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**Report of the Committee on Budget and Finance  
on the work of its twenty-seventh session**

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## *Executive Summary*

1. During its twenty-seventh session, the Committee on Budget and Finance (“the Committee”) considered the Proposed Programme Budget of the International Criminal Court (“the Court”) for 2017.
2. The Committee welcomed the implementation of the “One-Court” principle and the improvements made in relation to the budget process and the format of the budget document, and will be making necessary suggestions in this regard during its twenty-eighth session.
3. The Committee noted that the 2017 proposed programme budget submitted by the Court, of a total amount of €147.25 million, excluding the interest and the principal repayment (instalments) for the host State loan of €2.99 million, represented an increase of €9.86 million (7.2 per cent) over the 2016 approved budget of €137.39. The total amount requested when adding the interest payment would amount to €150.24 million.
4. After reviewing the 2017 proposed programme budget and the justifications provided, the Committee recommended reductions to the proposed increases in the amount of €2.65 million, subject to the decision by the Assembly on the requested increase of the Judges’ compensation, thus amounting to an adjusted 2017 proposed budget of €144.6 million, which represents an increase of €7.2 million (or 5.2 per cent) compared to the 2016 approved budget, excluding the instalments for the host State loan.
5. The Committee noted with concern the large amount of outstanding contributions: €17.88 million (13.1 per cent) of contributions for the 2016 approved budget. In addition, outstanding contributions from previous years stood at €15.95 million. Total outstanding contributions, including the regular budget, the Contingency Fund and interest on the host State loan, thus stood at €34.16 million as at 15 September 2016.
6. The Committee recalled States Parties’ obligations to pay their contributions promptly and in full, and highlighted that a failure to do so may not only seriously jeopardize the daily operations of the Court, but may also force the Court to access external credit sources, with the result that operating funds would need to be used to cover interest payments.
7. The Committee carefully scrutinized the actual level of the precautionary reserves in light of the respective levels approved by the Assembly of States Parties (“the Assembly”). In order to ensure that such funds can fulfil their purposes and with a view to securing the day-to-day operation of the Court, the Committee recommended the replenishment of the Contingency Fund in the amount of €1.21 million, and an increase in the Working Capital Fund to a level of €11.6 million, thus representing one month of the Court’s current expenditure, which will not yet affect the 2017 budget. Cognizant of the financial constraints of States Parties, the Committee recommended multi-year funding of the Working Capital Fund, starting with the 2018 budget, in order to contain the impact on States Parties’ assessed contributions.
8. While taking note of the Court’s increased judicial activities, the Committee observed a trend involving a steady increase in the amount of requested resources in recent years, in particular in relation to staff costs. In this context, the Committee reiterated its recommendation that the Assembly may wish to set an envelope for future budgets, taking into account the Court’s capacity (number of judges, workstations in the premises) and the fact that the Court was established based on the principle of complementarity to national jurisdictions.

## I. Introduction

### A. Opening of the session, adoption of the agenda and organization of work

1. The twenty-seventh session of the Committee on Budget and Finance (“the Committee”), comprising 20 meetings, was held from 19 to 30 September 2016 in The Hague, in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its fourteenth session.<sup>1</sup>
2. The President of the International Criminal Court (“the Court”), Judge Silvia Fernández de Gurmendi delivered the welcome remarks at the opening of the meeting.
3. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as the Secretary of the Committee, and the Secretariat of the Assembly of States Parties (“the Secretariat”) assisted in providing the necessary logistics to the Committee.
4. The following members attended the twenty-seventh session of the Committee:
  - 1) Hugh Adsett (Canada)
  - 2) David Banyanka (Burundi)
  - 3) Carolina María Fernández Opazo (Mexico)
  - 4) Fawzi A. Gharaibeh (Jordan)
  - 5) Hitoshi Kozaki (Japan)
  - 6) Urmet Lee (Estonia)
  - 7) Rivomanantsoa Orlando Robimanana (Madagascar)
  - 8) Mónica Sánchez (Ecuador)
  - 9) Gerd Saupe (Germany)
  - 10) Elena Sopková (Slovakia)
  - 11) Richard Veneau (France)
  - 12) Helen Warren (United Kingdom)
5. At its first meeting, the Committee adopted the following agenda:<sup>2</sup>
  - 1) Opening of the session
    - a) Adoption of the agenda and organization of work
    - b) Participation of observers
  - 2) Financial and budgetary matters
    - a) Status of contributions
    - b) States in arrears
    - c) Consideration of the 2017 proposed programme budget
    - d) Financial performance data as of 30 June 2016
    - e) Precautionary reserves
      - i. Working Capital Fund level
      - ii. Contingency Fund
      - iii. Employee Benefit Liability fund
    - f) Finalizing the amendments to the Financial Regulations and Rules

<sup>1</sup> *Official Records of the Assembly of States Parties of the Rome Statute of the International Criminal Court, Fourteenth session, The Hague, 18-26 November 2015* (ICC-ASP/14/20), vol. I, part I, para. 65.

<sup>2</sup> CBF/27/1/Rev. 1.

- 3) Institutional reform and administrative matters
  - a) Inter-organ synergies within the framework of the work on the “Basic Size” and the full costing analysis thereof to identify efficiency gains
  - b) Scope of authority delegated by the Registrar to the Secretariat of the Trust Fund for Victims
  - c) Mission frequency and costs
- 4) Audit matters
  - a) Annual report by the Audit Committee
  - b) Financial statements of the International Criminal Court for the year ended 31 December 2015
  - c) Financial statements of the Trust Fund for Victims for the year ended 31 December 2015
- 6) Human resources
  - a) Reclassification and conversion of posts
  - b) UN Common system
- 7) Premises of the Court
  - a) Interim Report by the Oversight Committee
  - b) Construction costs and resources needed for compensation events
  - c) Compliance of cost overrun financing with the Financial Regulations and Rules
- 8) Trust Fund for Victims
  - a) Projects and activities of the Board of Directors for the period 1 July 2015 to 30 June 2016
- 9) Other matters

## **B. Participation of officials and observers**

6. In accordance with the Rules of Procedure of the Assembly,<sup>3</sup> the following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry. In addition, the budget facilitator, Ambassador Werner Druml (Austria) of The Hague Working Group of the Bureau of the Assembly, the Chairperson of the Oversight Committee on Permanent Premises (“the OC”), Ambassador Sabine Nölke (Canada) and the Chair of the Board of the Trust Fund for Victims (TFV), Mr. Motoo Noguchi made presentations to the Committee. The Committee decided to accept the request by the Coalition for the International Criminal Court to make a presentation to the Committee. The Committee expressed its appreciation for the presentations.

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<sup>3</sup> Rules 42, 92 and 93 of the Rules of Procedure of the Assembly concerning observers and other participants are applicable to the session. Upon invitation by the Chairperson and subject to the approval of the Committee, observers may participate in meetings of the Committee.

## II. Consideration of issues on the agenda of the Committee at its twenty-seventh session

### A. Budget process and budget document

7. The role of the Committee, as a subsidiary body to the Assembly, is to examine the budgetary, financial and administrative matters of the Court and to make recommendations to States Parties. To this end, the Committee requires reliable, consistent and clear information from the Court.

8. At its twenty-sixth session, the Committee had recommended a series of changes to improve the budgetary process, such as a better and more efficient use of the Coordination Council, the submission, in principle, of documents in both English and French 45 days before the Committee's session, and a different presentation of costs in the budget document.

9. At its twenty-seventh session the Committee acknowledged the improvements made by the Court in relation to budgetary process. In particular, it welcomed the inclusion of the foreword signed by all three heads of organs, which demonstrates the Court's commitment to the "One-Court" principle being applied through the Coordination Council.

10. However, in terms of format, the Committee noted that splitting the presentation of the sub-programmes from major programme titles made the document difficult to compare and that there was not a consistent approach to the presentation of each programme budget. The format for the introduction of each major programme budget, including the use of organigrammes, length and the level of detail should be similar, with cross-Court issues dealt with upfront. Differing information and presentation reduces transparency and makes the document difficult to use.

11. **The Committee invited the Court to discuss the process and documentation further at its twenty-eighth session with a view to building on the progress made and to improving further the budget process and document, by focusing its discussion around the following ideas:**

- (a) Improved context setting;
- (b) Better planning and presentation of cross-Court expenditures;
- (c) Assessing delivery and efficiency;
- (d) Establishing fundamental principles; and
- (e) Synergies.

### B. Financial and budgetary matters

#### 1. Introduction

12. The Committee conducted its examination of the 2017 proposed programme budget on the basis of the general principle of budgetary integrity.

13. The Committee recalled that, for the 2016 budget year, the Assembly at its fourteenth session had approved appropriations totalling €139.59 million. These were reduced by interest on the host State loan of €2.2 million, which was payable only by those States that have opted not to make a "one time" payment. Therefore the 2016 budget approved by the Assembly, excluding interest on the host State loan, was €137.39 million.

14. The Committee noted that the 2017 proposed programme budget submitted by the Court, of a total amount of €147.25 million, excluding the interest and the principal repayment (instalments) for the host State loan of €2.99 million, represented an increase of €9.86 million (7.2 per cent) over the 2016 approved budget of €137.39 million. The total amount requested when the instalments for the host State loan is added will be €150.24 million.

15. After reviewing the 2017 proposed programme budget and the justifications provided, the Committee concluded that total reductions could be achieved in the amount of €2.65 million and

that, if approved by the Assembly,<sup>4</sup> the adjusted 2017 proposed programme budget amount would thus be €147.59 million (€150.24 million - €2.65 million), which represents a €8.0 million<sup>5</sup> (5.7 per cent<sup>6</sup>) increase with instalments for the host State loan, or a €7.2 million<sup>7</sup> (5.2 per cent<sup>8</sup>) increase without instalments for the host State loan, compared to the 2016 approved budget. The assessment of contributions for 2017 would be €145.81 million as follows:

Total adjusted budget without interest	€144.6 million <sup>9</sup>
Replenishment of the Contingency Fund	<u>€1.21 million</u>
Total assessed contributions for 2017	€145.81 million

## 2. Status of contributions

16. The Committee reviewed the status of contributions as at 15 September 2016 (annex II) towards:

- (a) The assessed contributions for the 2016 approved budget of €136,585,100; and
- (b) The interest paid of €2,185,719 for the use of the loan for the permanent premises in 2015.

17. The Committee recalled that all States Parties were required to contribute to the regular budget of the Court, the Working Capital Fund (“the WCF”) and to the Contingency Fund (“the CF”), and that those States Parties that have not opted to make a “one-time” payment towards the permanent premises of the Court are required to contribute to the interest on the permanent premises host State loan.

18. *Regular budget:* the Committee noted that €17,879,500 (13.1 per cent) in contributions remained outstanding for the 2016 assessed regular contributions of €136,584,295. Outstanding contributions from previous years stood at €15,950,851. The Committee observed that 94 per cent of contributions outstanding for more than one year are owed by two major contributors.<sup>10</sup>

19. *Contingency Fund:* outstanding contributions for the replenishment of the CF from previous years stood at €5,746.

20. *Permanent premises host State loan:* the Committee recalled that each State Party could choose whether to finance its share of the costs of the construction of the permanent premises through either a one-time payment or by contributing to the host State loan. 62 States Parties had made their one-time payments towards the construction of the permanent premises, either in full or partially, by the specified deadline.

21. The outstanding interest on the host State loan as at 15 September 2016 stood at €427,160 (€99,355 for the previous year and €327,805.00 for 2016). The Committee noted with concern that 37 States Parties had not yet paid their contributions to the interest on the host State loan. As the Court has a legal obligation to pay instalments in full by the first day of February of each year, it has had to use operating funds in order to cover interest payments due from those States Parties. This has had the effect of widening the gap between the financial needs and resources for the functioning of the Court. This risk will become even greater in 2017, when the Court must begin to repay not only the interest on the loan, but also part of the principal amount.

22. Total outstanding contributions, including for the regular budget, the CF and interest on the host State loan, thus stood at €34,163,902 as at 15 September 2016. The Committee stressed the importance of contributions being paid in full and in a timely manner. Not meeting obligations in relation to the payment of contributions may seriously jeopardize the daily operations of the Court. If contributions remain unpaid at the end of the year, the Court may need to resort to the WCF, while the total may not be sufficient to cater for liquidity shortfalls.

<sup>4</sup> Amounts would change depending on the decision by the Assembly on the requested increase of the Judges’ compensation.

<sup>5</sup> €8.0 million = 2017 adjusted proposed budget with instalments for the host State loan of €147.59 million – 2016 approved budget of €139.59 with interest for the host State loan.

<sup>6</sup> 5.7 per cent = €8.0 million increase divided by 2016 approved budget with interest for the host State loan of €139.59 million.

<sup>7</sup> €7.2 million = Total adjusted budget without instalments for the host State loan in 2017 of €144.6 million - Total adjusted budget without interest for the host State loan in 2016 of €137.39 million.

<sup>8</sup> 5.2 per cent = €7.2 million increase without instalments for host State loan divided by 2016 approved budget of €137.39 million without interest for the host State loan.

<sup>9</sup> €144.6 million = €147.25 million - €2.65 million.

<sup>10</sup> ICC-ASP/15/12, para. 55.



23. The Committee urged all States Parties to make their payments on time, in order to ensure that the Court has sufficient funds throughout the year, in accordance with regulations 5.6 of the Financial Regulations and Rules (FRR). The Committee requested that the Court notify once again those States Parties that had not paid their contribution in full of their payment obligations prior to the fifteenth session of the Assembly in November 2016. Furthermore, the Committee recalled its previous recommendation that the President of the Assembly and Court Officials take up this issue with States that have outstanding dues to the Court whenever they have bilateral meetings.

### 3. States in arrears

24. The Committee observed that, as at 15 September 2016, 12 States Parties were in arrears, and would therefore not be able to vote in accordance with article 112, paragraph 8.<sup>11</sup> The Committee noted that the Secretariat had informed States Parties on 8 April 2016 of the minimum payment required to avoid the application of article 112, paragraph 8, of the Statute, and of the procedure for requesting a waiver of the loss of voting rights. **The Committee recommended that all States Parties in arrears settle their accounts with the Court as soon as possible. The Committee requested that the Secretariat notify States Parties in arrears once again prior to the fifteenth session of the Assembly, highlighting the importance of their contributions for the budget and the financial stability of the Court.**

### 4. Consideration of the 2017 proposed programme budget

#### a) *Presentation and macro-analysis*

25. The Committee received the Proposed Programme Budget for 2017 of the International Criminal Court<sup>12</sup> and a Corrigendum.<sup>13</sup>

26. As for the financial performance, forecast expenditure for 2016 was estimated at €135.35 million, which represented 97 per cent of the 2016 approved budget of €139.59 million including interest payments.<sup>14</sup> The Committee noted that when comparing this with the 2017 proposed budget of €150.24 million, resource growth would be €10.65 million (or 7.63 per cent).

27. The Committee noted that some of the expenditure included in the 2016 proposed programme budget pertained to that budget year only and therefore would not necessitate resource allocation in the 2017 proposed programme budget, such as the rent for the interim premises amounting to €952,200, the expenditure of €438,300 for the Project Director's Office and the Court staff allocated for the permanent premises project since the project was completed, as well as expenses for the opening ceremony, thus totalling €1,390,500. However, the Committee reiterated that non-recurrent expenditure may occur in any year.

28. Such non-recurrent expenses reduce the baseline for the comparison of the 2017 proposed programme budget increase for core activities of the Court to €135.99 million.<sup>15</sup> The 2017 proposed programme budget increase would therefore amount to a real increase of 8.2 per cent or, in absolute numbers, an increase of €11.25 million based on the adjusted baseline.

29. **In this regard, the Committee expressed the view that there should be a clear distinction between one-time and recurrent expenditures in the budget document. Without such information, a year-to-year budget comparison would be extremely difficult, leading to a budgeting practice, where one-time costs are automatically incorporated into future budget baselines, which lacks transparency.**

<sup>11</sup> According to article 112, paragraph 8 of the Rome Statute, "[a] State Party which is in arrears in the payment of its financial contributions toward the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years."

