



ICLN Newsletter February 2005

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Word of welcome

Dear Member,

First of all, I would like to take this opportunity to wish all of you a prosperous 2005.

ICLN has had a busy couple of months organising two conferences for the last half of the past year. The Conference '**European Cooperation against Terrorism**' was held October 13th. In light of the Dutch Presidency of the Council of the European Union and with the view of The Hague's position as legal capital of the world these topics provided a unique opportunity for ICLN to initiate this event and to organise it in the Peace Palace in The Hague.

The conference was organised with the aim of achieving new initiatives, practical conclusions and recommendations on the future functioning of the system of European Criminal Justice with the focus on the fight against terrorism. In cooperation with EULEC a hardcover publication of the conference has been published which will give a good impression of the events of the day, it includes the presentations of the speakers, conclusions and a summary of the debate that followed. You can read more about this publication further along in this newsletter.


6 and 7 December the ICLN Annual Conference was organised with the title: **International and National Impact of the ICC**. The conference was held at The Netherlands Conference Centre in The Hague. The debate proved to be stimulating and exciting in this defining year of the Court.

The Court, now a reality, with increased ratifications and its first two investigations, is history-in-the-making for the fight against impunity. How the Court proceeds in the years to come is of vital importance to achieving its object and purpose and in securing invaluable international support. The conference provided in-depth knowledge of the international and national impact of the ICC, represented by experts world-wide from various fields and backgrounds of international justice.

In February there will be a conference in Jordan on '**The ICC and the Arab World**'. ICLN is working together with the Jordanian Regional Human Security Centre on organising this conference. 3 representatives from each of the Arab Nations of Qatar, Yemen, Kuwait, UAE, Bahrain, Iraq, Syria and Jordan will be invited to attend. We hope to further their knowledge on the ICC and promote ratification of the Rome Statute in the region.

More details on this conference follow further in this newsletter.

I look forward to meet all of you at our future events.



M. Wladimiroff
President

New Project Assistant

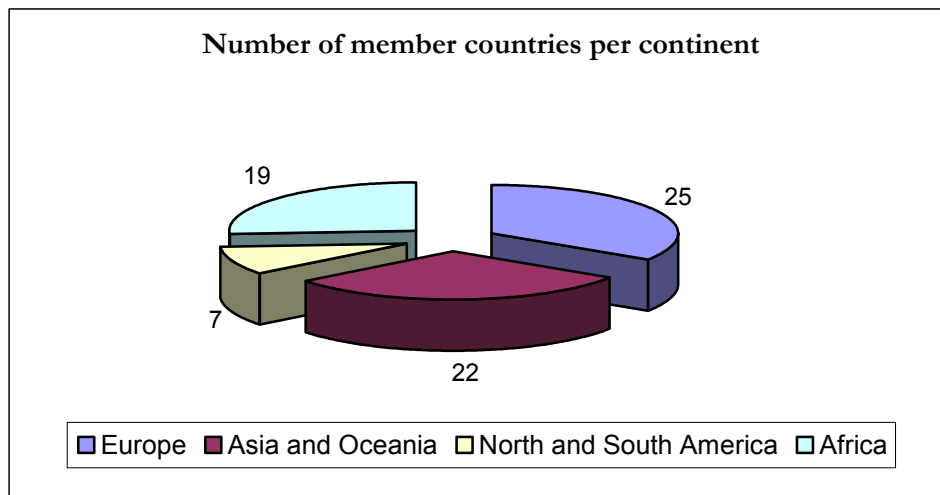
Heleen

Since the beginning of January ICLN has a new Project Assistant, Heleen Maertens. Heleen is in the last year of her studies at The Hague School of European Studies. She will be an intern at ICLN until the end of June.

