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**The International Criminal Court's
Field Presence**

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Non c'è pace senza giustizia - No Peace Without Justice

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1. Introduction

No Peace Without Justice (NPWJ) would like to invite the States Parties of the Rome Statute and various organs of the International Criminal Court (ICC) to re-conceptualise the relationship between the Court and situation countries, by recognising the critical relevance of field offices for the implementation of the mandate of the ICC and taking steps to guide the Court in becoming a more field-based institution. The proposals contained in this paper recognise the multitude of challenges that confront the Court in relation to its field operations, including security concerns, resource constraints, and the need to maintain flexibility in order to provide services in multiple situation countries with fluctuating levels of judicial activity.

The Court has already found ways to adapt to many of these challenges and we encourage continued creative thinking along these lines. We believe that the benefits to be derived from the enhancement of the ICC's field operations merit both short-term steps and long-term strategic thinking about how to bring about a reconfiguration of the Court's operating structure towards becoming more field-based. We are cognisant of the budgetary constraints within which the Court is required to operate, and as such have proposed in this paper that a more field-based Court will ultimately be as cost-efficient, if not more so, than its current structure. Basing more staff in the field would considerably reduce travel expenses, and according to the experience of other international organisations, this reduction in costs may be comparable to any projected increase in expenses for security and services in the field.

This paper is based on many years of research conducted by NPWJ, in the field and elsewhere, and conversations and interviews with senior officials at the ICC,¹ the International Criminal Tribunal for Rwanda (ICTR),² the International Criminal Tribunal for the former Yugoslavia (ICTY)³ and the Special Court for Sierra Leone (SCSL).⁴ Notwithstanding the substantive differences and diverse experiences of managing field presence between the ICC and the ad hoc tribunals and the SCSL, all these international justice mechanisms share a common purpose of ensuring accountability and assisting in the restoration of lasting peace in post-conflict situations. Thus, the lessons learned and best practices of these institutions in relation to the importance of field presence can be of help to the ICC in further developing its strategy, and to States Parties in evaluating and supporting that strategy.

The ICC's central mandate is to prosecute those bearing the greatest responsibility for the most serious crimes and the jurisdiction of the Court is complementary to national criminal jurisdictions. One critical role of the ICC, therefore, is to facilitate the process of States addressing crimes under international law themselves, at the national level, by focusing on positive complementarity, which also requires a joint effort by other actors including the international community. The Court also has a central role in establishing the preconditions for reconciliation within conflict ridden communities

¹ Among others at the ICC we met on 23 September 2009 with a Senior Official for the ICC Registry; and on 5 October 2009 with a Senior Official for the ICC Office of the Prosecutor (OTP).

² At the ICTR we conducted interviews over the phone on 6 November 2009 with a Senior Legal Officer for the ICTR Registry, who was also part of the first team that was sent to Rwanda to open the field offices; on 10 November 2009 with the Chief of External Relations and Strategic Planning Section and Spokesperson of the Tribunal, as well as with the Chief of Witnesses and Victims Support Section; and on 12 November with the Chief of Investigations

³ At the ICTY we met on 23 September 2009 with the Head of Outreach; on 8 October with the Chief of Victims and Witnesses Section; and on 12 November with the Chief of Investigations.

⁴ At the SCSL we met on 18 November 2009 with a senior official of the OTP and received a written response on 20 November.

and the transition toward peace. Moreover, the Rome Statute grants victims of crimes the right to participate in proceedings and seek reparation for the losses they have endured, ensuring redress.

A strengthened presence in the field in situation countries can be critical to maximise the ICC's potential to implement its judicial mandate and core non-judicial functions. The Court's field offices already play a critical role in this respect, enabling it to conduct investigations; protect both victims and witnesses; and ensure the implementation of victims' rights to participation and reparation. They are also decisive in bridging the gap between The Hague, the seat of the ICC, and its operations in situation countries, through the provision of outreach programs directed to engage affected communities and foster a stake in the Court's success. Moreover, field offices provide logistical and administrative support and assistance to counsel for all parties and the Trust Fund for Victims when travelling within situation countries.

