

2013 IHRP Summer Internship Report – Drew Beesley

Immediate Office of the Prosecutor, International Criminal Court, The Hague, The Netherlands

My summer internship was with the Immediate Office of the Prosecutor (IOP) of the International Criminal Court (ICC), in The Hague, The Netherlands. This unit directly supports the Madam Prosecutor, Fatou Bensouda and to a lesser extent, her close group of division managers including the Deputy Prosecutor, which is collectively named the Executive Committee (ExCom). I worked closely with the two Special Assistants to the Prosecutor and the Madam Prosecutor herself.

I attended ExCom meetings where current issues were discussed and directions were sought by the various investigation and trial teams. As an IOP intern, I was the only one of my colleagues given unique access to these high-level meetings. This in turn, granted me an insider's look at how big decisions are made. I gained a broad appreciation for the immense challenges and complexities facing the Office of the Prosecutor (OTP). The agenda of any given ExCom meeting covered a wide variety of interesting topics: overseas investigations, international relations and politics, analysis of evidence, securing arrests, witness handling, media strategy, legal argumentation and trial strategy. The discussions being had could have easily formed the plot of any great Law & Order episode or John Grisham novel.

It was my job to follow the meetings, decide where consensus was made and draft the final executive decisions. These decisions would eventually filter down to the investigation and trial teams involved and serve as directions. I had to quickly verse myself in the legal lingo of the OTP, the ongoing cases, stations, investigations and become familiar with the Rome Statute (the treaty forming the Court). Other tasks included speech writing for the Madam Prosecutor and drafting some of her official correspondence.

I came to understand that the ICC is at a critical juncture in its history. The Court is still in its infancy, having operated for less than eleven full years. 2012 marked a change in leadership as Fatou Bensouda was sworn in as the Chief Prosecutor of the ICC in place of Luis Moreno Ocampo. 2013 also saw the appointment of Canadian James Stewart as the Deputy Prosecutor. I quickly got the sense that these appointments were lauded both outside and within the Court. I had the privilege of getting to work with and know these two incredible individuals over my internship. I came away with nothing but respect and admiration for the dedication and expertise which they bring to their respective roles.

Over the course of the summer, I was able to attend many hearings, the most memorable of which was a status conference for William Ruto (Deputy President of Kenya). Ruto is charged with the crimes against humanity of murder, deportation or forcible transfer of population, and persecution. The legal issue was whether an accused was required to be present for their entire trial, or whether presence was right which the accused could waive. It was argued that, as the elected Deputy President of Kenya, Ruto's forced attendance in The Hague would interfere with his democratic mandate and constitutional duties. I was able to see what world-class advocacy looks like before arguably one of the most important courts in the world. I was not disappointed, as these litigators were both sharp and articulate. Timing, innuendo, intonation and volume were the colours from which they beautifully painted their legal arguments and monologues.

A month into my internship, I approached the Head of the Appeals Division asking if they needed help. They immediately incorporated me into their team and I was thrown into my first substantive piece of legal research. I was put on the *Gbagbo* Case (former president of Côte d'Ivoire). The task involved comparative research across both common and civil law jurisdictions. My project was made all that more interesting by the fact that a contingent of around 20 to 30 protesters gathered just outside of my 11th story office window to chant for Gbagbo's release each week. Legal research takes

on an entirely different character when the opposing side has its own media campaign and protest movement bent on disturbing your quiet.

Later, I worked on the *Ngudjolo* case (Democratic Republic of the Congo), among others. My proudest moment was seeing my research make its way in to the Prosecution's actual appeal filings before the Court. Another memorable research task led me to disprove a proposition of law which the defence was relying on. The defence had taken a particular notion from the jurisprudence of another *ad hoc* international criminal tribunal. My research revealed that the citations relied upon by that *ad hoc* trial chamber did not support the proposition whatsoever. This error was even reproduced in a treatise, the author of which we later notified.

In sum, I had a fantastic internship experience. I was given the chance to sit in on high-level meetings, engage with top practitioners, contribute to actual filings, and witness unparalleled advocacy. The ICC is a place filled with the sharpest and most enthusiastic legal minds from around the world and it was a privilege just to be around such an incredibly dedicated group of people. It felt incredibly rewarding to have the chance to contribute to such an important institution, fighting to end impunity for those that have brought unspeakable trauma onto the lives of so many victims. I am left with the inkling that this past summer is sure to stand as my most memorable law school experience.