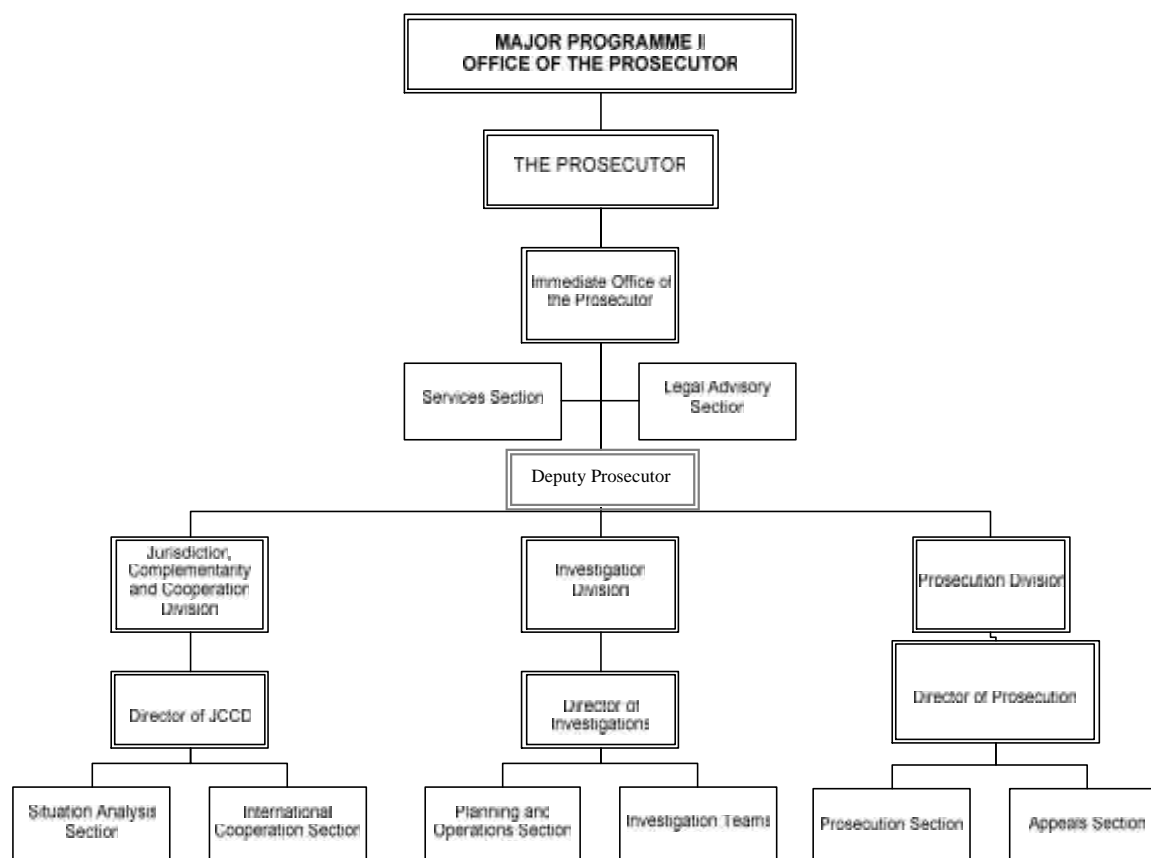


## B. Major Programme II: Office of the Prosecutor



### Introduction

122. In this budget proposal, the Office of the Prosecutor (“OTP”, or “the Office”) is seeking an increase in resources to enhance the quality and efficiency of its work. However, it is proposed that this increase be phased in over the next four years, and the proposed programme budget for 2014 has been moderated accordingly. Even with respect to 2014, the increase is phased in to take account of the time actually required to engage new staff.

123. This phased increase in resources is necessary to enable OTP to improve its capacity to conduct high-quality examinations, investigations, and prosecutions. Phasing in resources over a period of several years offers a sensible and more affordable way to enhance OTP capacities.

124. The examination of information on crimes within the jurisdiction of the Court and the conduct of investigations and prosecutions are the OTP’s core responsibilities. The Office has learned from past experiences and is adjusting its plans and methods to meet fresh challenges. To achieve success in future, however, there must be an investment of more resources now.

125. The two key concepts in the OTP Strategic Plan for 2013-15 are “quality” and “efficiency”, as these concepts relate to all of the operations of the Office.

126. Emphasis is put on the initial investment of sufficient resources to develop cases as fully as possible even before engaging the judicial process. The aim is to be as “trial-ready” as possible by the time the OTP comes to the hearing for confirmation of charges. This should allow the Office to move speedily to trial following confirmation, thus reducing delays and costs. Moreover, careful planning and investment of sufficient resources at the outset should ensure that a successful outcome in the eventual trial proceedings is obtained.

127. A phased-in increase of resources has become necessary for the following reasons:

(a) The rotational model on which the OTP has operated, by which limited resources are shifted around from case to case as they are most urgently needed, can no longer be sustained if successful prosecutions are to be achieved;

(b) In order to achieve positive outcomes in trial proceedings, greater resources must be invested at the outset of investigations, so that the Prosecution is as close as possible to being "trial-ready" by the time of confirmation of charges;

(c) The response of the Pre-Trial and Trial Chambers to the cases the Prosecution has presented suggests that they are demanding more of the OTP than it was possible to generate with smaller, more focused investigations employing limited resources;

(d) Even where an investigation is put into "hibernation", on account of the non-execution of an arrest warrant, for example, there is still a need for some level of investigative activity, to maintain contact with witnesses and follow up on leads; and

(e) Information management has become a major undertaking, since a great volume of material from a wide variety of sources must be collected, registered, analyzed, disseminated within the OTP, and disclosed to the defence.

128. Current staffing levels are insufficient to meet all these demands. The rotational model that has been the basis of the OTP's method of operation is overstretched. The OTP was initially set up to support two teams engaged in parallel investigations. Over time these two simultaneous investigations have increased to seven. However, this stepped-up activity was absorbed without any real increase in resources, by reducing the team size per case and by delaying needed investigative activities. Such strategic decisions were justified at the time by the need for the Court to secure results without delay, to respond to the need for the Court's intervention and to respond to the request from States Parties to avoid requests for budget increases in light of the economic constraints facing governments.

129. The OTP's approach still envisages a flexible ability to apply resources where they are most urgently needed, as a function of their best use. However, the OTP has surpassed the limit of its ability to operate on the basis of the rotational model, shifting resources around from one situation to another to meet demands. The efficacy of this operational model is exhausted.

130. The OTP will, of course, continue to seek cost savings and efficiencies in its operations including:

- (a) through close cooperation with the Registry;
- (b) by strengthening information management systems;
- (c) by fulfilling disclosure obligations to the defence and the Chambers with greater efficiency, in order to avoid delays and help the Chambers ensure that pre-trial and trial proceedings are expeditious and fair;
- (d) by implementing lessons learned from past experience;
- (e) through cooperation with the Court's Office of Internal Audit to enhance compliance with rules governing key features of the OTP's operations; and
- (f) by strengthening the capacity of the Joint Teams to become high-performance teams operating to a high level of skill and efficiency.

131. In making a request for increased resources, the OTP does so on the basis of transparency and accountability. Any increase in resources is justified on the basis of a reasonable, common sense assessment of the performance goals the OTP has set. This is in line with the concept of performance-based budgeting that places a premium on achieving results through the application of the governing concepts of quality and efficiency.

132. The capacity of the OTP to perform to a high standard may be enhanced in a number of complementary ways, namely:

- (a) acquisition of sufficient resources;
- (b) recruitment and development of skilled, committed staff;
- (c) staff training to develop excellence and create a cohesive culture;

- (d) effective performance management; and
- (e) creation of a productive work environment.

133. Whilst resources form only one part of the equation, they are the most critical success factor at this stage for the improvement of the quality and efficiency of the work and they constitute therefore the focus of this budget proposal. The other elements impacting on quality and efficiency are addressed in the OTP strategic plan 2013 – 2016. Without increased resources, the OTP cannot achieve the success that it hopes for, and that victims, affected communities, and the international community expect.

134. The proposed budget of the Office of the Prosecutor for 2014 of €35.74 million represents a 26.5 per cent increase over 2013. The requested increase is consistent with what has been pointed out by several independent observers,<sup>44</sup> namely that the Office needs to devote greater time and resources to its investigations from the outset. The capability of the Office to deliver results requires not only an expansion in the number of investigators on a given team, but also investments in specialized units and in expertise and technologies that may contribute to evidentiary collection and preparation of cases for prosecution.

135. The main structural change adopted by the Office - the appointment of the new Deputy Prosecutor - took effect in March 2013. The three Divisions of the OTP, namely Investigation (ID), Jurisdiction Complementarity and Cooperation (JCCD), and Prosecution (PD) now report to the Deputy Prosecutor. This enhances the strategic coordination of the Office. In order to ensure parity of roles and responsibilities, a new D-1 position is foreseen for the Prosecution Division in the 2014 budget. The Director will have strategic and operational responsibilities similar to those of his/her equivalent in ID and JCCD. Policies and strategies will only be refined to the extent necessary to increase efficiencies in working practices as in previous years.

136. Year on year, the Office has increased its level of activities, peaking at 18 cases in eight different situations in 2013. The Office achieved this without any increase in the number of staff. While this approach had its benefits in terms of overall cost, the drawbacks to limiting staff numbers have recently appeared to be substantial in terms of the difficulty in reaching the necessary evidentiary depth in all the concurrent cases managed by the OTP.

137. The Office has therefore decided to focus more intensively on fewer cases. Thus, the number of active investigations foreseen in the assumptions for the 2014 proposed programme budget is reduced from seven to five. More resources<sup>45</sup> are now to be allocated to the specific teams for these five investigations.

138. The Office will deploy resources for the preparation and execution of trials, including the required investigative activities. It will retain limited capacity for completed cases, to cover appeals and/or implementation of an adequate exit strategy for the witnesses concerned. And finally it also deploys resources to cover an increasing need for Art. 70 investigations.

139. The other investigations will be put or left in hibernation, with limited resource capability being assigned to perform the necessary activities to preserve evidence and leads and to contact and protect witnesses. The goal is to ensure that the cases in question are always kept updated, so that they can be swiftly resumed if necessary, and dedicated teams can restart operations effectively.

<sup>44</sup> In addition to the recommendations included in the inter-organ review performed by Pricewaterhouse Coopers, the Office has received similar comments and advices from other independent sources/parties it has engaged discussion with regarding staffing needs for effective operations (e.g.: Meeting organized by the Open Society Foundation in Amsterdam in June, 2013).

<sup>45</sup> A detailed capacity planning exercise has been performed in the OTP. Based on the activities that must be performed to achieve the expected investigative results, a dedicated joint team has been estimated to require 16 investigators and analysts, 7.5 lawyers and one international cooperation adviser (all figures in FTE). This level of resources is still lower than that implemented by similar institutions (e.g.: ICTY deployed between 20 and 30 investigators – excluding lawyers and other supporting functions - per case; in many national judicial systems, more than 35 investigators can be allocated to a single criminal case). In terms of resource-intensity, the investigative phase is the one that absorb the highest number of resources, with the greatest contribution coming from ID, as one would expect. Once the case enters the trial phase, PD allocates more resources, while ID significantly reduces its involvement. In total, however, the trial phase requires fewer resources than the investigative one. Finally, hibernation is the least demanding status in terms of OTP resources.

140. The number of preliminary examinations foreseen in the proposed budget assumptions is eight. Preliminary examinations are an extremely useful way the Court and the OTP in particular has to prevent the commission of crimes or the continuation of such crimes through direct interaction with local affected States. Preliminary examinations are critical for deciding on and laying the ground for new investigations. In addition, they have a preventive impact and can serve to foster domestic complementarity efforts.

141. The Jurisdiction Complementarity and Cooperation Division (JCCD) has kept its staff substantially at the very same level it had when the Court was established. The number of examinations performed in any given year, however, has increased from three to eight. This has caused the Office to adopt a sub-optimal “stop-go” approach. Since it is impossible to conduct all the examinations simultaneously, situations have been analyzed by one analyst for a period and then put in a dormant state - where only the absolutely necessary tasks are performed - to allow the same staff to work on another situation.

