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**Report of the Court on the Kampala Field Office:
activities, challenges and review of staffing levels;
and on memoranda of understanding with situation
countries***

1. This report responds to the recommendation of the Committee on Budget and Finance (“the Committee”) at its thirteenth session that a review be conducted of the amount of resources currently stationed in Kampala in light of the current level of activities.¹ It also responds to the Committee’s request regarding revision of the memoranda of understanding to ensure that they respond to the Court’s needs.²

2. The situation in Uganda was referred to the Court in December 2003. The Prosecutor opened investigations in July 2004. The situation is at the pre-trial stage, with four arrest warrants outstanding since October 2005. Seven hundred and one applications from victims to participate in the proceedings have been received.³ Twenty-one victims are currently participating in the proceedings at the situation level and forty-one in the case.

3. In 2005, based on an analysis of operational needs, the activities to be pursued and the factors characterizing the environment, the Court took the decision to set up the Kampala Field Office. Five years into its existence, thanks to its strategic location⁴ and taking into account rapid judicial developments in the neighbouring situation country, the Democratic Republic of the Congo,⁵ the Kampala Field Office finds itself playing a substantial role in supporting operations in the region.

4. As requested by the Committee on Budget and Finance, a description of the activities of the field-based sections/units and their staffing levels is given below.⁶ Where possible, the workload for 2010 is quantified so as to provide a more accurate image of the current activities and challenges as well as 2011 projections.

* Previously issued as ICC-ASP/9/CBF.1/14.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (ICC-ASP/8/20), vol. II, part B.2, para. 83.

² *Ibid.*, para. 81.

³ Applications from victims seeking to participate in the proceedings received: 49 (2006); 108 (2007); 216 (2008); 272 (2009).

⁴ Kampala Field Office is located 40 kilometres away from Entebbe, an important UN airbase.

⁵ To date there are two cases in relation to the Democratic Republic of the Congo situation: *The Prosecutor v. Thomas Lubanga Dyilo* and *The Prosecutor v. Germain Katanga and Mathieu Ngilo Chui*, as well as ongoing investigations.

⁶ See Annex – Organigramme of Kampala Field Office.

I. Activities and staffing

A. Office of the Prosecutor

5. For 2010 the Office of the Prosecutor has indicated that it will maintain the current level of activities in the country. For 2011, it is foreseen that 36 external missions and 24 internal missions will be carried out in relation to the Uganda situation as well as other active cases and situations. Two permanent staff members (one P-3 and one G-6) will continue to be deployed in the Field Office, while one G5 staff member is already redeployed to other areas in light of the changed operational needs and mission support for different situations. The Office will continue to rely on the resources of the Field Office.

B. Registry

6. There are seven functional units of the Registry in the Kampala Field Office. Additionally, the Registry provides support and assistance to the field-based staff of the Office of the Prosecutor and the Trust Fund for Victims, as well as to missions undertaken from Headquarters and internal missions.

1. Victims and Witnesses Unit (VWU)

(a) Activities

7. The focus of the field-based staff of this Unit relates to protection and support measures for witnesses. These witnesses are related to the current case, *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*. However, these activities of staff are also extended to include witnesses in other active situations. In relation to the two ongoing cases in the situation of the Democratic Republic of the Congo, support and assistance has involved escort activities and implementation of protective and support measures for witnesses of both the Office of the Prosecutor and Defence teams before and after their testimony in The Hague. The Associate Protection Officer has also performed duties in relation to the situation in the Central African Republic.

8. Effective protection of the individuals mentioned above inter alia entails activation of the Initial Response System (IRS). This system was set up at the request of the Office of the Prosecutor. Up until the end of 2009, the Office of the Prosecutor requested the Victims and Witnesses Unit to maintain an Initial Response System in 4 areas of Uganda covering 11 towns which requires to be tested twice a year. Recently the Office of the Prosecutor has informed VWU of its decision to cancel the maintenance from 2010 onwards in light of the updated risk assessment. VWU is currently assessing this request and the impact on the workload and its resources in the field.

9. Other witnesses, who are not in the ICC Protection Programme, have been referred by the Office of the Prosecutor for medical and psychosocial support services.

10. The Ugandan Police Force assists with the implementation of the Immediate Response System. The effective maintenance of the system requires training of the local police, regular contact with local authorities and frequent testing of its efficacy and responsiveness.

11. Other activities include medical, psychosocial support and protection of witnesses in all active situations, and are expected to continue throughout 2010 and 2011 in accordance with the requirements of the Office of the Prosecutor and the Defence teams.⁷

⁷ In 2009, 20 missions over 86 days were conducted in Uganda. Approximately 30 external missions and 25 internal missions are expected to be undertaken in 2010. Eight external missions have been conducted to date.

