

**Paper on Comments and Recommendations for the  
Strategic Plan for Outreach**

**8 NOVEMBER 2006**

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**A. INTRODUCTORY COMMENTS**

1. The CICC Communications Team welcomes the issuing of the Strategic Plan for Outreach of the ICC<sup>1</sup> and notes with appreciation the opportunities available during the course of 2006 for NGOs to discuss different aspects of the strategy with various ICC personnel.
2. In particular, the Team recognises the work of the Public Information and Documentation Section (PIDS) and the External Communications Group in developing and refining its outreach strategy and the court-wide integrated communications strategy. This document translates a comprehensive understanding and conceptualisation of what ICC outreach will entail. It also reflects an enhanced understanding of the situations under investigation and the most appropriate tools to conduct effective outreach. The Team welcomes this important and positive evolution.
3. While recognising the efforts undertaken to engage stakeholders and others in consultation, it may be beneficial in the future to ensure there is sufficient time for proper consultations with external actors, even if they are on an imperfect draft. In particular, it is essential to get feedback from local NGOs in the situation countries who have particular insights into outreach and communications strategies in the field.
4. For the purposes of clarity, it is worth recalling the various communications functions of the Court as they are understood and used in this document:
  - “External Relations” refers to the constructive dialogue between the Court and States Parties, non-States Parties, international organizations, NGOs and other key partners, with the aim of building and maintaining support and cooperation facilitating the Court to fulfil its activities;
  - “Public Information” relates to the process of delivering accurate and timely information about principles, objectives and activities of the Court to the public at large as well as to specific audiences through a variety of means; and
  - “Outreach” means constructive and sustainable interaction between the Court and communities affected by specific situations under investigation or prosecution, to promote understanding and support to the judicial process at various stages as well as the different roles of different organs of the ICC, to clarify misperceptions and misunderstandings and to enable affected communities to follow trials.

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\* This document was prepared by members of the CICC Communications Team, and does not represent the views of all organisations/members of the Coalition for the ICC. While the work of the teams reflects the positions of those Coalition members most active on particular issues, their work cannot be construed to represent the views of all organisations/members of the CICC.

<sup>1</sup> ICC-ASP/5/12 on 29 September 2006.

## B. GENERAL COMMENTS

5. The Team welcomes the recognition by the Court that the outreach strategy is an evolving document that needs to be evaluated and developed to reflect emerging needs and changing circumstances. The Team also welcomes the intention to involve external partners in that evaluation and revision process.
6. While the outreach strategy provides specific information for the three current situations, it would be useful to include situations that are under preliminary analysis where an investigation has not yet been launched, as in the case of the Central African Republic, Cote d'Ivoire and Colombia. While the report outlines outreach in the investigative and pre-trial phases, strategies for outreach in situations where analysis has been publicly announced are not included. An integrated strategy for outreach in situations under analysis should also take into account the Prosecutor's obligations to consult and inform victims.<sup>2</sup>
7. The need for extensive outreach is heightened by the distance between The Hague and interested or affected populations and an integrated strategy should take into account the possibility that the Court may sit elsewhere whenever it considers it desirable.
8. The outreach strategy would benefit from a phase-by-phase approach that takes into account the specific notification or information requirements incumbent on the Prosecutor and the Registrar at various points in the proceedings.<sup>3</sup>

