



**Cour
Pénale
Internationale**

**International
Criminal
Court**

The role of effective communications in fulfilling the ICC's mandate: challenges, achievements and the way ahead"

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Good evening ladies and gentlemen,

In January 2009, when the trial of Mr. Lubanga Dyilo started, a system was put in place to ensure the publicity of the first days of the public hearings. It was an important date; the trial of a Congolese accused of war crimes was the first trial in the history of the International Criminal Court. In The Hague, international journalists were accredited, press releases and background information packages were issued, web streaming was ensured and videos and photos were prepared. But the key aspect of the whole public information operation was to ensure that far from the Hague, in the Democratic Republic of the Congo, the most affected communities would be able to follow the proceedings live. The national Congolese TV had agreed to broadcast, all over the country, the images that the court would send through a satellite. With the knowledge that owning a television is not common in some areas of the Congo, and following consultations with local leaders and NGO's, our team set up a large screen in a room in the center of Bunia, in Ituri, the Congolese region where the alleged crimes were committed. Staff of the Court who worked on daily basis with the affected communities, spoke the local languages and knew the culture, were available in situ to explain the complexities of the trial.

Short after the beginning of the hearing, more than 500 supporters of Mr. Lubanga, the accused, arrived to the site that was intended to accommodate 170. The situation became more and more tense the further the trial proceeded, until due to security concerns we had to close the event and staff of the court were evacuated from the site. We were confident that even though plans did not work as we expected, we still had a national television broadcast. At least, that's what we thought, until we discovered a few hours later that the national TV station owned by the Government had decided, all of a sudden, to interrupt the broadcast. Apparently something mentioned in the courtroom did not please the authorities. This was the end of the show. On a previous occasion, despite all the agreements, the same TV station cut the signal from the Court because... there was a football match.

This example illustrates some of the challenges faced by the Public Information Section of the Court, in particular when trying to bridge the distance between The Hague and the communities most affected by its work. Besides security aspects that are linked to the work of the court in ongoing conflict areas, there are some logistical difficulties. The affected communities are very often in remote areas, with a lack of infrastructure, where the word "internet" is completely unknown, where television can not be found and very often neither can electricity. Only a few small radio stations with very limited resources serve as a channel to inform the communities. Other aspects such as the high level of illiteracy and the existence of a large variety of local languages played an important role.

Much has been done in the field of communication to overcome these and other challenges since the Court opened its doors in 2002.

The first steps were taken in July of that year, when a very small advance team entered the temporary premises of the Court. Lacking a logo, the building itself was used as the image of the Court for a time. With very limited resources, the ICC logo and corporate image were developed, a basic website was launched and the first informative tools were prepared, including fact sheets on basic topics such as the ICC at a Glance, the functioning of the organs or Victims before the Court.

At a very early stage, mainly thanks to the lessons learned from the experiences of the ad hoc tribunals such as the one for the former Yugoslavia, Rwanda and the Special Court of Sierra Leone, the need for establishing a good outreach program was clear.

While independence, impartiality and fairness are defining attributes of justice, making judicial proceedings public is a central element of a fair trial and therefore necessary to ensuring the quality of justice. Justice must be both done and seen to be done. For the Court to fulfil its mandate it is imperative that its role and judicial activities are understood, particularly in those communities affected by the commission of crimes under the Court's jurisdiction.

Despite the support of the civil society, the Outreach Unit was only officially established in 2007 after enough resources were obtained from the Assembly of the States Parties. Staff in the field were hired and mechanisms were put in place to bridge the distance between the Court and countries under investigation. Soon the basis for an effective system of two-way communication was established that would serve to increase confidence of these communities in international criminal justice. A system that enabled the Court to better understand community concerns and expectations so that it could respond more effectively and clarify, where necessary, any misconceptions that might exist.

Not without difficulties, a lot has been done. Our teams in Uganda, Democratic Republic of the Congo, Central African Republic and, from The Hague, the team working for Darfur, Sudan have achieved incredible results, developing plans to engage local populations with a programmatic approach. Our people, working in difficult situations, very often arrive in a village with a generator and a projector to screen images from the courtroom. With a megaphone they answer questions and address concerns of hundreds citizens during town-hall style meetings. Informative sessions are conducted in nearly 10 languages, from English, French, and Arabic to Swahili, Acholi, Luo, Fur or Massalit. Creative tools such as theatre pieces, tailored publications, videos and radio programs have been developed and used. Women, the army, police, victims, displaced population, the legal community, members of Parliaments, NGO representatives, refugees, diasporas, journalists, all have been

approached by outreach teams of the Court. Thousands of people in 4 countries have been in direct contact with the staff of the Court, and millions more know about the court through television and radio.

I could continue talking but I think it is better if you see it. I am going to show you a few minutes of the video presenting the report on outreach activities conducted last year. We will see the introduction and the segment on the Democratic Republic of the Congo

VIDEO IN

This is only an example of one of the countries where we work, but at this stage I am proud to say that the ICC has consolidated the Outreach Programme. In those areas in which the program is working, the ICC is becoming better known and understood. This can be seen in responses to surveys provided by participants attending interactive sessions and in surveys conducted by third parties.

However we are aware that this is not enough. We share concerns raised by NGO representatives, journalists and members of the legal community of the increasing communications gap within different regions of the world where the Outreach Programme does not have a presence.

