

Sixth session

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30 November to 14 December 2007

**Report of the Bureau on the Strategic Plan
of the International Criminal Court**

Note by the Secretariat

Pursuant to paragraph 2 of resolution ICC-ASP/5/Res.2 of 1 December 2006, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly its report on the Strategic Plan 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 Plan of the International Criminal Court

I. Background

1. By resolution ICC-ASP/5/Res.2, adopted on 1 December 2006, the Assembly of States Parties (the “Assembly”) invited the Court to “further develop the dialogue initiated with the Bureau on the Strategic Plan” and recommended 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.” The Assembly also invited 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.

2. At its meeting on 1 February 2007, the Bureau of the Assembly approved the reappointment of Ms. Michèle Dubrocard (France) as facilitator for the strategic planning process, under consideration by its Working Group in The Hague (the “Group”).

3. At the third meeting of the Group, held on 18 April 2007, the facilitator informed the Group that she intended to consider one priority topic per month in accordance with those identified in the above-mentioned resolution, namely: location of the activities of the Court, victims, outreach and communication activities, and the relationship between the Strategic Plan and the budget. During the meeting, the Court made a general presentation on the latest developments in the strategic planning process and agreed to support the facilitator’s work as outlined.

4. Following this initial presentation, the Group heard from a representative of the Court on the implementation of the outreach strategy (9 May 2007), and was informed of the main points under discussion in the working document elaborated by the Court on the issue of victims (20 June 2007).

5. The Group met on 13 July to examine how to further enhance the dialogue with the Court on the implementation of the Strategic Plan and to address the priority issues not examined so far.

6. On 2 October, the Group received an update on both the strategic planning process and two of the priority topics (outreach activities and victims). In addition, two brief presentations were made on the location of the activities of the Court and on the link between the Strategic Plan and the budget.

7. Further, on several occasions the facilitator discussed the issue of the Strategic Plan with the Committee on Budget and Finance, which, at its last session, made specific comments on it,¹ and with the facilitator on the budget, Ambassador Hans Magnusson (Sweden), as well as with representatives of the Court.

8. On 7 November, the Group received an informal paper from the Court reporting the progress made in the development of the Court’s strategy on victims.

¹ Report of the Committee on Budget and Finance on the work of its ninth session (ICC-ASP/6/12), para. 32.

II. General overview of the Strategic Plan in 2007

9. On the basis of its Strategic Plan adopted in 2006 (ICC-ASP/5/6), the Court has identified priority strategic objectives for 2007. Apart from those in connection with the ongoing activities (achieving investigations and trials), the objectives selected by the Court were as follows:

- (a) The decision-making process;
- (b) The permanent premises and the geographical location of the activities of the Court;
- (c) Security;
- (d) Human resources (recruitment, staff development and employment, advancement opportunities); and
- (e) The issue of a non-bureaucratic organization and a common culture at the Court.

10. The priority issues identified by the Assembly have also been considered by the Court, with the aim of examining them throughout the year.

11. For the time being, the Court decided that the ten-year objectives set out in the Strategic Plan would not be developed any further, since it considered it was better to devote its resources to perfecting the current plan.

III. Cross-cutting issues identified by the Assembly

A. Outreach activities

12. In the framework of the implementation of the Strategic Action Plan on outreach activities, the Court has redefined the objectives as well as the messages. Moreover, the scope of work has been limited to groups within communities directly linked to crimes under investigation, and concentrated in specific geographical areas.

13. The Court faces a number of challenges in its outreach work, such as: the under-development of the telecommunications network, the lack of resources of local non-governmental organizations and media, the poor infrastructure, the diversity of languages, a poor security environment and high illiteracy rates.

14. The Court is currently in the process of developing performance indicators to measure the impact of its activities, quantitatively as well as qualitatively. The Court representative in charge of the implementation of the strategy on outreach felt that the qualitative indicators identified by the Court were still not sufficiently objective in nature, and required further improvement.

15. Outreach activities have been developed in northern Uganda and in the Democratic Republic of the Congo. In northern Uganda, 28 activities have been organised by the Court and 9 by stakeholders, involving almost 3,000 participants and through them, according to the Court, reaching an estimated 8.9 million population. Over 32,000 publications have been distributed. In order to reach the grass-roots level of the population, the outreach team has organized "open-air" meetings and used drama performances by people living in the camps, and is also launching interactive radio programs. A "high percentage of the Acholi population" targeted by the outreach programme now have a better understanding of the International Criminal Court than the communities that have not yet been included in the programme.

