UN INTERNATIONAL JUSTICE DAY, ICC. UN World Day for International Justice, July 17, 2012, Compiled by Dick Bennett for a Culture of Peace.
OMNI NATIONAL/INTERNATIONAL DAYS PROJECT

Note: The July 2011 newsletter, compiled by Bill Millager, was misnumbered as #1. #1 had been filed in war crimes doc and temporarily overlooked. See Newsletter Archive to read #1 2010.


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Rome Conference
On 3 July 2008 in The Hague, some 350 diplomats, officials from the ICC and tribunals, academics and members of civil society commemorated the tenth anniversary of the Rome Statute, which was adopted on 17 July 1998. Pictured from left to right are: Rama Yade, French Secretary of State; Philippe Kirsch, ICC president; Princess Máxima of the Netherlands; Rosalyn Higgins, president of the International Court of Justice; Maxime Verhagen, Dutch minister of Foreign Affairs. Credit: CICC

International Justice Day
On 17 July the world celebrates International Justice Day, to commemorate the anniversary of the adoption of the Rome Statute, the International Criminal Court’s founding treaty. International J
Day is a reminder of the urgency for all States committed to justice to ensure continued support for the Rome Statute’s international justice system. Members of the Coalition for the International Criminal Court are celebrating this day in solidarity with victims of crimes against humanity, genocide and war crimes through a number of worldwide events.

Rome Conference - 1998

The United Nations Conference of Plenipotentiaries on the Establishment of an International Criminal Court, known as the “Rome Conference,” took place from 15 June to 17 July 1998 in Rome, Italy. More than 160 governments participated in the conference, many with sizable delegations. By the end of the five weeks of intense and often emotional deliberations, 120 nations voted in favor of the adoption of the Rome Statute of the International Criminal Court. Only 7 nations voted against the treaty (including the United States, Israel, China, Iraq, Qatar), while 21 countries abstained. The Statute was then open for signature and ratification.

The Coalition for the International Criminal Court actively participated in the Rome Conference monitoring the negotiations, producing daily information for worldwide distribution and facilitating participation and parallel activities of the more than 200 NGOs which attended. The CICC coordinated the input of civil society organizations through Issue Teams that closely followed discussions on particular provisions of the draft statute. Civil society is credited with some of the most important aspects of the Statute, such as its strong provisions for gender crimes and the independence of the prosecutor.

Media Digests
19 July 2011
International Justice Day: Latest Statements, News and Resources
15 July 2011
International Justice Day: Coalition Statement; List of Activities; ICC Documents and Links
23 July 2010
International Justice Day: ICC and CICC members’ media releases; Events reports and declarations
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22 July 2008
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World Day for International Justice
From Wikipedia, the free encyclopedia
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World Day for International Justice, also referred to as Day of International Criminal Justice or International Justice Day is celebrated throughout the world on July 17 as part of an effort to recognize the emerging system of international criminal justice. July 17 was chosen because it is the anniversary of the adoption of the Rome Statute, the treaty that created the International Criminal Court. On 1 June 2010, at the Review Conference of the Rome Statute held in Kampala (Uganda), the Assembly of State Parties decided to celebrate 17 July as the Day of International Criminal Justice.[1]

Each year, people around the world use this day to host events to promote international criminal justice, especially support for the International Criminal Court. The day has been successful enough to attract international news attention, and for groups to use the day to focus attention on particular issues such as genocide in Darfur, Falun Dafa, and serious crimes of violence against women.

[edit] References

[edit] External links
- [Take action for International Justice Day – Amnesty International](#)
- [International Criminal Justice Day – ICC](#)

International Criminal Court
From Wikipedia, the free encyclopedia
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Not to be confused with the International Court of Justice (ICJ).