The areas where the outreach program is working fully are crucial for the Court but geographically limited. It is necessary to go beyond the borders of the situation related countries, to have a broader impact, contributing to lasting respect for and enforcement of international justice. Increasing the awareness of ICC activities and building networks will help to foster greater participation, adoption of national measures and international cooperation. Hence, this will contribute to the prevention of crimes, to the deterrent effect that the International Criminal Court might have.

Of particular concern for us, the Public Information Section of the Court, are affected communities in situations currently under preliminary analysis by the Office of the Prosecutor, namely Afghanistan, Colombia, Côte d'Ivoire, Georgia, Guinea and Palestine. In these areas, monitored by the prosecutor but not under official investigation, our office does not have the means to actively provide information. The communication gap left by the Court is filled by others with their own interests, manipulating the name of the Court, very often with clear political purposes. Besides problems of credibility, it is also a concern that absence of official information has led to unrealistic expectations, ending finally in disappointment amongst those for whom the International Criminal Court represented hope.

Let me give you a recent example that comes from the situation in Kenya.

You might recall that the Prosecutor requested approval to start an investigation of the violence related to the post-election period in that country. In spite of the fact that the decision by the judges is still pending, Kenyans were convinced that the Prosecutor had already started investigations and that people were going to be arrested in December.

There were wrong expectation on what the court could do and affected communities were disappointed . Very early we launched a public information campaign, gave interviews, and engaged journalists, including editors and senior reporters. The results were very positive: reports about the Court were accurate; previous mistakes made by the press were corrected, even the security situation in some communities improved; A strong network of journalists is now in place and journalists are using more and more ICC communication tools.

Less successful up to now has been our fight to address the misperceptions born following the warrant of arrest for the President of Sudan, Al Bashir, in some Arab and African countries. With a whole propaganda machinery behind him, with media outlets under his control and with the support of some others that probably are afraid of one day becoming suspects of the Court, the government of Sudan has managed to create a negative perception of the ICC in some sectors in the region. The Court is portrayed as politically motivated; a tool used by white people against Africans; a court that can be manipulated, that interferes in internal affairs and can put peace processes in danger.

These misconceptions in Africa and Arab countries might have led to a lack of cooperation and support to the work of the Court. Hence, they should be addressed with priority. But there are also information needs in other areas with conflicts where knowledge of the Court's existence could contribute to preventing the committing of crimes. It should not be ignored that there are areas where a better understanding of the mandate of the Court could help to increase the number of States joining the Rome Statute, the founding treaty of the Court. Furthermore, western countries are some of the major contributors to the Court, and their information needs should not be underestimated.

In this context, and with quite limited resources, as you can easily imagine, the work of the Public Information Section of the court remains an interesting daily challenge.

One could say that traditional mass media play a crucial role to raise awareness about the Court and address misperceptions. Indeed, broadcasting for one minute on CNN, BBC or TV5, or a page in Le Monde or in the New York times could bring the Court to the attention of thousands or millions of people of all sectors and social class.

Basic knowledge of the functioning traditional media indicates that media outlets are, with some exceptions, attracted by so-called "hot news". The Court occasionally produces hot news, such as when a trial starts or when a new warrant of arrest is issued or investigations in a new country are opened. But intense judicial activity from the judges of the Court, very often on procedural issues, while very interesting for experts on law, is not attractive enough for international television, newspapers, magazines or radio. Recognizing the important role that media can play without ignoring the Court's obligation to be transparent and accessible to them, it is clear for us that public information cannot be spread in a sustainable way through these channels. Traditional mass media have their own role and cannot by any means replace the public information responsibilities of the Court.

Recent developments in the field of communications are opening new ways to provide information in a very cost effective way.

The use of digital tools and social networking sites such as Twitter, Facebook, Youtube and Flickr can serve as a quick, cheap and easy way to keep the public updated and engaged. The popularity of these web based tools is constantly rising and they are currently used on a regular basis by millions of people. In the course of the next few months the Court will be using some of them. It will also start participating in blogs and will give press briefings or press conferences via the internet in an interactive manner. For obvious reasons the use of these new technologies cannot replace the traditional face to face meetings, town-hall style meetings and radio and television programs broadcast through local or national television or radio stations in countries with less advanced technology.

Efforts in that sense should be complemented by a long term communications approach for the Court that engages key actors in its work. The Court needs to establish programs that will help to close communications gaps: a legal program aimed at engaging legal communities, bar associations, magistrates, prosecutors, human rights activists and parliamentarians; a media program engaging journalists and associations of journalists, NGOs dealing with training of journalists, and associations protecting journalists; and an academic program engaging professors, teachers and school and university students.

We can not expect that this programmatic approach will have results immediately or that we will see a huge impact in the short term. But I am convinced that it is the way forward to ensure a sustainable flow of information from the Court. It is a way to establish a solid foundation to make the Court, and the system that it represents, well understood and known.

A sustainable public information approach will require allocation of more resources through the regular budget of the Court. But to raise awareness and address misperceptions about this complex system is and will remain a challenge on such a scale that we, the Court, cannot face it alone. The Rome Statute created not only the ICC but also a completely new system of international law that requires active support from individuals and organizations, loud voices of States Parties, civil society and academicians and all those that believe in the principles and mandate of the Court.