(b) Staffing

12. The VWU field-based staff consists of one Field Witness Officer (FWO) P-3, one Associate Protection Officer (APO) P-2, three Field Protection and Operations Assistants (FPOA) G-5 and one Field Support Assistant (FSA) G-5.

2. Victims Participation and Reparation Section (VPRS)**(a) Activities**

13. Although the arrest warrants have not been executed, a significant number of victims have exercised their right to apply for leave to participate in proceedings, and many of these applications remain pending before the Court for various reasons, including the difficulties many applicants face in producing proof of identity documents, the lack of capacity of intermediaries, and mobility of communities. A further factor is that, due to the evolution in attitudes towards the Court, it has taken a longer time in Uganda than in other situations to identify and train intermediaries in some areas, with the result that communities of victims who may be connected with the case have not yet been reached. The Registry's strategy for Uganda over the coming two years needs to take account of these factors, and to recognize that it will still take time to enable the victims who have already approached the Court to have their applications fully dealt with, to ensure that at least victims who may be linked to the case have the opportunity to apply to participate in the proceedings, and to prepare and implement an appropriate strategy for scaling down or closing the field presence there.

14. It should be noted that the victims are dispersed in the northern part of the country, in various towns and villages, and can only be reached by travelling long distances.⁸ There remain a significant number of victims who have been granted the right to participate in the proceedings relating to the case or the situation.⁹

15. The following activities are to be pursued during 2010 and 2011:

(a) Implement orders of the Pre-Trial Chamber directed at VPRS, such as to inform victims, enable victims to submit observations, seek further information from victims and organize the legal representations for victims who have been granted the right to participate in the proceedings relating to the case or the situation;

(b) Inform victims/applicants and local intermediaries about developments in the proceedings and relevant jurisprudence affecting them, including decisions relating to victim applications for participation, and proceedings in which victims may give their views (such as the proceedings regarding admissibility in late 2008);¹⁰

(c) Hold individual meetings with victims who have applied to participate in the proceedings, in order to acknowledge receipt of their application, ensure that they understand the process of participation, obtain follow-up information, assist regarding legal representation and inform them of developments in the proceedings;

(d) Maintain ongoing relations with existing intermediaries and continue to identify and train intermediaries who have contact with victims, focusing on areas listed on the warrant of arrest where there are no trained intermediaries, in order to ensure that victims in those areas have the opportunity to apply to participate in relation to the case;

(e) Engage with the Ugandan legal profession to support Registry efforts to promote the list of counsel and to contribute to training activities, in partnership with other legal organizations on international criminal law, focusing on lawyers from northern Uganda.

⁸ Two external missions and eight internal missions (one per month) to areas throughout northern Uganda are envisaged for 2010.

⁹ 701 applications from victims/groups of victims have been received to date. 21 have been authorized to participate in the proceedings at the situation level and 41 at the case level: *The Prosecutor v. Joseph Kony, Vincent Oti, Okot Odhiambo and Dominic Ongwen*.

¹⁰ There are a number of pending applications for participation to be dealt with by the Registry and Chambers.

(f) Support VPRS activities related to the situation in Kenya until a decision is made by the Pre-Trial Chamber on whether to authorize an investigation. If an investigation is authorized, support the commencement of activities in Kenya.

(g) Support VPRS field missions to eastern Congo related to the ongoing trials of T. Lubanga and G. Katanga and M. Ngdjolo-Chui.

(b) Staffing

16. Current staffing level of VPRS: one Field Officer P-2 (also covers Darfur situation) and one Field Assistant G-4. As an efficiency measure, the Field Officer has been recruited with the necessary skills and capacities to cover two situations (Uganda and Darfur/Sudan). Additionally, the work currently undertaken in Kenya pursuant to the Pre-Trial Chamber order has benefited from the support of the Field Assistant deployed on short-term missions.

3. Public Information and Documentation Section

(a) Activities

17. In 2010 and 2011 outreach and public information activities conducted by a team based in Kampala will aim at increasing the understanding of the Court as a judicial institution and engage the affected communities. During interactive sessions to engage key target groups, and through radio and television talk shows, the ICC mandate, the crimes under its jurisdiction, complementarity and related issues, and activities in Uganda will be discussed. The plan involves war-affected communities, both at grassroots and through their leaders, civil society organizations, women groups, school and universities, legal practitioners and journalists.¹¹

18. The implementation of the plan for outreach and public information will require travel to areas located in the northern part of the country, such as the Acholi, Teso, Lango and Madi regions. The results of the effective Outreach Programme undertaken in the past year are summarized in the 2009 Outreach Report.¹² The Review Conference, scheduled to take place in Kampala from 31 May to 11 June 2010, represents an important moment for the outreach programme in the country. A number of outreach activities will be organized before, during and after the Review Conference.