H.Maertens@icln.net



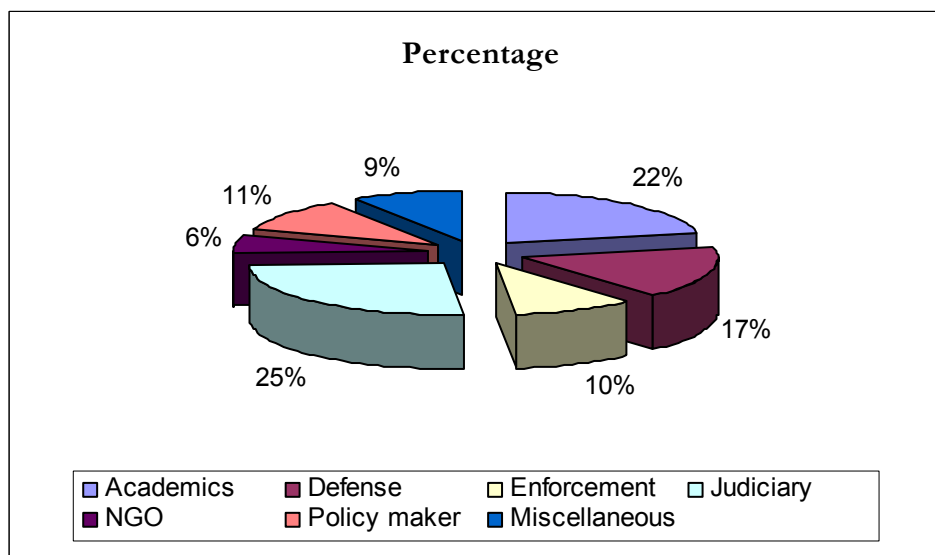
Number of member-countries per continent



Total Number of members: 377

Total number of Countries: 73

Members of ICLN



The ICC and the Arab World

ICLN has organized a seminar to be held in Amman, Jordan February 14-16th called "**The ICC and the Arab World**". The Regional Human Security Centre at the Jordan Institute of Diplomacy in Amman is a partner in the organisation and implementation of the seminar. This event is sponsored by the Ministries of Foreign Affairs of Canada, Germany Switzerland and Ireland.



The purpose of the seminar is fourfold:

1. to promote further theoretical understanding of the main general consequences of the ICC, building on earlier efforts in the region (notably by Canada and the Netherlands and the Intergovernmental Arab Regional Conference held in Sana'a, Yemen in January 2004, which was sponsored by many countries)
2. to provide insights in the consequences, perspectives and bottlenecks in the process of ratification for countries in the Middle Eastern region.
3. to provide practical knowledge on the future operation of the ICC by means of a simulation exercise

Ultimately, the seminar should promote ratification and implementation of the Rome Statute. It is believed that the region is very passive towards ratification because of a number of issues and that continued efforts to analyze and highlight these will yield results. One country ratifying, such as Oman, could easily stimulate others to follow suit.

The objectives and purposes as stated above will be obtained by organizing a low profile three-day invitational seminar aimed at government officials rather than heads of government. This seminar will be structured as follows:

- Day 1 - provide an advanced introduction into the subjects at hand
- Day 2 - interactive break-out sessions for the specific target groups; focusing on legal and military aspects.
- Day 3 - provide practical knowledge on the procedures of the Court

The event aims to gather around 30 participants. These should come from the following groups:

1. Governmental policymakers and parliamentarians
2. Officials from the judiciary such as Attorney Generals, Chief Prosecutors, Judges and Registrars
3. Representatives from the military, especially Military Prosecution Services and planners
4. Defense lawyers in (international) criminal law

ICLN has invited representatives from countries that have expressed willingness to ratify or that are known to be more positive towards ratification. Representatives of Jordan (has already ratified), Oman, Bahrain, United Arab Emirates, Yemen, Iraq, Syria and Qatar have been invited. Participants have a minimum level of knowledge on the International Criminal Court and Rome Statute.

