of the Assembly include the following:

- Referral to the Prosecutor by the Central African Republic of the situation on its territory;
- Referral of the situation in Darfur, Sudan by the United Nations Security Council and opening of an investigation into this situation by the Prosecutor;
- Continuation of investigations in the situations in the Democratic Republic of the Congo and Uganda, including over fifty missions to the field;
- Commencement of Pre-Trial proceedings, including several hearings and decisions;
- Establishment of joint field presences by the Office of the Prosecutor and the Registry;

- Conclusion of the Relationship Agreement between the Court and the United Nations, as well as other agreements of the Court or the Office of the Prosecutor;
- Inauguration of the Deputy Prosecutor (Prosecutions);
- Acceptance of the Regulations of the Court by States Parties;
- Adoption of the Code of Judicial Ethics;
- Implementation of policies and rules, including the Staff Rules;
- Initiation of the strategic planning process of the Court; and
- Preparation of an integrated strategy on external relations, public information and outreach.

6. The Court has made substantial progress over the last year, both in its field activities and in relation to courtroom proceedings. The Court's experience over this year has underscored that its success will be increasingly affected by the level of cooperation received from external actors in, for instance, preserving and providing evidence, sharing information and securing the arrest and surrender of persons to the Court. As arrest warrants will be issued in the foreseeable future, such cooperation will be of critical importance. Without arrest and surrender, there can be no trials.

II. Activities involving the whole Court

Developing the structures of the Court

7. The Court continued to build its capacity to conduct and support both activities in the field and courtroom proceedings. The Court recruited staff to meet its current needs, established its infrastructure and put in place rules and policies, while exercising its core functions set out in the Statute.

8. The Court has recruited 454 permanent staff members from seventy States. Temporary staff, consultants, interns and visiting professionals have also contributed to the Court's development. The Court is committed to recruiting a high-calibre staff while also having regard to equitable geographical and gender representation among staff, consistent with the provisions of the Statute and the relevant resolutions of the Assembly.¹ The Court's current geographical and gender representation reflects the applications received. States are invited to support the Court's endeavours by identifying qualified candidates and encouraging applications from female candidates and candidates from underrepresented States.

9. The Court now has the facilities in place to conduct trials. In addition to the existing Pre-Trial Courtroom, Courtroom I was completed. Courtroom II should be finalized by the end of 2005. Interim detention facilities have been identified, and the design of permanent detention facilities will be finalized soon.

10. The Court has also established its first infrastructure in the field. The Registry and the Office of the Prosecutor have established joint field offices in Kinshasa, Democratic Republic of

¹ Rome Statute of the International Criminal Court, article 44, paragraph 2; *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, first session, New York, 3-10 September 2002*, Document ICC-ASP/1/3, part IV, resolution ICC-ASP/1/Res.10; Staff Regulations for the International Criminal Court, *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, second session, New York, 8-12 September 2003*, Document ICC-ASP/2/10, part III, resolution ICC-ASP/2/Res.2.

the Congo and Kampala, Uganda. These field offices facilitate the work of investigators as well as the Court's activities in relation to defence, witnesses, victims and outreach. The Court is currently evaluating its field needs in connection with the investigation in Darfur, Sudan.

11. The Court has further developed the formulation of its requirements for the permanent premises. Three reports identifying options for consideration have been submitted to the Assembly.²

12. To support the routine functioning of the Court, a number of rules and policies of Court-wide applicability have been instituted. The Registrar, with the agreement of the Prosecutor and Presidency, has provided Staff Rules which have been promulgated and reported to the Assembly. The Court has also formulated draft guidelines for the employment of gratis personnel and submitted the draft guidelines to the Assembly. The Court adopted an Information Security Policy; and the Registrar, with the agreement of the Presidency and the Prosecutor, promulgated administrative instructions on, inter alia, sexual and other forms of harassment, equal employment opportunity and treatment. In addition, the Court started offering part-time employment to its staff members.

Coordinating among the organs

13. With the extension of the Court's activities in the field and the first judicial proceedings, the different organs intensified coordination at all levels, while respecting their necessary independence under the Statute. The Coordination Council, comprised of the President on behalf of the Presidency, the Prosecutor and the Registrar, continued to lead the Court in ensuring general coordination. The Coordination Council invited the Director of the Secretariat of the Assembly to participate in meetings on issues of mutual interest.