19. Due to the non-execution for almost five years of the outstanding arrest warrants, the main challenge for the outreach programme will remain to keep the population engaged, avoid the feeling that the ICC is abandoning the victims awaiting justice and continue to make justice relevant and meaningful to the affected communities.¹³

20. Depending on judicial developments in relation to the situation in Kenya, the Uganda- based outreach team will support outreach activities in relation to this potential new situation.

(b) Staffing

21. The 2010 staffing level includes one Field Outreach Coordinator P-2, two Field Outreach Assistants G-5, and one Field Administrative Assistant G-4. As an efficiency measure, the Field Senior Outreach Assistant position was deployed to the outreach team based in the Central African Republic to reinforce outreach efforts in the *The Prosecutor v. Jean-Pierre Bemba Gombo*, where the trial had been scheduled to start on 27 April 2010.¹⁴ Moreover, should the Pre-trial Chamber II authorize the opening of an investigation in the

¹¹ 81 outreach activities are planned to take place in Uganda in 2010, including those related to the Review Conference.

¹² 2009 Outreach Report: <http://www.icc-cpi.int>.

¹³ 403 outreach activities as follows have been organized since the opening of the Uganda situation: 9 (2006), 46 (2007), 175 (2008), 173 (2009).

¹⁴ On 8 March 2010 Trial Chamber III postponed the trial pending a decision on the Defence's challenge to the admissibility of the ICC proceedings.

situation of Kenya, these staff resources could be used to develop and implement outreach activities in relation to this new situation.

4. Security and Safety Section

(a) Activities

22. The field-based staff of the Security and Safety Section will continue to provide security support for all work of all ICC field-based staff, including assistance to missions from Headquarters. This entails: security briefings to incoming missions, direct support as required to missions to the northern part of the country, security risk assessments for specific activities, ongoing monitoring of the security situation and security of the field office; it includes liaising with the national authorities and the United Nations for this purpose.

23. Additionally, during the Review Conference the field-based security staff will support all regular activities and additional side-events organized by the ICC. For the purpose of providing security and safety coordination at the Review Conference site, additional security personnel will be deployed from Headquarters.

(b) Staffing

24. The model for security staffing in each situation country includes one Professional officer responsible for overall security coordination and managerial oversight of staff and operations; one internationally recruited G6 for each field office, responsible for the security of the field office and direct support to the field activities of other sections; one national staff security assistant (approved for 2010 and currently under recruitment), responsible for routine reporting/administration, staff tracking/security clearance and continuity of security presence in-country. Security staff may also be redeployed, for example to support the Kenya situation.

25. Current staffing situation: one Field Security Officer P-2 (under recruitment), one Security Lieutenant G-6, one national staff Security Assistant (grade to be confirmed). The internationally recruited security staff could also be used to support other situations as required.

5. Trust Fund for Victims

(a) Activities

26. One of the main priorities of the Trust Fund for Victims for 2010 is the continued support for 14 ongoing and new projects in northern Uganda and the eastern part of the Democratic Republic of the Congo. Currently, projects with a value of almost €1.1 million are being implemented in this situation and an additional €0.1 million is in the planning phase for implementation in 2010.¹⁵ The Trust Fund for Victims is currently consulting with the Ugandan authorities, civil society and implementing partners to develop a transitional strategy for the next two to three years in Uganda.

(b) Staffing

27. One Field Programme Office P-3 is stationed in the Kampala Field Office to support the activities of the Trust Fund for Victims. This position will have a regional support function for both Uganda and Kenya. One Field Programme Officer P-3 from Bunia post will be moved to Kampala so that this position can also have a regional position to cover the Democratic Republic of the Congo, Central African Republic and possibly other potential situations.

¹⁵ Several missions are expected to be undertaken during 2010, including one mission of the new members of the Board of Directors and participation in the Review Conference in Kampala, as well as 14 monitoring and evaluation missions to northern Uganda and possibly the Democratic Republic of the Congo.

6. Field Operations Section

(a) Activities

28. The Field Operations Section remains key in the provision of administrative and logistic support activities, namely administrative and logistic support to enable the effective and timely implementation of the activities of all field-based staff. Additionally, information technology and medical assistance is provided on a daily basis to office personnel, as well as to staff on mission from Headquarters or in transit to other areas of operation. As the Field Operations Section provides services to all of the above-mentioned sections, organs and bodies (Trust Fund for Victims) any changes in their operational needs will necessarily affect the allocation of that section's resources and their prioritization.

