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**Report on the job evaluation study of posts  
at Professional level<sup>\*</sup>****I. Background**

1. Staff Regulation 2.1 provides that "... 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 Court conducted a comprehensive job evaluation study, resulting in the initial classification of posts. In 2007, the Committee on Budget and Finance, acting in accordance with the authorization of the Assembly of States Parties ("the Assembly"), approved the reclassification of nine generic posts (applicable to 27 staff) at Professional level and six generic posts (applicable to 8 staff) at General Service level. In 2008, the Assembly approved the reclassification of 12 generic posts at Professional level (applicable to 17 staff), with an effective date of 1 January 2009. Also with effect from 1 January 2009, 14 generic posts at General Service level (applicable to 20 staff) were reclassified. In 2009, the Assembly approved the reclassification of 7 generic posts at Professional level (applicable to 7 staff), with an effective date of 1 January 2010. Also with effect from 1 January 2010, 4 generic posts at General Services level (applicable to 5 staff) were reclassified to a higher level. Eight generic posts were confirmed at the same level (applicable to 11 staff).

**II. Methodology and Process**

2. The 2010 exercise was again limited to posts that had undergone a significant change since the last review. The principle of 'significant change,' means that there has been a marked change to the role of the post within the Court or changes to the context of the work, for example 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.

3. 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 organizational charts, have been analyzed by an external consultant who provides management with recommendations.

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<sup>\*</sup> Previously issued as CBF/15/2.

4. For posts at or equivalent to Professional level, the 2010 review exercise has been embedded in the 2011 programme budget preparation process.<sup>1</sup> Managers requesting reviews of posts within their sections or units had to provide justifications to division heads and the Heads of Organ. Those posts that were approved for review have been included in the 2011 programme budget at the higher level.

5. The list of posts, comprising 21 generic posts, applicable to 25 individual staff, is attached as annex I. The list of posts includes both those that the consultant assessed at a higher level and those that were assessed at the same level. Out of the 21 generic posts, 14 are assessed at a higher level (applicable to 18 staff) and 7 are confirmed at the same level (applicable to 7 staff). Three out of the 21 generic posts were submitted for initial classification. annex II contains detailed justifications for each post. The justifications relate only to those posts submitted for reclassification and not to initial classification.

6. The Court requests the Committee to recommend to the Assembly that it approves the findings of the exercise and authorize the Court to reclassify the posts at the appropriate level, with an effective date of 1 January 2011.

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<sup>1</sup> 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 of States Parties at its ninth session.

## Annex I

### Posts submitted for review

#### Professional Category

<i>No of Posts</i>	<i>Post Number</i>	<i>Current Level</i>	<i>Level Determined by Consultant</i>	<i>Major Programme/Section</i>	<i>Current Functional title (proposed change in title is reflected in Annex II, if applicable)</i>
<b>Judiciary</b>					
Situational					
1	1291	P-4	<b>P-4</b>	Chambers (Trial Division)	Legal Adviser *
<b>Office of the Prosecutor</b>					
Basic					
1	7335	P-5	<b>D-1</b>	Prosecution Division	Prosecution Coordinator
1	9470	P-4	<b>P-5</b>	Investigation Division	Forensic Coordinator
1	9431	P-2	<b>P-2</b>	Services Section	Information Officer *
<b>Registry</b>					
Basic					
1	8380	P-3	<b>P-4</b>	Victims and Witnesses Section	Support Officer
1	2425	P-4	<b>P-5</b>	Victims Participation and Reparation Section (VPRS)	Chief, VPRS
1	1677	P-3	<b>P-3</b>	Victims Participation and Reparation Section (VPRS)	Legal Officer
1	8562	P-1	<b>P-2</b>	Victims Participation and Reparation Section (VPRS)	Victims Applications Manager
1	4863	GSOL	<b>P-1</b>	Victims Participation and Reparation Section (VPRS)	Documentation and Database Manager *
1	7240	P-2	<b>P-2</b>	Counsel Support Section	Associate Legal Officer
1	1632	GSOL	<b>GSOL</b>	Office of Public Counsel for the Defence	Legal Assistant
1	5979	P-2	<b>P-3</b>	Human Resources Section	Staffing Officer
1	-	P-2	<b>P-2</b>	Public Information and Documentation Section	Audio Visual Producer **
1	2753	P-2	<b>P-2</b>	Legal Advisory Section	Associate Legal Officer
Situational					
1	3905	P-2	<b>P-3</b>	Security and Safety Section	Field Security Officer
1	4893	P-3	<b>P-4</b>	Field Operations Section	Field Office Manager
1	6345	P-3	<b>P-4</b>	Field Operations Section	Field Office Manager
1	6927	P-3	<b>P-4</b>	Field Operations Section	Field Office Manager
1	7482	P-3	<b>P-4</b>	Field Operations Section	Field Office Manager
1	2961	GSPL	<b>P-2</b>	Field Operations Section	Forward Field Office Manager
1	8776	P-3	<b>P-4</b>	Court Translation and Interpretation Section	Court Interpreter (SWA/LIN)
1	9002	P-1	<b>P-2</b>	Court Translation and Interpretation Section	Para-Professional Interpreter (SWA/LIN)
1	3630	P-1	<b>P-2</b>	Court Translation and Interpretation Section	Para-Professional Interpreter (SWA/LIN)
1	4372	P-1	<b>P-2</b>	Court Translation and Interpretation Section	Assistant Translator (SWA/LIN)
1	9141	P-2	<b>P-3</b>	Victims and Witnesses Section	Associate Legal Officer

\* Initial classification.

