

**Thirteenth session**

New York, 8-17 December 2014

**Report of the Court on the organizational structure
(including the Court's position on the recommendations of the external
consultants, the change in the investigation strategy of the Office of the
Prosecutor and an update on measures implemented by the Registrar)***

1. At its eighteenth session, the Committee on Budget and Finance (the "Committee") recommended that the International Criminal Court ("the Court") undertake a thorough review of its organizational structure, with a view to rationalizing reporting lines, identifying responsibilities that could be delegated and streamlining functions, processes and structures.¹ The Court subsequently hired an external consultant, Pricewaterhouse Coopers ("PwC"), which submitted a final report² consolidating the recommendations on the review of the organs of the Court. In September 2013, the Committee called on the Court to submit to it "a synthesis report clearly setting out the position of the organs of the Court on the recommendations contained in the consultant's reports."³ The Court hereby submits this report on the position of the Court's organs on the recommendations of PwC.

2. The Registry's on-going *ReVision* project involves a thorough review of both the structure and the operations of one of the organs of the Court. Without seeking to predict the outcome of the project, the changes that will be proposed will be likely to have an impact on inter-organ relationships if not in terms of governance, at least in terms of the provision of inter-organ services. As a result, and taking account of the fact that the PwC inter-organ recommendations on governance issues related more to the situation at the Court prior to the latest changes of Principals than to the present-day situation, the Court is proposing to postpone its consideration of the matter, as described in the PwC report. It should nevertheless be noted that some elements of the recommendations, such as the need to improve strategic forecasting or performance management, had already been identified as issues by the Court and that various measures are already being planned or implemented to address the problems.

3. With regard to organ-specific recommendations, the practice of the Chambers as regards intra- and inter-divisional flexibility of staff resources has advanced considerably since PwC conducted their original research in 2012. There is now a clear focus on allocating the limited professional staff resources flexibly on the basis of objective need. There has been a rise in short-term loans of individual staff on a part-time or full-time basis to meet specific needs in other Chambers or Divisions. The Judiciary is continually making adjustments to staff deployments following an assessment of the most suitable and efficient solution in each case. Divisions are increasingly operating in team structures where a pool

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¹ ICC-ASP/11/20, vol. II, part B.1, para. 29.

² International Criminal Court, Consultancy on ICC Organizational Structure - Final report, Version 1.0, Ref. 2013-1216/OV/lm/mp, of 6 September 2013 ("Final Report").

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Twelfth session, The Hague, 20-28 November 2013* (ICC-ASP/12/20), vol. II, Part B.2, (initially issued as ICC-ASP/12/15), para.100.

of P1/P2 staff builds the core structure of a team, and judges' legal officers are mostly members of multiple case teams. Regarding enhanced career prospects for professionals within Chambers, the Judiciary will continue to examine ways to improve the structural balance and practical deployment of its staff resources.

4. PwC's opinions regarding the Registry relate to a review of the Registry's organizational design, which is directly linked to the main goal of the *ReVision* project. Initial discussions on the *ReVision* Project Plan indicate an intention to cover all the PwC recommendations and propose implementable solutions to resolve the issues. The *ReVision* project team was formed in early January 2014, and started work by focusing on the creation of a detailed Project Plan and a comprehensive communication strategy. The Project Plan includes goals, scope, assumptions, deliverables, project team and governance structure, project methodology as well as a detailed description of the phases and activities envisaged. The governance structure of the project involves the creation of a Project Board which will be meeting for the first time at the time of writing of the report. The Project Plan approved by the Registrar will be discussed with the Board. Once approved, further communication will take place with the project's stakeholders.

5. With regard to the Committee's request that the Office of the Prosecutor ("the OTP") report on the change in its investigation strategy,⁴ the new strategy is in its early phase of implementation. The structural changes recommended by PwC, namely the re-assignment of responsibilities following the arrival of the Deputy Prosecutor, the strengthening of the Prosecutorial Division with provision for a D-1 Director of Prosecution, the revision of the Joint Team model with a defined prosecutorial leadership, and the clarification of ExCom's role, have all been implemented.

6. As regards revisiting the OTP's staffing level to enable it to deliver its mission, that recommendation reinforced the justification for the OTP's request for additional resources for the 2014 budget based on its new Strategic Plan. The Assembly of States Parties ("the Assembly") granted the request and an increased budget was approved. Recruitment of staff with the necessary skills and experience is in progress. A detailed recruitment plan has been developed to facilitate contacts, selection, vetting and offering of positions in an effective and timely manner. New hires are being integrated into the strengthened Joint Teams assigned to the different cases. Specialized training sessions have been planned to facilitate the induction of the new staff and the implementation of new investigative and prosecutorial techniques. Specific equipment and software is also being procured to enable the Scientific Response Unit (SRU) in the Investigation Division to carry out forensic and cyber investigations that will provide scientifically-based evidence for the cases. All the aforementioned steps are in line with the guidelines and objectives of the new Strategic Plan presented by the OTP to the Committee and to The Hague Working Group. However, the process is still in its infancy, and it will be some time before the results of implementation of the new strategy become visible.

⁴ ICC-ASP/12/15, para. 71.