



COMMUNICATIONS TEAM
COALITION FOR THE INTERNATIONAL CRIMINAL COURT (CICC)
COMMENTS AND RECOMMENDATIONS¹
TO THE SEVENTH SESSION OF THE ASSEMBLY OF STATES PARTIES
14 NOVEMBER - 22 NOVEMBER 2009, The Hague
6 NOVEMBER 2008

I. THE SEVENTH ASP: MAINTAINING THE COMMITMENT

1. Since the Assembly's last session, the work of the International Criminal Court has continued to grow and **the need for the Court to communicate its activities and engage local populations continues to be of critical importance.**²
2. The Assembly of States Parties has been instrumental in providing support for outreach,³ through: (1) recognising outreach is a key element for the successful accomplishment of the Court's mission;⁴ (2) encouraging the Court to prepare and present a detailed Strategic Plan for Outreach of the ICC ("strategy"), in dialogue with States Parties;⁵ (3) encouraging the Court to intensify its outreach efforts;⁶ and (4) providing adequate resources for outreach in the Court's budget.
3. In 2008, the Seventh Assembly of States Parties has the opportunity to **consider further the outreach strategy and its implementation**, informed by the result of the Court's outreach work with increased resources from 2006 to 2008; **to reaffirm the importance of outreach and communications through the General Debate and in the omnibus resolution**; and to reflect its commitment to outreach and communications by continuing to support it financially.

II. THE CONTEXT OF COMMUNICATIONS AND OUTREACH

1. The work of the ICC on communications and outreach is the quintessential **non-judicial function** of the Court. It is vital to conducting investigations successfully in the field by creating conditions conducive for cooperation with the Court and preventing or stemming the spread of misinformation; to ensuring 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 in other jurisdictions.

¹ This document was prepared by members of the CICC Communications Team and does not represent the views of all organisations/members of the Coalition for the ICC. The work of the Team reflects the positions of those Coalition members most active on particular issues; however their work cannot be construed to represent the views of all organisations/members of the CICC. For further information, feel free to contact the Communications Team leader, Alison Smith, Legal Counsel for No Peace Without Justice, on asmith@npwj.org.

² Field-based NGOs in the situations where the ICC is conducting investigations stress there is a major ongoing need for the work and functions of the ICC to be better understood. This is particularly relevant for individuals who are unaware of their procedural rights as victims, with respect to protection, participation, legal representation and/or reparations.

³ For the purpose of this paper: "communications" or "public information" refers to information to governments, media and the public at large; "outreach" relates to targeted information for and interaction with victims and local communities impacted by the ICC's work; and "external relations" deals with relationships between the Court and other actors, such as States Parties, non-States Parties, NGOs and others.

⁴ External audit, internal audit, programme budget for 2007 and related documents, ICC-ASP/5/32, 1 December 2006, para. 28.

⁵ Strategic Plan of the International Criminal Court, ICC-ASP/5/12, 29 September 2006.

⁶ Strengthening the International Criminal Court and the Assembly of States Parties, Resolution ICC-ASP/6/Res.2, 14 December 2007, para 20 (*inter alia*).

2. Outreach, as one component of the Communications activities of the Court, needs to be carried out on the basis of a **coherent strategy**, i.e. the Strategic Plan for Outreach, which should be **reviewed and revised regularly**, particularly in consultation with local actors and others and in light of the Court's overall communications strategy.
3. The Court is operating in **challenging situations**, which include addressing the perception that the Court is unfairly targeting Africa for its investigations. While the nature of the crimes within the Court's jurisdiction means that the situations in which it works will always be challenging, this is nonetheless a factor to take into account when considering the Court's outreach strategy and work.

