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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX IV**

of the Commission Implementing Decision on the annual action plan in favour of the thematic programme on Human Rights and Democracy for 2021

**Action Document for Supporting the International Criminal Court (2022, 2023, 2024)**

**ANNUAL PLAN**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and action plan in the sense of Article 23(2) of NDICI-Global Europe Regulation.

## 1. SYNOPSIS

### 1.1. Action Summary Table

<b>1. Title</b> <b>CRIS/OPSYS</b> <b>business reference</b> <b>Basic Act</b>	<b>Supporting the International Criminal Court (2022, 2023, 2024)</b> NDICI HR INTPA 2021/043-409 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)
<b>2. Team Europe Initiative</b>	No
<b>3. Zone benefiting from the action</b>	Global reach, with particular emphasis on Africa, Asia-Pacific, Europe, and Latin America and the Caribbean; 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.
<b>4. Programming document</b>	Multi-Annual Indicative Programme for the Thematic Programme on Human Rights and Democracy 2021-2027
<b>5. Link with MIP objective</b> <b>expected results</b>	Priority 3: Promoting a global system for human rights and democracy with the following specific objective and expected result:  To enhance strategic partnership and improve effectiveness of key international, regional and national actors to advance the realization of all human rights for all.  Enhanced capacities of the International Criminal Court in the performance of its functions.
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	151 – Government and Civil Society - general
<b>7. Sustainable Development Goals (SDGs)</b>	Main SDG: SDG 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”  Other significant SDGs: SDG 5: “Achieve gender equality and empower all women and girls”

<b>8 a) DAC code(s) <sup>1</sup></b>	15130 – Sector – Legal and Judicial Development			
<b>8 b) Main Delivery Channel @</b>	Multilateral Organisations – International Criminal Court - 40000			
<b>9. Targets<sup>2</sup></b>	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <sup>3</sup> <input checked="" type="checkbox"/> Human Rights, Democracy and Governance <sup>4</sup>			
<b>10. Markers <sup>5</sup> (from DAC form)</b>	<b>General policy objective @</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	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 and women's and girl's empowerment	<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"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	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"/>
<b>11. Internal markers<sup>6</sup> and Tags<sup>7</sup>:</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Digitalisation @	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>1</sup> DAC sectors (codes and descriptions) are indicated in the first and fourth columns of the tab 'purpose codes' in the following document: <http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/dac-anders-codelists.htm>

<sup>2</sup> Actual contribution to targets will be confirmed ex-post based on a standardised methodology.

<sup>3</sup> This target is specific to INTPA. If the action is marked as contributing to the Education target, please make sure the target on "Social inclusion and Human Development" is also marked.

<sup>4</sup> Thematic target for geographic programmes (at least 15%) in delegated act.

<sup>5</sup> For guidance, see <https://www.oecd.org/development/financing-sustainable-development/development-finance-standards/> (go to "Data collection and resources for reporters", select Addendum 2, annexes 18 (policy) and 19 (Rio) of the reporting directive).

If an action is marked in the DAC form as contributing to one of the general policy objectives or to RIO principles as a principal objective or a significant objective, then this should be reflected in the logframe matrix (in the results chain and/or indicators).

<sup>6</sup> The internal markers have been created to report on the implementation of the Commission's own policy priorities in areas where no DAC reporting tool is available. For the sake of consistency and comparability, the methodology is equivalent to the DAC markers, with three possible positions (main target, significant target, not targeted)

<sup>7</sup> Methodology for additional tagging providing granularity on internal markers is under development.

	Tags: digital connectivity digital governance digital entrepreneurship job creation digital skills/literacy digital services		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Connectivity @ Tags: transport people2people energy digital connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Migration @ (methodology for tagging under development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities (methodology for marker and tagging under development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BUDGET INFORMATION</b>				
<b>12. Amounts concerned</b>	Budget line: BGUE-B2021-14.020211-C1-INTPA Total estimated cost: EUR 3,000,000 Total amount of EU budget contribution EUR 3,000,000 from the general budget of the European Union for 2021.			
<b>MANAGEMENT AND IMPLEMENTATION</b>				
<b>13. Type of financing<sup>8</sup></b>	<b>Indirect management</b> with the International Criminal Court			

## 1.2. Summary of the Action

The **International Criminal Court (ICC)** is the only permanent international criminal court with global reach. At the same time, the EU recognizes that accountability and justice are most successful if the judicial system of each state functions effectively and independently, thereby enabling the ICC to serve its intended role as a court of last resort, complementing national jurisdictions. In order to apply the principle of complementarity, it is important to further strengthen national judicial systems and in particular legal professionals that are involved in prosecuting crimes at national level within the scope of the Rome Statute (RS). Furthermore, legal professionals that are on the ICC list of counsel very often lack sufficient knowledge on ICC proceedings and applicable law. Lastly, those experts are in great need of accessing legal documents and international jurisprudence material.

