



This action is funded by the European Union

ANNEX 8

of the Commission Implementing Decision on the adoption of a special measure for the financing of the Work Programme 2016 and 2017 for the European Instrument for Democracy and Human Rights (EIDHR)

Action Document for supporting key actors - Building legal expertise and fostering cooperation – International Criminal Court (ICC)

INFORMATION FOR POTENTIAL GRANT APPLICANTS

WORK PROGRAMME FOR GRANTS

This document constitutes the work programme for grants in the sense of Article 128(1) of the Financial Regulation (Regulation (EU, Euratom) No 966/2012), in the following sections concerning grants awarded directly without a call for proposals: 5.3.1.

| | |
|--|--|
| 1. Title/basic act/ CRIS number | Supporting key actors - Building legal expertise and fostering cooperation – International Criminal Court (ICC) CRIS number: EIDHR/ EIDHR/2016/038-672 for EUR 1 000 000 and EIDHR/2017/038-676 for EUR 1 000 000 financed under European Instrument for Democracy and Human Rights |
| 2. Zone benefiting from the action/location | Global reach, with particular emphasis on Latin America, Africa, Eastern Europe and Asia; the action shall be carried out in the mentioned regions and at the seat of the ICC in The Hague, where the project team will also be based. |
| 3. Programming document | Multiannual Indicative Programme (2014-2017) for the Instrument for Democracy and Human Rights Worldwide - Commission Implementing Decision C(2014) 7529 of 21.10.2014 |
| 4. Sector of concentration/ thematic area | Legal and Judicial Development |
| 5. Amounts concerned | The contribution is for an amount of EUR 1 000 000 from the general budget of the European Union for 2016, subject to the availability of appropriations following the adoption of the relevant budget and for an amount of EUR 1 000 000 from the general budget of the European Union for 2017, subject to the availability of appropriations |

| | | | | |
|--|---|-------------------------------------|-------------------------------------|-------------------------------------|
| | following the adoption of the draft budget and the budget. | | | |
| 6. Aid modality(ies) and implementation modality(ies) | Project approach Direct management – grants – direct award | | | |
| 7. DAC code(s) | 15130 – Sector – Legal and Judicial Development | | | |
| 8. Markers (from CRIS DAC form) | General policy objective | Not targeted | Significant objective | Main objective |
| | Participation development/good governance | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Aid to environment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Gender equality (including Women In Development) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Trade Development | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Reproductive, Maternal, New born and child health | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | RIO Convention markers | Not targeted | Significant objective | Main objective |
| | Biological diversity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Combat desertification | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change mitigation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change adaptation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Global Public Goods and Challenges (GPGC) thematic flagships | N/A | | | |

SUMMARY

The ICC is the only permanent international criminal court. It is a court of last resort that relies strongly on cooperation with member states when it comes to execution of arrest warrants, facilitating access to evidence, facilitating requests for freezing of assets, as well as concluding agreements on relocation of witnesses and enforcement of sentences. In addition, and in order to apply the principle of complementarity, it is important to further strengthen the capacity of national judicial systems and in particular of legal professionals that are involved in prosecuting crimes at national level within the scope of the RS. Furthermore, legal professionals that are on the ICC list of counsel are lacking very often knowledge on the ICC proceedings. Lastly, those experts are in great need of accessing legal documents and sources of information on international criminal justice. The latter can be achieved through the creation of Legal Tools Database which contains repositories of key Court documents and collections of legal research resources in international criminal law.

The **overall objective** of this Action is to increase support for and cooperation with the ICC. The **specific objectives** are: 1) to broaden the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and

achieve greater support and cooperation of States with the ICC; and 2) to reinforce national capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC.

The **modality** of this action will be direct management through the signature of a PA Grant with the ICC following the new PAGODA rules. The justification of using this modality is because the ICC will not delegate any budget implementation tasks to third parties.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

Fighting impunity is a *conditio sine qua non* to sustainable development. Impunity leads to repeated cycles of violence which in turn causes reoccurrence of violent armed conflict; hence the fundamental connection of international criminal justice, peace and development. The Rome Statute system and ICC play a central role in fighting impunity and consequently, for stability and development.

The EU is the largest donor in supporting justice and rule of law reform; it plays a central role in the realisation of the principle of complementarity in practice by supporting justice and rule of law programmes worldwide with a focus on criminal justice. The core crimes of genocide, crimes against humanity and war crimes need to be addressed as part of external actions and development cooperation programmes in the area of justice and rule of law, supported by policy and political dialogues at country level.