This paper first describes in general the structure of the field offices and how the organs of the Court are represented in situation countries. Subsequently, it focuses on the presence of the Office of the Prosecutor, analyzing the current organization of the Investigation and the Jurisdiction, Cooperation and Complementarity Divisions and suggesting some changes. It then turns to the representation of the Registry in the field and in particular on the position of the Field Office Manager, the Victims and Witnesses Unit, and Public Information and Documentation Section (including Outreach) to propose the enhancement of their field operations. The paper then stresses the importance of holding in situ proceedings and the benefits of the proposed, reinforced field presence, to conclude with recommendations in the short and long term to the Court and the States Parties.

2. Current Field Presence of the ICC

Since 2005, the Court has established field offices (FO) in, or as close as possible to, every situation country. The current field presence of the Court amounts to a total of 104 individuals distributed as follows:⁵

- In the Kinshasa Field Office (DRC) there are 27 people based in the field, out of whom eight are professional staff (five at a P-3 level and three at a P-2 level);
- In the Bunia Field Office (DRC), there are 12 people based in the field, out of whom only one is professional staff at a P-2 level;
- In the Kampala Field Office (Uganda) there are 27 people based in the field, out of whom eight are professional staff (five at a P-3 level and three at a P-2 level, one of which is still under recruitment);
- In the Bangui Field Office (CAR) there are 18 people based in the field, out of whom five are professional staff (four at a P-3 level, one of which is still under recruitment, and one at a P-2 level);
- In the Abéché Field Office (Chad) there are 20 people based in the field, out of whom five are professional staff (four at a P-3 level, one of which is still under recruitment, and one at a P-2 level).

To date, the Office of the Prosecutor (OTP) and the Registry have deployed 12⁶ and 92⁷ individuals respectively in the field. The OTP has based security and victims' protection staff in situation

⁵ All the following information on the composition of the various field offices can be found in the Report of the Court on the enhancement of the Registry's field operations for 2010, 30 July 2009, ICC-ASP/8/CBF.2/10 (the "Court Report").

⁶ Out of 12, only 5 are professional staff at P-3 level, while the others are General Services.

⁷ Out of 92, only 22 are professional staff at P-2 or P-3 level.

countries. The Registry has created seven functional units in each field office to perform its functions, including outreach, victims and witnesses protection and victims participation and reparations,⁸ and every office has a Field Office Manager (FOM) at P-3 level who provides administrative and logistical support to other colleagues in the field, but does not have any authority over them. The Registry work in situation countries also includes the provision of logistical and administrative support to its staff and the OTP teams, Trust Fund for Victims, defence and the legal representatives for victims

The field presence of the Court is mostly composed of General Service (GS) staff. Only 27 out of the total of 104 field-based staff are professional positions, and of those 18 are at the P-3 level and 9 at the P-2 level. We would like to draw the attention of States Parties and the Court to the difficulty in recruiting and maintaining highly-qualified staff in GS positions, where they lack job-security, or in low level professional positions. Moreover, field office staff in different units report to their respective units at headquarters, thus creating a lack of coordination among the various sections within the field office.⁹ Several key functions of the Court – notably its investigations and the promotion of cooperation and complementarity – are carried out entirely from headquarters. This paper will recommend that the fulfilment of the ICC's mandate can be enhanced if the Court requests and States Parties approve the relocation to the field of more permanent positions, and at higher levels, from various divisions of the institution.

3. The OTP

3.1 *The Investigation Division*

There are currently no permanent ICC investigators based in the field: instead, investigators travel back and forth from The Hague to situation countries, where they usually remain for periods of three or more weeks. They use the logistical support provided by field offices but are not located there, as they travel inside the country or to neighbouring countries to interview witnesses. This working method has been influenced by a number of factors, including the policy of limited, targeted investigations adopted by the OTP. The effectiveness of this investigative strategy has yet to be tested, since the Court has yet to complete its first trial. However, the experience of other tribunals and organisations indicates that long-term deployment of investigators in situation countries is highly desirable, in that can result in benefits for both the substance and the conduct of the investigation.

