



COMMUNICATIONS TEAM
COALITION FOR THE INTERNATIONAL CRIMINAL COURT (CICC)

COMMENTS AND RECOMMENDATIONS¹
TO THE TENTH SESSION OF THE ASSEMBLY OF STATES PARTIES
12-21 December 2011, New York

1 December 2011

1. This paper, prepared by the Coalition's NGO Team on Communications ('the Team'), highlights key aspects of the communication activities conducted by the International Criminal Court (ICC) in 2011 and further underlines the vital role of states parties and the Assembly of States Parties (ASP) in its tenth session in supporting these crucial non-judicial functions of the Court.

2. ICC external communications functions include: a) external relations; b) outreach; and c) public information. These are defined in the Court's Integrated Strategy for External Relations, Public Information and Outreach.² This team paper covers recommendations on the latter two, outreach and public information.

3. On the basis of the recognition granted by the ASP to the most significant of the non-judicial activities of the Court, during the past six years, the ICC Registry, the organ responsible for designing and carrying out outreach activities, has gradually increased its outreach activities in situation countries. These activities aim at promoting understanding of and support for the Court's mandate, thereby managing expectations and enabling affected communities to follow and understand ICC processes. The Court's outreach efforts aim not only to sensitize or simply provide information, but also to engage those communities in a two-way dialogue. The ICC's outreach work is the quintessential non-judicial function of the Court, and is vital to conducting successful investigations in the field, which in turn is essential for holding fair trials.

4. The ICC is also carrying out public information activities, i.e. distributing information about the principles, objectives and activities of the Court to the public at large and to target audiences directly (through the ICC website or personal engagement) or indirectly (through media organizations), and developing numerous tools (the ICC website, audiovisual summaries

¹ While the work of the Communications Team reflects the positions of those Coalition members most active on particular issues, and while this paper has been prepared in consultation with other Coalition teams, this paper cannot be construed to represent the views of all organizations/members of the CICC. Since the Rome Diplomatic Conference, Coalition members have organized themselves into teams, one to follow each working group or theme of the intergovernmental process. Coalition teams now follow issues addressed by the Assembly of States Parties or its subsidiary mechanisms and by the International Criminal Court. Teams provide a forum within which interested members discuss issues, follow developments, elaborate relevant research and positions in response to developments, and elaborate and implement advocacy strategies in relation to those positions. All Coalition members are welcome to join any teams and all Coalition members are regularly apprised of the work of the teams.

² ICC Integrated Strategy for External Relations, Public Information and Outreach, http://www.iccpi.int/Menus/ICC/Structure+of+the+Court/Outreach/Integrated+strategy/Integrated+Strategy+for+External+Relations+_Public+Information+and+Outreach.htm

of proceedings). These activities are targeted to an audience broader than the direct affected communities, and aim at increasing general understanding and awareness about the Court.

5. The Team acknowledges that during 2011, the Court has achieved substantial progress in the development and implementation of its communications activities. In particular, we welcome the appointment of the ICC Spokesperson and Head of Public Affairs Unit. However, conscious that much work is still needed in 2012 in ICC situations countries to expand and improve the full engagement with affected communities, and taking into account the substantive efforts undertaken this year by the Court, the Team outlines below comments and recommendations for delegates at the ASP and looks forward to discussing them further in the run up to and during the tenth session of the ASP.

6. The views of the Team are framed within the consensus existing within the ASP about the importance of outreach and public information activities, which is derived from experience. **Lessons learned—including from the ad hoc tribunals—clearly demonstrate that Court-led outreach is essential for the meaningful delivery of fair and credible justice. Providing justice for victims of unimaginable atrocities that deeply shock the conscience of humanity is the ultimate mandate of the ICC. No such justice can be delivered if those most affected by ICC processes are left out of touch. The ASP has recognized in the past that while civil society can strengthen the dissemination of information about the ICC, there are certain messages and activities that can only be delivered by the ICC itself.**

Summary of Recommendations to the Tenth ASP

1. Grant the Court the financial means requested for outreach and public information activities for 2012 through the **regular budget of Court**;
2. Ensure the continued inclusion of references to the importance of, as well as the need to improve, ICC outreach and public information activities in the ***Omnibus Resolution***;
3. Express support for outreach and public information in statements made during the general debate and in other forums, including by:
 - i) Underlining that outreach and public information are **core functions** of the ICC and should not be financed through voluntary contributions or outsourced to other actors;
 - ii) Recalling discussions and outcomes of **stocktaking** at the Kampala Review Conference;
 - iii) Welcoming preparations—including through external consultations and inter-organ coordination—for messaging around possible **reparations proceedings**;
 - iv) Noting the positive impact of **International Justice Day** activities undertaken by the Court within the framework of the public information strategy;
 - v) Encouraging the Court to undertake a similar approach to planned celebrations of the **10th anniversary** of the entry into force of the Rome Statute in 2012;
4. Encourage the Court to develop clear communications plans and implement them at an earlier stage, in particular for **situations under preliminary examination**, through the *Omnibus Resolution*;
5. Encourage the Court to develop comprehensive plans for **maintaining a presence and legacy** in situations where downsizing or exit strategies might be considered.

1) STATES SHOULD MAINTAIN FINANCIAL SUPPORT TO ICC OUTREACH

7. The Team notes the continued relevance of the Court's outreach work. Outreach is vital to conducting investigations in the field and carrying out trials successfully by creating conditions conducive for cooperation with the Court and preventing or stemming the spread of misinformation; to facilitating participation and legal representation of victims in the proceedings; to explaining due process rights; to facilitating redress for affected communities; and to creating an enabling and supportive environment. The Team also underlines the role that outreach plays in complementarity initiatives, as exemplified by the recent training of police officers in the DRC by the ICC outreach team.

8. Discussions taking stock of the impact of the Rome Statute system on victims and affected communities at the 2010 Review Conference noted progress in the Court's outreach activities, but also identified the need for their continued enhancement. In the resolution on "The impact of the Rome Statute system on victims and affected communities," states parties emphasized the importance of outreach "to give effect to the unique mandate of the International Criminal Court towards victims"³ and underlined "the need to continue to optimize and adapt outreach activities."⁴ States have additionally subscribed to numerous ASP resolutions over the past years recognizing the importance of outreach and calling for intensified and timely activities.