III. BRIEF ASSESSMENT OF THE CURRENT STATUS OF ICC OUTREACH

The Communications Team welcomes the Court's efforts to implement its outreach strategy and notes especially the following progress in 2008:

1. The Court is continuing to reach out directly to affected communities, building on its past work, including through increasing the reach of outreach in the DRC; intensifying outreach at the grassroots level in Northern Uganda; undertaking outreach with the Sudanese diaspora; and commencing outreach work in the Central African Republic.⁷
2. The Court has continued to develop its outreach tools, notably in the development of audio-visual materials on the upcoming trials and judicial proceedings, which have provided a useful tool through which to engage local communities in DRC and CAR.
3. Welcome efforts were continued to provide increasingly improved information on its outreach activities, through a new page on the ICC website, press releases, inclusion of information in the court's newsletter, diplomatic briefings and regular meetings with NGOs.
4. The Court has engaged in a process of developing an evaluation methodology and a list of relevant indicators to measure its performance. To manage the information gathered through evaluation tools the Outreach Unit is testing a web-based database that should dramatically improve data collection and the reporting capacity of the Unit.

IV. KEY ISSUES FOR 2009

The Communications Team wishes to contribute to the further development of the Court's outreach work by highlighting the following key areas for consideration for 2009:

1. Due to confidentiality, outreach activities in relation to the Darfur investigation continued to be perceived as minimal in 2008. While recognising the challenging circumstances and the efforts to undertake outreach on a more remote level, this continues to lead to critical information gaps in Sudan. In this respect, the Team urges the Court to increase its outreach efforts in relation to Sudan and encourages the Court to continue to seek innovative solutions in this respect.
2. While the Court opened a field office in Bangui, CAR, in October 2007 and has begun minimal outreach activities there, the Team remains concerned that 18 months after the investigation was opened and nearly six months after the first arrest warrant was issued, the full field team has not been recruited. This is having a negative impact on the Court's ability to conduct full outreach activities in the CAR and the misinformation gap in CAR

⁷ See forthcoming Report on the Court's Outreach Activities, to be distributed at the ASP, for a full report of the Court's work in this area in 2008.

continues to grow. The Team urges the Court to recruit the vacant field positions as a matter of urgency and to begin full outreach activities in the CAR as soon as possible, particularly taking into account the possibility of a confirmation of charges hearing being held before the end of 2008.

3. At the Sixth Session of the ASP, the Team suggested postponing a full overview and review of the Court's outreach strategy and activities to the Seventh Session, to allow the Court to have a full year's experience conducting outreach with the increased resources allocated for the 2007 budget. The Team therefore recommends that the ASP request a **full review of the Strategic Plan for Outreach**, based on the Court's experiences and in wide consultation, particularly with target groups and with local actors, and consider, *inter alia*, the best location for the Outreach Unit in order to be in close proximity to the target groups for the Court's outreach work. Revisions to a Strategic Plan for Outreach should also take into consideration new challenges faced by the Court in the interim, including deepening perceptions that the court is anti-African, as well the necessary interaction between outreach and public information functions .
4. The Team is disappointed by the recommendation of the Committee on Budget and Finance not to approve the requested **P2 Audio-Visual Producer Position**. The effectiveness of these materials, however, depends on there being sufficient field staff to use those materials effectively. The Team is therefore opposed to resources being redeployed within PIDS at the expense of much-needed staff resources in the Court's field offices or of any other key outreach resources.⁸

At the Seventh Assembly of States Parties, the Communications Team therefore recommends that States Parties:

1. Continue to stress the priority of outreach in official statements during the **general debate** and in other appropriate settings, including the **omnibus resolution**;
2. Take the opportunity to **share their views on outreach with the Court** during the ASP, in particular by participating actively in an informal hearing on outreach;
3. Encourage the Court to **recruit vacant field positions** as a matter of urgency, particularly in the Central African Republic;
4. Request the Registry to **fund the additional audio-visual producer position** requested by PIDS **through redeployment of non-field resources** available to PIDS or by reallocating other Registry resources to PIDS for this purpose, subject to informing the Committee and the Assembly of such reallocations.
5. Encourage the Court to **intensify its outreach efforts** in those countries where minimal outreach has been done to date, particularly in the **Central African Republic and in Sudan**;
6. Encourage the Court to continue to **revise its outreach strategy** based on its experience to date, and particularly its work with increased resources since 2006, and to contextualise that strategy in the framework of a **broader public information strategy** for the Court as a whole.

⁸ See also the Budget and Finance Team Paper ASP 2008 on this issue.