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Updates from the International and Internationalized Criminal Courts

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UPDATES FROM INTERNATIONAL AND INTERNATIONALIZED CRIMINAL COURTS & TRIBUNALS

International Criminal Tribunal for the Former Yugoslavia

Karadzic on Trial

The trial of Radovan Karadzic, accused of masterminding the most violent episode in Europe since the Holocaust, began on October 26, 2009 at the International Criminal Tribunal for the former Yugoslavia (ICTY). Karadzic was the President of Republika Srpska and Commander of the Bosnian Serb Army during the 1992 to 1995 war in the Balkans, which caused nearly one hundred thousand deaths and forced approximately 2.2 million people to flee their homes. Karadzic's indictment lists eleven counts of genocide, war crimes, and crimes against humanity. These charges stem from the role he played, along with Ratko Mladic, in leading the July 1995 attacks at Srebrenica, in which approximately 8,000 Bosnian Muslim men and boys were slaughtered in a UN "Safe Area." Karadzic and Mladic are also accused of taking UN personnel hostage and laying siege to Sarajevo for 43 months, killing thousands of innocent civilians.

Karadzic's eccentricities have had a significant effect on his trial. Karadzic was originally indicted by the ICTY in July 1995, but did not first appear before the court until July 31, 2008, following his capture in Serbia. He had been in hiding since 1996, most recently living in Belgrade and, with his background as a psychiatrist, working as an alternative healer. Initially, he refused to recognize the authority of the ICTY, forcing the court to enter a plea on his behalf in August 2008. He originally insisted on representing himself, but has also asked the ICTY to provide paid legal assistance. In addition, he maintains a large staff of volunteer lawyers, researchers, former politicians, and professors.

Karadzic refused to attend the first three days of his trial, claiming he needed more time to prepare and review approximately 1.2 million pages of documents for his defense. The ICTY judges warned him repeatedly of the consequences should he continue the boycott, and Karadzic attended a procedural hearing on November 3, 2009. Days later, Judge O-Gon Kwan instructed the ICTY Registrar to assign counsel to the accused, noting that should Karadzic continue his boycott, the appointed counsel would argue on his behalf. The Judge partially granted Karadzic's requested delay, allowing a continuance until March 2010. So far, it appears that Karadzic is basing much of his defense on his claim that U.S. Ambassador Richard Holbrooke, chief negotiator of the Dayton Accords, agreed to grant him immunity from prosecution in exchange for his resignation as the President of Republika Srpska in 1996.

Generally, commentators view Judge Kwan's decision favorably as the ICTY's credibility suffered during the rambling defense of Slobodan Milosevic, who also represented himself. Karadzic's behavior inspires a legitimate fear of similar repercussions. Judge Kwan's decision is an attempt to balance the interests of efficiency with the accused's right to self-representation. Its success will depend on how Karadzic proceeds during the trial.

International Criminal Tribunal for Rwanda

Nizeyimana Brought into ICTR Custody

On October 5, 2009, Ugandan authorities arrested Idelphonse Nizeyimana, one of the suspects wanted for leading and perpetrating the Rwandan genocide in 1994. Authorities arrested Nizeyimana and handed him over to be tried by the International Criminal Tribunal for Rwanda (ICTR). The tracking team for the ICTR collaborated with Ugandan police to capture Nizeyimana, who was detained on his way to Kenya from the Democratic Republic of Congo (DRC).

Nizeyimana is the second individual to be arrested from a list of thirteen fugitives in less than two months. He was also tagged by the ICTR in 2000 as one of eight key suspects in the genocide. Nizeyimana's initial appearance before the ICTR took place on October 14, 2009 before Judge Khalida R. Khan, where he pleaded not guilty.

Nizeyimana served as the deputy intelligence chief and captain of the *Ecole des Sous Officiers* (ESO), and is suspected of being a key organizer in orchestrating the genocide, estimated to have killed between half a million and a million Tutsis and moderate Hutus. He is also suspected of murdering Queen Rosalie Gicanda, a respected and symbolic figure for Tutsis in Rwanda.

