

The Court's engagement with intermediaries

Why does the ICC work with intermediaries?

The ICC works with intermediaries to facilitate its field activities in the different countries in which it operates. The Court recognizes the importance of cooperation with communities, regional and national organizations, as well as individuals already operating within these countries, to the effectiveness of its field activities. Intermediaries' proximity to affected communities, whether it is cultural, linguistic or geographical, and their ability to work with a low profile, provides the Court with valuable support in accessing affected areas. Intermediaries essentially facilitate contact or provide a link between the Court on the one hand and victims, witnesses, and affected communities on the other. In practice, the status of intermediaries encompasses a wide variety of realities. It should be noted that for example the relationship with implementing intermediaries for the activities of the Trust Fund for Victims is subject to the existing detailed legal framework to which these Guidelines are subordinate.

Who can and who cannot be an intermediary of the ICC?

An intermediary is an entity or an individual who facilitates contact or provides a link between the ICC and relevant individuals and key groups, such as the media, legal communities, community-based and civil society organisations, schools and universities, as well as affected communities directly in the areas of residence of the populations most affected by the crimes under ICC scrutiny.

The Court will not work with entities and individuals whose cooperation would be prejudicial to or inconsistent with the rights of the victims, the accused and a fair and impartial trial.

How can an individual or organisation become an intermediary?

There are two ways through which an organisation or an individual can become an intermediary:

- The Court identifies and requests the assistance of a potential intermediary; or
- An intermediary is self-selected or chosen by a possible victim or other individuals of interest to assist in initiating contact with the Court.

In both situations, the potential intermediaries are assessed according to the selection criteria, where applicable: adherence to confidentiality and respect for dignity, credibility and liability, risk assessment resulting from interaction with the Court as well as capacity, knowledge and experience. The assessment will be used to determine whether to engage specific individuals or organisations as intermediaries in the first place, and how or whether to continue engaging them as such in case of self-selection or referral.

What is the status of an intermediary?

The status of an intermediary is provided for under the *Guidelines Governing the Relations between the Court and Intermediaries*, which outline the obligation of both the Court and the intermediary and the relationship of the two parties.

The *Guidelines* provide a framework with common standards and procedures in areas where it is possible to standardize/formalise the Court's relationship with intermediaries.

More in detail, the aim of the *Guidelines* is fourfold:

- To preserve the integrity of the judicial process to the maximum extent possible;
- To provide guidance to staff of the Court and improve efficiency of the Court's operations;
- To provide transparency and clarity for third parties who may interact with the organs or units of the Court or Counsel; and
- To provide guidance on the relationship between the Court and intermediaries.

When will the Guidelines on intermediaries be applied? What do they change concretely?

The *Guidelines* on intermediaries entered into force on 17 March 2014 and as such are currently applicable in the Court's engagement with intermediaries. Given the nature of the Court, with various organs, sections and units, the selection criteria, nature of relationship and level of support provided by the intermediaries **may vary**. Although a Court-wide standardization of all aspects concerning intermediaries may not be possible in light of the variations in use of and approach to intermediaries, the *Guidelines* provide a framework with common standards and procedures in areas where it is possible to standardize the Court's relationship with intermediaries.

What is the responsibility of the Court regarding the security of the intermediaries?

The Court need to interact with its intermediaries in a manner that avoids putting them in harm's way. Before engaging intermediaries, and when relevant, the Court carries out an individual risk assessment. Intermediaries will also be provided with information regarding good practices on risk prevention and management.

The need for and level of protection will be determined on a case-by-case basis.

What financial support can the Court provide to intermediaries?

The function of an intermediary to the ICC is in principle unpaid. Remuneration, where applicable, applies to contracted intermediaries, and is subject to compliance with terms of the contract and the Code of Conduct. Where the Court requests intermediaries to provide assistance in carrying out activities, costs should be reimbursed based on the prior agreement and as far as the financial resources of the Court allow. However, reimbursement is not provided for expenses incurred for work carried out on a voluntary basis, without the explicit request from the Court. Reimbursement of expenses will be given in accordance to the list of costs eligible for reimbursement and the common rates based on country-specific standards. Unapproved intermediaries do not normally receive any remuneration or reimbursement from the Court.

How can intermediaries be kept informed of any update regarding the ICC proceedings?

Further information about the Court can be found on its website at <http://www.icc-cpi.int>. The site contains legal texts, Court rulings and documents, the hearing schedule, information about situations and cases before the ICC as well as the organs of the Court, press releases and information for media representatives, employment opportunities, the ICC Internship and Visiting Professionals Programme, and other information about the Court.

In addition to the ICC's live web-streaming provided through the official website, which allows users to follow the hearings directly, the Court launched in March 2010 its official YouTube channel at: www.youtube.com/user/IntlCriminalCourt, to bring the Court and its activities closer to the general public. Among other things, the video channel allows viewers to follow the various cases before the ICC, in several languages, through the weekly postings of summaries of the proceedings entitled "In the Courtroom". Other

audio-visual programmes are also available on the ICC YouTube channel, including outreach programmes and summaries of activities and events.

Following the launch of the ICC YouTube channel, the Court opened a Twitter account to share relevant news and last minute information in real-time, at: <http://twitter.com/IntlCrimCourt>. The use of this social media platform is part of the Court's efforts to guarantee more accessible information in a diverse and transparent way.