

International Criminal Court, The Hague, The Netherlands June - October 2017

The International Criminal Court

I was fortunate enough to receive a bursary from the HRLA to do an internship at the International Criminal Court at The Hague. Since interns are remunerated for the work they do at the Court, without the bursary I would not have been able to do the internship. The International Criminal Court, under the treaty known as the Rome Statute has jurisdiction over certain international crimes including genocide, crimes against humanity, and war crimes committed by individuals belonging to state parties, or on the territory of state parties. This jurisdiction can also be extended to situations on the territory of non-state parties via a security council referral such as with Sudan and Libya. Under article 27, state parties waive both state immunity, and head of state immunity, which means that top ranking political figures, and military figures can also be indicted by the Court. The building where the International Court is located is more than just a court room. It is composed of several separate autonomous departments, and houses the office of the prosecutor, the defence, chambers (where the judges sit), the Registry, and of course the court rooms. The court rooms have an audience gallery where members of the public can watch proceedings for free, as well as a live stream that means proceedings can be potentially watched by anyone in the world with an internet connection. The nature of the bursary is that it should be in connection with human rights, committing any of the crimes under the Rome statute is also a breach of human rights. Not only that but in countries without strong domestic rights protection, the softness and lack of teeth of international human rights conventions, means that the international criminal court is rightly or wrongly gradually being perceived an instrument to enforce breaches of human rights.

My role

There are a variety of roles for interns at the Court in many of the departments. An intern might find themselves working on legal research in the office of the prosecutor, helping with the administration of the Court in the registry, or with keeping abreast of current events with the situational analysis team. I was given a role in Chambers, which is composed of the pre-trial division, the trial division, and the appeals division. I was placed in trial division VI, and technically assigned to work under Judges Fremr and Chung. I worked on the case of Ntaganda. He had been the chief of staff in the APC an irregular militia group in the Congo that also had a political element. The APC were just one of several groups divided along ethnic lines fighting over resources in the Congo. The militia groups were often backed by foreign powers such as Uganda or Rwanda. Ntaganda was charged with 18 counts of crimes committed in the DRC. These crimes included the crime against humanity of murder, of rape and sexual slavery of civilians.

The Court Room

As part of my role I was placed in a team of three interns. The most exciting part of the role, was being able to attend Court which we took in turns with the other interns. This involved dressing up in court garb which included the famous robe and the bib. While very formal, I felt very privileged to wear them. My role in the internship had several facets. At the beginning of the day, we would meet the judges with the legal associates, who would brief the judges as to recent developments, requests put in by any of the parties, and potential complications amongst other things. Then we would move into the court room where we would stand and await the judges before proceeding with the case. A case at the international court can take over two years, not including the proceedings in the pre-trial chamber, and the appeals chamber. It is composed of several phases including the opening statements, introduction of evidence and examination of witnesses. The examination of witnesses is

the part of trials most people are familiar with and was definitely the most exciting aspect of my time at the court I was lucky enough to not only be able to attend Court during the examination of witnesses, but also at a time when the accused himself Ntaganda had waived his right to silence, and was acting as a witness in his own defence. Sitting opposite him, I therefore got a front row seat to witness his examination and cross examination by the defence, the prosecutor, and the legal representative of the victims.

It was fascinating watching the proceedings especially the interplay between the defence and prosecutor. The case often resembled a high stakes chess match, with each side fighting for every advantage, and quibbling over every minor ambiguity, with exchanges sometimes becoming heated but never unprofessional. In the interests of balance there were also examples of both sides accommodating the other, and it also meant that both sides were almost always on top of their game as it should be. My role as an intern involved several tasks. This included following the transcript, highlighting various passages according to a key ie oral decision which would be followed up later, as well as noting evidence numbers. This was also very important in case any of the parties raised a point of interest which required an immediate judicial decision. If the judges retired to the room to discuss the issue they would request our input, which did happen a couple of times. After Court we would sometimes be asked to summarise the transcript (for witness reference documents) and to write up a court brief about the day's events. This included points of interest, decisions taken, and noted evidence numbers. This briefing would be sent to the judges, and the rest of the team at the end of the day.

Work outside of the Court room

There was a lot of work outside of the court room. One task I was asked to work on included witness reference documents. This was a detailed document examining several facets of a witness testimony, including parts related to the crimes, and credibility of the witness. As with all evidence, there was a discussion with the whole team, including the judges on these documents. Other tasks involved research on ad-hoc issues arising in the Court. One example of this was on the admissibility of new evidence introduced via cross-examination. Often such research was time sensitive, but it was always a challenge I relished. Other tasks included memorandums which were detailed documents setting out the relevant law on requested areas for the team. On the basis of one of my memorandums I was asked to contribute to the part of the draft judgement it involved. With the judgement not due until the end of the year at the latest it will no doubt go under several revisions but It felt amazing to have even gotten the chance to work on it. Other tasks involved, working on and translating evidence, uploading evidence for the judges, and compiling bundles for judges.

The experience was unforgettable and will be extremely instructive moving forward. I was able to work with an amazing group of intelligent, hardworking and professional lawyers. It was extremely impressive to see the quality of the work they produced under severe time constraints, and the collaborative mentality they had; always reviewing each others work. I was able to see how a large case such as this with thousands of pieces of evidence and hundreds of days of testimony is put together, and how all the tasks are divided to reach the end result. It really left a deep impression of the sheer work that goes into creating any type of judgement, especially from an international court. I got the chance to contribute to the case, and always asked me to get involved, with my input always valued. I had to jump into the deep end quite a lot, and often when I was researching something it was in the first time for that area. To top it all off I received a letter of recommendation which will be invaluable for my career going forward. On the social side, I got to meet a lot of amazing people who work at the Court including a lot of other interns, and made some really strong friendships, and connections with like minded people. I would really encourage anyone looking to do

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an internship that touches on human rights, to apply for the bursary especially if it makes the difference between doing and not doing it and I can't thank the HRLA enough for helping me be a part of this amazing opportunity.