(b) Staffing

29. The current staffing level is the result of the volume and complexity of the activities requiring support. It consists of: one Field Office Manager, one Administrative Assistant G-5, one Senior Driver G-4, four Drivers G-3, one Cleaner G-1, one Paramedic, ICT Field Assistant G-6. Depending on the outcome of Pre-Trial Chamber II's decision in relation to the situation of Kenya, the material and human resources of this section could also be used to support operations outside the country.

II. Progress report on the CBF recommendations in relation to redeployments of Kampala field-based staff

30. In its report on the work of its thirteenth session, the Committee on Budget and Finance recommended that a number of efficiencies can be gained by redeploying three drivers and the VPRS Field Officer, and by not reclassifying the Field Security Officer position.¹⁶

31. As explained in the preceding paragraphs, a substantial amount of activities will still continue to be pursued in 2010 and 2011 in Uganda, as well as in connection with other situations where the Court is operationally engaged. The Kampala Field Office is called upon to support these activities and the evolving operational needs of the Court. However, a number of efficiencies have already been achieved through the redeployment of one G5 position of the Office of the Prosecutor and one Field Senior Outreach Assistant to situations of greater need. Furthermore, the specific skills of the VPRS Field Officer ensure the coverage of two situations, namely Uganda and Darfur.

32. Operational needs are the driving factor in the decision-making process related to the form of field operations used to support Court activities outside its Headquarters. A regular review of resources needed to support operational needs in relation to this situation is conducted as part of the budget cycle every year. A careful balance between the driving operational needs, the necessary support resources to be allocated and the risks to be mitigated is always sought. Currently the field staffing of the Field Operations Section is barely sufficient to meet demands. Fewer resources in terms of drives will have a significant impact on the ongoing activities. It may potentially lead to beaches of the established rules on driving hours and the rules and regulations concerning staff health and welfare.¹⁷

33. As the judicial proceedings unfold¹⁸, in all situations and cases in which the support of Kampala Field Office is required, the aforementioned evaluations will be undertaken to ascertain the level of support resources needed to implement effectively the Court's mandate. These evaluations will constitute the primary basis for assigning resources according to evolving judicial and operational needs, including redeployments.

¹⁶ *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. II, part B.2, para. 83.

¹⁷ As indicated in the assessment conducted by the Health and Welfare Unit of the Registry in 2009 and 2010 as well as the internal auditor's findings. See also the Surface Transport Manual.(CASD-SOP-180708-004)

¹⁸ The situation of Kenya if authorized by the judges.

III. Revision of memoranda of understanding to ensure that they respond to the Court's needs

34. At its thirteenth session in August 2009, the Committee on Budget and Finance also requested information in relation to revision of the existing memoranda of understanding to ensure that they respond to the Court's needs.¹⁹ The memoranda of understanding (MOU) concluded with situation countries were mainly intended to regulate the legal status, establishment and functioning of the Court in those countries. They are key legal tools to facilitate the proper functioning of the Court, particularly with regard to its needs in the areas of investigations, victim and witness protection, safety and security, and logistical support for its operations. They also ensure that the Court enjoys privileges and immunities as stipulated in the Agreement on Privileges and Immunities of the Court (APIC). The conclusion of MOUs became especially necessary because at the time of their signature, neither situation country had ratified APIC.

35. Accordingly, the majority of the provisions in the existing MOUs replicate APIC. A few of the provisions regarding facilities that can be provided by these countries are limited to communications and possible allocation of land or premises for the Court, all of which are cost-neutral. They are regarded as the minimum that these countries can provide. These provisions are similar to Status of Mission Agreements (SOMA) concluded by the United Nations for peacekeeping operations. Except for security, which is the responsibility of the host State, all other logistical and operational costs are normally borne by the UN under SOMA.

36. Even as the Court negotiated these provisions, it became clear that the situation countries were not in an economic position to provide the Court with the more extensive logistical and material support that the Court could have wished for. The requirements for such support are far beyond the financial capabilities of these States.

37. It should be noted that all situation countries are Least Developed Countries (LDC) struggling to provide basic amenities of life to their own citizens. The expectation that these countries can provide the Court with more than the minimum would only contribute to straining the already straightened financial resources of these countries. While cooperation and assistance to the Court has always been forthcoming from these countries, the Court can never hope to rely on them for other facilities that would significantly reduce its financial burden.

38. Government buildings, where available, would not be up to the required standards or in suitable locations, leaving as the only option the open property market. Where possible, the Court shares premises with the United Nations, and thus benefits from the cost-sharing formula of the UN and its specialized agencies.

¹⁹ Ibid., para. 81.

Annex

Field Office Kampala/Uganda 2010