<sup>12</sup> ICC-ASP/15/10.

<sup>13</sup> ICC-ASP/15/10/Corr.1.

<sup>14</sup> ICC-ASP/15/11, para.5.

<sup>15</sup> 2016 Approved budget: (€137,390,100 - €1,390,500).

30. As part of its macro analysis the Committee also considered the forecast expenditure for 2016 and the average implementation rates for all major programmes from 2011 to 2016,<sup>16</sup> and thus analysed the proposed increases in light of such information.

31. The main increase was requested by the Registry, namely €6.84 million, followed by the Office of the Prosecutor (“the OTP”) with a requested increase of €3.05 million, the Judiciary with a requested increase of €0.8 million and the Secretariat of the TFV with a requested increase of €0.6 million. The requested increase for the remaining major programmes is below €0.25 million.

32. While being cognizant of the Court’s increased judicial activities in recent years, the Committee observed a trend involving a steady increase in the amount of requested resources, in particular in relation to staff costs. In this context, the Committee reiterated its recommendation that the Assembly may wish to set an envelope for future budgets, taking into account capacity in terms of the number of judges, the capacity of the new premises and the fact that the Court was established based on the principle of complementarity to national jurisdictions.

*b) Major programmes*

*(i) Major Programme I: Judiciary*

33. The 2017 proposed budget for Major Programme I amounted to €13,243,700, representing an increase of €813,100 (6.5 per cent), against the 2016 approved budget of €12,430,600.

*Salaries of judges*

34. The Committee noted that €580,900 (71 per cent) of this increase is due to the cost of salary entitlements for the 18 judges. The proposed increase in the yearly base salary for one judge amounts to €26,270 (from €180,000 to €206,270), with the consequence that the pension payment must also be increased.

35. According to Resolution ICC-ASP/3/Res.3, the conditions of service and compensation of judges of the Court “shall be reviewed by the Assembly as soon as practicable following the review of the conditions of service of the judges of the International Court of Justice by the General Assembly of the United Nations.”<sup>17</sup>

36. In this regard, the Committee noted that:

- (a) Since January 2007, the salaries of the members of the International Court of Justice (“the ICJ”) and the judges of other international tribunals have comprised an annual base salary with a corresponding post adjustment multiplier for the Netherlands. Whereas “base salary” means net salary, the term “post adjustment” reflects differences in the cost of living for each duty station and is updated monthly on the basis of prevailing local conditions. As a result, judges’ salaries vary on a monthly basis and could either increase or decrease depending on the post adjustment multiplier.
- (b) In paragraph 47 of the report from the Secretary-General of the United Nations A/68/188, no change was proposed to be effected to the current system of remuneration for members of the ICJ and judges and *ad litem* judges of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Residual Mechanism for Criminal Tribunals. United Nations General Assembly Resolution 70/244 set the annual base salary applicable to the judges of international tribunals at US\$172,978 (€154,815), with a post adjustment multiplier for The Netherlands of 31.0, totalling US\$226,601 (€202,808<sup>18</sup>).
- (c) In the case of the Court, the salary scheme for judges is based on a fixed amount of €180,000 per year and there is no distinction between the base salary and post adjustment multiplier.

<sup>16</sup> The breakdown of the average implementation rate for 2011-2016 is as follows (the forecast expenditure for 2016 is subject to change): 94.48 per cent for MP I; 97.32 per cent for MP II; 98.27 per cent for MP III; 92.5 per cent for MP IV; 95.05 per cent for MP V; 89.75 per cent for MP VI; 79.73 per cent for MP VII-1; 99.83 per cent for MP VII-2; 52.63 per cent for MP VII-5; and 97.2 per cent for MP VII-6.

<sup>17</sup> Resolution ICC-ASP/3/Res.3.

<sup>18</sup> United Nations exchange rate as at 15 August 2016.

(d) Taking into consideration the different methodologies used to calculate the annual remuneration of judges, it is not possible to fully align the salaries of judges of the Court with those of the judges at the ICJ and other international courts and tribunals, since the base salary of the judges of the Court is higher by €25,185 than the base salary of the judges at the ICJ. Aligning the base salary of the Court's judges with the salary of ICJ judges would imply a decrease in salary.

37. The Committee recognized that the amount requested by the Judiciary is aligned with the 2016 annual remuneration of other international tribunals. The Committee concluded that the annual remuneration of judges would have to be considered by the Assembly as a policy matter, rather than simply a resource related question, and would require a procedure to review the salary scheme for judges.

38. Thus, the Committee is of the view that the Assembly might wish to consider two possible options:

- (a) Annual salary adjustment, determined by the Assembly.
- (b) Periodical review of the salary scheme, establishing a timeline for such a review.

39. Any changes would also require a thorough review of all the judges' conditions of service, bearing in mind that any decision will have a budget implication.

*Staff and non-staff costs*

40. The Committee noted that in 2016 the Court set the assumption that the total of GTA positions requested would allow each of the four trials to be supported by an average of 2.5 Legal Officers (P-2/P-3). **After rigorous examination of the assumptions of expected judicial developments for three trials and four accused in 2017, the Committee recommended that the Assembly approve resources for:**

- (a) Two Legal Officers (P-3) for 12 work months each (GTA);**
- (b) Eight Assistant/Associate Legal Officers (P-1/P-2) for 84 work months (GTA); and**
- (c) The continuation of GTA P-2 positions for specific activities.**

41. The Committee noted the annual increase in general operating expenses required for the rental of premises and the costs of running the New York Liaison Office ("NYLO") in recent years. The requested amount for 2017 for rental payment has increased to accommodate changes in the ownership and management of the office building in which the NYLO is located since the new rental agreement will expire in April 2017. The Committee recognized the difficulties in finding an adequate office space in New York City and the costs resulting therefrom.

42. **The Committee recommended that the Assembly approve the increase in rental payments, and requested that the Court inform it of the NYLO's rental plan for 2018 at its twenty-eighth session.**

43. **The Committee recommended that the training budget in Major Programme I be approved at the level of the 2016 approved budget.**

*Recommended budget for MP I*

44. **The Committee therefore recommended total reductions in the amount of €105,700 for Major Programme I from its original proposed budget subject to the Assembly's decision on the requested increase to the Judges' compensation and salaries of €580,900. The Committee thus recommended that the Assembly approve a total of €13.14 million for Major Programme I.**

*(ii) Major Programme II: Office of the Prosecutor*

45. The proposed budget for 2017 for Major Programme II amounted to €46,280,200, representing an increase of €3,046,500 or (7 per cent) against the 2016 approved budget of €43,233,700.

46. As for the financial performance, forecast expenditure for 2016 was estimated at €42,600,000, which represented (98.5 per cent) of the approved 2016 budget of €43,233,000. The Committee noted that when comparing this with the 2017 proposed budget (€46,280,200), resource growth would be €3,680,200 (or 8.6 per cent).

47. For 2017, the OTP budget based its resource requirements on the following assumptions: nine preliminary examinations, nine situations, six active investigations (Central African Republic II (a), Central African Republic II (b), Côte d'Ivoire II, Darfur (Sudan), Libya<sup>3</sup> and Georgia), nine cases pending arrest; three trial teams, and two final appeals.

48. The Committee was advised that the OTP 2017 proposed budget was based on two main interlinked premises involving the OTP Strategic plan for 2016- 2018, which is linked to the "Basic Size" model, together with a genuine and realistic assessment of the OTP resource needs for 2017.<sup>19</sup>

49. The Committee noted that the "Basic Size" model may be a useful conceptual tool for budget formulation and forecasting, but that resource requirements for 2017 would need to be based on an accurate assessment of the actual needs of the OTP for its operation in 2017.

50. The Committee was of the view that each individual situation or case needed to be carefully analysed by all organs of the Court, including the impact of one organ's activities on the other organs. Such an approach would bring the budget requests closer to actual needs, rather than inflating the budget by applying the normative model of the "Basic Size".

#### *Cost drivers*

51. The active investigation in the situation of Georgia and the strengthening of other existing integrated teams are among the major cost drivers for the 2017 proposed budget. The Committee was advised that the OTP had made an effort to utilize existing resources by redeploying resources from declining activities to active investigations and trials.

52. For the situation in Georgia, €1,844,600 (€1,420,600 for GTA<sup>20</sup> and €424,000 for non-staff costs) was requested from the CF in 2016.

53. For 2017, a total of €4.5 million, consisting of 18 established posts (€1,885,000), an integrated team of 20 GTA positions of investigators, interpreters and prosecutions staff (€1,931,000), and non-staff cost of €685,000, were requested to cover its operation in Georgia.

54. The 2017 proposed budget contained the estimated resource requirements for other active investigations, namely:

<b>Situation</b>	<b>Staff cost</b>	<b>Non-staff cost</b>	<b>Total cost</b>
Central African Republic II(a)	€2,427,400	€340,000	€2,767,400
Central African Republic II(b)	€2,985,400	€535,000	€3,520,400
Côte d'Ivoire II	€3,394,900	€575,000	€3,969,900
Darfur, Sudan	€2,795,800	€90,000	€2,885,800
Libya 3	€2,038,600	€300,000	€2,338,600
Georgia	€3,816,000	€685,000	€4,501,000

55. The Committee noted that the 2017 proposed budget for the OTP aimed to increase investigative capacities to be able to run six active investigations (an increase of 1.5 active investigations compared to 2016). The situation in Georgia is expected to be the most costly in 2017 with the request for new GTAs, and two other situations (Darfur and Libya) would see a significant increase in the resources allocated to them.

56. The Committee observed that while the OTP already seemed to have sufficient flexibility in reallocating already available resources to meet existing and emerging priorities for the OTP, additional resource requirements (new GTAs) were sought for 2017 to cater for a new situation.

**57. While the Committee noted the assumptions made by the Prosecutor with regard to the situation in Darfur and Libya, it requested that the OTP closely monitor the actual use of investigative capacities to ensure the most efficient and effective use of available capacities within the OTP.**

<sup>19</sup> ICC-ASP/15/10, para. 228.

<sup>20</sup> 186 work months/34 head count.

58. The Committee also observed that while the OTP emphasized that the 2017 proposed budget did not meet the required resource level envisaged under its "Basic Size" model, the standard composition of an average Integrated Team whose cost was estimated at €3.6 million seemed to be met to a large extent. In the case of the situation in Georgia, it exceeded the "Basic Size" for the composition an integrated investigation team. More importantly, however, the Committee noted that resource requirements should be analysed on the basis of actual workload requirements anticipated for each investigative activity, not by comparison with a standard model.

59. As for the situation in Georgia and the strengthening of other teams, the following additional GTA positions were requested for 2017:

- (a) 11 positions (10.7 FTE) under the Service Section, consisting of two Translators (P-3), one Database Coordinator (P-2), two Assistant Information and Evidence Officers (P-1), five Data Processing Assistants, and one Disclosure/Search Assistant;
- (b) 17 positions (16.5 FTE) under the Investigation Divisions, consisting of one Forensic Officer (P-4), one Forensic Officer (P-3), one Digital Imaging Officer (P-3), one Associate Protection Strategies Officer (P-2), one Protection Strategies Assistant (GS-OL), three Investigators (P-3), four Situation Specific Investigative Assistants (GS-OL), one Analyst (P-3), and four Assistants Analysts; and
- (c) Three positions (2.82 FTE) under the Prosecution Division, consisting of two Trial Lawyers (one P-4 and one P-3) and one Appeals Counsel (one P-2).

60. **The Committee did not object to those resource requests. However, in light of past expenditure patterns, as well as the time required to recruit new staff, which takes an average of four to six months, the Committee was of the view that the OTP could absorb some increase in costs, and recommended a reduction of €626,500 from the OTP GTA budget.**

#### *Conversion*

61. **The proposed 78 GTA conversions corresponded to the requirements for conversion set by the Committee (e.g. continuously needed, existed more than three years and positions are actually filled). The Committee recommended these conversions, while noting the significant increase in the established posts.** The Committee also noted in this regard, that a cost saving of €799,400 with the application of a 10 per cent vacancy rate for established posts had already been incorporated into the budget proposal.

62. At the same time, the Committee observed that the GTA positions proposed for conversion were initially requested as temporary and situation-specific positions, but as the number of situations/cases continued to grow, there was always a new situation or case where such GTAs were utilized. The Committee had great difficulty in tracking what had been the original justification for creating each of those 78 GTA positions and how those capacities had been utilized once created.

63. **Therefore, the Committee requested that the OTP provide budget information in such a way as to "tag" each GTA position to certain situation(s), case(s) or temporary function(s), to provide the necessary transparency so as to facilitate the Committee's recommendations on future budgets or requests for further conversions, should the need arise.**

64. The OTP has developed a set of performance indicators to monitor and manage the Office's progress. OTP's Strategic goals number 3 and 8 referred directly to efficiency gains, although at the sub-programme level there was only one measurable indicator set for efficiency gains. In the Investigation Division there is a target for 2017 to achieve one per cent efficiency by ensuring professional, transparent and efficient management of the Office. The Investigation Division reported in the 2017 proposed budget that a 1.66 per cent (or €264,000) efficiency gain had been achieved in 2015 and an efficiency gain of at least one per cent (or €178,000) was expected for 2016.<sup>21</sup> **It was the Committee's view that the OTP should set such efficiency targets for all the divisions and present them clearly in future budget proposals.**

<sup>21</sup> ICC-ASP/15/10, para. 365.

*Hospitality*

65. Pending a Court-wide scrutiny of hospitality budget requests at its twenty-ninth session, the Committee recommended that the hospitality budget in Major Programme II be approved at the level of the 2016 approved budget.

*Recommended budget for MP II*

66. The Committee accordingly recommended total reductions in the amount of €631.5 thousands in Major Programme II from its original proposed budget. The Committee thus recommended that the Assembly approve a total of €45.64 million for Major Programme II.

*(iii) Major Programme III: Registry*

67. The Committee noted that the Registry had requested a budget of €79,603,000 for its activities in 2017. This compares to the approved budget for 2016 of €72,759,200, which represents an increase of €6,843,800 (9.4 per cent).

68. During 2014 and 2015, the ReVision project was designed and formulated in order to reorganize and streamline the Registry. The overall goal of the reorganisation was to create a Registry that can perform more efficiently and effectively. One of the main priorities was to create a lighter structure with greater coordination, to increase flexibility in the allocation of resources and to stimulate greater efficiency and output.

69. The Committee observed that the increase in the number of staff amounted to 53.9 FTE posts (28 established posts and 25.9 FTE GTA) in 2016. This growth in staff numbers was said to be linked to increased workload, resulting from the need to strengthen the field offices, as well as extra staff for the premises. The Committee observed that in the 2017 proposed programme budget the number of established posts decreased by five, as a result of the closure of the field office in Kenya and the opening of the new field office in Georgia (by abolishing 10 posts in Kenya and establishing five posts in Georgia). As a result, the number of established posts was reduced to 574 posts for 2017 from 579 posts for 2016, whilst the number of GTA increased by 20.4 FTE.

70. Against this background, the Committee considered each proposal for a new established post and all GTA positions on their own merit, taking in account workload and the assumptions of the 2017 proposed budget.

*Vacancy rate*

71. It was recalled that the staff costs component of the 2016 approved budget for the Registry was reduced by approximately €3.8 million, whereby €3.4 million corresponded to established posts and an additional reduction of €0.4 million in GTA resources resulted from a "staggered approach" to the implementation of the Registry structure. In light of some recruitment processes extending into 2017 and with a view to containing the budget increase, the Registry proposed a temporary increase in its vacancy rate from 10 to 12 per cent for 2017. This measure would reduce staff cost by approximately €0.9 million for 2017. However, in this regard, the Registry noted that staffing levels were expected to return to the normal (10 per cent) vacancy rate by mid-2017 and would need to be costed accordingly in subsequent budgets.

