



Prosecutorial Strategy

2009 - 2012

**1 February 2010
The Hague**

Executive Summary

1. In accordance with the Prosecutorial Strategy 2006-2009, over the last three years the Office of the Prosecutor ("Office") has monitored situations on four continents, carried out investigative activities in four situations and eight cases, applied for and obtained seven new arrest warrants and one summons to appear, completed confirmation hearings in four cases, *Thomas Lubanga Dyilo*, *Germain Katanga & Mathieu Ngudjolo Chui*, *Jean-Pierre Bemba*, and *Bahr Idriss Abu Garda*, and commenced trial proceedings in the *Lubanga* case.
2. At the same time, the Regulations of the Office, defining its structure and functioning, were issued; and the main policies on selection of cases, positive complementarity, gravity, interests of justice, focused investigations and prosecutions, victims, human resources and management were consolidated.
3. The Prosecutorial Strategy 2009-2012 is in furtherance of the Rome Statute. It remains based on the principles defined for 2006-2009: a positive approach to complementarity; focused investigations and prosecutions; and maximizing impact. A fourth principle was added: addressing the interests of victims.
4. The Strategy establishes five inter-related objectives:
 - a) **Continually improve the quality of prosecutions, completing at a minimum three trials, starting at least one new trial, and efficiently litigating in appellate proceedings;**
 - b) **Continue ongoing investigations in seven cases, conduct up to four new investigations of cases within current or new situations and be ready to start another investigation at short notice;**
 - c) **Conduct up to ten preliminary examinations in relation to currently examined or new situations;**
 - d) **Continue to enhance cooperation with States and relevant actors, in particular for the execution of arrest warrants issued by the Court;**
 - e) **Maximize the Office of the Prosecutor's contribution to the fight against impunity and the prevention of crimes.**
5. These objectives are aligned with the ICC strategic goals, thereby contributing to Court-wide strategic planning. The Court has adopted a "One Court" approach in its Strategic Plan, encouraging the interdependence between individual organs of the Court while respecting the independence of the Office.

6. The Office will improve cooperation and communication with diverse actors with the aim of enhancing international justice, while respecting institutional mandates and independence. Political leaders, conflict managers, militaries, civil society, NGOs, academics and others will play a key role to ensure the impact of the Office at local, national and international levels.

7. Specifically, the Office will work with **States and International, regional, thematic and judicial organizations** (“IOs”) to: (i) ensure that the Court’s mandate and activities are “mainstreamed” into the policies and practices of different Departments; (ii) promote national activities including adoption of implementing legislation and promotion of domestic proceedings; (iii) contribute to preliminary examinations, investigations and prosecutions; (iv) secure cooperation, in particular to enforce arrest warrants issued by the Court; and (v) support activities related to victims, witnesses and communities affected by crimes under the Statute.

8. The Office will also work with a variety of other actors, notably:

a) Non-Governmental Organizations (“NGOs”) in order to: (i) contribute to the Office’s activities at the preliminary examination, investigation and prosecution stages; (ii) promote national activities to implement the Rome Statute; (iii) encourage the cooperation of States and IOs; and (iv) help to communicate the work of the Office to different audiences especially victims and communities affected by crimes;

b) Victims and their Legal Representatives in order to further develop participation and protection of victims and to engage with them in relation to the interests of justice;

c) External experts including academics, practitioners and members of policy institutes, in order to develop a framework for implementation of the Rome Statute and provide advice on specific projects;

d) Educational projects run by States, IOs, NGOs, academics, policy institutes, teachers or students to integrate Court issues in education at all levels;

e) Foundations, to support international criminal justice activities and national activities to end impunity and prevent crimes; and

f) Media, in order to promote greater understanding of the Court’s work.

9. The Office will also continue to participate in the **Court’s work on performance indicators**.

Part I: Introduction

10. As in 2006, the Office has formulated its strategy for the following three years and engaged in broad consultations on the draft. This process continued in 2009, with consultations in Cambridge (US), New York, The Hague and Geneva with diversified stakeholders, including States, NGOs, IOs and academics.

11. The Prosecutorial Strategy is in furtherance of the Rome Statute. It provides strategic guidance for the Office and clarity for other actors; it allows the Office to be predictable and transparent and allows others to plan their own activities taking into consideration the Office's work.