The majority of staff that has been based in the field by both the ICTY and ICTR is OTP personnel. In particular, the ICTR has had all its investigators based in Kigali, Rwanda, travelling to different regions within the country and then going to Arusha, Tanzania, only to present their findings and refine the indictments accordingly. The ICTY, although it was not initially able to open field offices, ultimately had six of them, in Banja Luka, Belgrade, Pristina, Sarajevo, Skopje and Zagreb.¹⁰ While the representation of the OTP has not been uniform, in Sarajevo, Belgrade and Pristina there have generally been up to four investigators, a head of mission, an operations officer and support staff.

The ICTY has also organised investigative missions with OTP staff from both The Hague and field offices of two or three weeks, in a similar way to that currently implemented by the ICC. At the same time, one of the major lessons learned by this institution is the importance of having a permanently

⁸ The units present in the field offices are the following: Victims and Witnesses Unit (VWU), Victims Participation and Reparations Section (VPRS), Public Information and Documentation Section (PIDS), Security and Safety Section (SSS), Field Operations Section (FOS), Information and Communication Technologies Section (ICTS) and Medical Unit (MU).

⁹ Court Report, paragraph 20.

¹⁰ At the moment there are only 4 field offices in Belgrade, Zagreb, Sarajevo, and Pristina.

based officer in the field that deals daily with the local authorities and is constantly focused on protecting the interests of OTP in the field. Field offices have proved to be extremely effective in the experience of the ICTY, not only in providing logistical and administrative support to the work of the OTP on the ground, but in building a sense of trust around the ICTY among affected communities. According to ICTY officials, the permanent presence of the investigators in the territory of former Yugoslavia also yielded great benefits in terms of the quality of the investigations and the evidence gathered.

Moreover, the constant interaction of investigators with national communities improves the level of acceptance by the community of the judicial process underway. The SCSL has developed a special program that allows Sierra Leone Police Officers to be seconded in the OTP's Investigations Section that has achieved very positive results. Having domestic investigators offers, indeed, various advantages, such as the knowledge of the country, the conflict, the main and secondary actors, local languages; the possibility of conducting investigations in hostile environments and making witnesses feel comfortable. This program has been fundamental in leading to a great legitimacy of the OTP's work and building capacity, and we invite the ICC to consider adopting similar strategies. However, it would be impossible for the Court to conduct such a program if ICC investigators are not in the field to follow and direct the work of the national police officers seconded.

Another important lesson learned by the SCSL is that the success of the OTP's cases greatly depends on the availability and willingness of witnesses to testify in confidence that their safety is ensured by the judicial institution. In the experience of the Special Court, the comfort of the witnesses is greatly facilitated by regular and conscientious contacts by OTP members throughout all stages of the trial proceedings.

NPWJ's experience, on the basis of conducting investigations and conflict mapping in a variety of countries, also confirms this conclusion. In Kosovo, Sierra Leone, Kenya and elsewhere, we have found that the permanent presence of investigators in the field allows them to have access to high-level or insider witnesses who are difficult to contact and usually will not agree to testify unless they trust the institution in question. Moreover, the deployment in situation countries allows investigators to acquire a better understanding of the community, culture, political scene and interconnections inside situation countries. This ultimately increases their efficiency and allows them to detect trends and important information that they would otherwise not be able to identify. This is the kind of information that can be crucial to the limited, targeted investigation of high-level perpetrators undertaken by the ICC.

Finally, we have found that the permanent deployment of staff from the ICC's Investigation Division to the field for the duration of the investigation would not have significant budgetary implications. The travel expenses for those members of staff would be significantly reduced as they would be located permanently in-country. Moreover, analysis of the budgets of other international institutions, such as UNICEF and UNHCR, which have many country-offices facing the same kind of issues as the Court within situation countries, suggests that the decrease in travel expenses would be comparable to any projected increase in security and field service expenses.

Thus, NPWJ recommends that the Court consider deploying at least one investigator in each field office to serve as a constant presence throughout the active phase of investigation.