There should be no safe haven for those who have committed the crime of genocide, crimes against humanity and war crimes. EU and its Member States continue to give strong support to the effective functioning of the ICC and other criminal tribunals such as the ad hoc international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. The NGO community remains a valuable ally in these efforts by facilitating public outreach, reinforcing victims' participation and building complementarity links to efforts of other donors.

The EU and its Member States have agreed to continue to further strengthening the ICC to fulfil its mandate. The European Union and its Member States encourage the widest possible participation in the Rome Statute as universal accession is essential to ensure the full effectiveness of the Court.

In order to make the principle of complementarity operational, the EU and its Member States promote the fight against impunity in development cooperation and technical assistance programmes. Within its broader framework, justice and the rule of law are at the core of EU objectives and operations that are constantly being reinforced under its geographical instruments through strengthening national justice system, enforcement of sentences, detention conditions and capacity of national governments to manage witness protection programmes. It also plays a central role in post-conflict peace building processes through identifying country specific needs and providing aid through appropriate modalities. The EU has been actively engaged in discussions following the 2010 Kampala Review Conference

with a view to further clarifying the concept of complementarity and providing guidance to colleagues at headquarters and in Delegations.

1.1.1 Public Policy Assessment and EU Policy Framework

The Regulation (EU) No. 235/2014 of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide for 2014-2020, once again confirms the high priority accorded by the European Union to promoting and strengthening the ICC.

The Annex of the Regulation identifies the support to the ICC within its specific objectives and priorities.

Moreover, on 21 March 2011 the Council adopted a new Decision on the ICC repealing its 2003 Common position.¹ As outlined in this Decision, the EU considers that the ICC, for the purpose of preventing and curbing the commission of the serious crimes falling within its jurisdiction, is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace, the prevention of conflicts and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations.

The objective of this Decision is to advance universal support for the Rome Statute of the ICC (hereinafter the ‘Rome Statute’) by promoting the widest possible participation in it, to preserve the integrity of the Rome Statute, to support the independence of the ICC and its effective and efficient functioning, to support cooperation with the ICC, and to support the implementation of the principle of complementarity.

On 31 January 2013, the EU established a Joint Staff Working Document (SWD) on Advancing the Principle of Complementarity. The Toolkit contributes to putting an end to impunity for the perpetrators of the most serious crimes threatening peace, security and the well-being of humanity, inter alia through supporting national jurisdictions to be able to prosecute and investigate the most serious international crimes, also known as “positive complementarity”. Furthermore, it seeks to bridge the gap between international justice and national justice systems, which are still too often disconnected by providing guidance to our staff at EU Headquarters and EU Delegations, relevant staff of the EU Member States.

Furthermore, this action is in line with Action 21 of the 2015 EU Action Plan on Human Rights and Democracy and with the Joint SWD on Transitional Justice which is currently under discussion.

Up to date, 123 States have ratified or acceded to the Rome Statute. More than 20 cases in 9 situations have been brought before the ICC, and a number of trials are taking place. The Court’s workload is constantly rising.

¹ EU Decision 2011/168/CFSP on the ICC.

However, fostering cooperation of States, both States Parties and States not party to the Rome Statute, is the single area where the support to the ICC is most needed. Building legal expertise is also crucial in this regard.

1.1.2 Stakeholder analysis

The ICC's **main stakeholders are States**, particularly States Parties to the Rome Statute. This is because without the cooperation and support of States (Parties), the Court simply cannot fulfil its mandate to end impunity for the most serious international crimes. The Court needs the cooperation and support of States at virtually every stage of its operations including in the execution of ICC arrest warrants, cooperation in facilitating access to evidence, facilitating requests for freezing of assets of suspects, facilitating the protection of witnesses and relocating them, when necessary, to third countries, as well as in accepting the sentenced persons to serve sentences in national jurisdictions. For relocation of witnesses and enforcement of sentences, while ad hoc arrangements can be made, States and the Court normally enter into voluntary agreements providing a regulatory framework for this type of cooperation.

But the Court's important stakeholders are also **legal professionals** in national jurisdictions, particularly those in situation countries. In addition to the support of a State at the political level, there has to be knowledge and expertise of legal professionals to successfully cooperate and engage with the Court. This group of legal professionals also includes persons admitted to the ICC List of Counsel.

