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18-26 November 2009**Report of the Court on the job evaluation study of established posts -
review of previously classified positions at the Professional level*****A. Background**

1. In accordance with Staff Regulation 2.1, “the Registrar, in consultation with the Prosecutor, shall make appropriate provision for the classification of posts according to the nature of the duties and responsibilities required and in conformity with the United Nations common system of salaries, allowances and benefits”. In 2005, the International Criminal Court (hereinafter “the Court”) conducted a comprehensive job evaluation study, resulting in the initial classification of posts. In 2007, the Committee on Budget and Finance (hereinafter “the Committee”), acting in accordance with the authorization of the Assembly of States Parties (hereinafter “the Assembly”), approved the reclassification of nine generic positions (applicable to 27 staff) at the Professional level and six generic positions (applicable to eight staff) at the General Service level. Subsequently, the Assembly, at its sixth session in December 2007, “decided to grant the Court the flexibility to reclassify General Services posts where there is a need to do so, to report future reclassifications through the proposed programme budget, and to report annually to the Assembly on the programme budget implications thereof”.¹ In 2008, the Assembly approved the reclassification of 12 generic positions at the Professional level (applicable to 17 staff), with an effective date of 1 January 2009. Also with effect from 1 January 2009, 14 generic positions at the General Service level (applicable to 20 staff) were reclassified. The list of General Service positions reclassified as of 2009 is contained in Annex V(c) of the proposed programme budget for 2010 of the Court.

B. Methodology and process

2. In accordance with the recommendation of the Committee, the 2009 exercise was again limited to positions that had undergone a significant change since the last review. The principle of ‘significant change’ implied that there had been a marked change to the role of the position within the Court or changes to the context of the work, e.g. organizational changes. The guiding principle for the exercise was to ensure equal pay for work of equal value, relying on the criteria established to determine the relative value of work during the previous exercises. Additionally, the exercise aimed at ensuring a sense of equity in the work place, while reflecting fiscal responsibility.

* Previously issued as ICC-ASP/8/CBF.2/14.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part II.E.1, para. 20.

3. For posts at or to the Professional level, the 2009 review exercise was embedded in the 2010 programme budget preparation process.² Managers requesting reviews of posts within their sections or units had to provide justifications to division heads and to the heads of each organ. Those posts that were approved for review were included in the 2010 programme budget at the higher level.

4. The exercise was based on the classification methodology established by the International Civil Service Commission (ICSC). For each position, detailed work surveys were prepared which, together with organization charts, are currently being analysed and evaluated by an external job evaluation specialist. The findings of the consultant will be presented to the Committee at its thirteenth session.

5. The Court proposes to the Committee that it recommend to the Assembly that the findings of the exercise be approved, and that the Court be authorized to reclassify the posts at the appropriate level, with an effective date of 1 January 2010.

6. The list of posts, comprising 10 generic posts, applicable to 14 individual staff, is attached as annex 1. Annex 2 contains detailed justifications for each post.

² Reviews of posts within the General Service category for which approval authority was granted to the Court will take place following the review of the Professional-level posts, and the results will be reported to the Assembly at its eighth session.

Annex I

Posts submitted for review Professional category

<i>Number of posts</i>	<i>Post number</i>	<i>Level</i>	<i>Major Programme/Section</i>	<i>Functional title</i>
Office of the Prosecutor				
Basic				
1	6795	P-2 to P-3	Immediate Office	HR Liaison and Coordination Officer
1	7794	P-3 to P-4	Services Section	Translator (French)
1	8479	P-3 to P-4	Services Section	Translator (English)
Situation-related				
1	1368	P-4 to P-5	Investigation Division	Senior Investigator
Registry				
Basic				
1	5979	P-2 to P-3	Human Resources Section	Staffing Officer
1	8912	P-3 to P-4	Victims and Witnesses Unit	Protection Officer
Situation-related				
1	1873	P-4 to P-5	Field Operations Section	Chief of Field Operations Section
1	4893	P-3 to P-4	Field Operations Section	Field Office Manager
1	6345	P-3 to P-4	Field Operations Section	Field Office Manager
1	6927	P-3 to P-4	Field Operations Section	Field Office Manager
1	7482	P-3 to P-4	Field Operations Section	Field Office Manager
1	4598	P-3 to P-4	Field Operations Section	Logistics Officer
1	3905	P-2 to P-3	Security and Safety Section	Field Security Officer
1	4863	GS-OL to P-1	Victims Participation and Reparations Section	Documentation and Database Administrator