9. The Team underlines the recent recognition on the part of the ICC judges of the need for a public information campaign towards the population and affected communities of the Court's two latest situations in Cote d'Ivoire and Libya. In this respect, the Team recalls the detrimental effect of a lack of outreach strategy around activities carried out by the International Court for the Former Yugoslavia (ICTY) in its early years.

10. The Team believes that any reduction in outreach activities means reducing the Court's ability to provide up-to-date and impartial information to those who need it most. The Team calls upon states to maintain their commitment to ICC outreach activities for 2012 by granting the Court the financial means requested for outreach activities for 2012 through the regular budget of the Court.

11. The Team also wishes to underscore that outreach is a core function of the ICC, not an optional or residual one, and is deeply concerned by the Committee on Budget and Finance proposal to fund outreach activities with 'voluntary contributions' or through 'outsourcing' these activities. Although the Court makes use of its networks and partners to carry out communications activities, some messages can only be delivered by the ICC itself. This is to ensure that the Court's messaging is accurate and balanced and in line with its own strategic opportunities and priorities. This includes, for example, messaging by the Registry on victims' or defence rights and witness protection, or by the Office of the Prosecutor (OTP), with respect to prosecutorial policy and the choices the OTP makes in this respect. The outreach function of the Court is essential to maintaining a two-way dialogue on ICC judicial processes. **In affected communities, there is little substitute for direct exposure to the Court's own staff and officials**

³ The impact of the Rome Statute system on victims and affected communities, Resolution RC/Res.2, preambular paragraph, 8 June 2010, http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/RC-Res.2-ENG.pdf

⁴ The impact of the Rome Statute system on victims and affected communities, Resolution RC/Res.2, paragraph 3, 8 June 2010, http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/RC-Res.2-ENG.pdf

to ensure the two-way dialogue at the core of effective outreach. National authorities in situation countries may not be best-placed to provide or facilitate an impartial dialogue on the ICC or to preserve the independence—and perceived independence—of the Court.

12. For example, with judgment and possible reparations proceedings taking place in 2012 in the context of the Lubanga trial in the Democratic Republic of Congo (DRC), very specific information needs on reparations exist among victims and affected communities in the DRC's Ituri province. The Team welcomes the Court's efforts to consult with civil society and other judicial bodies on messaging and managing expectations around possible reparations arising from the Lubanga proceedings and notes the Court's intention to secure inter-organ cooperation on this issue.

2) STATES SHOULD CALL THE ICC TO ENHANCE ITS PUBLIC INFORMATION ACTIVITIES

13. States parties have also increasingly recognized the importance of the Court's public information activities. At the ninth ASP session and at the Review Conference in 2010, states made the link between broader awareness of the Court and effective cooperation, requesting that the Assembly "in its future consideration of the issue of cooperation [...] examine how to enhance public information on, and promote an understanding of, the mandate and operations of the Court."⁵

14. The adoption by states parties at the ninth ASP session of the 2011-2013 ICC Public Information Strategy was a real step forward in establishing the Court as a major player in international affairs—bringing it in line with the strategies of most international organisations, which rely heavily on public information or public relations to enhance the organisation's visibility, image and credibility and, hence, its effectiveness.

15. The Team is pleased to note the Court's public information activities taking place within the framework of the strategy. In this respect, the Team notes activities undertaken by the Court around the celebrations for International Justice Day on 17 July 2010 and the Court's comprehensive report on activities carried out and performance indicators, which illustrated the positive impact of such initiatives.

16. The Team encourages the Court to undertake a similar approach to planned celebrations of the 10th anniversary of the entry into force of the Rome Statute. The Team welcomes the opportunity to comment on the Court's 'Non-paper on ideas for celebrating the 10th anniversary of the ICC'. Coalition members around the world are also strategizing around the 10th anniversary celebrations and are looking forward to working further with the ICC, states and other stakeholders in making the most of this important awareness-raising opportunity.

17. As with outreach, the Team underscores that public information is a core function of the ICC, and the Team stresses that certain core messages can only be delivered by the Court itself. The

⁵ Declaration on cooperation, Declaration RC/Decl.2, paragraph 11, 8 June 2010, http://icc-cpi.int/iccdocs/asp_docs/Resolutions/RC-Decl.2-ENG.pdf

Team is concerned by proposals to fund public information through ‘voluntary contributions’ or through ‘outsourcing’ these activities to states or NGOs. Certainly, these last have important roles to play in raising-awareness about the ICC. However, **over-reliance on external actors would diminish the accuracy and balance of the Court’s messaging as well as its perceived impartiality. Furthermore, it is incumbent on the ICC to ensure the publicity of its proceedings in accordance with its obligations under the Rome Statute.**

18. The Team also stresses that public information and outreach materials and activities are often complementary and that any reductions to one or the other would have an impact on ICC communications as a whole. In many situations, media is used as the primary means to reach victims and affected communities. The extension of the successful “Calling African Female Lawyers” campaign to Arab lawyers will also contribute to greater understanding and engagement with the Court in situation countries. ICC audiovisual materials are screened in outreach activities with affected communities but also used by the international media, academics or the general public.

3) STATES SHOULD VOCALLY REITERATE THEIR SUPPORT FOR OUTREACH AND PUBLIC INFORMATION

19. While financial support to outreach is essential, it is also crucial for states parties to maintain principled support for outreach in their resolutions and declarations.

20. The Omnibus Resolution *"Strengthening the International Criminal Court and the Assembly of States Parties"*, to be adopted at the tenth session in December 2011, must include references to the importance of, as well as the need to improve, ICC outreach and public information activities. **Withdrawing reference to outreach in the Omnibus Resolution would mean no less than weakening states parties' support to one of the most crucial ICC endeavors, namely involving those stakeholders that are the most closely affected by ICC proceedings.**

21. Inclusion of such positive references is in keeping with the vocal importance that the ASP and states parties have repeatedly attached to the Court’s outreach and public information activities. Positive references to outreach have been made in each omnibus resolution since the fourth ASP session in 2005, in the 2010 Kampala Declaration, by endorsing the Court’s strategic documents on public information and outreach, and in general debate statements (see Annexes).