## C. GENERAL FRAMEWORK OF THE STRATEGIC PLAN FOR OUTREACH

9. In general, the strategic plan for outreach reflects a positive approach to conceptualising the issue of outreach, in particular its recognition of outreach as a two-way process of interaction, which should underpin the entire outreach strategy and be evident in all its aspects, from initial design, through implementation, to assessment and refinement.
10. The general objectives and principles laid out for the outreach program reflect the Court's need to be an information-provider and an information-gatherer, which is welcomed. Both of these are essential to engage the population and to ensure that each situation-specific strategy responds to the needs and circumstances of the population in the various situations in which the Court will be working.
11. While it is necessary for the Court to engage a number of individual target groups, the strategic plan should prioritise direct outreach to affected communities – namely victims and their families, civilians exposed to crimes and combatants – with a particular stress on women and children as they may not be as easily reached and heard as men. It can be certainly effective for the Court to meet with community and religious leaders – and it is often through building relationships with the leaders that communities can be reached – but the Court should not only rely on speaking with a small group of leaders.
12. The identification of the Registry as the organ within the Court responsible for outreach, which is elaborated later in the strategy, is an important guarantee for the independence of the organs of the Court and the Court itself. However, it is important to ensure coordination with other organs, in particular with the Office of the Prosecutor (OTP), since some of the messages relevant to the outreach strategy are ones that must be undertaken by the OTP. Similarly, there will be a need for coordination among different sections of the Registry. Although most of the activities will be carried out by/through the Outreach Unit, certain messages concerning victims' rights will have to be delivered by the Victims Participation and Reparation Section. Also, different organs or sections might gather different pieces of information about the information needs of the particular affected community. Coordination will also ensure an accurate and comprehensive assessment of such needs. Additionally, the feedback about other organs of the

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<sup>2</sup> See Article 53(3)(c) of the Rome Statute and Rule 50(1) of the Rules of Procedure and Evidence.

<sup>3</sup> See, for example, Rules 16(1), 50(1), 92(2), 92(3) and 96(1) of the Rules of Procedure and Evidence.

Court that will inevitably come up during outreach meetings should be channelled back to that organ in an appropriate manner (and, where necessary, anonymously). The strategic plan for outreach should reflect the ways by which this coordination will be ensured and feedback will be gathered.

#### **D. FACTORS INFLUENCING THE OUTREACH STRATEGY**

13. The strategy identifies comprehensively the various factors at play in specific situations, which is an important step in designing and implementing the outreach strategy.

##### **D.1 CONTEXT OF OPERATIONS**

14. The general factors identified within the context of operations appear to cover the main elements that are likely to affect the Court's outreach work and provide a useful framework within which specific situations can be analysed. Under this heading, there are some factors about which specific comments can be made:

##### *D.1.A. THE MEDIA*

15. The identification of the media as an important factor to take into account reflects the central role the media can play in influencing public opinion and in disseminating accurate information.
16. As the strategy states, encouraging contacts between local journalists in the situation countries and Hague-based journalists who regularly report on the ICC can be a useful strategy in improving or strengthening the quality of local reporting on the ICC. However, this presupposes that Hague-based journalists themselves have a high degree of knowledge and understanding about the ICC and that Hague-based journalists will be able to share information with journalists in situation countries. There may be an overestimation of the links between these two groups and the significant differences in technological resources that each possesses.
17. Given these potential problems, while contacts are a useful complement to managing the context in which the Court operates, it is questionable whether they should be the main focus of the strategy and, in that context, it would be useful to have a more detailed elaboration of the strategy developed to ensure that those Hague-based journalists have a sufficient level of knowledge and understanding that they can and will effectively pass on to their local colleagues.
18. It is also important to recognise that local media may deliberately report inaccurate information for a variety of reasons, therefore specific strategies should be established to address the situation where journalists are actually not interested in gaining or passing along an accurate understanding of the Court.

##### *D.1.B LOCAL NETWORKS*

19. The identification of the existence of local networks can have a major impact on how the outreach strategy in a particular situation is defined, designed and implemented. The involvement of local civil society is crucial for the success of any outreach program, as they have detailed knowledge about the context in which the Court will operate, including linguistic, cultural, traditional and religious factors. Nevertheless, this must be limited by the principle of independence of the Court and the fact that these partners may not fully share the Court's views. For example, in the DRC, the scope of the charges in the Lubanga case is a matter of concern for civil society and several public statements have been issued regretting the fact that Lubanga has only been charged with the recruitment and use of child soldiers. Furthermore, NGOs may lack the requisite resources to implement the required outreach activities and may have their own security and neutrality concerns in assisting the Court.
20. In addition, there are specific messages that the population need to hear from the Court itself, including its planning, its mandate and its limits. Therefore, it would be useful if the strategy could provide more details about what partnerships with local actors and other agencies might

look like, what is expected from these partners, and what they could expect from the Court in return. As well, while working with local networks will surely multiply the efforts of the limited ICC staff, it is important to identify and address the fact that it will also bring with it additional work.

