

June 2008

Dear Friends,

This is the second edition for 2008 of **Eye on the ICC**, a regular e-update on developments at the International Criminal Court (ICC) as they relate to promoting women's human rights and gender justice.

Eye on the ICC provides up-to-date information on the substantive work of the ICC, its investigations and prosecutions, trials, participation of victims/survivors, and judicial decisions as well as our own work in ensuring the prosecution of gender based crimes, access to justice for women in conflict situations and reparations for women victims/survivors of war and armed conflicts.

More information about the work of the Women's Initiatives for Gender Justice and previous editions of **Eye on the ICC** can be found on our website, www.iccwomen.org. If you would like to subscribe to **Eye on the ICC**, please send an e-mail to grcampaign@iccwomen.org with your name, contact information and organization. We look forward to hearing from you.

Sincerely,

Women's Initiatives for Gender Justice

Eye on the ICC 2008:2

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International Criminal Court (ICC)

There are currently 4 situations before the Court at various stages of proceedings (CAR, the DRC, Northern Uganda and Darfur).

Summary

On 24 May, authorities arrested Jean-Pierre Bemba Gombo, in relation to crimes allegedly committed in CAR by the *Mouvement de Libération du Congo* (MLC) militia group. Although originally from the Democratic Republic of the Congo, Mr Bemba, Commander in Chief of the MLC is alleged to be criminally responsible for war crimes and crimes against humanity, including rape, committed by the MLC in CAR between 25 October 2002 and 15 March 2003. For more information read the statement by the Women's Initiatives for Gender Justice on the arrest of Jean-Pierre Bemba http://www.iccwomen.org/publications/articles/Bemba_Press_Statement.pdf.

In the DRC, the trial against the first accused, Thomas Lubanga Dyilo was due to begin on 23 June but has been indefinitely postponed due to the non-disclosure by the Prosecution of exculpatory evidence obtained under Article 54 (3) (e) of the Rome Statute. The Trial Chamber believes the Prosecution has incorrectly applied this provision and that the non-disclosure of exculpatory evidence is inhibiting the accused in the preparation of his defence. On 13 June, the Chamber stated that "... the trial process has been ruptured to such a degree that it is now impossible to piece together the constituent elements of a fair trial". The Chamber has announced they will hold a hearing on the 24 June to consider the release of the accused.

On 28 April, the Pre-Trial Chamber I (PTC I) unsealed an arrest warrant for a fourth suspect in the DRC, Bosco Ntaganda, formerly a senior militiaman with the *Union des Patriotes Congolais* (UPC) militia group of which Thomas Lubanga Dyilo is the alleged President and Founder.

A confirmation hearing for two other suspects from the DRC (Germain Katanga and Mathieu Ngudjolo Chui) is due to begin 27 June with new charges filed on 12 June reinstating sexual enslavement and adding charges of rape and outrages upon personal dignity against both suspects. As a result, Katanga and Ngudjolo are the first two suspects from the DRC to be charged with gender based crimes.

In Uganda, arrest warrants for four commanders of the Lord's Resistance Army (LRA) have been outstanding for more than two years. Since July 2006 there has been a ceasefire as the Government of Uganda and the LRA held peace talks to end the 22-year conflict. Despite 15 months of negotiations, the final peace agreement due to be signed on 10 April remains unsigned and the peace process has stalled.

On 5 June the Prosecutor gave his 7th report to the United Nations Security Council (UNSC) on the situation in Darfur and the ongoing ICC investigations into this conflict. It is now more than a year since the first Darfur-related arrest warrants were issued for

Ahmad Harun, State Minister for Humanitarian Affairs and Ali Kushayb, a senior Janjaweed leader.

In March and April, Pre Trial Chambers I & II approved 18 projects in Uganda and 16 projects in the DRC proposed by the Trust Fund for Victims which aim to provide assistance for victims in these two situations.

