

International Criminal Court

Strategic plan 2019-2021

17 July 2019

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Executive summary

The Strategic Plan 2019-2021 for the International Criminal Court (“ICC” or “Court”) builds on the lessons learnt from past strategic plans and outlines the Court’s Mission, a vision of how this will be fulfilled and the tangible Strategic Goals for which the Court must aim. A key component in the pursuit of this Mission is an understanding of the environment in which the Court currently operates and the role that the States Parties must play in supporting the Court within the Rome Statute system.

The ten Strategic Goals in this Strategic Plan are grouped into three themes, namely Judicial and Prosecutorial Performance, Cooperation and Complementarity and Organisational performance. These Goals represent clear, concrete aims with respect to the Court’s core activities,¹ victims,² gender issues,³ cooperation and complementarity matters,⁴ improving organisational performance⁵ and the completion of situations under investigation.⁶

Interwoven into this Strategic Plan is a restatement of the Court’s commitment to fostering unity in the fulfilment of its Mission, both within the Court among its elected officials and staff, and externally with relevant stakeholders. Fundamental to this unity is the formulation and implementation, for the first time, of three coherent, concurrent Strategic Plans applicable to the Court as a whole, the Office of the Prosecutor and the Registry.

The Strategic Plan also re-affirms the Court’s pledge to act with integrity and respect for the Rome Statute in all of its activities. It also acknowledges the crucial role of the Court’s staff in the achievement of its Mission. Finally, the plan re-affirms the importance of a Court that is responsive, flexible and resilient, and able to adapt to the challenges that the Court continues to face.

¹ Goal 1: Increase the expeditiousness and efficiency of the Court’s core activities of preliminary examinations, investigations, trials and reparations, while preserving the independence, fairness and highest legal standards and quality of its proceedings, and protecting the safety and well-being of the persons involved, in particular victims and witnesses.

² Goal 2: Further develop the Court’s approach towards victims in all phases of the judicial proceedings, including reparations, the latter in cooperation with the Trust Fund for Victims.

³ Goal 3: Further develop mainstreaming of a gender perspective in all aspects of the Court’s judicial and prosecutorial work.

⁴ Goal 4: Further foster political support and develop the modalities of cooperation and operational support for all parties as regards preliminary examinations, investigations, protection of witnesses, implementation of arrest warrants and judicial proceedings.

Goal 5: Discuss and devise with States and other stakeholders new strategies to increase the ability of the Rome Statute System to address the shared responsibility to close the impunity gap, including through encouraging domestic implementation of the Rome Statute and other measures of complementarity by States Parties (including providing support and assistance to victims), as well as developing a strategy for the completion of situations under investigation.

⁵ Goal 6: Further strengthen professionalism, dedication and integrity in all of the Court’s operations.

Goal 7: Create and ensure a safe and secure working environment in which staff wellbeing and continuous improvement are at the centre.

Goal 8: Achieve more equitable GRGB, particularly at higher level posts.

Goal 9: Manage resources in an effective, coherent, transparent, responsible and adaptable manner and further develop the sustainability, and resilience of the Court against identified risks.

⁶ Goal 10: Building upon a strategy for the completion of situations under investigation.

I. Introduction – past and future ICC Strategic Plans

1. The Court’s past Strategic Plan was developed for the period of 2013-2017. Towards the end of the strategic period, and again in 2018, the Court’s organs discussed the need to review the Strategic Plan, but concluded that in view of the ongoing organisational changes and upcoming changes in leadership, as well as the organ-specific strategic period, the best moment to review and align different strategies would be in 2019. Thus, the existing strategic plan was extended by a corresponding period, as it provided a reasonable basis for the Court to continue its activities.
2. The organs of the Court, notably under the institutional coordination and management of the Court’s Coordination Council (“CoCo”) remain committed to the One-Court principle. As within any judicial system each organ has its own role to play in accordance with its mandate under the Rome Statute; this is a key feature of a properly functioning judicial system. The One-Court principle respects these different mandates and the independence of the organs involved in the proceedings while pursuing the advantages that can come from working together in the overall management of the Court within the governance framework of the institution.
3. Accordingly, the new Court-wide Strategic Plan for 2019-2021 provides the overall strategic goals for the Court and is complemented by the organ-specific strategies, as appropriate. This approach will ensure that the best possible use is made of the Court’s resources. It will also ensure that on matters of common concern such as human resources or ICT, a harmonized approach is adopted, taking into account the specificities of each organ.
4. This approach also allows keeping the Court-wide strategic plan as a sufficiently broad “umbrella” or platform, with the ability to encapsulate the Court-wide, shared administrative goals, which should inspire its staff and external stakeholders. This approach would simultaneously avoid listing the detailed objectives and actions of the previous plan, which will be more efficiently addressed in organ-specific strategies.
5. The Court’s organs will be incorporating these strategic goals into their action plans and budget proposals for 2020 and beyond.⁷
6. As an integral component of the Strategic Plan, the core values of the Court will be implemented to complement the Mission and Vision of the Court, and to further reinforce the Court’s ethics framework, in consultation with the Court’s staff.⁸