142. This approach risks limiting the preventive impact that preliminary examinations can have in ongoing conflicts or crisis situations. Effective complementarity in large part depends on the capability of the Office to devote continuous attention for domestic investigation and prosecution. JCCD’s activities in this respect are also a cost effective way of dealing with (and avoiding) potential future investigations that imply much higher costs. Strengthening this area can thus be seen as an investment with tangible pay-off.

143. The number of established posts in the Office remains unchanged in 2014, with the exception of the new post of Director of Prosecution. All the additional capacity to fulfill the needs of the Office will have to be provided by GTA. This GTA capacity will give the Office the operational strength and flexibility it requires to undertake the foreseen investigations and support trial preparations and activities for the cases in Kenya, Darfur and Côte d’Ivoire, as well as the ongoing litigation and appeals in the DRC and Central African Republic cases. In addition, the Office continues to preserve the evidence and galvanize efforts for arrest in residual cases where arrest warrants have not been executed.

144. The Office bases its activities and strategy on five essential principles:

- (a) High-quality investigations and prosecutions;
- (b) A positive approach to complementarity;
- (c) Taking into account the interests of victims;
- (d) Maximizing the preventive impact, in particular through successful prosecution; and
- (e) Predictability and transparency through its policies and standards.

145. In this respect, the annual budget is maintained at a cost-effective level resulting from a policy of effective investigations and prosecutions under the Statute that seek to maximize the Court’s preventive impact by concentrating efforts on those who bear the greatest responsibility, as well as by encouraging national proceedings against lower-level perpetrators. In Uganda, the Office has cooperated and shared information with the national prosecutor in the investigation and prosecution of a lower-level LRA perpetrator. The office has also worked in close cooperation and coordination with the judicial authorities of the DRC, Rwanda, France and Germany in its investigation into the FDLR in the Kivus region of the DRC and has benefited from further assistance from the Norway and Netherlands War Crimes Units. Additionally, the Office has shared expertise, contributed to training and provided assistance to the DRC judicial authorities in charge of investigating crimes under the Court’s jurisdiction alleged to have been committed in North Kivu.

146. Building and maintaining support networks for cooperation with States, inter-governmental and non-governmental entities is another key aspect of the Office’s activities, as it seeks to enhance cooperation by urging States to streamline national internal processes for handling requests for cooperation. Such enhanced cooperation greatly facilitates the Office’s work and reduces costs.

147. Integration and increased standardization of the Office has been achieved through the Office Operations Manual, which has codified all aspects of the Office’s working

methods and procedures. The Manual is constantly updated to incorporate best practices and the experience acquired through lessons learned exercises.

**Table 18: Changes in OTP budget and staff allocation per situation**

<i>Budget in euros (# cases)</i>	<i>Operational Support</i>	<i>Uganda</i>	<i>DRC</i>	<i>Darfur</i>	<i>CAR</i>	<i>Kenya</i>	<i>Libya</i>	<i>Côte d'Ivoire</i>	<i>Mali</i>
2009 approved	5,012,700 (9 cases)	898,900 (1 case)	6,124,300 (4 cases)	4,590,500 (3 cases)	4,206,300 (1 case)	N/A	N/A	N/A	N/A
2010 approved	5,539,200 (11 cases)	903,800 (1 case)	6,655,400 (5-6 cases)	4,121,400 (3 cases)	4,794,700 (1-2 cases)	N/A	N/A	N/A	N/A
2011 approved	6,245,900 (13 cases)	341,800 (1 case)	5,510,800 (5 cases)	2,288,200 (4 cases)	2,122,300 (1 case)	5,026,900 (2 cases)	Contingency Fund <sup>46</sup> 2,225,800 (2 cases)	N/A	N/A
2012 approved	5,101,400 (17 cases)	106,500 (1 case)	5,643,900 (6 cases)	2,300,000 (4 cases)	1,444,500 (1 case)	5,044,500 (2 cases)	1,523,900 (2 cases)	Supp. Budget 1,524,000 (1 case)	N/A
2013 approved	7,614,500 (18 cases)	158,400 (1 case)	4,280,400 (6 cases)	1,550,900 (4 cases)	1,620,300 (1 case)	3,855,200 (2 cases)	1,455,000 (2 cases)	2,880,700 (2 cases)	N/A
2014 proposed	8,825,600 (18 cases)	198,400 (1 case)	4,232,100 (5 cases)	1,076,600 (3 cases)	262,400 (1 case)	2,181,100 (2 cases)	361,100 (2 cases)	5,987,100 (2 cases)	4,821,400 (2 cases)

<sup>46</sup> Contingency Fund request for Libya situation resources for period May to December 2011.

**Table 19: Major Programme II: Proposed budget for 2014**

Programme II Office of the Prosecutor	Expenditure 2012 (thousands of euro)					Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						3,664.9	12,677.8	16,342.7	4,159.8	12,533.0	16,692.8	350.1	2.1
General Service staff						1,179.3	2,852.2	4,031.5	1,071.2	2,955.2	4,026.4	-5.1	-0.1
<i>Subtotal staff</i>	<i>4,792.5</i>	<i>14,262.1</i>	<i>19,054.6</i>		<i>19,054.6</i>	<i>4,844.2</i>	<i>15,530.0</i>	<i>20,374.2</i>	<i>5,231.0</i>	<i>15,488.2</i>	<i>20,719.2</i>	<i>345.0</i>	<i>1.7</i>
General temporary assistance	401.5	5,357.7	5,759.2		5,759.2	38.8	5,111.2	5,150.0	93.5	11,702.3	11,795.8	6,645.8	129.0
Temporary assistance for meetings													
Overtime													
Consultants		17.0	17.0		17.0		81.0	81.0		86.9	86.9	5.9	7.3
<i>Subtotal other staff</i>	<i>401.5</i>	<i>5,374.7</i>	<i>5,776.2</i>		<i>5,776.2</i>	<i>38.8</i>	<i>5,192.2</i>	<i>5,231.0</i>	<i>93.5</i>	<i>11,789.2</i>	<i>11,882.7</i>	<i>6,651.7</i>	<i>127.2</i>
Travel	159.9	1,768.5	1,928.4		1,928.4	187.0	1,697.1	1,884.1	278.9	1,960.2	2,239.1	355.0	18.8
Hospitality	4.5		4.5		4.5	5.0		5.0	8.0		8.0	3.0	60.0
Contractual services	9.1	194.3	203.4		203.4	25.0	327.5	352.5	25.0	347.5	372.5	20.0	5.7
Training	20.6	19.8	40.4		40.4	23.9	32.0	55.9	35.0	65.0	100.0	44.1	78.9
General operating expenses		376.8	376.8		376.8		285.0	285.0		315.0	315.0	30.0	10.5
Supplies and materials	4.3	13.4	17.7		17.7	38.0	10.0	48.0	38.0	20.0	58.0	10.0	20.8
Furniture and equipment		31.7	31.7		31.7		30.0	30.0		50.0	50.0	20.0	66.7
<i>Subtotal non-staff</i>	<i>198.4</i>	<i>2,404.5</i>	<i>2,602.9</i>		<i>2,602.9</i>	<i>278.9</i>	<i>2,381.6</i>	<i>2,660.5</i>	<i>384.9</i>	<i>2,757.7</i>	<i>3,142.6</i>	<i>482.1</i>	<i>18.1</i>
<b>Total</b>	<b>5,392.4</b>	<b>22,041.3</b>	<b>27,433.7</b>		<b>27,433.7</b>	<b>5,161.9</b>	<b>23,103.8</b>	<b>28,265.7</b>	<b>5,709.4</b>	<b>30,035.1</b>	<b>35,744.5</b>	<b>7,478.8</b>	<b>26.5</b>
Distributed maintenance	145.2	680.1	825.3		825.3	133.5	656.3	789.8	220.5	188.4	408.9	-380.9	-48.2

**Table 20: Major Programme II: Proposed staffing for 2014**

Office of the Prosecutor											Total P-staff and above			Total GS-staff	Total staff
		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1		GS-PL	GS-OL		
Existing	Basic	1	2		2	6	8	4	6	2	31	1	15	16	47
	Situation-related					6	21	40	41	14	122		48	48	170
	<i>Subtotal</i>	<i>1</i>	<i>2</i>		<i>2</i>	<i>12</i>	<i>29</i>	<i>44</i>	<i>47</i>	<i>16</i>	<i>153</i>	<i>1</i>	<i>63</i>	<i>64</i>	<i>217</i>
New	Basic				1						1				1
	Situation-related														
	<i>Subtotal</i>				<i>1</i>						<i>1</i>				<i>1</i>
Redeployed/ Returned	Basic		-1				1								
	Situation-related						-1				-1				-1
	<i>Subtotal</i>		<i>-1</i>								<i>-1</i>				<i>-1</i>
<b>Total</b>		<b>1</b>	<b>1</b>		<b>3</b>	<b>12</b>	<b>29</b>	<b>44</b>	<b>47</b>	<b>16</b>	<b>153</b>	<b>1</b>	<b>63</b>	<b>64</b>	<b>217</b>

## 1. Programme 2100: The Prosecutor

### Introduction

148. The programme of the Prosecutor comprises the Immediate Office, the Legal Advisory Section (LAS) (Sub-programme 2110) and the Services Section (Sub-programme 2120), which all assist the Prosecutor with the coordination of, and provision of services to, the operational divisions and Joint Teams. It is here that the policies of the Office are evaluated and consolidated. The Executive Committee (regulation 4.2 of the Regulations of the Office of the Prosecutor) advises the Prosecutor on strategic aspects of all operations and activities of the Office, and the Immediate Office acts as its secretariat.

149. Through the Executive Committee, the Prosecutor directs the major activities for achieving the objectives of the prosecutorial strategy with a minimum of resources and maximum accountability.

150. In this regard, the Immediate Office of the Prosecutor coordinates internal and inter-organ activities, ensuring a well-qualified and motivated staff through its human resources capability, as well as effective information sharing through its Public Information Unit.

151. The Legal Advisory Section responds to requests for legal advice from the Prosecutor and all operational divisions. The section's activities are instrumental in achieving the results of Objective 1. The Legal Advisory Section plays an important facilitating role in the establishment of the standards of the Office. It maintains on-line legal tools, commentaries and database for the Office. It coordinates the work of the roster of external legal experts and the academic module of the ICC-OTP extranet. The Legal Advisory Section is also responsible for the ongoing review of the regulatory framework of the Office. Any necessary amendments/revisions are implemented. LAS has the function of coordinating compliance in order to maintain quality control.

152. The Services Section provides high-quality and timely OTP-specific administrative, linguistic and technical services by adopting a flexible approach and by interfacing with the Registry to coordinate seamless common services, in a continuum of activities that is aimed at meeting clients' needs with minimum resources. The section's activities are instrumental in achieving Objective 2 results.

### Objectives

153. The quality and efficiency of the OTP core activities are guaranteed through: a) the standards in the OTP Operations Manual, b) carefully planned and controlled implementation, including greater emphasis on quality control, and c) continuous improvement through lessons learned.

154. The Office goals contained in the OTP Strategic Plan are linked to the Court's broader strategic objectives. In particular, for Sub-programme 2100:

1. Conduct and implement an in-depth, "lessons-learned" review of judicial processes, focusing first on procedures in pre-trial and trial preparation and hearing stages, subsequently on conclusion of trials and appeals, consulting States Parties, parties/participants and other stakeholders as appropriate (SO 1.1.1);
2. Re-examine and adapt the structure, staffing and resources of the Court in the light of practical experience, promoting efficiency and effectiveness while ensuring the capacity to deliver the Court's mandates (SO 2.1.1);
3. Effective resource management and identification and implementation of possible further efficiency measures (SO 2.1.2);
4. Ensure high standards in recruitment (SO 2.2.1); and
5. Ensure compliance with the Court's Code of Conduct for Staff (SO 2.2.2).