The **overall objective** of this Action is to increase support for and cooperation with the ICC for the years 2022, 2023 and 2024.

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**

<sup>8</sup> Art. 27 NDICI

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.

## 2. RATIONALE

### 2.1. Context

A well-functioning multilateral system is an EU strategic interest in its own right. The EU has committed to supporting the international judicial, arbitration, and enforcement bodies that underpin the rules-based international order – in particular the International Criminal Court, as regards both its jurisdiction and effectiveness. Impunity for the most grave crimes can exacerbate grievances, undermine trust towards institutions, lead to repeated cycles of violence, and hinder reconciliation efforts. The Rome Statute system and the ICC play a central role in fighting impunity and, consequently, in promoting stability and development. In order to end impunity, it is vital that domestic capacity to investigate, prosecute and adjudicate core international crimes is established and continuously strengthened.

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, supporting justice and rule of law programmes worldwide with a focus on criminal justice.

The EU and its Member States continue to strongly support the effective functioning of the ICC and other criminal tribunals, such as the Kosovo<sup>9</sup> Specialist Chambers and Specialist Prosecutor's Office, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon.

At the same time, the EU and its Member States promote the fight against impunity in development cooperation and technical assistance programmes at the national level through a Team Europe approach. 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 systems, 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.

Up to date, 123 countries are States Parties to the Rome Statute of the International Criminal Court. A number of trials are taking place, and the Court's workload is constantly rising. Fostering cooperation of both States Parties and States not party to the Rome Statute, as well as building legal expertise at the national level, remain crucial.

The EU and its Member States have agreed to continue to further strengthening the ICC to fulfil its mandate, and encourage the widest possible participation in the Rome Statute. This action will reaffirm in practice EU's strong support to the ICC as a cornerstone of international justice.

This action contributes to implementing the European Commission's **Joint Communication** on strengthening the EU's contribution to rules-based **multilateralism**, signed on 17 February 2021. "The EU will continue supporting **the international judicial, arbitration, and enforcement bodies** that underpin the rules-based international order –**in particular the International Criminal Court**, the UN's Human Rights compliance architecture, the European Court of Human rights –as regards both their jurisdiction and their effectiveness."

Within the **EU Action plan for human rights and democracy 2020-2024**, the action falls under the third overarching priority: "promoting a global system for human rights and democracy". Such Action plan pledges to support the International Criminal Court as a cornerstone in fighting impunity for the most serious crimes of concern to the international community as a whole and build networks to promote the universality and integrity of the Rome Statute.

The action contributes to ensuring "the implementation of the EU's positions, as defined by the Council, on international humanitarian law and international criminal justice and strengthen the visibility and coherence of EU action in this regard, including through strategic outreach<sup>10</sup>".

<sup>9</sup> \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>10</sup> Section 3.6.c of the EU Action plan for human rights and democracy 2020-2024.

The EU's **2015 Policy Framework on Support to Transitional Justice**, as well as the relevant Council Conclusions, emphasize the importance of criminal justice as an essential element of transitional justice and reiterate the EU's support to the ICC in the fight against impunity.

Moreover, the **Joint EC/EEAS Staff Working Document** on Advancing the Principle of Complementarity, which was established in January 2013, provides operational guidance to EU staff working in the area of criminal justice and the rule of law in order to advance the principle of complementarity in country specific situations, while respecting the Rome Statute. This policy framework builds on the **2011 Council Decision on the ICC** and its follow-up **Action Plan**, which set as one of their main objectives the advancement of 'the universal support for the Rome Statute of the International Criminal Court [...] by promoting the widest possible participation in it'.

The action is also firmly anchored into the **EU Gender Action Plan III**. In line with the 1325 UNSC resolution on Women Peace and Security, the EU Gender Action Plan III states that "EU action should contribute to promoting the strengthening of the rule of law, the criminal justice system through transitional and restorative justice, and Security Sector Reform (SSR)".