The broader context of the event is straightforward. Mostly, the countries in the Arab region have signed the Rome Statute of the ICC but have not taken steps towards ratification. The only country that has ratified the Rome Treaty in the region is Jordan, viewed by many as the most Western country in the region. Knowledge and expertise building are essential to achieve wide-spread support for the International Criminal Court in the Arab region.

The advice of experts in the field, most notably the Canadian Ambassador to Jordan, H.E. John Holmes had indicated that these countries are the most likely to ratify within the coming years. A focus on these countries is therefore the most efficient approach to obtain concrete results. Measuring this success is hard because it builds on long term efforts and processes, and strives not to obtain immediate results but on the medium long turn. A single event will not "push" countries into ratifying the Rome Statute.

For the program of the seminar please look on <http://www.icln.net/>.

Institutional members

We gladly welcome two new institutional members; The ISISC and Interpol!

ISISC

The International Institute of higher studies in criminal sciences (ISISC) was founded in Siracusa on september 1972 by the International Association of Penal Law (IAPL), in cooperation with the city, province, and chamber of commerce.

A convenzione was subsequently entered into by the founding entities with the sicilian region, and a separate agreement was signed with the city of Noto. The sicilian region and other local entities are the principal funding sources of the institute.



The Institute, although an autonomous legal entity, is under the scientific auspices of the International Association of Penal Law (Association Internationale de Droit Pénal, AIDP). The AIDP was founded in Paris in 1924, with origins in the International Union of Penal Law founded in Vienna in 1889, and is the world's oldest and most prestigious scholarly association in the field of criminal justice.

The AIDP has some 3,000 members and affiliates in 120 countries and 47 national sections. The members of the Association constitute a large pool of experts from which the Institute draws support.

Interpol

Created in 1923, Interpol is the world's largest international police organization in which 182 countries are represented. It aims at ensuring and promoting the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights.



Interpol focuses on three areas, referred to as its core functions:

1) Secure global police communications services - the fundamental condition for international police co-operation is for police forces to be able to communicate with each other securely throughout the world.

2) Operational data services and databases for police - access to information to assist in investigations or allow the prevention of crime is essential. Interpol currently maintains a range of global databases (on individuals sought, fingerprints, photographs, DNA, identification and travel document) which are all governed by Interpol's "Rules on the Processing of Information for the Purposes of Police Information".

3) Operational police support services - Interpol currently prioritises crime-fighting programmes on fugitives, terrorism, drugs and organized crime, trafficking in human beings, and financial and high tech crime. Other projects deal with child pornography on the Internet, stolen vehicles, and stolen works of art, bio-terrorism, police training, and co-operation with other international organizations and international tribunals (ICC, ICTY, ICTR, Special Court for Sierra Leone).

The ESAG Foundation

The ESAG Foundation has invited students from European universities to take part in a creative competition on how to deal with terrorism. The three best campaigns will receive cash awards, then be distributed to print and television media in the ten countries where ESAG's own messages usually appear. Details of the competition are at the ESAG website (www.esag.info).

This year the ESAG Foundation is also sponsoring a visit to the European Union by 500 school magazine editors from Germany. The young journalists will "earn" their trip to Brussels by writing an Op-Ed article for their magazines about terrorism and security. During their visit on July 1, they will meet with EU representatives and hear brief lectures from policy and law-enforcement specialists. This programme, organized with Junge Presse in Essen, is a pilot; if successful in Germany, it could be replicated later in other countries.

ESAG FOUNDATION

News

ICC Newsletters

As the ICC moves from the preparatory to the judicial phase and the workload steadily increases, it is crucial for the Court to keep the diplomatic corps, representatives of the international legal community, civil society and other interested parties informed of ongoing developments within the organisation. For this purpose the ICC Newsletter has been created as the latest vehicle for keeping observers updated on the work of the Court and to promote the understanding of the Rome Statute.

To be published in both English and French, the Newsletter consists, mostly, of articles relating to ongoing activities within each organ of the Court. In addition, the Newsletter will contain a list of the latest ICC legal filings, ICC staffing figures, and any amendments made to the ICC basic documents.