\*\* Approved GTA.

## Annex II

### Justification of posts

#### A. Office of the Prosecutor

##### 1. Prosecution Division

###### **Prosecution Coordinator** (*former Chef de Cabinet*)

1. As outlined in the OTP introduction, one reclassification from P-5 to D-1 is pending for the Prosecution Co-ordinator post, which was redeployed from the Immediate Office of the Prosecutor in the 2010 budget. The increased functions result from the permanent reorganisation of the representative functions and in-court duties for the remaining Deputy Prosecutor.

2. The acting Co-ordinator has been instrumental in coordinating the Prosecution Teams, improving the quality of submission drafting and enhancing the consistency of filings. The Coordinator oversees the management of all Teams, ensuring the translation of the new Operations Manual into practice uniformly across the Division. The Co-ordinator is also the channel between the Trial Teams and the Executive Committee, again enhancing standardisation and streamlining activities.

##### 2. Investigation Division

###### **Forensic Coordinator** (*same title*)

3. The position of the forensic coordinator was actually reclassified to the P-5 level in 2007. The classification was based on a work survey including all possible functions that the incumbent would be expected to perform. However, given that the forensic activities were low at that time, it was decided to defer granting the P-5 position until such a time as the full breadth of functions was required on an ongoing basis.

4. This stage has been reached. The full range of forensic functions are now performed, including in situ exhumations, forensic analysis of DNA and X-rays for age and identity determination, forensic examination of seized hardware, forensic aerial reconstruction and photography. In almost all cases, the evidence generated is being presented in the courtroom.

#### B. Registry

##### 1. Security and Safety Section – Immediate Office

###### **Field Security Officer** (*same title*)

5. Security and Safety Section (SSS) budget submission for 2011 includes the repeated request for reclassification of one Field Security Officer post from P-2 to P-3. This post is located in Kampala, Uganda and the post number is ICC-3140-S-P-2-3905.

6. The justification for reclassification arises from the fact that the Registry currently has a total of four Field Security Officer posts in the field with identical duties and responsibilities. Three of these posts have been classified at P-3 level whilst one of the posts remains at P-2 level. This particular post was the first professional level post that SSS had in the field and, once the value and requirement of the post was established, three additional posts were created and, as a result of regular classification exercises, the level of the post was determined to be P-3.

7. The tasks and responsibilities of all four Field Security Officer posts located in the field are identical. The Field Security Officer at the field duty station is responsible for the management and coordination of all security operations in the assigned area of operations to ensure the protection of ICC staff, property and premises, including:

(a) Manage all deployed security personnel and assets, including the conduct of administration, management of operational assignments, and accountability of equipment;

(b) Plan, supervise and execute missions requiring security support, such as field close protection assignments, field security operations and/or security support to investigative, judicial, or witness protection operations;

(c) Develop and implement threat and security level monitoring and analysis mechanisms, including compilation of threat assessments, security situation reports, travel advisories, security briefings or other pertinent documents;

(d) Ensure compliance with UN/international security standards such as Minimum Operating Security Standards, Minimum Operating Residential Security Standards (MOSS, MORSS), and

(e) Develop and maintain a security coordination and information network to include ICC internal, governmental and non-governmental organizations and other relevant agencies or individuals.

8. Previously, an internal applicant was provisionally selected for this post, but, because of the level of the post and the relative salary structures for P- and G- level staff, the Court has been unable to make a reasonable offer to the individual concerned and thus to fill the post. The post has been under continuous recruitment effort; however, due to the level of the post and terms and conditions in the field, the Section has been unable to attract suitable applicants.

9. With the new situation in Kenya, the Security and Safety Section has not requested a new post to cover the new situation, but instead will be redeploying existing resources to cover both existing and new situations. To enable such redeployments, it is necessary that the available staff all be equally qualified and employed at the same level. This is a further argument for reclassification of the post. Finally, it is worthy of note that counterparts from other organizations performing similar functions in the field are generally employed at P-4/5 level.

## 2. Field Operations Section

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

11. 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 learnt, with a view to matching the Court's development, and in response to the wishes of the CBF<sup>1</sup> and the ASP,<sup>2</sup> the Registrar has undertaken an extensive exercise aiming at reviewing the Registry's field operations.

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

13. Through the proposed enhancement of field operations, the Registry will:

(a) attain effective and efficient oversight and management of all Registry's field-based functions and material resources through, co-ordination and flexibility and consolidated authority;

(b) improve coherence of the Registry's field-based functional units;

(c) improve coordination with external actors in implementing the Registry's mandate in relation to administrative functions and follow-up on the Chamber's orders;

<sup>1</sup> *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* (ICC-ASP/7/20), vol. II, part B.2, para. 55.

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

- (d) improve quality and timeliness of decision-making in relation to Registry's internal organisation;
- (e) reduce inefficiencies created by having multiple reporting lines;
- (f) eliminate redundancies and duplication in the Registry's current organizational structure and communication within the field offices and between the field offices and Headquarters;
- (g) ensure sustainable provision of high quality and timely services to the Office of the Prosecutor and counsel (Defence and legal representatives of victims) and Trust Fund for Victims;
- (h) improve staff morale and commitment within the Registry's teams deployed in a field office, promote capacity to foster a common culture.

14. As a part of this reorganisation, the Registrar has decided to remove the Field Operations Section from the Common Administrative Services Division. Since January 2009, this Section has reported directly to the Registrar.

