



Presidency and Chambers



Pre-Trial Judges conducting a hearing

Photo: Associated Press

Presidency

The Presidency is one of the four organs of the International Criminal Court. It is currently composed of President Philippe Kirsch (Canada), First Vice-President Akua Kuenyehia (Ghana) and Second Vice-President René Blattmann (Bolivia). Judge Kirsch and Judge Kuenyehia were re-elected, and Judge Blattmann, elected, on 11 March 2006 by an absolute majority of the judges of the Court. The judges have a full-time, three-year term of office.

The Presidency is responsible for the proper administration of the Court but not for the Office of the Prosecutor. Nonetheless, it co-ordinates and seeks consensus with the Prosecutor on all matters of mutual concern. Among the Presidency's administrative functions are managerial oversight of the Registry and ensuring that the Registry delivers effective service to the judiciary. As part of its oversight function, the Presidency provides input into a broad range of administrative policies and issues presidential directives on matters relevant to the Court's overall functioning, such as staff regulations, information security and the Court's trust fund.

The Presidency's responsibilities also include judicial activities and external relations. In the exercise of its judicial functions, the Presidency organises the Chambers' judicial work and carries out its functions as set out in the Statute, Rules of Procedure and Evidence, and Regulations of the Court. Among the Presidency's responsibilities in the area of external relations are the negotiation and conclusion of agreements on behalf of the Court and the promotion of public awareness and understanding of the institution.

Chambers

The Chambers, organised into Divisions, carry out the judicial functions of the Court. There are three Divisions: the Pre-Trial Division, which is composed of seven judges, the Trial Division, composed of six judges, and the Appeals Division, composed of the President and four other judges. The assignment of judges to Divisions is based on what functions each judge will perform and the qualifications and experience of the judge. This is done in a manner ensuring that each Division benefits from an appropriate combination of expertise in criminal law and procedure and international law.

If the Court's workload so requires, and with a view to ensuring efficient management, the Presidency may decide to constitute more than one Pre-Trial or Trial Chamber.

Pre-Trial Division

The Pre-Trial Division is composed of judges with experience primarily in criminal trials. The judges are elected for a three-year term. The Presidency has constituted three Pre-Trial Chambers.

One of the Pre-Trial Chamber's functions is to grant or deny the Office of the Prosecutor leave to initiate an investigation. It makes a preliminary determination as to whether the case falls within the jurisdiction of the Court without prejudice, however, to subsequent determinations in respect of jurisdiction and admissibility.

Under the Rome Statute, if the decision is based on "interests of justice", the Pre-Trial Chamber may, on its own initiative, at the request of the State making a

referral or of the United Nations Security Council, review a decision of the Prosecutor not to initiate an investigation or to prosecute.

It is the mandate of the Pre-Trial Chamber to issue warrants of arrests and summonses to appear before the Court at the request of the Prosecutor, and guarantee the rights of all persons during the investigation phase. It also issues orders to protect the rights of the participants in the proceedings, and, where necessary, provides for the protection and privacy of victims and witnesses. It preserves evidence, protects persons who have been arrested or who have appeared in response to a summons, and safeguards information affecting national security.

Within a reasonable time after a suspect has surrendered or appeared voluntarily before the Court, the Pre-Trial Chamber holds a hearing in the presence of the Prosecutor and the suspect and/or his or her counsel with a view to determining whether the charges can be confirmed or not. A confirmation hearing can be held without the suspect being present.

Trial Division

If the charges are confirmed by the Pre-Trial Chamber, the Presidency constitutes a Trial Chamber to try the case.

The Trial Chamber's primary function is to ensure a fair and expeditious trial, conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

The Trial Chamber determines whether an accused is

innocent or guilty of the charges and, if guilt has been determined, may impose a sentence of imprisonment not exceeding a maximum of thirty years or, in cases of extreme gravity, life imprisonment. Financial penalties may also be imposed. The Trial Chamber may order reparation to victims, including restitution, compensation and rehabilitation.