If you are interested in the ICC Newsletter, please visit:

<http://www.icc-cpi.int/about/newsletter.html>

Cooperation agreement between Europol and Eurojust

Eurojust and Europol signed a fully operational agreement which allows both parties to establish a closer cooperation in the fight against serious forms of international organised crime. The signing of the agreement took place at Eurojust Headquarters by leading representatives of both organisations, Eurojust's President, Michael Kennedy and Europol's Director at the time, Jürgen Storbeck. The agreement is the result of consistent joint efforts started as soon as Eurojust was created, in February 2002 and is expected to enhance the possibilities of an effective and efficient cooperation between the two EU agencies which have a common goal to serve: to contribute to the establishment of the EU as an area of security, justice and freedom for all European citizens.

Based on the agreement's provisions as well as on the legal frameworks of both organisations, new horizons are opened in supporting and coordinating Member States' international criminal investigations and prosecutions. Both parties may participate in setting up of joint investigation teams and coordinate their further action in the field of their competences. A new dynamic intelligence approach is also initiated as Eurojust may also provide Europol with information for the purpose of its Analysis Work Files or even to present requests to Europol for opening an Analysis Work File. On the other hand, Europol may also supply to Eurojust analysis data and analysis results which may be required for the tasks of Eurojust. Last but not least, Eurojust and Europol are now able to support Member States' criminal investigations and prosecutions on a day-to-day basis by exchanging information and intelligence including personal data with respect to the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union.

Source: Eurojust, 9 June 2004, http://www.eurojust.eu.int/police_jud.htm

The Hague Programme

The Hague programme is a five-year programme for closer co-operation in justice and home affairs at EU level from 2005 to 2010. It aims to make Europe an area of freedom, security and justice.

The Hague Programme defines the measures to be implemented in the area of freedom, security and justice for the years 2005-2010.

The Commission will present an action plan in 2005, containing a timetable for the adoption and implementation of the Hague programme.

The European Council will review progress on the Hague Programme in the second half of 2006.

During the European Council held on 4-5 November 2004, EU heads of state and government approved the 'Hague Programme'. EU leaders have agreed to use qualified majority decision-making and co-decision in the fields of asylum, immigration and border control issues by April 2005. Legal immigration will remain subject to unanimity.

In the field of security, the Hague programme highlights the following key measures:

- making police information available between all EU countries
- intelligence and security services are to use their power to counter threats in their country and other EU countries (i.e. threats to the security of another EU state must be communicated immediately)
- improving the security of the storage and transport of explosives and ensure the traceability of industrial and chemical precursors
- addressing the factors that contribute to fundamentalism and to the involvement of individuals in terrorist activities

- making greater use of Europol, the EU's police office, and Eurojust, EU's judicial co-operation body

In order to create a European area of justice, measures will be put in place to ensure greater access to justice, more judicial co-operation and the full application of the principle of mutual recognition.

Source: Euractiv, Wednesday 10 November 2004, www.euractiv.com

Cooperation agreement between Interpol and the ICC

On 23 December 2004, a cooperation agreement was signed between the International Criminal Police Organisation-Interpol and the Office of the Prosecutor of the International Criminal Court.

Interpol, with its 182 members and a wealth of experience in international co-operation in the fight against crime, including serious violations of international humanitarian law, has since the very beginning expressed its full support for the creation of the ICC. After having actively participated in the negotiations of the Statute of Rome as well as those on the Rules of evidence, Interpol has welcomed the entry into force of the treaty of Rome on 1st July 2002 and reaffirmed its readiness to provide assistance to the ICC.

The support that Interpol will be offering the ICC as of 23 March 2005 (entry into force of the agreement) derives from the fact that the objectives of the two institutions are naturally complementary. This support is expressed in article 1 (d) of the Cooperation Agreement concluded with the United Nations in 1997, in which Interpol undertook to co-operate " [...] in the implementation of the mandates of international judicial institutions, such as the ICTY and ICTR [...], which have been or may be established by the United Nations".

