



Assembly of States Parties

Distr.: General
14 November 2016

Original: English

Fifteenth session

The Hague, 16-24 November 2016

Interim report of the Court on the Court-wide impact of the “OTP Basic-Size”*

Executive summary

1. The Court presents an updated report on progress made in assessing the impact of the OTP Basic Size on all organs of the Court. The report includes a description of the project methodology with an explanation of the model’s main elements (i.e. the phases of the proceedings and their agreed timing) and a justification for the extended timeframe proposed for the model. It also includes an initial high-level analysis of the assumed workload created by the model.

2. Before examining the details of all resource requirements determined by the model for each organ, the Court’s initial high-level analysis focused on determining whether the global output of the model could be accommodated within the Court’s overall capacity. Analysis was concentrated on the following major constraints:

- (a) A maximum of three courtrooms;
 - (b) The number of judges to deal with all the cases brought before the Court limited to 18, as determined by the Rome Statute; and
 - (c) The maximum capacity of approximately 1,400 workstations at the Court’s new permanent premises.
3. In order to reach a meaningful conclusion on these constraints, extensive inter-organ reviews of the model assumptions and expected workload were required. In the light of these reviews, an updated model was created, using empirical data of past and present cases and assessing the length of phases in current cases. Present and anticipated future practice changes were considered for their impact on the proceedings, taking account of relevant policies and practices by the Chambers, as outlined in the recently published Chambers Practice Manual. The availability of judges and their strategic deployment over judicial divisions and chambers was also compared with activities projected in the OTP basic size activity matrix. Finally, consideration was given to budgetary constraints which impact on the OTP’s capacity to carry out its activities, as originally foreseen in its basic size activity matrix.

4. This document sets out the results of the Court’s high-level analysis. The Court is not yet in a position to reach any conclusion on the model’s impact on the third capacity constraint listed above as it still in the process of calculating the impact of the model on each of its constituent parts. Although such a capacity constraint issue might only become apparent at the end of the project, at this stage, the Court does not expect it to become an obstacle to further progress on the OTP basic size. The other two constraints have been carefully assessed and, within the parameters of the updated model, current capacity

* Previously issued as CBF/26/12.

appears to be sufficient to accommodate the number of cases that will be brought before the Court according to the OTP basic size plan.

5. To conclude the analysis of the impact of the model on the Court, the plan for the remainder of the project is for the organs to determine and discuss the detailed costing of all the activities assumed by the model. In this report, the Court describes the “building blocks” to be used by each organ to identify triggers for cost increases or decreases in the model and to determine its estimated budgetary impact. While inviting the Committee to comment on its chosen methodology and model update, the Court proposes to submit a final report on the outcome of the project at the twenty-seventh session of the Committee.

A. Introduction

1. At its fourteenth session, the Assembly of States Parties (“the Assembly”) welcomed the work undertaken so far by the Office of the Prosecutor (“OTP”) on its basic size with a view to increasing the predictability and certainty of the budgetary resources the OTP considers necessary in order to carry out its mandate. It noted, further, “that this exercise is still on-going and that additional work is still required on the budgetary implications for the Office as well as for the other organs of the Court in accordance with the ‘One-Court-principle’ and requested the Court “to submit a full costing of the impact of the ‘Basic Size model on the Office of the Prosecutor and the other organs of the Court to the Committee on Budget and Finance well in advance of its twenty-sixth session [...].”¹

2. This followed a request to the Court by the Committee on Budget and Finance (“the Committee”) at its twenty-fourth session to provide “at its twenty-sixth session a ‘basic size’ budget for the whole organization (including the Registry), in line with the approach proposed by the OTP.”²

3. The Court has since engaged in intense inter-organ consultations coordinated by a steering group comprised of representatives of senior management across the organs. A separate technical inter-organ taskforce has collected relevant data and defined core assumptions upon which organ-specific calculations need to be premised.

4. On the basis of the requirements defined by the Assembly and the Committee, the Court’s objective for the exercise is threefold:

- (a) To determine the proposed basic size for the whole organization, describing the “reasonable shape” of the Court;
- (b) To include a full costing of the impact of the OTP basic size and its Strategic Plan for 2016-2018; and
- (c) Based on the foregoing, to develop a high-level multi-year budget estimate for the whole Court, describing linkages between the cost drivers and their resource effects for all organs.³

5. The project can therefore be defined as a Court-wide exercise explaining the impact of the OTP-driven model on the Court as a whole. In that context, the assumptions carry a mix of organ-specific assumption (such as investigation – trial ratios) combined with some agreed inter-organ assumptions (such as average duration of trials). These combined assumptions should be seen for modelling purposes and not implicit of assumed judicial or procedural outcomes. For example, the model carries an expectation that three out of four investigations will go directly to the trial phase on completion of the investigation: the Court uses this ratio in the model but it does not automatically mean that the Pre-Trial Chambers will issue arrest warrants in 75 per cent of cases or that those warrants will be immediately executed.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourteenth session, The Hague, 18-26 November 2015*, (ICC-ASP/14/20), vol I, part III, ICC-ASP/14/Res.1, J, para. 12.

² *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol II, part B.1, para. 78. See also *Official Records ... Fourteenth session ... 2015* (ICC/ASP/14/20), vol. II, part B.2, para. 26.

³ The latter refers to a request by the Committee in the report on its resumed twenty-fourth session, *Official Records ... Fourteenth session ... 2015* (ICC/ASP/14/20), vol. II, part B.2, para. 26.

B. Project methodology description

6. The objectives of the Court-wide basic size exercise are quite broad, as explained above. The Committee is expecting an impact study for the whole organization (including the Judiciary and Registry). Given the inherent unpredictability of the actual progress of future investigations and court proceedings, the Court determined that the exercise had to be addressed through the collective effort of all organs, with particular focus on the need to ensure that all model assumptions were clearly indicated, understood and approved by all organs for modelling purposes. The Court's senior management assigned high priority to this project and created a taskforce composed of representatives of all organs.

1. Project management – working methods

7. The taskforce, which meets twice a week, is chaired by the Chief of Budget Section and is composed of 11 other staff members from Judiciary, OTP and Registry, including section chiefs and other senior managers. A steering committee composed of three Registry and OTP Directors and the Presidency's Chef de Cabinet, guides the work of the taskforce by approving planned activities, regularly reviewing output and presenting monthly reports to the Court's Coordination Council.

8. A project plan was proposed by the taskforce and approved by the steering committee at the outset of the project. The project plan followed the approach taken by the OTP in developing its basic size project in 2015. Two main phases are envisaged over the first six months of the year. The main objective of the first phase is to clarify and document all elements of the Court-wide model, based on the OTP basic size model. Emphasis is placed on determining the average timing for each organ of the different phases of proceedings and on projecting all cases planned over an agreed timeframe.

9. By ensuring a common interpretation of all the elements used by the model and the workload projections, this phase creates the building block, parameters and ground rules for the Court-wide project. It is the platform on which the second phase can be developed in order to determine the full costing of the model for the Court as a whole, with transparent assumptions and indications of the most important linkages between cost drivers.

10. From a timing perspective, the taskforce estimated that the first phase would be nearing completion by the time of submission of the report to the twenty-sixth session of the Committee. This document therefore reports on the activities and results of the first phase of the project, and proposes that activities be continued for the remainder of the first semester in order to be able to produce the required full costing report for the twenty-seventh session of the Committee in September 2016.

2. High-level project plan

11. The high-level project plan consists of the following phases and activities:

(a) Phase 1 (December 2015 to March 2016): high-level impact and preliminary findings:

- (i) Model definition agreement;
- (ii) Model timing agreement;
- (iii) Six-year projection – workload agreement;
- (iv) High-level impact analysis – capacity constraints review;
- (v) Reporting (CoCo and the Committee – 26 reports).

(b) Phase 2 (March 2016 to June 2016): full impact costing:

- (i) Detailed updated impact OTP – review;
- (ii) Detailed impact Judiciary;
- (iii) Detailed impact Registry;
- (iv) Budgetary review impact;
- (v) Court-wide final review;
- (vi) Reporting (CoCo and the Committee – 27 reports).