International Criminal Court
Cour pénale internationale (French)

- **States Parties** (dark green) and states that have signed but not ratified the Rome Statute
- **Seat** The Hague, Netherlands
- **Working languages** English and French
- **Statute in force for** 121 states
- **Leaders**
  - President Song Sang-Hyun
  - Prosecutor Fatou Bensouda
- **Establishment**
  - Rome Statute adopted 17 July 1998
  - Entered into force 1 July 2002
- **Website** [www.icc-cpi.int](http://www.icc-cpi.int)

The ICC in The Hague

The International Criminal Court (commonly referred to as the ICC or ICCt)[1] is a permanent tribunal to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression (although it cannot, until at least 2017,[2] exercise jurisdiction over the crime of aggression).[3][4]
It came into being on 1 July 2002—the date its founding treaty, the Rome Statute of the International Criminal Court, entered into force—and it can only prosecute crimes committed on or after that date. The Court's official seat is in The Hague, Netherlands, but its proceedings may take place anywhere.

As of July 2012, 121 states are states parties to the Statute of the Court, including all of South America, nearly all of Europe and roughly half the countries in Africa. A further 32 countries, including Russia, have signed but not ratified the Rome Statute; one of them, Côte d'Ivoire, has accepted the Court's jurisdiction. The law of treaties obliges these states to refrain from “acts which would defeat the object and purpose” of the treaty until they declare they do not intend to become a party to the treaty. Three of these states—Israel, Sudan and the United States—have informed the UN Secretary General that they no longer intend to become states parties and, as such, have no legal obligations arising from their former representatives' signature of the Statute.

41 United Nations member states have neither signed nor ratified or acceded to the Rome Statute; some of them, including China and India, are critical of the Court. The Palestinian National Authority, which neither is nor represents a United Nations member state, has formally accepted the jurisdiction of the Court. On 3 April 2012, the ICC Prosecutor declared himself unable to determine that Palestine is a "state" for the purposes of the Rome Statute.

In June 2010, two amendments to the Rome Statute of the International Criminal Court were adopted by the Review Conference in Kampala, Uganda. The first amendment criminalizes the use of certain kinds of weapons in non-international conflicts whose use was already forbidden in international conflicts. It is in force in no state party but will enter into force for its first ratifying state, San Marino, on 26 September 2012 and its second ratifying state, Liechtenstein, on 8 May 2013. The second amendment specifies the crime of aggression. It is in force in no state party but will enter into force for its first ratifying state, Liechtenstein, on 8 May 2013. However, the Court will only have jurisdiction over the crime of aggression after it enters into force for 30 states parties and after the Assembly of States Parties has voted in favour of allowing the Court to have jurisdiction after 1 January 2017.

The Court can generally exercise jurisdiction only in three cases, viz. if the accused is a national of a state party, if the alleged crime took place on the territory of a state party or if a situation is referred to the Court by the United Nations Security Council. It is designed to complement existing national judicial systems: it can exercise its jurisdiction only when national courts are unwilling or unable to investigate or prosecute such crimes. Primary responsibility to investigate and punish crimes is therefore left to individual states.

To date, the Court has opened investigations into seven situations in Africa: the Democratic Republic of the Congo; Uganda; the Central African Republic; Darfur, Sudan; the Republic of Kenya; the Libyan Arab Jamahiriya and the Republic of Côte d'Ivoire. Of these seven, three were referred to the Court by the states parties (Uganda, Democratic Republic of the Congo and the Central African Republic), two were referred by the United Nations Security Council (Darfur and Libya) and two were begun proprio motu by the Prosecutor (Kenya and Côte d'Ivoire).

It has publicly indicted 29 people, proceedings against 23 of whom are ongoing. The ICC has issued arrest warrants for 20 individuals and summonses to nine others. Five individuals are in custody; one of them has been found guilty and sentenced (with an appeal possible) while four of them are being tried. Ten individuals remain at large as fugitives (although one is reported to have died). Additionally, two
individuals have been arrested by national authorities, but have not yet been transferred to the Court. Proceedings against six individuals have finished following the death of two and the dismissal of charges against the other four.

As of July 2012, the Court's first trial, the Lubanga trial in the situation of the DR Congo, has ended with the accused found guilty on 14 March 2012 and his sentencing to 14 years in prison. Reparations are to be discussed at a later stage. The Katanga-Chui trial regarding the DR Congo was concluded in May 2012; the judgment is pending. The Bemba trial regarding the Central African Republic is ongoing. A fourth trial chamber, for the Banda-Jerbo trial in the situation of Darfur, Sudan, has been established. There are a fifth and a sixth trial both scheduled to begin in April 2013 in the Kenya situation, namely the Ruto-Sang and the Muthaura-Kenyatta trials for which a single Trial Chamber is responsible. The confirmation of charges hearing in the Gbagbo case in the Côte d'Ivoire situation is scheduled to start on 13 August 2012.