Finally, support to the ICC and international criminal justice is in line with **SDG 16**, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

## 2.2. Problem Analysis

The main priority area is **fostering cooperation of States Parties** in areas mentioned under 1.1. Without cooperation the ICC cannot function, because it relies on its States Parties as its enforcement pillar. States Parties have the responsibility to support the ICC's judicial and prosecutorial functions by providing concrete cooperation at all stages of the Court's activities, including investigations, arrest and transfer of suspects, access to evidence and witnesses, protection of individuals, and the enforcement of judicial decisions and sentences.

The current level of cooperation of States in these areas does not allow for the optimal functioning of the Court. As an example, there are 12 outstanding arrest warrants for suspects, which place an obstacle for trials, as the Court cannot try individuals in absentia. Furthermore, only a handful of States have concluded the agreement on relocation of witnesses, while hundreds of witnesses need to be relocated, especially in light of other on-going and potential new trials. Moreover, only few States have concluded agreements on enforcement of sentences.

The second priority area is **increasing the knowledge of legal professionals** of ICC applicable law and procedures. The Court operates based 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. The Court can only take on cases when national jurisdictions are unable or unwilling to do so genuinely. There is consensus among all States Parties to the Rome Statute that domestic investigations and prosecutions are highly desirable and thus every effort should be made to develop national capacity. By increasing the knowledge of legal professionals of ICC law and procedures, as well as their access to legal search databases (i.e. Legal Tools Database), cooperation of States with the Court will become more effective. At the same time, increased capacities at national level will reduce the need for a future intervention of the Court. The latter is equally important in light of the Court's limited resources and its essential role as the Court of last resort.

The focus on these priority areas will play an important role in reaffirming EU's strong support to the ICC as a cornerstone of international criminal justice. The EU and its Member States will continue to further strengthen the ICC to fulfil its mandate, and promote universal ratification of the Rome Statute so as to increase the reach and the global impact of the Court.

The ICC's **main stakeholders are States**, particularly States Parties to the Rome Statute, without whose support, the Court cannot fulfil its mandate to end impunity for the most atrocious international crimes. Acting as a court of last resort, and in accordance with the principle of complementarity, the ICC needs the cooperation and support of States at every stage of its operations, including the execution of ICC arrest warrants, access to evidence, requests for freezing of assets of suspects, protection and re-location of witnesses, as well as enforcement of sentences for convicted persons.

**Victims** are also an important stakeholder, as they play an indispensable role in the ICC proceedings. The action will also have an impact on processes linked to victim rehabilitation, complementing the support of geographical instruments to truth and reconciliation commissions or national restorative justice mechanisms.

Other important stakeholders include **legal professionals** in national jurisdictions, particularly those in Situation countries, countries under preliminary examination and developing country States Parties to the Rome Statute, including persons admitted to the ICC List of Counsel. In addition to political support, the technical expertise of legal professionals, as well as the availability of adequate tools (i.e. Legal Tools Database) are important for States' effective cooperation and engagement with the Court.

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

### 3. DESCRIPTION OF THE ACTION

#### 3.1. Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to contribute to the fight against impunity, by promoting the Rome Statute System and increasing support for the ICC.

The Specific(s) Objective(s) (Outcomes) of this action 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, promoting the principle of complementarity.

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

- 1.1 contributing to Outcome 1 (or Specific Objective 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, concluding agreements on relocation of witnesses and enforcement of sentences.
- 1.2 contributing to Outcome 1 (or Specific Objective 1) Increased understanding and technical knowledge of the ICC amongst legal professionals participating in the **Legal Professionals Programme**.
- 2.1 contributing to Outcome 2 (or Specific Objective 2) **Legal Tools Database** continuously updated and further improved, as well as complemented with other information-sharing tools.

The project funded by the EC Contribution includes three main sub-projects: (i) Seminars, Events and Trainings (SETs) for fostering cooperation, sharing expertise and building national capacity; (ii) Legal Professionals Programme (LPP); and (iii) Legal Tools Database (LTD). Each sub-project and activity outlined are complementary in nature and their combined effects are expected to assist the Court in achieving the stated goals of reinforcing national level capacity in respect to international crimes and the development of stronger cooperative relationships.