## D.2. TARGET GROUPS

21. The identification of the various target groups with whom the Court will have to interact and design specific methods and messages for is critical for the success of an outreach program. As mentioned above, affected communities (as above) should remain the Court's priority target group. In general, though, the target groups identified will, to greater and lesser extents, be important focal points in each of the situations the Court is investigating.
22. It is important to remember that there can be significant overlap between the various groups: for example, an adolescent may fall into the categories of victim, children and youth, refugees/internally displaced persons and ex-combatant. This will depend on the situation and should be taken into account in the design of outreach methods and messages for specific target groups in specific situations

### D.2.1 THE MEDIA

23. While the media is an important group, it is important to draw a distinction within the strategy between activities where the media is *target group* for dissemination of information as part of the Court's media and communications capacity, and where the media is a *partner* in outreach activities, as the means by which the Court will have to interact with the media in each circumstance may be different, depending on the situation. It may also be useful for the strategy to identify other local and international media as tools to reach the general public in addition to radio programs, which are already identified.

### D.2.2 VICTIMS

24. The recognition of victims as a target group and as rights' holders who have an interest in obtaining remedies and reparation is critical as a basis for promoting victims' effective participation in the Court's proceedings. The strategy's recognition of victims' distinctive status may also give effect to victims' rights, as it implicitly provides an acknowledgement of their victimisation, and can contribute to redressing victims' disempowerment.
25. It would be useful to highlight the fact that victims, who should be treated with compassion and respect for their dignity, have specific information needs and rights, in particular because of the special role that they might play in ICC proceedings. Specific information needs on their procedural rights, particularly how to apply to participate or obtain reparations will not be met through popular media, even if they have access to it.
26. Other information sources have to address the particular need to manage victims' expectations and need to be devised in light victims' specific needs and rights to be consulted, or notified. These provisions should be interpreted broadly, in accordance with international law standards, which provide *inter alia* that victims have a right to be informed of their role, the scope, timing and progress of the proceedings and decisions which concern them. Particular care must be taken to avoid physical and psychological re-traumatisation in the mode, form and context of outreach messages, and thus, careful consideration must be given to *what information must be communicated, by whom, to which victims and at what times.*<sup>4</sup>

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<sup>4</sup> See the Victims Rights Working Group (VRWG) paper, "Victims Participation at the ICC", November 2003. See in particular section 2 on "Outreach to Victims", Section 3 on "Incorporating a Victims' Perspective in the Overall Media and Outreach Strategy of the Court", and Section 4 on "More Detailed Outreach Victims and Others Affected by a Particular Situation": [http://www.vrwg.org/Publications/01/VRWG\\_nov2003.pdf](http://www.vrwg.org/Publications/01/VRWG_nov2003.pdf).

### *D.2.3 PERSONS WHO PARTICIPATED OR ARE PARTICIPATING IN HOSTILITIES*

27. It would be useful to separate out persons who participated in hostilities from persons who are currently participating in hostilities, as their concerns and, hence, their information needs, are likely to be vastly different. In addition, while they may be stigmatised by their families or communities, it is equally likely that they may be lionised by their families and communities, which requires a different approach in how information is packaged and delivered and may also affect how information can or should be gathered from them about their expectations. It should also be taken into consideration that persons who have fought in the conflict may be particularly hostile to the Court as they may believe that their actions could be investigated and/or prosecuted by the ICC.

### *D.2.4 INTERNATIONAL ORGANISATIONS AND DIPLOMATIC COMMUNITIES*

28. While international organisations and diplomatic communities are important target groups for the Court's communications work and are particularly critical for their potential to help the Court gain adequate cooperation to exercise its mandate, it is questionable to what extent they should be built into an outreach strategy as a target group as opposed to a partner or target group for external relations and/or public information, which require different approaches, messages, materials and personnel.