On 17 April 2008, the new Registrar of the Court, Ms Silvana Arbia was sworn into office. In her speech Ms Arbia stressed her commitment to providing international justice to victims, witnesses, and perpetrators. Here is a short excerpt: “Now please allow me to share with you what shall be forever etched in my memory: the images of the victims of the most terrible crimes - genocide, crimes against humanity, and war crimes - which devastated Rwanda. And the images of the survivors who, although they were not yet born at the time of the events of 1994, gaze at us with eyes heavy with reproach because we did nothing to prevent this irreparable human tragedy, which, alas, will not be the last of its kind. The International Criminal Court has been created precisely for this reason, to put an end to impunity for the perpetrators of such horrible crimes and thus to contribute to their prevention.”

Below is a detailed summary of the most recent developments in each of the situations before the Court:

Central African Republic (CAR)

On 24 May 2008, Belgian authorities arrested Jean-Pierre Bemba Gombo for crimes committed in the CAR between 25 October 2002 and 15 March 2003. Bemba, originally from the DRC is President and Commander in Chief of the *Mouvement de Libération du Congo* (MLC). Many local women’s rights and human rights organizations in CAR have documented attacks by the MLC, (referred to locally as the Banyamulengues). The MLC are believed to be responsible for systematic attacks on the civilian population, including rape, murder and pillaging, especially at the height of the violence at the end of 2002, during the attempted coup d’état.

Mr Bemba has been a high profile figure in the DRC as Vice President of the country in 2003 and he also ran in the presidential elections in the DRC in 2006.

The arrest warrant outlines eight counts of crimes against humanity and war crimes against Mr Bemba including rape. Significantly, at the time he was apprehended, Mr Bemba was the first person to face charges of rape by the ICC, to be arrested.

In May 2007 at the opening the investigation in CAR, the Prosecutor stated his intention to explicitly investigate rape and other acts of sexual violence as a priority of this investigation. In a statement by the Women’s Initiatives for Gender Justice, Brigid Inder the Executive Director said that given the Prosecutor’s announcement at the start of the investigations, the information available from local women’s rights groups who have documented over 1000 cases of rape and other forms of sexual violence, along with the

relative stability within CAR and the readiness of witnesses to testify, the limited charges for gender based crimes is disappointing.

Rape is the starting point. We had expected the ICC to bring comprehensive charges for gender based violence in the CAR situation. Rape can be charged as a crime in and of itself, but it can also be charged as other types of violence for example as torture or as mutilation. There were also other gender based crimes committed for which there are no charges. The lack of understanding of gender based violence at a policy level is limiting the effectiveness of the ICC to charge and prosecute these crimes. Read the statement by the Women's Initiatives for Gender Justice on the arrest of Jean-Pierre Bemba http://www.iccwomen.org/publications/articles/Bemba_Press_Statement.pdf.

Democratic Republic of the Congo (DRC)

Lubanga Dyilo Trial

On 11 June the Trial Chamber announced the trial for Thomas Lubanga Dyilo, due to commence on 23 June, was indefinitely postponed.

In the decision made public on 13 June, the Trial Chamber stayed the proceedings in the trial and ordered that unless the stay is lifted, the Chamber will convene a hearing on 24 June to consider the release of the Accused. According to the Chamber, the Accused's right to a fair trial was seriously undermined by the prosecution not disclosing material, obtained under Article 54(3)(e), that was potentially exculpatory in nature. This provision of the Rome Statute allows the Prosecutor to not disclose documentation or information obtained on the condition of confidentiality and solely for the purpose of generating new evidence, unless the provider of the information consents. The Judges believe the retention of documents by the Prosecutor is inhibiting the preparation of the case for the defence. The Prosecution believes that Article 54(3)(e) guarantees confidentiality unless the information-providers authorise otherwise and that the Court should be accepting of the 'realities' of the UN and NGOs on the ground who, in some instances, require absolute confidentiality in the provision of information to the Office of the Prosecutor (OTP). The Prosecution believe their interpretation of Article 54(3)(e) is supported by the Relationship Agreement between the ICC and the United Nations which prohibits the OTP from 'disclosing confidential materials to any organ of the Court without consent of the information providers'. The Prosecution argue that in endorsing the Relationship Agreement, the Assembly of States Parties, 'the Court's legislative body', gives authority to the prosecution's interpretation of Article 54(3)(e).