#### 3.2. Indicative Activities

Activities related to Output 1.1:

Through **seminars, events and trainings** for fostering cooperation, provide representatives, officials and professionals from States Parties and non-State parties with opportunities to:

- i) Develop their knowledge and share mutually relevant information, thus strengthening the Court's capacity to implement its mandate through improved cooperation; and
- ii) Build and maintain relationships with participants (i.e. government officials, international/regional organizations, NGOs, academia etc.), Counsel and associations of lawyers, by providing a forum for consultations.

In this regard, seminars, events and trainings will be organized in Africa, Asia-Pacific, Europe, Latin America and the Caribbean, the Middle East, and at the seat of the Court in The Hague, Netherlands. The content of trainings will be sensitive to the varieties of judicial systems and legacies stemming from common law and continental law.

Activities related to Output 1.2:

Through a **Legal Professionals Programme**, provide representatives and professionals from situation countries, countries under preliminary examination, and developing country States Parties to the Rome Statute with opportunities to develop ICC-specific legal knowledge and experience as a means to advance national capacities for investigating and prosecuting crimes within the jurisdiction of the ICC. Contribution to this activity, i.e. Legal Professionals Programme, cannot exceed 10% of the total EU budget devoted to this Action.

Activities related to Output 2.1:

- i) The **Legal Tools** are further updated and improved 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 free access to legal information in international criminal law, legal digests of such information, and specialized software to work with such law, as well as training, coaching and help desk services. It is expected that the number of users of the Legal Tools Database will continue to rise, as in past years.
- ii) Other information-sharing tools conceived to complement the **Legal Tools Database**.

### 3.3. Mainstreaming

#### Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that more experience and data disaggregated by sex has to be shared and mainstreamed in all project activities, as far as possible. As part of all activities under the thematic programme on human rights and democracy, the Court aims to reinforce gender dimensions, including types of crimes and assistance to victims and witnesses.

#### Human Rights

The Rome Statute makes clear provisions for the protection of human rights, children and women. The ICC contribution to the promotion and defence of Human Rights is unique.

#### Disability

Given the nature of the action, not relevant

#### Democracy

As an independent Justice Institution, the ICC contributes to the fundamental concept of checks and balances inherent to Democracy.

#### Conflict sensitivity, peace and resilience

The cases on which ICC works are tremendous contribution to reconciliation and peace-building.

### 3.4. Risks and Lessons Learnt

Category	Risks	Likelihood (High/ Medium/	Impact (High/ Medium/	Mitigating measures
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		<b>Low)</b>	<b>Low)</b>	
1	Low participation in the Action by States, whether in terms of the number or level of participants	<b>L</b>	<b>L</b>	Selection of targeted regions reflects the current cases and situations in which the ICC is involved, as well as the needs and interests of the Court in particular regions. In this regard, detailed communication, outreach and follow-up strategies and activities are used to reach out to targeted participants, in order to better ensure adequate participation.
3	Low participation in the Action by legal professionals	<b>L</b>	<b>L</b>	Detailed communication, outreach and follow-up strategies and activities are used to reach out to targeted participants, in order to better ensure adequate participation.

Overall, the ICC's EIDHR-funded activities have been relevant and effective, and have had a positive impact on the strengthening of the ICC's cooperation activities. Without this Action, the ICC would not have been able to organize seminars, events and trainings aimed at fostering better cooperation with States. Moreover, each activity has proved to be a successful effort to foster better cooperation of States with the Court, as well as develop a better understanding of the Court amongst legal professionals.

To date, the Court has successfully completed 25 High-Level & Cooperation Seminars since 2013, developing a sound knowledge of organizing, managing and implementing such activities, including respect for security and diplomatic protocol and etiquette, maximizing the participation of invitees, and ensuring cost-effectiveness.

In addition to these activities, the Court has also been able to organize 32 technical events and trainings between 2013-2020, including an annual Focal Points Seminar, Trainings for Counsel (which have proved extremely relevant for Counsel for either the defence, or representing victims, while also promoting dialogue and exchanges of expertise amongst participants at the regional level), as well as a number of other events on victims and witness protection, cooperation agreements, and freezing of assets.

With regard to the Legal Tools project, which is composed of a wide range of electronic legal tools and services, an increasingly populated and thorough Legal Tools Database is constantly being improved, acting as a repository of key Court documents and collections of legal research resources in international criminal law. This Database is available through the ICC website and the project also includes other legal research tools, including the Case Law Database.