### *D.3. JUDICIAL PHASES*

29. Breaking down the outreach strategy, which the strategic plan does, according to different judicial phases is critical in assessing how to respond to differing information needs and managing expectations about the work of the ICC.
30. The Team welcomes the fact that the strategy now acknowledges the importance of conducting general outreach prior to the issuance of arrest warrants. While understanding that specific circumstances, including security or political negotiations, in each situation will influence the profile of the Court's outreach in the pre-trial phase, the Team recommends that the Court implement this approach to the greatest possible extent, developing alternative means of communications when it cannot operate directly in the field. A lack of information coming from the ICC about its mandate and its work runs the very real risk of leaving gaps that will be filled by misinformation, misconceptions and the like.
31. The outreach strategy should be managed both to respond to needs during each phase and to prepare people for the next phase, which is recognised in relation to the specific strategy for the DRC but could usefully be highlighted in the general strategy.
32. Information needs will differ during each distinct phase of the proceedings, so it would be useful to separate the investigative and pre-trial phases and clearly identify the different strategies that should be in place for each of those phases. In this regard, the specific articles and rules providing for consultations or notifications should be taken into account in this phase by phase approach, taking into consideration availability of materials in appropriate languages.
  - It would be useful to distinguish between two possible scenarios during the analysis phase, that is, when it is public that an analysis is occurring and when it is not public that an analysis is occurring. As soon as it becomes public that the OTP is conducting an analysis of a particular country, expectations begin to arise and information begins to circulate, thus the information needs – and, hence, the outreach strategy – will be different from an instance where the public does not know that the OTP is conducting an analysis. This will be particularly pertinent for victims, who already have the right to participate during an investigation (i.e., before a specific case exists) and who will need information regarding that possibility prior to the official commencement of an investigation.

- While web-based and other electronic communications are useful tools for transmitting trial information, in light of the analysis provided in the outreach strategy itself identifying that in each of the situation countries the technological infrastructure for these media tools is intermittent at best, an over-reliance on these technologies should be avoided. It would be useful to highlight other means of disseminating such information in the general strategy, as the same conditions may also be identified in any subsequent situations that come before the Court.

#### D.4. MESSAGE THEMES AND PURPOSES

33. The general guidelines in the strategic plan related to message themes and purposes identify very clearly how messages should be formulated, delivered and evaluated, which is crucial for the design and implementation of an outreach program. In particular, the need to formulate different messages for different target groups while ensuring that all messages are clear and consistent is very important, as is the role that the crafting of messages themselves play in making the process one of two-way interaction between the Court and the various target groups.
34. It should be borne in mind that some of the identified messages, such as the Court being mindful of the context in which it operates and responsive to the needs of victims, are actually impressions that the Court will have to build through its actions, not through messages. In the future, it would be important to include in specific country strategies an analysis of the main concerns raised by local communities and messages developed to address them. For example, during the initial stages of investigations in the DRC, a lot of people asked questions about the temporal jurisdiction of the Court and in Uganda, people were concerned about the possibility that the Court would prosecute child soldiers for having fought in the ranks of the LRA. Any outreach strategy will be most effective if it addresses specific questions and important themes in a timely manner as they evolve in each situation. This could also help the evaluation of the impact of the outreach programme by showing increased understanding of issues of particular concern.

#### D.5. COMMUNICATIONS TOOLS AND TECHNIQUES

35. The identification of different communications tools and techniques for different target groups is of central importance to an effective outreach program. The Team welcomes this identification in the outreach strategy. While recognising that the list contained in the strategic plan for outreach is not all-inclusive, some comments can be made about additional important elements.
36. In line with the “One Court” integrated strategy principle, the outreach strategy should consider holding strategic hearings closer to interested and affected populations. In addition to real hearings, dramatisation of the Court’s proceedings might also satisfy interested or affected populations’ need to have a more direct contact with the Court satisfying their needs for “justice to be done, but also be seen to be done”. Provided there are sufficient and rigorous safeguards to prevent any risk of re-traumatisation, role plays allowing groups to act out proceedings may also be an innovative outreach tool that could provide a psychosocial dimension to outreach.
37. It would be useful to highlight in general that communications tools need not only respond to the level of knowledge and awareness of each target group, but need to take into account how those target groups communicate generally and the different channels through which information can be delivered and received from those target groups. Particular consideration of oral cultures is crucial in this regard. For example, in some communities, storytelling can be an effective way of delivering messages to children and youths; similarly, performing street theatre in markets can be a particularly effective way of reaching women in countries where women are responsible for running a family’s market stalls.