The Chamber held that it is the Chamber, rather than the Prosecutor, who should determine whether the material should be disclosed to the Defence. In addition to the Statute and the Rules of Procedure and Evidence, the Chamber also considered international provisions regarding the rights of an accused including the 'International Covenant on Civil and Political Rights' and the 'European Convention on Human Rights'. Ultimately the Chamber stated that "... the trial process has been ruptured to

such a degree that it is now impossible to piece together the constituent elements of a fair trial”.

The suspect, Thomas Lubanga Dyilo, was first taken into custody by the ICC in March 2006. The long delays in this case have been due to a number of factors including the need to provide information in a language the suspect understands (beyond English and French, the two official languages of the Court), the time taken by the Registry to provide the necessary resources for the Defence Team to begin preparation of its case, the resignation of lead counsel for the Defence in 2007 and more recently the slowness and complexity of the disclosure process.

Appeal in victims’ participation decision for Trial

A decision from the Appeals Chamber regarding victims’ participation is expected over the next couple of months. It is anticipated this decision will provide further clarification on the principles and modalities for victims’ participation.

On 16 May, the Appeals Chamber granted three victims recognized by the Trial Chamber (it was their recognition that gave rise to the appeal), the right to participate in the appeals for the purpose of presenting their views and concerns. This is the first time victims have had the opportunity to participate in proceedings before the Appeals Chamber. Applications from victims recognized to participate in the situation in the DRC and from people with pending applications before the Trial Chamber were rejected.

Ntaganda Arrest Warrant

On 28 April, Pre-Trial Chamber (PTC) I unsealed the warrant of arrest for Mr. Bosco Ntaganda, formerly third in command of the *Union des Patriotes Congolais* (UPC) militia. Mr Thomas Lubanga Dyilo, alleged President and Founder of the UPC, is already in ICC custody facing trial for enlistment and conscription of child soldiers.

Ntaganda is charged with three counts of war crimes of enlistment and conscription of children under the age of 15 and of using them to participate actively in hostilities in Ituri, from July 2002 until December 2003. These were the same charges for the same period as the original arrest warrant against Thomas Lubanga Dyilo (the charges against Lubanga were later amended by PTC I after the Confirmation of Charges hearing on 17 January 2007 to reflect that there had been both an international armed conflict and an armed conflict not of an international character in the relevant period). No arrest has yet been made and it is believed that Ntaganda has moved to North Kivu and is now second-in-command to Laurent Nkunda of the National Congress for the Defence of the People (CNDP). The CNDP signed the Goma Peace Agreement and entered into a ceasefire with the Congolese Army in January 2008 but has refused to disarm and integrate with the national armed forces until the disarming of the *Forces Démocratique de Libération du Rwanda* militia (FDLR). The CNDP is thought to be responsible for the killing of 20 Hutus in Kalonge, North Kivu, in January this year.

Mr Ntaganda is the fourth person from the DRC to face charges before the ICC. To date all those charged are from two primary militia groups and alliances (FRPI/FNI and UPC) operating in the Ituri region of eastern DRC. The ICC is considering further investigations in other regions, specifically north and south Kivu where militia groups are still active.

Katanga/ Ngudjolo Confirmation of Charges Hearing

On 27 June, the second confirmation hearing before the ICC will take place. This hearing is to consider the charges against Germain Katanga, former senior commander of the *Force de Résistance Patriotique en Ituri* (FRPI) militia group and Mathieu Ngudjolo Chui, former commander of the *Front des nationalistes et intégrationnistes* (FNI). The case against the suspects was joined in March as they face the same charges for the same attack in Bogoro, Ituri, in February 2003. The Confirmation of Charges Hearing was delayed from 21 May 2008 to 27 June to give the Defence Team for Ngudjolo, taken into custody in February, more time to prepare for the Hearing.

In the lead up to the Confirmation Hearing, on 18 April, PTC I ordered the prosecution not to use two witnesses of sexual violence because of concerns regarding their security and also ordered the Registrar to take steps to ensure the protection of these witnesses. On 24 April 2008, as scheduled, the Prosecutor announced eight charges against both Katanga and Ngudjolo and explained that they will not be proceeding with the charges of sexual enslavement as a war crime or as a crime against humanity since the evidence of the two witnesses had been withheld.

