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**Report of the Bureau on the strategic planning process of the
International Criminal Court**

Note by the Secretariat

Pursuant to operative paragraph 12 of resolution ICC-ASP/4/Res.4, of 3 December 2005, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly its report on the strategic planning process of the International Criminal Court. The report reflects the outcome of the informal consultations held by The Hague Working Group of the Bureau.

Report of the Bureau on the strategic planning process of the International Criminal Court

I. Consideration of the Strategic Plan of the Court submitted to the Committee on Budget and Finance

A. Background

1. In its resolution ICC-ASP/4/Res.4, adopted on 5 December 2005, the Assembly of States Parties (“the Assembly”) welcomed the initiation of the strategic planning process of the Court and invited “the Court to engage with the Bureau on this process”.¹

2. At its meeting of 14 February 2006, the Bureau of the Assembly decided to re-establish the New York and The Hague Working Groups and requested The Hague Working Group in particular to engage with the Court on the strategic planning process. At the suggestion of the President of the Assembly, Ms. Michèle Dubrocard (France) was appointed Facilitator of the subgroup (“the group”) with the mandate concerning the strategy of the Court.²

3. In the discharge of its mandate, the group considered the report on the Strategic Plan of the International Criminal Court³ which had been prepared by the Court and submitted to the Committee on Budget and Finance (“the Committee”) at its sixth session.⁴

4. At the fifth meeting of The Hague Working Group, on 27 April 2006, this report together with the report on the Court Capacity Model⁵ were introduced by Mr. Michel de Smedt, Acting Director of the Investigation Division of the Office of the Prosecutor and who was a member within the Court of the group that drafted the Strategic Plan.

5. Following this initial presentation, the group met on four occasions, on 31 May, 19 June, 12 July and 12 September 2006. At these meetings, presentations were made by representatives of the three organs of the Court (the Prosecutor, the Registrar and several of his colleagues, and the Chef de Cabinet of the President) and by representatives of non-governmental organizations (Coalition for the ICC, Human Rights Watch, and Amnesty International).

6. Some 30 representatives of States attended each of these meetings.

7. In addition to the report prepared for the Committee, participants in the meetings received the following documents: general introduction to the Strategic Plan⁶, introduction to the strategic plan of the Office of the Prosecutor⁷, presentations on the relationship between the Strategic Plan and the budget, as well as on the programme of communication and outreach of the Court⁸, the memorandum of Human Rights Watch on the Strategic Plan, and

¹ *Official Documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November to 3 December 2005* (International Criminal Court publication, ICC-ASP/4/32), part III, resolution ICC-ASP/4/Res.4, para. 12.

² Meeting of the Bureau of 5 April 2006.

³ ICC-ASP/5/CBF.1/5.

⁴ ICC-ASP/5/1, paras. 54-57.

⁵ ICC-ASP/5/CBF.1/6.

⁶ Meeting of 27 April 2006.

⁷ Meeting of 31 May 2006.

⁸ Meeting of 12 July 2006.

the statement of the Victims Rights Working Group on the Strategic Plan.⁹ Lastly, the Office of the Prosecutor also introduced two draft texts, the first on the criteria for the selection of situations and issues, and the second on the notion of “interests of justice” (draft texts transmitted by e-mail on 28 July 2006). States Parties are invited, if they so wish, to send to the Office of the Prosecutor any comments or suggestions on the above-mentioned draft texts by the end of September 2006.

8. The group wishes to thank the Secretariat of the Assembly for the unfailing support which it has provided during the course of its work.

9. The group also wishes to express its deep appreciation to all the representatives of the Court who kindly acceded to its request to participate in the various meetings and who contributed with their many different perspectives to this process of strategic planning.

B. Content of the Plan

10. The group took due note of the main points in the report on the Plan, which was prepared jointly by the three organs of the Court in keeping with the Court’s “One Court” principle.

11. This report begins by defining the “mission” of the Court, which is to fairly, effectively and impartially investigate, prosecute and conduct trials of the most serious crimes; to act transparently and efficiently; and to contribute to long-lasting respect for and the enforcement of international criminal justice, to the prevention of crime and to the fight against impunity.