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The establishment of an international tribunal to judge political leaders accused of war crimes was first made during the Paris Peace Conference in 1919 by the Commission of Responsibilities. The issue was addressed again at a conference held in Geneva under the auspices of the League of Nations on 1–16 November 1937, but no practical results followed. The United Nations states that the General Assembly first recognised the need for a permanent international court to deal with atrocities of the kind committed during World War II in 1948, following the Nuremberg and Tokyo Tribunals. At the request of the General Assembly, the International Law Commission drafted two statutes by the early 1950s but these were shelved as the Cold War made the establishment of an international criminal court politically unrealistic.

Benjamin B. Ferencz, an investigator of Nazi war crimes after World War II and the Chief Prosecutor for the United States Army at the Einsatzgruppen Trial, one of the twelve military trials held by the U.S. authorities at Nuremberg, later became a vocal advocate of the establishment of an international rule of law and of an International Criminal Court. In his first book published in 1975, entitled Defining International Aggression - The Search for World Peace, he argued for the establishment of such an international court.

The idea was revived in 1989 when A. N. R. Robinson, then Prime Minister of Trinidad and Tobago, proposed the creation of a permanent international court to deal with the illegal drug trade. While work began on a draft statute, the international community established ad hoc tribunals to try war crimes in the former Yugoslavia and Rwanda, established in 1994, further highlighting the need for a permanent international criminal court.

In June 1989, motivated in part by an effort to combat drug trafficking, Trinidad and Tobago resurrected a pre-existing proposal for the establishment of an ICC and the UN GA asked that the ILC resume its work on drafting a statute. The conflicts in Bosnia-Herzegovina and Croatia as well as in Rwanda in the early 1990s and the mass commission of crimes against humanity, war crimes, and genocide led the UN Security Council to establish two separate temporary ad hoc tribunals to hold individuals accountable for these atrocities, further highlighting the need for a permanent international criminal court.

In 1994, the ILC presented its final draft statute for an ICC to the UN GA and recommended that a conference of plenipotentiaries be convened to negotiate a treaty and enact the Statute. To consider major substantive issues in the draft statute, the General Assembly established the Ad Hoc Committee on the Establishment of an International Criminal Court, which met twice in 1995.

After considering the Committee’s report, the UN GA created the Preparatory Committee on the Establishment of the ICC to prepare a consolidated draft text. From 1996 to 1998, six sessions of the UN Preparatory Committee were held at the United Nations headquarters in New York, in which NGOs
provided input into the discussions and attended meetings under the umbrella of the NGO Coalition for an ICC (CICC). In January 1998, the Bureau and coordinators of the Preparatory Committee convened for an Inter-Sessional meeting in Zutphen, the Netherlands to technically consolidate and restructure the draft articles into a draft.

Following years of negotiations, the General Assembly convened a conference in Rome in June 1998, with the aim of finalizing a treaty. On 17 July 1998, the Rome Statute of the International Criminal Court was adopted by a vote of 120 to 7, with 21 countries abstaining. The seven countries that voted against the treaty were China, Iraq, Israel, Libya, Qatar, United States, and Yemen.

The Rome Statute became a binding treaty on 11 April 2002, when the number of countries that had ratified it reached sixty. The Statute legally came into force on 1 July 2002, and the ICC can only prosecute crimes committed after that date. The first bench of 18 judges was elected by an Assembly of States Parties in February 2003. They were sworn in at the inaugural session of the Court on 11 March 2003. The Court issued its first arrest warrants on 8 July 2005, and the first pre-trial hearings were held in 2006.

During a Review Conference of the International Criminal Court Statute in Kampala, Uganda, two amendments to the Rome Statute of the International Criminal Court were adopted on 10 and 11 June 2010. The second amendment concerns the definition of the crime of aggression.