12. The Prosecutorial Strategy is supplemented and informed by other documents, including the Office's Regulations, which define its structure and functioning, the Operational Manual, an internal document which further details the Office's functioning¹ and public policy papers on key issues.

13. The Prosecutorial Strategy is part of the larger Court-wide strategic planning process. The Court has adopted a "One Court" approach in its Strategic Plan, encouraging interdependence between the Court's organs while respecting the independence of the Office and the neutrality of the Registry. In implementing the present Strategy, the Office will work with the other organs.

14. The Prosecutorial Strategy factors in the experience and lessons learned by the Office as documented in the Three Year Reports 2003-2006 and 2006-2009.

Part II: The Principles

15. The Strategy is based on four fundamental principles: (i) positive complementarity; (ii) focused investigations and prosecutions; (iii) addressing the interests of victims; and (iv) maximizing the impact of the Office's work.

Positive Complementarity

16. According to the Statute, States have the primary responsibility for preventing and punishing atrocities in their own territories. In this design, intervention by the Office is exceptional – it will only step in when States fail to conduct genuine investigations and prosecutions. This principle of

¹ A public version of the Operational Manual will be disseminated.

complementarity has two dimensions: (i) the admissibility test, *i.e.* how to assess the existence of national proceedings and their genuineness, which is a judicial issue; and (ii) the positive complementarity concept, *i.e.* a proactive policy of cooperation aimed at promoting national proceedings.

17. The **positive approach to complementarity** means that the Office will encourage genuine national proceedings where possible, including in situation countries², relying on its various networks of cooperation, but without involving the Office directly in capacity building or financial or technical assistance. The Office's approach includes:

- a) providing information collected by the Office to national judiciaries upon their request pursuant Article 93 (10), subject to the existence of a credible local system of protection for judges or witnesses and other security-related caveats; sharing databases of non-confidential materials or crime patterns;
- b) calling upon officials, experts and lawyers from situation countries to participate in OTP investigative and prosecutorial activities, taking into account the need for their protection; inviting them to participate in the Office's network of law enforcement agencies (LEN); sharing with them expertise and trainings on investigative techniques or questioning of vulnerable witnesses;
- c) providing information about the judicial work of the Office to those involved in political mediation such as UN and other special envoys, thus allowing them to support national/regional activities which complement the Office's work; and
- d) acting as a catalyst with development organizations and donors' conferences to promote support for relevant accountability efforts.

Focused investigations and prosecutions

18. The Rome Statute limits the Court's jurisdiction to the most serious crimes of concern to the international community as a whole and requires the Office to take into account the gravity of the crime when deciding on the initiation of investigations.

19. In accordance with this statutory scheme, the Office consolidated a **policy of focused investigations and prosecutions**, meaning it will investigate and

² Countries where the Office is conducting preliminary examinations or investigations.

prosecute those who bear the greatest responsibility for the most serious crimes, based on the evidence that emerges in the course of an investigation. Thus, the Office will select for prosecution those situated at the highest echelons of responsibility, including those who ordered, financed, or otherwise organized the alleged crimes. If the Office does not deal with a particular individual, it does not mean that impunity is granted. Consistent with positive complementarity, the Office supports national investigations of alleged crimes that do not meet the criteria for ICC prosecution.

20. A policy of focused investigations also means that cases inside a situation are selected according to gravity, taking into account factors such as the scale, nature, manner of commission, and impact of the alleged crimes. A limited number of incidents are selected. This allows the Office to carry out short investigations; to limit the number of persons put at risk by reason of their interaction with the Office; and to propose expeditious trials while aiming to represent the entire range of victimization. While the Office's mandate does not include production of comprehensive historical records for a given conflict, incidents are selected to provide a sample that is reflective of the gravest incidents and the main types of victimization.

21. Finally, it is part of this policy to submit to the Chambers a request for an arrest warrant or summon to appear, based on the evidence collected, when the Office is nearly trial-ready, thus contributing to efficient Court proceedings.