15. The reorganisation 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.

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

**Registry Field Coordinator** (*former Field Office Manager*)

17. The Field Office Manager (FOM) role has been primarily responsible for the coordination of administrative and logistical support to the Court's teams working in the countries of situation. The Registrar has approved the establishment of a new position for each field office, Registry Field Coordinator at P-4 level,<sup>3</sup> to replace the position of Field Office Manager. Within the delegated authority of the Registrar, the Registry Field Coordinator, will be responsible for:

- (a) oversight, coordination and management of seven field-based functions of the Registry without intervening in the substantive decision-making between those sections/Units and their clients/users where relevant;
- (b) oversight and control of financial resources and assets;
- (c) external coordination with various actors whose assistance is needed to carry out operations in the situation country, particularly in terms of administrative, logistics and support functions and transmission and follow-up on the Chamber's orders;
- (d) prioritization between Registry's operational needs and resources;
- (e) enabling the efficient provision of high-quality and timely services to the Office of the Prosecutor and counsel teams, Trust Fund for Victims and the Registry's field-based functional units;
- (f) implementation of contingency plans, including evacuation, in order to deal with unforeseen and/or critical situations in accordance with the Rules of Procedure and Evidence (rule 13(2)) and under the authority of the Registrar and the Prosecutor as per the Information Circular entitled "An Executive Statement by the Registrar on the ICC Security and Safety Section (SSS), Joint Threat Assessment Group (JTAG), Joint Crisis Management Team (JCMT) and Information Security Management Forum (ISMF)-ICC/INF/2008/003;
- (g) acting as focal point for the setting up of field offices when and if required, and their closure and implementation of exit strategy;
- (h) any other functions as assigned by the Registrar in the implementation of the Registry's mandate.

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<sup>3</sup> A reclassification exercise was conducted in 2009 and has resulted in upgrading the position to P-4 level.

**Forward Field Office Manager** (*same title*)

18. The incumbent has performed the function of Forward Field Office Manager in Bunia for four years, providing key support to the proper functioning of the Section in support of on-going and ever increasing operations in the field for the area; in addition he stands in for the current DRC Field Office Manager in his absence when/where required.

19. The overall work load of the Section, and in particular the activities in DRC/Bunia, have grown since the beginning of the year and are expected to continue throughout 2011. Considering the significant changes/restructuring the Section is undergoing, the role of the Forward Field Office Manager will not only continue to be essential, but will undergo increased levels of responsibility, in particular with a view to ensuring continuity to the standard/quality of work expected from the Unit and Section as a whole.

20. It is therefore requested that the subject post and grade be reviewed in line with the incumbent's increasing duties and responsibilities, and be reclassified as a Professional-level post.

21. In drafting the updated work survey, serious consideration has been given to the nature of tasks performed in terms of scope, complexity, variety and difficulty of the duties and responsibilities already performed by and expected for the future. Note is also taken of the incumbent's increased capacity for analysis of subject-matter and of the ability to choose a course of action from among a number of alternatives (albeit while in continued coordination and communication with the Head of Office for DRC/Chief of FOS). Overall, the capacity for decision-making and provision of recommendations has grown. The variety of the tasks performed has also increased, requiring consideration of differing subject-matters and/or variables as well as greater diversity in terms of knowledge and skills.

22. Other factors to be considered in support of the request are the skills required in relation to the nature and purpose of on-going and non-supervisory personal contacts at various organizational levels within the Court.

23. Consideration is also given to the impact of the work and the effect this may have on others in terms of provision of support/assistance.

**3. Legal Advisory Section****Legal Officer** (*former Associate Legal Officer*)

24. The initial work survey of the Court was concluded in 2005. It classified post number ICC-3130E-P-2753 as Associate Legal Officer. The primary objectives of the post during the initial stages of the establishment of the Court dealt with implementation of the Rome Statute within national legal systems; the Court's international legal status, with particular reference to its privileges and immunities; advice on the financial-legal aspects of the Court's work and its potential exposure to litigation; drafting and negotiation of administrative policies for the Court; and the interpretation and application of the basic legal instruments and policies of the Court.

*Substantial change in the nature of Work, duties and responsibilities as a result of the change in needs of LASS*

25. In April 2006 the permanent Staff Rules of the Court were adopted. Following the adoption of the Staff Rules, structures were established for staff administrative, disciplinary and judicial procedures, including the setting up of the Appeals Board (AB); the promulgation of the Rules of Procedure of the AB; the setting up of the Disciplinary Advisory Board (DAB); the promulgation of the Rules of Procedure of the DAB, and the promulgation of the Administrative Instruction on Disciplinary Procedures.

26. With the setting up of the Staff Council, there was an increase in awareness by staff members of their rights, duties and obligations in relation to requests for administrative review, appeals to the AB and the Administrative Tribunal of the International Labour Organisation. This placed an enormous responsibility on the Registry Legal Advisory Services Section to represent, defend and/or protect the interests of the Court in quasi-

judicial and/or legal proceedings before the AB, DAB, the Administrative Tribunal of the International Labour Organization, Conciliatory Committees and other formal or informal mechanism for the resolution of conflicts with staff members. Moreover, requests for legal advice and opinion on staff entitlements under the Staff Rules and Regulations increased.