22. The Team calls upon states to maintain their outspoken commitment to ICC outreach and public information activities, including through the maintenance of relevant language of support in the Omnibus Resolution as well as in statements made during the general debate and in other forums.

4) STATES SHOULD REQUEST THE COURT TO LAUNCH SITUATION-SPECIFIC COMMUNICATIONS ACTIVITIES AS EARLY AS POSSIBLE

23. In 2010, states parties reiterated the need to continue to improve and adapt outreach activities and encouraged the Court to develop further and implement the Strategic Plan for

Outreach in affected countries, including, where appropriate, by early outreach from the outset of the Court's involvement, including during the preliminary examination stage.⁶ The Team calls for the continued inclusion of this clause in the 2011 Omnibus Resolution.

24. It is the Team's view that the ICC has been too slow in starting outreach activities in each of its situation countries. The demand for information in situation countries means that the ICC should be ready to launch its outreach programs as soon as—or preferably before—an investigation is opened. It should also be prepared to respond to the need for outreach in different areas of its situation countries in response to judicial developments. This requires a coordinated strategy between the OTP and the Registry and adequate management decisions for the deployment of resources.

25. Interest in potential ICC action in situations under preliminary examination can also be quite high, whereas objective information about the ICC's processes, practices and proceedings is not necessarily widely available. **The sooner the Court can begin engaging victims and populations in countries that are under preliminary examination, the easier it will be to ensure accurate information is disseminated and to manage expectations about what the ICC can and cannot do. This is important both to maximize the ICC's impact, including in terms of deterrence, and can actually represent a cost-saving in the longer-term, as there will be fewer and less-well-entrenched misconceptions to address. In Kenya for example, media outreach was heavily relied upon at the beginning of the ICC investigation to reach out to the population before the establishment of a field office. However, it was found that many victims and affected communities were not receiving the information appropriate to their needs.**

26. To tailor its early intervention, a structured communications strategy for situations under preliminary examination should be designed, taking into consideration the mandates of both the OTP and the Registry. In the interim, the Court should consider how to prioritize situations under preliminary examination in the implementation of its new public information strategy.

27. By mapping the different target groups and audiences in situations under preliminary examination (thematic and geographic) and the different tools needed to reach them, specific public information programs should be developed to reach populations in situations under preliminary examination. In this process, the Court should consult local civil society and media at the outset to design tailored communications strategies for situations under preliminary examination, coordinating the efforts of the OTP and the Registry in this regard.

28. While early ICC "entry" in situations is necessary, we would also call on the ICC to strategize on the Court's "exit" from ongoing situations. The Team notes the downsizing of outreach activities in Uganda in the 2012 proposed budget on the basis of the lack of arrests and trials in that situation. **The Team believes such downsizing has the potential to send out a negative message to victims and affected communities, creating new outreach challenges for the Court and undermining much of its work done to date.** The Team encourages the Court to develop comprehensive plans for maintaining a presence and legacy in situations where such downsizing or exit strategies could be considered.

⁶ Strengthening the International Criminal Court and the Assembly of States Parties, Resolution ICC-ASP/9/Res.3,; http://www.icc-cpi.int/iccdocs/asp_docs/ASP9/OR/ICC-ASP-9-20-Vol.I-Part.III-ENG.pdf

LIST OF ANNEXES

- 1.** ANNEX I - Omnibus Resolution, “Strengthening the International Criminal Court and the Assembly of States Parties,” Overview of Communications and Outreach Mentions, 2005-2010
- 2.** ANNEX II - Assembly of States Parties General Debates Statements Expressing Support for Outreach
- 3.** ANNEX III - 2010 Review Conference General Debate and Stocktaking, Statements Expressing Support for Public Information and Outreach

ANNEX I

OMNIBUS RESOLUTION, “STRENGTHENING THE INTERNATIONAL CRIMINAL COURT AND THE ASSEMBLY OF STATES PARTIES”

OVERVIEW OF COMMUNICATIONS AND OUTREACH MENTIONS, 2005-2010

1. 9th ASP session, 2010, Resolution ICC-ASP/9/Res.3⁷

“[...] 38. Reiterates the need to continue to improve and adapt outreach activities and encourages the Court to further develop and implement the Strategic Plan for Outreach in affected countries, including, where appropriate, by early outreach from the outset of the Court’s involvement, including during the preliminary examination stage;

39. Reiterates that the wider issues of public information and communication on the Court and its activities are of a strategic nature and welcomes the recent presentation of an ICC Public Information Strategy 2011-2013;

40. Recommends that a productive dialogue be maintained between States Parties and the Court and its organs on the content and implementation of this strategy, considers in particular that the issues of public information and communication are a shared responsibility of the Court and States Parties and recommends that they share information on future initiatives in this area, in particular in view of the celebration of the Day of International Criminal Justice (17 July); [...]”

2. 8th ASP session, 2009, Resolution ICC-ASP/8/Res.3⁸

“[...] 33. Reiterates the need to continue to improve and adapt outreach activities, and encourages the Court to further develop and implement the Strategic Plan for Outreach in affected countries;

34. Considers that the issue of wider communication on the Court and its activities is of strategic nature and that an adequate mix of policies, means and methods is needed to meet this significant challenge, hence encourages the Court, taking into account the distinct responsibilities and mandates of its organs, to report on a Court-wide plan on public information to the ninth session of the Assembly of States Parties as well as to reinforce the Court’s internal coordination of communications activities to maximize their impact; [...]”