[edit] States parties

Main article: States Parties to the Rome Statute of the International Criminal Court

As of July 2012, 121 states are states parties to the Statute of the Court, including all of South America, nearly all of Europe and roughly half the countries in Africa. A further 32 countries, including Russia, have signed but not ratified the Rome Statute; one of them, Côte d'Ivoire, has accepted the Court's jurisdiction. The law of treaties obliges these states to refrain from “acts which would defeat the object and purpose” of the treaty until they declare they do not intend to become a party to the treaty. Three of these states—Israel, Sudan and the United States—have informed the UN Secretary General that they no longer intend to become states parties and, as such, have no legal obligations arising from their former representatives' signature of the Statute. 41 United Nations member states have neither signed nor ratified or acceded to the Rome Statute; some of them, including China and India, are critical of the Court. The Palestinian National Authority, which neither is nor represents a United Nations member state, has formally accepted the jurisdiction of the Court. On 3 April 2012, the ICC Prosecutor declared himself unable to determine that Palestine is a "state" for the purposes of the Rome Statute.

[edit] Palestinian Authority

In January 2009, the Office of the Prosecutor of the International Criminal Court received an official communication from the Minister of Justice of the Palestinian Authority (PA), Ali Kashan, which expressed the PA's readiness to recognize the jurisdiction of the ICC over "the territory of Palestine." The PA's declaration purported to invoke Article 12 (3) of the Rome Statute, which specifically enables "a state which is not a party to this Statute" to request that the ICC exercise its jurisdiction on an ad hoc basis with respect to an alleged crime on that state’s territory or involving its nationals.

In April 2012, the ICC rejected the request. "International arenas are routinely hijacked for political
purposes, but today’s decision was markedly different," said Anne Herzberg, legal adviser for NGO Monitor. According to the Jerusalem Post, "had the ICC accepted the PA's recognition of its jurisdiction, it would have also tacitly accepted its statehood."[39]

[edit] Jurisdiction

[edit] Crimes within the jurisdiction of the Court

Main article: International criminal law

Article 5 of the Rome Statute grants the Court jurisdiction over four groups of crimes, which it refers to as the "most serious crimes of concern to the international community as a whole": the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. The Statute defines each of these crimes except for aggression.[3] The crime of genocide is unique because the crime must be committed with 'intent to destroy'. Crimes against humanity are specifically listed prohibited acts when committed as part of a widespread or systematic attack directed against any civilian population.[40] The Statute provides that the Court will not exercise its jurisdiction over the crime of aggression until such time as the states parties agree on a definition of the crime and set out the conditions under which it may be prosecuted.[3][4]

In June 2010, the ICC's first review conference in Kampala, Uganda adopted amendments defining "crimes of aggression" and expanding the ICC's jurisdiction over them. The ICC will not be allowed to prosecute for this crime until at least 2017.[41] Furthermore, it expanded the term of war crimes for the use of certain weapons in an armed conflict not of an international character.

Many states wanted to add terrorism and drug trafficking to the list of crimes covered by the Rome Statute; however, the states were unable to agree on a definition for terrorism and it was decided not to include drug trafficking as this might overwhelm the Court's limited resources.[4] India lobbied to have the use of nuclear weapons and other weapons of mass destruction included as war crimes but this move was also defeated.[42] India has expressed concern that "the Statute of the ICC lays down, by clear implication, that the use of weapons of mass destruction is not a war crime. This is an extraordinary message to send to the international community."[42]

Some commentators have argued that the Rome Statute defines crimes too broadly or too vaguely. For example, China has argued that the definition of 'war crimes' goes beyond that accepted under customary international law.[43]

[edit] Territorial jurisdiction

During the negotiations that led to the Rome Statute, a large number of states argued that the Court should be allowed to exercise universal jurisdiction. However, this proposal was defeated due in large part to opposition from the United States.[44] A compromise was reached, allowing the Court to exercise jurisdiction only under the following limited circumstances:

- where the person accused of committing a crime is a national of a state party (or where the person's state has accepted the jurisdiction of the Court);
- where the alleged crime was committed on the territory of a state party (or where the state on whose territory the crime was committed has accepted the jurisdiction of the Court); or
- where a situation is referred to the Court by the UN Security Council.[20]
[edit] Temporal jurisdiction
The Court's jurisdiction does not apply retroactively: it can only prosecute crimes committed on or after 1 July 2002 (the date on which the Rome Statute entered into force). Where a state becomes party to the Rome Statute after that date, the Court can exercise jurisdiction automatically with respect to crimes committed after the Statute enters into force for that state.[6]

[edit] Complementarity
The ICC is intended as a court of last resort, investigating and prosecuting only where national courts have failed. Article 17 of the Statute provides that a case is inadmissible if:

"(a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;
(b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute;
(c) The person concerned has already been tried for conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3;
(d) The case is not of sufficient gravity to justify further action by the Court."[21]

Article 20, paragraph 3, specifies that, if a person has already been tried by another court, the ICC cannot try them again for the same conduct unless the proceedings in the other court:

"(a) Were for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court; or (b) Otherwise were not conducted independently or impartially in accordance with the norms of due process recognized by international law and were conducted in a manner which, in the circumstances, was inconsistent with an intent to bring the person concerned to justice."[22]

[edit] Structure
The ICC is governed by an Assembly of States Parties.[45] The Court consists of four main organs: the Presidency, the Judicial Divisions, the Office of the Prosecutor, and the Registry.[46]

[edit] Assembly of States Parties
The Court's management oversight and legislative body, the Assembly of States Parties, consists of one representative from each state party.[47] Each state party has one vote and "every effort" has to be made to reach decisions by consensus.[47] If consensus cannot be reached, decisions are made by vote.[47] The Assembly is presided over by a president and two vice-presidents, who are elected by the members to three-year terms.

The Assembly meets in full session once a year in New York or The Hague, and may also hold special sessions where circumstances require.[47] Sessions are open to observer states and non-governmental organisations.[48]

The Assembly elects the judges and prosecutors, decides the Court's budget, adopts important texts (such as the Rules of Procedure and Evidence), and provides management oversight to the other organs of the Court.[45][47] Article 46 of the Rome Statute allows the Assembly to remove from office a judge or prosecutor who "is found to have committed serious misconduct or a serious breach of his or her
duties” or "is unable to exercise the functions required by this Statute". The states parties cannot interfere with the judicial functions of the Court. Disputes concerning individual cases are settled by the Judicial Divisions.

In 2010, Kampala, Uganda hosted the Assembly's Rome Statute Review Conference.

**[edit] Presidency**

Main article: *Presidency of the International Criminal Court*  
Philippe Kirsch, President of the Court from 2003 to 2009  
The Presidency is responsible for the proper administration of the Court (apart from the Office of the Prosecutor). It comprises the President and the First and Second Vice-Presidents—three judges of the Court who are elected to the Presidency by their fellow judges for a maximum of two three-year terms. The current President is Sang-Hyun Song, who was elected on 11 March 2009.

**[edit] Judicial Divisions**

Main article: *Judges of the International Criminal Court*  
The Judicial Divisions consist of the 18 judges of the Court, organized into three chambers—the Pre-Trial Chamber, Trial Chamber and Appeals Chamber—which carry out the judicial functions of the Court. Judges are elected to the Court by the Assembly of States Parties. They serve nine-year terms and are not generally eligible for re-election. All judges must be nationals of states parties to the Rome Statute, and no two judges may be nationals of the same state. They must be “persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices”. The Prosecutor or any person being investigated or prosecuted may request the disqualification of a judge from "any case in which his or her impartiality might reasonably be doubted on any ground". Any request for the disqualification of a judge from a particular case is decided by an absolute majority of the other judges. A judge may be removed from office if he or she is found to have committed serious misconduct or a serious breach of his or her duties or is unable to exercise his or her functions. The removal of a judge requires both a two-thirds majority of the other judges and a two-thirds majority of the states parties.