- It would also be useful to take note of local perceptions of other international actors which the Court may be confused with or perceived to be associated with. Mistrust prevalent in conflict or former conflict zones and mis-associations could be fatal for any outreach strategy.
38. Some of the elements identified in relation to specific target groups will be important when designing the communications tools and techniques for each of the target groups, namely:
- The need to consult with local civil society, which is recognised specifically in relation to victims, will be an important strategy for designing appropriate communications tools for each of the target groups. It is crucial to build trust and avoid alienating groups simply because the use of certain tools, such as paper-based documents, is considered ethno-centric or “foreign”.
  - “Road testing” communications tools could be a useful strategy for each of the target groups, not just for victims, although special attention should be paid to how this testing should take place so that it avoids inflicting any damage on the pilot group who may come from affected communities in the situation countries.
  - Ensuring that there is ample opportunity for target groups to express their questions and concerns, which is highlighted in relation to traditional and religious leaders, will be important in each and every outreach activity that the Court undertakes.

#### D.6. EVALUATION

39. Ensuring regular evaluation, based on quantitative and qualitative indicators, is welcomed as an effective tool to assess what is working and what is not working, hence to know what elements to retain and what needs to be modified. It is worth highlighting that what needs to be assessed is whether the expected results have been achieved, why and how.
40. As such, the expected results – both qualitative and quantitative – need to be defined as specifically as possible so that realistic, meaningful and achievable performance indicators can be developed. Additionally, it may be helpful to have these evaluations be more intensive during the first investigations where outreach is used so that the outreach program in each situation can be adjusted to build upon strategies that work and reconsider strategies that are not working.

#### D.7. OTHER ISSUES

41. While the Internship and Visiting Professionals Program of the Court provides the Court with valuable human resources, it should not be considered as a means of communicating with the general public in situation countries.
42. In a general sense, some prioritization of communications tools for each of the target categories could help in developing realistic outreach goals.

#### E. IMPLEMENTATION

43. As mentioned, the identification of the Registry as the organ within the Court responsible for outreach is very important guarantee, yet it is equally important that there is sufficient coordination with the other organs of the Court. As such, the Team welcomes the elaboration in the strategy on internal coordination, which is also important for promoting and implementing the “One Court” principle.
44. Given the critical importance of outreach as a means by which to enable the Court to achieve its objectives, the Team welcomes the establishment of a permanent Outreach Unit, tasked with focusing on the design and implementation of the outreach strategy. The Team also believes that presence of outreach staff in the field is essential to grasp and assess the cultural context and all other relevant factors that might affect communication, as well as to implement the strategy.

45. In this regard, it should be borne in mind that field staff will need to be of a sufficiently senior level to ensure they have the authority to interact effectively with local interlocutors and target groups and to respond quickly to changing circumstances and requirements. Of course, it will be important to re-evaluate staff needs as the workload of the Court evolves, as new situations arise and if simultaneous trials are conducted in one situation.
46. The description in this section of the Field Outreach and Media Officer – the staff member who appears to be the primary actor in implementing outreach activities in the Ugandan and DRC field offices – does not seem consistent with the description in the Annex for 2007. The Team is concerned that as this position has not yet been established for 2007 and wishes to highlight that it is imperative that this post be included for 2008 so that it can continue to be included in following years.