3. 7th ASP session, 2008, Resolution ICC-ASP/7/Res.3⁹

“[...] 25. Welcomes the Bureau’s report on the Strategic Plan, endorses the recommendations contained therein, welcomes the efforts of the Court to further develop the Strategic Plan on the basis of the document entitled “Revised strategic goals and objectives of the International Criminal Court for 2009 – 2018,” welcomes also the substantial progress made by the Court in

⁷ Strengthening the International Criminal Court and the Assembly of States Parties, Resolution ICC-ASP/9/Res.3.: http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-9-Res.3-ENG.pdf

⁸ Strengthening the International Criminal Court and the Assembly of States Parties, Resolution ICC-ASP/8/Res.3.: http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-8-Res.3-ENG.pdf

⁹ Strengthening the International Criminal Court and the Assembly of States Parties, Resolution ICC-ASP/7/Res.3.: http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-7-Res.3-ENG.pdf

the implementation of the Strategic goals and objectives, welcomes further the progress made in developing a strategy for victims, notes that significant work remains to be done in developing the different areas of the Plan, in particular with regard to the strategy for victims, reiterates the need to continue to improve and adapt outreach activities and encourages the Court to further develop and implement the Strategic Plan for Outreach in affected communities, reiterates further the importance of the relationship and coherence between the strategic planning process and the budgetary process, recommends that the Court continue the constructive dialogue with the Bureau on the strategic planning process, in particular, the development and finalization of the strategy for victims and other priority issues identified in resolution ICC-ASP/5/Res.2, and requests the Court to submit to the next session of the Assembly an update on all activities related to the strategic planning process and its components; [...]"

4. 6th ASP session, 2007, Resolution ICC-ASP/6/Res.2¹⁰

"[...] 20. Reiterates the importance for the Court to engage communities in situations under investigation in a process of constructive interaction with the Court, designed to promote understanding and support for its mandate, to manage expectations and to enable those communities to follow and understand the international criminal justice process and, to that end, encourages the Court to continue such outreach activities, including through the implementation of the Strategic Plan for Outreach of the Court, encourages also the Court to continuously update, as appropriate, the Strategic Plan for Outreach in consultation with relevant actors and to strengthen dialogue with States Parties with regard to that matter, and requests the Bureau to continue the dialogue with the Court on Outreach through The Hague Working Group; [...]"

5. 5th ASP session, 2006, Resolution ICC-ASP/5/Res.3¹¹

[...] 20. Recognizes the importance for the Court to engage communities in situations under investigation in a process of constructive interaction with the Court, designed to promote understanding and support for its mandate, to manage expectations and to enable those communities to follow and understand the international criminal justice process and, to that end, encourages the Court to intensify such outreach activities, including through the implementation of the Strategic Plan for Outreach of the Court; [...]"

6. 4th ASP session, 2005, Resolution ICC-ASP/4/Res.4¹²

"[...] 22. Recognizes the importance for the Court to engage communities in situations under investigation in a process of constructive interaction with the Court, designed to promote understanding and support for its mandate, to manage expectations and to enable those communities to follow and understand the international criminal justice process and, to that end, encourages the Court to intensify such outreach activities and requests the Court to

¹⁰ Strengthening the International Criminal Court and the Assembly of States Parties, Resolution ICC-ASP/6/Res.2:
http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-ASP6-Res-02-ENG.pdf

¹¹ Strengthening the International Criminal Court and the Assembly of States Parties, Resolution ICC-ASP/5/Res.3,
http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-ASP5-Res-03-ENG.pdf

¹² "Strengthening the International Criminal Court and the Assembly of States Parties," Resolution ICC-ASP/4/Res.4,;
http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-ASP4-Res-04-ENG.pdf

present a detailed strategic plan in relation to its outreach activities to the Assembly of States Parties, in advance of its fifth session; [...]"

ANNEX II

ASSEMBLY OF STATES PARTIES GENERAL DEBATES

STATEMENTS EXPRESSING SUPPORT FOR OUTREACH

1. Belgium (seventh session)

« [...] Ajoutons cependant qu'il appartient également à la Court de mieux publiciser, voire vulgariser, son action. La justice pénale internationale ne doit pas être une tour d'ivoire. Elle doit être comprise par tous. [...] »

Translation (informal): "[...] In addition however, it is up to the Court to publicize itself and its activities more. International criminal justice must not be an ivory tower. It must be understood by everyone. [...]"

2. Ecuador (fifth session)

"[...] We support the work that the Office of the Public Prosecutor has carried out in an independent, cautious and efficient way. We need a strengthened and well understood Organization. Therefore it will be necessary to encourage publicity and communication, especially in those areas affected by conflicts, so that everyone can clearly understand the goals pursued by our Organization. [...]"

3. Finland (on behalf of the EU – fifth session)

"[...] The European Union also welcomes the court's efforts with respect to outreach and looks forward to discussing the Court's Strategic Plan on Outreach during the next days. The Rome Statute has recognised the central role of victims in the court's proceedings and provided specific reparations for them. Local populations affected by crime share an unbearable burden of atrocities. While justice and peace are not conflicting goals, individual accountability for the most serious international crimes plays an integral role in any peacebuilding effort. In this connection, the EU wishes to call on State Parties to contribute to the Trust Fund for Victims. [...]"

4. Portugal (on behalf of the EU – sixth session)

"[...] Secondly, last year this Assembly adopted an ambitious approach concerning outreach. We supported the final agreement but will carefully assess the results of the outreach activities. [...]"

5. France (on behalf of the EU - seventh session)

"[...] Let us not delude ourselves: the path is strewn with obstacles. Some States challenge the intervention of international criminal courts on principle, others have been slow to take the measure of the obligations involved. The States of the European Union must continue

the efforts they embarked on over ten years ago to better explain and more effectively convince. [...]"

6. Belgium (on behalf of EU – ninth session)

"[...] I should also like to highlight the importance of the Court's work to raise awareness and provide information for local people. These activities are important as they help make justice something real and visible to the victims. This topic was also considered during the Kampala stocktaking and the many side events at the Conference gave many victims and their communities a chance to take a direct part in the discussions and to tell the representatives of the Court and the delegates from the States Parties what they expect. [...]"

7. Finland (eight session)

"[...] Finland has followed with keen interest the developments during the past year with regard to the participation of victims in the Court's legal proceedings. Victim participation is a key element of the Rome Statute and also an element that makes the Court unique. Despite the progress made, we find that there still remain three particular challenges to address. First, it is necessary to make victim participation an important and meaningful contribution to the legal proceeding and to maintain it as such. Second, there is a need to ensure that victim participation contributes to the feeling of justice being done in the affected region. Finally, victim participation must not re-victimize those who have already suffered enormously.