14. The Court refined the budget preparation process for 2006 to increase transparency and efficiency. The Coordination Council established a Budget Steering Committee to oversee the budget preparation process. The Steering Committee, consisting of high-level representatives of all organs, met daily through most of the budget preparation process. The Coordination Council also adopted a Charter for Internal Audit which clarifies the mandate of the Office of Internal Audit and establishes an Oversight Committee. The Oversight Committee has held its first meetings.

15. In order to ensure effective, integrated development of the Court, the Coordination Council instituted a strategic planning process. Under the direction of the Coordination Council, a Strategic Planning Project Group commenced work on a plan that will define strategic goals for the Court and a strategy for achieving these goals. In this context, the Court is developing a "Court Capacity Model" that will assist the coordinated planning of resource needs. The strategic planning process has already contributed to the structural cohesion of the proposed programme budget for 2006 and to the identification and development of common policies on issues such as external relations and the establishment of field offices. The Court reported on the planning

² See *Report on the Future Permanent Premises of the International Criminal Court: Financial Comparison of Housing Options (ICC-ASP/4/CBF.2/4)*; *Interim Report on the Composition of Estimated Staffing Levels (ICC-ASP/4/CBF.2/5)*; *Financing Methods used for the Premises of Other International Organizations (ICC-ASP/4/CBF.2/6)*.

process to the Committee on Budget and Finance at its session in April 2005 and will do so again at its session in October 2005.³

16. As part of the development of the strategic plan, the Court formulated a comprehensive, integrated strategy for its external relations, public information and outreach activities.⁴ To ensure implementation and development of the strategy as well as continued coordination, the Court established a standing group on external communications.

17. External relations, public information and outreach are critical to delivering public and transparent justice, securing necessary support for the Court and ensuring the effective impact of the Court. The Court's activities in these fields took several forms.

18. In October 2004, the President of the Court and the Secretary-General of the United Nations concluded the Relationship Agreement between the Court and the United Nations, following approval by the Assembly of States Parties and the United Nations General Assembly.⁵ The Court concluded, or is in the process of negotiating, a number of agreements with States, international and regional organizations and members of civil society. The Court and the host State continued negotiations on the Headquarters Agreement. The Court began or continued negotiations on agreements for cooperation with, inter alia, the African Union, European Union, United Nations Mission in the Democratic Republic of the Congo (MONUC) and the Asian-African Legal Consultative Organization (AALCO). Other agreements were negotiated, or will be negotiated, with States on specific issues of cooperation, such as the acceptance of prisoners sentenced by the Court and the relocation of witnesses.

19. The Court continues to discuss with the host State the permanent premises of the Court, the negotiation of the Headquarters Agreement, and other matters.

20. The Court places priority on ensuring regular dialogue with States Parties. Jointly represented by the three organs and the Secretariat of the Assembly, the Court has held two diplomatic briefings for representatives of States so far in 2005, and will hold a third briefing in October. Upon invitation, the Court attended meetings of the working groups established by the Bureau of the Assembly.

21. The Court is committed to providing timely, accurate information on its activities and to engaging in dialogue with other interested partners. The Court and its representatives continued to meet regularly with representatives of States, international and regional organizations and civil society, both in The Hague and in other locations.

22. The Court is open to public visits, and hearings may be viewed from a public gallery. By the end of 2005, the Court Media Centre will be fully operational. The Court developed public

³ See Strategic Planning Project Group, *Project Progress and Planning Report Submitted Pursuant to Paragraph 42 of the Report of the Committee on the Work of its Fourth Session*, ICC-ASP/4/CBF.2/2.

⁴ *Report to the Assembly of States Parties on the Integrated Strategy for External Relations, Public Information and Outreach of the International Criminal Court*, ICC-ASP/4/CBF.2/1.

⁵ Relationship Agreement between the International Criminal Court and the United Nations, *Official Journal of the International Criminal Court*, Document ICC-ASP/3/Res.1, Annex; UN Doc. A/58/874, Annex; approved by the Assembly of States Parties to the Rome Statute on 7 September 2004, Document ICC-ASP/3/Res.1; approved by the United Nations General Assembly on 13 September 2004, General Assembly resolution A/RES/58/318.

information materials and means of communication, including its web site, to effectively share information with interested persons.