72. Upon request, the Committee was provided with actual and anticipated vacancy rates for certain months in 2016.

	January 2016	April 2016	July 2016	August 2016	December 2016 (Est.)
<b>Original vacancies</b>	163	135	109	99	33
<b>New vacancies</b>	4	10	21	22	38
<b>Total</b>	167	145	130	121	71

73. The Registry expected to achieve a 12 per cent vacancy rate by the end of December 2016, starting at a vacancy rate of 29.5 per cent (162/549) as at 31 December 2015. The

Committee noted the vacancy rate of 22.5 per cent (130/579) as at 31 July and anticipated vacancy rate of 12.3 per cent (71/579) as at 31 December 2016.

**74. The Committee noted that the forecast by the Registry appeared to be optimistic and requested that the Registry monitor the situation carefully and report thereon to the Committee at its twenty-eighth session.**

*Established posts*

75. Ten established posts were abolished in the Kenya field office, and five new posts were requested for the Division of External Relations. Three new posts were proposed for the newly established field office in Georgia, consisting of one Chief of Field Office (P-5), one Field Security Officer (P-3) and one Field Assistant (VPRS/Outreach). In addition, one Chief of Field Office (Uganda) (P-5) and one Associate Field Security Officer (CAR) (P-2) were also requested.

**76. The Committee recommended that the Assembly approve the establishment of those posts in light of the additional needs to support the operational and security requirements of the Court in the field in the situations of Georgia, Uganda and the Central African Republic.**

*GTA*

77. One new GTA position, a P-3 Legal Officer for 12 months, was requested in the Legal Office of the Office of the Registrar. The Committee noted that the Legal Office (eight posts) is a newly established entity following the reorganisation and replaced the former Legal Advisory Service Section (seven posts). The Office has been strengthened with one additional post and the increased level of one post from P-2 to P-3. The Committee noted that there was no clear justification for the temporary need for this post and that the transitory workload had not been specified.

**78. Based on the fact that the capacity of the new Legal Office to absorb future workload increases was evaluated as “high”<sup>22</sup> and that the Legal Office has not used its full capacity in 2016, the Committee recommended that the Assembly not approve the post of a Legal Officer (P-3).**

79. One new GTA position of an Associate Accounts Officer (P-2) for 12 months was requested in the Finance Section. The Finance Section was established as result of combined structural changes of the previously unified Budget and Finance Section that was split in two Sections: the Budget Section and the Finance Section. The reorganisation should allow the Finance Section to focus on finance-specific activities and lead to improved performance.

**80. As the capacity of the Finance Section to absorb future workload increases after the reorganisation has been evaluated as “high”,<sup>23</sup> and there were no significant changes envisaged in the workload in 2017, the Committee noted that there was no clear justification for the temporary need for this post. Therefore, the Committee recommended that the Assembly not approve this post of an Associate Accounts Officer (P-2).**

81. An Associate ERP System Officer (P-2) was requested for 12 months in the Office of the Director of Division of Management Services (OD-DMS). This position was requested in order to automate and streamline business processes, to provide support to the SAP Team in SAP implementation of the new UN compensation package, etc. At the same time, the Committee observed that the amount requested for contractual services was €643.5 thousand, representing an increase of €198.9 thousand (44.7 per cent) compared to 2016. The requested increase was largely due to the proposed strengthening of SAP projects in OD-DMS. The Committee observed that the OD-DMS is a new division resulting from ReVision project whose capacity to absorb future workload increases was evaluated as high.

**82. The Committee recognized the temporary need to strengthen OD-DMS in connection with the new UN compensation scheme, and recommended that the Assembly approve the newly created GTA position of an Associate ERP System Officer (P-2) for 12**

<sup>22</sup> Comprehensive Report on the Reorganization of the Registry of the ICC”, August 2016.

<sup>23</sup> *Ibid.*

months with the allocation of the requested resources for six months, while the costs for the additional six months should be absorbed by the DMS.

83. An E-Court Project Manager (P-4) was requested for 12 months in the Court Management Section. The Committee recalled that this GTA position was requested as part of 2016 budget proposal relating to the ReVision project. At the time, the Committee supported this position but recommended that the requested resources for this position be absorbed within the approved 2016 budget. **As such, the Committee reiterated its previous recommendation, and recommended that the resources be absorbed once again within the 2017 proposed budget.**

84. **Three Court Interpreters (one English, two French) (P-3) were requested on a GTA basis, for 6 months each (total of 18 months), in relation to the *Bosco Ntaganda* trial in order to support staff interpreters during the three simultaneous trials, as well as for a number of non-judicial events. The Committee was of the view that non-judicial events could be catered for by existing staff interpreters and thus recommended that the Assembly fund two Court Interpreters (P-3) on a GTA basis, and therefore reduce the request by a total of six months.**

85. An Administrative Assistant (GS-OL) was requested for 12 months in the Language Services Section. The existing coordination capacity of one (P-3), one (P-2) and two (GS-OL) posts, strengthened through the ReVision process, should be sufficient to recruit and manage the current and additional level of interpreters for trials and in the field offices. The Committee recommended the Assembly not to fund the requested resources for the new position (Administrative Assistant) in the Language Services Section.

86. A Service Coordinator (GS-OL) was requested for 12 months in the Counsel Support Section. The Committee considered that the request for an additional position had not been fully justified and recommended to the Assembly not to fund the request.

87. An Associate Field Security Officer (Mali) (P-2) for 12 months was requested in the Mali Field Office. The Committee recalled that one Field Security Officer position (P-3) for nine months was approved in the context of 2016 budget, which will be continued in 2017 for 12 months. In light of the anticipated level of activities in Mali, and in particular the low level of investigative activities, the Committee was not convinced of the need for additional resources for 2017 and recommended to the Assembly not to fund the request.

88. The Committee recommended that staff be used in the most efficient and flexible way possible, for example by redeploying workforce to other duty stations in line with new activities, and looked forward to receiving detailed information on the use of GTA in the context of human resources planning at its twenty-eighth session.

89. Furthermore, the Committee requested that the Court report on the field office closure strategy and on decreases in field office activities in the context of human resource planning at its twenty-eighth session.

#### *Travel*

90. Resource requests for Travel under Major Programme III in the amount of €2,246,500 represent an increase of €281,900 (14.3 per cent) over the 2016 approved budget. The Committee observed that as a result of the establishment of the new structure, the number of Registry missions from Headquarters for the purpose of external operations and field support will be reduced by around 30 to 40 per cent. **At the same time, by strengthening the field offices, the need for Headquarters staff dealing with field support would be significantly reduced. Therefore, the Committee recommended that the Assembly approve a smaller increase in the travel budget of the Registry to a level of €142,000 for 2017, therefore, recommending an amount of €139,900 as a reduction. Such increase incorporates resources needed for travel to New York to attend the sixteenth session of the Assembly.**

#### *Courtroom usage*

91. The Committee noted that proceedings in three trials are envisaged to be conducted in two courtrooms. However, an additional 60 days will be needed when a third courtroom is used, with additional resources of about €0.5 million required to accommodate the three courtroom model in 2017.



92. The Committee scrutinized the actual usage of courtrooms in the last three calendar years. It noted that the Court had four, six and five active trials in 2013, 2014, and 2015 respectively, and that the number of courtroom days used did not exceed 129 days per year. For the period from 1 January to 30 June 2016, for the four active trials, there were 123 hearing days of which 30 were held simultaneously, while on 28 working days no courtroom was used. Furthermore, the Committee noted that the assumptions and parameters for the 2016 approved budget were based on four trials and 465 hearing days in the three courtrooms, and the number of established posts was approved based on these assumptions. The 2017 proposed budget assumption was based on three trials and 500 hearing days.

93. Furthermore, the Committee observed that the judges and legal teams have always needed a sufficient number of working days outside of the courtroom to prepare for hearings, which means that there is a possibility of scheduling courtroom usage and accommodating more than one trial hearing by using one courtroom.

94. **In this regard, the Committee was of the view that the Court needed to closely monitor the use of courtroom time, and asked the Court to report thereon on the allocation of established posts, GTA positions and short-term contract staff for the courtroom usage and hearings in 2013, 2014, 2015 and 2016 to the Committee at its twenty-eighth session.**

#### *ICT*

95. One of the cost drivers for the 2017 proposed budget for the Registry was an additional €1.8 million of investments in information management and information security. The proposed investments aimed to optimize Court proceedings and to ensure operational security and witness protection.

96. Upon inquiry, the Committee was provided with a detailed breakdown of the 2017 ICT budget. It noted that, except for specialized equipment required by the OTP, all ICT costs were centralized under the Registry. A total of €6.1 million, of which €5.2 million was proposed for recurrent requirements and €0.9 million for non-recurrent requirements, was budgeted mainly under such line items as contractual services, general operating expenses, supply and materials, and furniture and equipment, making up about 30 per cent of a €20 million budget under those line items under the Registry. The Committee was also informed that the Registry was in the process of gathering the necessary data from various stakeholders across major programmes with a view to finalizing a five year IT/information management strategy and roadmap.

97. The Committee was of the view that ICT was a key investment item for the Court for the coming years, and that close Court-wide coordination and alignment should be achieved, including through an ongoing synergy exercise among organs, before putting a multi-year strategy in place. The Committee expected to see a comprehensive ICT strategy and roadmap with detailed cost estimates for 2018 and beyond, which would contain a clear indication of recurrent and non-recurrent needs, in the context the Committee's review of the 2018 proposed budget for the Court.

98. **In the meantime, the Committee recommended that the ICT budget (non-staff elements) for the Registry be reduced by €300,000, pending a comprehensive ICT strategy and roadmap with detailed cost estimates being provided in advance of the Committee's review of the 2018 proposed budget for the Court.**

#### *Recommended budget for MP III*

99. **The Committee accordingly, and taking into account paragraphs 185 and 186 below on legal aid, recommended total reductions in the amount of €1.53 million in Major Programme III from its original proposed budget. The Committee thus recommended that the Assembly approve a total of €78.06 million for Major Programme III.**

#### *(iv) Major Programme IV: Secretariat of the Assembly of States Parties*

100. The Committee noted that the Secretariat had requested a budget of €2,917,800 for its activities in 2017. This compares to the approved budget for 2016 of €2,808,800, which represents an increase of €109,000 (3.9 per cent).

101. The Committee reviewed the expected workload of the Secretariat, taking into account States Parties' requirements and the financial resources requested to meet those needs, including those necessary to hold the sixteenth session of the Assembly.

102. The Committee was also mindful that the Assembly was conducting a review of its working methods.

103. The Committee took note of the implementation rates of recent years for the approved budgets for Major Programme IV, which had allowed the Secretariat to carry out its mandate, including by absorbing additional tasks not budgeted for, or only partially budgeted for, within its approved programme budget.

104. The Committee reiterated its prior recommendation on the use of GTA positions, and noted that GTA and Short Term Appointment contracts had been used to address the substantive and technical servicing needs of some of the established posts, including covering the temporary absence of staff. **The Committee strongly reiterated its expectation that the significant number of posts that have been vacant for a few years are to be filled immediately, and requested a further update for its twenty-eighth session in order to determine the continuing need for those posts and to further guide the Assembly concerning the 2018 proposed budget.**

*Recommended budget for MP IV*

105. **The Committee accordingly recommended the Assembly that Major Programme IV budget for 2017 be approved at its 2016 approved level and recommended that total reductions in the amount of €109,000 be made from GTA in Sub-programme 4200. The Committee thus recommended that the Assembly approve a total of €2.81 million for Major Programme IV.**

*(v) Major Programme V: Premises*

106. The 2017 proposed budget for Major Programme V amounted to €1,454,900, representing a decrease of €1,369,700 (-48.5 per cent), against the 2016 approved budget of €2,824,600.

107. The decrease in resource requirements can be attributed to the termination of residual rental costs for the interim premise. For 2016, the preventative and corrective maintenance of the premises was partly covered by the constructor's (*Courtys*) guarantee for the buildings and installation until the end of October 2016. A short-term contract for maintenance beginning in November 2016 until the end of 2017 was introduced as an interim measure through a single source contract with *Courtys* which, due to the company's knowledge as the constructor of the premises, could provide services at a reasonable cost. A long-term maintenance contract would be negotiated by the Court in 2017.

108. **The Committee requested that the Court prudently control the preventive and corrective maintenance costs of the premises in 2017, to make every effort to ensure that the new, long-term contract was as efficient and cost-effective as possible, and report to the Committee at its twenty-ninth session in the context of the 2018 proposed budget.**

*Recommended budget for MP V*

109. **The Committee recommended the Assembly that the amount requested be approved, and thus recommended that the Assembly approve a total of €1,454,900 to Major Programme V.**

*(vi) Major Programme VI: Secretariat of the Trust Fund for Victims*

110. The Committee was informed that the TFV Board of Directors has decided to maintain its earlier decision to outsource activities related to the conduct of situational assessments under the assistance mandate, and that capacity building of TFV implementing partners will be funded from resources originating from voluntary contributions (to a total of €1,050.0 thousand). The Committee welcomed this approach, and encouraged the TFV to continue this practice in the future, in support of self-sustained activities.

111. The Committee reiterated the recommendation of the External Auditor's report on the financial statements of the TFV for the year 2014 regarding the administrative delegation of authority and managerial roles and responsibilities.<sup>24</sup>

112. The Committee noted that the Secretariat of the TFV had requested a budget of €2,502,100 for its activities in 2017. This compares to the approved budget for 2016 of €1,884,500, which represents an increase of €617,600 (32.8 per cent).

113. Pending a further decision on the structure of the TFV Secretariat by the Assembly, the Committee noted that the new structure of the Secretariat of the TFV had not been subject to Court-wide efficiency improvement projects such as the "synergies" project, and thus was not integrated in the "One-Court" principle. It may thus include duplicate processes or inefficiencies.

114. The Committee noted that the budget assumptions for 2017 are in fact a resubmission of the 2016 proposed budget corrigendum, with some adaptation resulting from the ongoing classification process, and is informed by the evolving reparations practice. **The Committee reiterated the need to work under the "One-Court" principle, and requested that the Secretariat of the TFV, in cooperation with the Court in the light of the operations foreseen for next year, report on synergies and efficiencies achieved and to submit a report to the Committee for its consideration at its twenty-eighth session. The Committee agreed to defer its consideration of the full implementation and funding of the proposed new Secretariat of the TFV structure until its review of the report at its twenty-eighth session.**

115. According to the estimates provided, staff costs would increase by 4.6 per cent compared with the 2016 proposed budget corrigendum and by 34.8 per cent compared with the approved budget for 2016, including staff resources for 19 established posts.

116. **The Committee considered the request for one Associate Executive Officer (P-2) and recommended that the Assembly approve this post as GTA for nine months.**

117. **The Committee considered the three Programme Managers (P-4) based in Kampala, Bunia and Abidjan Field Offices. The Committee recommended that the Assembly approve the reclassification of these posts.**

118. **The Committee noted the request for a Fundraising and Visibility Officer (P-3). While the Committee reiterated its earlier comment that fundraising is not a core function of the Court, it recommended that the Assembly continue to approve this request on a GTA basis for nine months, and reiterated its recommendation that the position be evaluated in light of the results achieved in raising awareness and attracting additional resources.** The Committee recognized the work done by the TFV in terms of fundraising, but also pointed to the need to find ways to include the concept of financial self-sustainability in the future financial planning of the TFV in order to limit the impact on the assessed contributions of States Parties.

119. **The Committee noted that €75.0 thousand had been requested for contractual services for fundraising events and materials. Bearing in mind its earlier comment that fundraising is not a core function of the Court, the Committee recommended that the Assembly approve this amount, under the condition that an analysis of the results derived from this expenditure versus the contributions received be brought before the Assembly through a detailed section in the Budget performance report for 2017.**

120. The Committee noted the request for a new Finance Officer (P-3) post to provide strengthened financial oversight, reporting, control and compliance within the TFV and in relation to implementing partners. Thus, the Committee recommended that the Assembly approve this post.