**Table 21: Expected results, performance indicators and target for 2014**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2014</i>
<b>Objective 1.1.1</b>		
<b>Objective 2.2.2</b>		
<b>OTP Strategic Goal 6</b>		
Ensure good governance and transparency:		
– Provision of legal advice, including, with regard to disciplinary matters, development of the OTP's internal regulatory framework;	Level of satisfaction of OTP clients with legal advice;	100% accuracy and satisfaction.
– Develop strategic policies;	Number of policies created;	At least 3.
– Update Operational Manual;	Percentage of annual updates;	>70%.
– Lessons learned concept institutionalized and percentage of lessons implemented Finalize the OTP Code of Conduct for Staff and ensure its alignment with the Court's Code of Conduct; and	Percentage of annual action points implemented;	At least 90%.
	Actual proportion of improvements/developments implemented;	>90%.
– Ensure Staff are informed about and are compliant with the Code of Conduct.	Percentage of staff informed about the Code; and	100%.
	Number of non –compliance issues.	Zero.
		OTP Compliance Framework defined and put into practice.
<b>Objective 2.1.1</b>		
<b>OTP Strategic Goal 5.3</b>		
Maintain a professional office with specific attention to performance management and measurement:		
– Enhance coordination with other Court's organs and streamline inter-organ processes;		
– Review internal processes to streamline work-flow and increase efficiency;	Resource savings; and	2% of previous cost of the process involved.
– OTP internal structure reviewed in order to increase its effectiveness and efficiency;	Percentage of errors and time lag.	Error rate <5%.
– Outcome measurements reviewed;		
– Overall performance measurement framework reviewed;		
– Link OTP strategy-budget-indicators established;		
– Workload and resource measurement reviewed; and		
– Risk management system formalized.		
<b>Objective 2.2.1</b>		
<b>OTP Strategic Goal 5.2</b>		
Maintain a professional office with a specific attention to staff quality and motivation:		
– Implement training programme for competency based interviews;	Number of staff trained;	At least 50%.
– Create and update a roster of qualified candidates for roles in the OTP;	Percentage of roles for which a list of candidates is available; and	>50% (to be increased year on year).
– In liaison with HR, delivery of the annual OTP training plan for staff;	Proportion of annual training plan implemented.	At least 70%.
– Recruitment and selection standards reviewed;		
– Career and development policy defined; and		
– Key working climate issues within OTP's control addressed.		



**Table 22: Programme 2100: Proposed budget for 2014 (comprises combined figures for Sub-programmes 2110 and 2120)**

2100 The Prosecutor	Expenditure 2012 (thousands of euro)					Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						2,088.1	448.3	2,536.4	2,239.4	450.1	2,689.5	153.1	6.0
General Service staff						727.1	646.0	1,373.1	675.8	724.9	1,400.7	27.6	2.0
<i>Subtotal staff</i>	<i>2,587.9</i>	<i>1,121.2</i>	<i>3,709.1</i>		<i>3,709.1</i>	<i>2,815.2</i>	<i>1,094.3</i>	<i>3,909.5</i>	<i>2,915.2</i>	<i>1,175.0</i>	<i>4,090.2</i>	<i>180.7</i>	<i>4.6</i>
General temporary assistance	304.4	1,671.3	1,975.7		1,975.7	38.8	2,090.1	2,128.9	93.5	2,405.3	2,498.8	369.9	17.4
Temporary assistance for meetings													
Overtime													
Consultants		17.0	17.0		17.0		81.0	81.0		86.9	86.9	5.9	7.3
<i>Subtotal other staff</i>	<i>304.4</i>	<i>1,688.3</i>	<i>1,992.7</i>		<i>1,992.7</i>	<i>38.8</i>	<i>2,171.1</i>	<i>2,209.9</i>	<i>93.5</i>	<i>2,492.2</i>	<i>2,585.7</i>	<i>375.8</i>	<i>17.0</i>
Travel	79.2	223.5	302.7		302.7	63.5	349.3	412.8	119.6	358.2	477.8	65.0	15.7
Hospitality	4.5		4.5		4.5	5.0		5.0	8.0		8.0	3.0	60.0
Contractual services including training	9.1	121.0	130.1		130.1	25.0	217.5	242.5	25.0	237.5	262.5	20.0	8.2
Training	20.6	19.8	40.4		40.4	23.9	32.0	55.9	35.0	65.0	100.0	44.1	78.9
General operating expenses		0.1	0.1		0.1		10.0	10.0		30.0	30.0	20.0	200.0
Supplies and materials	4.3	13.4	17.7		17.7	38.0	10.0	48.0	38.0	20.0	58.0	10.0	20.8
Furniture and equipment		27.0	27.0		27.0		30.0	30.0		50.0	50.0	20.0	66.7
<i>Subtotal non-staff</i>	<i>117.7</i>	<i>404.8</i>	<i>522.5</i>		<i>522.5</i>	<i>155.4</i>	<i>648.8</i>	<i>804.2</i>	<i>225.6</i>	<i>760.7</i>	<i>986.3</i>	<i>182.1</i>	<i>22.6</i>
<b>Total</b>	<b>3,010.0</b>	<b>3,214.3</b>	<b>6,224.3</b>		<b>6,224.3</b>	<b>3,009.4</b>	<b>3,914.2</b>	<b>6,923.6</b>	<b>3,234.3</b>	<b>4,427.9</b>	<b>7,662.2</b>	<b>738.6</b>	<b>10.7</b>
Distributed maintenance	87.7	64.0	151.8		151.8	80.7	61.8	142.4	133.2	17.8	151.0	8.6	6.0

**Table 23: Programme 2100: Proposed staffing for 2014**

The Prosecutor		Total P-staff and above										Total GS staff		Total staff	
		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	GS-PL	GS-OL			
Existing	Basic	1				2	5	3	5	2	18	1	9	10	28
	Situation-related							1	2	2	5		11	11	16
	Subtotal	1				2	5	4	7	4	23	1	20	21	44
New	Basic														
	Situation-related														
	Subtotal														
Redeployed/ Returned	Basic						1				1				1
	Situation-related														
	Subtotal						1				1				1
Total		1				2	6	4	7	4	24	1	20	21	45

(a) **Sub-programme 2110: Immediate Office of the Prosecutor - Legal Advisory Section****Staff resources**

155. The Office of the Prosecutor needs its own Public Information Unit (PIU) to address issues across all situations and cases. This includes explaining OTP strategies and policies in preliminary examinations, situation and case selection, explaining and providing updates on investigative activities and defending OTP positions and interests. These functions cannot be performed by the Registry, which has to maintain neutrality between prosecution and defence.

156. The unit is responsible for drafting action plans based on the overall public information strategic approach, including developing media strategies from the preliminary examination phase of a situation through to trial and beyond.

157. The PIU is responsible for delivering timely and accurate information to the public at large and target audiences, through various channels of communication, on Office of the Prosecutor positions. In order to do so, it develops and implements structures to ensure publicity of relevant OTP activities for national and international audiences.

158. Given the independence of the Prosecutor, the OTP's messages concerning investigation of cases before the Court may differ from messages issued by the Registry, both in terms of timing and content.

159. In light of the actual workload performed by the unit,<sup>47</sup> the reintegration into the Public Information Unit of the P-2 Public Information Officer who was transferred to PIDS in 2013 is requested.<sup>48</sup> The Office is mindful of the forthcoming inter-organ review of the Court's structure by PricewaterhouseCoopers. Therefore, the Office will come back to this point and discuss it with the Committee during the September 2013 session, and, if necessary, provide a corrigendum to this proposed budget to incorporate any necessary change in the staffing requests for the Unit.

*General temporary assistance*

160. Funds are requested as in previous years for twelve months of GTA at P-2 level to support ad hoc projects or anticipated peaks in workload in relation to the legal advisory capacity of the Office; this capacity remains essential to ensure full implementation and necessary review of the OTP Operations Manual.

161. As proceedings increasingly rely on electronic documents and correspondence, the Office's information environment is growing increasingly complex. The proper regulations and legal requirements regarding in particular electronic file management, information processing, evidence management and disclosure are a very sensitive and important feature of OTP activities, and require a full-time resource dedicated to the coordination of the work-flow. Due to the nature of the specific tasks that are performed during the process, different units are engaged in the phases of such process. The cross-divisional nature of the work-flow calls for a strong coordination of these tasks.<sup>49</sup>

162. Funds are accordingly requested for an *Information Management Coordinator at P-5 level*. In consideration of the time-lag necessary to bring new resources on board, the funds for this resource have been budgeted for six months. However, the importance of such a competence within the Office calls for this role to be covered as soon as possible. The incumbent must understand the work product, the work processes and the workers across the entire Office. Initially, he/she will re-design the process of evidence registration and exploitation, as well as of disclosure. With the assistance and expertise of the Knowledge Base Unit ("KBU") and the Information and Evidence Unit ("IEU"), he/she will evaluate the appropriate systems to implement and make a proposal to ExCom for an appropriate future solution.

163. Once a solution has been devised and approved, the Coordinator will:

<sup>47</sup> *Report of the Court on Public Information and Outreach Activities*, CBF/20/20, 13 April 2013.

<sup>48</sup> ICC-ASP/11/15, paragraph 147.

<sup>49</sup> See *Consultancy on ICC Organizational Structure; Report on the intra-Organ review of the Office of the Prosecutor*, PricewaterhouseCoopers, June 2013.

- (a) Supervise the planning and organization of the evidence review and disclosure process by each joint/trial team;
- (b) Ensure compliance and quality control with the standards in relation to registration, review and disclosure of evidence by each joint/trial team; and
- (c) Report to ExCom in relation to performance and risks in relation to handling of evidence.

164. The incumbent will also play a vital role in ensuring the quality improvement of evidence handling including disclosure through lessons-learned and external reviews of suitable new technology. In addition, he/she will contribute to the development and implementation of an information management strategy within the Office.

#### *Overtime*

165. The OTP has removed any provision for overtime. Since the OTP does not use shift work and has managed to compensate the significant majority of necessary overtime through compensatory time off, the Office is of the view that any legitimate claims for paid overtime, which have been insignificant in the past, can be absorbed within the available staffing budget.

#### *Consultancy*

166. In 2014, the Office will continue to engage situation-related expert advisers and expert witnesses in support of investigations and trials. However, in an effort to reduce this budget line, such hirings will be strictly limited, and as far as possible recourse will be had to pro bono consultants for advisory functions. The increased amount of €86,900 equates to 6.8 work-months at P-5 level, although the actual level of the consultants will be determined on the basis of the work required and respective consultants' experience. This allocation is foreseen for case developments in Mali, Côte d'Ivoire, Central African Republic, Libya and Kenya. The budget remains centralized in the Immediate Office to ensure coordination across the operational divisions.

167. In accordance with article 42(9) of the Rome Statute, the Prosecutor continues the appointment of external legal advisers on gender crimes and other issues. As these persons contribute their services on a pro bono consultancy basis, their appointment entails no increase in the resources requested.

### **Non-staff resources**

#### *Travel*

168. In order to raise support and enhance cooperation, at the highest levels, for the Office's investigations and the arrest and prosecution of individuals sought by the Court, as well as to contribute to maximizing the impact of the Rome Statute, it is necessary for the Prosecutor to travel. The travel budget also includes missions for representatives of the Public Information Unit, Legal Advisory Section and OTP Human Resources Unit, as well as provision for travel by key stakeholders invited to meet with the Prosecutor who are unable to fund the costs of such travel themselves.

169. The amount of €165.8 thousand requested for travel represents an increase of 21.9 per cent compared to 2013, and concerns a projected 39 missions.

#### *Contractual services*

170. An amount of €50,000 is requested to support the public information costs of independent public information missions in the countries of operation. Typical costs incurred relate to radio broadcasts, the rental of appropriate facilities for press conferences and production and distribution costs of informational material.

#### *Training*

171. The training budget remains centralized in the Immediate Office. Training is a vital component of the strategy to create a common and cohesive working culture within

the OTP. It has been increased to take into account the need to provide adequate training to the additional staff, as well as to enhance the skills of those already on board. At €100,000 this represents only 0.2 per cent of staff costs, substantially lower than typical organizational ratios, which are in the region of 0.5 per cent. The funds will be utilized to deliver a training schedule in accordance with OTP specific training priorities related primarily to investigations, litigation, appeal, complementarity and cooperation. The Office will, where possible, work with other organizations and national authorities to ensure maximum cost effectiveness, for example sharing annual advocacy and appellate training costs with the ad hoc tribunals. In addition, the OTP is working on common projects with the Registry designed to fully exploit the opportunities offered while keeping the costs at a minimum.