16. Indications suggest that progress is being made by the Court in delivering its outreach programmes, for example, at the beginning questions were asked such as “Will the Court try children?” These questions are no longer common, while at the same time new sets of questions have emerged, concerning specific issues about the Court (for example, “Can arrest warrants be withdrawn?”), which show an increasing understanding by the target communities of the Court’s work.

17. These activities have more recently commenced in the Darfur situation by means of meetings held in refugee camps in Chad and face-to-face meetings with opinion leaders (such as lawyers, journalists, local non-governmental organizations, artists, students, Members of Parliament).

B. Victims

18. The Group has been informed that the Court is currently preparing a working document on victims, which has required inter-organ participation, as well as input from the Trust Fund for Victims, the Office of Public Counsel for Victims and victims themselves.

19. Without encroaching on matters which fall within the judges’ jurisdiction, the working document aims at identifying the Court’s main strategies on victims and is intended to be divided into two main parts:

- (a) The first part would present the general framework and the factors influencing the strategy, and would describe the Court’s strategy itself in relation to victims, in six main areas:
 - (i) Informing victims of their rights before the Court and keeping them informed;
 - (ii) Protection;
 - (iii) Support and assistance to victims;
 - (iv) Participation of victims;
 - (v) Reparation; and
 - (vi) Legal representation;
- (b) The second part would be devoted to measuring the impact of such strategies on victims.

20. The final strategic document is expected to be finalised by the end of the first quarter of 2008.

C. Location of the activities of the Court

21. It was recalled that the provisions of article 3 of the Rome Statute, which establishes the seat of the Court in The Hague, allow the Court “whenever it considers it desirable” to sit elsewhere.

22. In order to consider which of its current activities should be localised outside The Hague and the modalities for doing so, the Court has developed a methodology analysing all elements involved (which activities, what implications, what level of decentralisation), as well as evaluating the impact of such actions.

23. Before deciding on which activities might be decentralised, the Court looked at its different functions: analysis of situations and investigations, prosecutions, victims and witnesses issues, outreach, public counsel, chambers, enforcement and support (including security, detention and court management).

24. As regards the implications, the Court has identified different areas: available resources, logistics, infrastructures, communications, security, target groups and stakeholders.

25. Finally, different levels of decentralisation are under consideration: missions, liaison/information offices, logistic hubs, limited field presence/office, standard field office, core activities hubs, trials “in situ”.² These levels of decentralisation may differ in relation to the activities considered.

26. The impact evaluation of any decentralised activity takes into account, inter alia, the costs, the image of the International Criminal Court and the judicial consequences.

27. The Court is still analysing the different elements at stake.

D. The relationship between the Strategic Plan and the budget

28. The priority objectives determined by the Court in 2007 on the basis of the Strategic Plan, which have been mentioned above, have been gathered into five main objectives for 2008:

- (a) Trials and investigations into cases (cooperation for arrest and surrender);
- (b) Outreach;
- (c) Witness and victim protection;
- (d) Human resources; and
- (e) Premises (interim and permanent).

29. In the structure of the 2008 budget, all the priority objectives have been linked to the Court-wide objectives planned for 2008, and the new resources sought for next year result from the latter: €0.76 million for victims and witnesses protection, €0.51 million for infrastructure (field offices), €0.46 million for security, €0.36 million for legal aid and €0.70 million for interim premises.

30. The expected results mentioned in the 2008 budget derive from the priority objectives identified by the Court in 2007. The performance indicators, as well as the targets, have been defined for the expected results.

31. Nevertheless, in its report on the work of its ninth session, the Committee on Budget and Finance observed that “the link between the Strategic Plan and the budget should be better developed”.³

² Proposed programme budget for 2008 of the International Criminal Court (ICC-ASP/6/8), annex XII, “Hearing in situ - budget summary”.

³ Report of the Committee on Budget and Finance on the work of its ninth session (ICC-ASP/6/12), para. 32.

IV. Assessment and prospects

A. Court's analysis

32. The work done on the Strategic Plan has improved coordination and interaction between the different organs of the institution. It has also improved the link between the Strategic Plan and the budget. Furthermore, some progress has been achieved in implementing the priorities identified for the Court. Finally, it seems that the Strategic Plan has been helpful for the Court's working in promoting the "One Court" principle.