12. Phase 1 activities are described in more detail below.

3. Model definition and model timing

13. The OTP basic size is premised on a set of assumptions concerning the number of simultaneous processes and proceedings under way at a given time (investigations, pre-trial, trial, appeals and reparations proceedings) and an estimated duration per activity. Based on these parameters, it is possible to establish a general activity matrix which, in a next step, will provide an approximate yearly costing of activities based on the matrix.

14. As part of the Court's basic size exercise, an inter-organ effort was undertaken to review and, where appropriate, adjust the set of assumptions underlying the OTP basic size activity matrix. The initial activities of the project included a thorough review of the OTP basic size in order to integrate the Court-wide perspective into the original OTP-centred model. The work done at that stage included addressing the need to add reparations activities to a model which, for the OTP, stopped on completion of the Appeals phase. The role of the OTP in reparations is too limited to justify including this phase in its model. For the Court, on other hand, operations continue with reparations and, as this is a new activity for which no historical data exists, some assumptions, such as, for example, maintaining a field office presence or outreach activities, have to be included.

15. Because all organs of the Court are involved in the operations with different mandates and different triggers for their operations, the model had to be reviewed in detail. The review first addressed the judicial phases to determine if they were aligned with the planned OTP phases. Registry activities were then also included in the model, first in support of the judicial and prosecutorial activities, then considering its own mandated activities, such as outreach activities in the field. Work on the details of the model clearly shows that the timing of the organs differs, even within the same phase. While the OTP triggers activities when it initiates investigations, the Registry is involved early in order to support both the OTP and the Judiciary and to implement its own mandate. Work in Chambers is also likely to start at the early stages of determination of a case, although the bulk of its activities will commence with the initial appearance of a suspect. The Registry's activities continue after completion of trial activities for both OTP and Chambers, with the implementation of any judicial reparations decision. The Registry's work with victims requires that it be involved at the reparations implementation stage, once the Chamber has delivered a final reparations decision.

16. On examination of the model, the Court also determined that minor elements of the OTP timeline needed to be adapted to ensure consistent understanding of all proceedings activities by the OTP, the Judiciary and the Registry. This slight adjustment led to a revised OTP basic size model for the Court-wide exercise. The main features of the model⁴ are:

(a) *Preliminary examination:* the first chronological phase in the model is included for consistency purposes, but has no significant weight on impact determination as a whole. Its timeframe is not used to determine the length of the proceedings as it is considered too unpredictable. At the same time, however crucial for the future of a case, preliminary examination activities precede determination of a new situation and are even further away from determination of a case. OTP is the main actor in this phase and its impact on the rest of the model is therefore limited.

(b) *Investigations:* this fundamental element for the whole model drives the workload for the rest of the organization. In line with the OTP basic size model, this phase is expected to last an average of three years and is split into three standard components: (i) start-up (six months of orientation in the situation country to determine the scope of the investigation); (ii) full investigation (two years of fully-fledged investigative efforts); and (iii) wrap-up (six months of investigation closure activities and preparation for trial). The OTP investigative activities already trigger related activities for the other organs. Work in field office support and witness protection, in particular, has an impact on the Registry's resource requirements at this stage. Likewise, experience shows that it is possible to file the

⁴ For presentation purposes, the model includes strict lines of demarcation between the different phases. In reality, some grey areas exist. They have been considered and deleted from the model based on the most likely situation, with the highest impact. For example, the Registry's Victims Participation and Reparations Section and Pre-Trial Chambers perform some activities at the preliminary examination phase, but their impact is small. For modeling purposes, it was therefore decided to start the Registry and Chamber activities at the following phase. The impact on the model of such presentation-related decisions will be limited.

first interlocutory appeal at this stage, thereby triggering activities in both Registry and Chambers. The assumptions for this phase have a decisive impact on the rest of the model. The main assumptions are:

(i) Open-ended, in-depth investigations shifting attention to being as trial-ready as possible from the earliest phases of proceedings, such as when seeking a warrant of arrest, and no later than the confirmation of charges hearing;

(ii) For every four arrest warrants, three immediate arrests are assumed, moving directly into the next phase of proceedings (pre-trial);

(iii) A new situation will occur every year;

(iv) Each case leads, in principle, to at least two investigations (i.e. both sides of the issue in question), which will, in principle, be conducted simultaneously.

(c) *Pre-trial phase:* OTP and Judiciary have different approaches to this phase and some activities start at different times. The activities of the two organs are illustrated in Figure 2 below. For OTP, the pre-trial phase can be split into two main phases: an investigative pre-trial phase and a Confirmation Hearing pre-trial phase. During the first phase, a pre-trial team is established within the Prosecution Division. That team further refines the case hypothesis during the investigations. In the second phase, commencing after the warrant of arrest (AWA), the OTP PD pre-trial team works towards the Confirmation of Charges hearing. For the Judiciary, the pre-trial phase starts with the first appearance of a suspect and concludes on the designation of a Trial Chamber bench. For consistency purposes, Registry pre-trial activities are in line with the chambers' timelines (i.e. from the first appearance of a suspect). Registry activities in support of the victims or defence teams prior to the first appearance of the suspect are therefore included in the Registry's "investigation" phase. The pre-trial phase, as agreed inter-organ for the present basic size model, lasts nine months and concludes on completion of the Confirmation of Charges deliberations with designation of a Trial Chamber by the Presidency.

(d) *Trial phase:* This is the central element of the model. This phase is estimated to last an average of three and a half years and has been broken down into smaller components in order to facilitate determination of the relevant linkages and activity drivers for all organs to determine the workload impact. The main idea behind splitting this phase into smaller elements was to be able to distinguish the actual trial hearing period (i.e. when all resources are requested in the courtroom) within the overall trial phase. The trial hearing period, when hearings are in session and all staff involved are actually sitting in the courtroom debating the case, is a particularly resource-intensive period which needs to be clearly identified in order to determine maximum capacity requirements. This is a particularly important building block for the model in determining the maximum courtroom requirements. The components of the trial phase are:

(i) Trial preparation: starting after designation of the bench by the Presidency, the Trial Chamber and other parties to the proceedings prepare for the trial hearings. This period lasts for nine months in the model.

(ii) Trial in session: this element of the trial phase is composed of presentation of the Prosecution and Defence cases (each estimated to last an average of one year). This is the central part of the proceedings towards which all organs were working in earlier phases. For the Registry, all activities in support of judicial proceedings are required at this stage, including its own mandated activities, while all other support activities (both in external operations and administrative or governance operations) remain at a high level before and after this phase.

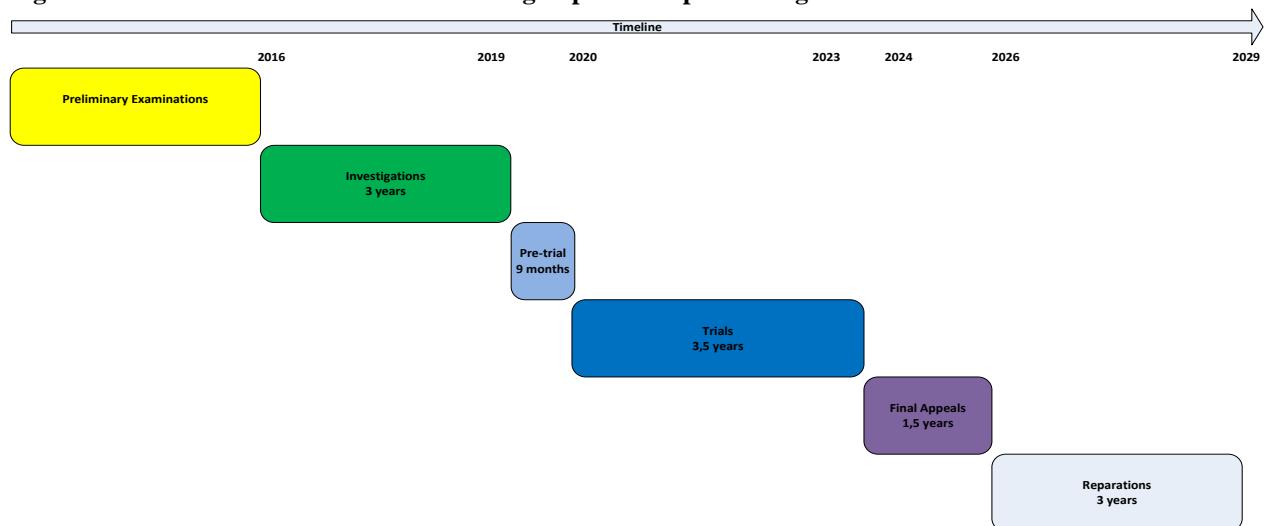
(iii) For modelling purposes and to simplify the model, statements by victims, closing statements and delivery of the judgment are merged in the last "Judgment" element of the trial phase. This element is estimated to last an average of nine months.