On 28 May, PTC I permitted the use of the two witnesses after reviewing a report from the Registrar on protective measures made available for them and a request from the prosecution for admission of their evidence. The new charges filed on 12 June reinstate sexual enslavement and add charges of rape and outrages upon personal dignity against both suspects.

As a result, Katanga and Ngudjolo are the first two suspects from the DRC to be charged with gender based crimes.

In the document announcing the charges on 24 April, the Prosecution summarized the sexual violence at paragraph 89 entitled “Sexual Offences”:

“Some women, who were captured at Bogoro and spared because they hid their ethnicity, were raped and forcibly taken to military camps. Once there, they were sometimes given as a "wife" to their captors or kept in the camp's prison, which was a hole dug in the ground. The women detained in these prisons were repeatedly raped by soldiers and commanders alike and also by soldiers who were punished and sent to prison. The fate reserved to captured women was widely known.”

When the arrest warrants against Katanga and Ngudjolo (dated 2 and 6 July 2007 respectively), were unsealed, the Women's Initiatives welcomed the inclusion of the charge of sexual enslavement as a crime against humanity and a war crime but called for an expansion of these charges in the coming months. The widespread commission of rape and other forms of sexual violence in Eastern DRC has been widely documented and received considerable international attention. Despite this, impunity for these crimes continues with few domestic prosecutions for sexual violence and until 12 June the ICC had not brought charges of rape or other gender based crimes against anyone in the DRC. The Women's Initiatives has documented 112 cases of rape, sexual enslavement, forced marriage and torture, amongst other crimes, committed primarily by the FRPI, FNI and UPC militia groups in the Ituri region. Our documentation, along with reports by the United Nations and other international and intergovernmental bodies, reveals the systemic nature of sexual violence committed in eastern DRC as a consequence of the conflict.

On 13 May, PTC I gave a decision on the procedural rights of victims to participate in confirmation hearings for Katanga and Ngudjolo. They recognized four participants whose identities were not to be disclosed to the public and one victim to participate anonymously. The anonymous victim, unlike the other four, will not have the right to question witnesses or add information to the case and may only access public documents and attend public hearings where he/she will be permitted to, inter alia, address points of law.

Northern Uganda

After almost two years of peace talks between the Government of Uganda (GoU) and the Lord's Resistance Army (LRA), the signing of the final peace agreement was expected on 10 April. The leader of the LRA, Joseph Kony, failed to attend the signing instead requesting more information about the mechanisms outlined in the 'Agreement on Accountability and Reconciliation' before being willing to sign. Specifically Kony wanted more information about the interaction between the setting up of a Special Division of the High Court within Uganda to try himself and other senior members of the LRA, and the traditional justice mechanisms to promote reconciliation, which do not carry any formal assessment of guilt or sentencing. Although the formal ceasefire remains in place, the peace process itself has faltered and there are no current plans for signing the Agreement. The Women's Initiatives for Gender Justice was the only international women's rights organization invited to attend the signing of the final agreement. Since June 2007 we have been closely involved in the peace process working with both the GoU and the LRA and we assisted in mobilising hundreds of women from Northern Uganda to participate in the peace process and in the final sessions of the negotiations.

At the end of May, Uganda's International Affairs Minister Henry Okello Oryem announced that government officials will consult leaders from Northern Uganda on possible means of re-starting the peace talks. Following a visit to the United States of America, Oryem stated that the LRA will be given a final opportunity to continue peace talks before military action is taken against them. Traditional and religious leaders have

held consultations with LRA supporters in the diaspora to engage them in encouraging Joseph Kony to come back to the talks and sign a final and permanent peace agreement.

The Governments of Uganda, DRC and Southern Sudan have indicated they are prepared to launch a fresh military campaign, with assistance from the United States, against the LRA unless they return to the peace process and sign the final agreement.

Reports at the end of May 2008 indicate the LRA may have embarked once again on a spree of child abductions in CAR and the border between the DRC and Southern Sudan. Some estimate more than 100 children have been abducted in the last month. The LRA is also reported to have attacked the military camp of the Sudan People's Liberation Army, the armed forces of the Government of Southern Sudan, killing 23 people.

