

RM Speaking Notes 04/12/2024

Thank you, Ambassador Van Der Ijssel, for giving the Staff Union Council the **opportunity** to present our views **today**, and **throughout** the Review Mechanism's mandate.

We would like to also thank the Review Mechanism for your **invaluable** work in the past years that has certainly contributed to **strengthening** the Court and the Rome Statute system.

I am here today on behalf of 27 Staff Council representatives, who in their turn represent more than **1000** staff members at the Headquarters as well as country offices, and many of these colleagues are indeed **nationals** of the states parties gathered here today.

We took note of the RM report and would like to thank you for identifying the “**working culture**” related recommendations as priority areas and needing further engagement and oversight by the Bureau, as we recommended during the last round table. Indeed, Recommendation **14**, that refers to **rebuilding trust** and **reshaping working** culture at the Court, is unfortunately far from being implemented.

We also regret to note that due to recent developments some aspects of workplace culture have been further affected, and this concerns notably **trust in internal justice mechanisms** of the Court. All of this is unfortunately happening in the context of **looming threat** of US **sanctions** on the Court and potentially, its personnel.

As you know, **latest IOM Report** informed us that instances of misconduct such as **harassment** and **abuse of authority** are still allegedly happening at the Court, including by **elected officials**. The report also informed about non-cooperation by one elected official with an IOM investigation. We were approached by **numerous** concerned staff members and subsequently issued a **statement** calling for an independent and external investigation of the cases pertaining to elected officials. Our statement was also issued in the context of a specific case where IOM could not operate due alleged victim's refusal to cooperate.

To get further data from our constituents, we conducted a **survey**, and the feedback received showed that respondents called for **due process** and principles of **fairness** to be followed in any internal or external **investigation** of misconduct, and that same standards should apply to staff and elected officials equally, during **investigation** and **sanctions stage**. Respondents proposed further defining and strengthening **victim centred approach** during investigations and called for **protection** of affected staff during any investigation.

Staff told us that these recent events have affected their morale, wellbeing and productivity, and that is at least in one of the organs. Staff Engagement survey of 2025 will show to what extent the

trust of staff in the institution and its internal mechanisms have been affected, if no action is taken now. These ongoing issues, including leaks to the media, may have also impacted public confidence in the Court's integrity and its mission.

What do we recommend?

1. **Systemic Reforms:** We ask you to continue to review and reform the ICC's legal framework and internal mechanisms to address misconduct and power imbalances, when it comes to investigations of misconduct, involving elected officials. In light of the latest IOM report, we suggest **extending the mandate** of the IOM facilitation of the ASP to continue strengthening and adjusting IOM mandate as necessary
2. **Support for Affected Staff:** We ask you to enhance measures to protect victims and witnesses of misconduct and improve reporting mechanisms. We think that a specific unit within the Court should be created, to ensure that whistleblowers are protected against retaliation. In this regard we note that the Court is now considering creation of Ethics Office which could be tasked with this responsibility.
3. **Protect the staff,** your nationals, from external threat of sanctions, so that they can focus and deliver on the mandate of the Court.

I thank you.