(e) The last judicial phase of a trial has been tagged "Final appeal" in order to differentiate it from interlocutory appeals which take place throughout the life of a case and in respect of which activities are included in the other trial-related phases of the model. The final appeal phase is expected to last an average of one and a half years.

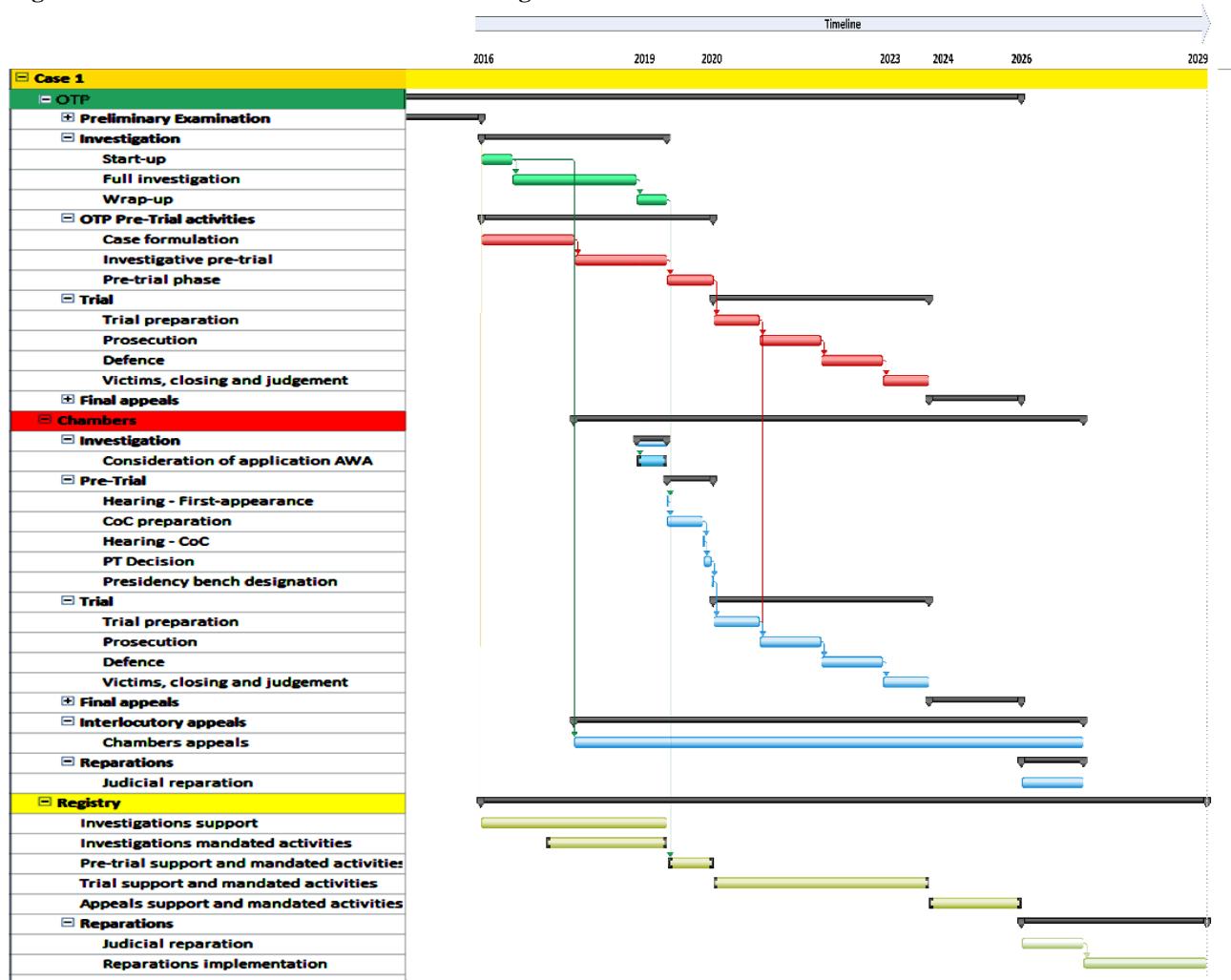
(f) The model includes a *Reparations phase* which, for modelling purposes, is considered to last three years. At the time of writing, communications between the Trial Chamber, the Registry's Victims Participation and Reparation Section (VPRS) and the Trust Fund for Victims (TFV) to define the scope and volume of activities of the different parties in the reparations phase are on-going. In the absence of any real-life data for these activities, the Court is aware that any assumption in the model will be uncertain. It therefore limited the reparations period to a minimum of three years, based on the minimum period considered in the original TFV plan. In order to reflect the envisaged reality of this phase in the model, the Court decided to split the *Reparations phase* into two distinct periods: the judicial reparation period, during which the Chambers' decisions are translated into action, mainly by the Registry's VPRS (estimated to last one year), and the reparations implementation period, during which the TFV implements the decisions (estimated to last two years).

17. While reviewing the definition of the phases described above, the Court's inter-organ taskforce discussed in detail the estimated average timing of each phase. The results were as follows:

Figure 1: Court-wide basic size model - timing of phases of proceedings



18. As pointed out above, work on the details of the model clearly show that the timing of the organs differs, even within the same phase. The following figure illustrates the interaction between the major building blocks of the model, with details of the different timing of activities within selected phases of proceedings. The vertical bars indicate the main milestones for which all actors in the proceedings have the same deadlines. The format follows the Gantt chart principle, i.e. it illustrates the life cycle of a typical case by giving the start and finish dates of its main elements.

Figure 2: Court-wide basic size model - building blocks considered

19. It is important to stress that, as indicated in the OTP report,⁵ the model presented is based on averages and the duration of cases is likely to differ. The goal of the basic-size exercise is to determine a reasonable basis for determining future resources. The Court-wide model follows the same methodology as the OTP source model. It goes without saying that this practice can provide a generic framework for determining resources, but that the case-by-case reality is bound to be different.

4. Six-year projection – workload agreement

20. Once the phases of a standard model for the Court had been carefully determined, the inter-organ taskforce discussed estimated workload. For this part of the project, the Court continued to follow the OTP methodology, using two stages: a review of actual ongoing cases in order to fine-tune their integration into the model by adjusting some of the OTP assumptions presented in last year's model, and a projection of estimated judicial activities with the timing agreed in the model and with a breakdown into phases for the coming six years.

21. The OTP model was presented as a three-year model on the basis of expected stabilization of OTP resource requirements after three years. As stated in the OTP basic size document, the Office was willing to revisit this period based on financial feasibility and impact on other organs. For the Court-wide study, it was decided to extend the timeframe by three years, as initial research indicated that the impact of the OTP assumptions on other organs would continue to influence capacity requirements beyond the initial three-year

⁵ ICC-ASP/14/21, para. 7.

period. The Registry, in particular, identified early in the project that where the OTP could rotate resources between or within phases, the Registry would have to maintain its initial resources and include additional resources in some cases, until the model reaches a stable activity level. For example, an OTP trial lawyer can be reassigned to work on different cases, but a translator of a case-specific language cannot necessarily be used in a new case requiring a different language. In the case of translation capacity, the Registry would have to maintain the capacity in language X until the end of the proceedings, while adding new capacity in language Y upon commencement of the other proceedings in a different language.

22. In order to get a better idea of the overall impact of the OTP basic size on the other organs of the Court, it was decided to consider a six-year period that would offer a more extended view of the organization's workload assumptions.