In her first visit to a situation country, the Registrar of the ICC visited Uganda on 22 and 23 May 2008. While there, she met with government and UN officials, representatives of civil society and the media to update them on the recent activities of the ICC especially in relation to the situation in Uganda and the cases against the LRA leaders. During meetings with government officials she also discussed the need for greater co-operation especially on the outstanding arrest warrants against the four LRA leaders and the need for speedy adoption of the 'ICC Statute Implementing Bill' by the Ugandan Parliament.

In May, the Prosecutor of the ICC renewed his calls for the arrest of Kony and other commanders facing charges by the Court and has initiated new investigations into the recent alleged abductions by the LRA who have their camps spread across a large area between the Central African Republic and the DRC.

On 29 February Pre-Trial Chamber II requested the Government of Uganda to provide them with information regarding the proposed Special Division of the High Court of Uganda, its competence, the crimes within its jurisdiction and the affect, if any, of the Special Court and alternative justice mechanisms on the ICC arrest warrants for four LRA leaders.

On 27 March 2008 the Government of Uganda responded to the PTC II, as requested, on the potential impact of the Agreement on Accountability and Reconciliation on the outstanding ICC arrest warrants. They stated that the referral to the ICC in December 2003 had been due to the LRA leadership being beyond the Ugandan borders and the lack of assistance from the international community to apprehend them. It was these factors that prompted the referral to the ICC, not a lack of competence of the Ugandan justice system to handle these cases. The Government said after the final peace agreement was signed and the LRA submits to Ugandan jurisdiction, it was expected that perpetrators of atrocities in northern Uganda including persons indicted by the ICC, will be "subjected to the full force of the law". They also stated their commitment to executing the ICC arrest warrants should the LRA leadership fail to subject themselves to the process of justice in Uganda.

On 23 May, as part of a re-structuring of the Ugandan High Court, Principal Judge, James Munange Ogoola announced the establishment of a War Crimes Division which will become operational on 1 July apparently mandated to try serious war crimes and human rights violations perpetrated since 1987 in the Northern Uganda insurgency. The Court will comprise of three judges, a registry office, an office of the prosecutor and office of the defence counsel. Legislation providing for the applicable law, rules of procedure and the recognition of traditional and community justice processes in the proceedings has not yet been passed.

Based on a report from the Victims Participation and Reparations Section (VPRS) on the difficulties of obtaining identification documents in Uganda, on 14 March the PTC II revised the list of documents that will be accepted as proof of identification. The list is expanded to include documents not only issued by the government but by an employer or an educational establishment or humanitarian relief agencies. The list was also changed to include certain documents that do not contain a photograph or all the details that were initially required including birth certificates and birth notification cards, identification letters and reunion letters issued by a Local Council or the Resident District Commissioner, certificates of amnesty or baptism card.

Darfur

On 5 June, the Prosecutor reported to the United Nations Security Council (UNSC) on progress in the investigations in Darfur. This is the 7th report by the Prosecutor to the UNSC following the Council's referral of the situation in Darfur to the ICC on 31 March 2005 under Resolution 1593.

In his report the Prosecutor outlined the support provided by intergovernmental bodies such as the Arab League and the African Union (AU) in assisting the work of the ICC but reported that the Government of Sudan was not co-operating with the Court, continues to ignore the jurisdiction of the ICC, and has provided support to the two suspects for whom the ICC has already issued arrest warrants. According to the Report, Ahmad Harun, State Minister for Humanitarian Affairs has been given additional responsibilities in the national government since the Prosecutor's last presentation to the UNSC in December 2007. Ali Kushayb, a senior Janjaweed leader was arrested in 2006 in Sudan in connection with armed attacks in West Darfur, but was subsequently released from custody in April 2007 with Sudanese authorities stating there was a lack of evidence against him.

The Prosecutor indicated to the UNSC that the two current investigations in Darfur are on-going and that he expects charges to be submitted to the Judges in July. The focus of these investigations are the pattern of repeated attacks on civilians (particularly the Fur, Massalit and Zaghawa ethnic groups) and identification of those most responsible for both past and on-going attacks and the attack on African Union Peacekeepers and aid workers in Haskanita, North Darfur, September 2007.

