

## **Terms of Reference**

### **Short Description of the project:**

Complementarity is one of the fundamental principles established under the Rome Statute and the cornerstone of shaping the relationship between national jurisdictions and the International Criminal Court (ICC). The International Nuremberg Principles Academy is developing a model of a resource center which collects inputs from practitioners and informs local and international stakeholders in both member and non-member states of the ICC about complementarity related issues.

The project promotes the overall goals of the Academy, focusing on complementarity issues in the broader sense of bridging gaps between national and international jurisdictions as a way to support 'the struggle against impunity for the most serious crimes that are of concern to the international community as a whole'. Beyond its legal approach, the project focuses on particular country contexts and institutional capacities in dealing with and preventing atrocious crimes.

### **The country expert's applicable tasks and deliverables**

The country expert will work under the guidance of the complementarity cluster consultants and his / her assignment will include the collection and analysis of information on the following topics/categories:

1. Effective domestication of the Rome Statute and related instruments.
2. Procedure applicable to ICC related crimes under national law.
3. National capacities to investigate, prosecute and adjudicate international crimes.

The country expert is expected to conduct primary research; including document/legal examination and interviews, according to the methodology and its guidance, including process, evidence, and ethics.

The process of research is guided by a larger methodology document [annex 1]. The country expert will follow the benchmarks, goals, and indicators in each of the categories. In addition to the information on each of the indicators, in each category, he/she shall submit a supplement containing 150-300 words in English explaining existing legislation, jurisprudential practice/trends, and other executive and administrative practice.

The country expert should rely upon all appropriate sources, but focus in particular upon:

- Constitutional documentation.
- Legislation in force, in the process of implementation, or under consideration.
- Civil society campaigns and commentary, media and political commentary.
- Interviews with relevant actors, including lawyers and judges, relevant review bodies and bar association officials, elected politicians, and civil society representatives, in accord with agreed ethical principles.

The country expert should follow best practices in relation to research involving human subjects, including vulnerable human subjects. He/she shall ensure that the principles of consent, confidentiality and best practice regarding ensuring security of informants are followed.

The country expert is expected to:

1. Participate in the consultation of the methodology in July 2016
2. Finalize the data collection by September 30, 2016
3. Submit a first report that contains short information for each of the indicators (150 -300 words per indicator) and the supplement containing legislation and practice by October 30, 2016
4. A draft report of complementarity assessment (average 6000 words) by November 2016

The tasks under No. 4 shall be accomplished in cooperation with the cluster consultant.

### **Remuneration and timelines**

The remuneration for the above assignments is estimated at 5.000 Euro (VAT or other tax incl). The above tasks should be accomplished within 2016.