These challenges should be addressed through a coherent Court-wide strategy, including enhanced efforts to distribute information at The Hague and in the situation countries. The States Parties have an important role to play in this process by ensuring resources that meet the needs of such a strategy. Finland looks forward to a continued and more in-depth discussion next year on issues related to the Court's Strategy on victims as well as to this implementation. The role of the victims and its development in the Court's practice could also be an important topic for the stocktaking exercise in the Review Conference, bearing in mind that meeting in a situation country would provide us with an excellent opportunity for that. [...]"

8. Ghana (fifth session)

"[...] Mr President, my delegation also wishes to express strong support for the outreach programme of the Court in some of the conflict areas of Africa. The logical extension of this outreach programme would be the trial of the perpetrators in the location of the crimes. While there may be practical difficulties in pursuing this objective, it is our hope that this idea can be implemented in the near future. The symbolism of bringing justice to the affected communities can have a powerful impact in healing the emotional scars inflicted by the atrocities. It is important that justice should not be seen as a remote and abstract possibility by these battle scarred victims. [...]"

9. Germany (fifth session)

"[...] It is against this background that we support the Court in its endeavour to design a more active outreach policy in order to interact with those communities affected by the commission of crimes under the Court's jurisdiction. We are ready to provide the Court with adequate

resources for this purpose. However, outreach may also be seen as an objective which requires joint efforts not only by the Court but also by State Parties - and where NGOs may play an important role. [...]"

10. Germany (sixth session)

"[...] The issue of victims is closely linked to the question of how successful the Court is in conveying its message of peace and justice to the affected communities. Last year's Assembly provided the Court with additional funding to increase its outreach activities. Bearing in mind that there is always room for improvement, we invite the Court to constantly evaluate, review and adjust its outreach policy. [...]"

11. Ireland (fifth session)

"[...] In particular, we congratulate the Court for adopting its first Strategic Plan and the Strategic Plan on Outreach, and very much look forward to the forthcoming debates on these important topics. [...]"

12. Jordan (fifth session)

"[...] Bridging the distance between the Court and the local communities affected by the most serious crimes and arrests will reflect positively on the work of the Court. Therefore, Jordan welcomes the Court's efforts in bringing realistic understanding to these communities regarding its role and activities specially those related to investigations. Jordan recalls with optimism the Court's Outreach Plan and affirms the importance of communicating with all States to increase the trust of the affected communities in the international criminal justice system. [...]"

13. Korea (fifth session)

"[...] In particular, this year's achievements are very impressive. They include, among other things, the first arrest of a suspect, the adoption of a strategic plan and the implementation of outreach activities in several fields [...] The outreach activities the Court has planned and implemented are also worth applauding in that those activities can contribute to an increase in the awareness of local peoples who have suffered the most from the crimes under ICC jurisdiction and can thus secure their voluntary cooperation necessary for investigate and judicial proceedings. [...]"

14. Kenya (sixth session)

"[...] My delegation commends the Court for the progress made in its work during the past one year in accordance with the Strategic Plan adopted by the Assembly in 2006. We particularly laud the Court's increased efforts in the implementation of an outreach program in the situation areas in Uganda, DRC and CAR, and the conclusion of the Headquarters Agreement with the host country. The outreach activities will, no doubt, raise awareness and understanding of the Court and its activities among communities affected by crimes being investigated and prosecuted and ensure its proceedings remain relevant and accessible to these communities. [...]"

15. Kenya (seventh session)

“[...] Kenya notes with gratitude the progress so far made by the Outreach team of the Court. Outreach initiatives continue to enable communities to follow and understand the International Criminal Justice process. However, there remains need to enhance this initiatives through the use of mass media such as radio and audio visual communication, sensitization of law enforcement and prosecutorial agencies and above all, the political class particularly as represented in National Parliaments. [...]”

16. Luxembourg (sixth session)

« Il faut enfin que la Cour soit dotée – dans le cadre d’une gestion financière saine et prudente – des moyens financiers adéquats et d’infrastructures appropriées afin qu’elle puisse exécuter au mieux sa mission. A cet égard, la mise en place de bureaux sur le terrain et de missions d’information, notamment auprès des groupes de victimes et des populations concernées nous paraît être un enrichissement bienvenu de la panoplie d’action de la Court et d’une dimension importante de la lutte contre l’impunité. Dans cette perspective, le versement intégral et en temps voulu des contributions budgétaires des Etats-parties reste, bien évidemment, indispensable au bon fonctionnement de la Cour. »

Translation (informal): “[...] The Court must finally be endowed—in the area of prudent and healthy financial management— with adequate financial means and infrastructure to execute better her mission. In this regard, the creation of field offices and information/outreach missions, notably for groups of victims and affected populations appears to be a welcome improvement in the array of the Court’s activities, and an important dimension of the fight against impunity. In this perspective, the payment in due course of budget contributions of States-Parties evidently remains indispensable to the functioning of the Court. [...]”

17. Luxembourg (ninth session)

“[...] In addition, victims must be adequately and systematically informed of their rights as set out in the Rome Statute. [...]”

18. Mexico (fifth session)

“[...] My delegation has taken due note of the Strategic Plan, of the Court Capacity Model and of the Plan on Outreach. We believe that they do constitute a good starting point although they would need to be improved, particular in what relates to the balance between judicial and administrative objectives and to their proper assessment. No doubt, the dialogue with States Parties should be deepened in that respect, and must allow for more in-depth analysis of issues such as outreach, victims participation, complementarity and geographic location of the court’s activities. [...]”

19. Mexico (seventh session)

“[...] The Court is now in a crucial stage, both in terms of its consolidation as an independent judicial organ, as well as regarding its institutional and administrative structures. In addition to

legal and political challenges, the Court also continues to face the task of consolidating the support of the international community and that of the public at large. Lack of knowledge or of adequate understanding brings about lack of support. It is thus fundamental to take the offensive so as to actively clarify misperceptions and to defeat scepticisms. The noble mission of the Court must be more intensely – perhaps more audaciously – conveyed to civil society, media and other relevant non-governmental actors. [...]"

20. Nigeria (seventh session)

"[...] The Nigeria delegation expects that the Assembly will be able, at this session, to take a decision regarding the venue of the proposed Review Conference. Taking into account the commitment so far exhibited by Uganda in this regard as well as the support this has engendered, it is our belief that the holding of the Review Conference in Africa will further enhance the Outreach Programme of the court.