Addressing the interests of victims

22. The third principle is that the Office will systematically **address the interests of victims** in its work, seeking their views at an early stage, before an investigation is launched, and to continue to assess their interests on an on-going basis. During the preliminary examination and the investigation of the situation phase, victims may send information on alleged crimes (known as "communications") and make representations to the Prosecutor on matters pertaining to the investigations and to their interests. Under Article 15 of the Statute, the Office proactively monitors and considers open source information from victims' groups and communications from NGOs and individuals. The Office also assesses the victims' interests as part of its determination of interests of justice under Article 53. As the organ conducting investigations, the Office systematically interacts with victims to address, to the extent possible, the full range of criminality. Finally the interests of victims are also at the heart of victims' participation in judicial proceedings pursuant to the Statute. The need to

address the interests of victims at all stages is a principle embodied in the Court-Wide ICC Strategy in Relation to Victims which the Office fully abides by.

Maximizing the impact

23. The fourth principle guiding the Prosecutorial Strategy is **to maximize the impact** of the activities of the Office. As noted in the Preamble of the Statute, the Court's goal is to end impunity to contribute to the prevention of future crimes. The Office has to maximize the impact of each of its activities, from the preliminary examination stage, to the investigation, trial and eventual conviction. Crimes under the Statute are normally committed by large groups of individuals or organizations and require extensive planning; mere announcement of ICC activities can have a preventive impact on this process. The monitoring of a situation can deter future crimes. It increases the risk of punishment even before trials begin. This effect is not limited to the situation under investigation but extends to all States Parties and reverberates worldwide.

Part III: The Objectives for the Coming Three Years

24. Based on the above, the Office has formulated five objectives for 2009-2012.

Objective 1: Prosecutions

25. The first objective is to **continually improve the quality of prosecutions, completing at a minimum three trials** (*The Prosecutor v. Thomas Lubanga Dyilo, v. Germain Katanga & Mathieu Ngudjolo Chui, and v. Jean-Pierre Bemba*), **starting at least one new trial and efficiently litigating in appellate proceedings.**

26. The Office will further improve the quality of its prosecutorial work by:

- a) refining the quality of its evidence and reducing the time needed for its presentation, ensuring that the processes of analysis, submission and disclosure of evidence are optimized and conducted in a standardized manner. The goal is to present evidence at trial, in principle, within a maximum period of 100 court working days;
- b) improving legal submissions on complex substantive and procedural issues arising in cases and promoting the development of jurisprudence; and
- c) refining the performance of Prosecution teams at trial and appeal through review of practices and training, *inter alia* on submission of

written pleadings, examination and cross-examination of witnesses, presentation of evidence and opening statements/closing arguments.

27. In order to enhance its performance, the Office will consolidate policies and practices, ensuring clarity of operational processes, reporting lines and responsibilities as well as consistency of methodology in all the Office's cases. The Office's Regulations of 23 April 2009 and the Operational Manual disseminated to staff integrate lessons learned and best practices in a variety of areas. They will facilitate in-house training leading to improved evaluation and internal compliance.

28. To enhance predictability and consistency, the Office will also disseminate its policy papers on: (i) the selection of situations and cases; (ii) positive complementarity; (iii) the interests of justice; (iv) victims' participation; (v) protection of persons at risk on account of the Office's activities; (vi) sexual/gender crimes; and (vii) other procedural and substantive issues.

29. The Office will work with external actors, *inter alia*, with regard to sexual and gender crimes to constantly update prosecutorial techniques.

30. The Office foresees that the main legal issues to be addressed during the coming three years will include:

- a) the specific mandates and responsibilities of the organs of the Court, such as the role of the Victims and Witnesses Unit of the Registry and its relationship with the Office;
- b) the duty to protect witnesses, victims and third parties/intermediaries at risk on account of the Court's activities;
- c) the Court's jurisdictional and admissibility regime;
- e) elements of the crimes and Office's charging practices, in particular in relation to gender crimes and crimes against children;
- f) modes of liability;
- g) sentencing and victims reparations; and
- h) expeditiousness of proceedings and the rights of the accused.