⁷ See also International Criminal Court Registry Strategic Plan 2019-2021 (RSP) para. 1.

⁸ See also International Criminal Court Office of the Prosecutor Strategic Plan 2019-2021 (OTPSP) para. 3; RSP para. 22 (Office of the Registrar d).

7. The Court will work with the Trust Fund for Victims (“TFV”) as regards the development of TFV’s next Strategic Plan to ensure alignment between the Court’s and the TFV’s strategic plans.⁹
8. The implementation of the Strategic Plan 2019-2021 will be reviewed and reported upon in 2020. A final evaluation will take place in 2021.

II. Mission

9. The Mission of the International Criminal Court is:

TO INVESTIGATE AND TRY THE MOST SERIOUS CRIMES OF CONCERN TO THE INTERNATIONAL COMMUNITY
AS A COURT OF LAST RESORT COMPLEMENTING NATIONAL JURISDICTIONS
AND
WITH THE AIM OF ENDING IMPUNITY AND PREVENTING SUCH CRIMES.

10. This Mission formulates in a concise yet broad manner the Court’s mandate. It will assist the Court in reflecting on its challenges and achievements in line with the One-Court principle, and to also identify ways to better achieve its mandate.
11. The overarching purpose of the ICC and the Rome Statute System is to put an end to impunity for the most serious crimes as listed in the treaty, thus contributing to the prevention of such crimes. The primary responsibility for realising this objective rests with the States Parties. The Court’s jurisdiction is complementary to that of the States Parties and other national jurisdictions. The Court, through its various organs according to their specific normative ethos, fulfils its Mission primarily through conducting preliminary examinations, investigations, judicial proceedings, and reparation proceedings.
12. As the institution matures, other ways to contribute to the overall goal emerge as a by-product from its core activities, which in addition to the mere existence of the Court, may create a preventive impact. The Court shares its expertise and good practices on different aspects of its mandate. In addition, in accordance with article 93.10 of the Rome Statute, as appropriate, information that the Court collects during its investigations can be shared with competent national authorities of States for the purpose of conducting investigations and prosecutions at the national level, thus reinforcing the ultimate shared goal to end impunity. Prevention always being better than cure, the Court hopes that the through its existence

⁹ OTPSP para. 36; RSP para. 22 (Office of the Registrar c).

and the exercise of its mandate, it will encourage the rule of law, hence fostering a culture of accountability for atrocity crimes.

III. Vision

13. The vision of the Court complements the Mission by describing how the Court aspires towards its future in the next strategic period and beyond. In doing so, it assists in defining the Court's strategic goals for the period 2019-2021.

14. The Court envisions being a universal, responsive, flexible and resilient organisation, which strives to improve continuously, and to attract and retain the most competent staff.

15. The Court seeks to achieve its vision by:

- identifying the situations that warrant the Court's attention through the application of strict legal criteria;
- applying the highest standards in conducting fair and expeditious preliminary examinations, investigations and trials, while ensuring the rights of parties and participants;
- ensuring legal certainty and predictability of the legal framework of the Court;
- fostering increased cooperation and promoting universality in all its actions;
- continuing exchanges with States Parties (including through the Assembly of States Parties) and other stakeholders on how to implement the shared responsibility under the Rome Statute for ending impunity for most serious crimes;
- building and maintaining a relationship of trust with its States Parties as regards the administrative oversight of the Court;
- communicating effectively its activities, strategies and achievements;
- safeguarding its reputation, judicial and institutional independence; and
- exercising sound financial management in the conduct of its operations.