121. The Committee noted the request for the establishment of one Associated Programme Officer (P-2) to be based in The Hague. The Committee recommended that the Assembly approve the post on a GTA basis without funding until there has been greater experience with the new structure and it has been determined whether the needs can be met through redeployment.

122. The Committee also considered the request for six Associate Field Programme Officers (P-2) based in Bunia, DRC (2), Kampala, Abidjan, Bangui and Nairobi, for reparations and assistance mandates, including appropriate monitoring and evaluation activities and financial

<sup>24</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para. 139.

control. The Committee recommended that the Assembly approve these posts on a GTA basis with a total budget allocation of €312,250, thereby allowing for flexible allocation of working months for each position, and decided to continue reviewing such allocation in the future.

123. The Committee noted the request for one Administrative Assistant (GS-OL) in The Hague. The Committee considered that this position was not properly justified and recommended to the Assembly not to approve this position.

*Recommended budget for MP VI*

124. The Committee accordingly recommended total reductions in the amount of €277,580 in Major Programme VI from its original proposed budget. The Committee thus recommended the Assembly that a total of €2.22 million be approved for Major Programme VI.

*(vii) Major Programme VII-2: Permanent Premises Project – Host State Loan*

125. The financial implications of MP VII-2 are applicable only to those States Parties that did not opt for a one-time payment or did not fully complete their one-time payments.<sup>25</sup>

126. The 2017 proposed budget for MP VII-2 amounts to €2,987,300 as instalments. Compared to the approved budget for 2016 of €2,200,500 this represents an increase of €786,800 (35.8 per cent).

127. The Committee recalled that the Court has a legal obligation to pay in full for the instalments to the host State by the first day of February of each year. **The Committee urged those States Parties that must contribute to the payment of the host State loan to make their instalments in full and no later than end of January of each year, as otherwise the Court would have to make use of its operating funds in order to cover such payments.**

*Recommended budget for MP VII-2*

128. The Committee thus recommended the Assembly that a total of €2.99 million be approved for Major Programme VII-2.

*(viii) Major Programme VII-5: Independent Oversight Mechanism*

129. The 2017 proposed budget for Major Programme VII-5 amounted to €554,800, representing an increase of €239,700 (76.1 per cent), against the 2016 approved budget of €315,100. The Committee noted that the Independent Oversight Mechanism (“IOM”) would be fully staffed in 2017, with three professional posts and one general service post, as approved by the Assembly at its twelfth session.

130. The Committee was of the view that by virtue of the mandate of the IOM to conduct inspections, evaluations and investigations at the request of the Assembly or the heads of organs, it could become an important instrument for the exercise of independent oversight, including in the area of impact evaluation. The Committee looked forward to the IOM becoming fully operational in 2017 and a constructive and fruitful relationship with the Committee and other subsidiary organs of the Assembly.

*Recommended budget for MP VII-5*

131. The Committee thus recommended that the Assembly approve a total of €554,800 for Major Programme VII-5.

*(ix) Major Programme VII-6: Office of Internal Audit*

132. The 2017 proposed budget for Major Programme VII-6 amounted to €694,200, representing an increase of €12,400 (1.8 per cent), against the 2016 approved budget of €681,800.

133. The Committee noted that the increase is mainly due to increases resulting from the United Nations Common System, as well as training needs for new staff members.

<sup>25</sup> Official Records ... Seventh session ... 2008 (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.1, Annex III.

*Recommended budget for MP VII-6*

134. **The Committee thus recommended that the Assembly approve a total of €694,200 for Major Programme VII-6.**

## 5. Financial performance data as at 30 June 2016

135. The Committee had before it the Report on Budget Performance of the International Criminal Court as at 30 June 2016,<sup>26</sup> as well as the forecast performance as at 31 December 2016. The Committee noted that the implementation rate at mid-year was 48.3 per cent (€67.45 million), against the 2016 approved budget of €139.59 million, which represents a decrease of 6.8 per cent compared to last year's implementation rate of 55.1 per cent as at 30 June 2015.

136. The Court forecasts an implementation rate of 97.0 per cent (€135.35 million), including the interest paid for the premises amounting to €2.19 million, against the approved budget for 2016 of €139.59 million, which represents a decrease of 0.1 per cent compared to last year's implementation of 97.1 per cent as at 31 December 2015.

137. The Committee noted at its twenty-sixth session, that the lower implementation rate was due to lower staff costs as a result of staggered recruitment under the ReVision reorganization and that the implementation rate would increase during the course of the year, once the vacant positions were filled.<sup>27</sup>

138. In recent years, the consolidated implementation rate for both regular budget and Contingency Fund notifications against approved budgets was 96.6 per cent in 2014, 95.8 per cent in 2013, and 96.6 per cent in 2012.

139. The Court's forecast implementation of 97.0 per cent against the 2016 approved budget could create room to absorb additional expenditures arising from Contingency Fund notifications. However, while the forecast implementation rate, as well as the forecast amount, is provisional and subject to a high degree of uncertainty, it is likely that the two letters from the Registrar addressed to the Chair of the Committee in August 2016 informing her of a potential resort to the Contingency Fund due to unforeseen and unavoidable costs in the *Lubanga* and *Ongwen* cases, as well as the situation in Georgia, will have an impact on the balance of the current Contingency Fund level of €5.79 million as at 30 June 2016.

140. **The Committee requested that the Court provide an updated forecast to the Assembly for its fifteenth session, through the Committee, that would include actual expenditures in respect of both the regular budget and the Contingency Fund notifications up to the end of October 2016.**

## 6. Liquidity and precautionary reserves

141. The Court holds and manages a number of precautionary reserves to allow it to manage liquidity and unforeseen events. These include:

- a. **The Working Capital Fund**, established to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions.<sup>28</sup> The established notional level of the fund has remained unchanged since 2007. It was originally set at €7.4 million and represented one month of the Court's expenditure, in line with recognised international practice. Due to the incremental budget growth, the level of the fund no longer reflects one month of expenditure, and therefore would need to be increased to €11.6 million (a €4.2 million, or 36 per cent, increase) based on the 2016 approved budget;

<sup>26</sup> ICC-ASP/15/11.

<sup>27</sup> ICC-ASP/15/5, paras. 38-39.

<sup>28</sup> Regulation 6.2 of the FRR.

b. **The Contingency Fund**, established to ensure that the Court can meet unforeseen and unavoidable expenses.<sup>29</sup> The level of the CF was originally set at €10 million by the Assembly in 2004 and set a €7 million in 2009.<sup>30</sup> In 2015, the Court drew €1.71 million from the fund, whereby the Assembly decided in the same year, while not replenishing the Fund, to maintain it at the notional level of €7 million for 2016, and further requested the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the CF. The CF now stands at €5.79 million and thus requires replenishment of €1.21 million in order to meet the level of €7 million set by the Assembly at its fourteenth session; and

c. **The Employee Benefit Liability Fund**, which covers costs resulting from liabilities payable for salaries and other entitlements, annual leave accrual and other long-term benefits and post-employment benefits. The Fund had reached the amount of €11 million in 2014. It has been drawn upon to cover various other expenditures by the Court, including costs related to ReVision and the Permanent Premises project and currently stands at €344 thousand as at 30 September 2016.

142. Precautionary reserves - especially the WCF - are an essential tool for the Court to meet its financial needs. They should be set at the appropriate levels and only be used for the purpose intended and maintained where needed.

143. The Committee noted the current funding position of the Court with concern. The status of outstanding contributions and states in arrears were such that this year the Court has had to make use of the WCF for the first time and, should the financial situation remain the same or worsen, further recourse to the fund would have to be made.

**144. Therefore, the Committee recommended that the Assembly agree in principle to reinstate the Working Capital Fund to represent one month's expenditure of the Court's 2016 approved budget (€11.6 million).**

145. To fund this increase in 2017 would require a one off payment of €4.2 million. The Committee appreciated that there are other calls on the States Parties' contributions this year and, therefore, considered multi-year funding to restore the WCF to €11.6 million. The Committee also noted that, until full restoration of the WCF would be achieved, the CF could act as a temporary cash reserve, as well as for its intended purpose.

**146. In order to support this approach, the Committee recommended restoring the Contingency Fund to the level approved by the Assembly of €7 million. This would require €1.21 million of assessed contributions for 2017.**

147. The funding required to reinstate the WCF is €4.2 million. This could be spread over a number of years starting 2018, and as the WCF is increased, the maximum temporary call on the Contingency Fund would fall. This is illustrated in the table below:

Year	Additional assessed contributions by States Parties (million €)	(Notional) Working Capital Fund level (million €)	Contingency Fund level ( million €)	Maximum call on Contingency Fund by Working Capital Fund (million €)
2016	0	7.4	5.79	-
2017	1.21 <sup>31</sup>	7.4	7	4.2
2018	1.4 <sup>32</sup>	8.8	7	2.8
2019	1.4 <sup>33</sup>	10.2	7	1.4
2020	1.4 <sup>34</sup>	11.6	7	0

<sup>29</sup> Regulation 6.6 of the FRR.

<sup>30</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/20), part III, ICC-ASP/3/Res.4, section B, para. 1.

<sup>31</sup> Contingency Fund replenishment.

<sup>32</sup> Financing of the replenishment of the WCF.

<sup>33</sup> *Idem.*

<sup>34</sup> *Idem.*

148. **The Committee recommended that the Assembly consider the proposed timetable, and requested the Court to take these amounts into consideration when submitting future budget proposals.**

149. **The Committee further recommended that the Court review the level of all precautionary reserves in 2019 to ensure that they are set at the appropriate level, especially as restructuring and expansion allows the Court to be more flexible and more able to cope with an increased workload.**

150. The Committee took note of the Court's request for permission to access a line of credit. While the Committee recognised that there is a provision in the FRR that allows for access to a credit line, the Committee believed that the Court and the Assembly need to exhaust all available avenues of funding before using any external credit sources. This includes seeking payment of outstanding contributions and arrears, and the Court undertaking a full analysis to strengthen liquidity management.

151. **In line with resolution ICC-ASP/14/Res.1, the Committee was of the view that the Court should be able to apply to banks for a seasonal credit line of up to €8 million for the period of December 2016 to mid-February 2017, in order to top-up for the foreseen liquidity shortfall in the WCF. The Committee recommended that a seasonal credit line be established and be used as last resort, after the full utilisation of the WCF and temporary, exceptional utilisation of the CF.**

152. **The Committee therefore requested that the Court report to its twenty-eighth session with a full evaluation of current cash flow management, including:**

- a. **a comparison of assumptions and actual implementation;**
- b. **early identification of diverging trends;**
- c. **scope for better aligning disbursements to actual receipts of contributions;**
- d. **management of payment periods, including the advantages, disadvantages and any legal issues in extending periods for the payment of supplier invoices;**
- e. **options for the temporary pooling of liquid reserves;**
- f. **projections and use of annual budget surpluses, currently or in the medium term; and**
- g. **advantages, disadvantages and costs for arranging an external line of credit.**

## **7. Amendments to the Financial Regulations and Rules**

153. At its twenty-sixth session, the Committee considered the Report of the Court on Policy Issues<sup>35</sup> and, in particular, the Court's proposal on how to amend the FRR in order to accommodate situations, in which new needs arose after the submission of the proposed programme budget but before the beginning of the financial year to which it pertained. The Committee expressed its view that further discussion was required at its twenty-seventh session in order to finalize the amendments before submitting them to the Assembly.<sup>36</sup>

154. **The Committee had before it and considered the amended text of the Financial Regulations and Rules, and recommended that the Assembly approve the amended text in annex VI to this report.**

## **C. Institutional reform and administrative matters**

### **1. Lessons learnt on judicial proceedings**

155. In the Report on the work of its twenty-fourth session, the Committee encouraged the Presidency to pursue the initiatives adopted under the leadership of the Working Group on Lessons Learnt, which aim to improve the efficiency and effectiveness of judicial proceedings. It also requested an up-to-date presentation of improvements achieved in the interim for its twenty-sixth session.

156. **With regard to initiatives undertaken in 2016, the Committee noted at its twenty-seventh session that the Judges had published the Chambers Practice Manual, which is the first update to the Pre-Trial Practice Manual. The Committee looked forward to further updates at its twenty-eighth session.**

<sup>35</sup> CBF/26/4.

<sup>36</sup> ICC-ASP/15/5, para. 44.

## 2. 2016-2018 Strategic Plan for OTP

157. The Committee noted that the new 2016-2018 Strategic Plan highlighted not only the efforts made to raise work standards and to respond to requests for intervention received by the OTP, but also the need for greater interaction with the police, legal departments and specialized judicial authorities. **The Committee requested that the OTP submit an interim progress report at its twenty-eighth session on the implementation of the new 2016-2018 Strategic Plan, by highlighting efficiency gains and synergies.**

## 3. Registry's staggered approach

158. At its fourteenth session, the Assembly noted that the full implications of the ReVision process, including its financial implications in both the short-term and the long-term, would be the subject of further clarifications to the Committee at its twenty-sixth session. The Committee therefore looked forward to receiving the full assessment of the External Auditor on the ReVision process and would scrutinise the assessment closely.

159. **In the meantime, the Committee underlined that the approval of the staggered approach should in no way be understood as a tacit multi-year approval of the Registry's requirements.**

## 4. Inter-organ synergies within the "Basic Size" model and its full costing analysis

160. At its twenty-fifth session, the Committee looked forward to receiving a full costing of the impact of the "Basic Size" and the Strategic Plan for 2016-2018 on other organs of the Court at its twenty-sixth session.<sup>37</sup>

161. An Interim report by the Court on the Court wide impact of the OTP "Basic Size" model<sup>38</sup> was submitted to the Committee at its twenty-sixth session. The Court further submitted a Final Report in this regard to the Committee at its twenty-seventh session.<sup>39</sup>

162. At its twenty-sixth session, the Committee looked forward to an update on inter-organ synergies within the framework of the continued work on the "Basic Size" and its full costing analysis and on the identification of further efficiency gains in the Court's operations, including in the areas identified by the Court as requiring further consideration (field operations, administration and judicial operations) at its twenty-seventh session. Following the request of the Committee, the Court submitted its Second Report on Inter-Organ Synergies.<sup>40</sup>

163. The Committee regrets that the Court has still been unable to finalize the Inter-Organ Synergies project.<sup>41</sup> So far no significant and quantifiable efficiency gains or savings and budgetary impact have been demonstrated by the Court. As the main results of the project so far have been improved co-operation and better understanding, few new instructions and few duplications of processes have been identified. So far the areas of activity covered are: Analyses, Languages, Public Information, External Relations, Procurement and Mission Planning. Remaining areas include Information Technology and Witness Management.

164. **The Committee expected the whole Inter-organ-Synergies' project to be finished and a final report to be presented to the twenty-eighth session of the Committee.**

165. The Committee noted that:

- a. "Basic Size" as a project is now finished and represents a conceptual model to describe the functional and resource relations between the main organs of the Court;
- b. Relevant Human Resources and other resource needs are described by sections and Organs of the Court and are fully costed;
- c. Workload assumptions made in the "Basic Size" exercise closely mirror the actual situation in the proposed budget for this year; and

<sup>37</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para. 31.

<sup>38</sup> CBF/26/12.

<sup>39</sup> CBF/27/10.

<sup>40</sup> CBF/27/8.

<sup>41</sup> *Ibid.*, para. 6.



- d. “Basic Size”, as projected, represents a substantial resource growth trajectory reaching its apex by 2021.

166. The Committee understood that the results of the exercise provide a conceptually costed trajectory on the level of activity that the Court could effectively manage (bearing in mind the physical limits of Court’s premises) over the coming years, by describing the functional and resource relations between the main organs of the Court. It recognized that this trajectory cannot be seen as a predictor for actual budgetary increases as it is based on assumed activities. Only when an activity presents itself in real time can the Court evaluate and prioritize its resource levels depending on how large or complex the activity is. Therefore, any increases as a result of changed activity levels will be considered on a year-by-year basis, as it is currently the case.

