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### Report of the Court on the Field Operations Strategy

#### I. Introduction

1. This report responds to the recommendation of the Committee on Budget and Finance (the “Committee”) at its sixteenth session that the informal presentation of the Registry on the development and implementation of the field operations strategy be converted into a formal document of the Assembly of States Parties (the “Assembly”).<sup>1</sup>

2. In 2009, in a report entitled Report of the Court on the enhancement of the Registry’s field operations for 2010,<sup>2</sup> the Registrar proposed Headquarters- and field-related enhancements to ensure a sustained, coordinated and policy oriented development of the operations in the field and address a number of existing risks. At its thirteenth session, the Committee recommended that the Assembly approve the Headquarters-related enhancements. With respect to the field-related enhancements, the Committee recommended that the Court complete its strategic planning and that the Committee review the issue.<sup>3</sup>

3. Since then the Registry submitted a Report on the review of the field operations<sup>4</sup> outlining the efficiency gains with respect to the field based enhancements and made an informal presentation on the development and implementation of the field operations strategy and the efficiencies therein to the Committee at its sixteenth session.

4. The current report is divided in four parts. The first part deals with the general strategic framework of field operations and their review in line with the budget cycle. The second part details the implementation of the strategy. The third part outlines the efficiency gains to be achieved in 2012 as a result of the implementation of the field operations strategy. The last part presents the steps head to ensure the successful implementation of the field operations strategy in the years to come.

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<sup>1</sup> Report of the Committee on Budget and Finance on the work of its sixteenth session (ICC-ASP/10/5), para. 74.

<sup>2</sup> ICC-ASP/8/33.

<sup>3</sup> Report of the Committee on Budget and Finance on the work of its thirteenth session, *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eight session, The Hague, 18-26 November 2009* (ICC-ASP/8/20), part B.2, para. 82; and Report of the Committee on Budget and Finance on the work of its fifteenth session, *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), part B.2, para. 106.

<sup>4</sup> ICC-ASP/9/12.

## II. Framework of the field operations strategy

### A. Field operations as part of the Strategic Plan of the Court

5. The field operations strategy is an integral part of the revised Strategic Plan of the Court.<sup>5</sup> By enabling victims to exercise their statutory rights of participation and reparation, ensuring protection of victims and witnesses and assisting the counsel teams, effective field engagement can advance fair, effective and expeditious public proceedings and ensure the full exercise of the rights of all participants (goal 1). Through outreach programs and close cooperation with all stakeholders, field operations enhance awareness of and increase support for the Court (goal 2). Finally, conducting operations in the field in an appropriate form, in particular through the establishment of field presences, enables the Court to achieve desired results with minimal resources through streamlined structures and processes while maintaining flexibility (goal 3).

### B. General principles underlying the field operations strategy

6. Field operations strategy is guided by the following general principles:

(a) *Judicial driven*: Bearing in mind the Court's judicial mandate, field operations strategy is constructed on the principle that field operations are, at all times, closely linked to, and driven by, the judicial developments and the different judicial phases in each situation. In each situation before the Court, establishing a field presence is the most efficient way to implement the Court's mandate provided that the host State extends its full cooperation and the prevailing security situation allows it.

(b) *Scalable, time-bound and tailored operations*: Field operations are adapted to the specific context, taking into account the judicial phases of the situation before the Court and the factors with impact on field operations as outlined in the report on the review of field operations.<sup>6</sup>

(c) *Maximizing efforts and resources*: Maximize the impact of field operations through the efficient use of existing resources and proper planning and coordination of strategies and action plans of the various sections of the Registry, where necessary, in close cooperation with other organs that are engaged in the field. This entails prioritizing of operations and redeployment of resources between exiting situations or within the situation while ensuring a core capacity able to respond to unforeseen developments and/or new situations before the Court.

(d) *Maximizing cooperation*: Maximize interaction and cooperation with all actors in and/or near situation countries, including national authorities, United Nations agencies and other organizations and local actors with a view to drawing upon their expertise and capacities.

(e) *Effective support for judicial cooperation*: The field offices, key tools of the implementation of the field operation strategy, are essential in ensuring timely and effective support from the authorities of the situation countries with regard to requests for judicial assistance and cooperation and other orders of the Chambers.

(f) *Service-oriented operations*: Coordinate effectively the Registry's field-based functions and provide timely and high-quality support and assistance to its clients, namely the Office of the Prosecutor, Trust Fund for Victims and counsel in implementation of the respective responsibilities.

(g) *Exit strategy*: The field operations strategy is developed and implemented with a view to contributing to a lasting legacy in situation countries within existing resources.