3.2 The Jurisdiction, Cooperation and Complementarity Division (JCCD)

The OTP does not currently have anybody from the JCCD division in the field; its personnel either follow up from The Hague with governments or travel to situation countries when deemed necessary. The promotion of complementarity and cooperation is also facilitated through the focal points identified by the OTP inside the relevant Ministries in each situation country (usually the

Ministry of Justice, but it can vary). These individuals have in some instances become vital allies of the Court in promoting action by their governments.

Lack of cooperation with the ICC is not only an issue in relation to situation countries, but also a problem in the Court's dealings with other States. It is thus understandable that the majority of cooperation-related staff should be based in The Hague. Nevertheless, on certain issues such as the implementation of arrest warrants and the freezing of assets for investigation purposes, where authorities in situation countries have obligations to uphold, cooperation could be enhanced by locating in the long term a staff member dedicated to the issue in each situation country. Lack of cooperation, particularly in these three areas, has already caused serious difficulties and even delays to proceedings, which ultimately reflect in the Court budget as costs. The deployment of a field-based cooperation officer, with the authority to interact on a daily basis with national authorities, could significantly improve cooperation, thus improving both the effectiveness and efficiency of the Court's work in the long-term.

Another area of the Court's work that necessitates consistent interaction with national authorities is the promotion of positive complementarity. We welcome the OTP's efforts to date in working with national authorities to improve both their ability and their willingness to ensure accountability, and recognise a number of successes achieved so far. Through its interaction with national authorities, the Court passes on experience and expertise that can contribute to boosting national capacity. It can also provide local judges, law enforcement agencies or prosecutors with the evidence to prosecute lower level perpetrators if they are willing and able to do so. It is clear, however, that the ICC alone cannot fill the impunity gap. The example of the Court's role in the Democratic Republic of the Congo (DRC) is illustrative in this regard: according to Court officials, they have had very good interaction with local authorities and have found the judiciary to have a good working knowledge of the substantive law. However, there have been incidences where judges have started cases against lower level perpetrators which they were forced to dismiss because of political pressure or security concerns. The protection of victims and witnesses in DRC is also highly uncertain, such that the ICC would not feel confident handing over information for use in national proceedings.

In cases such as DRC, the intervention of a broad range of other actors is necessary in order to both build national capacity and to exercise sufficient pressure on the governments of situation countries to initiate national proceedings; to ensure the security and independence of the judiciary; and to guarantee the safety of victims and witnesses. The United Nations, regional bodies such as the European Union, other States and civil society all have a role to play in this regard. Nevertheless, the ICC itself must continue to increase its role in the promotion of positive complementarity in situation countries. The location in the long term of a permanent officer in each situation country charged with coordinating these efforts could greatly facilitate the ICC making a strong, lasting contribution to the fight against impunity in those countries. As stressed by an official of the ICC, on some occasions the Court has not been able to take advantage of projects to build national capacity organised by other international organizations because of the lack of staff able to participate.

The experience of the ICTY might be of assistance for the ICC also in this respect, where interacting with national authorities has been one of the tasks performed in part by staff of field offices. The responsibility was shared by a Registry Liaison Officer (RLO), for matters falling within the remit of the Registry, and a Head of Mission representing the OTP.

Notwithstanding the cooperation that the Sierra Leone government has ensured to the SCSL, in some instances it has also faced difficulties in cultivating local support for the work of the Court, especially given the absence of advanced technologies in the country. This aim was accomplished by developing effective working relationships with local leaders and organizations as well as providing these individuals and groups with opportunities to communicate their concerns. For example, the

permanent presence in the field allowed the OTP to hold regular meetings with Parliamentarians and key government officials, for example to explain to them controversial decisions. Moreover in the experience of the Special Court, OTP staff has been able to build a positive personal relationships with members of these communities, and their permanent presence in the country has allowed them to leverage these good relationships.

