



COMMUNICATIONS TEAM
COALITION FOR THE INTERNATIONAL CRIMINAL COURT (CICC)

COMMENTS AND RECOMMENDATIONS¹
TO THE EIGHTH SESSION OF THE ASSEMBLY OF STATES PARTIES

18 NOVEMBER - 26 NOVEMBER 2009, The Hague

1. This paper prepared by the NGO Team on Communications (“the Team”) aims at highlighting key aspects of the activities conducted by the Court in 2009 with respect to communications, and the role that States Parties and the Assembly of States Parties (ASP) have to play at the eighth session of the ASP for these important Court functions.

2. ICC external communications functions include a) external relations, b) outreach and c) public information. These functions are defined in the Court’s Integrated Strategy for External Relations, Public Information and Outreach.²

3. Public information is a process of delivering accurate and timely information about the principles, objectives and activities of the Court to the public at large and target audiences, through different channels of communication, including media and communications materials such as the ICC website.

4. Outreach aims at promoting understanding and support for the Court’s mandate, managing expectations and enabling affected communities to follow and understand the international criminal justice process. Outreach aims not only at sensitising or simply providing information but engaging those communities in a two-way dialogue.

5. 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 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.

6. In 2005, States Parties recognised the importance of outreach as a function of the Court, encouraged the Court to intensify its outreach activities and requested the Court to present a detailed strategic plan in relation to its outreach activities.

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 ICC Integrated Strategy for External Relations, Public Information and Outreach: <http://www.icc-cpi.int/Menus/ICC/Structure+of+the+Court/Outreach/Integrated+strategy/Integrated+Strategy+for+External+Relations.+Public+Information+and+Outreach.htm>

Accordingly, the Court adopted a general Strategic Plan for Outreach³ in September 2006 as well as situation-specific strategies and action plans for the Democratic Republic of Congo (DRC), the Central African Republic (CAR), Uganda and Darfur, Sudan.

7. The Team acknowledges that throughout 2009, the Court has achieved substantial progress in the development and implementation of its communications activities. In 2009, the ICC reports⁴ to have conducted 314 interactive outreach sessions in the four situation countries targeting 69,363 people. It also estimates 34 million people were regularly exposed to ICC information through local radio and television. Additionally, as described further below, the Team also welcomes the production and e-distribution of weekly written updates on Court activities (in English and French) and the development of a number of audiovisual programmes.

I. A strategic Plan for Public information

8. The Team emphasises that ICC outreach work should be coupled with robust public information activities to increase global knowledge of the Court's principles, objectives and proceedings. To facilitate these public information activities, the Team believes that the ICC needs a comprehensive strategic plan for public information to complement its outreach work and the external relations efforts of its organs. Emphasis in this strategy should in particular be placed on an improved framework for the Court's use of traditional and new media; protocols and operation manuals for all organs and Court officials, including Judges with respect to the use of media; and to amplify the Court's efforts through networks of partners.

9. The Team is aware that the Court is currently developing such a strategic document on ICC public information and therefore is looking forward to the completion of a draft in order to involve States and NGOs in consultations to finalise it.

10. In parallel, the Team welcomes the development of a number of ICC audiovisual programmes, including weekly summaries of proceedings, "The ICC at the Glance"⁵ and "Ask the Court",⁶ in which Court officials respond to questions posed by participants in the Court's outreach activities. Audiovisual summaries of proceedings have been used in mobile screenings for affected communities, while a range of programs have been broadcast through television and radio stations. Audiovisual tools are essential to the Court's media, public information and outreach activities. For the production of these programmes to be sustainable, the approval of a permanent position of P-2 Audiovisual Producer requested by the ICC is essential.

³ Strategic Plan for Outreach of the ICC: http://www.icc-cpi.int/NR/rdonlyres/FB4C75CF-FD15-4B06-B1E3-E22618FB404C/185051/ICCASP512_English1.pdf

⁴ Report on the Activities of the Court, ICC-ASP/8/40, 21 October 2009, <http://www.icc-cpi.int/NR/rdonlyres/30DEDD3C-0053-4230-AE19-C14932E0BF7A/0/ICCASP840ENG.pdf>

⁵ "The ICC at the Glance": http://video.google.com/videosearch?hl=en&rlz=1T4DBNL_en-GBNL266NL266&q=the+ICC+at+the+glance&um=1&ie=UTF-8&ei=sBzvSqziClrT-Qa0npzrCw&sa=X&oi=video_result_group&ct=title&resnum=4&ved=0CBqQgwQwAw#

⁶ "Ask the Court" programme: <http://www.icc-cpi.int/Menus/Go?id=196c4e16-c487-4ff3-9ee9-622b352ac764&lan=en-GB>

II. Outreach activities in Uganda and the Review Conference

11. The Team is deeply concerned by the decision reflected in the Court's proposed programme budget to decrease outreach activities in Uganda, where information demands remain high.