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<sup>5</sup> Revised strategic goals and objectives of the International Criminal Court 2009 – 2018 (ICC-ASP/7/25), annex.

<sup>6</sup> ICC-ASP/9/12, part I.B.

(h) *Staff-friendly environment:* The successful development and implementation of field operations strategy largely depends on coordination and management of the staff and non-staff resources, in particular field-based. Therefore, the recruitment and retention of staff with field experience and expertise is key. At the same time ensuring the mobility of and quality condition of service for the international staff and, upon completion of the Court's work in a situation country, support for locally-recruited staff in their search for country-based alternate employments contributes to the efficient use of staff resources and their rapid absorption by the local market.

### **III. Implementation**

7. The implementation of the strategy is ensured at the Headquarters level by the Field Strategic Planning and Coordination Unit of the Field Operations Section. The Section leads the planning process through the Registry Field Coordination Working Group consisting of representatives of the following Sections: Public Information and Documentation Section, Victims Participation and Reparation Section, Victims and Witnesses Unit, Safety and Security Section, Special Advisor to the Registrar on External Relations and Cooperation. The Registry's clients, namely the Office of the Prosecutor, the counsel and the Trust Fund for Victims are associated to this consultative process. The consultation involve the consolidation of each operational work plan and staff and non-staff resources of each Registry Section needing field based presence and/or undergoing activities in or in relation to a situation country. The Registry's clients are required to provide the volume and nature of the services required from the Registry, their frequency, allocation of staff in-country resources if needed. On the basis of the information provided inter-user impact and feasibility is assessed. Additionally, feasibility studies on the cost-effectiveness of outsourcing certain services and/or relying on host States cooperation and/or United Nations capabilities and services to lower the costs of the field operations are undertaken. This process has been formalized through the Standard Operating Procedure on the review of the field presences.

8. The strategic review of the field operations allows the Registrar to take decisions with respect to managerial actions needed to be put in place in the following year, thus improving effectiveness and efficiencies of the Court's operation in situation countries. The decisions taken by the Registrar can range from closing of field offices and/or presences to scaling down and/or up and redistribution of staff and/or non-staff resources to areas of greater operational needs. Realignment of the strategic review with the proposed budget for the year head concludes the strategic planning and coordination cycle.

9. Additionally, the Field Operations Section has put in place a Strategic Operational Planning Method that allows the implementation of a coordinated operational approach for field operations when faced with new and/or unforeseen events such as: referral of a new situation to the Court, new investigations resulting in new arrest warrants executed swiftly, decision by judges to seat *in-situ* any other major operational events affecting the work of the Court.

10. In the absence of a formal field-based authority, the implementation of the field operations strategy, at the field level, is regularly monitored from Headquarters by the Field Strategic Planning and Coordination Unit for field strategic and cooperation matters and by the Field Operational Support Unit for all administrative and logistic aspects. Recommendations are made to the Registrar with respect to changes needed to the implementation process should judicial and operational developments change.

### **IV. Evaluation**

11. Following the strategic review of the field operations undertaken at the beginning of 2011, the implementation of the field operations strategy has already had a positive impact on the Field Operations Section budget for 2012. This is described below in further details:

(a) The Registry closed down its field office in Abéché and its presence in N'djamena (Chad), thus reducing its field presences from seven to five. Accordingly, two field offices will remain in 2012, one in Bangui (Central African Republic) and one in Kinshasa (Democratic Republic of the Congo), due to the on-going trial activities in both of those situation countries. In addition, a forward field presence in Bunia (Democratic Republic of the Congo), linked to the main field office in Kinshasa, will continue to support ongoing trial activities in the Lubanga and Katanga/Ngudjolo cases, and ongoing activities related to investigations in the Kivu provinces in connection with the Mbarushimana case, as well as servicing all other clients. A limited and reduced field presence will be kept in Kampala (Uganda) in order to provide required services to the Office of the Prosecutor and the Trust Fund for Victims in relation to their work in Uganda and the eastern part of the Democratic Republic of the Congo, as well as to support a very limited number of Registry residual activities. Finally, a limited Registry task-force field presence will remain in Nairobi (Kenya), mainly to ensure the coordination of the different activities in relation to the two ongoing cases.

(b) Uganda situation (Kampala Field Office): Important decrease in the Registry field based staffing. The Field Operation Section will continue deliver services to remaining field based clients: Office of the Prosecutor (50 per cent field based staff increase in 2012) and the Trust Fund for Victims (100 per cent staff increase in 2011 and maintained in 2012). The Section will have a minimum in country capacity ready to be activated to full scale should judicial developments change.