Overall, according to the mid-term review evaluation of EIDHR for 2014-2017, contributing to the ICC has rendered the EU support to democracy and human rights more coherent at national, regional and international levels. Such contribution underlines the continued relevance of the instrument (EIDHR) to evolving and emerging challenges.

From an operational point of view, EU-supported ICC activities were successfully adapted during the Covid-19 pandemic, allowing for online events and digital solutions. Moreover, the December 2020 results framework exercise carried out on two successive EC grants to the ICC, gathered findings that were fully taken into account by the ICC project implementation team in January 2021.



### 3.5. The Intervention Logic

The underlying intervention logic for this action is that the level of cooperation amongst States Parties with the ICC must be intensified. More cooperation by State Parties would allow increasing the number of agreements on relocation of witnesses, enforcement of sentences, ratifications of the Rome Statute and APIC, and so forth, as well as increasing the technical knowledge of ICC Counsel and legal professionals.

As the current level of cooperation in these areas does not allow the Court to function optimally, seminars, events, trainings and a legal professionals programme (mixing in situ and online) will help the Court further improve its cooperation with States, increase technical knowledge for legal professionals, and foster a common understanding on the importance of these aspects for the effective functioning of the ICC.

The Legal Tools Project, on the other hand, will continue building upon its successes from previous years, which also aim at fostering cooperation amongst ICC States Parties by providing easy access to information on international criminal procedures, which helps improve the functioning of the Court. Moreover, linking it to other interactive information-sharing tools, such as the Case Matrix, adds extra value with regard to the dissemination of knowledge and guidance to remote locations across the world, where expertise on ICC proceedings is lacking.

### 3.6. Logical Framework Matrix

This indicative logframe constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

PROJECT MODALITY (3 levels of results / indicators / Source of Data / Assumptions - no activities)

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Results	Results chain (a): Main expected results (maximum 10)	Indicators (a): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
<b>Impact</b>	To contribute to the fight against impunity, by promoting the Rome Statute System and increasing support for the ICC.	(i) Number of countries, which have ratified the Rome Statute of the International Criminal Court and (ii) related Agreement on Privileges and Immunities of the Court, thanks to EU-funded actions.(MIP indicator)	(i) 123 countries have ratified the Rome Statute as of November 2021 (ii) information yet to acquire	(i) 124 (ii) target to be agreed when contracting the project	Reports of the Court to the Assembly of States Parties (ASP)	<i>Not applicable</i>
<b>Outcome 1</b>	1. The understanding of the ICC and the Rome Statute is broadened amongst the key stakeholders, in particular ICC States Parties and legal professionals, and greater support and cooperation of States with the ICC is achieved.	By end of the Action, total number of: 1.1 Agreements on enforcement of sentences 1.2 Agreements on relocation of witnesses 1.3 Agreements on interim release 1.4 Agreements on Final Release	1.1 12 agreements as of July 2021 1.2 21 agreements as of July 2021 1.3 02 agreements 1.4 01 agreement	1.1 13 1.2 23 1.3 04 1.4 02	Reports of the Court to ASP; public statements of States; media; participant surveys; CFAs; other relevant reports	Willingness and capacity of States/other stakeholders to (i) participate in Court activities, and agree on official/informal commitments to cooperation and support for ICC, where relevant; (ii) conclude agreements / join ICC; (iii) cooperate with and support the Court, including via separate national activities; and (iv) implement provisions of the Rome Statute into national legislation.
<b>Outcome 2</b>	2. National capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC, is reinforced, promoting the principle of complementarity.	By end of the Action 2.1 total number of States Parties that have implemented fully or partially the provisions of the Rome Statute related to complementarity into national law.  2.2 total number of States Parties that have implemented fully or partially the provisions of the Rome Statute related to cooperation into national law.	2.1 71  2.2 58	2.1 73  2.2 60		
<b>Output 1 related to Outcome 1</b>	1.1 <b>Cooperation between the ICC and the States Parties</b> is improved, particularly in the areas of the execution of arrest warrants, facilitating access to evidence, facilitating requests for freezing of assets, concluding agreements on	By end of the Action: 1.1.1 cumulative participant satisfaction rate in relation to the quality of regional seminars, technical events and trainings maintained or increased 1.1.2 Total number of:	1.1.1 82%  1.1.2 16 per year (including virtual)  1.1.3 01	1.1.1 85% 1.1.2 18 1.1.3 02 1.1.4 To be made accurate. 1.1.5 220 women out of	Seminar/event reports; participant lists; surveys	States select female officials Possibility to finance some participants