This action will also have an impact on **victims** who are playing an indispensable role in ICC proceedings. It will also affect processes linked to rehabilitation of victims complementing support given under geographical instruments to truth and reconciliation commissions or national restorative justice mechanisms. The latter is part of Art 76 of the Rome Statute which has also created the Trust Fund for Victims – an unprecedented institution in the domain of international justice.

Other important stakeholders include international organisations, in particular the United Nations, regional organisations, in particular the European Union and the African Union, non-governmental organisations and academia.

1.1.3 Priority areas for support/problem analysis

The main priority area is **fostering cooperation of States Parties** in virtually all areas mentioned under 1.1.2, such as the execution of arrest warrants, facilitating access to evidence, facilitating requests for freezing of assets, as well as concluding agreements on relocation of witnesses and enforcement of sentences.

Cooperation of States in these and other areas is generally not at the level that would allow the Court to function optimally. As an example, warrants of arrest against 12 suspects are still outstanding. Without arrests, there can be no trials as the Court cannot try individuals in absentia. Furthermore, only a handful of States have concluded the agreement on relocation of witness (15 thus far), while hundreds of witnesses need to be relocated and, in light of new trials to be started soon, many more witnesses will need protection and possible relocation. Only 8 States have concluded agreements on enforcement of sentences.

The second priority area is increasing the knowledge of **legal professionals** on the ICC-related matters. The Court operates on the principle of complementarity which means that the primary responsibility to investigate and prosecute crimes that fall within the jurisdiction of the ICC (namely war crimes, crimes against humanity and genocide) lies with national jurisdictions. Only when national jurisdictions are “unable” or “unwilling” to do so, does the ICC intervene. As such, ICC is not a supranational Court but the Court of last resort. By increasing the knowledge of legal professionals on the ICC-related issues, cooperation of States with the Court becomes more effective. At the same time, this leads to increased capacities at national levels and thus the reduced risk for the Court to intervene in the future. The latter is equally important in light of the Court’s limited resources and its essential role as the Court of last resort.

2 RISKS AND ASSUMPTIONS

| Risks | Risk level (H/M/L) | Mitigating measures |
|--|---------------------------|---|
| Low participation in the Action by States, whether in terms of the number or level of participants | L | Selection of targeted regions reflects the current cases and situations in which the ICC is involved, as well as the needs of the Court and interest from particular regions. A detailed communication strategy is used to reach out to the participants in order to ensure adequate participation. |
| Low participation in the Action by legal professionals | L | A detailed communication strategy is used to reach out to the interested participants. |
| Assumptions: | | |
| Political considerations by States and other key stakeholders regarding cooperation with and support to the Court. Willingness and capacity of States Parties and States not party to the Rome Statute to cooperate with the Court. | | |

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The EU's support to the ICC, through projects implemented by non-governmental organisations (NGOs) and by the ICC, has been subject to an external evaluation, which was finalised in December 2008. The main conclusions of this evaluation were that EIDHR-

funded activities have been very relevant, generally very effective, and have had a positive impact on the establishment and functioning of the ICC.

Without this support, the ICC would not have been able to organise the supported activities.

Regional Seminars on Cooperation, organised for the first time in 2013, proved to be a successful way to foster cooperation of States with the Court. Last year, in 2014, in addition to two technical events in Rotterdam and Addis Ababa, three High Level Seminars on Fostering Cooperation were organized in Buenos Aires, Accra and Cotonou, respectively in Spanish, English and French. For instance, as a result of contacts established and discussions made at the Buenos Aires Seminar, a Framework Cooperation Agreement between the ICC and the Parliament of MERCOSUR was concluded on 4 August 2014 in Montevideo, while the Court initiated negotiations with three Latin American States on concluding agreements on relocation of witnesses.

Furthermore, the Seminars & Trainings of Counsel have proved extremely relevant to counsel regarding either the defence, or the representation of victims, while also promoting dialogue and exchanges of expertise among participants at the regional level. The Trainings for Legal Professions increased participants' legal expertise in international criminal and humanitarian law and imparted specific legal and procedural skills used at the Court, as well as facilitated sharing of experience and best practices.

The Legal Tools Project, which is composed of a wide range of electronic legal tools and services, has developed the Legal Tools Database which contains repositories of key Court documents and collections of legal research resources in international criminal law. This Database is available through the ICC website. The Project also includes legal research tools such as the Elements Commentary, the Means of Proof Document and the Case Matrix. A Proceedings Commentary was also developed at an earlier stage of the Project.