167. The Committee noted that the “Basic Size” model was not undertaken within a financial envelope and, thus, presented the Court’s simulation of its maximum level of resource requirements at full assumed capacity. The Committee recognized that actual level and budget growth will differ as they would be based on the real life activities occurring and also recognized that the Court, through the Coordination Council, sought to remain within a budgetary envelope when considering the proposed budget for 2017.

168. **The Committee recommended that the Assembly provides its input to inform the shape of the ultimate trajectory for budgetary growth for the Court and provide its projection of affordability at the beginning of the Court’s budgetary process to align expectations.** This would allow the Court to take into consideration the projection of States Parties’ affordability, whilst undertaking its prioritization of activities when preparing the annual budget. Should the projection be lower than the costed increase without constraint, this would strengthen the need for the Court to seek synergies and savings within allocated budgets.

169. The Committee believed that financial constraints should be considered at the beginning and during the budgetary process of the Court to allow it to collectively prioritise and cost desired activity and consider any options needed to reprioritize or reorganise activity. Not only is the Court best placed to do this but it would be at an appropriate time in the year to maximize options should it need to rationalize activity. Seeking to reduce budgets once the budgetary process is completed and the proposed programme budget has been presented, limits the amount of time to consider available options for the forthcoming year.

## 5. Scope of authority delegated by the Registrar to the Secretariat of the Trust Fund for Victims

170. At its twenty-fifth session, the Committee took note of the External Auditor’s report on the financial statements of the TFV for the year 2014 regarding the administrative delegation of authority and managerial roles and responsibilities. The Committee also noted the work of the TFV Board of Directors, in consultation with the Registrar, to develop a more comprehensive arrangement for the administrative delegation of authority by the Registrar to the Secretariat of the TFV, and requested an update on developments involving this matter for its twenty-sixth session.<sup>42</sup>

171. In March 2016, the Committee accepted the request to extend the deadline for the update, in light of the extensive scope of the report and the need for the Court to carry out a detailed analysis and further agreed to the submission of the report at its twenty-seventh session.

172. On 25 July 2016, the Committee was informed that the Court would once again not be able to submit a report as requested by the Committee. In this context, the Committee was informed as follows:

“In relation to the recommendation number “one” made by the External Auditors in their report on the TFV (CPI 2015-2), it was noted that the review and consultation process has been suspended until the structural reorganization of the TFV Secretariat is completed and the related budgetary implications are formally approved by the Assembly. A clear overview about the new Secretariat TFV’s structure and its staff members’ revised roles and responsibilities is conditional to properly establish the scope of administrative delegation of authority from the Registrar to the TFV Secretariat, as well as the terms under which the cooperation and coordination between the TFV and the Registry shall be conducted.”

173. **The Committee took note of the information received on the delegation of authority of the Registrar to the Secretariat of the TFV and requested an update at its twenty-eighth session.**

<sup>42</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part.B.3, para.139.

## 6. Mission frequency and costs

174. At its twenty-sixth session, the Committee noted the large number of missions conducted by the Court, and requested the Court to report, for its twenty-seventh session, on how mission frequency and costs had evolved over the years and on any future developments anticipated.<sup>43</sup>

175. The Committee took note of the report submitted by the Court outlining the travel-related expenditures from 2013 to 2015 for both the approved budgets and the CF of the Court. It also outlined anticipated future developments. The Committee continue monitoring the anticipated future developments at its future sessions.

## 7. Reparations

176. The Committee was not provided with any written reports from the Court on reparations. However, it was updated verbally and the Court answered the queries raised by the Committee on developments with regard to reparations in the *Lubanga*, *Katanga* and *Bemba* proceedings.

177. The Committee observed that, following a decision by Trial Chamber II on 9 February 2016, changes were made to the initial plans regarding reparation proceedings in the *Lubanga* case, resulting in an additional cost of €313,400 which had not been included in the 2016 approved budget.

178. The Committee observed that the reparations process is an innovative one under the Rome Statue, without precedent as far as the other international criminal tribunals that had preceded the establishment of the Court are concerned, and that it is therefore difficult to forecast the financial and administrative implications of the reparations process.

**179. The Committee recalled its earlier assessment that the issue of reparations had a potentially significant impact on the reputation and operations of the Court. Furthermore, the Committee was cognizant of the fact that the final pattern of reparations in the *Lubanga*, *Katanga* and *Bemba* cases depends on decisions by the Chambers and, therefore, requested to be informed about the administrative and operational cost implications resulting from the implementation of reparations, once these can be determined, and further agreed to closely monitor the situation at its forthcoming sessions.**

## 8. General temporary assistance (GTA)

180. **The Committee requested that the Court provide budget information for newly requested GTAs in such a way as to assign and link each GTA position to certain situation(s), case(s) or temporary function(s), in order to provide the necessary transparency and to facilitate the Committee's recommendations on the future budget and any potential future requests for the conversion of these positions.**

**181. Furthermore, the Committee recommended that the Court specify, for all newly requested GTA positions in future budgets, if possible, the required duration of the requested posts, including multi-year posts, in order to reduce the administrative workload of the Human Resources Section and of the hiring of officers. Also, the Committee reiterated its recommendation that the Court submit a policy proposal on the duration of the contracts for GTA positions at its twenty-eighth session as part of its annual Human Resources report.**

## 9. Legal aid

182. The Committee noted that, as a result of decisions in the *Lubanga* case at the end of 2015, and in the *Katanga* case in 2014, the Court will be implementing reparations for the first time in its history, and that a number of important policy issues should be considered by the Assembly, including the appropriate role for legal aid.

183. In the 2017 proposed budget for legal aid, an amount of €922,000 was requested for the reparations proceedings in the *Lubanga* and *Katanga* cases, including €400,000 for defence counsel.

184. The Committee recalled that the Court's Single Policy Document on the Court's Legal Aid System<sup>44</sup> describes the principles governing the current legal aid system, including a description of

<sup>43</sup> ICC-ASP/15/5, para. 26.

<sup>44</sup> CBF/20/5/Rev.1.

the composition of teams for defence and victims. The Committee noted that a clear distinction appeared to have been drawn in the Single Policy Document between the length of time that defence teams would play a role (ending after a decision on appeal) and the length of time that victims teams would play a role (ending after the reparations phase). In particular, the Committee noted that the reparations phase takes place only after the final conviction of the accused, whereby the amount of legal aid during that phase has not yet been sufficiently clarified.

185. The Committee noted that during the reparations phase, reduced activity would be required by the legal team for the convicted person. It further noted that amounts to be allocated to legal aid for the defence could be based on a comparison with a “reduced activity” phase, amounting to €164,248 per year. **Thus, the Committee recommended that during the reparations phase the amount for legal aid for the defence be approved at the level of €258,500<sup>45</sup> therefore, the total reduction is €141,500.**

186. The Committee also noted that legal aid funds had been requested in the amount of €250,000 for legal aid for victims at the situation level, and that €303,000 had been requested by the Office of the Public Counsel for Victims for field counsels for victims. After a thorough examination of the issue, **the Committee concluded that the amount requested for legal aid for victims at the situation level could be reduced by €200,000.**

## 10. Geographical distribution and gender balance

187. The Committee was provided with updated information on geographical representation and gender balance within the Court as at 31 July 2016.

188. The Committee recalled that the Court had adopted a range of measures to address long-standing imbalances in geographical representation and gender balance. **In this regard, the Committee reiterated its recommendation made at its twenty-sixth session<sup>46</sup> and looked forward to the consolidation of the Court’s current and planned efforts into an action plan, where feasible, based on quantified, monitorable performance targets and a progress report in this regard at its twenty-eighth session in the context of the annual report on Human Resources.**

189. The Committee was cognizant of the ongoing recruitment process to fill vacancies created as a result of the ReVision project within the Registry and of the proposed conversion of a large number of GTA positions into established posts within the OTP, which would have an impact on geographical distribution and gender balance within the Court.

190. The Committee was provided with information<sup>47</sup> suggesting a negative impact of the ReVision process in terms of geographical distribution and gender balance. The Committee took note of the amended human resource structure in the Registry, in particular an anticipated high increase in the number of staff, compared to the staff level expected after its reorganization.

**191. Therefore, the Committee looked forward to receiving a further update on the geographical distribution and gender balance at its twenty-eighth session in the context of the annual report on Human Resources, along with an analysis of the impact of ReVision and of the large scale GTA conversions in OTP in order to ensure that there has been no negative effect on geographical distribution and gender balance within the Court.**

## D. Audit matters

### 1. Annual report of the Audit Committee

192. At its fourteenth session, the Assembly approved the recommendations of the Committee on the re-establishment of the Audit Committee (“the AC”), in particular the Charter of the AC contained in annex IV of the Committee’s report on the work of its twenty-fifth session.<sup>48</sup>

193. The Committee had before it the Annual Report of the AC<sup>49</sup> that is included as annex VII to the present report and submitted for the attention of the Assembly.

<sup>45</sup> The level of €258,500 represents 19 months of legal aid during reduced activities using a standard cost of €13,600 per month.

<sup>46</sup> ICC-ASP/15/5, para. 91.

<sup>47</sup> Non-paper from the Women’s Initiatives for Gender Justice.

<sup>48</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, annex IV.

<sup>49</sup> AC/2/15.

194. The Committee scrutinised the annual report of the AC on the work carried out in 2016 which covered the following matters:

- a. Governance structure;
- b. Risk management;
- c. Oversight of internal and external audit; and
- d. Monitoring the implementation of previous recommendations made by the AC.

195. As far as the Governance structure is concerned, the AC issued three recommendations on the organisation manual, the mandate of the Coordination Council and the Court's collaboration with the OIA.<sup>50</sup>

**196. Given that there is still much room for improvement as far as the governance of the Court is concerned, the Committee welcomed the recommendations of the AC and recommended that they be approved by the Assembly.**

197. With regard to risk management, the AC made four recommendations on sharing the risk management information between the Court and the OIA, risk assessment criteria, the risk-management mechanism and the strengthening of the capacities of the various line managers in relation to risk management.<sup>51</sup>

**198. Given the fact that risk management at the Court does not yet meet the international standards for institutions comparable to the Court, taking into consideration the challenges faced, the Committee recommended that the Court's senior management, in close cooperation with the OIA, explore possibilities for a Court-wide strengthening of risk management, and that the Assembly approve all of the recommendations made in this regard by the AC at its fifteenth session.**

199. Concerning the oversight of internal and external audit, the Committee was informed that, in accordance with paragraph 57 of the AC-Charter, the AC had examined and approved the OIA Audit Plan for 2016, in particular the auditing of the process for mission planning, the Court's budgetary procedure, the management of risks associated with the exchange rate, the security of field offices and the procedures for managing crisis situations.

200. The 2017 audit plan will be approved by the AC at its third session to be held via video-conference before the end of 2016. With regard to the implementation of previous audit recommendations, the AC made three recommendations on reducing the number of outstanding recommendations, the process for implementing recommendations and access to information without restriction for the OIA.<sup>52</sup>

**201. Further to the AC's recommendations, the Committee called on all the organs of the Court to improve the implementation status of audit recommendations.**

**202. As far as the External Auditor is concerned, the AC made recommendations on the extension of the mandate of the External Auditor, amendments to the draft engagement letter and the presentation of the management letter.<sup>53</sup> The Committee recommended that the Assembly approve these recommendations.**

203. The Committee was informed that the External Auditor did not attend the AC's second session, even though ample advance notice of the date of the meeting had been given.

204. The External Auditor was unable to have any discussions, neither on a one-to-one basis, nor by telephone or tele-conference with the AC on external audit matters, which hindered the accomplishment of the AC's tasks. As a consequence, the AC was unable to examine the External Auditor's reports.

205. The Committee took note of recommendation number "four" of the External Auditor that "[t]he Assembly of States Parties terminate the mandate of the Oversight Committee, after discharging the Project Director's Office of its responsibility, and entrust oversight of the budgetary and financial aspects relating to the permanent premises' maintenance and capital replacements to the

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<sup>50</sup> *Ibid.*, paras. 8-13.

<sup>51</sup> *Ibid.*, paras. 18-23.

<sup>52</sup> *Ibid.*, paras. 35-39.

<sup>53</sup> *Ibid.*, paras. 48-51.

Committee on Budget and Finance.” See paragraph 232 under Governing structure and total cost of ownership for the Committee’s recommendation.

206. **The Committee recommended that the Assembly approve the External Auditor’s recommendations except for recommendation number “four” as detailed in paragraph 239 of this report.**

**2. Financial statements of the Court and the Trust Fund for Victims for the year ended 31 December 2015**

**a) Consideration of the financial statements of the Court**

207. Regulation 12 of the Financial Regulations and Rules provides that the Assembly shall appoint an Auditor to conduct audits in conformity with generally accepted common auditing standards, subject to any special directions of the Assembly and in accordance with the additional terms of reference set out in the annex to the FRR.

208. In accordance with regulation 12.7, the Auditor shall issue a report on the audit of the financial statements and relevant schedules relating to the accounts for the financial period. In accordance with regulations 12.8 and 12.9, audit reports are subject to examination by the Registrar and the Committee Budget and Finance, before being submitted to the Assembly.

209. Rule 9 of the Rules of Procedure of the Committee provides that the Committee shall consider reports of the Auditor and submit them to the Assembly together with any comments it may deem appropriate.

210. Section M.2 of the AC-Charter provides for the consideration of external audit matters by the AC. It sets out the comprehensive oversight role of the AC for the external audit with the aim that the AC obtains reasonable assurances with respect to its audit activity. In accordance with its Charter, the AC is tasked with meeting with external assurance providers, such as the External Auditor, during the planning of the audit, the presentation of the audited financial statements, and the discussion of the letter to management on recommendations<sup>54</sup> and, further, examining and monitoring the independence of the External Auditor and his recommendations, together with any other questions raised by him or by any other external assurance provider.<sup>55</sup>

211. The Committee took note of the fact that despite that fact that the External Auditor was given notice, the representative was not available to attend the second session of the Audit Committee.<sup>56</sup> The Committee further noted that due to the absence of the External Auditor at the second session of the AC and the lack of information resulting therefrom, the AC decided not to consider the financial statements of the Court, which include an audit report on the financial reporting and management of the permanent premises project.<sup>57</sup>

212. The Committee was requested by the Chair of the AC to exceptionally consider external audit matters at its twenty-seventh session. The External Auditor was informed thereof and agreed to be present during the consideration of the agenda item related to external audit matters at the twenty-seventh session of the Committee.

213. The Committee received the Financial Statements of the International Criminal Court for the year ended 31 December 2015,<sup>58</sup> which include an audit report on the financial reporting and management of the permanent premises project for the financial year 2015.

214. The Committee welcomed the presentation by the External Auditor in relation to the financial statements of the Court.

215. The Committee noted with concern the External Auditor’s qualified opinion that, with the exception of the possible effects related to the final cost of the permanent premises project, the financial statements give a fair view of the financial position of the Court as at 31 December 2015, as well as the Court’s financial performance, the changes in net assets, the cash flow and the

<sup>54</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV, para. 58.

<sup>55</sup> *Ibid.*, para. 59.

<sup>56</sup> AC/2/15, para. 44.

<sup>57</sup> *Ibid.*, para. 52.

<sup>58</sup> ICC-ASP/15/12.

comparison of budget and actual amounts for the 12 month period ending 31 December 2015, in conformity with the International Public Sector Accounting Standards (“the IPSAS”).<sup>59</sup>

216. The Committee received an explanation from the External Auditor regarding the basis for his qualified opinion. The External Auditor explained that, as the final agreement reached between the Court and the Constructor (*Courtyts*) has not been signed since it is awaiting authorization from the Assembly, he was unable to determine whether any adjustments to the permanent premises amounts recognized as at 31 December 2015 were necessary.