23. The Court also conducted outreach activities in relation to specific situations under investigation. Such outreach is conducted primarily by the Registry and is discussed in the Registry section of this report.⁶

III. Presidency

24. In the performance of its administrative functions, the Presidency exercised managerial oversight of the Registry, coordinated with the Office of the Prosecutor on administrative matters of common concern, ensured the effective provision of services to the judiciary and worked with the Office of the Prosecutor and Registry to initiate and develop the strategic planning process.

25. The Presidency met weekly with the Registrar and provided regular input into the development of administrative policies. The Presidency participated in the drafting of the Staff Rules and Administrative Instructions, and the President, in consultation with the Prosecutor and Registrar, promulgated a Presidential Directive on the Information Security Policy.

26. The President issued several letters to staff to inform them of significant developments affecting the Court and to increase general understanding of its different activities.

27. Upon being informed by the Prosecutor, the Presidency assigned the two new situations referred to the Prosecutor to Pre-Trial Chambers. The Presidency assigned the situation in the Central African Republic to Pre-Trial Chamber III⁷ and the situation in Darfur, Sudan to Pre-Trial Chamber I.⁸

28. The Presidency convened the sixth plenary session of judges in March 2005 to consider, inter alia, comments received on the Regulations of the Court and adoption of the Code of Judicial Ethics. The Presidency coordinated judges' participation in commenting on the Regulations of the Registry and various administrative policies. The Presidency periodically informed the judges of developments at the Court through meetings with the judges and newsletters.

29. Following consultations with the Registry, the Presidency approved standard forms for the participation of victims in proceedings, and is considering a standard form for applications by victims for reparations.

30. The Presidency contacted States Parties to enquire whether they would be willing to be placed on a list of States willing to accept sentenced persons. The Presidency, with the support of the Legal Advisory Section of the Registry, led the first discussions with States willing to do so, with a view to concluding bilateral arrangements.

31. The President is responsible for the negotiation and conclusion of agreements on behalf of the Court. In negotiating and concluding agreements, the Presidency works closely with the

⁶ See para. 77 below.

⁷ Presidency, *Decision Assigning the Situation in the Central African Republic to Pre-Trial Chamber III*, 19 January 2005, Situation in the Central African Republic, No. ICC-01/05.

⁸ Presidency, *Decision Assigning the Situation in Darfur, Sudan to Pre-Trial Chamber I*, 21 April 2005, Situation in Darfur, Sudan, No. ICC-02/05.

Legal Advisory Section of the Registry, and delegates authority to conclude agreements as appropriate. As noted above, the President concluded the Relationship Agreement with the United Nations with the Secretary-General in October 2004.⁹

32. In the fulfilment of its external relations activities, the Presidency's primary objective remained the enhancement of public awareness and understanding of the Court. The President met with heads of State and government, government officials, representatives of States, parliamentarians and representatives of international and regional organizations. He also addressed numerous non-governmental organizations, academics, the media and the general public. Such initiatives are intended to ensure understanding of the Court, which facilitates the support the Court needs to be effective.

IV. Chambers

Organization of the Chambers

33. The Chambers are organized into three Divisions – Pre-Trial, Trial and Appeals. Each Division is headed by a President, elected by the Division to serve a one-year term. The incumbent President of the Pre-Trial Division, Judge Hans-Peter Kaul, was re-elected President of the Division in 2005. Judge Georghios Pikis was elected President of the Appeals Division. Vice-President Elizabeth Odio Benito served as acting President of the Trial Division.

34. Within the Pre-Trial Division, the Presidency has constituted three Pre-Trial Chambers and has assigned the situations referred to the Prosecutor as follows:

- Pre-Trial Chamber I: Democratic Republic of the Congo; Darfur, Sudan;
- Pre-Trial Chamber II: Uganda;
- Pre-Trial Chamber III: Central African Republic.

35. Judges Claude Jorda and Tuiloma Neroni Slade had previously been elected as presiding judges of Pre-Trial Chambers I and II respectively. Since the third session of the Assembly, Pre-Trial Chamber III has elected Judge Sylvia Steiner as its presiding judge.¹⁰

36. In addition, the judges elected their representatives to the Advisory Committee on Legal Texts, which considers and reports on proposals for amendments to the Rules of Procedure and Evidence, Elements of Crimes and Regulations of the Court. Judges Kaul, Adrian Fulford and Erkki Kourula were elected from the Pre-Trial, Trial and Appeals Divisions, respectively.