12. Although trials for crimes committed in Uganda are not possible until those charged have been arrested and surrendered or are otherwise brought to the Court, there is a continued need for engagement with the affected populations about the work of the Court and dialogue about its efforts to bring those it has charged with crimes against humanity and war crimes to trial, and in continuing the work to help prevent the further commission of crimes.

13. While scaling up outreach activities as judicial activities increase is a sound approach, the absence of judicial activities does not justify the suspension or scaling down of outreach activities, as this absence of trials also creates new outreach challenges that need to be addressed. One can note for example that both the SCSL and the ICTY intend to keep outreach going after their trials have concluded, in light of an assessment that populations will continue to require information and engagement from these tribunals at the same levels in the period immediately after the conclusion of their work.

14. Additionally, and while acknowledging that the Review Conference is an exercise for States Parties and not the Court, the Team also considers that the Review Conference to be held in Uganda will offer opportunities for outreach and public information. Therefore, the Team encourages the Court to develop - and share with its external partners - a communications strategy specific to the 2010 Review Conference.

III. External communications: A shared responsibility

15. Although ICC communications remains the primary responsibility of the Registry, **all Court organs have a role to play in raising the Court's profile and communicating with its different audiences.** The Presidency, the Office of the Prosecutor, the Office of Public Counsel for Victims and Defence and the Trust Fund for Victims should coordinate their communications activities to maximise their impact. In past years, the External Relations Working Group played a key role in promoting inter-organ coordination. This and other practices such as manuals of procedure and operation before and after external contacts are undertaken should be put into place.

16. Additionally, while communications remains a core mandate of the Court, the Team wishes to highlight that **States Parties also have a responsibility to intervene -individually and collectively including via the ASP- in the public debate around the ICC,** to show public support to the institution, to transmit and disseminate their support to the independence of the Court in its judicial decisions and to dispel misconceptions.

IV. Early start of outreach activities

17. It is the view of the Team that the ICC has been too slow in starting outreach activities in the four current situations it is investigating. In the CAR, for example, meaningful outreach activities only took off this year, which is two years after the

opening of an investigation by the OTP. Evidence of demands for information support the Team's view that the ICC should be ready to launch its outreach programmes as soon as -- or preferably before -- an investigation is opened. This action requires a coordinated strategy with the OTP and adequate management decisions for the deployment of such resources.

18. Interest in potential ICC action in situations under analysis can be quite high and objective information about the ICC's processes and practices is not necessarily widely available. In this process, the Court should consult local civil society and media at the outset to design tailored communications strategies for situations under analysis, coordinating the efforts of the OTP and the Registry in this regard. To tailor its intervention, a structured communications strategy for situations under analysis should be designed, taking into consideration the mandates of both the OTP and the Registry.

19. In the view of the above-mentioned considerations, the Team makes the following recommendations and looks forward to discussing them further during the eighth ASP:

Recommendations to the ASP at its 8th Session:

- Reiterate the importance of ICC outreach work through the *Omnibus resolution*;
- Encourage the Court to develop clear communications plans and implement them at an earlier start, through the *Omnibus Resolution*;
- Through the *Omnibus resolution*, stress the importance of public information activities of the Court and strategic planning in this area and to request the Court to report on these activities at the ninth session of the ASP;
- Reiterate the importance of public support by States to the Court through the *Omnibus resolution*
- Grant the position of P-2 Audiovisual Producer as requested by the Court in its proposed budget, in light of the importance of ICC audiovisual materials to support its outreach and public information activities;
- Reiterate the importance of public support by States to the Court through the *Omnibus resolution*;
- Mandate the ASP Secretariat, in charge of the organisation of the Review Conference, to develop a targeted communication strategy for the Review Conference in coordination with the Court and in light of their respective mandates;
- Ensure sufficient financial support to maintain at least current levels of outreach activity in Uganda in 2010 and in the wider communication campaign around the Review Conference.

Recommendations to States Parties:

- Deepen their engagement in the public debate around the ICC by reaffirming their support to the principles and decisions of the Court;
- Attend the side-event on outreach and public information organized by the Court at this ASP session.

Recommendations to the International Criminal Court:

- Further strengthen internal coordination of communications activities to maximise its impact, including through the External Relations Working Group;
- To finalise a robust court-wide public information strategy and remain open to consultations on the matter;
- Consider the urgency of starting outreach activities at the earliest possible stage and define a clearer communications strategy in situations under analysis or those under investigation, notwithstanding the lack of trials.