**Table 24: Sub-programme 2110: Proposed budget for 2014**

2110 Immediate Office of the Prosecutor	Expenditure 2012 (thousands of euro)					Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						957.6		957.6	1,094.2		1,094.2	136.6	14.3
General Service staff						339.5		339.5	346.3		346.3	6.8	2.0
<i>Subtotal staff</i>	<i>1,340.7</i>		<i>1,340.7</i>		<i>1,340.7</i>	<i>1,297.1</i>		<i>1,297.1</i>	<i>1,440.5</i>		<i>1,440.5</i>	<i>143.4</i>	<i>11.1</i>
General temporary assistance	268.7	3.4	272.1		272.1	38.8		38.8	93.5	82.9	176.4	137.6	354.6
Temporary assistance for meetings													
Overtime													
Consultants		17.0	17.0		17.0		81.0	81.0		86.9	86.9	5.9	7.3
<i>Subtotal other staff</i>	<i>268.7</i>	<i>20.4</i>	<i>289.1</i>		<i>289.1</i>	<i>38.8</i>	<i>81.0</i>	<i>119.8</i>	<i>93.5</i>	<i>169.8</i>	<i>263.3</i>	<i>143.5</i>	<i>119.8</i>
Travel	73.5	65.9	139.4		139.4	41.1	94.9	136.0	81.2	84.6	165.8	29.8	21.9
Hospitality	4.5		4.5		4.5	5.0		5.0	8.0		8.0	3.0	60.0
Contractual services	1.4		1.4		1.4		30.0	30.0		50.0	50.0	20.0	66.7
Training	19.9	19.8	39.7		39.7	23.9	32.0	55.9	35.0	65.0	100.0	44.1	78.9
General operating expenses													
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>99.3</i>	<i>85.7</i>	<i>185.0</i>		<i>185.0</i>	<i>70.0</i>	<i>156.9</i>	<i>226.9</i>	<i>124.2</i>	<i>199.6</i>	<i>323.8</i>	<i>96.9</i>	<i>42.7</i>
<b>Total</b>	<b>1,708.7</b>	<b>106.1</b>	<b>1,814.8</b>		<b>1,814.8</b>	<b>1,405.9</b>	<b>237.9</b>	<b>1,643.8</b>	<b>1,658.2</b>	<b>369.4</b>	<b>2,027.6</b>	<b>383.8</b>	<b>23.3</b>
Distributed maintenance	42.4		42.4		42.4	38.9		38.9	64.3		64.3	25.4	65.3

**Table 25: Sub-programme 2110: Proposed staffing for 2014**

Immediate Office of the Prosecutor / Legal Advisory Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic	1				1	1	1	3	1	8	1	4	5	13
	Situation-related														
	<i>Subtotal</i>	<i>1</i>				<i>1</i>	<i>1</i>	<i>1</i>	<i>3</i>	<i>1</i>	<i>8</i>	<i>1</i>	<i>4</i>	<i>5</i>	<i>13</i>
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic						1				1				1
	Situation-related														
	<i>Subtotal</i>						<i>1</i>				<i>1</i>				<i>1</i>
<b>Total</b>		<b>1</b>				<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>14</b>

**(b) Sub-programme 2120: Services Section****Introduction**

172. The Services Section comprises four separate units, overseen by the Senior Manager (P-5), namely:

- (a) General Administration Unit;
- (b) Information and Evidence Unit;
- (c) Knowledge Base Unit; and
- (d) Language Services Unit.

173. The Services Section is responsible for providing the operational divisions with the necessary support services to fulfill their mandate and assumptions. It prepares detailed estimates of the financial impact of the activities performed by the Office, and ensures effective monitoring and control over the use of resources. The section also acts as an interface with the Registry in managing effectively requests for services arising from the OTP's operational needs and coordinating matters from the OTP side on Court-wide initiatives and projects.

**Staff resources***General temporary assistance*

174. The Services Section continues to require GTA resources for translation, revision, field interpretation and a wide range of other services in immediate support of the Office's activities. The extension of current resources is also required for knowledge-base support in respect of case management and disclosure.

175. The increase in resources needed to strengthen the Joint Teams leads to larger volumes of transactions and activities that must be carried out and processed by the General Administration Unit. Thus, six months of a GS-OL level staff member in the capacity of General Administration and Financial Assistant are requested.

176. For the Language Services Unit (LSU), the GTA requirement remains necessary in order to service the multiple ethnic languages encountered in the situations under investigation as well as to provide working-language services to the operational divisions. Translation, revision, document summarizing, editing, field interpretation and phone interpretation are amongst the principal services supported by LSU staff at HQ, although a range of other close support services, including article 15, language identification and redaction support services, are also supplied. Provision is made for 17.5 FTE in flexible GTA work-months. This represents a minimal increase of 0.5 FTE over 2013.

177. As part of the GTA FTE provision, one Kinyarwanda/Swahili Translator post is requested. In order to accurately reflect the functions and responsibilities of the position and in light of the continuing criticality of these languages in the ongoing investigations and proceedings (especially the DRC and Kenya situations) and the need to provide quality translations of the evidence collected so as to ensure that OTP investigations and prosecutions are based on reliably translated facts, this post is requested at P-4 level. The current P-3 Translator position is no longer required.

178. In addition, one P-4 GTA Arabic Reviser is requested for six months. As well as being an official language of the Court, Arabic is a key language in three of the situations before the Court (Darfur, Libya, and Mali). In order to face the increasing workload in the Arabic area and to handle the broad sweep of Arabic dialects represented, LSU must be able to draw on the requisite expertise and experience in order to meet the challenges that translating often poorly legible evidence from this diverse range of dialects into English necessarily entails, whilst again ensuring the requisite quality to support the investigation and prosecution processes.

179. As with previous years, LSU continues to budget with a high degree of flexibility. This implies managing the foreseen internal shortfall in resources - this year estimated at 1.79 FTE (compared to 1.57 in 2013) - by carefully prioritizing its workload and through outsourcing, whilst remaining a mindful of confidentiality.

**Table 26: Functional distribution of translators (GTA and existing posts) and resultant translation capacity based on anticipated 2014 workloads**

	FTE distribution						Capacity vs demand			
		Translation/ Field Interpreta- tion	Reviewing/ Proof- reading (e.g. external transla- tions)	Docu- ment Summari- zing/Sight translation	Field Interpreta- tion	Telephone Interpreta- tion	Total FTE	Anticipated Translation Volume (pgs)	Translation Capacity 2014 (pgs)	Exces/ Shortfall (pgs)
Language	Translation	Coordination								
English + French	3.85	1.3	0.8	0.05			6	3,846	2,965	-881.5
DRC languages	4.1	0.05	0.5	0.15	0.15	0.05	5	3,964	3,157	-807.0
KEN languages	0.75	0.5	0.65	0.2	0.1	0.05	2.25	476	578	101.5
CAR languages	0.15		0.05	0.05			0.25	40	116	75.5
CIV languages	0.75		0.4	0.2	0.1	0.05	1.5	486	578	91.5
DAR / LBY/MLI languages	4.4	0.05	0.7	0.2	0.1	0.05	5.5	3,348	3,388	40.0
Total FTE	14	1.9	3.1	0.85	0.45	0.2	20.5	12,160	10,780	-1,380.0

Include 3 FTE established positions.

180. In addition to the above, the Office requests 38 work-months at GS-OL level (equivalent to 3.17 FTE) to provide for freelance field interpretation services for those investigation missions requiring language support. Freelance field interpreters are contracted as individual contractors after recruitment, accreditation and inclusion in the field interpretation roster jointly overseen by LSU and the Registry's language service for each of the situations.

181. With the extent and sensitivity of investigations and cases, and the increased use of OTP information systems, the demand for information management services is increasing. Many critical developments for the management of information will have to be dealt with in 2014. In the light of the additional needs, the foreseen workload in assistance to investigations and trials cannot be met by the two established P-1 Database Coordinator posts. An effective ratio of investigations and trials to Database Coordinators would be two to one. Mindful of the phased approach the Office is taking in increasing its resources, in the 2014 proposed programme budget the Knowledge Base Unit is requesting that the third P-1 Database Coordinator, who has been on a GTA contract since January 2011, remain for 12 months. The unit will again seek to absorb the additional workload that would otherwise necessitate a fourth post.

182. As the Office of the Prosecutor increasingly devotes more resources from the outset of investigations to gathering the necessary witness statements, forensic material, and documentary evidence, attention must be given to the capacity to contribute to evidentiary collection, archiving and enrichment with metadata through the specialized services units. Year-on-year, the amount of evidence registered increases as a result of enhanced investigation techniques, the availability of more open-source material and the volume of IT forensic evidence available.<sup>50</sup> To this end, six months of a GS-OL level resource in the capacity of Evidence Assistant in the Information and Evidence Unit are requested.

183. The increased volumes and complexity of electronic evidence that are being collected by the investigation teams have led the OTP to assign this area a high priority. Adequate equipment, software and specific training have been acquired and continue to be sought. This new and promising area for the OTP's operations also requires skilled staff in all the phases of the process of identification, selection, acquisition and storage of evidence.

<sup>50</sup>The number of documents registered, across all situations, rose from 25,642 in 2011 to 42,460 in 2012. In 2010 the figure was 18,015.

Six months of P-2 equivalent are thus requested to provide for an Electronic Evidence Coordinator in the IEU in support of the Joint Teams.

### **Non-staff resources**

#### *Travel*

184. The section's basic travel budget provides for eighteen missions for technical, language and administrative staff to participate in professional conferences.

185. The situation-related element of the travel budget shows an increase linked to the activities in support of the Joint Teams. It allows for investigation-related missions for technical support staff of the IEU and field interpreters (local and international), who necessarily support the investigative missions for all cases at pre-trial and trial phases, and further includes a number of missions to situation countries for the assessment and recruitment of field interpreters.

186. KBU's travel budget is comprised of attendance at professional technology conferences relevant to the technologies installed in the OTP or being evaluated for OTP purposes. The conferences of the International Legal Technology Association and LegalTech (USA) are key annual events where experiences with legal technology are presented and shared. Similarly, the Office can learn lessons from other Europe-based organizations where similar needs exist and systems contemplated by the Office are already in operation. Correct implementation of decisions based on experiences of other organizations will save time and money in upgrading or implementing new systems or maximizing gain from existing systems.

187. Thanks to efficiencies gained through the introduction of new equipment for recording witness interviews, IEU technicians no longer travel on mission to support investigators. However, some travel is required when the technical nature of evidence being collected is complex, or where it is more efficient to deploy an evidence technician rather than an investigator. Therefore, some travel has been retained. Additionally, as a provider of services to the rest of the OTP, the IEU needs to attend a small number of legal technology conferences and knowledge exchanges.

188. LSU requests a rise in its travel budget compared to 2013 approved budget, which reflects the increase in investigative missions and thus the concomitant increase in the need for local and international field interpretation support in all phases of investigation and prosecution. In parallel, LSU must conduct a number of missions to recruit and induct new interpreters to replenish the roster and meet fresh needs as new language requirements arise. Additionally, LSU staff need to travel to attend a number of critical language conferences (such as IAMLADP and conferences focusing specifically on situation-related languages). They also need to travel to meet with external language peers and experts to gain and share insight and expertise in order to ensure that the unit's operations are as effective as possible, including in relation to non-standard languages of lesser diffusion.

189. Overall, the travel budget has increased by €35,200 or 12.7 per cent, compared with 2013 approved budget.

#### *Contractual services*

190. Contractual services are required to supplement internal projects. Specific planned activities include: systems integration improvements to allow core systems to automatically exchange information to meet OTP information investigation and analysis needs; secure automatic exchange of evidence information, witness information, factual information gathered from reviews (€45,000); enhancements to automated redaction and disclosure tools to improve process efficiency and security of disclosed information (€30,000); implementation support for system upgrades and new systems introduced by Registry (€13,000).