23. The following table summarises the Court's workload assumptions⁶ for judicial proceedings in the coming six years:

<i>Average Number of phases per year</i>	2017	2018	2019	2020	2021	2022
Full investigation	3	3	4	5	4.5	4.5
Wrap-up	1	1	0.5	0.5	1.5	1.5
Start-up	1	1	1	1	1.5	1.5
Investigation (incl. Start and Wrap-up)	5	5	5.5	6.5	7.5	7.5
Pre Trial	0.5	1.5	1.25	1.25	1.5	1
Trial prep	0	1	1.25	1	1	2
Trial (in session)	4.5	2.5	1.5	3.25	3	2.25
Judgment phase	0.5	1.5	1.75	0	1.25	1.5
Trial (incl. trial prep/session/judgement)	5	5	4.5	4.25	5.25	5.75
Appeal	1.75	1	2.75	3	0.5	1.75
Reparations (incl. judicial and implementation)	2.25	2	2	3	4.75	4.5

5. High-level impact analysis – capacity constraints review

24. Based on the inter-organ agreement on the elements of the model to be considered, their duration and the consequent impact on the Court's workload, the taskforce was able to perform an initial high-level impact analysis focusing, in particular, on the following capacity constraints:

(a) A maximum of three courtrooms will be available in the coming six years. The permanent premises project has an in-built capacity for a fourth courtroom, but this option would require additional investment and is not needed at present;

(b) The number of judges to deal with all cases brought to the Court is limited to 18 under the Rome Statute, unless the Assembly of States Parties decides to increase that number. For the purposes of this exercise, we have assumed a continuing limit of 18 judges; and

(c) The maximum capacity of the Court's permanent premises is approximately 1,400 workstations.⁷

25. The taskforce focused initially on assessing whether the number of trials envisaged over the course of the coming six years could be accommodated within the constraints of the three available courtrooms. A pre-requisite for the Court is to ensure expeditious

⁶ The number of investigations depicted in the table below does not alter the capacity foreseen for the OTP under the basic size model, aiming at six full active investigations. Due to the start-up and wrap-up phases, the Office is able to increase the number of simultaneous activities at some points in time, hence the >6 number of active investigations, while the capacity required remains stable at six fully-staffed investigative teams.

⁷ This number (1,382) was based on the original design of the Permanent Premises, and could be reviewed in light of the actual set-up of the Court in the new premises.

proceedings: any systematic and significant delays in the conduct of trial hearings because of a lack of available courtroom resources would raise issues of fairness to the accused (especially those in custody). For the purposes of the present model, the three existing courtrooms are assumed to be available at the maximum of their normal capacities, currently estimated at 215 full hearing days per year, 5 days a week, except during judicial recesses.

26. Using these assumptions, the model revealed that the assumed casework could be accommodated within the normal capacity of three courtrooms, with a single exception within the six-year projection. This was deemed to be within an acceptable average deviation rate and did not appear to create a major bottleneck in the model.

27. The second possible constraint reviewed by the taskforce was the availability of a sufficient number of judges to sit in the different chambers to deal with all cases brought before the Court, as projected by the OTP basic size assumptions. This point will be described in more detail below (see paragraph 53).

28. The last constraint is the number of workstations available at the Court's permanent premises. At this stage of the project, while the Court is still calculating the impact of the model on each of its organs, it is not possible to determine whether the number of available workstations is sufficient. This calculation will only be possible at the end of the project, when all possibilities for all organs have been analysed. In particular, the impact of supporting staff requirements can only be determined once all "variable" resources (i.e. posts linked to cases and judicial proceedings) have been included. The workload of the other organs is impacted by factors such as the number of witnesses, the number of new languages or the number of victims involved in cases. The staffing required for Registry is particularly dependent on such parameters. The total number of staff to be accommodated in the Court's new premises can only be determined once the entire impact analysis has been completed for all phases of the proceedings.

29. Although such a capacity constraint might only become apparent at the end of the project, the Court does not expect it to constitute an obstacle to the OTP basic size. The Court's new premises have been designed to be flexible and adaptable to the needs of the Court. The use of space within the premises could be changed to accommodate more or fewer workstations. Consequently, the analysis of the impact of the model on the number of available workstations should be considered as only one of the indicators to be reviewed in terms of capacity. More information on this constraint will be made available to the Committee on completion of the project.

30. At this stage of the project, the taskforce had to decide how to address the capacity challenge. As is standard practice when confronted with a capacity constraint, the taskforce started looking into possible changes to the model in terms of timing requirements, available resources or scope of activities. Furthermore, while focusing on the Assembly's request that costings be produced for the impact of the OTP basic size, the Court also recognized the value of proposing a model that offers realistic solutions to estimated capacity constraints.

31. It was therefore decided to adjust the model by updating assumptions to fit the reality of the Court as at the beginning of 2016. The different number of cases and, more specifically, the different timing of their phases with a longer timeframe create different output averages. To create the updated model, empirical data of past and present cases and length of phases was assessed; present and anticipated future practice changes were considered for their impact on the proceedings (including relevant policies and practices by the Chambers as outlined in the recently published Chambers Practice Manual); and the availability of judges and their deployment over judicial divisions and chambers was compared with activities projected in the OTP basic size activity matrix. Finally, and importantly, account was taken of budgetary constraints which impact on the OTP and the Registry's capacity to carry out activities as originally foreseen in its basic size activity matrix.

32. In addition, it was agreed to establish a model as close to present and future realities as possible in order to provide a sound basis for the planning and performance of major activities. To this end, present and foreseeable developments and the specific features of each individual case before the Court were also considered.

33. As a result of an in-depth assessment of all the above factors, the OTP basic size activity matrix was adjusted to correspond to concretely foreseeable activities and limitations, as illustrated in the annex below. The changes were made following two sets of criteria.

(a) Changes to the model based on the reality of judicial proceedings. For example, it was assumed that the trial in the Mali situation would start earlier than expected in the average case timeline. This review has seen similar changes in six of the case assumptions in the model.

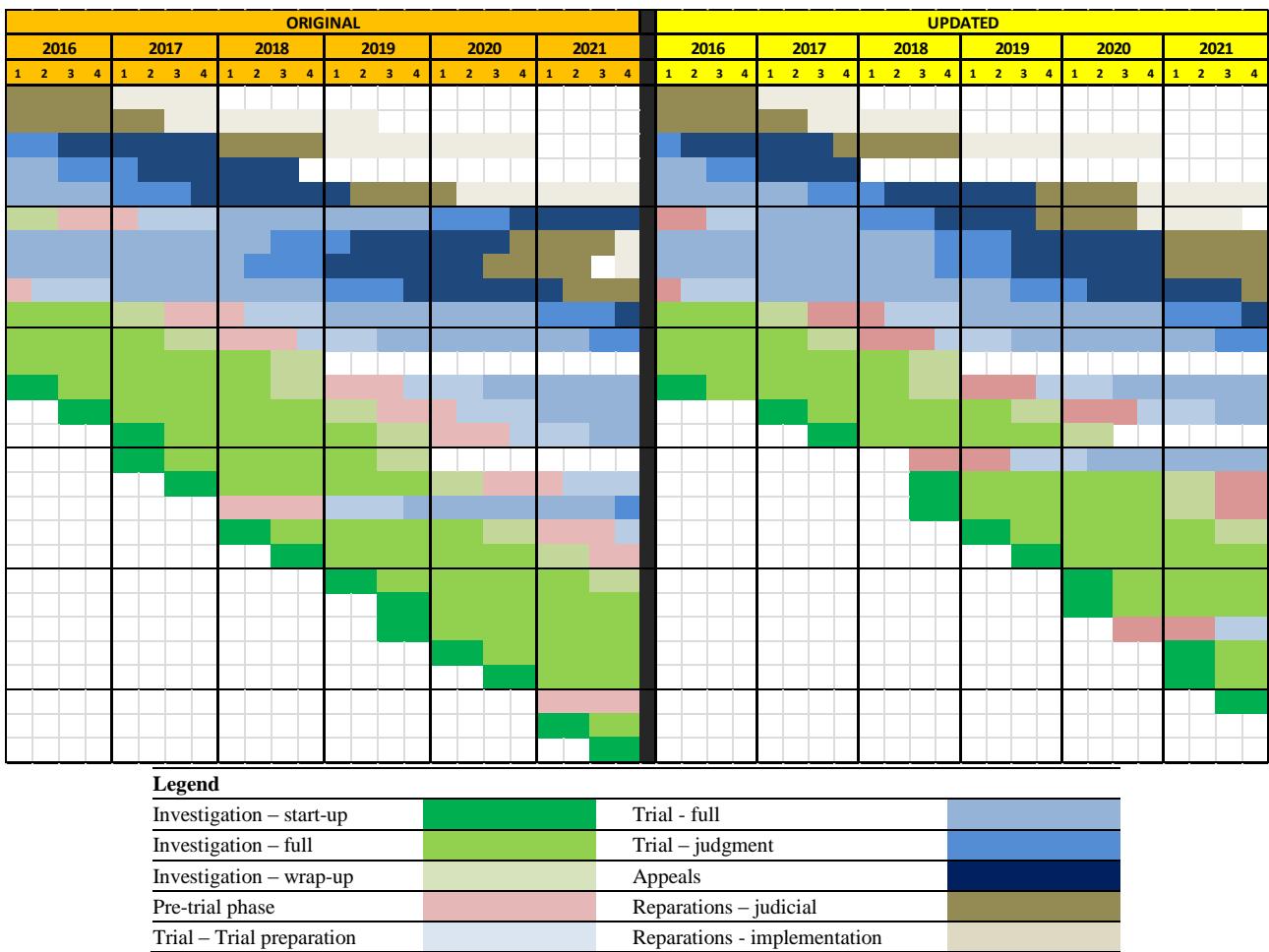
(b) Changes to the model based on revised investigative assumptions: in two of the assumed new situations, the revised model includes only one investigation, instead of the assumed two investigations per new situation. In four of the other new situation countries, the start of the investigation was delayed by three to six months, in order to allow reassignment of resources.