Proceedings

37. The Pre-Trial Chambers have now commenced the first judicial proceedings of the Court. Decisions and other judicial developments not of a confidential nature are made available on the Court's web site. To date, the Pre-Trial Chambers have held hearings or issued decisions concerning such matters as forensic examinations in relation to unique investigative opportunities and applications from victims to participate in proceedings.

⁹ See para. 18 above.

¹⁰ Pre-Trial Chamber III, *Election of the Presiding Judge of Pre-Trial Chamber III*, 4 February 2005, Situation in the Central African Republic, No. ICC-01/05.

38. A complete record of the work of the Chambers is not publicly available due reasons of confidentiality. Such reasons may include the protection of victims and witnesses, or the protection of confidential or sensitive information to be given in evidence.

Institutional developments

39. The Regulations of the Court were adopted by the judges in May 2004 and circulated to States Parties. No States made any objections within the six-month period provided under article 52 of the Statute. The judges subsequently received comments from one State Party. A few comments were received from other interested parties. The judges considered these comments at their sixth plenary session in March 2005, and made technical revisions to the French version of the Regulations.¹¹

40. The Regulations called for the judges to adopt a Code of Judicial Ethics. This Code – an innovation for international criminal tribunals – was adopted by the judges at the plenary session.¹² The Code is published in the Official Journal of the Court, available on the web site.

41. In addition, the judges continued to prepare for the technical aspects of proceedings. They met in chambers, divisions, plenary sessions and other regular meetings to coordinate and discuss matters of joint interest, such as the practical aspects of victims' participation in proceedings, disclosure of documents, presentation of evidence, translation and interpretation and issues relating to the defence and the accused.

42. The judges also offered their expertise to the development of forms for victims participation and reparations, the Regulations of the Registry and other documents. In addition, individual judges contributed to the Court's public information activities, by addressing visitors to the Court and numerous audiences and conferences worldwide on the role and mandate of the Court.

43. Some judges participated in and chaired inter-organ working groups and committees, such as the Inter-Organ Committee on the Permanent Premises and the Budget Steering Committee.

V. Office of the Prosecutor

Referrals and communications

44. The Office of the Prosecutor has received 639 communications since the last report to the Assembly, and carried out analysis under article 15 of the Statute. This brings the total number of communications received to 1497.

45. The Prosecutor received two referrals since the third session of the Assembly. The Central African Republic referred the situation on its territory in December 2004. In March 2005, the United Nations Security Council referred the situation in Darfur, Sudan. One non-State Party, Côte d'Ivoire, lodged a declaration with the Registrar accepting the jurisdiction of the Court.

46. Having evaluated the information made available to him, the Prosecutor initiated an investigation pertaining to the situation in Darfur, Sudan in addition to ongoing investigations in

¹¹ 6th Plenary Session of Judges, Amendments to the Regulations of the Court, 7-9 March 2005, *Official Journal of the International Criminal Court*, Document RoC/Rev.01-05.

¹² Code of Judicial Ethics, adopted 9 March 2005. *Official Journal of the International Criminal Court*, Document ICC-BD/02-01-05.

the Democratic Republic of the Congo and Uganda. The Office of the Prosecutor is conducting detailed analysis of eight situations of concern, including the Central African Republic and Côte d'Ivoire.

Developing the Office

47. While exercising its core investigative and prosecutorial functions, the Office of the Prosecutor continued to develop its capacities. Following her election by the Assembly, Ms. Fatou Bensouda was sworn in as Deputy Prosecutor (Prosecutions) on 1 November 2004. The Office continued to recruit staff and to adopt strategies to address the challenges and obligations arising from its statutory mandate.

48. While remaining a small, flexible Office, relying on cooperation networks with a range of partners,¹³ the Office critically examined and refined its organization in order to arrive at a structure that best reflects its functions. A multidisciplinary approach brings together investigators, analysts, trial attorneys, cooperation advisers, victims experts and others in the common goal of conducting focused and effective investigations. An Executive Committee comprised of the heads of divisions and chaired by the Prosecutor provides advice on major decisions such as the initiation of investigations and promotes the coordination of activities.