Annex II

Justification of posts impacted by the reclassification exercise

Office of the Prosecutor (OTP)

Human Resources Liaison and Coordination Officer – Immediate Office (P-3)

1. The work survey of the Human Resources (HR) Liaison and Coordination Officer has been updated primarily due to a structural change in the Immediate Office of the Prosecutor, as well as increased responsibilities in the area of staff development. Since the departure of the Chef de Cabinet (P-5) in January 2008, the current incumbent has been tasked with higher-level functions, such as representing the Office on all HR-related matters which entail discussions and negotiations with parties from other organs of the Court. The management of training for OTP staff has also been included in the revised work survey. The vacant Chef de Cabinet post will not be filled; instead the P-5 post will be redeployed to another division, subject to the approval of the Assembly.

Translator/Reviser (P-4) (English) and Translator/Reviser (P-4 (French) – Language Service Unit

2. In the initial start-up phase of the OTP, the Language Service Unit (LSU) had “basic” linguistic services within the OTP – simply providing draft translations of evidence collected in the field for the investigators to be able to work with. For this reason, the LSU was not equipped with any reviser posts or terminologists. The rationale was that unrevised translations were sufficient for evidence and that, if translations of such evidence were challenged in court, the Registry would do any revision.

3. This scenario proved workable at first, but only to a limited extent. Moreover, the linguistic requirements of the LSU’s clients have evolved over the past five years. The differences are as follows:

- a) From a linguistic point of view, it is not justifiable to submit evidence translated by the LSU for use in court without proper revision. The defence can be expected at any time to argue that the OTP translations are flawed (which in itself argues in favour of the best possible revision, so as to limit defence complaints). At the same time, the Prosecution Division needs to be provided by the LSU with the highest quality translations possible (thus ensuring that they have the best possible grasp of the evidence which they have to use to construct their case and then present and argue in court). This, however, is only feasible if the translations are checked for accuracy and completeness by an experienced reviser; and
- b) The LSU is now asked to translate not only evidence but also virtually any document that the OTP staff work with or draft, including official papers, speeches by the Prosecutor, press releases and also Court documents, in particular case filings. For these documents, which may have a highly technical legal content or be of great importance due to their outreach value (for example, press releases when applications for arrest warrants are announced), full-scale revision (including checking for stylistic appropriateness) is needed. No responsible head of service would ever allow any such documents to be released without revision, and indeed all international organizations work along exactly these lines. Within the LSU,

both postholders conduct revision tasks for their respective areas (English-French and French-English).

4. It should, moreover, be noted that, with the increasingly tight deadlines governing the OTP's work, some of which are set by the Chambers, it would not be feasible to send translations to the Court Interpretation and Translation Section (STIC) for revision and have them ready by the dates requested. Judges now regularly rely on the OTP attaching courtesy copies of filings for precisely this reason; there have also been cases where judges have ordered the Office of the Prosecutor to produce translations.

5. The LSU now has seven translators working to or from English and French plus a further three working into English from Swahili and Arabic and another two who work into French from Swahili and Sango. This means that – again in line with all other international organizations – there needs to be one senior linguist for English and one for French, with ultimate authority over each language (and who also advises other OTP staff members on linguistic matters arising within the Office), who sets the standards, and who can assess the quality of documents produced in that language. These functions have been performed in the LSU for some time by both of the current postholders (at P-3 level) in their respective areas (English and French).

6. In addition, the English P-3 translator has also for some time fulfilled the functions of a Translation Coordinator for all languages: he assigns work to unit staff members, negotiates deadlines with (high-level) clients and oversees compliance with these deadlines by the translators. He also guides and trains all newcomers and short-term general temporary assistance (GTA) translators on the English side. He deputizes for the Head of the Unit as required.

7. The French translator not only acts as the final authority on the French-language side but also as the OTP's terminologist. Here too, those who designed the initial concept of the OTP language service did not fully foresee the linguistic requirements of everyday work: they assigned the terminology work solely to the Registry. However, it is a necessity following directly from the OTP's mandate that the LSU also works in the field of terminology. It is the OTP which hires field interpreters and therefore has to set up glossaries and terminology lists (e.g. sexual crimes glossaries) before STIC makes its first translations into the respective languages.