(c) Both international and local staff have benefited in the last year of language courses. For the internationally recruited staff the newly acquired language skills allowed their redeployment to existing situations to respond to increased workloads. Consequently, the field expertise built over the five years in Uganda is retained by the Court and used to respond to increased operational requirements in other situations.

(d) Sudan situation (Chad/N'Djamena Field Office): Closure of the Abéché Field Office as of 1 July 2011 and of the N'Djamena field presence as of 31 December 2011. The Section will preserve at the Headquarters staff capacity to support any residual work in the country through missions undertaken by Registry and its clients as needed in relation to the case *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*.

(e) Upon the Registry's request for assistance and cooperation, the French authorities granted the permission to store at zero costs, in N'Djamena, the suitable assets recovered from the closure of the Abéché Field Office. These assets are ready for redeployment and use wherever practicable and economical. Judicial developments in the situations before the Court, unforeseen events, volume of field based activities and the operational needs of its clients will be dictating their use.

(f) By way of example, in 2005 the Court spent approximately €720,000 with the initial set-up of the Abéché Field Office<sup>7</sup> with a lead time of eight to nine months in its set-up. These savings will allow the Court to deploy these assets, if and when needed, at an estimated cost of €40,000. Additionally, it is estimated that between 40 to 90 days would be needed to transport these assets within the continent if and when needed.

(g) Additionally, in cooperation with the Learning and Development Unit of the Human Resources Section a training scheme has been implemented in 2011 to the benefit of local staff to support their efforts of reintegration at the country level in the labour market. An analysis of their training needs has been conducted. ICT focused trainings and language courses have been offered to allow them to acquire new skills and competencies which, in turn, will make them marketable in Chad.

(h) 11 posts (over one forth of the total Field Operations Section staffing) will be redistributed to situations with greater operational needs.

(i) The Field Operations Section will maintain core capacity in staff and non-staff resources available to coordinate and support work in relation to new situations and unforeseen events.

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<sup>7</sup> This figure excludes expenses incurred in relocating the office, which took place in 2007.

(j) As a result of greater internal control and management of staff and non-staff resources, 25.3 per cent decrease in non-staff costs compared to the previous year will be achieved.

12. The efficiency measures described above, will allow the Field Operations Section to absorb in 2012, within existing resources and with a further decrease of its budget amounting to 3.4 per cent, the coordination, support and assistance work related to the implementation of the field operations strategy in six situation countries, the forecasted increased in workload and the effective management of the field based staff and assets.

## V. Next steps ahead

13. Since the implementation of the field review in the beginning of 2011, on 23 June 2011, the Prosecutor requested Pre-Trial Chamber III the authorization to open an investigation into war crimes and crimes against humanity allegedly committed in Côte d'Ivoire since 28 November 2010. On 3 October 2011, Pre-Trial Chamber III granted the Prosecutor's request to commence an investigation in Côte d'Ivoire with respect to alleged crimes within the jurisdiction of the Court, committed since 28 November 2010, as well as with regard to crimes that may be committed in the future in the context of this situation.

14. In this context, the Field Strategic Coordination and Planning Unit will conduct a needs assessment and analysis process with a view to identifying the most appropriate way to implement the Court's responsibilities in now seven situations countries.

15. With two more situations at hand than in 2010, the continued successful implementation of the field operations strategy will largely depend on the establishment at the field offices level of the Registry Field Coordinators position. In particular, the situation countries with ongoing investigations and cases at pre-trial and/or trial stage and with already established field offices require a formal authority to ensure their effective oversight and management.

16. In the Report on the review of the field operations, a number of key efficiencies were outlined as part of the restructuring of the field operations.<sup>8</sup> Independent experts and the Office of Internal Audit clearly indicated in 2010 that without a Registry's clear field based organizational structure and human resources support for field operations no reasonable assurance that management's change initiatives will effectively support the achievement of strategic and operational goals in a cost-effective manner.

17. The Registry Field Coordinators will ensure the integration of the Registry's field programmes implementing and implement the strategic field reviews at the field office level and other change initiatives that are needed to reduce inefficiencies, enhance controls and improve leadership, efficiency, coherence, oversight and coordination.

18. The field operations strategy for 2013 will be reviewed in line with the judicial developments in all situations before the Court. A number of key historic judicial developments will take place in 2012 such as potential reparation orders in the Lubanga case and potential cases in the situation of Côte d'Ivoire which will impact the work of the Court in the field. A number of residual functions related to the cases that will come to judgement will need to be catered for and the field operation strategy will address these matters as part of the strategic review 2012-2013.

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<sup>8</sup> ICC-ASP/9/12, para. 35.