



The Coalition's Team on Communications¹ outlines below comments relating to ICC public information and outreach² activities in 2014, and proposes several recommendations to states attending ASP 13.

The ASP and states parties have attached great importance to the Court's public information and outreach activities. These have strong mandates in ICC legal documents and are critical to the successful implementation of a range of Court policies and strategies. Judges have also highlighted outreach as crucial to enabling victims to participate in the trial and reparations phases of Court proceedings.

Lessons learned—including from the ad hoc tribunals—demonstrate that **early, Court-led communications is essential** for the meaningful delivery of fair and credible justice to victims as set out in the Rome Statute.³

The Team welcomes the amendments to the **Regulations of the Registry** adopted in December 2013, which outline the Registry's responsibilities to "ensure the public dissemination of appropriate, neutral and timely information concerning the activities of the Court through public information and outreach programmes."⁴

The Team also notes the efforts of states and other stakeholders to highlight the importance of this work during a May 2014 Hague Working Group **roundtable discussion on ICC communications**, which "once more highlighted the close linkages between the communication and outreach objectives of the Court, as well as with the field operations strategy."

The Team also welcomes efforts by the Court in the past year to **strengthen its communication activities**, particularly through greater coordination and increased ability to anticipate and respond to the need to communicate timely information about proceedings.

¹ This paper has been prepared by Coalition members most active on the issue of communications and reviewed by the Coalition's wider membership. It does not however represent the views of all Coalition members. Since the Rome Diplomatic Conference, Coalition members have organized themselves into thematic teams to follow issues addressed by the ASP or its subsidiary mechanisms and by the ICC. Teams are a forum to discuss issues and follow ASP discussions and with a view to developing advocacy. All Coalition members can join any team. For further information contact Communications Team leader Alison Smith, Legal Counsel for No Peace Without Justice, on asmith@npwj.org, or the Team's Coordinator Niall Matthews, CICC Head of Communications, on matthews@coalitionfortheicc.org.

² External communications functions of the Court 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.¹⁰ This paper covers recommendations on outreach and public information.

³ Please refer to the Team's Comments and Recommendations to the 12th ASP for an overview of the importance of the ICC's public information and communications activities
http://www.coalitionfortheicc.org/documents/CICC_TEAMS_Submission_ASP12.pdf

⁴ Regulation 5 bis6, Regulations of the Registry, as amended on 4 December 2013, Date of entry into force of amendments 5 December 2013 <http://www.icc-cpi.int/iccdocs/registry/Regulations-of-the-Registry-Eng.pdf>

The ICC has achieved substantial progress in its communications activities over the past years. The Team highlights a **recent report on Perceptions and Attitudes about Peace, Security and Justice in Eastern Democratic Republic of the Congo**⁵, which found that:

“ICC outreach shows significant improvement in awareness about the Court (53% have heard of the Court in 2013 compared to 28% in 2008), but more local engagement about the mandate and reality of the ICC is needed to manage expectations. This should also be an opportunity to reach out to the population to improve understanding of the formal court system (national and international). Any outreach strategy must recognize the limited use of media, especially among those with limited information.”

NGOs have been working with the Court from day one to maximize the impact of its messaging in situation countries, reinforcing its impact by going to areas that Court staff cannot due to logistical and security reasons. Civil society continues to play an active role in the development and implementation of the Court’s communication strategies.

How can states demonstrate their support for these crucial Court functions?

1. DEMONSTRATE POLITICAL AND DIPLOMATIC SUPPORT

In the **General Debate and discussions relating to victims**, highlight public information and outreach as integral to the fulfillment of the Court’s mandate to deliver meaningful justice to victims

Welcome and support the **continued inclusion of references in the Omnibus Resolution** relating to the importance of—as well as the need to improve—Court outreach and public information activities by ensuring early outreach from the outset of the Court’s involvement in an area, including during the preliminary examination stage. Underline how **early and direct ICC communications** helps to ensure a fair, effective, independent and efficient Court.

Join the call of the Informal Ministerial Network to **intensify dialogue with the Court** to strengthen its positive impact on affected populations through robust and well-supported outreach conducted at the earliest opportunity.

In the same vein, **commit to assisting in the implementation of the Court’s public information strategy** by convening seminars or other public fora to increase awareness of the ICC’s mandate, activities, and jurisprudence.

Pledge to **mainstream expressions of support** for the ICC, universality and complementarity, the rights and needs of victims and gender justice in a wide range of state resolutions and statements. As states parties, assume a greater role in **communicating the mission** of the Court.

⁵ [Searching for Lasting Peace, Population-Based Survey on Perceptions and Attitudes about Peace, Security and Justice in Eastern Democratic Republic of the Congo](#), Patrick Vinck and Phuong Pham, Harvard Humanitarian Initiative and the United Nations Development Fund, 2014

2. INCREASE FINANCIAL SUPPORT

Ensure that the **2015 budget allocation** supports the outreach and public information activities of both the Registry's Public Information and Documentation Section (PIDS) and the Office of the Prosecutor (OTP) **through the regular budget of Court.**

Encourage both to **clearly outline the resources** needed to fulfill their respective mandates in the framework of clearly elaborated strategies. The continuing over-stretch in the limited resources available has hampered its ability to achieve maximum impact.

Reject any proposals for the **voluntary funding** of communication activities. As was seen with the Special Court for Sierra Leone, funding outreach outside the main budget wastes valuable time and energy that could be used for programme implementation and undermines the ability of the Court to deliver programmes on a predictable basis year to year.