49. The Office of the Prosecutor developed legal tools to carry out its work efficiently, including templates and databases for preparing and tracking requests for assistance, as well as four internal protocols to ensure compliance with Statutory duties on disclosure, questioning witnesses, the principle of objectivity and unique investigative opportunities. The Office is developing a case management application (the "Case Matrix") and analytical materials on crimes and procedures in the Statute.

50. The Office continued its practice of consultation with stakeholders. The Office of the Prosecutor held an initial meeting with States Parties in June 2005 to discuss strategies and activities of the Office. The Office is currently developing a methodology for assessing the interests of justice (article 53), and is conducting consultations with States Parties, the United Nations and non-governmental organizations on this and other issues.

51. To facilitate its activities in the field, the Office concluded agreements with Interpol, Uganda, the Democratic Republic of the Congo and other States Parties, as well as nongovernmental organizations. The Office also entered into five arrangements with entities of the United Nations system, building on the Relationship Agreement between the Court and the United Nations. The Office has developed contacts with existing networks of national authorities concerned with investigating crimes of relevance under the Statute.

Investigations

52. The Office has adopted an approach of focused investigations and focused charges, an interdisciplinary approach and respect for the interests of victims. Investigations focus on those who bear the greatest responsibility. Investigation teams include investigators, case analysts, interpreters and field operators. The teams draw on extensive support from trial attorneys, analysts, cooperation experts, forensic coordinators, legal advisers, translators, evidence assistants and others. Teams received training on investigative methods, security, first aid and crisis management. The Office of the Prosecutor ensured special training with respect to local cultures for investigators and translators going to the field. Specialized support is needed on all investigative missions for potentially traumatized witnesses. The Office of the Prosecutor strives

¹³ See *Report on the Activities of the Court*, third session of the Assembly of States Parties, Document ICC-ASP/3/10.

to limit the number of witnesses contacted. Where possible, investigators attempted to work with witnesses outside areas of conflict, whether in other countries or more secure parts of the same country. Interviews are conducted only following a clear assessment of protection issues and through means and in locations where exposure is minimized.

Democratic Republic of the Congo

53. The Office of the Prosecutor is investigating the situation in the Democratic Republic of the Congo, which involves allegations of thousands of deaths by mass murder and summary execution since 2002, as well as large-scale patterns of rape, torture and use of child soldiers. There are many areas of extreme insecurity and ongoing conflict, with no effective State presence. Numerous armed groups active in the Democratic Republic of the Congo are allegedly involved in crimes.

54. Given the scale of the situation, the investigation of cases in the Democratic Republic of the Congo will proceed in sequence. One or two cases, selected on the basis of gravity, have been prioritized in 2005, while other cases will be developed subsequently. The first investigations are progressing well. The Office has carried out over fifty trips to the field; collected over 11,000 documents; interviewed over sixty persons; and collected documents, videos, photos and other materials.

55. The Office concluded a cooperation agreement with the Government; however, the government faces great logistical challenges and many areas are not under its effective control, so inability to rely on effective cooperation remains a great challenge for the investigation. Cooperation from MONUC will be essential, as will be cooperation from others with relevant information.

Uganda

56. The Office of the Prosecutor is investigating the situation in Uganda, which involves allegations of large-scale abductions, killings, torture and sexual violence. The majority of alleged abductees are children. The investigation in Uganda is at an advanced stage after thirteen months of work. The Office has conducted over fifty trips to the field; interviewed crime base witnesses, overview witnesses and others; and collected documents, videos, photographs and other materials.

57. The Office concluded a cooperation agreement with the Government of Uganda, and benefits from excellent cooperation from the Government and other cooperation partners. The Office undertook several missions to engage with local groups in order to establish relationships for cooperation and assessing the interests of victims, and invited community leaders to The Hague to discuss how to coordinate the respective efforts of the Office and community leaders.

Darfur, Sudan

58. The Office of the Prosecutor is investigating the situation in Darfur, Sudan, which involves allegations of the killing of thousands of civilians and the widespread destruction and looting of villages, leading to the displacement of approximately 1.9 million civilians, as well as allegations of a pervasive pattern of rape and sexual violence and persistent targeting and intimidation of humanitarian personnel. Following the referral, the Office collected more than 2,500 items from the International Commission of Inquiry on Darfur, as well as over 3,000 documents from other sources. The Office was in contact with more than 100 groups and individuals and interviewed more than fifty experts. On 1 June 2005, the Prosecutor initiated an investigation and informed Pre-Trial Chamber I, followed by a public announcement thereafter.