Nigeria takes note of the efforts of the ICC to hold some aspects of the trials in situation countries. This is in line with the position of the Africa Group at the 4th session of the Assembly of States Parties that justice must not only be done but must be seen to be done at the levels where these heinous crimes were perpetrated. The ICC should not relent in its efforts in this as it constitutes an important signal to local communities, that impunity will no longer be tolerated. [...]"

21. Namibia (fifth session)

"[...] My delegation again emphasizes the fundamental necessity of outreach. To win the hearts and minds of people, outreach is of utmost importance, particularly – but not only – in situation countries. We support the Court's plan and resource requests in this regard. Also, the presence of the Special Court for Sierra Leone provides an excellent opportunity to learn from that Court's effective and timely outreach activities as well as to share its experiences. In this connection, let me mention in passing the effectiveness of radio in reaching the widest possible audience in Africa. [...]"

22. Norway (fifth session)

"[...] With regard to the third criteria for ICCs success, credibility, Norway sees out-reach as of paramount importance. For the ICC to fulfill its role justice should not only happen, it must also be seen to happen. Out-reach is shared responsibility for the Court, NGO's state parties, and particularly states affected by the Court's ongoing judicial work. [...]"

23. South Africa (fifth session)

"[...] The outreach activities of the Court are also particularly important in this regard and needs to be further strengthened so as to bring the Court closer to the people it is aiming to serve. A clear understanding of the functions and structures of the court, the focus of its prosecutorial work, as well as the different roles and jurisdiction fulfilled by the Court and States Parties are essential. The Court cannot hope to be successful if it is not able to connect to, and secure the support of affected communities. It is also for this reason that we continue to impress upon the Court to plan for hearings in the region where the crimes were committed. [...]"

24. Sierra Leone (fifth session)

“[...] The ICC is fortunate and this Assembly is fortunate: we have the experiences not only of the ICC’s work to date, but also of other International courts and tribunals from which important lessons can be drawn, and mistakes avoided. Surely, one of the most important lessons from these previous tribunals must be the colossal importance of Outreach. At present, the ICC Outreach program and accordingly, the success of the court is in danger of being compromised through under-investment and lack of commitment. We recognize with appreciation the Court’s efforts over the past year to fulfill this Assembly’s request to intensify their outreach activities and to provide an outreach strategy, to help put both their work and their budgetary request in context.

The ICC does not have the advantage of being based in the country where the crimes were committed. To the people of the Democratic Republic of Congo, Uganda and of Sudan, the ICC is not yet tangible, it cannot really be visited, its building cannot be seen. In Sierra Leone, the Special Court worked hard to design and implement an effective outreach strategy: the ICC must work even harder to make its presence and effect felt, through its outreach efforts, and we must provide support to help them fulfill that tremendous responsibility.

Mr President, in our countries and in the DRC, in Uganda, in Sudan, our people do not have instant access to the “information super-highway”, to the website of the ICC, with its informative news and live “webcast” of proceedings. These are useful tools. They project the work of the Court worldwide. However, they don’t reach many people where it is needed most, in the situation countries. In order for the message to reach those people, we need Court Outreach staff on the ground, giving lectures, talking on local radio and disseminating information in person. The Court needs a public face and that face must be the Outreach department, tirelessly working to provide the people of these countries with a tangible court and a sense of having a stake in the accountability process. This is not a luxury: this is a necessity for the ICC to do what it is intended to do; to bring accountability and to help turn a page in the history of the situation countries. This assembly must rise to help the Court meet that challenge. [...]”

25. Sierra Leone (sixth session)

“[...] The same is not true of another crucial aspect of the Court’s work, namely the Court’s work on outreach. Yes, the Court needs our support and understanding. Yes, the Court needs to be nurtured as it builds and develops its outreach strategy and work. But much of this was done at last year’s Assembly: the Court asked the Assembly for the opportunity to implement its newly-minted strategy and for the financial support it needed to do so. This Assembly rose to meet that occasion and gave the Court all the support it needed, both political and financial. We are pleased with the progress that has been made in the 12 months since the last Assembly but we are concerned that the increase in need and opportunity has not been completely mated in the direction, vision and activities for outreach.

My delegation considers outreach to be the most important non-judicial core function of the Court. And we consider that this Assembly has an important role to play not only in supporting and nurturing the Court’s outreach work, but also in providing proper oversight and guidance.

It's is for this reason that every year since 2005, Sierra Leone and other delegations have convened an ASP Hearing on Outreach, held in the margins of the Assembly's other scheduled work. I am pleased to confirm that Sierra Leone and other delegations are continuing to take a lead on this issue and that we have convened an ASP Hearing on Outreach which will be held in Conference Room 3 on Friday 7 December 2007, as scheduled in the United Nations Daily Journal. All delegations and members of civil society are warmly invited to attend.

Mr President, it is for these same reasons, and to emphasise the importance of outreach in the view of the Assembly, that my Delegation has the honour to propose that the omnibus resolution foresee a focal Point on Outreach within the Bureau. We believe this would be an important mechanism to assist both the Assembly and the Court in our continued oversight and guidance over this critical non-judicial function. We hope that this proposal will meet with the support of the Assembly. [...]"

"[...] Mr President, the Court has indeed made important progress in its outreach work. But we continue to need more Court Outreach staff on the ground, giving lectures, talking on local radio and disseminating information in person. The Court needs a public face in each and every situation country. It needs to be engaged in public debate on justice and accountability. It needs to be known, to be recognised, to be understood and it needs to tap into local realities and to have its finger on the pulse of the country. We are not saying the court does not do this; it does, but to fulfil its potential it needs to be more engage and to do this, it needs to be geared less towards headquarters and more towards the field, which is where the real trenches are and where the real battles will be fought. We in this Assembly and the Court itself need to start thinking of the Court as a justice delivery mechanism and to do that, the Court needs its people to be in the field, particularly is outreach people. This is a necessity for the ICC to do what it is intended to do; to bring accountability and to help turn a page in the history of the situation countries. [...]"