IV. State Cooperation

16. It is recognised that in order to fulfil its mandate, the Court depends entirely on the cooperation of States – primarily States Parties, but also non-States Parties acting on their own or through the United Nations.

17. Such cooperation will take the form of execution of arrest warrants, assistance with investigation, protection of witnesses, etc.

V. Strategic analysis of the environment – Influencing factors

18. The Court has identified several internal and external influencing factors in its operating environment that will impact its ability to achieve its Mission in the next strategic period.

A. Dealing with a high and increasing number of situations

19. The Court does not create its own work, it responds to new or ongoing alleged crimes that fall within its jurisdiction. Since its creation, the Court has faced an increasing number of situations where such crimes have been allegedly committed, and where the national authorities have been unable or unwilling to genuinely investigate or prosecute them. Once the legal criteria are met to initiate investigations in a new situation, the Court is under a statutory duty to respond and open a new investigation notwithstanding the workload and any resource constraints it already faces.
20. In view of the increasing number of situations as well as the unpredictability in the operating environment, sudden shifts in the workload may also occur. As the Court's staff often bears the burden of the workload, the organisation needs to continue incorporating the necessary flexibility to reallocate resources where possible, ensure effective prioritisation and to be able to respond to changes in its environment more swiftly.¹⁰ Such flexibility requires that staff is trained to be adaptable so that they can be redeployed quickly. It also requires the development of appropriate staff policies to ensure a safe and motivating working environment, and to ensure that the Court maintains the necessary expertise and excellence within the organisation.
21. To address and manage its workload, the Court also needs to continuously devise and apply new strategies. Within the Office of the Prosecutor, investigative and prosecutorial strategies have been revised and adapted drawing from lessons of early cases with the aim to improve performance, and a comprehensive case selection and prioritisation policy has also been developed and adopted in 2016. Results of implementation will be closely monitored and adjusted as necessary. Other thematic policies are also being worked on or envisaged by the OTP, including on the protection of cultural heritage within the Rome Statute legal framework. Chambers have discussed and developed several ways to expedite proceedings at the pre-trial, trial and appeals level. The Registry, working together with the OTP, has devised arrest strategies with States. The victim participation and reparations framework has been tested, some innovations have been introduced, and the need for further improvements is being assessed. The legal aid regime will undergo further assessment and adjustments as necessary. Finally, to ensure longer-term sustainability and

¹⁰ OTPSP para. 45 (b and c); RSP paras. 20 and 22 (DMS d).

implementation of the shared responsibility to address the impunity gap, the Court will pursue its efforts and devise a policy on completing situations under investigation.¹¹

22. With the reparations phase now being implemented for the first time; the Court is close to completing a full cycle of its activities. Yet, the Court continues maturing as an organisation. The number of situations that the Court has been able to address is high in light of its resources but the number of actual cases dealt with by the Court is still relatively low. Practice and experience on how to best perform its activities is therefore still developing.

B. Volatile operating environment

23. The Court has no enforcement capacity, and is required to seek the assistance of States or other actors to help achieve its mandate. Factors such as the security conditions on the ground, or the level of cooperation received have a key impact on the expeditiousness with which investigations and trials can proceed. As the Court transitions into more complex situations - operationally, politically, and with respect to security - it has to be resilient and be able to withstand attacks on its functioning, independence and reputation.
24. A predominant part of the Court's functioning will consist of devising innovative strategies to foster political support, meet the volatile operating environment, monitoring the evolving environment to identify major risks that the Court might face, and to find appropriate risk and crisis management strategies.