191. Funds are necessary to outsource translations in support of the Office's in-house translation capacity, where confidentiality constraints allow. Most critically, this is required to deal with peaks in activity due to case-specific time-bound workloads and with documents requiring translation into or out of languages for which no in-house resources

exist. The requested sum of €85,000 to cover all situations remains unchanged from the 2013 approved budget.

192. An amount of €9,500 is also required for the outsourcing of scanning, digitizing and printing of very large evidence items requiring specialized equipment not available or economical to have in-house. This sum will also be used to outsource any large-scale electronic media processing.

*General operating expenses*

193. The amount of €30,000 is intended to offset in part the costs of the projects outlined above and to cover freight and carriage costs associated with OTP-specific procurements.

*Supplies and materials*

194. This includes an amount of €8,000 to maintain annual subscriptions to OTP-specific databases/journals and professional subscriptions (e.g. International Association of Prosecutors), as well as the purchase of key reference books necessary to support the core activities of the Office. The largest portion of this budget line is to purchase media (SD cards, mini-disks, batteries, etc.) for equipment used by investigators: for example, cameras and recording devices.

*Furniture and equipment*

195. A provision of €30,000 is required for the Knowledge Base Unit to ensure OTP-specific software upgrades and new applications software to assist the cases, particularly electronic media extraction and more specifically CaseMap and Analysts' Notebook. This budget line also includes €20,000 for the Information and Evidence Unit in respect of the maintenance, replacement and upgrades of OTP-specific mission equipment (for audio-visual/data collection support to investigations).



**Table 27: Sub-programme 2120: Proposed budget for 2014**

2120 Services Section	Expenditure 2012 (thousands of euro)				Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						1,130.5	448.3	1,578.8	1,145.2	450.1	1,595.3	16.5	1.0
General Service staff						387.6	646.0	1,033.6	329.5	724.9	1,054.4	20.8	2.0
Subtotal staff	1,247.2	1,121.2	2,368.4		2,368.4	1,518.1	1,094.3	2,612.4	1,474.7	1,175.0	2,649.7	37.3	1.4
General temporary assistance	35.7	1,667.9	1,703.6		1,703.6		2,090.1	2,090.1		2,322.4	2,322.4	232.3	11.1
Temporary assistance for meetings													
Overtime													
Consultants													
Subtotal other staff	35.7	1,667.9	1,703.6		1,703.6		2,090.1	2,090.1		2,322.4	2,322.4	232.3	11.1
Travel	5.7	157.6	163.3		163.3	22.4	254.4	276.8	38.4	273.6	312.0	35.2	12.7
Hospitality													
Contractual services	7.7	121.0	128.7		128.7	25.0	187.5	212.5	25.0	187.5	212.5		
Training	0.7		0.7		0.7								
General operating expenses		0.1	0.1		0.1		10.0	10.0		30.0	30.0	20.0	200.0
Supplies and materials	4.3	13.4	17.7		17.7	38.0	10.0	48.0	38.0	20.0	58.0	10.0	20.8
Furniture and equipment		27.0	27.0		27.0		30.0	30.0		50.0	50.0	20.0	66.7
Subtotal non-staff	18.4	319.1	337.5		337.5	85.4	491.9	577.3	101.4	561.1	662.5	85.2	14.8
Total	1,301.3	3,108.2	4,409.5		4,409.5	1,603.5	3,676.3	5,279.8	1,576.1	4,058.5	5,634.6	354.8	6.7
Distributed maintenance	45.4	64.0	109.4		109.4	41.7	61.8	103.5	68.9	17.8	86.7	-16.8	-16.2

**Table 28: Sub-programme 2120: Proposed staffing for 2014**

Services Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic					1	4	2	2	1	10		5	5	15
	Situation-related							1	2	2	5		11	11	16
	<i>Subtotal</i>					<i>1</i>	<i>4</i>	<i>3</i>	<i>4</i>	<i>3</i>	<i>15</i>		<i>16</i>	<i>16</i>	<i>31</i>
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>						<b>1</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>15</b>		<b>16</b>	<b>16</b>	<b>31</b>

## 2. Programme 2200: Jurisdiction, Complementarity and Cooperation Division (JCCD)

### Introduction

196. Cooperation is key to timely investigation and prosecution of cases. Each situation and each case has its own unique cooperation requirements. The division contributes primarily to building and reinforcing the strong and extensive network of support and cooperation with States, international organizations and other stakeholders which is necessary in order for the Office to carry out its judicial mandate effectively. It is also responsible for conducting all preliminary examinations of situations based on State or Security Council referrals and article 15 communications. The division thus leads within the Office on matters of jurisdiction, admissibility, interests of justice and cooperation.

197. The division comprises two sections. The International Cooperation section (ICS) develops and updates cooperation plans for each situation based on the investigation plans; channels and coordinates all requests for judicial assistance; maintains a database of cooperation requests for follow-up; develops and maintains a database of national procedures for facilitating requests; negotiates cooperation agreements as appropriate; develops information-sharing networks; galvanizes support for arrests; and coordinates all matters of diplomatic contacts and external relations. The section is responsible for all cooperation-related support for the joint and trial teams, with cooperation advisers serving as members of the joint and trial team leadership, ensuring implementation of cooperation plans and providing advice and expertise on all aspects of cooperation. The Section also coordinates all aspects of the Office's external relations work, including with The Hague and New York Working Groups and the Assembly.

198. The Situation Analysis Section (SAS) is in charge of all preliminary examinations and provides advice on complex matters of fact and law regarding jurisdiction, admissibility, and assessment of interests of justice, in particular in terms of interests of victims. As explained in the OTP Strategic Plan 2013-2015, although conducting preliminary examinations is one of the three core activities of the Office, together with investigations and prosecutions (article 42), it is the one currently with the least resources. Preliminary examinations are critical for deciding on and laying the ground for new investigations, but they also can have a preventive impact and can serve to foster domestic complementarity efforts, potentially obviating the need for intervention by the Court.

199. In addition, the vital analytical work conducted by SAS feeds into the analysis that is essential to successful investigations, when the Prosecutors decides to open an investigation in a situation.

### Objectives

200. The quality and efficiency of the OTP core activities are guaranteed through: a) the standards in the OTP Operations Manual, b) carefully planned and controlled implementation, including greater emphasis on quality control, and c) continuous improvement through lessons learned.

201. The Office goals contained in the OTP Strategic Plan are linked to the Court's broader strategic objectives. In particular, for Sub-programme 2200:

1. Continue to deliver regular reports enabling the Prosecutor to take informed decisions on situations under preliminary examination (SO 1.2.1);
2. Further enhance positive complementarity through monitoring/assessment of proceedings by the Office of the Prosecutor and through the encouragement of efforts by States and other stakeholders, including NGO's/IOG's (SO 1.2.2);
3. Further increase preventive impact of preliminary examinations through the actions of the Office of the Prosecutor (monitoring, documenting, assessing alleged crimes) (SO 1.2.3);
4. Improve the quality of investigations (SO 1.3.2); and

5. Use all opportunities such as bilateral meetings and public addresses to draw attention to the principle of complementarity and the need to strengthen national jurisdictions (SO 3.6.1).

**Table 29: Expected results, performance indicators and target for 2014**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2014</i>
<b>Objective 1.2.1</b>		
<b>Objective 1.3.2</b>		
<b>OTP Strategic Goal 2.1</b>		
Further improve the quality and efficiency of preliminary examinations.	<ul style="list-style-type: none"> <li>– Number of situations that are affected by a decision; and</li> <li>– Proportion of analytical reports delivered on time and substantiated to the Executive Committee.</li> </ul>	<p>Policy on preliminary examinations issues;</p> <p>Yearly report on status of preliminary examinations; and</p> <p>Reports outlining the basis of decisions taken by the Prosecutor on a situation under preliminary examination.</p>
<b>Objective 1.2.2</b>		
<b>Objective 1.2.3</b>		
<b>OTP Strategic Goal 4</b>		
Enhance cooperation and strengthen the Rome System in supporting the Court as well as national systems' efforts in situations under preliminary examination or investigation.	<ul style="list-style-type: none"> <li>– Developments of national judiciaries and legal frameworks to address crimes.</li> </ul>	<p>Cooperation plans for critical support to investigations successfully implemented;</p> <p>Cooperation models allowing for a faster response to cooperation needs developed with key partners;</p> <p>Law Enforcement Network (LEN) with investigative, prosecutorial and other entities to increase exchange of information, coordination of activities and development of common standards further established; and</p> <p>Genuine national proceedings started in States object of preliminary examinations.</p>
<b>Objective 3.6.1</b>		
Enhance positive complementarity initiatives of States Parties to assist other States Parties.		
<b>OTP Strategic Goal 4</b>		
Enhance cooperation and strengthen the Rome System in supporting the Court as well as national systems' efforts in situations under preliminary examination or investigation.	<ul style="list-style-type: none"> <li>– Number of meetings / conferences / seminars / visits dedicated to drawing attention to the need to strengthen national jurisdictions.</li> </ul>	Six.

## Staff resources

202. There are no new proposals for established posts for this programme. There has been minor modification of the internal organization of the division: the post of Legal Adviser (P-4) in the International Cooperation Section currently provides legal advice to both Sections (ICS and SAS) as well as to JCCD Head. Minor structural modifications will be made to reflect this reality.

### *General temporary assistance*

203. The International Cooperation section will require the existing two Associate International Cooperation Advisers (P-2) to be extended for 12 months each to deal with ongoing analysis and cooperation for investigative missions and with the new activities. The Section will also require three GTA Cooperation Adviser positions (Two at P-3 level for a total of 18 months and one at P-2 level for 12 months) to discharge all required cooperation-related activities in support of the Joint Teams. In the 2013 Contingency Fund request, two posts (One P-3 level International Cooperation Adviser and one P-2 level Associate International Cooperation Adviser) were created to support the Mali 1 and Mali 2 Joint Teams. These two GTA posts will continue to be essential for 2014 (12 months each): they cannot be absorbed by the current FTE resources within the section since all other cooperation advisers are already dedicated and working at full capacity to support other joint and trial teams. Based on the number of cases foreseen in the assumptions, one additional P-3 level International Cooperation Adviser GTA post will be necessary. In light of the recruitment time necessary to hire the staff, this position is requested for six months.

204. The Situation Analysis Section will require six additional GTA positions: two Situation Analysts (P-3 level) for six months each, two Associate Situation Analysts (P-2 level) for six months each, and two Assistant Situation Analysts (P-1 level) for six months each. The existing two Associate Situation Analysts (P-2 level) are also requested to be extended for 12 months each. Since 2007, the number of FTE allocated to SAS – five – has not changed, but the situations under preliminary examination have consistently increased from five in 2007 to a peak of ten in 2011. In 2014, there will be eight situations under preliminary examination. SAS is also responsible for reviewing all article 15 communications (average of 400/year) and of producing phase 1 reports on communications warranting further analysis (average of 20/year). The Office also publishes yearly situation-specific reports for the purpose of enhancing transparency and understanding in line with Court-wide and OTP goals. The P-1 Assistant Situation Analysts will be working on phase 1 reports, crime monitoring and information gathering and management. The P-2 Associate Situation Analysts and the P-3 Situation Analysts will be assigned evenly to phase II situations (currently, Afghanistan, Comoros, Honduras, and Korea) and phase III situations (currently, Nigeria, Colombia, Guinea and Georgia). The Associate Situation Analysts will focus on gathering information on national proceedings, producing legal and contextual memoranda, and liaising with victims' associations and NGOs. The Situation Analysts will be in charge of drafting the article 5, 17, and 53(1) reports and will maintain interaction with national judicial authorities and international partners.

205. Provision is also made for 12 months of GS-OL as a Judicial Cooperation Assistant to support the Judicial Cooperation Adviser. The workload for judicial cooperation continues operating at a high volume, with the number of requests for assistance and notifications sent to States and international organizations standing at 296 for 2012, each requiring internal coordination with the joint team involved as well as often intense follow-up with the competent authorities to ensure execution. This is an extension of an existing resource.

206. An additional twelve months of GS-OL is requested to provide for a second Administration Assistant to support administration, in particular relating to external relations and cooperation. This is an extension of an existing resource.