3.2 Complementarity, synergy and donor coordination

For the projects mentioned under 3.1., the ICC already received substantial financial support from the European Union through the European Instrument for Democracy and Human Rights (EIDHR). The exact amounts are: Legal Tools project, EUR 300,000; Building Legal Expertise and Fostering Cooperation, EUR 1,000,000 (2013 and 2014).

Besides the direct support provided to the ICC, the EU has also provided substantial financing for civil society working to support the ICC. In 2012, a new Call for Proposals included a lot dedicated to civil society campaigns to ensure the effective and efficient functioning of the ICC and the Rome Statute system for an amount of EUR 6,000 000. As a result, 5 global NGOs have received funding to implement highly qualified and tailor-made actions across the world. A similar call for proposals was also launched in 2010. These projects complement the above-mentioned ICC projects.

As of 2009, support to the Seminar and Training of all lawyers on the ICC list of counsel was introduced as a major component of EU support. It proved to be a sustainable continuation of the Internship and Visiting Professional Programme that gave the opportunity to have an in-depth experience at the Court itself while also building up a community of alumni of this programme. Counsel seminars and involvement and training of legal professionals facilitate exchange and transfer of practical knowledge in situational countries thus strengthening national judicial mechanisms.

Past support also included the Legal Tools Projects which is complementary to these programmes as it not only provides free access to many sources of international criminal law, but it also provides the opportunity to have highly specialised training and coaching in the use of these services. In the period from 1 January to 12 December 2014, the Legal Tools Database had 1,729,202 hits and 37,944 visits. There were between 134,099 and 187,777 hits per month (up from 34,000 in the previous year), from between 1,584 and 2,128 unique monthly visitors (up from between 1,000 and 1,900 in the previous year). Amongst the 25 most active user countries, around 10 were developing countries.

In 2012, the European Commission organised under the EIDHR a call for proposals on impunity that promotes the effective functioning of the ICC and the Rome Statute system through civil society actions. € 6.000.000 was the amount devoted to this action. Final beneficiaries implement activities that are complementary to this project and are done in close cooperation with the ICC.

3.3 Cross-cutting issues

The Rome Statute makes clear provisions for the protection of children and women. In these activities the project design and implementation shall reinforce gender dimensions including types of crimes and assistance to victims needed. More experience and data disaggregated by gender have to be shared and mainstreamed in all project activities.

Activities have to be linked to national peace processes and transitional justice developments in the countries in which the ICC is involved by creating effective complementarity and coherence, thus empowering key actors in implementing the provisions of the Rome Statute de facto supports the application of the international criminal law as defined by the Rome Statute and corresponding national legislation.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

The **overall objective** of this Action is to increase support for and cooperation with the ICC.

The **specific objectives** are:

- 1) To broaden the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support and cooperation of States with the ICC.
- 2) To reinforce national capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC.

The **expected results** are:

- 1) Cooperation between the ICC and the States Parties is improved, particularly in the areas of the execution of arrest warrants, facilitating access to evidence, facilitating requests for freezing of assets, as well as concluding agreements on relocation of witnesses and enforcement of sentences.

- 2) Increased technical knowledge of ICC counsel and legal professionals through exchange of good practices and technical expertise.
- 3) Legal tools continuously updated and further improved, as well as complemented with other information-sharing tools.

4.2 Main activities

Result 1: Cooperation between the ICC and the States Parties is improved, particularly in the areas of the execution of arrest warrants, facilitating access to evidence, facilitating requests for freezing of assets, as well as concluding agreements on relocation of witnesses and enforcement of sentences. Main activities:

- Through seminars and events for fostering cooperation, to provide representatives and professionals from States parties and non-State parties, including the situation countries, with opportunities to develop their knowledge as well as to share mutually relevant information; thus strengthening the Court's capacity to implement its mandate through improved cooperation. Seminars will be organised in Latin America, Africa, Eastern Europe and Asia.
- Through a visiting legal professionals programme to provide representatives and professionals from the situation countries and countries in which the ICC is conducting preliminary investigations with opportunities to develop their ICC-specific legal knowledge as well as to advance national capacities to investigate and prosecute crimes within the jurisdiction of the ICC. Contribution to this third objective cannot exceed 10% of the total EU budget devoted to this Action.