Objective 2: Investigations

31. The second objective is **to continue ongoing investigations into seven cases, to conduct up to four new investigations of cases in current or new situations and to be ready to start another investigation at short notice.**

32. The Office will continue to conduct investigative activities regarding the four ongoing situations. It foresees:

- a) opening up to four new investigations of cases;
- b) completing six residual investigations in cases where arrest warrants or summonses to appear have already been issued, namely, *Joseph Kony et al*, *Katanga/Ngudjolo Chui*, *Harun/Kushayb*, *Jean-Pierre Bemba*, *Omar Al-Bashir*, *Abu Garda et al*; and
- c) completing the investigation in the Kivu provinces of the Democratic Republic of the Congo.

33. Should the Office decide to open an additional investigation into a new situation, it will be able to do so at any time by relying on the contingency fund for the first year of investigation.

34. The Office will continue to improve the quality of its work by:

- a) increasing reliance on new types of evidence, in particular, financial information to prove the role of those most responsible and to assist in reparations to victims, as well as forensic evidence; the Office will continue to engage with specialized institutes, national authorities and existing cooperation networks in financial, forensic and other fields;
- b) reducing reliance on confidential information, developing an approach whereby the Office initially screens the documents for relevance with the goal of being efficient in collecting information;
- c) participating in LEN, a network of specialized organizations and national law enforcement agencies investigating conduct constituting either a crime within ICC jurisdiction or a serious crime under national law;³ and
- d) ensuring a consistent approach to investigations and staff training.

35. The Office will rely where necessary on the logistical, security and other technical services provided by field offices. The Office expects that it will receive such support in accordance with procedures agreed during the past years.

³ Following up on meeting with war crime units/police chiefs from around the world and INTERPOL to exchange experience, the LEN has now started concrete projects to mutually support efforts against Rome Statute crimes.

Objective 3: Preliminary Examinations

36. The third objective is **to conduct up to 10 preliminary examinations in relation to currently examined or new situations.**

37. Under Article 15 of the Statute, the Office is given the authority to proactively monitor and analyse information on alleged crimes committed by State Party nationals or on the territory of States Parties. A preliminary examination does not automatically trigger an investigation: its purpose is to determine whether or not to open an investigation in accordance with statutory requirements. The same criteria and standards are applied to all situations.

38. The preliminary examination phase offers a first opportunity for the Office to act as a catalyst for national proceedings. The Office cannot be the adviser to national jurisdictions as it would risk tainting future proceedings. However it can monitor situations, send missions, request information, and help the countries concerned, civil society and the international community to better identify the steps required to meet national obligations to investigate and prosecute serious crimes.

39. In order to fulfil its mandate without raising undue expectations of ICC investigations, the Office will regularly provide information about the preliminary examination process, taking into consideration the security of persons it interacts with. The Office will, *inter alia*:

- a) disseminate statistics on information on alleged crimes under Article 15 ;
- b) make preventive statements noting that crimes possibly falling within the jurisdiction of the Court are being committed;
- c) make public the commencement of a preliminary examination through press releases and public statements;
- d) publicize events, such as OTP high level visits to the concerned countries, so that information can be factored in by relevant departments within States and IOs; and
- e) issue periodic reports on the status of its preliminary examination.

40. The Office will seek to improve the quality of its work at the preliminary examination phase by increasing its reactivity to upsurges of violence potentially falling within the jurisdiction of the Court, and by reinforcing early interaction with States, IOs and NGOs to verify information on crimes, encourage genuine

national proceedings and prevent recurrence of violence.

Objective 4: Cooperation

41. The fourth objective is **to continue to enhance cooperation with States and relevant actors, in particular to execute the arrest warrants issued by the Court.**

42. This Strategy aims to clarify the Office's cooperation needs in order to assist partners in drawing up their own plans for cooperating with the Office. The Office will also continue to highlight the type of cooperation it needs in its contribution to the Court-wide reports to the Assembly of States Parties ("ASP") and the UN, in diplomatic briefings, *ad hoc* briefings to IOs, and daily interaction of its Jurisdiction, Complementarity and Cooperation Division ("JCCD") with external stakeholders.

43. Along with the other organs, the Office will seek effective implementation of the recommendations on cooperation contained in the ASP Reports and resolutions, in particular the December 2007 [*Report of the Bureau on Cooperation*](#).

Implementing legislation

44. The Office will work with the Registry, NGOs and others to foster adoption of legislation so that States Parties can themselves prosecute Rome Statute crimes, and cooperate with the Office and the Court as a whole. As a matter of policy, the Office does not seek to conclude agreements with States on judicial cooperation and relies on the Rome Statute and on domestic legislation.