**[edit] Office of the Prosecutor**

Main article: *Prosecutor of the International Criminal Court*  
The Office of the Prosecutor is responsible for conducting investigations and prosecutions. It is headed by the Chief Prosecutor, who is assisted by one or more Deputy Prosecutors. The Rome Statute provides that the Office of the Prosecutor shall act independently; as such, no member of the Office may seek or act on instructions from any external source, such as states, international organisations, non-governmental organisations or individuals.

The Prosecutor may open an investigation under three circumstances:
- when a situation is referred to him or her by a state party;
- when a situation is referred to him or her by the United Nations Security Council, acting to address a threat to international peace and security; or
when the Pre-Trial Chamber authorises him or her to open an investigation on the basis of 
information received from other sources, such as individuals or non-governmental 
organisations.

Any person being investigated or prosecuted may request the disqualification of a prosecutor from any 
case "in which their impartiality might reasonably be doubted on any ground". Requests for the 
disqualification of prosecutors are decided by the Appeals Chamber. A prosecutor may be removed 
from office by an absolute majority of the states parties if he or she "is found to have committed serious 
misconduct or a serious breach of his or her duties" or is unable to exercise his or her functions. 
However, critics of the Court argue that there are “insufficient checks and balances on the authority of 
the ICC prosecutor and judges” and “insufficient protection against politicized prosecutions or other 
abuses”. Henry Kissinger says the checks and balances are so weak that the prosecutor “has 
virtually unlimited discretion in practice”.

As of 16 June 2012, the Prosecutor has been Fatou Bensouda of Gambia who had been elected as the 
new Prosecutor on 12 December 2011. She has been elected for nine years. Her predecessor, 
Luis Moreno Ocampo of Argentina, had been in office from 2003 to 2012.

[edit] Registry
The Registry is responsible for the non-judicial aspects of the administration and servicing of the Court. 
This includes, among other things, “the administration of legal aid matters, court management, 
victims and witnesses matters, defence counsel, detention unit, and the traditional services provided by 
administrations in international organisations, such as finance, translation, building management, 
procurement and personnel”. The Registry is headed by the Registrar, who is elected by the judges 
to a five-year term. The current Registrar is Silvana Arbia, who was elected on 28 February 2009.

[edit] Headquarters, offices and detention unit
The official seat of the Court is in The Hague, Netherlands, but its proceedings may take place 
anywhere. The Court is currently housed in interim premises on the eastern edge of The Hague. It intends to 
construct the ICC Permanent Premises in the Alexanderkazerne, to the north of The Hague. The land and financing for the new construction have been provided by the Netherlands, and architects 
have been retained to design the project.

The ICC also maintains a liaison office in New York and field offices in places where it conducts its 
activities. As of 18 October 2007, the Court had field offices in Kampala, Kinshasa, Bunia, Abéché 
and Bangui. The ICC's detention centre comprises twelve cells on the premises of the Schievepen 
branch of the Haaglanden Penal Institution, The Hague. Suspects held by the International Criminal Tribunal for 
the former Yugoslavia are held in the same prison and share some facilities, like the fitness room, but 
have no contact with suspects held by the ICC. The detention unit is close to the ICC’s future 
headquarters in the Alexanderkazerne.

As of March 2012, the detention centre houses one person convicted by the court, Thomas Lubanga, 
and five suspects: Germain Katanga, Mathieu Ngudjolo Chui, Jean-Pierre Bemba, Laurent Gbagbo and
also former Liberian President Charles Taylor. Taylor was tried under the mandate and auspices of the Special Court for Sierra Leone, but his trial was held at the ICC's facilities in The Hague because of political and security concerns about holding the trial in Freetown. (On April 26, 2012, Taylor was convicted on 11 charges.)

The ICC does not have its own witness protection program, but rather must rely on national programs to keep witnesses safe. [73]

[edit] Procedure

[edit] Trial

Trials are conducted under a hybrid common law and civil law judicial system, but it has been argued the procedural orientation and character of the court is still evolving. A majority of the 3 judges present, as triers of fact, may reach a decision, which must include a full and reasoned statement. Trials are supposed to be public, but proceedings are often closed, and such exceptions to a public trial have not been enumerated in detail. In camera proceedings are allowed for protection of witnesses or defendants as well as for confidential or sensitive evidence. Hearsay and other indirect evidence is not generally prohibited, but it has been argued the court is guided by hearsay exceptions which are prominent in common law systems. There is no subpoena or other means to compel witnesses to come before the court, although the court has some power to compel testimony of those who are, such as fines.