C. Cooperation and political support

25. The Court is operating in an increasingly complex and challenging environment. There is predominantly strong global support for the work of the Court from the States Parties, civil society and victims' communities, which is encouraging. However, there is also resistance to the exercise of the Court's jurisdiction, despite it occurring only in situations where States themselves have not met their primary responsibility to investigate and prosecute Rome Statute crimes. Situation countries that come under scrutiny have threatened to withdraw from the Rome Statute, and have in some cases done so. In the course of implementing its mandate and obtaining practical cooperation, the Court will engage in and promote dialogue with situation countries. Certain decisions of the Court have led to heightened tensions in relations with States and other organisations, and it is realistic to expect tensions to remain a permanent feature as an inherent result of Court's mandate and activity.
26. The Court has in the past devised strategies to address external pressures and ensure continued political support towards its Mission and mandate. These efforts, incorporating also the need to address possible attacks and misrepresentations of the Court through enhanced communication strategies, will be continued and further developed.¹² Synergies and shared responsibilities with States Parties and other stakeholders in this regard are

¹¹ OTPSP Strategic Goal 2.

¹² OTPSP paras. 12 and 47; RSP para. 22 (DEO c).

required and will continue to be explored. In all of these activities, the Court will apply the highest professional and legal standards and building credibility, with a clear and predictable application of complementarity and jurisdiction, which will enable the Court's defenders to better shield the Court from attacks. A key component of these efforts will be ensuring legal certainty and predictability.

D. Resources

27. The ability of the Court to achieve its Mission will be greatly impacted by the amount of resources at its disposal. Obtaining sufficient resources to fund the strategic plan is a key component of the successful realisation of the overall strategic plan and its individual components. In accordance with the established practices mandated by the ASP, the Court will continue to submit annual budget proposals for the ASP to consider. These annual budgets will, however, be formulated in the context of the overall strategic plan as well as in accordance with the organ specific plans of the OTP and the Registry and plans of other major organs of the court. As the quality of the Court's work, including a strict adherence to independence, impartiality and respect for fair trials cannot be compromised, in absence of sufficient resources, it is often the expeditiousness of investigations or proceedings, or quantity of activities that can be simultaneously undertaken, that are impacted. While the Court is bound to request resources which, in its assessment, are required to meet its mandate, it is for States Parties to determine the resources that they will provide to the Court for it to discharge its mandate.
28. The level of resources of the Court imposes a strict discipline on the work of the Judiciary, the Office of the Prosecutor, and the Registry as the Court implements this strategic plan. Flexibility, redeployment and efficiencies (in line with para 21) are being explored and developed, and a reflection on how to further prioritize activities will be undertaken. Dialogue with States Parties on the Court's Mission and expected results, as well as overall investment in the international criminal justice system, will need to be intensified in order to better meet the ever growing expectations that the Court is facing. All of these measures will be monitored on a regular basis.

E. Internal governance

29. The complexity of its work, the importance of what the Court does, as well as its high visibility, make it necessary that the Court excels in what it does. To achieve this, the Court is committed, under the One-Court Principle, to further reinforcing a culture and a practice of the highest integrity, responsiveness, appropriate collaboration within distinct mandates, continuous learning and improvement throughout the organisation. Key Court-wide policies, such as in the area of ICT, human resources or financial management will continue to be implemented and further consolidated in order to form a consistent and solid basis for sound internal governance.
30. Constructive and well-founded criticism by stakeholders, whether external or internal, must be listened to and taken into account, to the extent that this is possible within the limits of

Court's resources and mandate. Mechanisms for internal governance need to be strengthened where gaps are identified, in order to better address any accusations of misconduct, whether in respect of staff or elected officials, in an efficient and fair manner, whilst safeguarding the rights of all parties involved. Geographical representation and gender balance ("GRGB") have been identified as key issues which will be further integrated in all areas of the Court's work, with the help of a specific mechanism as devised by the Coordination Council.¹³ Court staff will be engaged in developing core values for the Court in support of the Court's Mission and vision. With full respect for legal requirements, measures to increase transparency and internal and external communication to highlight issues and measures taken will continue to be explored regarding the need for effective and ethical decision making and risk management.

F. External oversight

31. The Rome Statute established a key management oversight role over the Court through the Assembly of States Parties ("the Assembly"). The Court welcomes this role which is entirely normal in any rule of law system, where the legislature retains an oversight role in relation to government. The Assembly and its subsidiary bodies actively fulfil this role, including through various reporting requirements.
32. While recognising on the one hand the legitimate right of the Assembly to exercise effectively its oversight function, and on the other hand the need for the Court to ensure its prosecutorial and judicial independence, a dialogue with States Parties should be furthered to ensure the optimum balance between the reporting workload and the relevant and sufficient information needs. Strengthening trust will be a key feature in this regard.

