

IHRP Final Report: International Criminal Court, Office of the Prosecutor

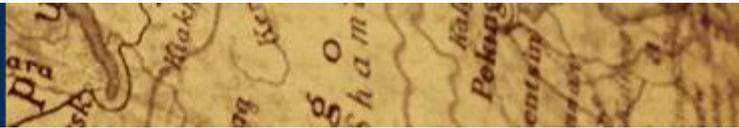
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An Introduction to the Office of the Prosecutor at the International Criminal Court

Through the International Human Rights Program (IHRP), I had the opportunity to spend my summer in The Hague, Netherlands, interning at the International Criminal Court with the Office of the Prosecutor. The Office of the Prosecutor is comprised of three main divisions. The Jurisdiction, Complementarity and Cooperation Division conducts preliminary investigations and advises on issues of jurisdiction, admissibility, and cooperation. The Investigation Division provides investigative expertise and support, coordinates field deployment of staff and security plans and protection policies, and provides crime analysis and analysis of information and evidence. The Prosecution Division prepares litigation strategies and conducts prosecutions, through written and oral submissions to the judges. I worked with the Investigation Division of the Office of the Prosecutor.

The Investigation Division (ID) contains a number of teams – and while some teams provide general support, many (including my own) focus on one particular country of investigation. These ID teams that focus on particular situations, generally include both investigators and analysts. Investigators go out into the field (conducting “missions”) and interview witnesses. Analysts examine the data and identify patterns and trends. During my nineteen weeks at the court, I have had the opportunity to get involved in all facets of this work, while staying focused on my one particular country of investigation.





My Work with the Analysts of the Investigation Division

The bulk of my summer was spent working with the Analysts of my ID team. This is reflected in my choice of supervisor – my supervisor was always the lead Analyst, even if I got “stolen” away to do various small projects for the Investigators. Throughout the summer, I had three main analysis projects: the crime database, the telephone analysis of potential leads, and the incident reports. Each of these projects contributed to an outstanding learning experience and the development of many new skills.

The Crime Database

I was involved with the creation of a crime database – crimes committed in our country of investigation that were *not* already on trial. This involved careful review of a broad variety of sources, and population of a crime incident database with relevant (re: jurisdiction) incidents. Among other things, this database will be used to determine if certain crimes might be considered systematic or widespread enough to potentially constitute “crimes against humanity” under the Rome Statute of the International Criminal Court, Article 7. This database was the focus of my work from the end of April until I completed the project by the end of June.

Through this project, I became familiar with Ringtail, the evidence storage system used by the OTP across all situations of investigation.

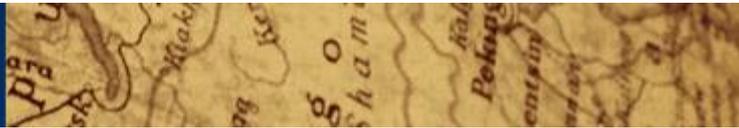
The Telephone Analysis of Potential Leads

As part of our investigation, I reviewed telephone records that our team received. This telephone analysis led, among other things, to the identification of potential leads to continue or begin investigating. For example: if the SIM of a person was used with an unknown telephone number 50 or 60 times, it is important to further examine the user of this unknown telephone number – making it a potential lead worth investigating.

Through this project, I became familiar with iBase, the software used internationally among many law enforcement agencies. I inputted these connections between numbers into iBase, in order to easily map connections between numbers and identify potential leads.

The Incident Reports

For the last month or so of my internship, I worked on drafting incident reports of alleged crimes that occurred in the main town/city of our country of investigation in the relevant time frame. This project was a natural continuation of the crime database project. Using the database as a starting point, I went through all incidents recorded for this particular town/city,



looked into any supporting documentation the OTP might have had for each incident, and analysed the set for potential duplicates.

After completing this dataset of all crime incidents and their supporting documentation (or lack thereof), I drafted a report outlining these incidents. As part of the report, I assessed the evidentiary strength of each incident, and proposed recommendations for the PD team based on this assessment.

Through this project, I further cultivated my Ringtail expertise, and became familiar with HP Trim, software widely used by the OTP to store work products.

My Work with the Investigators of the Investigation Division

Throughout the summer, I had the opportunity to get involved in various projects with the Investigators of my ID team, including one with our Team Leader. These projects taught me various skills, including those of witness interview preparation, profiling, and investigative writing.

Witness Interview Preparation

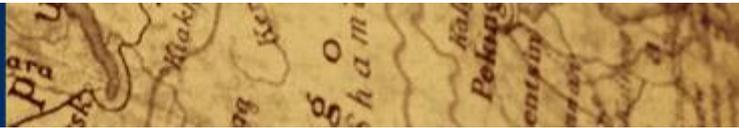
After conducting telephone analyses with the Analysts, I became involved in the drafting of interview questions on this subject. As the Investigators conducted these witness interviews, I had the privilege of watching from the next room, and the ability to make suggestions for subsequent questions as the interviews progressed.