3. ENCOURAGE STRATEGIC COORDINATION

Call for lessons-learned and new strategic approaches to be **developed and codified in updated strategies**, including the Strategic Plan on Outreach, the Public Information Strategy, the Integrated Strategy for Outreach, Public Information and External Relations, and the OTP's Strategic Plan 2016-18.

Encourage Court organs and officials to continue to **increase internal coordination and effectiveness of court-wide messaging** under the direction of the Prosecutor, Registrar and —as appropriate—the Presidency, codifying these efforts in updated communications strategies. An overarching communications strategy where lessons-learned can be pooled and outreach made more effective and efficient is crucial.

The **Registry's Re-Vision project** and the scheduled updating of strategies offer an invaluable opportunity for the Court to take stock and define its proactive communication priorities for the next phase of its existence. However, any envisaged **structural changes to the Registry or OTP** should not negatively impact their respective mandates to independently and effectively communicate with victims and affected communities.

Call for outreach and public information strategies and activities to pay **specific attention to targeting vulnerable groups** such as women, children and minorities. This will contribute to increasing the number of individuals in such groups **applying to participate** in proceedings and/or requesting reparations.

In the development of **Court-wide completion strategies**, urge that real attention be given to the need for strong communications efforts as Court activities in a given situation are drawn down. This should include comprehensive plans for maintaining **a presence and legacy in the fight against impunity** at the national level, including for **sexual and gender-based crimes**.

Welcome steps taken towards the development of a **new ICC website**—whose launch is expected in 2015. Call for the development of a comprehensive, courtwide online communications strategy.

4. CALL FOR MORE COMMUNICATIONS IN ICC PRELIMINARY EXAMINATIONS

The importance of early outreach from the outset of the Court's involvement is based on lessons-learned from ad-hoc tribunals and courts and has been **recognized by the Assembly of States Parties** for several years.⁶ The above-mentioned May 2014 Hague Working Group **roundtable discussion on ICC communications** underlined the need for a comprehensive communications strategy "which should be anticipatory or start as early as possible and should target not only situation countries but also go beyond them."

Many non-governmental organizations in countries under preliminary examination report a **great need for information** among a wide range of constituents (victims groups, civil society, media, academia, government and policy makers, legal communities, the general public) regarding:

- The role and mandate of the ICC
- The role and mandate of the OTP and its strategy
- The goals and steps of PEs
- The specific progress of a PE in a given situation
- Next steps envisioned within each PE
- The rights of victims in the Rome Statute system

This information is crucial to **clarifying misconceptions and countering misinformation**, which can often be widespread given the regularly low levels of knowledge of the ICC and Rome Statute in many PE countries. Work conducted to raise awareness during PEs can **lay the ground for a smoother transition** to a full investigation should it be deemed necessary and can help manage expectations in the event a full investigation is not opened.

However, at present, PIDS—responsible for the dissemination delivery of basic, neutral information on the mandate and activities of the ICC—is not communicating directly with populations in PE countries. The Team understand that for strategic and resource-driven reasons it has been decided that all communications during PEs will be conducted by the OTP and that PIDS will not conduct outreach at this stage.

States should urge the ICC, including the OTP, to **reconsider this approach** given that outreach at the earliest possible opportunity—which for the ICC is during PEs—is a widely recognized best practice. Coordinated activities by both PIDS and the OTP at this stage is essential to addressing this critical information gap. States should call on both the OTP and PIDS to outline the resources needed to achieve this.

While there have been **welcome recent developments in OTP communication activities around PEs**—including the publication of annual status reports, interim and final situation specific reports; video

⁶ "Emphasizes the need for the Court to continue to improve and adapt outreach activities with a view to further developing and implementing effectively and efficiently 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," [Strengthening the ICC and ASP, ICC-ASP/12/Res.8](#), 2013

messages, and statements—much more could be done. Such communications are crucial to ensuring the transparency of the Office’s analysis and efforts to ensure justice for victims and affected communities, particularly those seeking to engage with the Court. They are also essential to OTP strategic goals such as catalyzing **positive complementarity, cooperation and deterrence**.

States should **encourage the OTP should also take steps to improve its communications around PEs**. In a November 2014 letter⁷ to the Prosecutor, the Team outlined the following recommendations:

- Allocate sufficient resources to allow for effective implementation of the 2012-15 and 2016-19 Strategic Plans in relation to PEs
- Develop a general PE communications strategy and situation-specific action plans
- Increase transparency of admissibility assessment in PEs
- Increase communication and cooperation with local stakeholders in PEs
- Increase delivery of neutral outreach in PEs

5. OTHER

Foster a constructive dialogue with African countries. The Court must be able to communicate effectively and directly with various audiences to counter misinformation campaigns and the manipulation of facts for political ends.

Recognize the **need for the Trust Fund for Victims (TFV) to reinforce its public information capacities** in both French and English. The TFV does not have its own outreach unit, relying mainly on PIDS and the Victims Participation and Reparations Section (VPRS) for communication. State support is necessary to ensure outreach can form an integral part of Trust Fund’s upcoming Strategic Plan for 2014-2017.

Call for consistent, gender-sensitive messaging around the principles and procedures relating to **reparations proceedings and processes**, in consultation with **victims’ legal representatives, the VPRS** and the **TFV**.

⁷ Letter to the ICC Prosecutor on increasing communications in OTP preliminary examinations, CICC Team on Communications, November 2014
http://www.coalitionfortheicc.org/documents/CICC_OTPLetter_PEs_Nov2014_FINAL.pdf