The ICTR has charged Nizeyimana with five counts of genocide and crimes against humanity. He is alleged to have formed secret units of soldiers to murder prominent Tutsis, set up roadblocks to detain and kill Tutsi civilians, given direct orders to massacre civilians, provided material support such as grenades, transported members of the *Interahamwe* (extremist Hutu militia) to Muslim quarters to carry out attacks, assisted in organizing the massacre at the Butare University in 1994, and participated in preparing lists that identified people, mostly Tutsi intellectuals and Tutsis in positions of authority, to be "eliminated."

Nizeyimana had been evading arrest by traveling under false papers. Until recently, he is believed to have been hiding in the jungles of eastern DRC, where he belonged to the Hutu rebel group, Democratic Forces for the Liberation of Rwanda (FDLR). This rebel group continues to commit atrocities against civilians in the DRC. The DRC has been criticized for failing to cooperate with the ICTR in capturing wanted suspects; but the arrest of Nizeyimana comes right after an agreement was reached with the DRC to aid in identifying other fugitives that are suspected of hiding with the FDLR.

The ICTR would be unable to continue its operations without third party cooperation, like that of Uganda. The ICTR's ability to persuade other states to assist it is one of the reasons that an internationalized court is better equipped than national courts to try perpetrators of the genocide. Article 28 of UN Security Council Resolution 955 mandates state cooperation with the ICTR in the "investigation and prosecution of those accused and indicted by

the Tribunal." Cooperation from states like Uganda, the DRC, and Rwanda in evidence gathering and coordinated investigations is essential for the successful operation of the ICTR.

The Prosecutor v. Rukundo, Case No. ICTR-2001-70-T

On February 27, 2009, Trial Chamber II of the ICTR issued a judgment in the case against Emmanuel Rukundo. The accused, who served as an ordained priest during the 1994 genocide, was accused of crimes based on his role in abducting, killing, and sexually assaulting Tutsis at locations under the administration of the Kabgayi Diocese in Gitarama prefecture during April and May 1994. Rukundo was convicted of genocide based on acts of killing and causing serious bodily and mental harm that were carried out with the intent to destroy, in whole or in part, the Tutsi ethnic group. He was also convicted of murder and extermination as crimes against humanity. The Trial Chamber sentenced Rukundo to twenty-five years in prison.

Rukundo's conviction for genocide was based, in part, on the killing of a Tutsi woman named Madame Rudahunga and for causing serious bodily harm to two of Rudahunga's children and two other Tutsi civilians. The victims had taken refuge at St. Joseph's College in Kabgayi, the premises of which Rukundo searched together with armed Rwandan soldiers looking for those with links to the *Inkotanyi* (Tutsi rebel army). Evidence indicated that the soldiers abducted Madame Rudahunga and drove to her house, with Rukundo following in another vehicle, where they shot her to death. The perpetrators, including Rukundo, returned immediately to St. Joseph's and abducted the four other victims who were taken away, brutally beaten, and left for dead. Rukundo was later heard bragging about the killing of Rudahunga.

While the evidence did not establish that Rukundo himself shot or beat any of the victims, the Chamber cited the *Seromba* Appeals Chamber holding that the commission of a crime is not limited to "direct and physical perpetration." The Chamber also recalled that in *Gacumbitsi*, the accused was held to have committed genocide when he separated Tutsis from Hutus prior to the killing of the Tutsis who had been separated. In that case, the Appeals Chamber held that the accused's actions were "as much an integral part of the genocide as were the killings which [they] enabled." The Trial Chamber reached a similar conclusion for Rukundo's acts, noting that Rukundo had participated from the outset and through the completion of the crimes, and emphasizing that Rukundo took ownership of the crimes by boasting later about the killing. The Chamber went on to conclude that Rukundo had acted with the requisite genocidal intent, noting in particular that Rukundo had referred to the Rudahunga family as *inyenzi* (derogatory term for Tutsis, literally "cockroaches").

The Chamber also determined that the killing of Madame Rudahunga supported the charge of murder as a crime against humanity, given the context of widespread and systematic attacks against Tutsi civilians at the time of the murder, Rukundo's knowledge of these conditions, and the relationship between the murder and the systematic attacks. Citing the Appeals Chamber in *Musema*, the Chamber observed that cumulative convictions for genocide and crimes against humanity based on the same acts are permitted since each crime has distinct elements.