## **F. SITUATION-RELATED STRATEGIES**

### **F.1 GENERAL COMMENTS ON SITUATION-RELATED STRATEGIES**

47. A more detailed report on what the Court has done to date in situation country outreach, including the impact this outreach has had, would be welcome as it would help to justify the Court's current budget and resource requests and assist in assessments of these requests.
48. In each of the case-related outreach sections, it is unclear what tools the Court will use for different target groups. Notably, it is unclear how victims will be informed of their rights. A victims' booklet is mentioned in this section, but it seems the development of specific outreach strategies for victims would greatly benefit from consultation with the Victims Participation and Reparations Section as well as civil society groups that work with victims. It is not clear either to what extent outreach to victims to inform them on their procedural rights will be carried out by the Outreach Unit, or by the Victims Participation and Reparations Section or by both working together.
49. The situation charts note that performance indicators will be evaluated every two years. The Team believes that this is too long a period and that Court needs to consider making this an annual or semi-annual evaluation instead so that updates will be timelier and so the Court can most effectively adapt to changing environments, especially regarding the frequently changing situation in Sudan. While the Court may want to do more extensive evaluations every two years, the performance indicators should be evaluated for each of the three situations countries more regularly to account for shifting situations and information needs.
50. Such evaluations need not be overly time-consuming but instead could be similar, for example, to the survey done by the DRC Coalition for the ICC following the announcement of the Thomas Lubanga arrest. The DRC Coalition was able to conduct this basic survey in a very short period of time with brief, targeted questions. The development of the Court's ongoing communications strategy could benefit from such targeted feedback surveys. Evaluations would also help the Court present a clearer ongoing picture of the effectiveness of outreach initiatives to States Parties, NGOs and other stakeholders.

### **F.2 DRC**

51. In the strategy's discussion about preparations for the first hearing, it is mentioned that Court officials participated in interviews on radio and television programs, including in countries where the Court is operating and proceedings are at the pre-trial stage. It would be helpful to explain how this strategy worked in practice and what the impact was.
52. The Team welcomes the report stressing the importance of coordination between organs and Prosecution investigators so that mixed messages are avoided; however, it is not clear what this will mean in practice and so would benefit from more details. It may also be useful to elaborate more on coordination with the Victims and Witnesses Unit, to ensure cohesion between

outreach activities and any needs for the protection of victims and witnesses, using a phase by phase approach.<sup>5</sup>

53. While the Court's proper focus on victims, civil society, judicial authorities and the general public is welcomed, the Team would strongly welcome inclusion of the military forces as a specific target group, undertaking direct outreach activities with this group to maximise the deterrent effect of the Lubanga case. Additionally, cooperation with FARDC should ensure that interviews could be held with little difficulty in the major FARDC camps. Militia groups that are still operating could be targeted through radio. For example, immediately after the opening of the ICC investigation in the DRC, commanders broadcast orders to respect international humanitarian law via radio, resulting in a short-term lull in violence against civilians.
54. The Team welcomes the "large-scale information campaign" that is planned for the build-up to the Lubanga trial, but would also welcome further details on how this is intended to be implemented. For example, it would be useful to include the most important media outlets in the DRC (RFI, BBC French, VOA and Radio Vatican), which could be considered for joint education programmes with the Court. In addition, it would be useful to elaborate on how any large-scale information campaign would feed into the proposed monitoring program, which is a welcome development that could usefully be expanded, for example through bringing monitors to The Hague to view trials in person.
55. The Team hopes that this campaign will not be Kinshasa-specific but instead will include Bunia and Goma. Additionally, it should be remembered that failure to meet expectations outside of Ituri will negatively reinforce the idea that the Court is only interested in Ituri.
56. There is a concern that much of the outreach strategy for the DRC is too restricted to Kinshasa and Bunia. The size of the DRC should not mean that the ICC needs to rely more heavily on local actors to help with outreach work, but rather, the Court should increase staff and non-staff resources to be proportional to the amount of outreach work needed.
57. As mentioned above, it is crucial that the Court reach out effectively to the communities most concerned – in light of the initial focus of the OTP on the Ituri region, Bunia is a vital target for outreach. However, as noted in the strategy itself, expectations are high across the DRC, so it is hoped that the strategy could be more inclusive of eastern DRC in general. For example, distribution of the "Understanding the ICC" radio program or video screenings need not be restricted to Kinshasa and Ituri. Copies of these resources should ideally go to Bukavu, Uvira, Lubumbashi, Kalemie, Kisangani, Kindu, and other places in the east where there are concentrated populations. Similarly, additional workshops are still needed in places beyond Goma and Bunia. Given that these actions would significantly increase the workload of the number of staff requested, the Court could greatly benefit from having a staff member based in Bunia who could travel more easily.
58. Specific questions, concerns and perception problems from the DRC, as well as the messages the Court has used and could use to address them, could usefully be incorporated into the situation-specific strategy.
59. Civil society members in eastern DRC have said that the fact that Thomas Lubanga has been charged specifically with child recruitment is not well known. While some people know that he was charged with war crimes, they do not know that he was specifically charged with child recruitment. This implies that the deterrent effect that the prosecution's case may otherwise have with regard to child recruitment is unfortunately not being maximised. Additionally, information on charges is critically important to manage victims' expectations, since only those