26. Sierra Leone (seventh session)

"[...] Mr President, my delegation – like many others – continues to stress the fact that robust outreach is critical for the court to fulfil its mandate, undertaken its work effectively and efficiently and maximise its impact on local populations. We welcome the progress that has been made in this area over the past 12 months and commend the Court for the creative work it has been doing on the development of its outreach tools. We are, however, deeply concerned about the minimal amounts of outreach work in Central African Republic and in Sudan. Nature abhors a vacuum, and the vacuum created by the lack of engagement and the dissemination of correct information by the Court in those two countries is being filled by misinformation. This will not only make the Court's work harder in the future, it will also have financial implications due to the greater amount of outreach that will be required. Mr President, at the last Assembly we gave the Court a grace period to show us what it could accomplish on outreach with the resources allocated to it during this Assembly's Sixth Session. My delegation believes that time has come for a full review to be done of the Court's performance in this area, to chart the successes and challenges and to have a full picture of what now needs to be done. We would also like to see such a review done more generally on the Court's field presence in general, which seems to be rather minimal. [...]"

27. Serbia (ninth session)

"[...] In order to promote the International Criminal Court, the first international meeting entirely devoted to this institute and its development in the period from Rome to Kampala was organised in October in Belgrade. The participation of distinguished representatives of the International Criminal Court, senior government officials and local experts, were a concrete contribution to spreading the knowledge about the International Criminal court and its mission. We are determined to continue to organise similar meetings with the participation of experts from the region, because we are convinced that much of the power of the court lies in awareness and acceptance of its mission by the public. [...]"

28. Tanzania (seventh session)

"[...] We welcome the outreach programmes of the court in the region because this enhances appreciation of the international criminal justice system, especially to the victims, who are the main beneficiaries for the judicial process. For its part, in order to reinforce this outreach effort, the African Group supports the offer made by the Government of Uganda to host the first Review conference of the Rome Statute in 2010, to further enhance the visibility of the court in the region. We welcome the support expressed for Uganda's offer to host the Review Conference and call for the support of the Assembly so that the Review conference can be held on the African continent [...]."

29. Trinidad and Tobago (sixth session)

"[...] In many far flung areas of the world, the court is either not known, or there is insufficient information about its purpose. One way of promoting this important institution is through outreach activities. We therefore expect that this ASP would take the decision to provide the Court with sufficient funds to ensure that outreach activities are carried out as envisioned in keeping with the plan of action of the Court. [...]"

30. UK (fifth session)

"[...] The UK welcomes the Court's elaboration of an overall strategic plan and a detailed strategic plan for outreach. These will be valuable tools both for taking forward the Court's work over the coming years and as mechanisms against which its impact can be regularly evaluated. We welcome the Court's commitment to continued dialogue with States as it works to fulfil its mandate fairly, effectively and independently whilst seeking to ensure the most efficient use of the resources contributed by States Parties. [...]"

ANNEX III

2010 REVIEW CONFERENCE GENERAL DEBATE AND STOCKTAKING

STATEMENTS EXPRESSING SUPPORT FOR PUBLIC INFORMATION AND OUTREACH

I. GENERAL DEBATE¹³

1. Italy

"[...] Cooperation, complementarity, attention to victims and affected communities, the necessary link between peace and justice: these are the guiding topics of our stocktaking exercise and the key issues for the successful future activities of the ICC. [...]"

2. Finland

"[...] Victims' and their communities' voices should be heard and will be heard during this Review Conference. We wish that the efforts made here will generate a renewed commitment and that the perspectives of victims and affected communities will be carried on to our future discussions and decisions. [...]"

3. Tanzania

"[...] For the Court to be effective and successful, universal ratification of the Rome Statute is fundamental. If we are to ensure that the perpetrators of the world's most egregious crimes are denied safe haven and brought to justice, we must step up our collective efforts to promote the universality of the Rome Statute. We welcome the latest accession by Bangladesh and are pleased to note that the Court is taking commendable steps in its outreach initiatives towards universal adherence. Tanzania reiterates its commitment to the Rome Statute and all necessary support to the court in fulfilling its mandate. [...]"

4. Switzerland

"[...] We need to bring the ICC closer to the victims. I am particularly satisfied in this regard that this Review Conference takes place on the African continent where the suffering has been particularly great. [...]"

5. Slovenia

"[...] For the first time on the international scene the victims have been given a voice. Let us do even more for them to be heard and helped. [...]"

¹³ 2010 Review Conference, General Debate documents, <http://www.icc-cpi.int/Menus/ASP/ReviewConference/GENERAL+DEBATE+ +Review+Conference.htm>

6. Central African Republic

« [...] Le Bureau [de la CPI à Bangui] a entame depuis 2009, tant a Bangui qu'en provinces, des séances de sensibilisation par les Radios d'Etat et privées, la télévision, les journaux et des projections de films documentaires sur la Cour et ses diverses activités. »

Translation (informal): “[...] The office [of the ICC in Bangui] in existence since 2009, both in Bangui and in other areas, outreach sessions through public and private radios, TV, newspapers et screenings of documentaries on the Court and its activities. [...]”

7. New Zealand

“[...] Equally, the Registry is undertaking a range of activities across the full spectrum of the Court’s operations, including in the crucial areas of [...] supporting witnesses and victims, and undertaking a range of outreach activities. These are substantial accomplishments, of which all concerned may be justly proud. [...]”

8. Sierra Leone

“[...] We welcome the focus of the Review Conference on the presence of the Court in the field, closer to the population affected by its work. Our own experience tells us that the stronger the Court’s field presence, the most effective and efficient it will be in the long term. Based on that experience, we have consistently highlighted the importance of outreach and the Court’s outreach officers having a very visible presence in the field. We welcome the ongoing improvement of the Court’s outreach work and we encourage the Court to develop plans for early implementation of outreach in places in which the ICC is or will be working, to engage populations affected by their work, and to develop a robust public information and communications strategy to help raise the Court’s profile throughout the world.

We firmly believe that it is not only outreach, but all aspects of the Court’s work that would benefit from an increased presence in the field. We therefore welcome the efforts of the Registry to maximize the Court’s field offices and we encourage the Court as a whole to continue to focus on this issue and to make it a strategic and operational priority for the coming years. [...]”