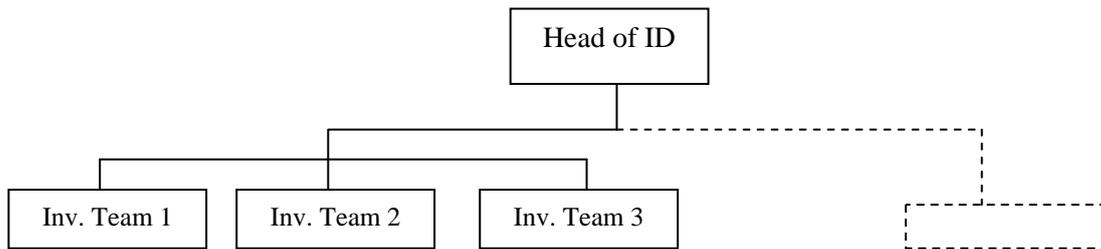
Investigations Coordinator – Investigation Division (P-5)

8. The Office of the Prosecutor is continuously exploring ways to perform its activities more efficiently. In line with this concept, a change in the structure of the Investigation Division (ID) was approved by the Prosecutor.

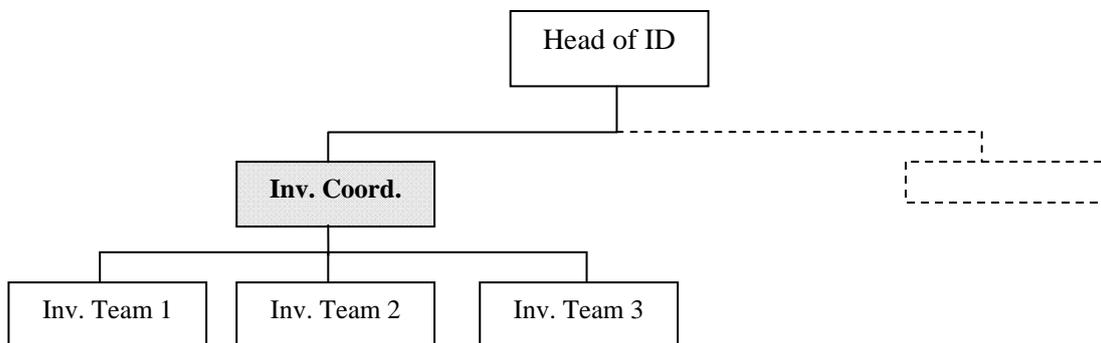
9. As a result of this change, the investigation teams, which previously answered directly to the Head of Division, will now answer to the Investigations Coordinator. This modification will help to address the required standardization of investigative methods (according to the recently approved Regulations of the Office of the Prosecutor) and will enable the Head of Division to concentrate on requirements at strategic level.

10. Graphically, the change in structure is presented as follows:

Previous structure:



Current structure:



11. Under the supervision of the Head of the Investigation Division, the role of the Investigations Coordinator will be:

- a) To supervise investigative activities, providing directions to team leaders on the development of the investigations;
- b) To develop and propose to the Executive Committee of the Office of the Prosecutor, in consultation with the other divisions, policies and procedures relating to investigative activities (e.g. standards for statement taking, evidence processing and review); and to ensure implementation and compliance with the approved policies and procedures;
- c) To lead and direct the Division's Financial Investigations Unit;
- d) To organize the support of the trial teams, in particular the Division's analysts supporting ongoing trials; and
- e) To identify specialized training needs for team leaders, investigators and analysts of the Investigation Division and develop required solutions to address them.

Registry

Field Operations Section (FOS) – Immediate Office

12. The request for classification and reclassification of the FOS positions is a consequence of its reorganization.

13. The Registry has been conducting and supporting the operation of the Court's teams in the four countries of situation since 2005. Building upon the lessons learned, with a view to keeping pace with the Court's development, and in response to the wishes of the Committee¹ and Assembly,² the Registrar has undertaken an extensive exercise aiming at reviewing the Registry's field operations.

14. The aim was to tackle effectively the challenges relating to, inter alia, ensuring adequate security for the staff of the Court in the field, minimizing a wide array of other risks associated with field work, ensuring timely and effective cooperation of various actors in the countries of situation, and attracting and retaining high-quality staff with field experience and expertise.

15. Through the proposed enhancement of field operations, the Registry will attain increased efficiency, coordination and flexibility, consolidated authority, effective management of its staff and resources, and scalable field capacity to deal with multiple, complex and sometimes unforeseen situations, including field residual issues, whilst giving due regard to ensuring judicious and prudent use of financial means.