[edit] Rights of the accused

The Rome Statute provides that all persons are presumed innocent until proven guilty beyond reasonable doubt, and establishes certain rights of the accused and persons during investigations. These include the right to be fully informed of the charges against him or her; the right to have a lawyer appointed, free of charge; the right to a speedy trial; and the right to examine the witnesses against him or her. Some argue that the protections offered by the ICC are insufficient. According to the Heritage Foundation "Americans who appear before the court would be denied such basic constitutional rights as trial by a jury of one's peers, protection from double jeopardy, and the right to confront one's accusers." The Human Rights Watch argues that the ICC standards are sufficient, saying, “the ICC has one of the most extensive lists of due process guarantees ever written”, including "presumption of innocence; right to counsel; right to present evidence and to confront witnesses; right to remain silent; right to be present at trial; right to have charges proved beyond a reasonable doubt; and protection against double jeopardy.”

According to David Scheffer, who led the US delegation to the Rome Conference and who voted against adoption of the treaty, "when we were negotiating the Rome treaty, we always kept very close tabs on, ‘Does this meet U.S. constitutional tests, the formation of this court and the due process rights that are accorded defendants?’ And we were very confident at the end of Rome that those due process rights, in fact, are protected, and that this treaty does meet a constitutional test.”

To ensure "equality of arms" between defence and prosecution teams, the ICC has established an independent Office of Public Counsel for the Defence (OPCD) to provide logistical support, advice and information to defendants and their counsel. The OPCD also helps to safeguard the rights of the
accused during the initial stages of an investigation.[87] However, Thomas Lubanga's defence team say they were given a smaller budget than the Prosecutor and that evidence and witness statements were slow to arrive.[88]

The trial court procedures are similar to the US Guantanamo military commissions.[89][90]

**[edit] Victim participation and reparations**

One of the great innovations of the Statute of the International Criminal Court and its Rules of Procedure and Evidence is the series of rights granted to victims.[91][92] For the first time in the history of international criminal justice, victims have the possibility under the Statute to present their views and observations before the Court.

Participation before the Court may occur at various stages of proceedings and may take different forms, although it will be up to the judges to give directions as to the timing and manner of participation.

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

The victim-based provisions within the Rome Statute provide victims with the opportunity to have their voices heard and to obtain, where appropriate, some form of reparation for their suffering. It is this balance between retributive and restorative justice that will enable the ICC, not only to bring criminals to justice but also to help the victims themselves obtain justice.

Article 43(6) establishes a Victims and Witnesses Unit to provide "protective measures and security arrangements, counseling and other appropriate assistance for witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses."[93] Article 68 sets out procedures for the "Protection of the victims and witnesses and their participation in the proceedings."[94] The Court has also established an Office of Public Counsel for Victims, to provide support and assistance to victims and their legal representatives.[95] Article 79 of the Rome Statute establishes a Trust Fund to make financial reparations to victims and their families.[96]

http://en.wikipedia.org/wiki/International_Criminal_Court

**Crimes Against Humanity: The Struggle for Global Justice, 3RD Ed.  Author: Geoffrey Robertson**

In this fresh edition of the book which has inspired the global justice movement, Geoffrey Robertson QC explains why we must hold political and military leaders accountable for genocide, torture and mass murder – the crimes against humanity that have disfigured the world. He shows how human rights standards can be enforced against cruel governments, armies and multi-national corporations. This seminal work now contains a critical perspective on recent events, such as the invasion of Iraq, the abuses at AbuGhraib, the killings in Darfur, the death of Milosevic and the trial of Saddam Hussein.

Cautiously optimistic about ending impunity, but unsparingly critical of diplomats, politicians, Bush lawyers and others who evade international rules, this third edition will provide further guidance to a movement which aims to make justice predominant in world affairs.
'A beacon of clear-sighted commitment to the humanitarian cause. . . impassioned. . . exemplary. . . seminal' Observer

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