34. OTP investigative activities in 2016 have been adjusted in the light of budgetary constraints. As a positive yet unanticipated result of these adjustments, it was ascertained that the model activity matrix can in all likelihood be entertained with the present number of 18 judges.

35. The original OTP basic size envisaged a three-year growth plan to be achieved in 2018. Once it had become clear that certain judicial developments⁸ and the resource constraints within which the Office currently operates would affect this anticipated growth plan, the resource trajectory of the OTP was adjusted. A significant portion of demand is formed through the preliminary examination process which determines, to a large extent, how many situations need to be opened. In the basic size document, the OTP predicted, based on past experience and the implementation of the updated prosecutorial strategy, that one new situation would need to be opened every year. This same principle or basic size ‘building block’ has been retained in the adjusted model.

36. As a result of a number of judicial developments and challenging resource constraints touched upon above, it will not be possible to open a fully-resourced simultaneous investigation in each of the new situations coming out of preliminary examination within the proposed timeframe. Furthermore, for the above-mentioned reasons, the start date of several investigations has been put back leading to a less steep growth path than originally envisaged in the OTP basic size. The image below depicts the described update described above.

⁸ For instance, due to admissibility requirements, a second investigation into the situation of Georgia did not commence in 2016 as originally foreseen.



37. The consequences of this adjusted planning are felt Court-wide and on a mid- to long-term basis. The growth of the OTP will follow a less steep path than initially foreseen. In 2017,⁹ the OTP would have required a basic size of six investigative teams. With the adjusted planning, six investigative teams will not be achieved until 2020. Moreover, the number of trials and the required resources will be reduced following this projection. The average number of trials under the current and next strategic plan will remain at five, while under the previous projection, there would have been an average of six trials¹⁰ (including trials that are not in session). Adjusting the basic size projections in the light of the judicial developments and resource constraints has slowed the OTP's growth path. However, the fundamental building blocks constituting the OTP basic size remain valid. The theoretical analysis nevertheless shows that the model, as planned by the OTP, would need to be adjusted on a regular basis to avoid creating capacity constraints for the Court, as pointed out by the OTP in the original basic size report: the model is based on averages which need to be adapted to reality on a regular basis.

38. For Registry, from the resource increases assessed so far, the main impact is on external operations support but also related support requirements, such as those for Victims and Witnesses support or language support, as detailed in the following sections. From a model perspective, the important element is that the number of assumed field presences intensifies over time: the number of situations increases in the six-year period and the number of countries in which the Court operates approximately doubles. The following statistics reflect the assumed changes in the Court's external operations. It should be noted that the Court differentiates between operations supported from a situation country

⁹ All assumptions included at this stage in the basic size report are subject to review in the context of the 2017 Proposed Budget exercise. The final and correct numbers will be in the budget document, not in the present update report.

¹⁰ The number of trials does not automatically mirror the number of required teams to deal with those trials. The same applies to investigations or pre-trial. See also footnote 11.

(requiring a field office) and operations supported from a country neighbouring a situation country (for situations where a fully-fledged field office is not necessary or possible). The resource requirements will be different for the different types of external operation support.

<i>Number of situations and countries</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>	<i>New: 2017 -2022</i>
Number of situations	13	15	18	19	21	22	22	11
Number of countries	8	10	11	13	13	15	15	8
Field Office	7	8	9	10	10	11	11	4
Field base-presence	3	4	4	5	5	6	6	5

39. The number of Registry field operations staff is estimated to increase significantly in line with the projected activities. At this stage of the project, the Court is still reviewing the parameters inter-organ, to ensure full coordination of activities. Details of the additional resource requirements and costings will be provided to the Committee at the next session. Likewise for the second Registry building block – judicial support – work is currently ongoing to estimate the impact of the model. This will be documented and costed in the next report to the Committee.

40. In summary, working through the original OTP assumptions and extending them forward for a further three years produced a result which remained stable for the OTP but risked running into a significant constraint in the current number of judges towards the end of the period. With the adapted model, there is a better fit with currently foreseeable caseload, with likely future average case durations, and with the current number of judges up to 2021.

C. Building blocks – model description

41. In order to explain the different elements involved in the model impact analysis, it was decided to describe its main components per Major Programme below. It should be noted nonetheless, that no organ of the Court acts in isolation: all activities described below for each organ have an impact on the other organs. Although the Registry is described last and its full impact analysis is only starting, because of the way in which the project was set up, starting from the OTP basic size, it is worth pointing out that it is involved in all stages of the proceedings, both in its supporting role and in performing its mandated activities. Issues such as language support, witness protection, legal aid or victim participation run throughout the life cycle of each case. While the following presentation is made on an organ-by-organ basis, all activities are interlinked and all work in parallel throughout the life of a case.

6. Reminder of OTP basic size main assumptions and conclusions

42. The OTP basic size, developed in line with the OTP strategic plan 2016-2018, maintains a “demand-driven” approach but uses estimates as a basis on which to prioritize, to a reasonable degree, its investigative and prosecutorial activities. The ability to prioritize, rather than following a full demand-driven approach, allows stability of resources. The main assumptions and conclusions of the basic size take into account what is already certain and what can be reasonably expected within its estimates. As indicated in the original basic size document,¹¹ the OTP projections will be updated every three years in conjunction with the issuance of a new strategic plan, thus enabling, *inter alia*, a review of whether the projections still match a reasonable level of prioritization.

43. The forecast of estimated demand identified the following yearly level of activities:

- | | |
|--|---|
| (a) Preliminary examinations | 9 |
| (b) New situations under investigation | 1 |
| (c) Full investigations (teams) | 6 |

¹¹ ICC-ASP/14/21, para. 8.

(d)	Investigations with arrest pending ¹²	9
(e)	Pre-trial phase (teams)	5
(f)	Trial phase (teams)	5
(g)	Final appeals	2

44. This annual level of activities also shows that within Preliminary Examination, while the overall number remains stable, there is an expectation to open two new preliminary examinations and to close two. It is expected that 75 per cent of investigations will lead to an immediate arrest, while on average, one investigation in the hibernation phase (pending arrest) will be re-activated every three years.

45. As well as identifying the level of activities, the in-depth modelling allowed for an accurate overview of the inter-relation between the different phases of the work activities and made it possible to map both the timescale and the work effort required. The diagram below gives an overview of the investigative and prosecutorial phases and their timescales. Upon further consultation with the other organs, minor changes to the original modelling of the different phases were made, as explained above. The Pre-Trial phase has been extended by three months, the Trial phase by six months and the Appeals phase has been reduced by six months. The total accumulated difference with respect to the original model is therefore minimal: an additional three months are added to the total duration.



7. Investigation building blocks

46. The Investigation phase consists of a start-up phase, a full investigation and a wrap-up phase. During the start-up, information, knowledge and contacts are handed over from the preliminary examination team to the newly created integrated team. The integrated team studies the culture and context of the country and the preliminary examination material, while security and operational assessments are undertaken in order to set up operations in the field. Missions are undertaken to identify sources of information, establish a network of cooperation, organize logistics and help narrow down the possible cases to be investigated, from a relevance and feasibility perspective. All in all, the average duration of a start-up phase is six months.