*Current nature of work, duties and responsibilities*

27. The current functions include:

(a) Conduct and supervise in-depth legal research and analysis, prepare drafts of legal opinion/advice, review of reports and prepare the Court's submissions in complex administrative law cases or other litigation;

(b) Provide legal advice and prepare legal opinions on questions relating to the Registrar's responsibilities and the Court's mandate and draft correspondence;

(c) Draft, negotiate, review, advise on, interpret and finalize legal materials passed on to the section for comments and clearance;

(d) Identify, analyse and provide legal advice and prepare legal opinions on personnel and other operational activities of the Court, including the interpretation and implementation of the Financial Regulations and Rules, Staff Regulations and Rules and Administrative Issuances of the Court;

(e) Under the supervision of the Senior Legal Advisor/Legal Advisor:

(i) Assist in the negotiation and settlement of disputes and claims arising from the activities of the Court;

(ii) Represent the section and participate in discussions and negotiations for adoption of Administrative Issuances of the Court;

(iii) Provide legal advisory services and coordinate with Human Resources Section in daily legal and other matters, including ensuring that staff entitlements are granted in accordance with the Staff Regulations and Rules;

(f) Attend various other meetings in a legal advisory capacity, as required.

#### **4. Human Resources Section**

##### **Staffing Officer** (*same title*)

28. With the introduction in 2008 of the strategy for the implementation of the HR-related objectives of the ICC 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.

29. 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 post holder 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 post holder has become increasingly involved in complex staffing issues, including relevant policy and HR position paper development and improvement. The post profile has also taken on formal supervisory responsibilities.

## 5. Public Information and Documentation Section

### Head, Audio Visual Unit (*former Audio Visual Producer*)

30. In connection with the mandate of the Registry to make proceedings public, the PIDS need this position to help to make Court proceedings accessible by producing radio and television programmes for local media broadcast and outreach purposes. Prior to having an AV producer, webcasting of Court proceedings was the only mean to reach large audiences. For less technologically advanced countries, such as the situation-related countries, there was a need to develop other tools. The position of the AV producer was then created for a test period. With a small, temporarily recruited audiovisual team, consisting of one producer and one technician, the production of summaries of the Court's proceedings started.

31. In 2008, primary duties and responsibilities of the AV Producer involved production of summaries of Court proceedings; liaising with media to respond to requests for audio and video material from the courtroom, drafting audio-visual strategies, training local staff to use audio-visual equipment, downloading videos and audios from computers in the field and burning copies for distribution. The position was also needed to co-ordinate and supervise purchase of AV equipment, supervise one staff technician, draft progress reports of activities, and prepare inputs for the annual budget of the section.

32. In 2009, with simultaneous trials occurring, PIDS was able to increase the number of staff working in the AV team. In the course of its work, some duties initially assigned to the AV producer were delegated to staff working under his/her supervision; and other new responsibilities, including substantive responsibilities such as conceptualisation of products, selection of themes and content development, amongst others, have been assigned to the position. In addition, there has been a significant increase in the number of staff supervised.

#### *New responsibilities*

33. Overall, the AV Producer designs strategic plans, leads the audio-visual team, conceptualizes programmes, prepares inputs for budgets, gives advice on procurement of equipment required, trains his/her own staff and other ICC staff as necessary, and ensures distribution of production and publicity of programmes.

34. The AV producer is responsible for deciding themes and content. He/she develops concepts and writes scripts after consulting with other ICC officials within the Registry and other organs until agreement is reached for final version of scripts, in preparation for the start of filming, editing and production. He/she is required to produce programmes that comply with the requirements of procedural fairness, due process and the rights of suspects and accused persons. In this context, failure to provide properly balanced information could have serious legal implications, and also affect the public image of the Court.

35. Responsibility for the level of production has also increased dramatically. Initially, the incumbent produced only summaries of Court proceedings. To date, all audio visual products developed by PIDS have been his/her responsibility. These new products include: tailored-message programmes; design and content of campaigns; development and filming of messages by ICC principals, to be presented during high level seminars and conferences, when they cannot personally attend. The incumbent will now also supervise development of new products such as the Court's institutional video, outreach video reports, campaigns, and other thematic tailored programmes. These are substantive changes that imply an increase in responsibility and not only an increase in the volume of work.

36. The incumbent is also responsible for training principals and other ICC staff himself or herself, or for identifying suitable professional trainers, liaising with them and attending training sessions.

37. In the course of his/her work, the incumbent is required to interact with ICC Principals and senior officials. At the external level, co-ordination with external companies, including external producers and media, is essential. Also, he/she maintain contacts with local, regional and international media, the UN and other international organisations.

Lastly, the AV producer liaises with equipment suppliers and maintenance companies (for AV equipment).

38. In terms of number of staff supervised, responsibilities have increased four times. From one staff member in 2008, the number of staff supervised by the AV Producer has grown to four (at GS level). The AV Producer is responsible for two Technicians and two Production Assistants. This position now has a role in the recruitment and training of AV staff and local staff in the field offices, and the hiring of consultants for short-term projects.

## **6. Court Interpretation and Translation Section – Division of Court Services**

### **Associate Translator** (*former Assistant Translator*)

39. This post has been a trainee position since its creation. After initially being part of a STIC in-house training programme for paraprofessional interpreters, the position has subsequently been assigned tasks in translation and terminology, and has been moved to the Terminology and Reference Unit (TRU) within the Court Interpretation and Translation Section (STIC), becoming an Assistant Translator's position, with core tasks in terminology. Since early 2007 this position has developed into an essential position within TRU as far as the following areas are concerned: developing Swahili and Lingala legal and judicial terminology, performing quality control and terminology checks and giving terminology briefing to new staff interpreters and field interpreters while continuing to carry out translation duties from and into Swahili. The position has increasingly required that the incumbent perform his duties in an independent although supervised manner while implementing feedback from the supervisor. The initial trainee position has remained as such for four years, but it has irrevocably undergone substantial changes and actual tasks are of a different nature and greater scope. This position no longer requires guidance on a regular basis and the decisions made by the incumbent impact on the general use of terminology and language. This position has become a key one for the Unit and the Section in relation to legal and judicial terminology, terminology bulletins, language expert panels and quality control. It is considered that the substantive change in responsibilities is not of a temporary nature but that these are permanent duties consistent with the requirements of terminology assignments in relevant situation languages.