33. However, several areas require improvement: timelines have slipped and the quality of communication with States Parties must be improved. Indeed, the Plan is seen as too ambitious, given the insufficient availability of the support structure inside the Court, considering especially the complexity of the topics. It was also noted that the Court was at the same time shaping and implementing the objectives.

34. Remedies will be defined in the planning preparation for 2008. Among other issues, the Court wishes to define an approach to update the ten-year objectives set out in the Plan, in particular to check if all of them are still useful.

B. The Hague Working Group's analysis

35. Firstly, the Group emphasised the fact that it continues to keep in mind, as established in 2006, that the Strategic Plan belongs to the Court, and that in the course of its ongoing dialogue concerning the Plan, the Group does not wish or intend to "micromanage" the Court.

36. If the Strategic Plan is - as the Court itself acknowledges - a useful tool for the Court, it can also help States Parties in better understanding the needs of the Court, not only concerning budgetary matters but also regarding their obligation to cooperate and support the Court on a variety of operational issues. Thus, the continued dialogue between the Court and States Parties is of capital importance.

37. During the year 2007, due to lack of time, the Court could not go through most of the subjects identified as priorities by the Assembly of States Parties.

38. The Group is aware of the workload of the Court and the problems it has experienced in recruiting adequately qualified staff, as highlighted in the above-quoted report of the Committee on Budget and Finance.

39. However, the Group hopes that in 2008 the outstanding priority objectives (outreach, victims, localisation of the activities of the Court and the link between the budget and Strategic Plan) will be fully developed and finalised, and the dialogue with States Parties in that regard will be further deepened.

40. More particularly, with regard to outreach activities, the Group considered that the Court could refine its current performance indicators, especially those linked to the assessment of the quality of the activities carried out. This remains a priority for States Parties, particularly when considering the financial implications of these activities and the need to justify such costs when adopting the budget. Separately, the Group would also like to have more information concerning the links and interfaces between the outreach actions and the strategies regarding victims. How is the coordination between the various sections of the Court dealing with those issues organised and ensured?

41. In the same manner, following the position expressed by the Committee on Budget and Finance, the Group hopes that when it comes to considering the budget of the Court for 2009, closer links might be developed between the budget and the Strategic Plan.

42. As concerns the issue of victims, the Group stressed:

- (a) The need to base the working document on actual experience on the ground, with a clear indication of the purpose of the strategy and the establishment of the means to verify the achievement of expected results;
- (b) The need to shorten the time delay between an individual's application to the Court for protection and his/her receipt of the response from the Court. However, the Court stressed that the decision was a judicial one, and that the Registry had to await the decision of Chambers;
- (c) The importance of consulting non-governmental organizations in both the preparation of the Strategic Plan, since they had actual experience on the ground, and on the reduction of the time delay referred to in the preceding point; and
- (d) The need to ensure due involvement with the Trust Fund for Victims in developing the respective strategy and in its implementation.

43. More generally, the Group recalled its expectations for a concrete implementation of the various objectives featured in the Plan showing, where possible, clear links between the various objectives. Apart from the methodology explanations given by the Court, delegations would also like to be informed of the basis for the Court's choices that determine its activities.

44. In the light of these observations, the Group wishes the dialogue between States Parties and the Court to remain on the Assembly's agenda for 2008, in order to further discuss and develop the priority topics identified in resolution ICC-ASP/5/Res.2 of 1 December 2006. A recommendation to this effect is contained in the annex to the present report.

45. Lastly, the Group will examine with interest the update of the Strategic Plan that the Court plans to undertake in 2008.

Annex

Recommendation

The Working Group recommends the inclusion of the following text in the resolution of the sixth session of the Assembly of States Parties on “Strengthening the International Criminal Court and the Assembly of States Parties”:

“The Assembly

“Welcomes the efforts of the Court to further develop the Strategic Plan on the basis of the document entitled “Strategic Plan of the International Criminal Court”,⁴ recommends that the Court continue to engage with the Bureau on the strategic planning process and its concrete implementation, especially on the priority issues identified in resolution ICC-ASP/5/Res.2, adopted on 1 December 2006, and requests the Court to submit to the next session of the Assembly of States Parties an update on the Strategic Plan.”

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⁴ ICC-ASP/5/6.