	relocation of witnesses and enforcement of sentences.	Regional seminars, technical events, trainings, and other relevant activities (i.e. follow-up working level missions) 1.1.3 Agreed-upon seminar conclusions, observations, declarations and/or recommendations resulting from regional seminars. 1.1.4 Number of States Parties, non-States Parties, and other relevant stakeholders that have participated in ICC-related activities 1.1.5 Participants (sexe/disag)	1.1.4 To be made accurate.  1.1.5 198 women out of 560 in 2019 (with an exceptional number of events that year)	450 (less events, also because of the pandemic situation)		
<b>Output 2 related to Outcome 1</b>	1.2 Understanding and technical knowledge of the ICC are increased amongst legal professionals participating in the <b>Legal Professionals Programme</b> .	By end of the Action, 1.2.1 cumulative participant satisfaction rate in relation to the quality of the Legal Professionals Programme; 1.2.2 total number of: LPP programme participants (disag/sexe) ; 1.2.3 Average success rate at a final anonymous knowledge written or MCQ test.	1.2.1 87.5 % 1.2.2 06 in 2021 (4 women)	1.2.1 87.5 % 1.2.2 08 (4 women at least, trying to have more)	Reports of the Court to ASP; public statements of States; media; participant surveys; CFAs; other relevant reports	Interest of officials and professionals from target regions to participate
<b>Output 1 related to Outcome 2</b>	2.1 <b>Legal tools</b> (i.e. Legal Tools Database / Project) are continuously updated and further improved.	By end of the Action, total number of: - 2.1.1 Information documents available in LTD - 2.1.2 LTD hits	2.1.1 155509 2.1.2 525000	2.1.1 160000 2.1.2 530000	ICC LTD, online surveys	Continued relevance / interest in using the tools

## 4. IMPLEMENTATION ARRANGEMENTS

### 4.1. Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement.

### 4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 48 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### 4.3. Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>11</sup>.

### 4.4.

#### 4.3.1. Indirect Management with an international organisation

This action may be implemented in indirect management with the International Criminal Court (ICC). This implementation entails that ICC, being both the immediate beneficiary and the implementing partner of the action, is the best place to achieve the objectives set in section 3. Final beneficiaries of the action are victims, right-holders with a specific attention on women, and the world's stability.

The ICC has been selected because of its very unique mandate that is to act as a court of last resort with the capacity to prosecute individuals for genocide, crimes against humanity and war crimes when national jurisdictions for any reason are unable or unwilling to do so. As such, the NDICI-Global Europe Regulation<sup>12</sup> mentions the importance of enhancing strategic partnerships with, among others, the ICC. Supporting the ICC contributes to the EU strategic approach to renewed multilateralism and efforts for peace and the Rule of Law. ICC has both, operational and financial management capacity to carry out the present action.

If negotiations with the above-mentioned entity fail, parts of this action may be implemented in direct management in accordance with the implementation modalities identified in section 4.3.2.

#### 4.3.2. Changes from indirect to direct management mode (and vice versa) due to exceptional circumstances (one alternative second option)

If for some reasons negotiations with ICC failed or if ICC was no longer able to implement the actions, a few identified organizations could be mobilized through grants.

#### **Grants: (direct management)**

##### **(a) Purpose of the grant(s)**

<sup>11</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

<sup>12</sup> Annex III of NDICI – Global Europe Regulation

Grants would be put in place if for some reasons negotiation with ICC failed. Grants will be provided to organisations mandated by the ICC to support the ICC in activities related to advocacy, training, expertise or investigation actions.

**(b) Type of applicants targeted**

Organisations with a mandate or experience in supporting the ICC.

**(c) Justification of a direct grant**

Under the responsibility of the Commission's authorising officer responsible, grant(s) may be awarded without a call for proposals to bodies complying with the requirements of articles 195 of Regulation (EU, Euratom) 2018/1046).