217. However, the External Auditor informed the Committee that he would probably change his qualified opinion to an unqualified one on the permanent premises accounts as at 31 December 2015 if the following conditions were met during or right after the Assembly in November 2016:

- (i) the Assembly authorises the overrun for the permanent premises of €1.75 million;
- (ii) the agreement between the Court and the Constructor (*Courtyts*) is signed on the total amount of the premises; and
- (iii) the Court amends and reissues the financial statements with explanatory notes reflecting the overrun part.

#### **b) Consideration of the financial statements of the Trust Fund for Victims**

218. Paragraph 13 of resolution ICC-ASP/1/Res.6, establishing a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, provides that the FRR shall apply *mutatis mutandis* to the administration of the TFV. Furthermore, the Assembly, at its fourth session, endorsed the recommendation contained in paragraph 20 of the report of the Committee on the work of its fourth session regarding the inclusion of the TFV and its Secretariat within the scope of the audit arrangements applicable to the Court.<sup>60</sup>

219. The Committee noted that due to the absence of the External Auditor at the second session of the AC and the lack of information resulting therefrom, the AC had decided not to consider the financial statements of the TFV at its second session.<sup>61</sup>

220. The Committee considered the Financial Statements of the TFV for the year ended 31 December 2015.<sup>62</sup> The Committee took note of the External Auditor’s unqualified opinion that the financial statements give a fair view of the financial position of the TFV as at 31 December 2015, as well as the TFV’s financial performance, the changes in net assets, the cash flow and the comparison of budget and actual amounts for the 12 month period ending 31 December 2015, in conformity with the IPSAS.

## **E. Human resources**

### **UN Common System**

221. In the framework of the 2012 budget negotiations, States Parties had suggested examining together with the Court, the possibility of imposing a temporary freeze on salaries and allowances at the Court. In the meantime, the United Nations General Assembly (“the UNGA”) in its resolution A/RES/70/244 took a decision to approve, with effect from 2016, the revised base/floor scale of gross and net salaries for staff in the Professional and higher categories, as recommended by the ICSC. In addition, the UNGA decided to approve the ICSC proposal on the common system compensation package as at 1 July 2016, including the unified salary scale and transitional measures.<sup>63</sup>

222. Considering the mandate given by the Assembly’s resolution ICC-ASP/14/Res.1, in April 2016 the Committee organised a mission in order to follow-up the Assembly’s initial request for an evaluation of the feasibility of a departure from the UN common system, and the establishment of an alternative pension scheme for newly recruited staff. The Committee delegation had several meetings

<sup>59</sup> *Ibid.*, page 5.

<sup>60</sup> *Official Records ... Fourth session ... 2005* (ICC-ASP/4/32), part II.A, para. 3.

<sup>61</sup> AC/2/15, para. 52.

<sup>62</sup> ICC-ASP/15/13.

<sup>63</sup> A/RES/70/244, section III, para. 1.

with UN officials and non-UN officials, and many contacts with external multilateral organisations, in order to obtain the necessary information to assist it with coming to a conclusion on this matter.

223. Departing from the UN common system would require the Court to invest significant funds to create its own pension scheme and compensation structure, and would hinder mobility for staff between the Court and other UN organisations.

224. Remaining within the UN common system would require the Court to implement changes to its salaries and allowances in view of the modifications to the UN common system compensation package that have been approved by the UNGA.

**225. Based on the information gathered, the Committee recommended that the Court should remain part of the UN common system, and remain part of the UN pension scheme.**

**226. Thus, and subject to the decision by the UN General Assembly on the UN Secretary-General's request to delay implementation of the new compensation package, the Committee recommended that the Court align itself with the actual implementation timeline, with the completion of the procedure set out in paras. 27-28 of the Report on the implementation of changes to the Court's salaries and allowances in accordance with the modifications to the United Nations common system compensation package.<sup>64</sup>**

## **F. Permanent premises project**

### **1. Report of the Oversight Committee**

227. The Committee had before it the Second interim report on the activities of the Oversight Committee<sup>65</sup> and an Addendum<sup>66</sup> to the mentioned report.

228. The Chairperson of the OC highlighted the activities of the OC since the premises project had been concluded. She noted that the OC has endeavoured to ascertain the final cost of the overall project, the possible financing of the overrun, and the allocation of such costs among the States Parties. Also, it had provided suggestions on how to cater for the interests of States Parties in the future, once the OC would cease to exist. The Project Director gave additional explanations.

### **2. Cost overrun**

229. The OC requested that the Committee consider whether to recommend to the Assembly that the interest accrued in the amount of €553,326 on the funds of the permanent premises project be used to mitigate the cost overrun referred to in paragraphs 21 to 24 of the Second interim report on the activities of the Oversight Committee to the Committee on Budget and Finance.<sup>67</sup> The Committee was informed that the Project Director and the General Constructor (*Courty's*) have reached a draft settlement agreement which would result in the budget envelope exceeding by €1.75 million the ceiling authorized by the Assembly. The additional €1.75 million could be paid at the end of 2016, after the approval by the Assembly at its fifteenth session. Conscious of the need for approval by the Assembly, the final signature has been postponed until after the fifteenth session of the Assembly. The Chairperson of the OC and the Project Director emphasized that failure by the Assembly to approve the settlement could reopen the deal and lead to additional costs for States Parties.

230. Concerning the funding of the €1.75 million overrun, it emerged from the OC's presentation that there are two complementary options to consider.

231. One option is to cover the overrun from unspent resources left in the Court's regular budget at the end of 2016. The Court has indicated its willingness to do so. However, to ensure compliance with the FRR, the Assembly would need to authorize the Court, in the framework of the budget resolution, to use the budget surplus to cover the overrun.

232. Another option, the OC explained, could be to use the interest of €553,326 which the project funds have accumulated over the years. The OC understands that the interest essentially stems from the interest accumulated by one-time payments and thus there may be a certain element of ownership,

<sup>64</sup> CBF/27/7.

<sup>65</sup> CBF/27/11.

<sup>66</sup> CBF/27/11/Add.1.

<sup>67</sup> *Ibid.*

which States Parties that have made one-time payments may feel. The OC requested that the Committee consider whether to recommend to the Assembly that the interest be used to this effect.

233. The Court advised the Committee that the interest has always been credited and kept in the premises bank account since it was opened. As a legal matter, the Court explained that the interest belonged to the project and, since it was not required that it be returned to States Parties and it was not possible to reallocate it to States Parties, then it could be used to reduce the premises cost overrun, as the interest had accrued on funds belonging to the same project.<sup>68</sup>

234. In this context, the Committee would like to recall the earlier observation of the OC in its Second interim report of 2014. When the system of one-time payments was set up in 2009, no provision was made for interest being paid back to States Parties on their one-time payments. The OC found that calculating accurately the amounts that might be returned to States Parties would be extremely difficult.<sup>69</sup>

235. The Committee also notes that using the interest to pay for the cost overrun would leave more scope in the regular budget to absorb expenditure under CF notifications.

**236. The Committee recommended that the Assembly consider using the interest accrued on the project account to finance part of the cost overrun.**

### 3. Governing structure and total cost of ownership

237. The OC recalled that the Assembly, at its fourteenth session, invited the Bureau to continue discussions on the establishment of a new governance structure for the new premises, and to report to the Assembly at the upcoming session. The OC has had an initial discussion it will continue in October, when it hopes to be in a position to provide input to inform the Bureau's and the Assembly's discussion. The OC also said that it looked forward to the Committee's views on the External Auditor's recommendations about a possible role for the Committee in providing oversight of the new premises.

238. The External Auditor has recommended that the Assembly terminate the mandate of the OC and entrust the oversight of the Facilities Management Unit of the Court to the Committee or a sub-committee, including the budgetary and financial aspects relating to the premises' maintenance and capital replacements.<sup>70</sup>

**239. The Committee did not believe that the need for a separate new governance structure in the wake of the OC had been demonstrated. From its technical viewpoint it suggested instead that the new challenges - i.e. the maintenance of the premises, a strategy for capital replacements and effective oversight - could be efficiently organized within the current organizational set-up of the Court, namely the Assembly and its working groups. Under its mandate, the Committee would, as before, have the opportunity, and is fully prepared, to assist by offering financial advice. However, the Committee believed that such oversight responsibilities require additional resources and specialized expertise, and therefore the Committee - in light of its current limitations - recommended that the Assembly not approve this recommendation by the External Auditor that: "the Committee on Budget and Finance assume the oversight responsibilities currently being carried out by the Oversight Committee".**

240. Concerning the projected capital replacements, the Committee would like to highlight the Auditor's recommendation that the Assembly review as soon as possible the cost estimates of capital replacements and implement a funding solution that does not jeopardize the prudential level of the WCF.<sup>71</sup>

### 4. Overpayments

241. The OC recalled the decision made by the Assembly in 2015 that the surplus deriving from the overpayments of contributions to the premises shall offset future contributions due by the same States Parties against the long-term capital replacement costs. These overpayments amount to approximately €1,849,000. The OC informed the Committee that some queries have arisen as

<sup>68</sup> The Court also explained that Regulation 109.4 of the FRR is not applicable. In particular, the interest on the premises bank account does not constitute investment income derived from the Court's General Fund which would be credited to its miscellaneous income.

<sup>69</sup> CBF/23/10, para. 87.

<sup>70</sup> ICC-ASP/15/12, recommendation 4 and para. 88.

<sup>71</sup> *Ibid.*, recommendation 1.



regards how to use such funds, how they are being managed, and how to ensure that they are exclusively used for the benefit of the States Parties which made the overpayments. **The Committee invited the Court to report at its earliest convenience on the current management of the funds and the available options under the applicable regulations to safeguard their transparent use. On this basis, a strategy for the use of the funds should be worked out.**

## **G. Other matters**

### **Future meetings of the Committee**

242. The Committee tentatively decided to hold its twenty-eighth and twenty-ninth sessions in The Hague, from 1-5 May 2017 and from 18-29 September 2017, respectively.

## Annex I

## List of documents

<i>CBF / ASP document symbol</i>	<i>Title</i>	<i>CBF document symbol (if converted to ASP document)</i>
CBF/27/1	Provisional agenda	
CBF/27/1/Rev.1	Revised provisional agenda	
CBF/27/1/Add.1	Annotated provisional agenda	
CBF/27/2	Report on costs for the Permanent Premises that have been paid by the programme budget of the Court	
CBF/27/3	Report of the Court on specific matters relating to Human Resources Management: Reclassification and Conversion of Posts	
CBF/27/4	Report on the option for dealing with the cost overrun for the Permanent Premises	
CBF/27/5	Report of the Court on the appropriate level of the Working Capital Fund	
ICC-ASP/15/INF.2	2017 Proposed Programme Budget - Executive summary	CBF/27/6
CBF/27/7	Report on the implementation of changes to the Court's salaries and allowances in accordance with the modifications to the United Nations common system compensation package	
CBF/27/8	Second Report of the Court on Inter-Organ Synergies	
CBF/27/9	Report of the Court on the development of the frequency and cost of missions over time and future developments anticipated	
CBF/27/10	Final report of the Court on the Court wide impact of the OTP Basic Size model	
CBF/27/11	Second interim report on the activities of the Oversight Committee	
CBF/27/11/Add.1	Second interim report on the activities of the Oversight Committee (Addendum)	
AC/2/15	Annual Report of the Audit Committee	
ICC-ASP/15/10	Proposed programme budget for 2017 of the International Criminal Court	
ICC-ASP/15/10/ Corr.1	Proposed programme budget for 2017 of the International Criminal Court, Corrigendum I	
ICC-ASP/15/11	Report on Budget Performance of the International Criminal Court as at 30 June 2016	
ICC-ASP/15/12	Financial statements of the International Criminal Court for the year ended 31 December 2015	
ICC-ASP/15/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2015	
ICC-ASP/15/14	Report to the Assembly of States Parties on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2015 to 30 June 2016	

## Annex II

## Status of contributions as at 15 September 2016 (in euros)

State Party	Prior Years			2016						Outstanding Contributions Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Loan Interest Contribution	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Loan Interest Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Loan Interest Contribution	Total Outstanding Contributions				
1 Afghanistan				13,659	399	14,058	13,659	399	14,058		14,058	Outstanding	20/04/2015
2 Albania				18,576		18,576						Fully settled	26/01/2016
3 Andorra				13,932	20	13,952						Fully settled	08/03/2016
4 Antigua and Barbuda	2,329		2,329	4,644	105	4,749	4,644	105	4,749		7,078	In arrears	05/01/2016
5 Argentina	64,894		64,894	2,075,274	9,408	2,084,682	2,075,274	9,408	2,084,682		2,149,576	In arrears	20/04/2016
6 Australia				5,437,180		5,437,180						Fully settled	28/04/2016
7 Austria				1,675,080	64,127	1,739,207						Fully settled	29/01/2016
8 Bangladesh				13,659	506	14,165						Fully settled	14/03/2016
9 Barbados				16,254		16,254						Fully settled	23/02/2016
10 Belgium				2,059,020	80,196	2,139,216						Fully settled	10/02/2016
11 Belize				2,322	81	2,403						Fully settled	13/09/2016
12 Benin	21,500	84	21,584	6,966	243	7,209	6,966	243	7,209	24	28,817	Ineligible to vote	27/03/2012
13 Bolivia (Plurinational State of)				27,863	172	28,035						Fully settled	19/07/2016
14 Bosnia and Herzegovina				30,185		30,185						Fully settled	12/02/2016
15 Botswana				32,507	1,365	33,872						Fully settled	04/04/2016
16 Brazil	11,336,383	76,988	11,413,371	8,894,558	235,775	9,130,333	8,894,558	235,775	9,130,333		20,543,704	In arrears	14/04/2015
17 Bulgaria				104,761	3,777	108,538						Fully settled	26/01/2016
18 Burkina Faso				9,288	93	9,381	7,985		7,985		7,985	Outstanding	13/11/2015
19 Burundi	373		373	2,322	81	2,403	2,322	81	2,403		2,776	In arrears	17/03/2015
20 Cabo Verde	3,890	28	3,918	2,322	81	2,403	2,322	81	2,403		6,321	Ineligible to vote	30/12/2013
21 Cambodia				9,288	249	9,537						Fully settled	28/06/2016
22 Canada				6,795,928		6,795,928						Fully settled	07/04/2016
23 Central African Republic	795		795	2,322	81	2,403	2,322	81	2,403		3,198	In arrears	09/12/2014
24 Chad	697		697	11,610	87	11,697	11,610	87	11,697		12,394	In arrears	13/01/2015
25 Chile				928,369		928,369						Fully settled	07/03/2016
26 Colombia	313,510		313,510	749,169	4,751	753,920	749,169	4,751	753,920		1,067,430	In arrears	30/06/2015
27 Comoros	14,410	28	14,438	2,322	81	2,403	2,322	81	2,403	46	16,887	Ineligible to vote	no payments
28 Congo	32,889	139	33,028	13,932	399	14,331	13,932	399	14,331	73	47,432	Ineligible to vote	01/06/2011
29 Cook Islands				2,322	81	2,403	28		28		28	Outstanding	21/01/2016
30 Costa Rica				109,405	82	109,487	8,084		8,084		8,084	Outstanding	23/02/2016
31 Côte d'Ivoire				20,898	885	21,783						Fully settled	11/03/2016
32 Croatia				230,282	10,123	240,405						Fully settled	22/01/2016
33 Cyprus				99,980	1,691	101,671						Fully settled	04/03/2016
34 Czech Republic				800,389	4,495	804,884						Fully settled	05/02/2016
35 Democratic Republic of the Congo				13,659	19	13,678	13,659	19	13,678		13,678	Outstanding	29/10/2015
36 Denmark				1,358,749	5,288	1,364,037						Fully settled	09/02/2016
37 Djibouti	1,992	26	2,018	2,322	81	2,403	2,322	81	2,403		4,421	In arrears	05/12/2014
38 Dominica	5,690	28	5,718	2,322	81	2,403	2,322	81	2,403	8	8,129	Ineligible to vote	31/12/2015
39 Dominican Republic	152,457	1,149	153,606	107,083	3,615	110,698	107,083	3,615	110,698		264,304	In arrears	22/03/2016
40 Ecuador				155,844		155,844						Fully settled	24/08/2016