### **Court Interpreter** (*former Paraprofessional Interpreter*)

40. These posts have been trainee positions since their creation. Following a STIC in-house training programme for paraprofessional interpreters, in October 2006 the incumbents passed an in-house accreditation exam consisting of six parts, enabling them to be ready to work in the Swahili/Lingala booth. From January 2009 with the start of the Lubanga trial, and from November 2009 with the start of the Katanga/Ngudjolo trial, these positions have become of key importance in the Swahili/Lingala booth, with the incumbents working regularly both from and into French. The interpreters occupying these positions work independently, albeit under overall supervision, implementing feedback from the supervisor. The initial trainee positions have remained as such for four years, but they have irrevocably undergone substantial changes, and tasks are now of a different nature and greater scope. The incumbents have moved on from interpreting witness testimony to interpreting more challenging legal argument. Guidance on a regular basis is no longer needed and the incumbents are now expected to make decisions on their own. It is considered that the substantive change in responsibilities is not merely of a temporary nature, but that these are permanent duties consistent with the requirements of a Swahili/Lingala booth at two trials.

### **Court Interpreter** (*same title*)

41. Since 1 September 2009, additional duties have been added to the position, such as coordinating the team of Swahili and Lingala interpreters, supervising their performance, advising them on interpretation issues and training junior staff and freelance interpreters. The incumbent also evaluates new freelance interpreters by listening to their interpretation, or by delegating listening and evaluation to another interpreter with solid experience. As this is the position within the Swahili and Lingala team that requires the greatest

experience, the incumbent has equally been in charge of supervising review of transcripts from hearings and drafting reports for the attention of the legal coordinator, parties requesting transcript review and ultimately the Chamber itself. This increase in responsibilities is perceived not to be of a temporary nature but permanent, considering the level of precision in interpretation required by the parties and participants and the parallel assignments of 3 Swahili/Lingala booths in the trials.

## 7. Victims and Witnesses Section – Division of Court Services

### **Head, Support Unit** (*former Support Officer*)

42. The VWU Head of Support is currently supervising and managing the component part of the VWU dealing with psycho-social, medical and other support to witnesses in two simultaneous trials; a third simultaneous trial will start shortly in July.

43. Investigations in a fifth situation have started already, meaning that support services similar to those in the four other situations (CAR, Uganda, DRC, Chad) will have to be set up and provided there as well.

44. The responsibilities and workload of the Head of Support in terms of management of the support programme in all situations have increased tremendously compared to the situation in 2003, when the position was initially classified and advertised (no trial activities, one investigation in Uganda, DRC still to be started, no support staff; VWU consisted of four staff members, one intern and one part-time consultant).

45. New responsibilities and work tasks have been added since then as the support programme has developed, both at HQ and in the field. Particularly since the start of the trials, the support section has taken on an important role in the witness familiarization process, under the supervision of the Head of Support, both in the field and at HQ.

46. These responsibilities include, but are not restricted to:

(a) staff supervision and management (currently 20 staff members (one P-3, two P-2 and seventeen GS staff members) 10 at HQ and 10 in the field;

(b) development of SOPs on support services of the VWU and adaptation of all of these SOPs aiming at streamlining the VWU support services for the various situations;

(c) ensuring that individual needs of respective witnesses are met, particularly vulnerable witnesses;

(d) co-operating with Chambers, parties, other sections of the VWU and the Court, and external partners;

(e) The Head of Support will be called on to act as Officer-in-Charge, when required to do so, and to represent the VWU in the absence of the Chief of the VWU.

### **Legal Officer** (*former Associate Legal Officer*)

47. Several duties and objectives have been added to the responsibilities of the incumbent since the first classification of the post. In addition, the independence with which work products are achieved and problems resolved has increased considerably. Thus, the original classification at P-2 level does not appear to reflect the level of responsibilities appropriately.

48. The main changes in duties and responsibilities relate to the following areas:

(a) The incumbent acts as the Unit's focal point for all outreach activities involving a VWU component. As such, the incumbent coordinates and prepares the Unit's representations for external audiences, represents the Unit and ensures the proper dissemination of information. The incumbent furthermore coordinates and streamlines the Unit's answers to questions from the media and interested public. This will often include meetings with other experts such as representatives from other international courts and tribunals or international organisations and meetings with NGOs operating in an area related to the work of the Court. The incumbent will therefore often be required to give

presentations or lectures on the work of the Unit or to participate actively in discussions on the VWS mandate or the work of the Court in general.

(b) In addition, the incumbent represents the Unit at Court hearings and other official meetings, as and when required. The incumbent represents the Unit on all legal matters in several working groups and formal meetings, such as the working group on witness protection standards and the joint cooperation meeting between the VWU and the OTP. Where the incumbent makes oral submissions in Court or represents the Unit in external or internal meetings, sound judgement is necessary for the consistent representation of the Unit, so as to ensure that the representations are in the best interest of the Unit. This includes determining that any submission is in accordance with the VWS legislative framework and the relevant jurisprudence.