G. Universality¹⁴

33. States Parties and the Court must continue their pursuit of universality. The Court is, by definition, international and can be demonstrated through its activities, membership, as well as its staff composition. A truly global adherence to the Rome Statute will be an important step forward by solidifying the commitment of all States to ending impunity for the gravest crimes of concern to the international community, and will help in addressing accusations of bias, which are an indirect consequence of Court's limited jurisdiction.
34. States Parties play a key role in promoting universality by engaging with and encouraging other States to join the Rome Statute. The Court can contribute to the pursuit of universality by performing its work independently, impartially but also effectively and efficiently. It can also identify opportunities for advocacy, and increase awareness and its positive image

¹³ OTPSP para. 45(a); RSP section II(C) and para. 6.

¹⁴ RSP para. 22 (DEO b).

through its communications. GRGB strategies to attract and retain the most capable and diverse staff will continue to be implemented and further developed as necessary.¹⁵

VI. The Court Strategic goals 2019-2021

A. Judicial and prosecutorial performance

Goal 1: Increase the expeditiousness and efficiency of the Court's core activities of preliminary examinations, investigations, trials and reparations, while preserving the independence, fairness and highest legal standards and quality of its proceedings, and protecting the safety and well-being of the persons involved, in particular victims and witnesses.¹⁶

Goal 2: Further develop the Court's approach towards victims in all phases of the judicial proceedings, including reparations, the latter in cooperation with the Trust Fund for Victims.¹⁷

Goal 3: Further develop mainstreaming of a gender perspective in all aspects of the Court's judicial and prosecutorial work.¹⁸

B. Cooperation and complementarity

Goal 4: Further foster political support and develop the modalities of cooperation and operational support for all parties as regards preliminary examinations, investigations, protection of witnesses, implementation of arrest warrants and judicial proceedings.¹⁹

Goal 5: Discuss and devise with States and other stakeholders new strategies to increase the ability of the Rome Statute System to address the shared responsibility to close the impunity gap, including through encouraging domestic implementation of the Rome Statute and other measures of complementarity by States Parties (including providing support and assistance to victims), as well as developing a strategy for the completion of situations under investigation.²⁰

C. Organisational performance

Goal 6: Further strengthen professionalism, dedication and integrity in all of the Court's operations.²¹

¹⁵ OTPSP para. 45(a); RSP section II(C) and para. 2.

¹⁶ OTPSP Strategic Goal 1 and para. 25; RSP para. 2.

¹⁷ OTPSP Strategic Goal 4, paras. 34 and 36; RSP para. 22 (Office of the Registrar c).

¹⁸ OTPSP para. 45(a); RSP paras. 13 and 22 (DEO f).

¹⁹ OTPSP Strategic Goal 2, paras. 30 and 31; RSP para. 22(DEO a).

²⁰ OTPSP Strategic Goals 3 and 6.

²¹ RSP section II(A).

Goal 7: Create and ensure a safe and secure working environment in which staff wellbeing and continuous improvement are at the centre.²²

Goal 8: Achieve more equitable GRGB, particularly at higher level posts.²³

Goal 9: Manage resources in an effective, coherent, transparent, responsible and adaptable manner and further develop the sustainability, and resilience of the Court against identified risks.²⁴

Goal 10: Building upon a strategy for the completion of situations under investigation.²⁵

VII. Performance indicators²⁶

35. Performance indicators are important management tools to guide an organisation and to report relevant findings to stakeholders. They specifically allow for internal communication on what is going well and on where action is required, and to evaluate whether the action taken is leading to improved performance.

36. Over the past three years, the Court has worked to measure the following areas of performance and the underlying factors that influence them: i.e. that

- i. The Court's proceedings are expeditious, fair and transparent at every stage.
- ii. The Court's leadership and management are effective.
- iii. The Court ensures adequate security for its work, including protection of those at risk because of their interaction with the Court.
- iv. Victims have access to the Court and effectively participate in proceedings.