State Party	Prior Years			2016						Outstanding Contributions Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Loan Interest Contribution	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Loan Interest Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Loan Interest Contribution	Total Outstanding Contributions				
41 El Salvador				18,985		18,985	18,985		18,985		18,985	Outstanding	no payments
42 Estonia				88,371	285	88,656						Fully settled	11/01/2016
43 Fiji				6,966	243	7,209						Fully settled	20/04/2016
44 Finland				1,060,856		1,060,856						Fully settled	15/01/2016
45 France				11,304,876	449,449	11,754,325						Fully settled	11/02/2016
46 Gabon	77,137	337	77,474	39,610	1,014	40,624	39,610	1,014	40,624		118,098	In arrears	12/03/2014
47 Gambia				2,322	81	2,403	2,322	81	2,403		2,403	Outstanding	02/12/2015
48 Georgia				18,576		18,576						Fully settled	21/01/2016
49 Germany				14,864,556	56,010	14,920,566						Fully settled	19/01/2016
50 Ghana				37,288	1,123	38,411	30,200		30,200		30,200	Outstanding	09/04/2015
51 Greece				1,095,822	22,951	1,118,773						Fully settled	01/06/2016
52 Grenada				2,322	81	2,403						Fully settled	18/03/2016
53 Guatemala				65,151	2,169	67,320						Fully settled	25/08/2016
54 Guinea	9,820	28	9,848	4,644	81	4,725	4,644	81	4,725	84	14,657	Ineligible to vote	20/04/2015
55 Guyana				4,644	81	4,725						Fully settled	19/05/2016
56 Honduras				18,576	642	19,218	17,988		17,988		17,988	Outstanding	01/03/2016
57 Hungary				374,516	3,161	377,677						Fully settled	29/01/2016
58 Iceland				53,541		53,541						Fully settled	14/01/2016
59 Ireland				779,355		779,355						Fully settled	11/01/2016
60 Italy				8,720,003		8,720,003						Fully settled	08/08/2016
61 Japan				22,521,381	870,535	23,391,916						Fully settled	20/07/2016
62 Jordan				46,576		46,576	46,509		46,509		46,509	Outstanding	24/06/2015
63 Kenya				41,932	1,047	42,979						Fully settled	24/02/2016
64 Latvia				116,371	2,424	118,795						Fully settled	15/07/2016
65 Lesotho	72		72	2,322	81	2,403	2,322	81	2,403		2,475	In arrears	11/01/2016
66 Liberia				2,322	81	2,403	145		145		145	Outstanding	30/05/2016
67 Liechtenstein				16,254		16,254						Fully settled	27/01/2016
68 Lithuania				167,453	1,080	168,533						Fully settled	31/12/2015
69 Luxembourg				148,878		148,878						Fully settled	18/01/2016
70 Madagascar				6,966	243	7,209						Fully settled	30/12/2015
71 Malawi	12,975	56	13,031	4,644	162	4,806	4,644	162	4,806	26	17,863	Ineligible to vote	28/09/2011
72 Maldives	138		138	4,644	81	4,725	4,644	81	4,725		4,863	In arrears	11/01/2016
73 Mali				6,966	324	7,290	79		79		79	Outstanding	25/04/2016
74 Malta				37,288		37,288						Fully settled	08/03/2016
75 Marshall Islands	1,034		1,034	2,322	81	2,403	2,322	81	2,403		3,437	In arrears	04/03/2015
76 Mauritius				27,863		27,863						Fully settled	13/01/2016
77 Mexico				3,338,686		3,338,686	3,302,901		3,302,901		3,302,901	Outstanding	08/01/2016
78 Mongolia				11,610		11,610	11,610		11,610		11,610	Outstanding	21/04/2015
79 Montenegro				9,288		9,288						Fully settled	24/05/2016
80 Namibia				23,219		23,219						Fully settled	29/03/2016
81 Nauru				2,322	81	2,403	2,322	81	2,403		2,403	Outstanding	13/02/2015
82 Netherlands				3,447,954		3,447,954						Fully settled	03/03/2016
83 New Zealand				623,511	20,332	643,843						Fully settled	08/01/2016
84 Niger	21,869	56	21,925	4,644	162	4,806	4,644	162	4,806	92	26,823	Ineligible to vote	23/11/2009
85 Nigeria	276,127	2,299	278,426	486,243	7,231	493,474	486,243	7,231	493,474		771,900	In arrears	25/10/2013

	Prior Years			2016						Outstanding Contributions Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment	
	Outstanding Regular Contributions	Outstanding Loan Interest	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Loan Interest	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Loan Interest	Total Outstanding Contributions					
86	Norway			1,975,294	68,384	2,043,678						Fully settled	03/03/2016	
87	Panama			79,083	423	79,506	60,015		60,015		60,015	Outstanding	25/08/2016	
88	Paraguay	23,203	256	23,459	32,507	804	33,311	32,507	804	33,311	56,770	In arrears	05/02/2015	
89	Peru				316,468	9,400	325,868	316,468	9,374	325,842	325,842	Outstanding	02/08/2016	
90	Philippines				383,941	1,861	385,802					Fully settled	24/08/2016	
91	Poland				1,956,718		1,956,718					Fully settled	15/01/2016	
92	Portugal				911,979		911,979					Fully settled	13/05/2016	
93	Republic of Korea				4,743,874	131,997	4,875,871					Fully settled	13/07/2016	
94	Republic of Moldova				9,288		9,288					Fully settled	28/06/2016	
95	Romania				428,058	8,131	436,189					Fully settled	04/04/2016	
96	Saint Kitts and Nevis				2,322	81	2,403					Fully settled	01/06/2016	
97	Saint Lucia				2,322	81	2,403					Fully settled	10/05/2016	
98	Saint Vincent and the Grenadines				2,322	81	2,403	196		196	196	Outstanding	14/09/2016	
99	Samoa				2,322	1	2,323					Fully settled	27/01/2016	
100	San Marino				6,966	7	6,973					Fully settled	31/03/2016	
101	Senegal				11,610	480	12,090	11,610	406	12,016	12,016	Outstanding	29/10/2015	
102	Serbia				74,439	1,648	76,087					Fully settled	09/03/2016	
103	Seychelles				2,322	81	2,403					Fully settled	03/02/2016	
104	Sierra Leone				2,322	81	2,403					Fully settled	11/11/2015	
105	Slovakia				372,194	1,824	374,018					Fully settled	10/03/2016	
106	Slovenia				195,453	2,259	197,712					Fully settled	08/04/2016	
107	South Africa				846,828	1,662	848,490					Fully settled	29/03/2016	
108	Spain				5,683,852		5,683,852					Fully settled	18/03/2016	
109	State of Palestine				16,254	387	16,641					Fully settled	29/03/2016	
110	Suriname	281		281	13,932	249	14,181	13,932	249	14,181	14,462	In arrears	04/04/2016	
111	Sweden				2,224,152		2,224,152					Fully settled	25/04/2016	
112	Switzerland				2,652,346		2,652,346					Fully settled	12/07/2016	
113	Tajikistan				9,288	243	9,531	5,073		5,073	5,073	Outstanding	05/04/2016	
114	The former Yugoslav Republic of Macedonia	15,755		15,755	16,254	642	16,896	16,254	642	16,896	32,651	In arrears	11/03/2015	
115	Timor-Leste				6,966	64	7,030	6,966	58	7,024	7,024	Outstanding	18/05/2015	
116	Trinidad and Tobago				79,083		79,083	78,194		78,194	78,194	Outstanding	17/06/2015	
117	Tunisia				65,151	2,892	68,043					Fully settled	29/03/2016	
118	Uganda	33,690	167	33,857	13,659	480	14,139	13,659	480	14,139	48	48,044	Ineligible to vote	05/12/2012
119	United Kingdom				10,383,609	26,015	10,409,624					Fully settled	23/06/2016	
120	United Republic of Tanzania	59,952	176	60,128	13,659	506	14,165	13,659	506	14,165	354	74,647	Ineligible to vote	01/06/2010
121	Uruguay				183,844	4,177	188,021	63,842		63,842	63,842	Outstanding	18/01/2016	
122	Vanuatu	7,163	28	7,191	2,322	81	2,403	2,322	81	2,403	8	9,602	Ineligible to vote	no payments
123	Venezuela (Bolivarian Republic of)	3,360,471	17,482	3,377,953	1,328,427	50,383	1,378,810	1,328,427	50,383	1,378,810	4,983	4,761,746	Ineligible to vote	04/09/2012
124	Zambia				13,659	480	14,139	13,659	480	14,139	14,139	Outstanding	29/06/2015	

Rounding difference

15,851,496	99,355	15,950,851	136,584,295	2,185,719	138,770,014	17,879,500	327,805	18,207,305	5,746	34,163,902
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## Annex III:

### Budgetary implications of the recommendations of the Committee on Budget and Finance (in thousands of Euro)

Table 1: Total reductions recommended by the Committee on Budget and Finance

Major Programme	Item	CBF Recommendation	Paragraph Reference		Adjusted PPB 2017
			CBF	PPB	
<b>MP I: Judiciary</b>					
	Training at 2016 Approved budget	-€6.00	43	159	
	One P-2, no funding	-€99.70	40	192(b)	
	<b>total savings MP I</b>	<b>-€105.70</b>			
<b>MP II: OTP</b>					
	Reduction from GTA	-€626.50	60		
	Hospitality at the same level of 2016 approved budget	-€5.00	65	264	
	<b>total savings MP II</b>	<b>-€631.50</b>			
<b>MP III: Registry</b>					
	1 P-3 (GTA), Legal Office	-€122.80	78	760	
	1 P-2 (GTA), Associate Accounts Officer	-€99.70	80	769	
	6-months of 1 P-2 (GTA), Associate ERP System Officer, not funded	-€49.85	82	762	
	1 P-4 (GTA), e-Court Project Manager, not funded	-€143.70	83	778	
	6 months of FTE of P-3 GTA, Court interpreters	-€61.40	84	785	
	1 GS-OL (GTA), Administrative Assistant in Language Section, not funded	-€72.30	85	785	
	1 GS-OL (GTA), Service Coordinator-not funded	-€72.30	86	793	
	1 P-2 (GTA), Associate Field Security Officer, Mali -not funded	-€99.70	87	803	
	Reduction in Travel	-€139.90	90		
	Reduction in ICT	-€300.00	98	780	
	Legal aid for Victims	-€200.00	186	572	
	Legal aid for Defence	-€141.50	185	571	
	<b>total savings MP III</b>	<b>-€1,534.65</b>			
<b>MP IV: SASP</b>					
	2016 approved budget level	-€109.00	105		
	<b>total savings MP IV</b>	<b>-€109.00</b>			
<b>MP V: Premises</b>					
		€0.00	109		
	<b>total savings MP V</b>	<b>€ 0.00</b>			

<b>MP VI: STFV</b>					
	1 P-3, Fundraising and Visibility Officer; approved as GTA	€18.40	118	706	
	1 P-2, Associate Executive Officer	€89.70	116	703	
	1 P-2, Associate Programme Officer	-€14.93	121	709	
	6 P-2 (GTA), for 9 months, Associate Field Programme Officer	-€89.55	122	710	
	1 GS-OL, Administrative Assistant	-€65.00	123	711	
	<i>total savings STFV</i>	<i>-€277.58</i>			
<b>MP VII-5: IOM</b>					
	<i>total savings MP VII-5</i>	<i>€0.00</i>	131		
<b>MP VII-6: OIA</b>					
	<i>total savings MP VII-6</i>	<i>€ 0.00</i>	134		
					<i>€144,592.27</i>
<b>MP VII-2: Host State Loan</b>					
					<i>€2,987.30</i>
	<b>Total Savings MPVII-2</b>	<b>€0.00</b>	128		
	<b>Total</b>				<b>€147,579.57</b>
	Replenishment of Contingency Fund	€1,210.00	146		
	<b>Total with CF</b>				<b>€148,789.57</b>

**Grand total savings recommended: €2,658.43**

**Adjusted increase in the operational budget: €7,202.17**

**Adjusted 2017 proposed operational budget: €144,592.27**

**Table 2: Total of all Major Programmes for 2017**

<i>Total ICC</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Judges	5,950.0	5,950.0	
Professional staff	61,372.4	60,680.7	-691.7
General Service staff	24,576.6	24,511.6	-65.0
<i>Subtotal staff</i>	<i>85,949.0</i>	<i>85,192.3</i>	<i>-756.7</i>
General temporary assistance	17,052.4	15,943.0	-1,109.4
Temporary assistance for meetings	1,527.6	1,527.6	
Overtime	430.3	430.3	
<i>Subtotal other staff</i>	<i>19,010.3</i>	<i>17,900.9</i>	<i>-1,109.4</i>
Travel	6,036.7	5,896.8	-139.9
Hospitality	34.0	29.0	-5.0
Contractual services	3,620.9	3,480.9	-140.0
Training	895.9	889.9	-6.0
Consultants	704.3	704.3	
Counsel for Defence	3,669.7	3,528.3	-141.5
Counsel for Victims	1,202.8	1,002.8	-200.0
General operating expenses	20,073.0	20,073.0	
Supplies and materials	1,044.3	1,044.3	
Furniture and equipment	2,047.1	1,887.1	-160.0
<i>Subtotal non-staff</i>	<i>39,328.7</i>	<i>38,536.4</i>	<i>-792.3</i>
<b>Total</b>	<b>150,238.0</b>	<b>147,579.6</b>	<b>-2,658.4</b>

**Table 3: Major Programme I: Judiciary**

<i>Major Programme I Judiciary</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
<i>Judges</i>	<i>5,950.0</i>	<i>5,950.0</i>	
Professional staff	4,577.6	4,577.6	
General Service staff	917.8	917.8	
<i>Subtotal staff</i>	<i>5,495.4</i>	<i>5,495.4</i>	
General temporary assistance	1,510.9	1,411.2	-99.7
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>1,510.9</i>	<i>1,411.2</i>	<i>-99.7</i>
Travel	130.0	130.0	
Hospitality	12.0	12.0	
Contractual services	5.0	5.0	
Training	28.0	22.0	-6.0
Consultants	10.0	10.0	
General operating expenses	97.4	97.4	
Supplies and materials	5.0	5.0	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>287.4</i>	<i>281.4</i>	<i>-6.0</i>
<b>Total</b>	<b>13,243.7</b>	<b>13,138.0</b>	<b>-105.7</b>



**Table 4: Programme 1100: The Presidency**

<i>1100 The Presidency</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
<i>Judges</i>	28.0	28.0	
Professional staff	721.7	721.7	
General Service staff	292.0	292.0	
<i>Subtotal staff</i>	<i>1,013.7</i>	<i>1,013.7</i>	
General temporary assistance	122.8	122.8	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>	<i>122.8</i>	
Travel	125.9	125.9	
Hospitality	10.0	10.0	
Contractual services			
Training	6.0	6.0	
Consultants	10.0	10.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>151.9</i>	<i>151.9</i>	
<b>Total</b>	<b>1,316.4</b>	<b>1,316.4</b>	

**Table 5: Programme 1200: Chambers**

<i>1200 Chambers</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
<i>Judges</i>	5,922.0	5,922.0	
Professional staff	3,644.8	3,644.8	
General Service staff	549.1	549.1	
<i>Subtotal staff</i>	<i>4,193.9</i>	<i>4,193.9</i>	
General temporary assistance	1,388.1	1,288.4	- 99.7
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>1,388.1</i>	<i>1,288.4</i>	<i>- 99.7</i>
Travel			
Hospitality	1.0	1.0	
Contractual services			
Training	22.0	16.0	-6.0
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>23.0</i>	<i>17.0</i>	<i>-6.0</i>
<b>Total</b>	<b>11,527.0</b>	<b>11,421.3</b>	<b>-105.7</b>