12. In order to succeed in the mission thus defined, the Court has set itself three strategic and interconnected goals, namely “quality of justice”, “a well-recognized and adequately supported institution”, and a “model for public administration”.

13. For each of these goals, strategic objectives have been identified (30 in total) which are either actions to be undertaken in the short and medium term (within three years), or longer-term actions (to be undertaken over a period of four to ten years). Of these 30 objectives, seven are judicial in nature, eight concern the external support provided to the Court, and 15 are related to the organization of the institution.

14. The group has also been briefed on the main thrust of the strategic plan that is specific to the Office of the Prosecutor. This plan sets out five objectives for the next three years: to conduct four to six impartial investigations of those who bear the greatest responsibility; to further improve the quality of the prosecution aiming to complete two expeditious trials; for all situations, to gain the necessary cooperation to allow for effective investigations and to facilitate successful arrest operations; to improve the interaction between the Office of the Prosecutor and victims and the way in which the Office addresses their interests; and, lastly, to establish forms of cooperation with States and organizations to maximize the Office’s contribution to the fight against impunity and the prevention of crimes.

⁹ Meeting of 19 June 2006.

C. Main points of discussion

1. Status of the Strategic Plan

15. In its report on the work of its sixth session, the Committee “agreed with the Court that it was essential that ownership of the Strategic Plan should remain with the Court and that it enjoy the support of States Parties”.¹⁰

16. In light of this consideration, a consensus was reached within the group to consider that while the Strategic Plan drafted by the Court could not be negotiated by the States Parties, it should nevertheless enjoy their support. States should therefore have the possibility to submit their comments and suggestions on its contents to the Court.

17. A consensus was also reached that the development of a strategic plan should be an ongoing and interactive process.

2. General observations

18. While bearing in mind that the process of elaboration of the Strategic Plan was still under way and that the report submitted by the Court was only the first stage in that process, delegations expressed appreciation for the work done by the Court, in particular its concern to uphold the Court’s “One Court” principle. A number of delegations expressed the view that, in its current form, the report left little room for a dialogue to be initiated with the Court because of its lack of specificity, particularly with regard to its goals and objectives. The latter were in fact very general in scope and of difficult evaluation, even though they were themselves incontestable. It would be useful in future to have a more detailed and concrete presentation of these goals and objectives that would better reflect the specificity of the Court.

19. The attention of the representatives of States Parties was also drawn to the large number of objectives of an organizational nature, which should not detract from the judicial nature of the Court’s mandate.

20. It was recalled that the value of the Strategic Plan was not limited only to the Court for its own administration, but that the Plan could also be one of a number of tools for fulfilling the expectations of States Parties, since it would help to estimate the needs of the institution.

3. Priority issues

21. Given the limited time available to complete its work in time for the next session of the Assembly, the group identified five issues in the Strategic Plan that should be discussed as a matter of priority with the representatives of the Court. These are, in no particular order, the following:

- Location of the activities of the Court: a number of different options envisaged, including that of the “decentralisation” of certain activities to the field;
- The role of victims;
- Outreach and communication activities of the Court;
- The notion of positive complementarity;
- The relationship between the Strategic Plan and the budget.

¹⁰ ICC-ASP/5/1, para. 56.

22. At the third meeting of the group, the Registrar of the Court and two of his colleagues provided additional information on the outreach and communication activities (which, in any event, must be the subject of a detailed strategic plan, in accordance with paragraph 22 of resolution ICC-ASP/4/Res.4), as well as on the relationship between the Strategic Plan and the budget. Copies of these presentations were made available to the participants in the meeting.

23. On the other hand, the points concerning the location of the activities of the Court and the victims were discussed only briefly, in light of the preliminary stage of the discussions that are under way within the Court.

24. With regard to the notion of positive complementarity, the group on 12 September 2006 was briefed by a representative of the Office of the Prosecutor, who reported on the preliminary discussions of his Office.