37. The yearly budget proposals contain performance indicators at the programme and sub-programme level. These performance indicators are broken down into objectives at the section, unit and individual level. A yearly performance report is shared with the Committee on Budget and Finance and with the Assembly.

38. New tools that are relevant to manage performance, similar to the ICC's recently-administered staff engagement survey, are being developed.²⁷

39. The Court has also been reflecting together with stakeholders (including States, experts, academia, and civil society) on if, and how, the impact of the Court – particularly on victims and affected communities – can be measured. Beyond its functioning as an independent and

²² OTPSP para. 45; RSP section II(B) and paras. 5 and 13.

²³ OTPSP para. 45(a); RSP section II(C) and para. 6.

²⁴ OTPSP Strategic Goal 5.

²⁵ OTPSP para. 23; RSP para. 22 (DEO d).

²⁶ OTPSP paras. 61-63; RSP para. 20.

²⁷ OTPSP para. 45; RSP paras. 5 and 13.

impartial Court, one could also identify and evaluate other ways in which the Court is creating an impact within the Rome Statute system.

40. The Court will continue developing its approach towards performance indicators in the following ways in the period 2019-2021:
- a. To rationalise the approach to performance indicators by:
 - i. refocusing on what actually represents key performance for the Court as a whole against the new Strategic Plan to be adopted;
 - ii. determining what to translate into an indicator; and
 - iii. aligning the relevant indicators in the resource requirements as well as the staff performance appraisal system.
 - b. to continue to improve the expeditiousness and efficiency of the Court's activities
 - c. To initiate research with interested stakeholders on key performance which may be outside the Court's own capacity to measure or control, such as in the area of how the (preventive) impact of the Court could be measured and further optimised, or how to measure cooperation within the Rome Statute system.

VIII. Risk management²⁸

41. Every strategic plan involves risks that could potentially disrupt the achievement of its goals. The 2019-2021 ICC Strategic Plan is not different in this regard. While the Court aims to increase the expeditiousness of its investigations and trials, this goal could be hampered by different risks including security challenges, cooperation difficulties or the unavailability of resources.
42. Achieving the Court's goals does not only imply that it develops clear objectives and action plans but also, that it identifies and manages to the extent possible the identified risks, mindful that some of them are not always under the Court's control. The goal of expeditious investigations and judicial proceedings with meaningful access of victims to the proceedings will require the Court to be innovative and sophisticated in dealing with the security challenges, to find the appropriate diplomatic levers to obtain cooperation where critical cooperation would not be forthcoming, and to make an efficient use of its resources.
43. The Court has made considerable progress in its risk management approach. This is illustrated by the following:
- a. The Administrative Instruction on Risk Management was promulgated in March 2017, adopting an internationally recognized standard (ISO 31000).

²⁸ OTPSP paras. 64-67; RSP paras. 22 (DMS c) and 45.

- b. The Audit Committee “welcomed the progress made by the Court in the field of risk management ... The progressive development of the maturity of the Court in the field of risk management and a regular update of the Court’s risk register will mark positive steps towards a strengthened corporate risk management.”²⁹
 - c. The Office of Internal Audit has reported to the Audit Committee that “the Court has achieved a satisfactory level in terms of implementing an enterprise-wide risk management framework.”³⁰
44. The Court will take the following steps in relation to risk management in the period 2019-2021:
- a. in 2019, to update the Court’s risk register by identifying and assessing risks Court-wide in connection to the 2019-2021 ICC Strategic Plan;
 - b. to align the strategic planning, the risk management and the budget cycles;
 - c. to further increase the stage of maturity of the risk management system within the Court.

IX. Budget

45. The link between the strategic plans, the budget and related performance indicators will be further elaborated from the 2020 budget proposal onwards.³¹
46. For the sake of increased effectiveness and efficiency as one court, the budget process will be coordinated under the One-court principle.

X. Future Steps

47. The Court sees two future steps ahead of it:
- a. Organising the monitoring of the coordinated implementation of the different plans and the alignment of the performance measurement by the Court with it.
 - b. A review of the format and cycles in relation to strategic planning, budgeting, performance and risk management to further upgrade its overall management model.

²⁹ ICC-ASP/17/15, Annex VI, Executive Summary, para. 4.

³⁰ AC/8/12, Section G.

³¹ RSP para. 1.