Fighting between Sudanese government troops and the Justice and Equality Movement (JEM) from Darfur intensified in the first half of May. On 10 May, JEM mounted a short attack on the outskirts of Khartoum, the Sudanese capital. This is the first time Darfur

rebel groups have made an attack on Khartoum directly. This has led to renewed fears of retaliatory attacks by the Government in Darfur. The attack was condemned by the UN Secretary General who also took the opportunity to appeal for calm in the country.

On 8 June 2008, Sudanese President al-Bashir and First Vice President Kiir of Southern Sudan signed a new agreement (“the Abyei Road Map”) on the implementation of the Abyei Boundary Commission concerning the disputed area around oil-rich Abyei. The agreement includes the deployment by June 18 of a new battalion of joint integrated units from northern and southern Sudan (JIUs) and peacekeepers from the United Nation’s Mission in Sudan (UNMIS). It is hoped that the new arrangement will bring relief to the people of the region who have experienced several weeks of heavy fighting in the region between the military forces of northern and southern Sudan that has effectively destroyed the town of Abyei and displaced tens of thousands of residents. UN Secretary General has welcomed the road map and in particular, the permission for UNMIS troops to have unrestricted access and freedom of movement in the area for the first time since 2005.

Trust Fund for Victims

On 11 April 2008, PTC I in the situation in the DRC handed down a decision on the notification, under Regulation 50, by the Trust Fund for Victims’ Board on the projects that the Trust Fund plans to undertake in the DRC pursuant to its mandate under the Rome Statute and Trust Fund Regulations. PTC I found that the proposed projects and activities were within the court’s jurisdiction and will not violate the presumption of innocence, prejudice the rights of the accused, or affect the fairness or impartiality of the proceedings. The PTC I also found that ‘the responsibility of the Trust Fund is first and foremost to ensure that sufficient funds are available in the eventuality of a Court reparation order pursuant to article 75 of the Statute’ and that any other functions performed by the Trust Fund must ensure that sufficient funds remain available for reparations. PTC I requested the Board of the Trust Fund to undertake a study as to the expected resources that will be needed to fulfill the need for reparations at the end of a trial before ‘resorting to any other activities or projects’.

On 19 March, PTC II in the situation in Uganda approved the projects that the Trust Fund had submitted without imposing any additional conditions.

Three of the 18 Projects for Uganda and approximately 26% of the budget are specifically focused on women. In the DRC, four of the 16 Projects and 21% of the budget, are for programmes focused on women. The programs include rehabilitation and reintegration of girl soldiers, psychological counseling for victims including special programs for victims of sexual violence and socio and economic assistance for reintegration for women.

In accordance with Regulation 50 of the *Regulations of the Trust Fund for Victims*, the Trust Fund is required to inform Chambers before undertaking activities which will use resources for victims support and recovery outside of reparations for victims ordered by the Court upon conviction of an accused.

Women's Initiatives for Gender Justice

Uganda Peace Agreements – Women's Team for final signing

Since June 2007, the Women's Initiatives has been working closely on the peace process and Peace Talks in Northern Uganda. In April we were the only international women's rights NGO to be invited by the Government of Uganda and the LRA to attend the signing of the final peace agreement in Rikwangba, an isolated camp on the border of the DRC and southern Sudan. The Women's Initiatives supported 10 women from northern Uganda to also attend the signing. Following the failure of the leader of the LRA, Joseph Kony to sign the agreement, we have met with women's groups, community and cultural leaders from the Greater North of Uganda including those from Kony's clan and village to discuss with them strategies to keep national and international attention on the peace process and to retain a supportive environment around the Talks.

While in Rikwangba, we met with the Mediator of the Peace Talks, Dr Riek Machar, Vice President of Southern Sudan, members of the LRA and Government negotiation teams and traditional leaders to stress that any ongoing efforts for peace must include women, as delegates, advocates and official observers to ensure the views of women most affected by the 22-year conflict are integrated in the strategies for peace, accountability and reconciliation.

Darfur

In April the Executive Director of the Women's Initiatives for Gender Justice met with members of some Darfurian political groups in Juba, Southern Sudan. The Darfur groups were in Juba for meetings in preparation for peace negotiations with the Government of Sudan. During this period the Executive Director of the Women's Initiatives and members of a political party in Darfur met with the Hon. Rebecca Garang, Minister for Gender and Human Rights for the Government of Southern Sudan. Hon Garang is the former first lady of Southern Sudan, her husband was the late Dr John Garang, the first President of Southern Sudan and Vice President of Sudan in the Government of National Unity formed in September 2005.