Public and diplomatic support

45. The Office's priority across all situations will be to ensure that States and IOs include support for the Office's work as a policy to be implemented throughout Ministries and Departments (Justice, Foreign Affairs, Defence, Development, UN and other multilateral representations, etc.) from the monitoring stage to the arrest of individuals subject to an ICC arrest warrant. Court-related issues must be mainstreamed within States and organizations.

46. Focal points have been designated within the Office so as to reinforce channels of communication with international and thematic organizations.⁴ The

⁴ Including the United Nations, the African Union, the European Union, the League of Arab States, the Association of Southeast Asian Nations, the Organization of American States, the Organization for Economic Cooperation and Development, the Organization for Security and

Office it will arrange regular high and working-level meetings with, and visits to, such organizations in order to increase the understanding and predictability of its activities, building upon the work of the New York and Addis Ababa Liaison Offices.

47. The OTP, while maintaining its independence, will continue to support the work of the Presidency to disseminate Court-wide messages on cooperation.

Galvanizing efforts for arrest/surrender of individuals subject to ICC warrants/summons

48. In accordance with its mandate to galvanize arrest efforts, the Office issued relevant guidelines for the consideration of States:

- a) eliminate non-essential contacts with individuals subject to an arrest warrant issued by the Court. When contacts are necessary, attempt first to interact with individuals not subject to an arrest warrant;
- b) in bilateral and multilateral meetings, proactively express support for the enforcement of the Court's decisions, request cooperation with the Court, and demand that crimes, if ongoing, cease immediately;
- c) contribute to the marginalization of fugitives and take steps to prevent that aid and funds meant for humanitarian purposes or peace talks are diverted for the benefit of persons subject to an arrest warrant; and
- d) make collaborative efforts to plan and execute arrests of individuals subject to an arrest warrant issued by the Court, including by providing operational or financial support to countries willing to conduct such operations but lacking the capacity to do so.

49. The Office will follow up on those guidelines and increase its dialogue with peace mediators, as was done in Kenya, the Central African Republic and the Sudan to ensure that the ICC's independent mandate is factored into their work; that peace and political agreements exclude amnesties for Rome Statute crimes; and that the ICC Chambers' decisions are effectively implemented, leading to isolation and apprehension of individuals sought by the Court.

Further cooperation and assistance from States

50. The Office will further develop channels of communication with States Parties and States not party to the Statute in order to enhance all forms of

Cooperation in Europe, the Organization of the Islamic Conference, INTERPOL, other courts and tribunals, the International Development Law Organization, the *Organisation Internationale de la Francophonie* and the Commonwealth Secretariat

cooperation and judicial assistance as provided in Part 9 of the Statute. A Request for Assistance database allows the Office to follow up on requests and responses.

51. As a priority, efforts will be made to secure swifter positive responses when the Office requests: (i) emergency visas for witnesses or third parties for the purpose of conducting screenings and interviews; and (ii) financial information.

Interaction with NGOs

52. The Office implements its mandate independently, respecting the mandate of NGOs, in particular humanitarian organizations active in conflict areas where the Office investigates. Because they offer care and protection to civilians, they are particularly exposed to perpetrators of massive crimes.

53. Providing information or testimony to the Court may raise issues for NGOs (including confidentiality owed to victims who may have confided in them and security of staff in the field). It can also create difficulties for proceedings in Court regarding disclosure. Accordingly, the Office as a policy does not seek confidential information from humanitarian organizations and avoids relying on testimony by NGO personnel at trial. Where appropriate, the Office refers to NGOs' public background reports on alleged crimes and groups involved, provided that it does not affect their security.

54. The Office will work with NGOs in the context of Court-wide efforts to guarantee the safety of persons at risk on account of interaction with the Court.

Objective 5: Maximizing the impact of the Office's work

55. The fifth objective is **to maximize the Office of the Prosecutor's contribution to the fight against impunity and the prevention of crimes**, by:

- a) increasing efficiency and enhancing performance through internal measures, including finalizing and disseminating its Regulations, Operational Manual and policies; contributing to the development of the Court's corporate governance model; and
- b) increasing interaction with external actors: States and IOs; judicial actors, such as other Courts; and civil society, including affected communities, victims' groups, NGOs, experts, academics, policy institutes, student networks, foundations and media, in order to establish a comprehensive network in support of international justice.