(c) In relation to all tasks associated with this post, the incumbent has also been expected to work increasingly independently, to delegate tasks to junior legal staff and to review the work accordingly. This is in particular so where filings and other formal reports have to be submitted to a Chamber and where correspondence and negotiation with States Parties on relocation agreements has to be coordinated.

(d) Furthermore, there has been a change in the work relationships of the incumbent which justify the reclassification of the post to a higher level. For example, the incumbent is now expected to correspond with legal counsel of embassies and the different parties and participants to Court proceedings, including the legal officers of the Chambers.

## **8. Victims Participation and Reparations Section – Division of Court Services**

### **Chief of Section** (*same title*)

49. Reclassification of the post of Chief of Section is requested on two grounds:

*The Section has undergone a significant organizational change and restructuring*

50. The VPRS has undergone restructuring at two levels.

51. Firstly, as from 1 March the Section was moved from the Division of Victims and Counsel to the Division of Court Services, a far larger division headed by a post at the director level (as opposed to the Division of Victims and Counsel, which had been headed by a P5). This change necessitates a greater level of responsibility being placed at the head of Section level, in order to ensure that the Section has the necessary strategic and managerial guidance. The Section Chief now needs to be capable of providing vision and strategic and policy direction for the Section, as well as the day-to-day overall management.

52. Moreover, the fact that the participation of victims in proceedings is one of the innovations of the Rome Statute, and a key element in proceedings, means that the Chief of Section has to develop creative and innovative approaches in order to ensure that the Court fulfils its mandate in this regard. As the first proceedings have developed, more and more challenges have appeared in this area that require constant vigilance and the devising of appropriate responses. One example is the recent instigation of *proprio motu* proceedings for the first time by the Prosecutor, which required the Section to devise an entirely new framework in order to enable victims to make their representations to the Pre-Trial Chamber under Article 15. During the coming year it is likely that the first reparations proceedings may take place before the Court, and that also will need appropriate preparation in advance and the development of a comprehensive vision, in order to ensure that such proceedings are handled in the best possible way.

53. Second, the Section now requires an internal restructuring, the first since its establishment. This is necessitated by the significant increase in the workload, and hence the number of staff, volume of operations and activities demanded of the Section. When the Section was established there were only some six staff, and these could effectively be supervised directly by the Chief of Section, with no need for additional layers of responsibility. This situation is no longer tenable as the Section, by 2011, will have expanded to at least 25 posts, plus temporary staff, interns and visiting professionals. There is now a need to create sub-units within the Section.

54. These changes have taken place in a context where, since its establishment, the role and workload of the Section has changed and increased significantly, as the number of proceedings and applications from victims across the situations and cases has grown. A series of decisions and directions issued by different Chambers has defined and expanded the role of the Section (for example, taking responsibility for following up with applicants requests for information and preparing redacted versions of applications). Given that victims may apply to participate in a situation or a case even where there are no trial proceedings, the Section is now dealing with applications from five situations.

*The nature of the work, duties and responsibilities have substantively and significantly changed.*

55. The above context has brought about a substantive change in the role of the position, including significant additions to responsibilities, as reflected in the attached revised work survey. The incumbent is now expected to create and implement strategies and policies relating to the role of victims before the Court, to shape and direct the work of the Section and to provide advice to others at the Court.

**Field Coordinator** (*former Legal Officer*)

56. The Section has experienced a significant increase in workload during the past two years, both in the numbers of applications received from victims to participate in proceedings or for reparations, and in the demands from Chambers linked to the increase in the volume of proceedings.

57. It is therefore proposed to restructure the organigramme of the Section in order to reflect these increases in workload and size. One of the proposed changes is to give this post supervisory responsibilities for the field staff of the Section. This entails a significant organisational change, in that these staff were previously supervised by the Chief of Section. This in turn has brought about a significant change in the nature of the duties and responsibilities of this post, in that (a) the post now involves supervisory responsibilities, and (b) the nature of the functions of the field staff having now been clarified and expanded, there have also been certain changes in substance.

58. Previously, the responsibilities of this post included, as one element, engagement with field operations in order to ensure that victims could be informed and assisted in making their applications, but also included activities linked to operations at HQ (reports for Chambers linked to the proceedings etc). The new work survey involves a concentration on the first element only: as a result of the expansion of its activities, the Section now requires a full time post to focus on field activities, to provide the legal framework for those activities, and to ensure that field activities are integrated with, and supportive of, the work at HQ in filing reports for Chambers, etc.

59. In light of the above, a revised work survey has been prepared for this post to reflect the changes, and is being submitted for review with a view to determine whether the post should be reclassified.

**Victims' Applications Manager** (*same title*)

60. The Section has experienced a significant increase in workload during the past two years, both in the numbers of applications received from victims to participate in proceedings or for reparations, and in the demands from Chambers linked to the increase in the volume of proceedings. This has in turn led to an increase in the number of Data Processing Assistants required by the Section to deal with the processing of applications received from victims (registering, scanning, entering information in the database, preparing redacted versions, extracting reports, preparing for filing, etc). During the past two years, the nature of the role of the Section in relation to applications from victims has been defined through a series of decisions and directions from Chambers, which has meant that the data processing of applications has become an increasingly complex and lengthy operation.