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<sup>5</sup> For instance, the outreach strategy does not make specific mention of tools and activities to be undertaken in view of the confirmation hearings. In this regard, rule 92(3) specifies that "In order to allow victims to apply for participation in the proceedings ... the Court shall notify victims regarding its decision to hold a hearing to confirm charges"; it is unclear how this requirement will be met.

who have suffered from the crimes the relevant person is charged with will be allowed to participate in the proceedings and make claims for reparations.

60. The timing of things like newspaper spots every three months and monthly town halls could be much more flexible to address changing circumstances on the ground and to enable room to respond to information needs during different phases of the judicial process. For example, especially during initial hearings and trial phases, outreach activities and events should be intensified and held more frequently.

### F.3 UGANDA

61. Outreach in Uganda needs to go beyond meeting with religious leaders, local leaders and local NGOs, as their views are not necessarily representative of Internally Displaced Peoples in the north, who need to be prioritized in this outreach program. These leaders should not be considered to be primary information transmitters. More focus should be placed instead on direct outreach tools like townhall meetings. As noted in Section B above, there also needs to be a particular stress on outreach to women and children in Uganda as they may not be as easily reached and heard as men. While targeting women's organizations is commendable, it is not entirely sufficient.
62. As noted above under the DRC case, specific questions, concerns and perception problems from the Uganda, as well as the messages the Court has used and could use to address them, need to be incorporated into the situation-specific strategy here.
63. Regarding the Court's security concerns in northern IDP camps, the ICC would benefit from close discussion with camp organisations in order to develop creative ways to overcome security concerns, such as screenings of videos about the ICC in the IDP camps. In addition, the Court could consider setting up/participating in radio talk shows, where people can call in with questions, which would reach not only IDP camps but the population more generally.
64. In Uganda, the socio-economic context and judicial context are closely related. Illiterate as well as literate people have very limited understanding about the law in general. This is coupled with a lack of trust in the judicial system, which is under-staffed and under-funded, but more importantly is not perceived as impartial, fair and independent. In order to further understanding about the Court, the ICC needs not only to explain principles like complementarity, it should also be explaining more general principles like the rule of law and what a court case entails. While the ICC may need to be low-profile at certain points in the peace process, it would be useful for them to clarify some key misinformation. For example, the issue of "dropping arrest warrants" could be dealt with by clarifying that this issue is not part of the Rome Statute. The Court should also clarify how the Court protects impartiality, fairness and independence.
65. The strategy correctly sees security as an important limiting factor for the outreach of the ICC. However, instead of only re-emphasising the need to work through intermediaries, it would be useful to highlight outreach strategies for circumstances where it is difficult for the Court to have a field presence.
66. In terms of outreach to victims and dissemination of information about their procedural rights, it is important to recognise that unlike in DRC and other civil law countries, victims do not have equal or similar rights in the Ugandan legal system. Outreach activities in this respect need to take this factor into consideration, as victims might find it difficult to grasp the scope and nature of their rights before the ICC.
67. As noted in the outreach strategy, the political context in Uganda at present is sensitive. However, concerns about the case's timing have not only been raised by local groups, but also by international NGOs working in Uganda, religious leaders, politicians and other civil society organisations. Given this, special care may be required in Uganda to ensure that local actors are not used as partners in a manner that might confuse them with the Court itself.