These interactions are particularly important for international justice institutions, such as the ICC, which are physically located far from where the crimes took place. Thus, No Peace Without Justice recommends that at least one official from the Jurisdiction, Cooperation and Complementarity Division of the ICC be deployed to the field in each situation country. In order to avoid budgetary increases for this division, we would not envisage the addition of members of staff, but would rather encourage the OTP to review JCCD staffing in the coming years with a view to the redeployment officers to field offices from headquarters.

4. The Registry

4.1 *Field Office Manager – Redassification as Head of Registry*

The Report of the Court on the Enhancement of the Registry's Field Operations for 2010 ("Court Report"),¹¹ highlights that so far, the deployment of staff in the field has mainly responded to immediate necessities rather than being embedded within a strategic plan to enhance the Court's field presence. This has resulted in the current situation, where there are no clear lines of authority for registry sections in the field and the position of the Field Office Manager (FOM) does not have any power to coordinate, manage, or control the staff or material resources present there, having only logistical and administrative functions.¹²

We agree with the Registry's conclusions as regards the necessity of greater coordination in its field operations, and urge States Parties to support the proposed reclassification of the four Field Office Managers from P-3 to P-4 level as Head of Registry Team in the Field (Head of Registry), which provides this position with the authority necessary to coordinate Registry staff in the field. According to the Court Report, the Head of Registry would be able to coordinate effectively the field-based staff, for example in case of a crisis situation; prioritise field needs to ensure efficient planning of the activities carried out there; manage the limited resources available through their rational allocation; and interact with local authorities and interlocutors for Registry-related issues.¹³

One important aspect of the Registry's interaction with local authorities is the issuance of requests for cooperation following a judicial ruling by the Chambers, such as an asset freezing or other similar order, and the follow up necessary to have such requests implemented. Currently, this function is performed by headquarters staff who are required to travel to the situation country to urge implementation of requests, especially if a request must be acted upon urgently. Other aspects of the Registry's role in situation countries can contribute to the promotion of complementarity, such as witness protection or court management, by facilitating the transfer of expertise to national authorities. These roles could be carried out by a Head of Registry, although given their clear overlap with the responsibilities of the OTP vis-à-vis situation countries, they would need to be executed in close coordination with OTP officials charged with promotion of cooperation and complementarity. Combined with a strengthened OTP field presence in the area of cooperation and complementarity, the reinforcement of the Registry's role would greatly enhance the Court's efficiency and effectiveness in this area.

¹¹ Court Report, paragraph 15.

¹² Court Report, paragraphs 3, 5.

¹³ Court Report, paragraphs 20-25.

The Court Report is a positive effort to make ICC field offices more efficient and bolster the role of field offices in the overall operating structure of the Court. We hope that the Registry will continue to propose changes in this direction, and have outlined below some areas where we think further decentralisation of Registry functions may be possible and desirable. As it develops such proposals, we encourage the Registry and the other organs of the Court to coordinate closely in order to ensure that proposals developed are beneficial to the Court's work overall and enjoy broad internal support. We also strongly encourage States Parties to support the Registry proposals outlined in the Court Report, and in the longer-term, to look favourably upon initiatives aimed to decentralise Registry functions to field offices from headquarters.

4.2 Victims and Witnesses Unit

The Registry has created a Victims and Witnesses Unit (VWU) in each field office and we welcome the special attention that has been given to its staffing, since in general VWU has one P-3 and one P-2 position in each office, with the only exception of Bangui, where there is only one P-3 position.¹⁴ In the long term, a greater number of professional personnel based in the field would be beneficial, since almost all victims and witnesses are located in situation countries.

The lessons learned in this area by the ICTR, ICTY, and SCSL might be useful for the ICC. All these international institutions have stressed the importance of having a strong field presence dedicated to witnesses and victims in order to create a sense of security and trust towards them. In post-conflict situations, one of the main issues for the population is its vulnerability and a lack of trust in the police or military forces. To have people willing to testify it is therefore crucial to provide them with protection and to create and maintain trust. The field offices or the location of the Court in situ are indispensable in this respect, as being based in situation countries render them easy to contact and able to take immediate and effective action when necessary. Moreover, VWU officials in the field can monitor the situation daily, assess security issues as they emerge and take preventive measures before the situation deteriorates or becomes critical. Given that many of the ICC's situation countries are vast territories with poor infrastructure, the task of responding to the needs of victims and witnesses is extremely challenging and the current staffing level of two individuals per field office appears inadequate in the long term. We therefore recommend the Court's interaction with victims and witnesses can be enhanced in the future by deploying more professional VWU staff to the field in situation countries. If these positions can be redeployed from headquarters to the field, rather than creating new positions, this should be a cost-neutral adjustment.

