

PETER NICHOLSON: Good morning.

My name is Nicholson. I work at the Yugoslav tribunal, in the prosecutor's office. I've worked there for eight years, embedded in sometimes the collection but more predominately the analytical function.

I would like to thank you for the opportunity to speak in these very distinguished surroundings. I've been asked to address particularly analysing and responding to communications. I have two points to make. I've picked two points to make. One looks at it from a more broad perspective which underpins the implementation of your policy document and indeed the Regulations, and one at the more working level in relation to the evaluation mechanisms that you've written.

Lawyers, investigators, and analysts all come from heavily institutionalised backgrounds, and they tend to work or can tend to work and act from their own professional cultural origins even when in an international environment. They are used to how they do things from whence they came and do not always and easily and readily embrace change.

You have written into your policy and Regulations a theoretical new professional culture seemingly written in part from the hard lessons learned from the ad hoc tribunals. Your new cultural approach is invigorating, refreshing, exciting, correct, and highly achievable. It does demand a philosophical change of professional approach from all whom you employ with the greatest obligations of its implementation on those in seniors positions. You have recognised the fundamental importance of this issue, and you have woven it into all the subject areas of both your policy and your Regulation documents.

However, it must be brought alive from theory on paper to the complex human environment. The new professional cultural approach will only succeed if it is infused into every single person who is employed by your OTP. It has to be the backbone and the underlying professional code

in everything you do, and it should be promulgated with vigour and discipline from the senior management downwards. The old adage is that leadership comes from the top, but also good management cannot take root throughout your organisational structure unless all who manage and supervise are capable of doing as such.

I urge you to add into your Regulations, into Book 2, Part 2 under "Training," the specific requirement for all your staff to be trained in and embrace your cultural professional philosophy, and I urge you to train your highly qualified specialists, be they lawyers, investigators, or analysts, in the required managerial skills which themselves will be founded and written based on the cultural philosophy you promote throughout your policy and regulatory papers.

My second comment is a working-level comment, and it relates particularly to conducting evaluations and examinations. First, I would say we take it as read that the establishment of an analytical function as a third of the staff and of the contributory efforts within the OTP is enshrined and I find this very commendable indeed.

My specific points: When conducting either evaluations or examinations and the differences between the two, and when producing the reports to be forwarded for consideration, I think greater emphasis should be placed on the quantity, the breadth, the quality, the current and future likely acquisition of sources of information and evidence available to the case together with an assessment of the time required to acquire such information, from where it is likely to come, and who is responsible for such collection. From such reporting evolves the collection plan, data from which itself will form an integral part of the three main documents you and your staff will work to: the investigations plan, the draft charges documents, and the proof charts. The collection plan will also enable concurrent and not consecutive collection

strategies to evolve, thus minimising time scales in the pursuit of an investigation.

Last, I would say invest in your analysts the time to analyse and give them the appropriate standing to have a voice. Give them the confidence to perform their crucial function to the best of their ability, which includes the sometimes lonely role of being the checks and balances in the system.

You have written into your working procedures, especially at the examination and the evaluation stages, a major role for analysts. Thus they must be able to enable you to make the sorts of decisions you need to make with the confidence that you are as right as you can possibly be. Such decisions can only be taken on the basis of sound, strong, objective, and justifiable analyses, all founded on the bedrock of knowledge. I thus urge you to ensure your analysts have the appropriate professional environment to perform to this rightly high level of expectation.

Thank you very much.