The Chamber further supported Rukundo's conviction for genocide based on a series of mass killings at St. Leon Major Seminary. Evidence was adduced that on at least four occasions in April and May 1994, Rukundo visited St. Leon Minor Seminary accompanied by soldiers and *Interahamwe*, identified Tutsis from a list, and then departed from the Seminary. Shortly after Rukundo's departure, those identified refugees were abducted by soldiers and never seen again. Citing the Appeals Chamber in the *Kayishema* and *Ruzindana* cases, the Trial Chamber determined that the only reasonable inference to be drawn, given the pervasive violence against Tutsis in 1994, was that the Tutsis abducted from the Seminary were murdered. The Chamber went on to reason, as it had with respect to the finding of genocide committed at St. Joseph's College, that Rukundo's conduct at the Seminary amounted to "commission" of genocide, since his acts were as much a part of the crimes as were the abductions and killings they enabled. The Chamber further determined that Rukundo acted with intent to destroy ethnic Tutsis, in whole or in part, given the context of anti-Tutsi violence, and Rukundo's statements that "something had to be done" about those who were sympathizing with the Rwandan Patriotic Force.

The Chamber also reviewed allegations of extermination as a crime against humanity based on the same evidence as that presented for the crime of genocide. It found there was no evidence that the Rudahunga murder, and the serious harm to her children and the two other Tutsis, were committed as part of killings on a mass scale. The killings at St. Leon Seminary, however, met the requirements for extermination, given the numerous occurrences of abduction and the number of refugees removed (at least one busload), even though there was no evidence adduced of a specific number of resulting deaths. Because the acts of extermination were conducted as part of a systematic attack on civilians, the Chamber was satisfied of Rukundo's responsibility for the crime against humanity of extermination.

Finally, the majority of the Trial Chamber found that Rukundo's genocide charge was supported by evidence that he caused serious mental harm to a Tutsi woman through sexual assault. The relevant facts involved a twenty-one-year-old Tutsi woman, known as Witness CCH, who took refuge at St. Leon Minor Seminary around mid-May 1994. She knew Rukundo previously and had attended his ordination. When CCH first saw Rukundo at the seminary, she was encouraged and asked if he could help hide her. Rukundo not only refused, but also said that she and her whole family had to be killed. Attempting to ingratiate herself, CCH helped Rukundo, who was armed, carry some belongings into a small room, where she chatted and sipped beer with him. Rukundo then locked the door and sexually assaulted her. The only relevant testimony on this incident came from the victim and Rukundo, but the full Chamber determined that CCH was credible. Moreover, the full Chamber agreed that there was no question but that Rukundo's act was of a sexual nature and that the conduct was inherently coercive, given both the general atmosphere of Tutsi annihilation and the victim's specific situation of duress and intimidation. The Chamber then went on to determine that the victim had suffered mental harm as a result of the assault. On this issue, the majority of the Chamber recalled that the relevant harm must be more than minor but need not be permanent, that the Tribunal has previously found serious mental

harm to be present where there is sexual assault combined with the threat of death, and that sexual assault has been identified as one of the worst forms of serious harm since it combines both bodily and mental harm. The majority thus decided that the only reasonable conclusion was that the victim suffered serious mental harm, as she was a young Tutsi woman fearing for her life, seeking protection from a known and trusted clergy member in a position of authority, who abused his position and sexually assaulted her under coercive circumstances.

Judge Seon Ki Park dissented from the majority's finding that Witness CCH suffered serious mental harm as a result of the sexual assault carried out by Rukundo. In his opinion, Judge Park stressed that Witness CCH "did not provide direct evidence about her mental state apart from the fact that she could not tell anyone about the incident" and that the Prosecution "did not even ask her how the incident has affected her life, her mental well-being, her subsequent sexual relationships, or put any other question to the witness which could assist the Chamber in making this finding." While Judge Park agreed with the majority's factual findings regarding the surrounding circumstances of the assault, he expressed "doubts that these facts rise to the level of serious mental harm required for a conviction of genocide," noting that "genocide is a crime of the most serious gravity which affects the very foundations of society and shocks the conscience of humanity."

In sentencing the accused to a prison term of 25 years, the Chamber found Rukundo's stature in Rwandan society to be an aggravating factor. The Chamber found both Rukundo's education and his abuse of his moral authority over trusting members of his community, which enabled him to further the abduction, sexual assault, and murder of Tutsis, to be highly aggravating.