In addition, during its initial operations, the ICTR established its victims and witnesses unit under the OTP, but it later realised that this close association could compromise the safety and security that the section was intended to grant to victims and witnesses. This led to the VWU being placed under the control of the Registry and to the creation of a VWU sub-section in the Kigali field office, located in a separate structure from the main office where OTP staff was based. The ICTY directly opened a VWU in Sarajevo with its main base in a building separate from the office used by the OTP. This in general ensured more confidentiality on identities of victims and witnesses and also ensured that the OTP could not know the identities of defence witnesses.

The SCSL has adopted a singular structure: it has created a Witness Management Unit (WMU), a separate and distinct body within the OTP dealing only with Prosecution witnesses, and Witness and Victims Section (WVS), a unit of the Registry, tasked with handling witness dealings for all Prosecution and Defence witnesses. The aim of such a structure was again to ensure the highest safety possible of witnesses as well as the confidentiality of their identities.

¹⁴ The office in Bunia is not a main office so it is not included. It does not have any P position for VWU.

On the basis of this experience, we also encourage the ICC to consider locating in the future the VWU in a separate office to ensure protection of witnesses and victims as part of a long-term strategic re-evaluation of the Court's field presence.

4.3 Outreach

The ICC currently has only three professional positions at a P-2 level in the field.¹⁵ We welcome the significant progress made by the ICC over the last 12 months in terms of its outreach work and tools, including the development of ICC-related audiovisual programs. We also share the recognition by the Public Information and Documentation Section (PIDS) that they need to have more field-based positions and at a higher level, since we believe that outreach, communication and public information activities are of the utmost importance for the Court's engagement in situation countries. We therefore look forward to future indications from PIDS on the exact positions they would like to base in the field and urge States Parties to consider favourably any future requests to grant those positions.

As the number of situations before the Court increases, and as it begins to move into the trial phase in some situations, the ICC must increasingly face the question of balancing outreach activities with the increase and decrease of judicial activity. This leads to difficult decisions on the allocation of resources, human and otherwise. In Uganda, for example, where some time has lapsed since the issuance of arrest warrants, the decision has been made to decrease outreach activities in 2010 and to redeploy staff to the Central African Republic (CAR) and DRC. This decision is of concern for a number of reasons. The failure to execute the arrest warrants in the Uganda case does not decrease the need for outreach: on the contrary, in the absence of trials against those who have been charged, the potential for misinformation grows and the Court risks appearing to abandon the country, thereby making the role of outreach even more crucial. Moreover, the occasion of the Review Conference in Uganda in 2010 creates outstanding opportunities for outreach and to highlight the role of States Parties in the Court's governance. In addition to the Court's ongoing outreach work in Uganda, NGOs and international bodies active in the region will take the opportunity to organise many activities related to the ICC, and the Court would run the risk of not being able to take advantage of these programs because of its reduced staff in the field. Finally, there are questions of the efficiency of scaling down field offices in line with judicial activity, since a sudden increase should be expected to occur at any time, for example, through the execution of an arrest warrant. At that time, a rapid scaling up process would be necessary, which may be costly and result in missed opportunities while it is implemented. We therefore encourage the ICC to maintain constant staffing levels for outreach in field offices, notwithstanding fluctuations in judicial activity.