47. The start-up phase is followed by the full two-year investigation. Its duration is determined by the throughput time to take sufficient statements. To consider an investigation as trial-ready, the OTP has suggested that 50 to 60 trial witnesses are required. In applying the ratio of previous investigations, approximately 170 witness statements need to be taken and 340 individuals need to be screened. Noting that the OTP basic size investigative teams consists of four pairs of investigators who are able to interview an average of 85 witnesses a year, it will take two years to collect sufficient testimonial evidence. In addition, investigations are focusing increasingly on the collection of alternative forms of evidence.

¹² Previously referred to as ‘Hibernated investigation’.

48. During the six-month wrap-up phase, the remaining investigative steps are taken and measures put in place to maintain contact with witnesses and ensure their protection. If there is no expectation of an imminent arrest, then steps are taken to organize the case files so that the investigation can be hibernated.

49. The OTP basic size determined that six investigative teams are required for the expected workload. This expected workload has been determined by applying the total duration of three years to past investigations, in addition to starting parallel investigations each time this could have been envisaged. The average number of situations coming out of preliminary examination and the de-hibernation ratio have also been taken into account, leading to the conclusion that with an average of six parallel full investigations, the Office would have been able to deal appropriately with the demand, while having to prioritize investigations reasonably.

8. Prosecution building blocks

50. With regard to prosecutions, the required resources vary over time, depending on the stage of proceedings. Over the course of an investigation, the team of prosecutors will grow depending on the required workload that chronologically builds up towards a Case Hypothesis formulation, Arrest Warrant Application (AWA), Confirmation of Charges and trial. The Senior Trial Lawyer (STL) is entrusted with the task of leading the integrated team and does so from the start of an investigation. The STL is assisted by other trial lawyers, legal or trial support assistants and a case manager. Given the multitude of prosecutorial activities required, such as disclosure, evidence review, drafting of legal texts, interaction with Chambers and legal analysis, the prosecution team can grow to a total of 12 persons. This is the maximum size of a prosecution team and is reached during the trial stage.

51. As with the investigative phase, the duration of the trial stage is also determined by the volume of evidentiary materials presented. A higher number of witnesses providing testimonial evidence will result in a lengthier trial. Having sufficient trial lawyers allows for a steady and expeditious presentation. On average, examination of a single witness in court requires three to four days. Witnesses will go through the process of preparation, proofing when authorized by Chambers, examination and review. For the required 50 to 60 trial witnesses, the process will take approximately one year.

52. The OTP basic size has determined that five pre-trial and trial teams are required. The number of pre-trial teams is determined on the basis of active investigations reaching the halfway point, the number of de-hibernated cases and the number of investigations resulting in an immediate arrest. The number of trial teams, also set at five, is fully dependent on the output of investigations. Applying the ratio of 75 per cent of investigations immediately moving to trial and the above-mentioned projected duration of a trial phase, it is assumed that five trial teams will have the capacity to deal with the number of anticipated trials, as projected in the OTP basic size document.

9. Chambers assumptions

53. Chambers assumptions are guided by the underlying premise that judicial activities need to be conducted within the overall number of readily available courtrooms (three) and the statutory default number of judges (18).¹³ Specifically in terms of courtroom activity, these key constricting factors lead to a case matrix, outlined graphically below, which caters for an absolute maximum of four cases at the trial hearing phase that can run simultaneously (but see paragraph 57 below for the potential constraints on achieving this).

54. Similarly, the case load at the Pre-Trial and Appeals phases will be affected by the overall premise of 18 judges, allowing for no more than three simultaneous pre-trial proceedings in court (between the initial appearance and the decision on the confirmation of the charges) and two to three final appeals¹⁴ simultaneously.

¹³ See article 36(1) of the Rome Statute.

¹⁴ Including interlocutory appeals on a rolling basis.

55. Finally, a maximum of three reparations cases simultaneously before Chambers is foreseen in the model.

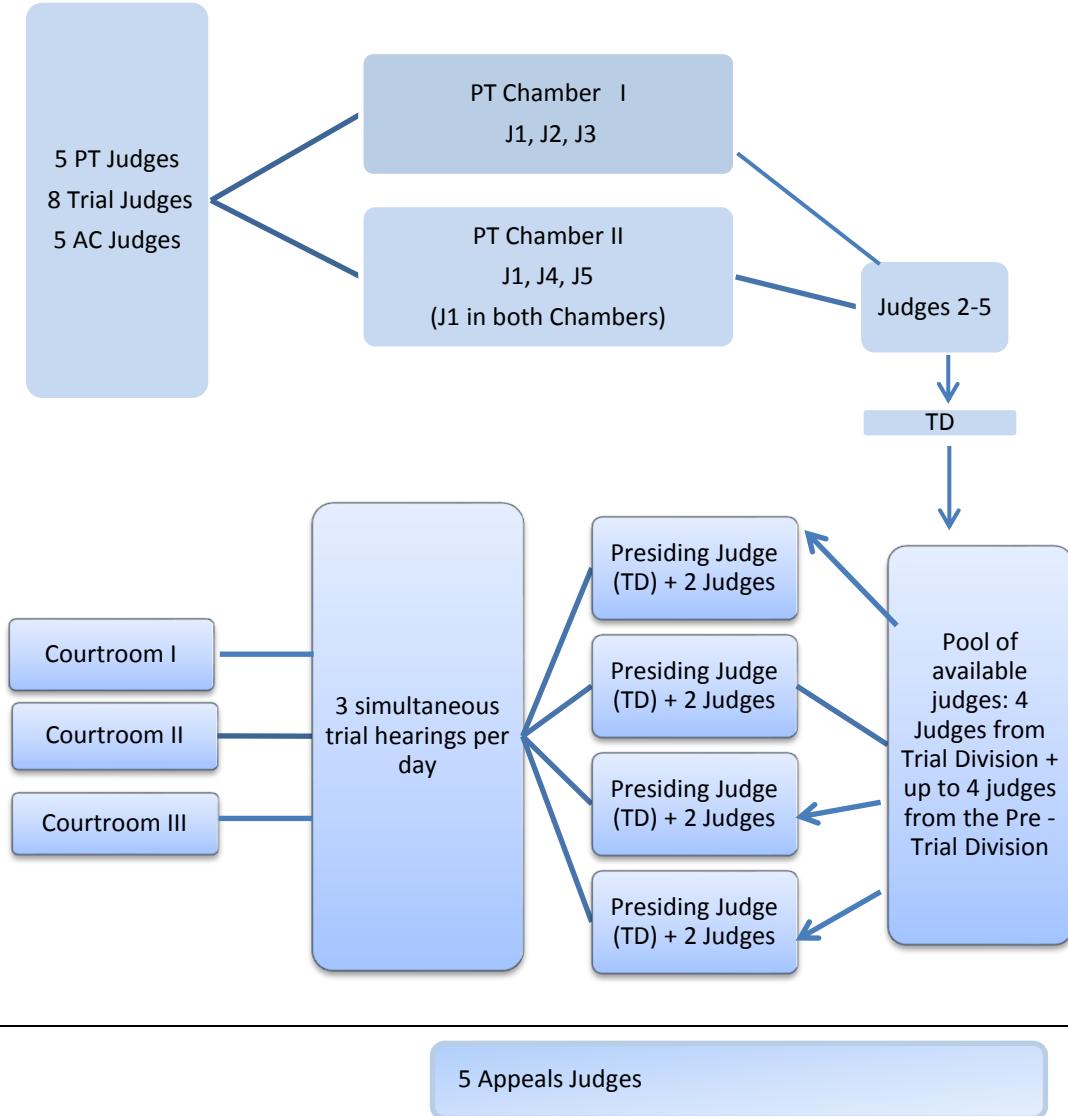
56. Present calculations include a certain level of “confliction” of judges preventing them from sitting on certain cases due to their prior involvement in earlier stages of that same case (be that pre-trial or an interlocutory appeal replacing a conflicted judge of the Appeals Division).