16. As a part of this reorganization, the Registrar has decided to remove the Field Operations Section from the Common Administrative Services Division. Since January 2009, this section has been directly subordinated to the Registrar.

17. The reorganization of field operations follows a two-year implementation plan, with budget-neutral safeguard measures for 2009 and consolidation measures aimed at strengthening offices in the field to be activated in 2010.

18. A description of the various positions and their increased responsibilities as a result of this reorganization is set out below.

Head of the Field Operations Section (P-5)

19. The increased responsibilities relate to the capacity to oversee all field aspects of the Registry's work in the field, through enhanced interaction with all sections of the Registry represented in the countries of situation both at headquarters and on the ground through the Heads of Field Offices.

20. While the Head of the Field Operations Section has previously been responsible for overseeing operational and technical support to all teams working in the field, under the proposed reorganization the Head of the Field Operations Section will also oversee the activities of all Heads of Field Offices. Thus, each Head of Field Office will act as the representative of the Registrar in the respective country of situation (of which there are presently four).

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14 - 22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II.B.2, para. 85.

² *Ibid.*, vol. I, part III, resolution ICC-ASP/7/Res.3, para. 13.

Head of Field Office (P-4) (former Field Office Manager)

21. The Field Office Manager has been primarily responsible for the coordination of administrative and logistical support to the Court's teams working in the countries of situation. A principal objective of the proposed reorganization is to enhance the Registrar's legitimacy and authority in the countries of situation. Thus, each Head of Field Office will act as the representative of the Registrar in the respective country of situation in interactions with representatives of the host State, United Nations special representatives and heads of agencies and funds, local authorities, etc. He or she will ensure efficient coordination of Registry's activities on the ground, the distribution of resources (human and financial), their prioritization, collection of relevant data on the Registry's field operations and regular and comprehensive reporting back to headquarters.

Head of the Operational Support Unit (P-4)

22. Originally recruited as a Logistics Officer to the Field Operations Section, to stand in for the Field Office Managers where necessary and deploy to the field at short notice, the Head of the Operational Support Unit has an increased role coordinating the day-to-day activities of the Field Operations Section; in particular addressing critical issues of mission implementation, monitoring, and support and oversight within workable operational frameworks, while at the same time adapting to the increased activities of the Court in the field. The Head of Unit acts as the Field Operations Section focal point on all field logistic and administrative matters and provides support relating to:

- General administration of the section;
- Operational support to the field;
- Human resources management of the section; and
- Budget and finance management.

Human Resources Section – Common Administrative Services Division

Staffing Officer (Career Development) (P-3)

23. With the introduction in 2008 of the strategy for the implementation of the HR-related objectives of the Court's Strategic Plan ("HR Strategy"), the Court has entered a new phase in terms of the management of its human resources. While the recruitment of highly qualified and competent staff, with due regard to geographical, gender and legal-systems representation, remains one of the main goals of human resources activities, the recruitment situation overall has stabilized and there is now an increasing focus on career development, including staff mobility and transitional support, performance management and HR policy development in line with the objective of creating and maintaining a caring environment.

24. As a result of these developments, the post profile of the Staffing Officer has evolved from the simpler profile of Recruitment Officer and has increased considerably in scope, depth and complexity. With regard to career development, the postholder is required to take a leading role in conducting research and analysis to implement a suitable career management and development framework to suit the objectives of the Court. Moreover, the postholder has become increasingly involved in complex staffing issues, including policy development, improvement and implementation, performance management and conflict mediation and resolution.

Victims and Witnesses Unit – Division of Court Services

Head of Protection (P-4)

25. Expansion of the Court's Protection Programme capability: The Head of Protection supervises six Professional staff members, including two P-3 posts: a P-3 Analyst and a P-3 Psychologist.

26. Financial responsibility: The recommendations of the Head of Protection in regard to the admission of witnesses to the Court's Protection Programme will have a very substantial impact on the budget.

27. Extra reliance placed on the Head of Protection: The Court relies on the advice provided by the Head of Protection in matters relating to the protection of victims and witnesses. The assessment made by the Head of Protection is always taken into account by the Chambers before taking a decision relating to protective measures for witnesses called to testify.

28. Leadership and management: The Head of Protection will be called to act as officer-in-charge, when required to do so, and to represent the Victims and Witnesses Unit (VWU) in the absence of the Chief of the VWU.

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