Hon Rebecca Garang indicated she plans to visit Darfur this year as the Minister of Gender and Human Rights to assess the human rights situation, especially for women, in Darfur.

Seminar for Women on ICC List of Legal Counsel

On 9 and 10 May 2008, the Women's Initiatives for Gender Justice held a two day seminar in The Hague for 21 women lawyers on the ICC List of Counsel, from 13 countries and 4 regions. The List of Counsel are lawyers appointed by the Court to provide legal representation for victims, suspects and accused. Of the 221 individuals currently appointed to the List of Counsel, 41 are women.

The seminar included training on the statutory basis for legal representation at the Court, the functioning of the ICC legal aid scheme, the major judicial decisions regarding victims participation and defence counsel issues and how the various sections of the ICC

work in relation to legal representation. Participants also had presentations from the Office of the Public Counsel for Defence (OPCD), Office of the Public Counsel for Victims (OPCV), Trust Fund for Victims and the Division of Victims and Counsel. During the seminar participants debated some of the current 'tension points' between the participation of victims, defence and prosecution and discussed the issues still to be settled by the Court in relation to the principles and modalities of victims' participation in this international court.

We organised the seminar to coincide with the ICC Registry's Legal Counsel Training from 12-16 May. In this way we were also able to support the participation of 15 women to attend the Court's Seminar.

Launch of 'Speak for Ourselves'

During the Seminar, we launched our music video on Northern Uganda "Speak for Ourselves". Judges, the Deputy Prosecutor, the new Registrar and other Court officials joined us for the launch. The video highlights the impact of the conflict on women and communities in Northern Uganda and the activism of women from the Greater North towards peace, justice and women's rights in Uganda.

Crime of Aggression

From 2 - 6 June 2008, the Women's Initiatives attended the negotiations in New York of the Special Working Group on the Crime of Aggression (SWGCA). Discussions continued on the definition of the individual crime of aggression and the responsibility of leaders; the definition of the State "act" of aggression – whether it should be a closed list of acts or could encompass the potential for additional acts and the possible relevance of the United Nations General Assembly's Resolution 3314; the conditions for the exercise of the Court's jurisdiction (where some countries continue to advocate independence from Security Council determinations) and the means of entry into force of the amendments relating to aggression

Special Court for Sierra Leone

The Women's Initiatives for Gender Justice continues to monitor the trial of Charles Taylor, former President of Liberia, at the Special Court for Sierra Leone (SCSL) being held in The Hague. The charges against Charles Taylor's include rape and sexual slavery as crimes against humanity committed within Sierra Leone after 30 November 1996. The Prosecution has begun leading evidence of crime based witnesses, and in May, for the first time, included a witness who spoke of rapes committed by members of the Revolutionary United Front (RUF).

In recent months the Appeals Chamber of SCSL has given two important decisions. On 22 February, in the case of Brima, Kamara and Kanu (popularly referred to as the Armed Forces Revolutionary Council "AFRC" case), the Chamber held that forced marriage is a separate crime against humanity of "other inhumane acts" and should not be subsumed under a conviction for sexual slavery, as the Trial Chamber had found. This decision is significant because it is the first conviction in an international tribunal for the crime of forced marriage.

On 28 May, the Appeals Chamber went further in the case against Fofana and Kondewa (the Civil Defence Forces “CDF” case) and held the Trial Chamber was wrong not to admit evidence of sexual violence and forced marriages as inhumane acts and as cruel treatment. In this case, the Chamber, by Majority decision, also increased the sentences against the two accused (from 6 and 8 years each to 15 and 20 years each respectively) and held that the Trial Chamber erred in giving consideration, at the sentencing stage, to the role played by the CDF in reconciliation efforts in Sierra Leone. The Chamber also overturned the convictions for collective punishments against the two accused and against Kondewa for the recruitment of child soldiers but entered two new convictions against both for murder and inhumane acts as crimes against humanity (in recognition that these acts had been committed against the civilian population).