Result 2: Increased technical knowledge of ICC counsel and legal professionals through exchange of good practices and technical expertise:

- Through seminars and training to legal professionals, including counsel, to develop their knowledge and practical skills as well as to share mutually relevant information; to build and maintain relationships with counsel and associations of lawyers and to provide a forum for consultations with the legal profession.

Result 3: Legal tools continuously updated and further improved, as well as complemented with other information-sharing tools:

- The Legal Tools are designed to assist legal professionals to work effectively and proficiently on core international crimes as enshrined in the Rome Statute and relevant national legislation, by providing 1) free access to legal information in international criminal law, legal digests of such information, and specialized software to work with such law; and 2) training, coaching and help desk service. It is expected that the number of users and the usage generally of the Legal Tools Database will continue to rise, as in the past year (see 3.2 above).
- Other information-sharing tools conceived to complement the Legal Tools.

4.3 Intervention logic

This project will build upon the success of previous project aiming at fostering cooperation among ICC member states. It is demonstrated that providing easy accessible information on international criminal procedures improves the functioning of the court. Linking it to other interactive information-sharing tools such as the Case Matrix adds an extra value in

disseminating knowledge and guidance in remote areas across the world where expertise on ICC proceedings is lacking. In parallel, legal professionals that are involved in ICC proceedings protecting victims or prosecuting perpetrators of serious crimes within the jurisdiction of the RS can be better trained through tailored made seminars which are a good platform for exchanging good practices and comparative technical expertise. Furthermore, such legal professionals can contribute directly to the work of the ICC gaining first class experience from the Court.

On the other hand, fostering cooperation among states is of crucial importance to increase the number of agreements on relocation of witnesses and enforcement of sentences, ratifications of the RS and APIC and so forth. Facilitating these agreements through high level and on-demand seminars improves the understanding of how important this is for the effective functioning of the court.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out, is 48 months from the date of adoption of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

5.3.1. Grant: direct award with the ICC (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

The **overall objective** of this Action is to increase support for and cooperation with the ICC.

The **specific objectives** are:

- 1) To broaden the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support and cooperation of States with the ICC.
- 2) To reinforce national capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC.

The **expected results** are:

- 1) Cooperation between the ICC and the States Parties is improved, particularly in the areas of the execution of arrest warrants, facilitating access to evidence, facilitating requests for freezing of assets, as well as concluding agreements on relocation of witnesses and enforcement of sentences.
- 2) Increased technical knowledge of ICC counsel and legal professionals through exchange of good practices and technical expertise.
- 3) Legal tools continuously updated and further improved, as well as complemented with other information-sharing tools.

(b) Justification of a direct grant

Regulation (EU) No. 235/2014 once again confirms the high priority accorded by the European Union to promoting and strengthening the ICC and its Annex identifies the support to the ICC within its specific objectives and priorities.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because beneficiary is in a legal or factual monopoly situation or is identified as beneficiary in the basic act on which this decision is based.

(c) Eligibility conditions

The eligibility criteria for applicants will be the default scope defined in Article 11.2 of the Regulation (EU) No 236/2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR).

(d) Essential selection and award criteria

The essential selection criteria are the financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(e) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100%.

In accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012, if full funding is essential for the action to be carried out, the maximum possible rate of co-financing may be increased up to 100 %. The essentiality of full funding will be justified by the Commission's authorising officer responsible in the award decision, in respect of the principles of equal treatment and sound financial management.

(f) Indicative trimester to conclude the grant agreement

First trimester of 2016

5.4 Indicative budget

| Direct management the ICC | Amount in EUR | Third party contribution (indicative, where known) |
|---|------------------|---|
| 4.3.1. – Direct management with the ICC | | n/a |
| On 2016 EU Budget | 1,000,000 | |
| On 2017 EU Budget | 1,000,000 | |
| Totals | 2,000,000 | n/a |

5.5 Organisational set-up and responsibilities

The Immediate Office of the Registrar of the ICC is in charge of the overall implementation of the Action, with the Registrar's ultimate authority. Other organs of the Court, the Presidency/Chambers and the Office of the Prosecutor, provide their valuable feedback and participate in the implementation of the Action wherever relevant, such as with participating in Cooperation Seminars or receiving visiting professionals. Human resources required for these aspects will be covered by the existing staff.