The Prosecutor presented a report to the United Nations Security Council on the status of the Darfur investigation in June 2005.

VI. Registry

59. The Registry has continued to provide judicial and administrative support services to the Presidency, Chambers and Office of the Prosecutor and to fulfil the specific functions entrusted to the Registry in the areas of defence, victims, witnesses and outreach. The work of the Registry has taken place both at Headquarters and in the field.

Institutional developments

60. Consultation on the draft Regulations of the Registry continued, and comments were received from sources both within and outside the Court. The Regulations address issues such as proceedings before the Court, responsibilities of the Registrar relating to victims and witnesses, counsel issues and legal assistance and detention matters. The Registry intends to submit the Regulations to the Presidency in the autumn of 2005 for its consideration and approval.

61. The Registry is responsible for the non-judicial aspects of the administration and servicing of the Court. In this role, the Registrar, with the agreement of the Prosecutor and Presidency, provided Staff Rules and promulgated eight other administrative instructions, as well as developing other policies. The Registry prepared the Court's yearly budget submission, ensured finalization of the courtrooms, concluded a range of contracts and implemented a procurement plan for the Court. The Registry also provided administrative support to the Secretariat of the Assembly of States Parties and the Trust Fund for Victims.

62. To ensure the security of staff and resources, the Registry commissioned a panel of experts to produce a report assessing security needs. The panel provided concrete recommendations, which are being integrated into an implementation matrix. The Court also joined the United Nations security management system.

63. In consultation with the Office of the Prosecutor, the Registry addressed a number of issues pertaining to personnel, highlighted by the adoption and promulgation of the Staff Rules. In consultation with the Prosecutor, the Registrar established the Staff Representative Body, elected from the staff of all four organs and the Secretariat of the Assembly. The members of the Body have been elected and begun their work.

64. The Court conducted a job evaluation study to review the classification of budgeted posts and ensure a sound framework for the administration of salaries. Over 90% of posts were confirmed at the current level. This percentage is significantly higher than that of most international organizations performing similar studies, and indicates that the Court has been prudent in its practices. The Court is now implementing the recommendations of the study with respect to the posts which are to be reclassified. The classification exercise will continue in the future in order to ensure transparency and accountability in this significant area of expenditure.

65. As requested by the Assembly, the Registrar, in consultation with the Prosecutor, has considered the need for the Court to conclude bilateral tax reimbursement agreements with States where appropriate and in the interests of the Court.¹⁴ No difficulties have been noted to date

¹⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, third session, The Hague, 6-10 September 2004, Document ICC-ASP/3/25, part III, resolution ICC-ASP/3/Res.3, para. 8.*

regarding taxation of the salaries of staff members that might indicate the need to negotiate such agreements, but the Court continues to monitor the situation.

66. In order to enable the Court to operate efficiently as an electronic court and to work in a web-based environment, the Registry developed a number of information systems. The Registrar established the Information Technology Systems Board to advise the Registrar and Prosecutor (as appropriate) on policies to be followed and the actions to be taken to ensure an integrated, ICC-wide approach for determining and satisfying computer and software requirements in support of the Court's programmes.

67. The Registry introduced an electronic document management system which will create a common document depository for the whole Court. Implementation of the Court Management System (CMS)/Electronic Court System is ongoing and will also be available within field offices. The "TRIM" software programme, designed to store data, is already being used by one third of the Court. The Court has also begun to deploy Enterprise Resource Planning (ERP) which has integrated the following modules: payroll, budget and procurement. Travel is expected to be integrated by the end of 2005.

68. The Registry developed a legal aid scheme to promote the rights of the defence, consistent with the principle of fair trial as defined in the Statute, while maintaining transparency and accountability in the administration and control of Court resources. The Office of Public Counsel for Defence will support counsel and accused including through the representation and protection of rights of persons during the initial stages of an investigation. The Office is expected to be operational by the end of the year. A list of defence counsel is now available and includes eighty-eight counsel. The Registrar has appointed ad hoc counsel to represent the general interests of the defence, as ordered by Pre-Trial Chamber I.¹⁵

69. A protection programme for witnesses and victims has been established. The Victims and Witnesses Unit of the Registry, together with the Office of the Prosecutor, developed response systems to ensure witnesses know whom to contact and what to do should their security be threatened. Mechanisms and policies have been put into place to ensure 24-hour protection and psychological assistance for victims and witnesses. The Victims and Witnesses Unit will pursue similar projects with the defence.