Moreover, the Statute of Rome has clearly recognized in its article 87 (1,b) the role of Interpol as a channel of transmission of requests for co-operation between the Court and the States, Interpol being, with the exception of the UN, the only intergovernmental organization cited expressly in the Statute.

The Interpol General Assembly has therefore agreed in its resolution AG-2004-RES-16 to make available to the Office of the Prosecutor of the ICC the same services which are currently provided to the Office of the Prosecutor of the ad hoc criminal courts for the Former Yugoslavia and Rwanda and of the Special Court for Sierra Leone : exchange of police information, conduct of criminal analysis, search for fugitives or suspects, identification of key witnesses, publication and circulation of Interpol notices, technical assistance in areas of interest and attendance at Interpol's meetings and conferences.

In addition, the Office of the Prosecutor of the ICC has also been granted direct access to Interpol I-24/7 telecommunications network and to its databases. In such cases, the access and exchange of information by the ICC will be governed by Interpol's "Rules on the Processing of Information for the Purposes of Police Information".

For its part, the ICC has undertaken to supply the Organization with any information which might be of interest for its activities in its areas of jurisdiction.

This agreement stresses if need be the effective system that Interpol is providing to trace the perpetrators of serious violations of international humanitarian law at international level, and to identify key witnesses of such crimes.

Author: Mr. O. Fourès, Principal Legal Officer at "Interpol".

Publication of the Conference European Cooperation against Terrorism

In cooperation with EULEC a hardcover publication of the conference 'European Cooperation against Terrorism' has been published which gives a good impression of the events of the day; it includes the presentations of the speakers, conclusions and a summary of the debate that followed.

Some of the conclusions drawn were:

- The European Union has sent a strong message to terrorist organisations – a message of solidarity between the member-States on this issue.
- The progress in the anti-terrorism area brings optimism. Eurojust is just two years old and yet its results are real. Also, only ten years ago the Euro Judicial Cooperation Network was created, and now we can see the outcome.
- Terrorism is not a new phenomenon – only the scale is.
- The fight against terrorism must include opportunities for prevention, such as a process of reconciliation, as counterweight to recruitment purposes.
- One cannot arrest a person for 'suspicion for terrorism'
- It should be born in mind that terrorism is a cross-pillar issue. Anti-terrorism measures, thus, do not fall only in the scope of just the Justice and Home Affairs pillar, but they also touch upon the first and second pillars of the EU structure.
- Joint Investigation Teams are key for future judicial cooperation.
- Privacy protection is subject to reconsideration.
- The disciplined, centralized organization that carried out the September 11 attacks is no more. Nowadays the threat has many moving parts, more geographically disparate operations and more ideological momentum.

Participants of the conference have been sent the publication.

If you did not attend the conference, but are interested in acquiring the book, please contact:

Wolf Legal Publishers
P.O.Box 31051
6503 CB Nijmegen
The Netherlands
Phone: +31 (0) 24 355 1904
Fax: +31 (0) 24 355 4827
wlp@hetnet.nl
<http://www.wlp.biz>

The books cost € 15,00 for ICLN-Members and € 17,50 for Non-ICLN Members.

Oxford Journal of International Criminal Law

The Journal of International Criminal Justice is a journal that aims to promote collective reflection on the new problems facing international law, especially in light of the establishment of the International Criminal Court. It is intended for graduate and post-graduate students, practitioners, academics, government officials, as well as the hundreds of people working for international criminal courts and tribunals.

Order forms for the Journal of International Criminal Justice can be found on <http://jicj.oupjournals.org/>.

ICLN members can look forward to a 20% discount!

**20% Reduction
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Contact

If you have any questions regarding the topics named in the newsletter or other questions regarding the International Criminal Law Network, please feel free to contact Madelien Bierema and/or Heleen Maertens at:

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