25. Delegations expressed the hope that in future these various points could be developed in a mutually reinforcing way within the framework of the dialogue initiated with the Court.

D. Future work of the group

26. In view of the wish, expressed by the Bureau of the Assembly at its meeting of 16 May 2006, to receive the reports of the New York and The Hague Working Groups in September, it was decided to prepare the present report on the understanding, however, that it may eventually be supplemented after the presentation of the new document which the Court will submit to the Committee at its next session (9-13 October 2006) and after the Committee's comments thereon.

27. A final meeting of the group should therefore be scheduled for the second half of the month of October. At that meeting, the group will consider the new version of the Strategic Plan prepared by the Court for the forthcoming Assembly of States Parties,¹¹ in the light of the earlier report and any additional information communicated by the representatives of the Court in the course of working meetings. The group will also examine the possibility of supplementing the present report and of preparing a draft ad hoc resolution or, if necessary, elements that may be included in an omnibus resolution.

E. Initial conclusions

28. The group is aware that the process of elaboration of the Strategic Plan is still under way. This is why it urges the Court to continue its discussions and work in this area and invites the Court to continue with the States Parties the dialogue that has now been initiated.

II. Consideration of the Strategic Plan of the Court submitted to the Assembly of States Parties¹²

29. The group welcomed the development of the Strategic Plan of the Court, which was presented in document ICC-ASP/5/6. The latter document covers the main points discussed in the report on the Plan, which had been prepared by the Court in April 2006 for submission to the Committee on Budget and Finance, and develops them in accordance with the presentation of the Plan given to the group on 27 April 2006 by a representative of the Court.

¹¹ ICC-ASP/5/6 of 4 August 2006.

¹² This section was prepared on the basis of the information available as at 26 October 2006 and constitutes an update to section I.

30. The group also took due note of the report on prosecutorial strategy presented by the Office of the Prosecutor at its second public hearing, on 25 September last.

31. The observations made previously by the group in its initial report appear to be just as pertinent. In particular, the large number of objectives related to goal No. 3, “A model of public administration”, should not detract from the priority that should be given to the discharge of the Court’s judicial mandate. Besides, the potential value of the Strategic Plan to States Parties has been highlighted in order to assess the needs of the Court. Such an assessment is part and parcel of the function of management oversight assigned to the Assembly under the Rome Statute.

32. One component of the Strategic Plan, “From Strategic Plan to action”, stresses the need to translate into action the various objectives that have been set out. This goes to the core of the group’s considerations. The group believes that it is essential for the Court to now focus on modalities for the effective implementation of its mandate, in other words, on its actual “strategy”. The group hopes that in the future the Court will be in a position to develop genuinely operational components that are directly linked to the Strategic Plan.

33. In the light of all of these observations, the group proposes a draft resolution, contained in the annex hereto, that could serve as a basis for negotiations during the fifth session of the Assembly of States Parties.

Annex

Draft resolution on the Strategic Plan of the Court

The Assembly of States Parties,

Recalling operative paragraph 12 of resolution ICC-ASP/4/Res.4 whereby the Assembly of States Parties welcomed the initiation of the strategic planning process of the Court and invited the Court to engage with the Bureau on this process,

Having regard to the Strategic Plan prepared by the Court,¹³

Having regard to the report of the Bureau on the dialogue initiated with the Court on the Strategic Plan,

Mindful of the ongoing and interactive process of elaboration of such a Plan,

1. *Notes with appreciation* the efforts made to date by the Court to establish a Strategic Plan and to engage with the Bureau on this process;
2. *Invites* the Court to further develop the dialogue initiated with the Bureau;
3. *Recommends* that such a dialogue should focus on the concrete implementation of the Strategic Plan and include, but not be specifically limited to, cross-cutting issues such as location of the activities of the Court, position of victims, outreach and communication activities of the Court, and the relationship between the Strategic Plan and the budget;
4. *Decides* to invite the Court to submit to the next session of the Assembly of States Parties an update on the Strategic Plan in the light of the dialogue engaged with the Bureau.

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¹³ ICC-ASP/5/6.