207. The breakdown of the GTA resources requested is as follows:

- (a) Two International Cooperation Advisers (P-3) for a total of 18 months (1.5 FTE);
- (b) Three Associate International Cooperation Advisers (P-2) for a total of 36 months (three FTE);
- (c) Two Situation Analysts (P-3) for a total of 12 months (one FTE);
- (d) Four Associate Situation Analysts (P-2) for a total of 36 months (three FTE);
- (e) Two Assistant Situation Analysts (P-1) for a total of 12 months (one FTE);
- (f) One Judicial Cooperation Assistant (GS-OL) for a total of 12 months (one FTE); and
- (g) One Administration Assistant (GS-OL) for a total of 12 months (one FTE).

#### **Non-staff resources**

##### *Travel*

208. Overall, the proposed travel budget shows an increase over 2013 of 16.9 per cent. This reflects increases due to missions by the Situations Analysis Section in relation to situations under preliminary examination, including to situation countries and/or information providers. The Division Director will also continue to attend high-level meetings to secure general cooperation from States and international organizations, accompanied where necessary by cooperation advisers. He will also continue to accompany the Prosecutor on investigations-related missions to garner cooperation.

209. The increases also reflect the growth in situation-related missions by cooperation advisers in order to secure cooperation for all situations under investigation in support of the joint and trial teams. The work of cooperation advisers remains critical for opening doors and establishing procedures for joint team members to conduct on-site investigations and to access and obtain information and evidence, and as such is a prerequisite for effective investigations and trials.

**Table 30: Programme 2200: Proposed budget for 2014**

2200 Jurisdiction, Complementarity and Cooperation Division	Expenditure 2012 (thousands of euro)				Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						771.5	936.3	1,707.8	781.0	947.9	1,728.9	21.1	1.2
General Service staff						129.2		129.2	131.8		131.8	2.6	2.0
Subtotal staff	915.4	877.9	1,793.3		1,793.3	900.7	936.3	1,837.0	912.8	947.9	1,860.7	23.7	1.3
General temporary assistance		371.7	371.7		371.7		420.2	420.2		1,086.0	1,086.0	665.8	158.4
Temporary assistance for meetings													
Overtime													
Consultants													
Subtotal other staff		371.7	371.7		371.7		420.2	420.2		1,086.0	1,086.0	665.8	158.4
Travel	64.8	221.0	285.8		285.8	108.6	282.9	391.5	144.3	313.3	457.6	66.1	16.9
Hospitality													
Contractual services													
Training													
General operating expenses													
Supplies and materials													
Furniture and equipment													
Subtotal non-staff	64.8	221.0	285.8		285.8	108.6	282.9	391.5	144.3	313.3	457.6	66.1	16.9
Total	980.2	1,470.6	2,450.8		2,450.8	1,009.3	1,639.4	2,648.7	1,057.1	2,347.2	3,404.3	755.6	28.5
Distributed maintenance	24.2	36.0	60.2		60.2	22.3	34.7	57.0	36.7	10.0	46.8	-10.2	-17.9

**Table 31: Programme 2200: Proposed staffing for 2014**

Jurisdiction, Complementarity and Cooperation Division											Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1						
Existing	Basic			1	1	2	1	1			6		2	2	8
	Situation-related					3	2	4			9				9
	<i>Subtotal</i>			<i>1</i>	<i>1</i>	<i>5</i>	<i>3</i>	<i>5</i>			<i>15</i>		<i>2</i>	<i>2</i>	<i>17</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>				<b>1</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>5</b>			<b>15</b>		<b>2</b>	<b>2</b>	<b>17</b>

### 3. Programme 2300: Investigation Division

#### Introduction

210. The division contributes to the quality of justice by supporting the OTP in carrying out impartial and expeditious investigations in accordance with the Rome Statute. It is also responsible for the preparation of the necessary security plans and protection policies for each case with a view to ensuring the safety and well-being of victims, witnesses, Office staff, and persons at risk on account of their interaction with the Court, in accordance with good practices and, when necessary, in cooperation and coordination with the Registry. It provides investigative expertise and support, and assists in the preparation and coordination of field deployment of Office staff.

211. The division also provides factual crime analysis of information and evidence, in support of preliminary examinations and evaluations, investigations and prosecutions.

#### Objectives

1. Deliver number of planned investigations (SO 1.3.1). Annual OTP objective for 2014: Conduct five active investigations, at least one Art 70 investigation, investigative support to three trials and four appeals and maintain seven investigations in hibernation; and
2. Improve the quality and efficiency of the investigations (SO 1.3.2). Annual OTP objectives for 2014:
  - (a) First phase of the review and validation of the investigative standards achieved;
  - (b) Cyber investigations capacity developed;
  - (c) New field presence model defined and tested;
  - (d) First phase of an improved quality control model implemented; and
  - (e) Efficiency gain through process review identified and achieved.

**Table 32: Expected results, performance indicators and targets for 2014**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2014</i>
<b>Objective 1.3.1</b>		
Conduct five full investigations, at least one Art 70 investigation, investigative support to three trials and four appeals and maintain seven investigations in hibernation until arrest.	Number of investigations. Planned investigative steps versus executed.	5 plus 6 plus 7. 80% or more of the investigative steps within the ID control on track.
<b>Objective 1.3.2</b>		
First phase of the review and validation of the investigative standards achieved;	Planned versus actual.	80% or more of the steps within ID control on track.
- Cyber investigative capacity developed;	Planned versus actual.	Same as above.
- New field presence model defined and tested;	Planned versus actual.	Same as above.
- First phase of an improved quality control model implemented; and	Planned versus actual.	Same as above.
- Efficiency gain through process review identified and achieved.	Identified efficiency gains.	2% of total budget.

**Table 33: Programme 2300: Proposed budget for 2014 (Combines budget figures for Sub-programmes 2320 and 2330)**

2300 Investigation Division	Expenditure 2012 (thousands of euro)				Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						300.4	7,661.5	7,961.9	305.7	7,616.7	7,922.4	-39.5	-0.5
General Service staff						129.2	1,818.6	1,947.8	131.8	1,769.0	1,900.8	-47.0	-2.4
Subtotal staff	428.9	8,824.3	9,253.2		9,253.2	429.6	9,480.1	9,909.7	437.5	9,385.7	9,823.2	-86.5	-0.9
General temporary assistance		1,486.8	1,486.8		1,486.8		706.1	706.1		4,592.3	4,592.3	3,886.2	550.4
Temporary assistance for meetings													
Overtime													
Consultants													
Subtotal other staff		1,486.8	1,486.8		1,486.8		706.1	706.1		4,592.3	4,592.3	3,886.2	550.4
Travel		1,113.3	1,113.3		1,113.3		894.8	894.8		1,075.4	1,075.4	180.6	20.2
Hospitality													
Contractual services		73.3	73.3		73.3		110.0	110.0		110.0	110.0		
Training													
General operating expenses		376.7	376.7		376.7		275.0	275.0		285.0	285.0	10.0	3.6
Supplies and materials													
Furniture and equipment		4.7	4.7		4.7								
Subtotal non-staff		1,568.0	1,568.0		1,568.0		1,279.8	1,279.8		1,470.4	1,470.4	190.6	14.9
Total	428.9	11,879.1	12,308.0		12,308.0	429.6	11,466.0	11,895.6	437.5	15,448.4	15,885.9	3,990.3	33.5
Distributed maintenance	15.1	420.1	435.2		435.2	13.9	405.4	419.3	18.4	117.1	135.4	-283.8	-67.7

**Table 34: Programme 2300: Proposed staffing for 2014**

Investigation Division		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic		1		1		1				3		2	2	5
	Situation-related					3	8	31	28	6	76		30	30	106
	<i>Subtotal</i>		<i>1</i>		<i>1</i>	<i>3</i>	<i>9</i>	<i>31</i>	<i>28</i>	<i>6</i>	<i>79</i>		<i>32</i>	<i>32</i>	<i>111</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic		-1								-1				-1
	Situation-related						-1				-1				-1
	<i>Subtotal</i>		<i>-1</i>				<i>-1</i>				<i>-2</i>				<i>-2</i>
<b>Total</b>					<b>1</b>	<b>3</b>	<b>8</b>	<b>31</b>	<b>28</b>	<b>6</b>	<b>77</b>		<b>32</b>	<b>32</b>	<b>109</b>



**(a) Sub-programme 2320: Planning and Operations Section****Staff resources**

212. No new posts are requested for 2014; the staffing level remains as approved in 2013.

*General temporary assistance*

213. The GTA provision requested in this sub-programme in order to support the increased resources and activity of the Office for 2014 is equal to 22.66 FTE.

214. Following the outsourcing of transcriptions, staffing levels in the Planning and Operations Section remain at the necessary minimum, even though substantially more documentation, including electronic material, continues to be collected.

215. Of the above GTA provision, for the Data Processing Unit, six FTE, or 72 work-months, are required for in-house data-processing; this includes one FTE (GS-OL) that was requested in 2013 in the Mali Contingency Fund Application and a further one FTE (GS-OL) in the DRC 6 Contingency Fund Application. An increasing amount of data, including electronic data, documents, images and video, requires accurate meta-data treatment and input.

216. One FTE (P-2) Associate Victims Expert is required for six months to boost the Gender & Children Unit (GCU), as well as an additional Psycho-Social Expert. The continuing year-on-year increase in vulnerable persons, witnesses and victims of the incidents investigated means that the current small unit of three persons lacks the capacity to support five active cases, as well as addressing support issues related to cases in hibernation and at trial. In addition, provision for the equivalent of two-work-month at the P-2 level is requested for the contracting of Psycho-Social Experts from the roster maintained by GCU when parallel investigative activities require simultaneous support beyond the capacity of the unit. Individual contractors are able to provide this additional support to investigators through the necessary pre-interview assessment of children and traumatized witnesses in the field.

217. The protection of persons interacting with the OTP is critical to the success of the investigations and prosecutions. The responsibility to protect witnesses is a duty that is shared between the VWU and the OTP; to avoid overlap a protocol has been signed between the Registrar and the Prosecutor which organizes a continuum of protection measures and divides responsibilities between the OTP and the VWU. The OTP has presently over one thousand people for whom it needs to regularly update risk assessments. Two (P-1) Assistant Protection Strategies Analysts are therefore required for a total of 12 months for the Protection Strategies Unit. The Assistant Protection Strategies Analyst (P-1) requested in the Mali Contingency Fund also needs to be maintained for 12 months and is required to support the production of Security and Threat Risk Assessments (STRA) and protection strategies documents across all the cases, as well as supporting the production of documentation for witness referrals to VWU. In addition, two GS-OL Protection Strategies Assistants are requested for a total of 18 months.

218. Within the Operational Support Unit, which includes the Office's field staff, an additional three FTE, or 36 work-months, are required. One FTE Associate Analyst (P-2) is required for six months to assist in the collection, collation and analysis of information relevant for risk analysis and operational deployment in new and existing locations where the Office is operating. In addition, two FTE (one P-3 Field Operations Officer for 12 months and one GS-OL Field Operations Coordinator for 12 months) are required for field support and were requested as part of the Mali Contingency Fund application. An additional one FTE (GS-OL Field Operations Coordinator for six months) is required to support increased operational activity in Mali, and a further one FTE (P-3 Field Operations Officer) will be required to support all field management issues in the DRC related to cases in appeal.

219. Within the Scientific Response Unit (SRU), two additional FTE are required for a total of 24 months. One P-3 Forensic Officer is required for six months for additional forensic mission support and forensic research, where increased focus on forensic evidence, including crime scenes, necessitates an additional resource. A further 1.5 FTE P-3 Forensic

Officers are required for a total of 18 months for cyber-investigation. The OTP currently lacks capacity to deal adequately with digital information forensically, and an independent review has recommended a minimum of three FTE in this sphere to give the OTP capacity to operate to an acceptable standard. Due to recruitment time-lags, staff are budgeted to be available only in the second half of the year.

220. The Investigation Division centralized the administrative function in 2011 and continues to benefit from the efficiency gains made. 2.5 FTE Administrative Assistant equivalent to a total of 30 months are required to maintain this support. Two Administrative Assistants FTE (GS-OL) are carried over from previous years, while an additional 0.5 FTE (six months) is required to assist with the increase of staff within the division.