5. In situ proceedings

In-situ proceedings are an extraordinary tool to reach affected communities, let people to see that justice is happening and to foster a stake in the success of the Court as something that is happening in their own country. Thus, we welcome and support the Court's acknowledgment of the importance of holding in-situ proceedings and favourably consider the Registry study on the preparedness of the Court in this respect. We also strongly support the decision of the OTP to propose that part of Mr. Bemba's trial, such as the opening, the examination of victims/witnesses, and the issuance of the decision, be conducted in Bangui (CAR).¹⁶ Finally, we would like to see the ICC to continue moving in this direction and encourage the Court to hold in situ proceedings wherever possible and feasible.

¹⁵ In Bunia and Chad there are currently no professional positions.

¹⁶ The OTP filing can be accessed here: <http://www.icc-cpi.int/NR/exeres/0059D106-4E8E-45A3-8FC1-082462D794A2.htm>.

For example, there is a strong possibility that the ICC will open an investigation into crimes committed in the course of the 2007-08 post-election violence in Kenya. If this is the case, we strongly urge the Court to consider holding proceedings, at least certain parts such as the formal opening, in the territory of Kenya. The country has adequate infrastructure to accommodate the trial chambers, and any security concerns could be effectively managed by taking proper precautions. On a recent mission in Kenya, NPWJ learned that the majority of civil society there would strongly support proceedings in their territory and believe that security could be ensured through the utilisation of the appropriate measures.

We understand that in deciding where to hold Court proceedings, it is necessary to consider the overall political and security situation in the country. However, we stress that the primary guiding principles for determining whether in-situ trials should be held in situation countries should be the desirability of bringing the proceedings closer to the victims and affected communities. Challenges in terms of logistical infrastructure and the security of all participants at the proceedings must be managed and overcome, and the Court should continue to develop its capacity in this regard. A strengthened field presence will be important in this regard, as having the necessary resources already present in the situation country will enable the Court to assess the feasibility and appropriateness of in-situ proceedings, and to put the necessary arrangements in place in a timely manner if the decision is made.

6. Structure of ICC Field Presence

The recommendations of this paper would move the ICC towards a stronger field presence, both in terms of the number of staff deployed in the field and the responsibilities and level of authority granted to them. However, this kind of reinforcement is not in itself sufficient. With greater responsibility granted to the representation of various sections and organs of the Court in the field, it would be imperative for those sections to work in close coordination with each other, with clearly identified roles and spheres of responsibility. The experience of other international justice institutions and organisations has shown that a strong, coordinated field presence can both strengthen the effectiveness and efficiency of their operations, and ultimately enhance their legacy and impact in situation countries. We therefore urge all organs of the Court to engage in a joint process of strategic re-conceptualisation of the institution's field presence, with a view to enhancing the ICC's legacy and impact in its situation countries.

7. Recommendations

We recommend to the International Criminal Court in the short term:

- To engage in a revitalised, coordinated internal dialogue among all organs to reconceptualise the importance of the field presence of the Court and to find the most effective balance in the representation of its organs in the field;
- To request in general for more positions based in situation countries and at higher levels;
- To deploy staff of the investigations division to be based in the field, at least for the duration of the active phase of investigations;
- To continue the efforts begun by the Registry to enhance the effectiveness of its operations in the field;
- To reinforce the presence of Outreach staff in field offices, and to maintain constant staffing levels for outreach notwithstanding fluctuations in judicial activity;
- To hold in situ proceedings wherever possible and feasible, or at least hold some hearings, such as the opening statements, in situation countries.

We also would like to see in the future the Court base in situation countries more personnel from the Jurisdiction, Complementarity and Cooperation Division, to promote the cooperation of national authorities and implementation of positive complementarity; and the Victims and Witnesses Unit, creating an independent office for such a unit in each situation country.

We recommend to States Parties:

- To focus on the centrality of field offices in the implementation of the mandate of the Court and support the efforts pursued by the ICC to improve its field presence, including the reclassification of temporary positions as permanent and the provision of high level positions;
- In the immediate term, to approve the reclassifications from P-3 to P-4 of the four Field Office Managers requested by the Court, in light of the necessity to identify clear lines of authority for the Registry in the field;
- To ensure sufficient funding to uphold in 2010 the actual level of outreach in Uganda.