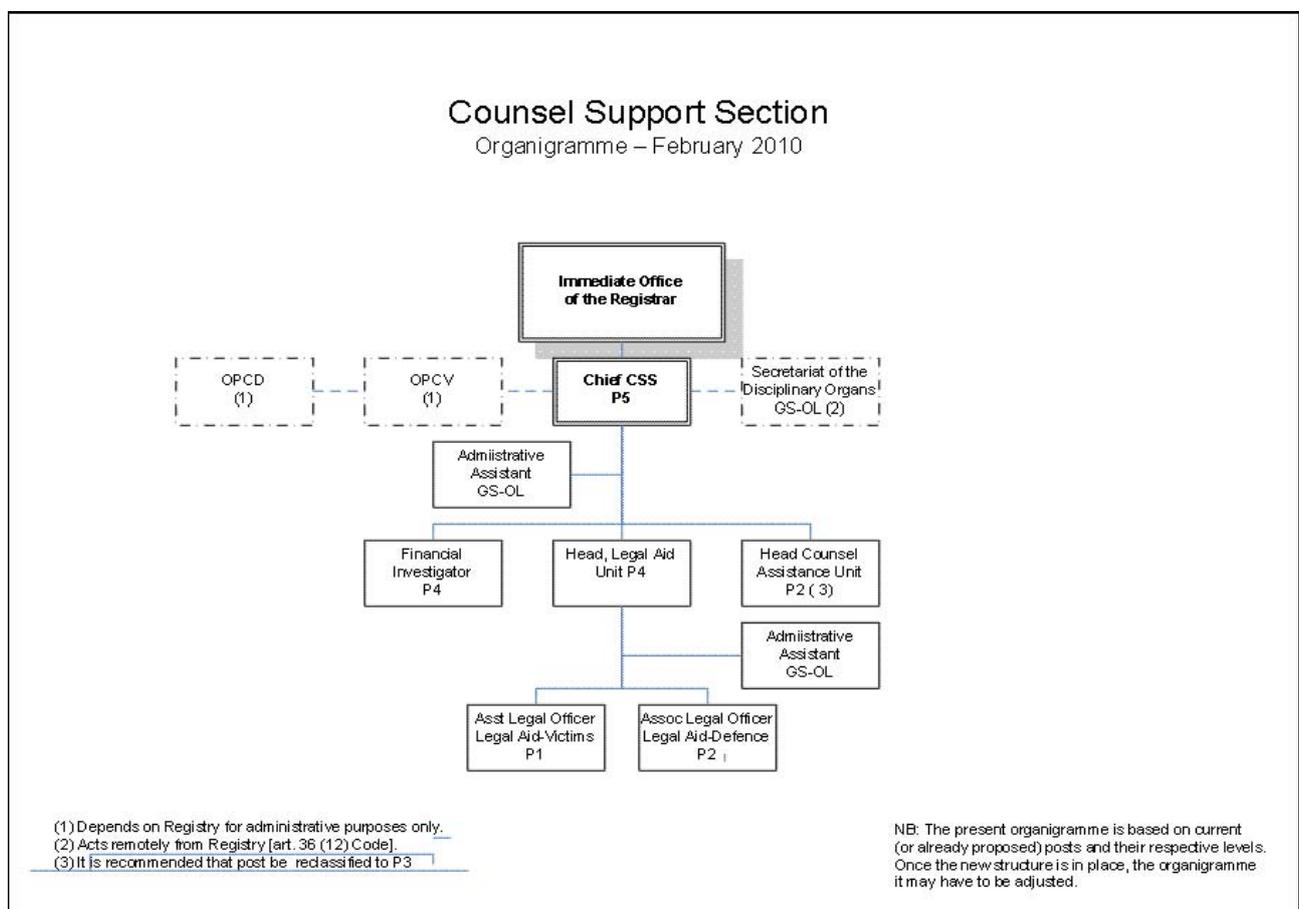
61. These developments have now made it impossible for the Chief of Section to directly supervise all staff in the Section, and require delegation of responsibility to the Victims' Applications Manager for supervising the work of the Database Team (comprising the Victims' Applications Manager and the Data Processing Assistants).

62. There is thus a significant change in the nature of the duties and responsibilities of this post, in that (a) the post now involves supervisory responsibilities, and (b), the nature of the functions of the Database team now having been clarified and expanded, there have also been certain changes in substance.

## 9. Counsel Support Section

### Head, Counsel Assistance Unit (former Associate Legal Officer)

63. The unit forms part of the newly-created Counsel Support Section (CSS), which came into existence on 1 March 2010, replacing the former Defence Support Section (DSS) – see organisational chart as approved by the Registrar.



64. The reasons for this request are the following:

(a) The section/division to which the post belongs has undergone a significant organisational change and restructuring; and

(b) The nature of the duties and responsibilities of the post have substantially and significantly changed.

65. The background and justification for submitting the request for reclassification of this post, and the nature of the substantive and significant changes involved, are detailed below:

66. Immediately prior to the start of 2010, the Registrar formalised a restructuring initiative within the Registry which was to take effect as of 1 March 2010.

67. In effect, the Division of Victims and Counsel was abolished; the Defence Support Section was granted a larger mandate, incorporating functions previously assumed by VPRS with regard to legal aid and assistance to legal representatives of victims and their teams, and was renamed the Counsel Support Section (CSS). Within this new Section, two separate service units were created, which are: (a) a Legal Aid Unit; and, (b) a Counsel Assistance Unit.

68. As a result of the afore-mentioned restructuring, the post of Associate Legal Officer of the Defence Support Section (P2) was abolished and changed to the Head of the Counsel Assistance Unit. Given the significant responsibilities and tasks associated with this new post, it is recommended that it be reclassified to a P3.