221. As outlined in the following sub-section, Investigation Teams (2330), it has become necessary to significantly enhance the Office's ability to effectively investigate complex cases. In order to provide sufficient in-depth analytical support to ongoing investigations, the Office requires an additional 4.5 FTE P-3 (equivalent to a total of 54 months) of analytical capability. This includes one FTE P-3 Analyst requested in the Mali Contingency Fund Application and two FTE P-3 Analysts requested in the DRC 6 Contingency Fund Application.

222. In order to continue collecting and recording information regarding and continuing crimes committed in those situation countries where the cases are not active, one Analysis Assistant 0.5 FTE (GS-OL) is required for an additional six months.

223. In summary, the breakdown of the GTA resources requested is as follows:

- (a) Eight Data Processing Assistants (GS-OL) for a total of 72 months (six FTE);
- (b) One Associate Victims Expert (P-2) for a total of six months (0.5 FTE);
- (c) One Psycho-Social Expert (P-2) for a total of two months (0.167 FTE);
- (d) Three Assistant Protection Strategies Analysts (P-1) for a total of 24 months (two FTE);
- (e) Two Protection Strategies Assistants (GS-OL) for a total of 18 months (1.5 FTE);
- (f) Two Field Operations Officers (P-3) for a total of 18 months (1.5 FTE);
- (g) Two Field Operations Coordinators (GS-OL) for a total of 18 months (1.5 FTE);
- (h) Four Forensic Officers (P-3) for a total of 24 months (two FTE);
- (i) Three Administrative Assistants (GS-OL) for a total of 30 months (2.5 FTE);
- (j) Five Analysts (P-3) for a total of 48 months (four FTE);
- (k) One Assistant Analyst (P-1) for a total of six months (0.5 FTE); and
- (l) One Analysis Assistant (GS-OL) for a total of six months (0.5 FTE).

#### **Non-staff resources**

##### *Travel*

224. Travel provision in the increased amount of €290.8 thousand (19.8 per cent more than 2013) is requested for the representatives of the Investigative Planning and Operations Section, for the following purposes:

- (a) Missions for the Associate Victims Expert and/or psychological experts from the roster to perform pre-interview assessments and/or assist with the interviewing of highly traumatized victims/witnesses by the investigators;
- (b) Missions for the purpose of developing risk assessments, protection strategies and ensuring the compliance and operational effectiveness of the systems in place and dealing with emergency situations thus ensuring the security of field personnel, witnesses and intermediaries;

(c) Missions of field personnel supporting the investigations and conducting witness-management tasks for all active and residual cases; and

(d) Forensic investigation missions in support of the situations under investigation or at the trial phases.

*Contractual services*

225. The amount of €110,000 is requested to support continued outsourcing of working and non-working language transcription in support of trial preparations, evidence collection and analysis, maintaining the cost as for the previous year.

**Table 35: Sub-programme 2320: Proposed budget for 2014**

2320 Planning and Operations Section	Expenditure 2012 (thousands of euro)					Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						300.4	3,111.3	3,411.7	305.7	3,160.7	3,466.4	54.7	1.6
General Service staff						129.2	1,495.6	1,624.8	131.8	1,439.5	1,571.3	-53.5	-3.3
<i>Subtotal staff</i>	428.9	4,379.5	4,808.4		4,808.4	429.6	4,606.9	5,036.5	437.5	4,600.2	5,037.7	1.2	0.0
General temporary assistance		1,331.7	1,331.7		1,331.7		659.5	659.5		2,020.6	2,020.6	1,361.1	206.4
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>		1,331.7	1,331.7		1,331.7		659.5	659.5		2,020.6	2,020.6	1,361.1	206.4
Travel		273.3	273.3		273.3		242.7	242.7		290.8	290.8	48.1	19.8
Hospitality													
Contractual services		73.3	73.3		73.3		110.0	110.0		110.0	110.0		
Training													
General operating expenses		-0.3	-0.3		-0.3								
Supplies and materials													
Furniture and equipment		2.1	2.1		2.1								
<i>Subtotal non-staff</i>		348.4	348.4		348.4		352.7	352.7		400.8	400.8	48.1	13.6
<b>Total</b>	<b>428.9</b>	<b>6,059.6</b>	<b>6,488.5</b>		<b>6,488.5</b>	<b>429.6</b>	<b>5,619.1</b>	<b>6,048.7</b>	<b>437.5</b>	<b>7,021.6</b>	<b>7,459.1</b>	<b>1,410.4</b>	<b>23.3</b>
Distributed maintenance	12.1	228.0	240.1		240.1	11.1	220.0	231.2	18.4	62.4	80.8	-150.4	-65.0

**Table 36: Sub-programme 2320: Proposed staffing for 2014**

Planning and Operations Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic				1		1				2		2	2	4
	Situation-related					2	2	12	15		31		25	25	56
	<i>Subtotal</i>				1	2	3	12	15		33		27	27	60
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>					<b>1</b>	<b>2</b>	<b>3</b>	<b>12</b>	<b>15</b>		<b>33</b>		<b>27</b>	<b>27</b>	<b>60</b>

**(b) Sub-programme 2330: Investigation Teams****Staff resources**

226. While there are no new established posts within this sub-programme, there is a requirement for a substantial increase in the base investigative resource.

227. In previous budgets, the Office has described how, through use of its rotation of investigative staff moving from one case to another as a case transitions from investigative to pre-trial and trial phase, it has been able to make the most efficient use of resources and has thus mitigated the need to request increased resources. The rotational model was based on an assumption of a core team consisting of 11 investigators and analysts, and currently the sub-programme is already lacking 17.5 FTE to cover the seven ongoing investigations in 2013. In addition, as outstanding arrest warrants remain and increase, further activity is required in those cases to retain evidence and ensure ongoing protection of witnesses.

228. Recent judicial outcomes, as well as in-depth reading of decisions and lessons-learned reviews, show that the Office's team model is insufficient to ensure that the highest standards are achieved, given that Chambers are requiring more investigative activities to be finalized at an earlier stage.

229. Accordingly, the Office has been forced to reassess its operational model for investigations, breaking it down into active investigations, cases awaiting arrest (investigations in hibernation) and trials. In order to make up the difference between the actual number of established posts and the required resources, for 2014 the latter will be requested as GTA.

*General temporary assistance*

230. The overall requirement to support all of the above activities is equivalent to 80 FTE (this includes 65 FTE investigators and 15 FTE Analysts (covered under budget code 2320). The increase in need over and above established posts to be met by GTA is equivalent to 34 FTE. However, taking into account the Contingency Fund Applications for Mali and DRC 6, the effective increase over 2013 is five FTE only.

231. An investigation team should comprise a Team Leader and Senior Investigator (both at P-4 level), with responsibility for managing all aspects of leading the investigation, tasking and administration. Their leadership is key to ensuring an effective and efficient investigation.

232. In any investigation there are three key elements:

- (a) The crimes;
- (b) The suspects; and
- (c) Linkage between the two.

233. Each of these three areas requires investment in investigative capacity.

234. For crimes, there should be one Leading Investigator (P-3) reporting to the Team Leader, supported by a team of "collectors" (P-2/P-1 Associate and Assistant Investigators) to cover ALL incidents under investigation.

235. Likewise, for suspects, teams must conduct lines of enquiry into role, knowledge and intent, and collect relevant evidence. One Leading Investigator (P-3) should be supported by a team of "collectors" (P-2/P-1 Associate and Assistant Investigators).

236. The same team profile is required to manage the organization and linkage between the suspect and the crime (one P-3, one P-2 and one P-1).

237. In reality, many of the cases are complex, having multiple suspects and multiple crimes committed. In order to achieve the highest standard of quality and in view of the time sensitivity of investigation, further resources should be considered to deal with additional suspects and crimes.

238. A Specialized Investigator (P-3) is required to follow up on the finance and logistics required to commit the crimes, and an Information Management Assistant (GS-OL) is required to ensure quality and consistency of databases and data management within the team.

239. This model, comprising a total of 16 FTE (which include staff from Sub-programme 2320 and Sub-programme 2330), should allow for an investigation to better meet the judicial requirements placed on the Office. The requirement to present a higher threshold of evidence, with greater scope and at an earlier stage in the proceedings necessitates that all activities be undertaken in parallel. Moreover, the need for an increased intensity of investigation removes the flexibility of the former rotational model, and, in order to effectively allow five investigations to proceed at a standard and timeliness demanded of the institution, the resources required amount to 80 FTE. Part of these resources can be provided by established posts. The additional GTA resources are either extended from the pool of staff hired out of the Contingency Fund for the Mali and DRC 6 cases, or recruited as new GTA staff. In the latter case, account has been taken of the time-lag in recruitment.

240. By the end of 2014, it is anticipated that there will be seven cases in hibernation from four situations. However, the recent detention and transfer to the Court of Bosco Ntaganda highlights the need to be able to transform a case in hibernation to pre-trial stage within a limited time frame. Thus, in order to ensure, for all cases in hibernation, that evidence is preserved by maintaining contact with witnesses, that security is monitored and that threats are mitigated, sufficient resources will need to be allocated. Currently, the seven cases in hibernation involve approximately 450 witnesses. Maintaining contact, updating profiles, monitoring the situation and responding to incidents and issues will require a minimum of one investigator per situation, corresponding to a total of four full-time staff.

241. It is anticipated that four trials will take place in 2014. Investigative resources are required in both the preparation and the prosecution phases, as well as in the defence phase. Activities include investigation for the purpose of rebuttal of defence lines and cross-examination, and a team of two investigators (P-2s) is seen as a minimum per defendant. In the defence phase, increased investigation into the credibility and rebuttal of defence witnesses' testimony requires a minimum of three investigators (one P-3, two P-2s) per defendant. For 2014, five defendants and a mix of both prosecution and defence phases of trials indicate the need for 12.5 FTE. In addition, there has been a marked increase in recent years in efforts to intimidate and harm or expose witnesses and pervert justice. Accordingly, the Office also requires the capacity to undertake focused article 70 investigations. An Article 70 team would consist of one P-3 and one P-2 investigator and one P-2 analyst.

242. The amount of €46,600 is requested in support of the continuing War Crimes Unit (WCU) and law enforcement network exchanges.

243. In summary, the breakdown of the GTA resources requested is as follows:

- (b) One Team Leader (P-4) for a total of 12 months (one FTE);
- (c) Four Senior Investigators (P-4) for a total of 36 months (three FTE);
- (d) 10 Investigators (P-3) for a total of 72 months (six FTE);
- (e) 12 Associate Investigators (P-2) for a total of 72 months (six FTE);
- (f) Six Assistant Investigators (P-1) for a total of 72 months (six FTE);
- (g) Two Information Management Assistants (GS-OL) for a total of 24 months (two FTE); and
- (h) One WCU secondment (P-2) for a total of six months (0.5 FTE).

#### **Non-staff resources**

##### *Travel*

244. The provision for this budget line amounts to €784.6 thousand (20.3 per cent more than in 2013). It is essential for investigators to travel in order to collect evidence in ongoing cases, and to preserve the evidence by way of witness management in residual

cases (where arrest warrants are pending), thus safeguarding the investments made and the integrity of the case in the event of subsequent arrest and surrender. The Office has in previous years managed to absorb inflation increases related to travel by adapting travel modalities to maintain the most effective balance between flight and DSA costs.

### *General operating expenses*

245. This budget line relates solely to costs necessarily incurred by witnesses attending interviews, and to costs relating to the Office's duty of care towards witnesses in cases (including active investigations, trials and the remaining residual cases). Thus, provision is made for €285,000 in 2014, an increase of €10,000 over 2013 to manage the existing witnesses as well as absorb the increase in new witnesses due to the expanded investigative capacity.

### *Supplies and materials*

246. As in the 2013 budget, the Office has not created specific provisions for field clothing and mission kits. Should these materials need to be replaced, their costs will be absorbed in the regular budget non-staff funds.