Internal aspects

56. The promulgation of its Regulations, Operational Manual and policies will allow the Office to work more effectively. Increased external dissemination of the public documents will increase the impact of the Office's work by demonstrating that the same policies and methods are applied to all situations and cases, regardless of individuals/groups involved.

57. The Office's contribution to developing the Court's corporate governance model, designed to provide clarity on the roles of the organs of the Court, will also increase efficiency. The Office will strive for maximum coordination with other organs while ensuring respect for the Office's independence.

58. For those areas where the Office primarily relies on the Registry's services and other areas which fall within the Registry's mandate, the Office shall seek to reach a common understanding of services to be provided, in order to foster cost-efficient use of resources, timely planning of requests for services and their effective implementation.

External aspects

59. The Office will seek to ensure that its monitoring of alleged crimes during the preliminary examination phase is publicized in order to trigger or contribute to national and international efforts to stop the violence; that national investigations and prosecutions of serious crimes are enhanced, pursuant to the positive complementarity principle; that ICC investigations and prosecutions, and in particular the conduct charged (e.g. recruitment and use of children in armed conflict, sexual violence, forcible displacement, infliction of conditions of life aimed at destroying a group, etc.) are known to all parties to conflicts in order to deter perpetrators; that relevant material is provided to the UN, the ICRC and others for trainings and other activities related to international humanitarian law; that peace mediators factor the ICC in their negotiations, marginalizing ICC suspects; and that all departments within Ministries of Foreign Affairs adapt their plans accordingly.

60. In addition to this Strategy and to its public policy papers, the Office will further disseminate, within existing budgeted resources, accurate and timely information about OTP activities, through a variety of tools – from the OTP Legal Tools project to press releases, use of the Court's website, Weekly Briefings, as well as social networking tools.

61. Different networks can thus come together and build a comprehensive framework to support international criminal justice.

a. Network of Law enforcement agencies

62. As noted above, the LEN will allow the Office to increase the quality of its investigations and will provide a platform for enhanced collaboration among different law enforcement officials investigating serious crimes.

b. International, regional, thematic and judicial organizations

63. The Office's collaboration with international, regional, thematic and judicial organizations will focus on developing early warning and crime prevention systems, sharing of jurisprudence and better exchange of information with actors involved in conflict management.

64. The Office will also seek to act as a catalyst with development and financial institutions, in order to intensify support to the national judiciary of situation countries in truly relevant areas such as protection of witnesses and judges. The UN Peacebuilding Commission can be one avenue to ensure that the international community, including donors, adopt a policy of engagement, promoting justice efforts which complement the ICC. The ICC intervention should trigger more, not less efforts to address key issues such as lack of national protection systems for the judiciary and witnesses, as well as political interference, which are the major obstacles to domestic proceedings in most cases.

65. The Office will continue to learn from the experience of other courts and tribunals in terms of procedure, substantive issues, logistics and cooperation.

c. Civil society

66. The Office's interaction with local and international NGOs is relevant at all stages of its activities, including development of policies/practices, prevention, promotion of domestic legislation and proceedings, preliminary examination, investigation, prosecution, cooperation, maximizing the impact of its work and its understanding by victims and affected communities.

67. The Office will continue to organize regular meetings with NGO representatives, including through the bi-annual roundtable at the Court's

headquarters, with the assistance of the Coalition for the ICC ("CICC"), in order to exchange information and try to harmonize strategies in all those areas.