57. Current casework already requires all pre-trial judges to also sit as members of trial chambers, and one trial judge to also sit as a member of a pre-trial chamber. In addition, judges from both pre-trial and trial chambers are required from time to time to replace regular appeal judges who are conflicted. Involvement in such an appeal will normally prevent the substitute judge from sitting as a trial judge on the same case. Article 39(4) of the Statute also specifically prohibits a judge who has sat in pre-trial proceedings from sitting on the trial of the same case. Taken together, these confliction principles substantially limit the number of judges who are, in practice, available to sit on any particular trial. Furthermore, the more that pre-trial judges are drawn into sitting in trials, the tighter the overall constraints become. At present, the level of cross-confliction is just manageable with the existing number of judges and immediately foreseeable trial caseload. The replacement of six existing judges in March 2018 should ease the position by temporarily reducing the overall level of confliction. However, the Judiciary reiterates that any calculations regarding the availability and/or level of confliction of judges cannot be made with accuracy beyond March 2018, when the next changeover of elected judges will occur, and much will depend on how they are finally assigned to divisions and cases by the next Presidency.¹⁵

58. Confliction will continue to be a constraint on the practical availability of judges for both trials and appeals, and could become a significant delaying factor over time, if more casework accumulates in practice than is currently assumed in the model. Similarly, significantly longer hearings than presently assumed can cause log jams; delays can be caused by a number of unforeseeable and unquantifiable case-specific factors (e.g. witness (un)availability or in-case litigation requiring resolution by the Appeals Chamber). The current adapted model remains very sensitive to these factors as it outlines the absolute maximum capacity within the model parameters.

¹⁵ See article 39(1) of the Statute and rule 4bis of the Rules of Procedure and Evidence.

Judiciary chart of trial capacity with 18 judges



10. Registry assumption

59. The methodology chosen by the OTP creates a high level of assumptions in the analysis of the impact on the Registry operations. While it is appropriate for the OTP to base the model on averages, such averages are not always available to the Court (for example, the length or scope of reparations activities). The Registry has taken a conservative approach with regard to its OTP basic size impact analysis by including the strict minimum necessary to support operations based on moderate assumptions, in order not to artificially inflate the model's impact. The Registry nevertheless wishes draw the Committee's attention to the fact that the impact presented could differ significantly in reality. For example, if language requirements are greater than the assumed two languages per case, Registry language operations will expand. Likewise, if the scope of cases goes beyond the moderate assumption (one accused per case), the Registry will require additional resources to perform its mandate to support the defence and victims.

60. With these caveats in mind, the Registry has analysed the areas in which the OTP basic size has the biggest impact for the Registry: operational support, with a particular emphasis on external operations support, and judicial operations support. At the time of writing, the impact on a third Registry building block (i.e. management support) has not yet been quantified, as it will be primarily determined by the results of the first building blocks for all organs.

11. External operations support

61. With the estimated workload in the Court-wide basic size model, the Court is forecasting an increase in the number of situations and an approximate doubling of situation countries in the coming years. Because the level support in field operations is mainly influenced by the availability of funds and is not limited by any specific capacity constraints, field operation support does not constitute a bottleneck for the model. At the same time, the financial impact of the assumptions is expected to be significant. The new Division of External Operations, created during the Registry *Re*Vision project, focuses on centralizing Registry functions that support the Court's judicial cooperation activities, as well as the generic external relations and cooperation function (such as the negotiation of MOD or other agreements) under the same strategic leadership. The division also centralizes and facilitates all field coordination and support activities, including those Registry functions that have an impact on the Court's public image and outreach. Because any increases in external operations activities impact the work of this Division, it will be important to analyse the impact of the model on the Division. The main external operational support elements that will be used to determine this impact, as well as the impact on some related Sections of the Division of Judicial Services will be:

(a) Witness-related activities: in particular, the number of witnesses covered by the Court's duty of care or under other types of protection measure (this includes assumptions on the average family size and duration of protection) will be considered. Although this activity is also related to courtroom support, its main impact is in terms of field operations and it is therefore included in this section of the report. In that context, the number of rule 68 interventions will also be reviewed in light of their impact on the required legal services of the Registry.

(b) Field Office activities: the volume and scope of infrastructure to be put in place for field operations support (i.e. field offices and field presences), taking into account the logistical support requirements of all parties involved in the field operations (OTP, Defence, TFV, VPRS, Outreach). The opening and exit strategies for the field support operations will also have an impact on the volume of operations.

(c) Outreach activities: taking into account the judicial and prosecutorial parameters of each case, as well as the specific features (political, security, etc.) of each situation, the volume of outreach operations and their set-up can differ from case to case. The assumed volume of outreach operations for the basic size average will need to be determined carefully.

(d) Cooperation activities: determining the impact of multiple cooperation activities that need to take place in support of external operations, in particular in support of judicial and situation related cooperation issues.

62. In order to determine the forecast workload and operations for the above-mentioned elements, the level of security support offered by host State countries in all field operations is considered to be average. This average can only be described vaguely as "not too high and not too low". It is important to remember that any fluctuation in the level of security offered to Court staff working in a situation country would have a huge impact on the scope, type and cost of operations in the field. The model is not a precise budgeting exercise, but reflects a possible range of support, considering so-called average conditions.

63. Each of the elements included above has an impact on the Registry's workload in support of the Court's operations. They will be further discussed with the taskforce in order to ensure full transparency between the organs on the assumptions used. For example, the Registry assumptions could be that, upon completion of the appeals phase of a case in a situation, where no other case is ongoing, victims and witness support activities will gradually reduce to the point where field offices can be exited. Such assumptions need to be discussed with all organs, including the Trust Fund for Victims which will be largely responsible for the reparations implementation phase and whose operational model could then be expected to rely on missions from headquarters rather than on a field-based staff presence, depending on the circumstances. Should this assumption be agreed, on a tentative basis for the sole purpose of the model, then it will be possible for the number of field offices and field presences to be determined accurately for each year in the model and the

number of Registry staff members assumed to be present in support of field operations. It will then be possible to calculate its financial impact.

64. As stated above, the basic size assumptions regarding the number of witnesses under protection have a significant impact on the activities of the Registry. As the duty of care is handed over from the OTP to the Registry in the early stages of judicial activities, demands on Registry operations in the field remain high until completion of a case. At present, the model assumes end of care for all witnesses six months after the end of the final appeal. It means that Victims and Witness Protection teams are involved to support witness testimonies for all cases during most of the life-cycle of a case (taking into account the continuum of services put in place between OTP and Registry in this particular function). Such involvement remains important, even when cases are not brought directly to trial, as we have seen in past hibernated cases.

65. Likewise, the mandate of the Registry requires special attention to victim participation. The assumptions regarding the number of victims in the OTP basic size are not precise, as this is not an influential factor for the OTP. The Court is still in the process of determining a realistic number of affected victims to be included in the “average” case depicted in the basic size. Discussions are ongoing on the scope of the cases, according to the new OTP strategy, and on the possible range of victims that should be considered for participation. The scope of Registry activities in that context will depend largely on the agreed parameters. Such activities start at the beginning of the investigation phase and are expected to continue until the end of the reparations phase.

12. Judicial operations support

66. As with external operations support, some judicial operation support assumptions have a significant impact on the level of resources required by the Registry. As for the previous building block, one Registry division, the Division of Judicial Services, is particularly impacted by these assumptions. The main judicial operations support elements are:

(a) Courtroom activities: services of the Division are impacted by the number of courtrooms operating and the estimated number of days of operation for all Chambers (Pre-Trial, Trial, Appeals and Reparations). With a model projecting full utilization of the three courtrooms for long periods, full capacity in courtroom management and courtroom support would be required. With a full courtroom utilization scheme, any operational delay translates into a delay in judicial proceedings. Such delays should therefore be kept to a minimum and reasonable capacity resources and procedures will be discussed inter-organ to ensure smooth proceedings. For example, it will be important to determine the level of language resources necessary to ensure continuity. In that context, services provided by Registry are not limited to translation and interpretation, but include court reporters and text processors for the production of real-time transcripts;

(b) Victim-related activities: the number of victims to be supported by the Victims Participation and Reparations section has an impact on the volume of operations both in the field and at headquarters. As this activity is directly linked to the courtroom proceedings, the impact will be reviewed within this building block of the Registry;

(c) Legal aid and detention: the Registry administers the legal aid scheme in support of victim and defence teams in the proceedings. Those teams are involved early in the proceedings and are active in all phases in which accused or victims are involved, following both OTP and Chambers’ activities. The accused and victims requiring legal aid therefore come at a cost for Registry, and that cost includes the resources required for management of the scheme and operational maintenance of the detention centre; and

(d) Language activities: although this element is also related to field operations, its main impact is in terms of courtroom support. It is therefore included in this section of the report. It is of particular significance for the Registry as the nature of the activity means that the effect of new languages is cumulative and resources cannot easily be redeployed or allocated to multiple cases: experts in a specific situation language cannot always be used in other cases, thereby limiting any potential economies of scale.