#### 4.5. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

#### 4.6. Indicative Budget

<b>Indicative Budget components<sup>13</sup></b>	<b>EU contribution (amount in EUR)</b>	<b>Third-party contribution, in currency identified</b> [(If not relevant please delete this column)]
<b>Indirect management</b> with the International Criminal Court	3.000.000 EUR	/
<b>Evaluation – cf. section 5.2</b> <b>Audit – cf. section 5.3</b>	will be covered by another Decision	N.A.
<b>Totals</b>	<b>3.000.000 EUR</b>	

#### 4.7. Organisational Set-up and Responsibilities

The External Relations and State Cooperation Unit (ERSCU) is in charge of the overall implementation of the Action, under the ultimate authority of the Registrar of the ICC. Other organs of the Court, the Presidency/Chambers and the Office of the Prosecutor (OTP), provide valuable input and feedback, as well as participate in the implementation of the Action where relevant, particularly with regard to cooperation seminars and/or receiving legal professionals. In this regard, the human resources required for these aspects will continue to be covered by existing ICC staff.

However, in light of the scale of the project and the heavy administration that underpins its implementation, and bearing in mind the great importance the project holds for the Court in terms of enhancing cooperation, understanding and outreach, there is a continued need to have a small team dedicated only to this Action. In this regard, the Court will continue to employ and/or seek to hire, as necessary, on a temporary basis, one professional and two administrative staff, who would lead and/or assist with all aspects of the project's management, implementation, administration and reporting. These temporary staff members will be located within ERSCU, in the External Operations Support Section of the Division of External Operations in the ICC Registry.

In relation to Legal Tools Database activities, the EC contribution to the ICC will maintain the funding of one full-time and one part-time Consultant, overseen by the OTP.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

<sup>13</sup> N.B: The final text on audit/verification depends on the outcome of ongoing discussions on pooling of funding in (one or a limited number of) Decision(s) and the subsequent financial management, i.e. for the conclusion of audit contracts and payments.

#### 4.8. Pre-conditions [Only for project modality]

NA

## 5. PERFORMANCE MEASUREMENT

### 5.1. 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) and the partner's strategy, policy or reform action plan list (for budget support).

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).

Roles and responsibilities for data collection, analysis and monitoring lies with the ICC.

### 5.2. Evaluation

Having regard to the importance of the action, a final evaluation may be carried out for this action or its components via independent consultants or through a joint mission contracted by the Commission.

It would be carried out for accountability and learning purposes at various levels (including for policy revision).

The Commission shall inform the implementing partner at least 3 months in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner and other key stakeholders following the best practice of evaluation dissemination<sup>14</sup>. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, 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 such evaluation shall be covered by another measure constituting a Financing Decision.

### 5.3. Audit and Verifications

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 audit or verification assignments for one or several contracts or agreements.

## 6. COMMUNICATION AND VISIBILITY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as

<sup>14</sup> See best [practice of evaluation dissemination](#)

appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

However, action documents for specific sector programmes are in principle no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.



## APPENDIX 1 REPORTING IN OPSYS

An Intervention<sup>15</sup> (also generally called project/programme) is the operational entity associated to a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Interventions are the most effective (hence optimal) entities for the operational follow-up by the Commission of its external development operations. As such, Interventions constitute the base unit for managing operational implementations, assessing performance, monitoring, evaluation, internal and external communication, reporting and aggregation.

Primary Interventions are those contracts or groups of contracts bearing reportable results and respecting the following business rule: ‘a given contract can only contribute to one primary intervention and not more than one’. An individual contract that does not produce direct reportable results and cannot be logically grouped with other result reportable contracts is considered a ‘support entities’. The addition of all primary interventions and support entities is equivalent to the full development portfolio of the Institution.

<b>Option 1: Action level</b>		
<input type="checkbox"/>	Single action	Present action: all contracts in the present action
<b>Option 2: Group of actions level</b>		
<input checked="" type="checkbox"/>	Group of actions	Actions reference (CRIS#/OPSYS#): EIDHR/2020/416-775
<b>Option 3: Contract level</b>		
<input checked="" type="checkbox"/>	Single Contract 1	
<input type="checkbox"/>	Single Contract 2	
<input type="checkbox"/>	Single Contract 3	
	(...)	
<input type="checkbox"/>	Group of contracts 1	

<sup>15</sup> [ARES \(2021\)4204912](#) - For the purpose of consistency between terms in OPSYS, DG INTPA, DG NEAR and FPI have harmonised 5 key terms, including ‘action’ and ‘Intervention’ where an ‘action’ is the content (or part of the content) of a Commission Financing Decision and ‘Intervention’ is a coherent set of activities and results which constitutes an effective level for the operational follow-up by the EC of its operations on the ground. See more on the [concept of intervention](#).