68. NGOs' advocacy, either situation-related or thematic (irrelevance of official capacity or immunities, irrelevance of voluntariness with regard to recruitment of children, etc.) will reverberate in terms of crime prevention, empowerment of victims (such as victims of sexual violence) and recognition of a conduct as an international crime (e.g. child recruitment, hindering of aid to displaced persons).

d. Victims and victims' representatives

69. The Office's work must be relevant to victims, to affected communities, and more broadly to all relevant communities in order to foster conciliation and prevent future crimes. Visits to situation countries by representatives of the Office will continue to include town hall meetings with victims and meetings with key actors such as women's associations, community leaders, and "*chefs de quartiers*". In doing so, the Office will ensure that those involved are not exposed to any foreseeable risks, pursuant to its obligations under Article 68.

e. External experts

Advisory Council

70. The Office has and will continue to appoint advisers in accordance with Article 42(9) of the Statute in different fields of expertise, including Gender Crimes, Crime Prevention and International Humanitarian Law. They advise the Prosecutor on policies and practices, projects, and legal submissions to Chambers. They contribute to the training and development of expertise of the Office's staff, and evaluate the performance of the Office in their respective fields. Periodic meetings of the Advisory Council with the Executive Committee of the Office will be organized.

Other experts

71. The Office will maintain/expand its networks of individual experts, associations and state agencies, *inter alia*, in the fields of gender, forensics and financial issues. They allow the Office to operate with a relatively small staff with the ability to call upon networks for support. The Office also contributes to States' initiatives to compile rosters of experts who can be made available upon request by States facing massive crime, such as the *Justice Rapid Response* project. They participate in trainings to ensure harmonization with the Office's standards.

f. Court-related educational projects

72. The preventive impact of the Office can be maximized if teachers' training at all levels fully integrate: (i) the concepts of genocide, war crimes, and crimes against humanity; (ii) the Court's cases on child soldiers, sexual and gender crimes, and attacks on peacekeepers; (iii) the national and international responses to massive crimes; and (iv) the law as a conflict management tool. Such issues should be included at the primary, secondary and university levels, in affected areas and world-wide. Politicians, negotiators, the police, the military and finance departments alike, as well as other professionals should be educated about the role and decisions of the Court.

73. The completion of the first trial will be an opportunity. The Office will approach States Parties to inquire about efforts made to educate citizens, in particular youth, about international criminal justice and the Court. The Office has begun identifying activities and actors and will provide States with information on relevant programs and organizations to foster collaboration in areas such as law, international relations, political science, anthropology, sociology, psychology, development, security and human rights.

74. As a next step, the Office encourages States to include the issues referred to above in formal curricula. The Office will support such efforts through publication of its policies and practices, and by connecting professors and educators from different regions, paying particular attention to student/professor networks and policy institutes from over the world.

g. Foundations

75. The Office will continue to work with foundations that provide support for international criminal justice and play a critical role through: financing programmes and groups; empowering local communities and allowing them to be heard; organizing high level meetings and conferences with key stakeholders; lobbying States or organizations; and developing networks.

h. Media

76. The Office will strive to increase the understanding of its work by local, national and international media in a consistent manner, relying as much as possible on the services the Registry is able to provide. The Office will also

produce documents on frequently asked questions.⁵

77. The Office will support the production of documentaries, involving opinion shapers, prominent members of the international community and intellectuals who can contribute to explaining its activities. The Office will contribute to the Court's external communication.

Part IV: Evaluation

78. The Office will participate in the Court's work on performance indicators. Measuring the performance of the Office in helping to put an end to impunity and in contributing to the prevention of crimes under the Court's jurisdiction is a complex task that requires an evaluation of the entire Rome system.

79. With the complementarity principle, much of the work done to achieve the goals of the Statute may take place in national judiciary around the world. Thus, the number of cases that reach the Court is not a positive measure of effectiveness. Genuine investigations and prosecutions of serious crimes at the domestic level may illustrate the successful functioning of the Rome system. Cooperation is another factor in the effective functioning of the system. NGOs have developed means to measure diplomatic support through compilations of statements made by States in relation to the ICC in the UN General Assembly. The performance of the Office has to be evaluated as a part of this system.

80. It can be done with diversified performance indicators - such as the number of national prosecutions of international crimes, peace accords excluding amnesty for ICC crimes, public declarations of political leaders in support of implementation of the Court's decision, reduction in the number of armed groups and armed forces using children, etc. The Office will further work on such a list of indicators.

⁵Such as: that a decision whether or not to open an investigation under Article 15 of the Statute is taken by the Office and authorized by the Chambers and that no other entity can influence this judicial process; that the submission to the Office of information on alleged crimes pursuant to Article 15 does not trigger an investigation *per se*; that referrals by a State or by the UN Security Council do not bind the Office in its selection of cases or affect its independence/impartiality.