The Prosecutor v. Callixte Kalimanzira, Case No. ICTR-05-88-T

On June 22, 2009, Trial Chamber III of the ICTR issued its judgment in the case against Callixte Kalimanzira, the interim director of the Ministry of the Interior of Rwanda. Kalimanzira was found guilty of aiding and abetting genocide and of instigating genocide under Article 2(3)(a) of the ICTR Statute, and of committing direct and public incitement to commit genocide under Article 2(3)(c). The Chamber held it was required to dismiss the count of complicity in genocide under Article 2(3)(e) of the Statute also included in the indictment, as it was expressly pleaded in alternative to the count of genocide. After judgment, Kalimanzira was sentenced to thirty years in prison.

The Chamber first considered the genocide charge. While it dismissed several of the allegations made by the Prosecution because of a lack of reliable evidence, the Chamber was convinced that Kalimanzira had instigated and aided and abetted genocide on multiple occasions. For instance, the Chamber found that Kalimanzira's failure to object to inflammatory remarks that were made in his presence led to the killing of Tutsi women, elders, and children. Specifically, Kalimanzira was present at the inauguration of the new *bourgmestre* of the Muganza *commune* in June 1994, when the individual being inaugurated admonished those in attendance for continuing to hide Tutsis. Based on this evidence, the Chamber concluded that Kalimanzira knew that the speech would instigate persons present at the inauguration to kill Tutsis and that this instigation was tantamount to an official sanction of such actions. The Chamber further concluded that Kalimanzira's presence during the speech "lent moral support to Ndayambaje's instigation of genocide" and that, due to his position as a well-respected authority figure and a native of Muganza *commune,* Kalimanzira's moral support itself substantially contributed to the commission of this crime. Finally, the Chamber found that Kaliminzira had exhibited, in the context of the inaugural speech and elsewhere, the intent to destroy the Tutsi group, and thus was responsible instigating genocide.

Notably, the defense had argued that the Chamber could not consider Kalimanzira's "hierarchical power" in relation to any of the allegations against him because the Prosecutor had accused Kalimanzira only of direct criminal responsibility under Article 6(1) of the ICTR Statute and not of superior responsibility under Article 6(3). Article 6(3) holds superiors responsible for acts perpetrated by subordinates where the superior knew or had reason to know the subordinate would commit the act and took no reasonable measures to prevent it or to punish the subordinate. The Chamber rejected this argument, stating that crimes committed using a person's authority were not limited to liability under Article 6(3), and that the use of authority could be considered when deciding an accused's direct responsibility under Article 6(1). Indeed, the Chamber noted that the Appeals Chamber has held that the Trial Chamber should, where liability is found under both direct and superior responsibility, convict under direct responsibility and consider the superior position as an aggravating circumstance. Moreover, the Chamber explained that Article 6(1) includes criminal responsibility for ordering others to commit criminal acts. Therefore, Kalimanzira's alleged authority could be used as evidence that he had the power to order others to commit such acts. Similarly, the Chamber stated that omissions by a person of authority could be covered under Article 6(1). For instance, if a person has a duty act to prevent a crime and he or she did not act to prevent it, this could be prosecutable under Article 6(1). Therefore, the Chamber considered Kalimanzira's position of authority and standing in the community when analyzing the allegation that he aided and abetted genocide through his actions at the Muganza inauguration speech.

The Chamber further supported its holding that the accused was guilty of genocide based on the finding that he instigated and aided and abetted genocide at a roadblock by (i) asking the men manning the roadblock why they had no weapons; (ii) asking the men why they had permitted passing Tutsis to sit nearby rather than killing them; and (iii) providing one of the men with a firearm, which was subsequently used to kill nearby Tutsis. The genocide charge was also supported by a finding that Kalimanzira aided and abetted genocide when in April 1994 he lured Tutsis to shelter at Kabuye Hill by promising protection from the violence and then brought armed men to attack them.

Turning to the charge of direct and public incitement of genocide, the Chamber began by reviewing the relevant law, noting the charged crime is an inchoate crime, and therefore it is not necessary to prove that the incitement achieved a genocidal result. Rather, it is sufficient to establish that an accused directly and publicly incited the commission of genocide (*actus reus*), and that he had the intent to directly and publicly incite others to commit genocide (*mens rea*). By contrast, the Chamber noted, an accused will be guilty of committing genocide by means of instigation

only if the instigation in fact substantially contributed to the commission of genocide. Another distinction between direct and public incitement to commit genocide and commission by instigation is that the former requires the incitement to be "public" and "direct." Under the jurisprudence of the ICTR, "public" incitement means that the statements must have been available to the public at large. The meaning of "direct" incitement is dependent on whether the intended audience understood, at the time of the act of incitement, that it was a call to commit genocide.