69. The Head of the Counsel Assistance Unit will be responsible for, inter alia:

- (a) Providing assistance and facilitating the intervention of all counsel ensuring the rights of the defence and victims and their teams in proceedings before the Court;
- (b) Devising and implementing all policy related to the work of the Unit;
- (c) Advising the Head of the CSS (recruitment to be finalised), the Deputy Registrar, and the Registrar on all counsel-related matters;
- (d) Drafting of formal decisions on behalf of the Registrar concerning the mandate of the Section and legal submissions in appeals before the Presidency and Chambers of the ICC (in English & French) in response to contentious motions;
- (e) Assisting in the organisation of the Registry's annual Seminar of Counsel at the seat of the Court with an attendance of more than 200 persons representing counsel, national, and international legal associations and experts from the ad hoc tribunals;
- (f) Managing the different Lists maintained by the Registry, i.e. List of Counsel; List of Assistants; List of Professional investigators, inter alia;
- (g) Devising and implementing initiatives to enhance geographical representation and representation of counsel coming from the world's different legal systems on the above-mentioned lists;
- (h) In concert with PIDS, devising and implementing initiatives to inform members of the legal profession about the work of the Court and possibilities for participation in the Court's proceedings, and encouraging lawyers to apply for admission to the List of Counsel and List of Assistants to Counsel;
- (i) Drafting the legal position and interpretation of the Registry in internal consultations and working groups in projects aimed at amending the legal texts of the Court, which have a bearing on counsel and the Registrar's obligations vis-à-vis counsel;
- (j) Appearing before Chambers on specific issues within the ambit of the Unit's mandate;
- (k) Drafting Notes Verbales, etc. and other official correspondence on behalf of the Head of the Section, the Deputy Registrar, and the Registrar to national and international authorities;
- (l) Assisting in the organisation of the ICC's training programme for counsel;
- (m) Participating in the drafting of all documents generated by CSS intended for the CBF and ASP;
- (n) Representing the Unit at internal and external meetings, conferences and gatherings on a needs basis;
- (o) Liaising with associations and representatives of the legal profession;
- (p) Managing the appointment of defence counsel, legal representative of victims, duty counsel, ad hoc counsel, investigators and members of defence teams;
- (q) Adopting and implementing strategies for enhancing the quality of counsel who intervene in proceedings before the Court;
- (r) Supervising and channelling the services of the Administrative Assistants as they relate to the mandate of the Counsel Assistance Unit.

70. In sum, the Head of the Counsel Assistance Unit fulfils and assumes important responsibilities on behalf of the Registrar relating to the equality of arms, and discharging the latter's obligations vis-à-vis counsel and their teams who intervene in proceedings before the Court.

## 10. Office of Public Counsel for Defence

### **Special Legal Assistant** (*former Legal Assistant*)

71. The staff positions within the OPCD basic budget currently consist of the P-5 Principal Counsel, and a G-5 assistant position. Due to the increased activity of the Court and the proliferation of meetings and issues concerning the rights of the defence, the Office has been compelled to use this assistant position in an almost completely legal capacity. For example, this position is currently responsible for:

(a) Drafting and revising papers, speaking notes, presentations and other confidential materials for Principal Counsel;

(b) Assisting in organizing training sessions, diplomatic conferences and meetings with external parties, including preparation of background materials and summaries of issues;

(c) Drafting non-case specific research papers, on issues which are of fundamental importance for all defence teams and the principle of equality of arms;

(d) Updating the OPCD legal database and OPCD outreach materials on a continuous basis.

72. Moreover, due to the increase in the number of requests for legal research and assistance from defence teams, it has also been necessary for the G-5 position to conduct substantive legal research for defence teams.

73. At the same time, due to the limited number of staff members within the OPCD, it has been necessary to increase the level of responsibility of the G-5 position as regards the level of supervision accorded to this post, and the degree to which the incumbent is required to act independently, and to take initiatives. For example, the incumbent may be required to substitute for the Principal Counsel at internal and external meetings, or to give presentations on the role of the OPCD.

74. It should be noted that, at the end of 2008, the OPCD asked the Registrar and Human Resources for permission to change the title of the position from administrative assistant to legal assistant as an intermediary step, in order to reflect the changing nature of the position, and to attract candidates with some legal background. The position was nonetheless at the time more of a paralegal nature, and fell more directly under the supervision of other staff members. It was also not necessary for the candidate to possess a law degree. In contrast, since the position is now responsible for *inter alia* drafting legal policy positions and conducting substantive legal research for defence teams, it is essential that the candidate possesses a law degree (preferably an advanced degree), and is able to conduct this legal research in a more unsupervised manner. The OPCD has also implemented several efficiency measures in order to eliminate the administrative aspects of this position.

75. Accordingly, in order to enhance the efficiency and legal capacity of the OPCD and to reflect the actual duties of this post, the OPCD is asking for the G-5 position to be reclassified as P-1 Special Legal Assistant. The reclassification of this post is essential to facilitate the ability of the Principal Counsel to fulfil the core mandate of the OPCD by attending and representing the interests of the Defence in a range of internal policy and decision-making processes, and at external events concerning the rights of the defence. It would also be consistent with the fact that the Principal Counsel of the Office of Public Counsel for Victims (which has an identical core mandate to that of the OPCD) is assisted by a P-2 legal staff member, who provides legal assistance in relation to the core activities which fall within the mandate of the OPCV. The reclassification of the G-5 would therefore facilitate structural equality of arms as between the respective Offices of Public Counsel for Victims and Defence.