67. In the next phase of the project, these assumptions will be further reviewed and discussed by the taskforce in order to ensure Court-wide agreement on the presumed impact of the model. It has already been agreed that the number of courtrooms is decisive in determining the maximum level of activities, as described above, and the Registry's resource requirements are closely linked to this element. The number of hibernated cases will also be taken into account at that stage, because while the OTP can reallocate most resources during "hibernation", the Registry might have to maintain more activities, thus increasing the cumulative impact of the model.

68. In conclusion, although less prominently present than other parties in the proceedings, the Registry is closely involved in all judicial phases: the timing and scope of judicial activities have a direct impact on the resources required by the Registry. Details of these requirements will be carefully documented in the next phase of the project.

13. Management support

69. Eventually, for the purposes of the model, the Registry will need to project its needs in terms of management support, following the methodology used by the OTP. The impact of the model on this Division is expected to be less than on the others as it possesses a capacity to absorb some additional volume requirements. With the exception of some General Services resources directly linked to field operations (for premises and vehicle fleet maintenance), most managerial, operational or administrative support activities assist multiple sections and different organs simultaneously. Most of the resource capacity for the Registry's support and management activities will therefore be calculated in the same way as for the OTP, by linking support activities directly to all mandated activities and, where applicable, by providing justification for the remaining activities.

70. The Registry provides a wide range of administrative support activities to the Court as a whole, mainly concentrated within its Division of Management Services but including additional support teams such as Information Management Services Section (IMSS) or generic language services. Although the OTP basic size is not expected to have major impact on this area of the Registry, some targeted resources needs might be determined as a consequence of increased judicial and prosecutorial activities assumptions. Such needs will be discussed and agreed transparently between organs.

14. Project next steps

71. The project is currently ongoing, as described at the beginning of the report. The three organs are carefully reviewing the impact of the detailed assumptions on their activities, as per the agreed inter-organ model of the OTP basic size. This phase will be followed by the costing and budgetary impact of the model for the whole Court. This will require further detailing of the assumptions, ensuring in the first place that staffing requirements are set out at grade level for budgetary estimates. Non-staff costs will also have to be estimated for the whole Court, looking first, at any major investments that would be required as a direct result of the new assumptions, and second, at possible required project costs. The results of these two last phases will be presented in a report to the Committee at its twenty-seventh session.

72. At this stage of the project, and taking into account the activities described above, the Court would welcome guidance from the Committee on the methodology chosen and on whether the approach taken will meet the Committee's expectations with regard to the impact of the OTP basic size on the Court as whole.

Annex

Illustration of adjusted OTP model impact

Situation country	Situation	Case name	2017				2018				2019				2020				2021				2022				
			1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	
Country A	Sit 1	Case 1	Reparation	Reparation	Reparation	Reparations																					
Country A	Sit 2	Case 2	Judicial Re	Judicial Re	Judicial Re	Judicial Re	Reparation	Reparations																			
Country B	Sit 3	Case 3					Judicial Re	Reparation	Reparations																		
Country B	Sit 3	Case 4	Appeals	Appeals	Appeals	Appeals	Judicial Re	Reparation	Reparations																		
Country C	Sit 4	Case 5					Trial	Trial	Judgment	Judgment	Judgment	Judgment	Judgment	Judgment	Appeals	Appeals	Appeals	Appeals	Judicial Re								
Country D	Sit 5	Case 6					Trial	Trial	Trial	Trial	Judgment	Judgment	Judgment	Judgment	Appeals	Appeals	Appeals	Appeals	Judicial Re								
Country A	Sit 6	Case 7					Trial	Judgment	Judgment	Judgment	Judgment	Appeals															
Country E	Sit 7	Case 8					Trial	Judgment	Judgment	Judgment	Judgment	Appeals															
Country F	Sit 8	Case 9					Trial	Judgment	Judgment	Judgment	Judgment	Appeals															
Country B	Sit 9	Case 10	Wrap-up	Wrap-up	Pre-trial	Trial prep	Trial prep	Trial prep	Trial prep	Trial	Trial	Trial	Trial	Judgment	Judgment	Judgment	Judgment	Judgment									
Country B	Sit 9	Case 11	Investigative	Investigative	Wrap-up	Wrap-up	Pre-trial	Wrap-up	Wrap-up	Wrap-up	Wrap-up	Trial	Trial	Trial	Trial	Judgment	Judgment	Judgment	Judgment	Judgment							
Country E	Sit 10	Case 12	Investigative	Wrap-up	Wrap-up	Wrap-up	Wrap-up					Trial	Trial	Trial	Trial	Trial											
Country G	Sit 11	Case 13	Investigative	Wrap-up	Wrap-up	Pre-trial																					
Country H	Sit 12	Case 14	Start-up	Start-up	Investigative	Wrap-up	Wrap-up	Pre-trial																			
Country (A to H)	Sit 13	Case 15	Start-up	Start-up	Investigative																						
Country J	Sit 14	Case 16					Pre-trial	Start-up	Start-up	Investigative																	
Country I	Sit 15	Case 17					Start-up	Start-up	Investigative	Start-up	Start-up	Investigative															
Country K	Sit 16	Case 18					Start-up	Start-up	Investigative	Start-up	Start-up	Investigative															
Country (A to K)	Sit 17	Case 19					Start-up	Start-up	Investigative	Start-up	Start-up	Investigative															
Country M	Sit 18	Case 20																									
Country M	Sit 18	Case 21																									
Country N	Sit 19	Case 22																									
Country O	Sit 20	Case 23																									
Country N	Sit 19	Case 24																									
Country P	Sit 21	Case 25																									
Country P	Sit 21	Case 26																									
Country Q	Sit 22	Case 27																									
Country Q	Sit 22	Case 28																									
Country R	Sit 23	Case 29																									

Number of phases per quarter of a year	2017				2018				2019				2020				2021				2022					
	Quarters	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	
Investigation		3	3	3	3	4	4	2	2	4	4	4	4	4	4	4	6	6	4	4	5	5	5	5	4	4
Wrap-up		1	1	1	1	0	0	2	2	0	0	1	1	1	1	1	0	0	2	2	1	1	1	1	2	2
Start-up		1	1	1	1	0	0	2	2	1	1	1	1	2	2	0	0	2	2	1	1	1	1	2	2	
Investigation teams		4	4	4	4	4	4	4	4	4.5	4.5	5	5	5.5	5.5	6	6	6	6	6	6	6	6	6	6	
Investigation (incl. Start and Wrap-up)		5	5	5	5	4	4	6	8	5	5	6	6	7	7	6	6	8	8	7	7	7	7	8	8	
Pre Trial		0	0	1	1	2	1	2	1	2	2	1	0	1	1	2	1	1	1	2	2	0	1	1	1	
Trial prep		0	0	0	0	0	1	1	2	1	1	1	2	2	1	0	1	1	1	1	1	1	3	2	2	
Trial in session		5	5	4	4	3	3	3	1	1	1	2	2	2	3	4	4	3	3	3	3	3	2	2	2	
Judgment phase		0	0	1	1	2	1	1	2	3	3	1	0	0	0	0	0	1	1	2	1	1	1	2	2	
Trial (incl. trial prep/session/judgement)		5	5	5	5	5	5	5	5	5	5	4	4	4	4	4	5	5	5	6	5	5	6	6	6	
Appeal		2	2	2	1	0	1	1	2	2	2	4	3	3	3	3	3	1	0	0	1	1	2	2	2	
Judicial Reparations		1	1	0	1	1	1	1	0	0	0	2	2	2	2	0	2	3	3	3	1	0	0	0	0	
Reparations implementation		1	1	2	2	1	1	1	1	2	2	1	1	1	1	3	2	2	2	2	4	5	5	3	3	
Reparations		2	2	2	3	2	2	2	2	2	1	3	3	3	3	3	4	5	5	5	5	5	5	5	3	