68. The Court's completion strategy would benefit from a description of what the ICC foresees as its role in the post-trial phase. An appropriate "exit" strategy will be crucial in terms of maximising the Court's impact and ensuring that its work has a long-lasting preventative effect. While the Court cannot continue outreach indefinitely, of course, it will be important that in concluding its operations, the Court not leave an information vacuum but deals directly with new information needs and expectations of affected communities, such as the question of why the Court is not doing more or staying longer.
69. Justice system staff should also be a target group including clerks, police officers, and registry staff. This may be particularly important as national accountability efforts are explored.

#### F.4 DARFUR, SUDAN

70. The strategy report section on Darfur is far less detailed than that of the DRC and Uganda and reads more like a public information campaign rather than an outreach strategy. For example, there are no provisions for engaging target groups, determining what expectations on the ground are and details about how to manage these expectations. While there is a request for additional resources in order to be able to produce outreach materials for the Sudan situation, there is no explanation about how such materials would be distributed and how target groups would be engaged in two-way interactions nor how the Court would secure feedback on these resources from target groups.
71. Although the Team believes that there is a need to further outreach activities in Darfur and it would therefore seem that requirement of additional resources for outreach material is justified, it would be highly beneficial for the Court to provide more details about how such material is going to be used, which would help justify the request for additional resources.
72. While the outreach strategy cites security issues and the low-profile approach to the situation in Darfur, a clear distribution plan would help define how newly produced materials will be shared with target groups in the most effective ways. This could help overcome the appearance of the strategy being based on "security through obscurity", i.e. by only interacting with potential witnesses with whom there is a "need" to interact, which actually could put people at risk since it would tend to single out people who do have interactions with the Court.
73. In addition, there are outreach activities that could be undertaken in Khartoum, the wider Sudan and Chad. Key target groups beyond victims and witnesses in Darfur include militias and low-level perpetrators, other Sudanese citizens from the north and south, the Sudanese administration (and specifically the justice system), Sudanese and local media, and finally the population in Chad. These groups need basics about the Court.
74. It would be useful to identify which staff will be conducting outreach in Darfur. There seems to be a primary reliance on the media to disseminate information in the Sudan situation. However, especially given that there is no field presence in Sudan, having dedicated ICC staff to visit refugee camps in Chad first-hand would help the ICC to dispel false rumours directly, explain what the Court is actually doing and reach out to people in refugee camps in Chad. This section also lacks an explanation of what has already happened in terms of outreach for the Darfur situation and the impact this outreach has had. The Sudan strategy would also benefit from the addition of details about how the Court will reach out to people in refugee camps in Chad.
75. The Court needs to develop responses to the propaganda campaign against the West, the UN and international organizations in general that is being spread via the Sudanese media. These responses should stress especially the Court's independence from these institutions.
76. Beyond victims and witnesses, key target groups in Sudan include the member of the media, Sudanese academics, members of the Sudanese administration, lawyers and members of the justice system itself. While it would have to be done carefully, it would be useful to provide these sectors of society with concrete and accurate information about the ICC coming directly from the ICC and to provide these targets groups with the opportunity to ask questions.

77. Information about what the ICC is doing in other situations could be a useful way of disseminating basic information in light of the Sudanese government's opposition to the Court.

#### F.5 FOURTH SITUATION

78. Although the OTP has announced plans to open a new investigation before the end of 2006 and, therefore, investigative activities will take place throughout 2007,<sup>6</sup> it is noted that there is no plan for outreach with respect to a fourth situation. Experience of other international tribunals shows that outreach activities should start at the earliest possible opportunity and that delaying the flow of information and adequate engagement of the local communities might foster mistrust and false perceptions of the Court, thus negatively impacting on its work.
79. While the Team understands the confidentiality concerns of the Court and its organs, we believe that adequate coordination between the different organs would require that the OTP provide the Registry with sufficient information about upcoming situations so that the latter can devise, tailor and implement an outreach strategy at the outset, thereby avoiding or at least minimising the adverse effects highlighted above.

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<sup>6</sup> See ICC-ASP/5/9, Proposed Programme Budget for 2007 of the International Criminal Court