Based on this law, the Chamber refused to find Kalimanzira guilty of direct and public incitement of genocide for alleged statements made at a meeting of a "crisis committee." The meeting was not open to the general public and did not meet the requirement that the incitement be "public." The Chamber also declined to make a finding of direct and public incitement of genocide based on allegations relating to statements made by Kalimanzira at a football field, since the men he spoke to could not say for certain whether he was telling them to kill Tutsis or simply to be more vigilant in their own defense. However, the Chamber did find Kalimanzira guilty of direct and public incitement of genocide for a speech he made at a primary school during which he thanked those in attendance for doing all they could to get rid of "the enemy" and instructed them to continue to search for "enemies" hidden in the bush or in people's homes. The Chamber noted that witnesses present at the speech understood that "enemy" meant any Tutsi, and that therefore the speech amounted to a direct call to genocidal action.

Extraordinary Chambers in the Courts of Cambodia

International Co-Investigating Judge of the ECCC Accused of Bias

Allegations of corruption and bias are not new to the Extraordinary Chambers in the Courts of Cambodia (ECCC), the hybrid international criminal court established to try former members of the Khmer Rouge. However, such allegations have traditionally involved Cambodian members of the Court. This trend changed in mid-October 2009, when defense lawyers for one of the four defendants currently before the ECCC filed motions to have the international Co-Investigating Judge, Marcel Lemonde, removed from the case on accusations of bias.

Lemonde is one of two judges who have an obligation to investigate the charges that the prosecutors bring to the ECCC and then decide if there is enough evidence to go forward with the case. The Co-Investigating Judges are required to remain impartial during the investigation process. This neutrality is crucial, as the defense is not permitted to conduct its own investigations, and the prosecution cannot investigate after its initial submissions.

The current accusations of bias have arisen in Case 002, the second case to come before the ECCC. Recently, Judge Lemonde has summoned six high-ranking members of the current Cambodian government, including the presidents of the Senate and National Assembly, to testify as witnesses in Case 002, a move which has incited criticism from Prime Minister Hun Sen.

These allegations arose from a sworn statement by Wayne Bastin, a former chief of the Intelligence and Analysis Unit of the Office of the Co-Investigating Judges, that during a meeting at Lemonde's home, Lemonde stated his preference that investigators "find more inculpatory evidence than exculpatory evidence" in the pending case against the former Khmer Rouge leaders.

Lawyers for the defendant Ieng Sary have filed a motion for Lemonde to be removed from the case, and lawyers for defendant Khieu Samphan said they would file a similar motion. These motions will then go to the Pre-Trial Chamber for consideration. ECCC spokesman Lars Olsen said that Lemonde "does not wish to comment on the allegations," but would "provide the Pre-Trial Chamber with all necessary information." In order to remove the judge, the defense would have to prove there is a "systemic bias" in favor of the prosecution; one possibly biased comment alone would not suffice.

If Lemonde is removed, his previous investigative work would still remain valid under the Court's internal rules. The reserve international Co-Investigating Judge, Siegfried Blunk, would take this case if Lemonde were to be removed. If the allegations are proven true and the Pre-Trial Chamber decides that Lemonde should be removed from the case, the legitimacy of the ECCC will be damaged at a time when it is already struggling with funding, concerns about victim participation, and corruption allegations.

International Criminal Court

ICC Grants Interim Release to Bemba

On August 14, 2009, Pre-Trial Chamber II of the International Criminal Court (ICC) granted Jean-Pierre Bemba Gombo (Bemba) interim release pending his trial in 2010. A first for the ICC, Bemba's release reveals the difficulties for the ICC when it relies on States Parties to implement its decisions.