Through this project, I learned the technique of open-ended questioning, the importance of flexibility when interviewing witnesses, and the importance of rapport for these endeavours. Generally, it was a great opportunity to see this important element in practice.

Profiling

In the second half of my internship, I got pulled onto profiling work. One task involved updating a suspect profile that had been completed a few months prior. I conducted an open-source search in addition to a search in iBase, and added the new information to the profile. Then, I read through the latest witness and suspect interview transcripts, and included their mentions of this suspect in the profile.

This project was my first exposure to profiling, and taught me the importance of frequently updating “completed” profiles. Moreover, comparing the scarcity of open-source information to the wealth of confidential evidence, gave me a greater appreciation for the work of investigators in collecting this type of information.



Investigative Writing

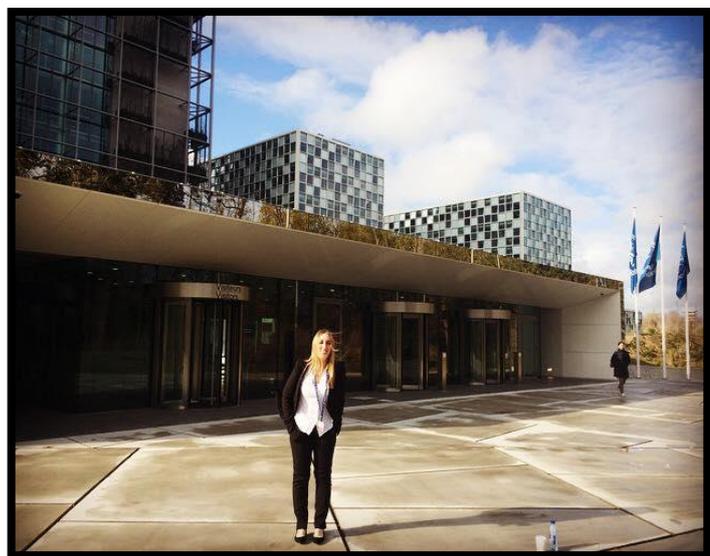
One of my more recent tasks for the Investigators of my ID team included editing a report on a particular insider witness. After editing the report, I drafted the executive summary, to clarify his precise knowledge of alleged crimes as part of the interview preparation process.

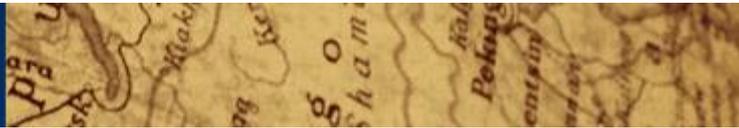
This project was incredibly interesting, and my second experience getting involved in work to be used for the purpose of a concrete interview, which greatly enhanced my appreciation for the amount of pre-interview work required in general.

Additional Notable Aspects of my Internship: Collaboration and Confidentiality

One notable aspect of my experience with the ICC is the amount of positive collaboration between the Prosecution and Investigation Divisions of the Office of the Prosecutor. Just as there are specific ID teams focusing on each country of investigation, there are specific Prosecution Division (PD) teams focusing on each situation. For a given situation, the PD and ID teams work together as an “Integrated Team”. The “Integrated Team” concept may be quite unique compared to national jurisdictions – and it has interesting implications. Based on the “Integrated Team” concept, PD is involved in a given case from the beginning, regardless of the phase in which the situation is. This brings with it both benefits and challenges, and the extent (and success) of the collaboration seems to sometime depend on the personalities involved on both teams.

As an intern on the ID team, I was by natural extension a part of the Integrated Team. Attending Integrated Team meetings – and observing the collaboration first-hand – was a fascinating and unique experience. As an Integrated Team, we discussed the progression of the case from both prosecution and investigation perspectives, and planned for the next investigatory steps in light of future (potential) prosecution challenges. Experiencing this “Integrated Team” concept was a unique learning experience for me: it highlighted the importance and relevance of collaboration, and the challenges to positive collaboration that might come with differing priorities and perspectives.





Another notable aspect of my experience in the Investigation Division was the high level of confidentiality and trust involved in the work. For instance, my particular country of investigation was confidential, even from other staff members outside of the Investigation Division. Although the level of confidentiality sometimes presented a challenge, it was a privilege – and excellent practice for the future – to be entrusted with access to confidential information.

Conclusion

My experience interning at the International Criminal Court was a fantastic, exciting, learning experience – and spending the summer in Europe was incredibly fun. I had the privilege of experiencing all facets of Investigative prosecution work, and gained a sense of what it takes to actually build a successful case against international war criminals – something I could never have fully appreciated in a classroom environment. It was a wonderful experience to learn from some of the most qualified, driven, and compassionate individuals in the field, and build my (international) professional and personal networks. I hope to continue my involvement in international law and justice, and I am confident that this experience will make me a more effective contributor to this field.