**Table 37: Sub-programme 2330: Proposed budget for 2014**

2330 Investigation Teams	Expenditure 2012 (thousands of euro)				Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						4,550.2	4,550.2		4,456.0	4,456.0		-94.2	-2.1
General Service staff						323.0	323.0		329.5	329.5		6.5	2.0
Subtotal staff		4,444.8	4,444.8		4,444.8	4,873.2	4,873.2		4,785.5	4,785.5		-87.7	-1.8
General Temporary Assistant		155.1	155.1		155.1	46.6	46.6		2,571.7	2,571.7		2,525.1	5,418.7
Temporary assistance for meetings													
Overtime													
Consultants													
Subtotal other staff		155.1	155.1		155.1	46.6	46.6		2,571.7	2,571.7		2,525.1	5,418.7
Travel		840.0	840.0		840.0	652.1	652.1		784.6	784.6		132.5	20.3
Hospitality													
Contractual services													
Training													
General operating expenses		377.0	377.0		377.0	275.0	275.0		285.0	285.0		10.0	3.6
Supplies and materials													
Furniture and equipment		2.6	2.6		2.6								
Subtotal non-staff		1,219.6	1,219.6		1,219.6	927.1	927.1		1,069.6	1,069.6		142.5	15.4
Total		5,819.5	5,819.5		5,819.5	5,846.9	5,846.9		8,426.8	8,426.8		2,579.9	44.1
Distributed maintenance	3.0	192.0	195.1		195.1	2.8	185.3	188.1		54.6	54.6	-133.5	-71.0

**Table 38: Sub-programme 2330: Proposed staffing for 2014**

Investigation Teams		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic		1								1				1
	Situation-related					1	6	19	13	6	45		5	5	50
	<i>Subtotal</i>		1			1	6	19	13	6	46		5	5	51
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic		-1								-1				-1
	Situation-related						-1				-1				-1
	<i>Subtotal</i>		-1				-1				-2				-2
<b>Total</b>						<b>1</b>	<b>5</b>	<b>19</b>	<b>13</b>	<b>6</b>	<b>44</b>		<b>5</b>	<b>5</b>	<b>49</b>

#### 4. Programme 2400: Prosecution Division

##### Introduction

247. The Prosecution Division is central to the core business of the Court, namely the conduct of fair, effective and expeditious investigations and public proceedings in accordance with the Rome Statute. It is responsible for giving legal guidance to the investigations and litigating cases before the Chambers of all three judicial divisions, preparing all written submissions to the Chambers and participating in investigative and case-preparation activities in the Joint Teams.

248. The Prosecution Division comprises the Prosecution and Appeals Teams, assisted by case managers and trial support staff. Strategic direction of the Division will be managed by the Head of the Prosecution Division. The effective deployment of resources and standardization of case preparations and filings is overseen by the Prosecution Coordinator. The Senior Appeals Counsel manages and coordinates all appellate filings and arguments

##### Objectives

249. The quality and efficiency of the OTP core activities are guaranteed through: a) the standards in the OTP Operations Manual, b) carefully planned and controlled implementation, including greater emphasis on quality control, and c) continuous improvement through lessons learned.

250. The Office goals contained in the OTP Strategic Plan are linked to the broader Court's strategic objectives. In particular, for Sub-programme 2400:

- (a) Conduct and implement an in depth "lessons-learned" review of judicial processes, focusing first on procedures in pre-trial and trial preparation and hearing stages, subsequently on conclusion of trials and appeals, consulting States Parties, parties/participants and other stakeholders as appropriate (SO 1.1.1);
- (b) Continue to prioritize sexual and gender-based crimes, and crimes against children (SO 1.1.2); and
- (c) Deliver the number of planned investigations (SO 1.3.1).

**Table 39: Expected results, performance indicators and targets for 2014**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2014</i>
<b>Objective 1.1.1</b>		
<b>OTP Strategic Goal 2.3</b>		
Further improve the quality and efficiency of:	– Rate of acceptance of submissions and granting of requests by the Chambers;	80%. six months.
Prosecutions by reviewing its prosecutorial strategies, enhancing the quality of litigation both in filings and in court, and identifying and applying good practices learned.	– Time in which Prosecution case is presented (actual court days) for each case; and	Minimum possible - at least comparable to current trial average (30-35).
	– Number of witnesses per case maintained at lowest levels to minimize exposure.	Prosecutorial strategies and standards reviewed. Witness-proofing guidelines to focus evidence fairly and effectively developed, applied and included in the Operations Manual. Code of Conduct promulgated (in conjunction with LAS). Improved case review process established. Revised training programme for prosecutors defined in annual Training Plan and implemented. Evidence disclosure practice revised, implemented and Operations Manual updated (with LAS). Legal research database available to the whole OTP. Lessons learned of prosecutorial performance in

		Court translated into good practices.
<b>Objective 1.1.2</b>		
<b>OTP Strategic Goal 3</b>		
Continue to prioritize sexual and gender-based crimes, and crimes against children.	<ul style="list-style-type: none"> <li>– Finalization of Sexual and Gender-based Crimes Policy, as well as Children Policy; and</li> <li>– Development of guidelines on novel ways of proving sexual and gender-based violence on large scale.</li> </ul>	Sexual and Gender-based Crimes Policy finalized. Guidelines drafted. Children Policy finalized.
<b>Objective 1.3.1</b>		
<b>OTP Strategic Goal 1</b>		
Conduct impartial, high quality, efficient and secure preliminary examinations, investigations and prosecutions.	– Number of investigations.	Five active, plus six trial-related.

### Staff resources

251. As recognized by the analysis of external experts<sup>51</sup>, the OTP has always been proactive in evaluating and analyzing how to better structure its operations and design its organization. As the new Deputy Prosecutor has been charged – amongst other duties – with the task of enhancing performance management within the OTP, it is considered relevant to re-assess and re-align responsibilities at OTP level. To this end, the three Divisions (ID, JCCD and PD) will report to the Deputy Prosecutor. The Office considers that only one Deputy Prosecutor with his enlarged responsibilities is needed. The second ASG Deputy Prosecutor position is deemed no longer necessary. Instead, in order to ensure parity, and a fair distribution of responsibilities and roles<sup>52</sup> amongst the divisions, a D-1 post for the position of Head of the Prosecution Division is requested in 2014. This person will manage the Division at a strategic level, as is done by the heads of the Investigation Division and the JCCD. The total number of established posts remains unchanged.

#### *General temporary assistance*

252. An increase in GTA resources for the Prosecution Division in 2014 is requested, corresponding to the increase in resources obtained from the Contingency Fund in 2013 as a result of the Mali and DRC 6 prosecutions.

253. A staff of six lawyers, one case manager, and half of a trial support assistant is required for each active investigation. The team will be led by an experienced P-5 level Senior Trial Lawyer. The Senior Trial Lawyer and the legal team will provide legal and strategic guidance to the investigation, analyze evidence, develop the legal theory of the case, participate in investigative activities including interviews under article 55(2) of the Statute, prepare disclosure, and draft relevant documents. The case manager and half trial support assistant will manage the evidence and information and pleadings and will support the lawyers in their tasks.

254. A staff of nine lawyers, headed by an experienced Senior Trial Lawyer (P-5), one case manager, and one trial support assistant is required for cases that have passed the charging stage and are either in pre-trial or trial phase. The lawyers will organize and prepare the case during the pre-trial and trial phases, manage witnesses, provide guidance for additional investigation, manage disclosure, draft all pleadings for the Pre-Trial Chamber and the Trial Chamber, participate in hearings, conduct the confirmation hearing, and conduct the trial. The case manager and trial support assistant will manage evidence, information and pleadings and will support all of the lawyers in their tasks.

<sup>51</sup> *Consultancy on ICC Organizational Structure; Report on the intra-Organ review of the Office of the Prosecutor*, PricewaterhouseCoopers, June 2013.

<sup>52</sup> "...Appointing a head of PD appears to be logical and consistent from both the perspective of the OTP as a HR strategy and is in line with the OTP Operations Manual..." 3.5.2 Organizational structure and governance: division and section level - *Consultancy on ICC Organizational Structure; Report on the intra-Organ review of the Office of the Prosecutor*, PricewaterhouseCoopers, June 2013.



255. Although there can be variation in the investigations and prosecutions as a result of the complexity of the case or the number of suspects or accused, the staff composition described above is appropriate for most cases faced by the Court at this stage. Some flexibility will permit small adjustments in team compositions: slightly increasing teams for bigger cases and decreasing for less complex cases. The lawyers assigned to the investigation teams and the prosecution teams will absorb the work previously done by the Legal Reviewers.

256. The Appeals Section consists of five lawyers and one case manager. These staff are needed in order to address all applications for leave to appeal, all interlocutory appeals, and all final appeals. In addition, the Appeals Section provides legal guidance to all of the investigation and trial teams within the division.

257. As the Court develops its jurisprudence in relation to substantive interpretation of the Rome Statute and matters of practices, procedures, and evidence, the Appeals Section will continue to play a vital role - the importance of which can't be over-emphasized - in contributing to shape the decisions of the Appeals Chambers and contributing to the evolution of the Court's jurisprudence.

258. The breakdown of the GTA resources requested is as follows:

- (a) Five Senior Trial Lawyers (P-5) for 42 months (3.5 FTE);
- (b) Two Trial Lawyers (P-4) for 24 months (two FTE);
- (c) 14 Trial Lawyers (P-3) for 126 months (10.5 FTE);
- (d) Five Associate Trial Lawyers (P-2) for 60 months (five FTE);
- (e) Eight Assistant Trial Lawyers (P-1) for 90 months (7.5 FTE); and
- (f) Four Case Managers (P-1) for 48 months (four FTE);

#### **Non-staff resources**

##### *Travel*

259. Travel is requested not only for Joint Team missions in support of the investigations, but also for the representative functions performed by the Deputy Prosecutor aimed at broadening understanding of, and cooperation for, the Office's activities.

260. Provision for 2014 is €228.3 thousand, which represents an increase of 23.4 per cent and is foreseen for a total of 41 missions.

**Table 40: Programme 2400: Proposed budget for 2014**

2400 Prosecution Division	Expenditure 2012 (thousands of euro)				Approved Budget 2013 (thousands of euro)			Proposed Budget 2014 (thousands of euro)			Resource growth 2014 vs 2013		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						504.9	3,631.7	4,136.6	833.7	3,518.3	4,352.0	215.4	5.2
General Service staff						193.8	387.6	581.4	131.8	461.3	593.1	11.7	2.0
Subtotal staff	860.3	3,438.7	4,299.0		4,299.0	698.7	4,019.3	4,718.0	965.5	3,979.6	4,945.1	227.1	4.8
General temporary assistance	97.1	1,827.9	1,925.0		1,925.0		1,894.8	1,894.8		3,618.7	3,618.7	1,723.9	91.0
Temporary assistance for meetings													
Overtime													
Consultants													
Subtotal other staff	97.1	1,827.9	1,925.0		1,925.0		1,894.8	1,894.8		3,618.7	3,618.7	1,723.9	91.0
Travel	15.9	210.7	226.6		226.6	14.9	170.1	185.0	15.0	213.3	228.3	43.3	23.4
Hospitality													
Contractual services													
Training													
General operating expenses													
Supplies and materials													
Furniture and equipment													
Subtotal non-staff	15.9	210.7	226.6		226.6	14.9	170.1	185.0	15.0	213.3	228.3	43.3	23.4
Total	973.3	5,477.3	6,450.6		6,450.6	713.6	6,084.2	6,797.8	980.5	7,811.6	8,792.1	1,994.3	29.3
Distributed maintenance	18.2	160.0	178.2		178.2	16.7	154.4	171.1	32.2	43.5	75.6	-95.5	-55.8

**Table 41: Programme 2400: Proposed staffing for 2014**

Prosecution Division		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic		1			3					4		2	2	6
	Situation-related					3	10	6	7	6	32		7	7	39
	<i>Subtotal</i>		<i>1</i>			<i>6</i>	<i>10</i>	<i>6</i>	<i>7</i>	<i>6</i>	<i>36</i>		<i>9</i>	<i>9</i>	<i>45</i>
New	Basic				1						1				1
	Situation-related														
	<i>Subtotal</i>				<i>1</i>						<i>1</i>				<i>1</i>
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>			<b>1</b>		<b>1</b>	<b>6</b>	<b>10</b>	<b>6</b>	<b>7</b>	<b>6</b>	<b>37</b>		<b>9</b>	<b>9</b>	<b>46</b>