70. The Victims Participation and Reparations Section has developed outreach campaigns and information materials on the rights of victims to ensure that affected populations have sufficient information regarding the Court's mandate and proceedings. The Registry developed a standard application form for participation of victims in proceedings, which has been approved by the Presidency. The Registry has also submitted a standard application form for victim reparations to the Presidency for approval. To date, a limited number of victims have submitted applications for participation in proceedings. An Office of Public Counsel for Victims seeking to participate in proceedings or reparations will offer necessary legal assistance to victims and is expected to be operational in the autumn of 2005. This Office will complement the work of victims' counsel.

71. Translation and interpretation systems have been put in place to allow parties to proceedings to express themselves in local languages.

¹⁵ Pre-Trial Chamber I, *Decision on the Prosecutor's Request for Measures under Article 56*, 26 April 2005, Situation in the Democratic Republic of the Congo, ICC No. 01-04.

Field activities

72. The Registry is responsible for the deployment, management and support of the Court's field presences. As recent experience has confirmed, field activities face many challenges. Ensuring the security of staff as well as victims and witnesses is a priority, which requires the Court to readily adapt to changing situations on the ground. Transportation and logistics are also omnipresent concerns, as is ensuring secure, reliable communications.

73. In carrying out its field activities, the Court relies on the cooperation of States or international organizations. The Court must find partners willing and able to cooperate, with sufficient reliable means to support the Court. Limitations to this cooperation may occur where the interests of the Court and its partners diverge, for example where the Court's activities may lead to additional risks for its partners.

74. Each situation under investigation is unique and presents its own complications. The nature of ongoing conflicts and local geography can greatly affect logistics and security issues, as well as increasing costs for the Court. Effectively communicating with persons in the relevant regions may require a detailed understanding of local languages and cultures. For example, operating in the Uganda situation requires interpretation capacity for six different local languages which are not widely spoken.

75. The Registry has encouraged lawyers from countries in which situations are being investigated to enrol on the list of defence counsel. The Registry provided training for local lawyers in Uganda and the Democratic Republic of the Congo on the Statute and the functioning of the Court generally, as well as more specialized training on issues related to victims, witnesses and defence.

76. Where witness protection is required, the Registry worked closely with the Office of the Prosecutor to find partners willing and able to provide witness protection. This involved efforts to improve local capacity to provide protection. The Victims and Witnesses Unit of the Registry travelled regularly to the field together with investigation teams to ensure the protection of victims and witnesses at all stages of the Court's activities.

77. The Court provided information regarding its role and activities to assist affected communities in understanding the Court and its potential impact. In conducting outreach activities, the Registry relies on local actors. The Registry produced information products, action plans and directories of key partners/target groups, and has set up channels of communication. The Registry conducted outreach missions to increase local understanding of the Court and to strengthen networks for dissemination of information. The Registry installed an outreach coordinator in the Democratic Republic of the Congo in August 2005 and is in the process of recruiting the outreach coordinator for Uganda. In pursuing its work in the field, the Registry adapted its working methods to the realities on the ground, remaining mindful of local cultures and customs.

VII. Conclusion

78. The Court is now operating substantial field operations and has entered into the judicial phase of its activities. The Office of the Prosecutor is conducting complex investigations in three situations of ongoing conflict which pose security and logistical challenges, and is analysing other situations. The Registry is coordinating closely with the Office of the Prosecutor on the management and deployment of field presences, while also conducting field operations in relation to victims, witnesses, defence and outreach. The Pre-Trial Chambers have held several hearings and issued a number of decisions. These proceedings represent a significant new area of activities

for the Chambers, the Office of the Prosecutor, and the Registry, as well as for counsel for the defence and victims and their representatives.

79. In the coming months, the Court expects to enter into the next stage of its judicial operations, with the issuance of arrest warrants and, if persons are entered into its custody, the commencement of trial proceedings. Without sufficient support, especially in obtaining arrest and surrender, there can be no trials. The work of the Court is a common endeavour. Its success will depend on the support and cooperation of all States Parties, as well as other States, international organizations and civil society.

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