9. Bostwana

“[...] We applaud the inclusion of this topic during this conference because it provides an opportunity to consider how victims and affected communities experience and perceive justice eight (8) years after entry into force of the Statute. This inclusion is particularly pertinent as it reinforces that victims and affected communities are stakeholders of the ICC system with valid interests in the proceedings and in the broader system as a whole. It recognizes that their views count, as the direct and indirect beneficiaries of the Rome Statute system, and are significant for the Court’s future planning process. [...]”

10. Namibia

“[...] With regard to concrete pledges, Namibia pledges to undertake the following initiatives:
[...] To organize various events, seminars and conferences in conjunction with our Parliamentary Committee on Legal and Constitutional Affairs to promote the implementation of the Rome Statute. [...]”

11. Austria

“[...] We affirm the fundamental importance of ensuring that investigations and prosecutions carried out at the international level are meaningful, have resonance with communities where the crimes have been committed. [...]”

II. STOCKTAKING OF INTERNATIONAL CRIMINAL JUSTICE

1. The impact of the Rome Statute system on victims and affected communities - Final report by the focal points (Chile and Finland)¹⁴

“[...] 8. [...] It was agreed that the substantive discussion should concentrate on the following specific areas, with a focus on current situation countries or situations under analysis and taking into account lessons learned from other international criminal tribunals:

- (a) The role of outreach in impacting victims’ expectations of obtaining justice and their enhanced knowledge of their legal rights;
- (b) Especially in situation countries, the importance of recognizing victims’ rights to justice, participation and reparation, including nationally and particularly for specific groups of victims, e.g. women and children; [...]

[...]13. Speakers addressed the importance of victims' participation in the Court's proceedings, the central role of outreach, issues linked to the protection of victims, witnesses and intermediaries, the issue of reparations and the role of the TFV. Special emphasis was given not only to the progress made so far by the Court, but also to the way forward. [...]

14. [...] The conclusions of the panel were as follows:

(a) Achievements

[...] (iii) Outreach activities have been intensified and special focus programmes have been developed. [...]

[...] (b) Challenges

(i) Victims still lack sufficient information about the Court and its procedures.

¹⁴ The impact of the Rome Statute system on victims and affected communities, Final report by the focal points, RC/11, annex V(a), http://www.icc-cpi.int/iccdocs/asp_docs/RC2010/RC-11-Annex.V.a-ENG.pdf

(ii) This is particularly true for women and children who, for a variety of reasons, are unable to access information about the Court. This also applies to people living in remote areas.

(iii) Because of this information gap, many victims have unrealistic expectations of the process and reparations [...]

[...] (c) *The way forward*

(i) The Court needs to find creative ways to strengthen its two-way dialogue with victims and affected communities.

(ii) The Court's outreach activities need to be further optimized and adapted to the needs of victims.

(iii) A specific policy needs to be developed for addressing the needs of women and children.

[...] (vi) Field operations should be reinforced and linked to strategic planning and the allocation of resources. [...]

[...] 35. One [State] delegation underlined the important role of field offices in ensuring adequate victims' protection and participation, as well as outreach, noting that activities have to be coordinated; this presence was important in order to facilitate all operations of the Court, including investigations.

[...] F. Conclusion

[...] 36. As States Parties contemplate the stock-taking item on the impact of the Rome Statute on victims and affected communities at the Review Conference, they may wish to consider the Court's achievements and challenges presented in this discussion paper. For ease of reference, the key findings regarding challenges for the Court and States Parties, as appropriate, are listed below:

[...] (c) *Outreach*

(i) Increasing its presence in ICC situation countries and those under preliminary analysis;

(ii) Developing more effective, innovative tools and strategies to reach the affected communities, also in rural and remote areas; and

(iii) Developing more effective tools and strategies to reach women, children, and other vulnerable populations."

2. RC/Resolution.2 - The impact of the Rome Statute system on victims and affected communities¹⁵

"The Review Conference,

[...] *Emphasizing* the importance of outreach to victims and affected communities in order to give effect to the unique mandate of the International Criminal Court towards victims,

¹⁵ The impact of the Rome Statute system on victims and affected communities, Resolution RC/Res.2, 8 June 2010, http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/RC-Res.2-ENG.pdf

[...] *Underlines* the need to continue to optimize and adapt outreach activities, in light of the different phases of the judicial cycle, and to encourage further efforts to ensure that victims and affected communities have access to accurate information about the Court, its mandate and activities, as well as about victims' rights under the Rome Statute, including their right to participate in judicial proceedings and claim for reparations;"

3. Report of the Bureau on stocktaking - The impact of the Rome Statute system on victims and affected communities¹⁶

"[...] B. Informal consultations of The Hague Working Group on 3 February 2010

[...] 7. The Working Group also heard a presentation by the Deputy Registrar of the Court, who referred to the four parts of the Court directly involved in issues related to victims. The Victims Participation and Reparations Section of the Registry facilitated the participation of victims in proceedings before the Court, inter alia, by informing victims of their rights, assisting in the application for participation and by organizing legal representation. Together with the Registry's Outreach Unit, the Section aimed at improving awareness about the Court's work and at educating affected communities about their rights. Experiences thus far had demonstrated that face-to-face meetings and engaging the local media were the most effective in reaching victims and affected communities.

[...] 3. Substantive arrears for discussion

[...] 36. The discussion would need to encompass:

- a) The different ways in which victims interact with the Court, including as beneficiaries of the Trust Fund for Victims, through outreach or direct involvement in proceedings, whether as witnesses or participants, as well as through other channels where victims' views and concerns are being heard;
- d) Lessons learned from other international criminal tribunals, in particular in relation to their experiences of outreach and reparations within their respective statutes.

[...] C. Preliminary conclusions

[...] h) The substantive discussion should concentrate on the following specific areas, with a focus on current situation countries or situations under analysis and taking into account lessons learned from other international criminal tribunals:

- i) The role of outreach in impacting victims' expectations of obtaining justice and their enhanced knowledge of their legal rights;" [...]

¹⁶ The impact of the Rome Statute system on victims and affected communities, Report of the Bureau on stocktaking, ICC-ASP/8/49, 18 March 2010, http://www.icc-cpi.int/iccdocs/asp_docs/ASP8R/ICC-ASP-8-49-ENG.pdf