Bemba is the first detainee to be charged for war crimes and crimes against humanity committed in the Central African Republic. Bemba was the alleged president and commander of the *Mouvement de Liberation du Congo* as well as the former vice president of the Democratic Republic of Congo (DRC) and a senator in its Parliament. In June 2009, five of the eight counts brought against Bemba were confirmed and the ICC determined the case could proceed to trial. Pursuant to the Statute for the ICC (Rome Statute), Judge Ekaterina Trendafilova ruled on Bemba's release in August determining that he no longer fulfilled continued detention requirements under Article 58(1) of the Rome Statute. Article 58(1) requires that a defendant remain in custody:

> (i) to ensure his or her appearance at trial;
> (ii) to ensure he or she does not obstruct or endanger the investigation or court proceedings; and
> (iii) to prevent him or her from continuing with the commission of the same or related crimes which arise out of the same circumstances in the present case.

While Bemba has powerful connections in both the DRC and Europe, his continued political aspirations and his complete cooperation with the restrictions placed on him while attending his father's funeral persuaded Judge Trendafilova that he was no longer a flight risk and could be allowed conditional release. The Chamber's ruling cannot be implemented, however, unless a state consents to accept Bemba. The

ICC has requested that Belgium, France, Germany, Italy, Portugal, or South Africa accept Bemba while he awaits trial. The state that receives him will then have the responsibility of supervising him and ensuring he returns for his trial. Despite the ICC's requests, each of the six States Parties have raised objections to accepting him, and without a host country, the ICC cannot release Bemba.

Without cooperation from States Parties, the ICC's authority is undermined. Under Article 86 of the Rome Statute, States Parties have an obligation to cooperate with the conditional release of defendants; however, according to the Coalition for the International Criminal Court, "the Assembly of States Parties, which is the main oversight body of the ICC, has fallen well short of ensuring that states parties are ready and willing to cooperate with all requests for cooperation." Interim release for defendants awaiting trial is vital to ensuring a fair trial and protecting the ICC's image as an unbiased venue. Without the full and immediate cooperation of States Parties, the ICC will be unable to provide fair, impartial justice for defendants or victims. Bemba's release has been suspended on appeal, but if the ruling is affirmed, its execution will depend on the ICC's ability to persuade or command cooperation from States Parties.

Impact of Regulation 55 on ICC Proceedings

On January 26, 2008, Thomas Lubanga became the first defendant tried at the ICC. Lubanga was allegedly the president of the Union of Congolese Patriots and the commander of its military. He has been charged with two counts of war crimes for conscripting child soldiers to further the war in the DRC. The ICC is now considering the participating victims' application to add charges of inhumane treatment and sexual slavery against Lubanga under ICC Regulation 55. The treatment of the victims' application highlights several challenges faced by the new court.

Trial Chamber I responded to the victims' application on July 14, 2009, stating that the Court could include additional charges against Lubanga. The Chamber held that Regulation 55(2) allows it to add charges based on new evidence at any time during the trial. The Chamber also ruled that it can suspend the hearing to give parties time to prepare for trial on the additional charges, and that parties will have a right to re-examine previous witnesses, call new witnesses, and present new evidence in light of the new charges. Both the Defense and the Prosecutor appealed the Chamber's ruling, arguing that adding new charges would be unfair to the accused and could extend the trial for several more months, delaying future trials at the ICC. The trial has been suspended until the Appeals Chamber resolves this issue.

The Regulation 55(2) appeal highlights several issues facing the ICC. One challenge is determining the victims' role, compared to that of the prosecution and defense. The ICC is the first international court to statutorily permit victims to participate independently from the prosecution and defense. The Rome Statute grants the Court discretion to allow victims to present their concerns "in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial." However, as the Lubanga application itself points out, Regulation 55 fails to indicate which parties may request that the Court exercise this discretion.

Another challenge is the Chamber's extension of the *jura novit curia* principle, under which a judge is allowed to independently re-characterize the charges based on existing facts. Through its interpretation of Regulation 55(2), the Chamber widely departs from this principle, allowing new facts and evidence to be introduced to support new charges at any time during the trial.

Finally, the present appeal slows the Lubanga trial, which has already been plagued by extensive delays. After delaying the trial for a year after the initial filing of charges, the Court has again delayed the trial pending the Regulation 55(2) appeal. If the Appeals Chamber affirms Trial Chamber I's decision, the trial will be delayed once more to give the parties sufficient time to prepare for new charges. These delays as well as the Chamber's procedural decisions have brought new attention to the inner workings of the new Court, specifically the ability of victims and judges to shape the proceedings. ***HRB***

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