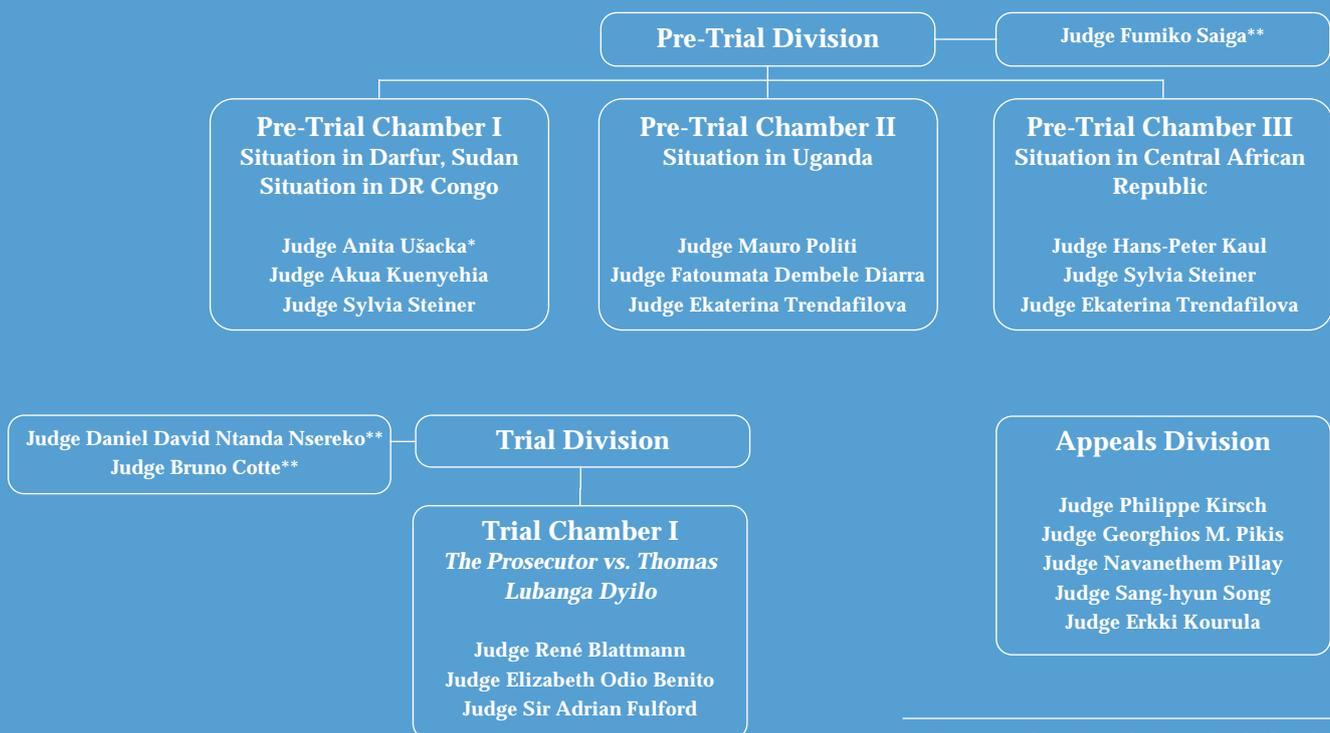
Most of the Trial Division judges have extensive experience in criminal trials. They serve in this Division for three years and thereafter until the completion of any case if the trial has already begun.

Appeals Division

The convicted person may appeal against conviction and sentence. The Prosecutor may also appeal against the acquittal or conviction of an accused, or the sentence.

Such appeals may be made on the grounds of procedural errors, errors of fact or law and on any other grounds affecting the fairness or reliability of the proceedings or decisions. The Appeals Chamber may reverse or amend the decision on conviction or sentence and may order a new trial before a different Trial Chamber. It may also revise the final judgement of conviction or the sentence.

Legal representatives of the victims, the convicted person or bona fide owner of property adversely affected by the order may also appeal against an order for reparation to victims. Other decisions made during the course of the proceedings by the Pre-Trial Chamber may also be appealed including decisions with respect to jurisdiction and admissibility.



* Temporarily assigned to Pre-Trial Chamber I
 ** Not yet assigned to a Chamber