However, in light of the scale of the project, its great importance for the Court and the need to have a small dedicated team for this Action, the Court would hire on a temporary basis a junior professional (at P-2 level) and an administrative staff (at G-4 level), who would assist with the implementation of all different stages of the Action. These temporary staff members would be located within the Registry.

5.6 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the list of result indicators (for budget support). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.7 Evaluation

Having regard to the importance of the action, a mid-term and final evaluations will be carried out for this action or its components via an implementing partner.

Mid-term evaluation will be carried out for the purpose of lessons learnt and further improving the implementation of the action.

Final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision).

The evaluation reports shall be shared with the partner organisation and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner entity, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.8 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.9 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.4 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner organisation, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in,

respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The establishment of the Communication and Visibility Plan of the Action and the appropriate contractual obligations shall be in line with the Communication and Visibility Manual for the European Union External Action.

[APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ²]

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action without an amendment to the financing decision. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for listing the activities as well as new columns for intermediary targets (milestones) when it is relevant and for reporting purpose on the achievement of results as measured by indicators.

| | Intervention logic | Indicators | Baselines (incl. reference year) | Targets (incl. reference year) | Sources and means of verification | Assumptions |
|--------------------------------------|--|--|---|--|---|--|
| Overall objective: Impact | Support of and cooperation with the ICC is improved. | Level of cooperation of States and other key stakeholders with the ICC. | Cooperation is currently insufficient in a number of areas. | By the end of the Action (end 2017), to improve cooperation in the below identified key areas. | Reports of the Assembly of States Parties; feedback from the seminars and events; media analysis. | Political considerations by States and other key stakeholders regarding cooperation with and support to the Court. |
| Specific objective(s): Outcome(s) | 1) Understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and hence cooperation with the Court, is improved. 2) National capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC, are improved. | Public statements by States, international organisations and other key stakeholders. National prosecutions/investigations of crimes under the Rome Statute. | Currently below the optimal level. | By the end of the Action (end 2017), to contribute towards improvements in these areas. | Reports of the Assembly of States Parties; feedback from the seminars and events; media analysis. | Willingness and capacity of States Parties and States not party to the Rome Statute to cooperate with the Court. |
| Outputs | 1) Cooperation between the ICC and the States Parties is improved, particularly in the | 1) Number of successfully implemented requests for cooperation; number of new | Currently below the optimal level; only 8 | By the end of the Action (end 2017), to increase | Report of the seminar, participants list; Feedback from | Possibility to finance participation of |

² Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

| | | | | | | |
|--|---|--|---|--|---|---|
| | <p>areas of the execution of arrest warrants, access to evidence, requests for freezing of assets, as well as conclusion of agreements on relocation of witnesses and enforcement of sentences. This will be done through:</p> <p>A) seminars and events for fostering cooperation;</p> <p>B) visiting legal professionals programme for professionals from the situation countries and countries in which the ICC is conducting preliminary investigations .</p> | <p>agreements on relocation of witnesses and enforcement of sentences; number of new ratifications of/accessions to the Rome Statute and implementing legislation by States Parties.</p> | <p>agreements with States on enforcement of sentences and 15 on relocation of witnesses; only 1 new State Party in the past 2 years, with the total number currently at 123 States Parties.</p> | <p>the number of agreements on enforcement of sentences from 8 to at least 12, to increase the number of agreements on relocation of witnesses from 15 to at least 20. To have more States join the ICC.</p> | <p>the seminars/training by the participants.</p> | <p>developing country participants.</p> <p>Interest from the targeted regions to participate in the programme.</p> |
| | <p>2) Increased technical knowledge of ICC counsel and legal professionals through exchange of good practices and technical expertise. This will be done through seminars and training to legal professionals, including counsel.</p> | <p>2) Number of participants in the seminars and training. Level of satisfaction by seminars/training participants</p> | <p>Participants have rated the seminars/training highly satisfactorily.</p> | <p>To maintain the success of the seminars/training.</p> | | <p>Availability of professional trainers; adequate training materials and training methods. Continued professional relevance and interest in the work of the ICC.</p> |
| | <p>3) Legal tools continuously updated and further improved, as well as complemented with other information-sharing tools.</p> | <p>3) Quantity and type of informational available and its usage; feedback from users.</p> | <p>Information regularly updated and usage has been on the rise.</p> | <p>To continue with the project, while looking into other information-sharing tools.</p> | <p>Database collections; online user surveys.</p> | <p>External partners must support themselves financially or receive support from their gov./partner organization.</p> |