**Table 6: Programme 1300: Liaison Offices**

<i>1300 Liaison Offices</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
<i>Judges</i>			
Professional staff	211.1	211.1	
General Service staff	76.7	76.7	
<i>Subtotal staff</i>	<i>287.8</i>	<i>287.8</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	4.1	4.1	
Hospitality	1.0	1.0	
Contractual services	5.0	5.0	
Training			
Consultants			
General operating expenses	97.4	97.4	
Supplies and materials	5.0	5.0	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>112.5</i>	<i>112.5</i>	
<b>Total</b>	<b>400.3</b>	<b>400.3</b>	

**Table 7: Major Programme II: Office of the Prosecutor**

<i>Major Programme II Office of The Prosecutor</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	26,152.6	26,152.6	
General Service staff	4,926.6	4,926.6	
<i>Subtotal staff</i>	<i>31,079.2</i>	<i>31,079.2</i>	
General temporary assistance			
Temporary assistance for meetings	10,687.7	10,061.2	-626.5
Overtime			
<i>Subtotal other staff</i>	<i>10,687.7</i>	<i>10,061.2</i>	<i>-626.5</i>
Travel	2,763.8	2,763.8	
Hospitality	10.0	5.0	-5.0
Contractual services	579.5	579.5	
Training	290.0	290.0	
Consultants	100.0	100.0	
General operating expenses	480.0	480.0	
Supplies and materials	110.0	110.0	
Furniture and equipment	180.0	180.0	
<i>Subtotal non-staff</i>	<i>4,513.3</i>	<i>4,508.3</i>	<i>-5.0</i>
<b>Total</b>	<b>46,280.2</b>	<b>45,648.7</b>	<b>-631.5</b>

**Table 8: Sub-programme 2110: Immediate Office of the Prosecutor**

<i>2110 Immediate Office of the Prosecutor</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,421.1	1,421.1	
General Service staff	276.7	276.7	
<i>Subtotal staff</i>	<i>1,697.8</i>	<i>1,697.8</i>	
General temporary assistance	293.9	293.9	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>293.9</i>	<i>293.9</i>	
Travel	184.4	184.4	
Hospitality	10.0	5.0	-5.0
Contractual services	30.0	30.0	
Training	290.0	290.0	
Consultants	100.0	100.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>614.4</i>	<i>609.4</i>	<i>-5.0</i>
<b>Total</b>	<b>2,606.1</b>	<b>2,601.1</b>	<b>-5.0</b>

**Table 9: Sub-programme 2120: Services Section**

<i>2120 Services Section</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	2,321.0	2,321.0	
General Service staff	1,495.7	1,495.7	
<i>Subtotal staff</i>	<i>3,816.7</i>	<i>3,816.7</i>	
General temporary assistance	3,158.2	2,961.2	-197.0
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>3,158.2</i>	<i>2,961.2</i>	<i>-197.0</i>
Travel	355.5	355.5	
Hospitality			
Contractual services	549.5	549.5	
Training			
Consultants			
General operating expenses			
Supplies and materials	110.0	110.0	
Furniture and equipment	180.0	180.0	
<i>Subtotal non-staff</i>	<i>1,195.0</i>	<i>1,195.0</i>	
<b>Total</b>	<b>8,169.9</b>	<b>7,972.9</b>	<b>-197.0</b>

**Table 10: Sub-programme 2200: Jurisdiction, Complementarity and Cooperation Division**

<b>2200 Jurisdiction, Complementarity and Cooperation Division</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	2,786.2	2,786.2	
General Service staff	260.1	260.1	
<i>Subtotal staff</i>	<i>3,046.3</i>	<i>3,046.3</i>	
General temporary assistance	502.1	502.1	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>502.1</i>	<i>502.1</i>	
Travel	440.2	440.2	
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>440.2</i>	<i>440.2</i>	
<b>Total</b>	<b>3,988.6</b>	<b>3,988.6</b>	

**Table 11: Sub-programme 2300: Investigation Division**

<b>2300 Investigation Division</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	10,733.2	10,733.2	
General Service staff	2,373.9	2,373.9	
<i>Subtotal staff</i>	<i>13,107.1</i>	<i>13,107.1</i>	
General temporary assistance	4,746.7	4,392.6	-354.1
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>4,746.7</i>	<i>4,392.6</i>	<i>- 354.1</i>
Travel	1,409.6	1,409.6	
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses	480.0	480.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>1,889.6</i>	<i>1,889.6</i>	
<b>Total</b>	<b>19,743.4</b>	<b>19,389.3</b>	<b>-354.1</b>

**Table 12: Sub-programme 2400: Prosecution Division**

<b>2400 Prosecution Division</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	8,891.1	8,891.1	
General Service staff	520.2	520.2	
<i>Subtotal staff</i>	<i>9,411.3</i>	<i>9,411.3</i>	
General temporary assistance	1,986.8	1,911.4	-75.4
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>1,986.8</i>	<i>1,911.4</i>	<i>-75.4</i>
Travel	374.1	374.1	
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>374.1</i>	<i>374.1</i>	
<b>Total</b>	<b>11,772.2</b>	<b>11,696.8</b>	<b>-75.4</b>

**Table 13: Major Programme III: Registry**

<b>Programme III Registry</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	27,526.3	27,526.3	
General Service staff	18,017.7	18,017.7	
<i>Subtotal staff</i>	<i>45,544.0</i>	<i>45,544.0</i>	
General temporary assistance	4,042.3	3,289.0	-753.3
Temporary assistance for meetings	1,387.6	1,387.6	
Overtime	392.3	392.3	
<i>Subtotal other staff</i>	<i>5,822.2</i>	<i>5,068.9</i>	<i>-753.3</i>
Travel	2,246.5	2,106.6	-139.9
Hospitality	4.0	4.0	
Contractual services	2,415.4	2,275.4	-140.0
Training	498.4	498.4	
Consultants	434.3	434.3	
Counsel for Defence	3,669.7	3,528.3	-141.5
Counsel for Victims	1,202.8	1,002.8	-200.0
General operating expenses	15,007.0	15,007.0	
Supplies and materials	911.6	911.6	
Furniture and equipment	1,847.1	1,687.1	-160.0
<i>Subtotal non-staff</i>	<i>28,236.8</i>	<i>27,455.5</i>	<i>-781.3</i>
<b>Total</b>	<b>79,603.0</b>	<b>78,068.4</b>	<b>-1,534.6</b>

**Table 14: Programme 3100: Office of the Registrar**

<i>3100 Office of the Registrar</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,474.0	1,474.0	
General Service staff	143.4	143.4	
<i>Subtotal staff</i>	<i>1,617.4</i>	<i>1,617.4</i>	
General temporary assistance	122.8	-	-122.8
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>	<i>-</i>	<i>- 122.8</i>
Travel	78.7	73.7	-5.0
Hospitality	4.0	4.0	
Contractual services			
Training	6.4	6.4	
Consultants	5.0	5.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>94.1</i>	<i>89.1</i>	<i>- 5.0</i>
<b>Total</b>	<b>1,834.3</b>	<b>1,706.5</b>	<b>-127.8</b>

**Table 15: Programme 3200: Division of Management Services**

<i>3200 Division of Management Services</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	3,761.2	3,761.2	
General Service staff	8,972.9	8,972.9	
<i>Subtotal staff</i>	<i>12,734.1</i>	<i>12,734.1</i>	
General temporary assistance	631.5	482.0	-149.5
Temporary assistance for meetings			
Overtime	357.3	357.3	
<i>Subtotal other staff</i>	<i>988.8</i>	<i>839.3</i>	<i>- 149.5</i>
Travel	170.1	170.1	
Hospitality			
Contractual services	643.5	643.5	
Training	332.8	332.8	
Consultants	38.0	38.0	
General operating expenses	3,510.1	3,510.1	
Supplies and materials	332.6	332.6	
Furniture and equipment	600.5	600.5	
<i>Subtotal non-staff</i>	<i>5,627.6</i>	<i>5,627.6</i>	
<b>Total</b>	<b>19,350.5</b>	<b>19,201.0</b>	<b>-149.5</b>

**Table 16: Programme 3300: Division of Judicial Services**

<b>3300</b> <i>Division of Judicial Services</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	11,950.4	11,950.4	
General Service staff	4,928.4	4,928.4	
<i>Subtotal staff</i>	<i>16,878.8</i>	<i>16,878.8</i>	
General temporary assistance	2,146.5	1,796.8	-349.7
Temporary assistance for meetings	994.5	994.5	
Overtime	35.0	35.0	
<i>Subtotal other staff</i>	<i>3,176.0</i>	<i>2,826.3</i>	<i>- 349.7</i>
Travel	520.8	414.5	-106.3
Hospitality			
Contractual services	550.9	410.9	-140.0
Training	93.0	93.0	
Consultants	391.3	391.3	
Counsel for Defence	3,669.7	3,528.3	-141.5
Counsel for Victims	1,202.8	1,002.8	-200.0
General operating expenses	6,065.7	6,065.7	
Supplies and materials	289.4	289.4	
Furniture and equipment	1,200.3	1,040.3	-160.0
<i>Subtotal non-staff</i>	<i>13,983.9</i>	<i>13,236.2</i>	<i>-747.7</i>
<b>Total</b>	<b>34,038.7</b>	<b>32,941.3</b>	<b>-1,097.4</b>

**Table 17: Programme 3800: Division of External Operations**

<b>3800</b> <i>Division of External Operations</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	10,340.7	10,340.7	
General Service staff	3,973.0	3,973.0	
<i>Subtotal staff</i>	<i>14,313.7</i>	<i>14,313.7</i>	
General temporary assistance	1,141.5	1,010.3	-131.2
Temporary assistance for meetings	393.1	393.1	
Overtime			
<i>Subtotal other staff</i>	<i>1,534.6</i>	<i>1,403.4</i>	<i>- 131.2</i>
Travel	1,476.9	1,448.3	-28.6
Hospitality			
Contractual services	1,221.0	1,221.0	
Training	66.2	66.2	
Consultants			
General operating expenses	5,431.2	5,431.2	
Supplies and materials	289.6	289.6	
Furniture and equipment	46.3	46.3	
<i>Subtotal non-staff</i>	<i>8,531.2</i>	<i>8,502.6</i>	<i>- 28.6</i>
<b>Total</b>	<b>24,379.5</b>	<b>24,219.7</b>	<b>-159.8</b>

**Table 18: Major Programme IV: Secretariat of the Assembly of States Parties**

<i>Programme IV Secretariat of the Assembly of States Parties</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	661.5	661.5	
General Service staff	374.8	374.8	
<i>Subtotal staff</i>	<i>1,036.3</i>	<i>1,036.3</i>	
General temporary assistance	688.7	579.7	-109.0
Temporary assistance for meetings	140.0	140.0	
Overtime	38.0	38.0	
<i>Subtotal other staff</i>	<i>866.7</i>	<i>757.7</i>	<i>- 109.0</i>
Travel	554.6	554.6	
Hospitality	5.0	5.0	
Contractual services	401.0	401.0	
Training	10.1	10.1	
Consultants			
General operating expenses	24.4	24.4	
Supplies and materials	14.7	14.7	
Furniture and equipment	5.0	5.0	
<i>Subtotal non-staff</i>	<i>1,014.8</i>	<i>1,014.8</i>	
<b>Total</b>	<b>2,917.8</b>	<b>2,808.8</b>	<b>-109.0</b>

**Table 19: Sub-programme 4100: Conference**

<i>4100 Conference</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff			
General Service staff			
<i>Subtotal staff</i>			
General temporary assistance	263.5	263.5	
Temporary assistance for meetings	80.0	80.0	
Overtime	20.0	20.0	
<i>Subtotal other staff</i>	<i>363.5</i>	<i>363.5</i>	
Travel	63.7	63.7	
Hospitality			
Contractual services	313.0	313.0	
Training			
Consultants			
General operating expenses	11.0	11.0	
Supplies and materials	10.0	10.0	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>397.7</i>	<i>397.7</i>	
<b>Total</b>	<b>761.2</b>	<b>761.2</b>	



**Table 20: Sub-programme 4200: Secretariat of the Assembly**

<b>4200</b> <i>Secretariat of ASP</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	507.5	507.5	
General Service staff	293.2	293.2	
<i>Subtotal staff</i>	<i>800.7</i>	<i>800.7</i>	
General temporary assistance	253.0	144.0	-109.0
Temporary assistance for meetings			
Overtime	18.0	18.0	
<i>Subtotal other staff</i>	<i>271.0</i>	<i>162.0</i>	- 109.0
Travel	86.3	86.3	
Hospitality	1.0	1.0	
Contractual services			
Training	5.4	5.4	
Consultants			
General operating expenses			
Supplies and materials	4.7	4.7	
Furniture and equipment	5.0	5.0	
<i>Subtotal non-staff</i>	<i>102.4</i>	<i>102.4</i>	
<b>Total</b>	<b>1,174.1</b>	<b>1,065.1</b>	<b>-109.0</b>

**Table 21: Sub-programme 4400: Office of the President of the Assembly**

<b>4400</b> <i>Office of the President of the Assembly of State Parties</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff			
General Service staff			
<i>Subtotal staff</i>			
General temporary assistance	121.0	121.0	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>121.0</i>	<i>121.0</i>	
Travel	86.7	86.7	
Hospitality			
Contractual services	12.0	12.0	
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>98.7</i>	<i>98.7</i>	
<b>Total</b>	<b>219.7</b>	<b>219.7</b>	

**Table 22: Sub-programme 4500: Committee on Budget and Finance**

<b>4500 Committee on Budget and Finance</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	154.0	154.0	
General Service staff	81.6	81.6	
<i>Subtotal staff</i>	<i>235.6</i>	<i>235.6</i>	
General temporary assistance	51.2	51.2	
Temporary assistance for meetings	60.0	60.0	
Overtime			
<i>Subtotal other staff</i>	<i>111.2</i>	<i>111.2</i>	
Travel	317.9	317.9	
Hospitality	4.0	4.0	
Contractual services	76.0	76.0	
Training	4.7	4.7	
Consultants			
General operating expenses	13.4	13.4	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>416.0</i>	<i>416.0</i>	
<b>Total</b>	<b>762.8</b>	<b>762.8</b>	

**Table 23: Major Programme V: Premises**

<b>5100 Premises</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff			
General Service staff			
<i>Subtotal staff</i>			
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel			
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses	1,454.9	1,454.9	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>1,454.9</i>	<i>1,454.9</i>	
<b>Total</b>	<b>1,454.9</b>	<b>1,454.9</b>	

**Table 24: Major Programme VI: Secretariat of the Trust Fund for Victims**

<b>6100</b> <i>Secretariat of the Trust Fund for Victims</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,575.8	884.1	-691.7
General Service staff	195.1	130.1	-65.0
<i>Subtotal staff</i>	<i>1,770.9</i>	<i>1,014.2</i>	<i>-756.7</i>
General temporary assistance		479.1	479.1
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>		<i>479.1</i>	<i>479.1</i>
Travel	320.3	320.3	
Hospitality	3.0	3.0	
Contractual services	220.0	220.0	
Training	34.9	34.9	
Consultants	120.0	120.0	
General operating expenses	20.0	20.0	
Supplies and materials	3.0	3.0	
Furniture and equipment	10.0	10.0	
<i>Subtotal non-staff</i>	<i>731.2</i>	<i>731.2</i>	
<b>Total</b>	<b>2,502.1</b>	<b>2,224.5</b>	<b>-277.6</b>

**Table 25: Programme 7200: Permanent Premises Project – Host State Loan**

<b>7200</b> <i>Host State Loan</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff			
General Service staff			
<i>Subtotal staff</i>			
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel			
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses	2,987.3	2,987.3	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>2,987.3</i>	<i>2,987.3</i>	
<b>Total</b>	<b>2,987.3</b>	<b>2,987.3</b>	

**Table 26: Major ProgrammeVII-5: Independent Oversight Mechanism**

<i>7500 Independent Oversight Mechanisms</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	414.4	414.4	
General Service staff	72.3	72.3	
<i>Subtotal staff</i>	<i>486.7</i>	<i>486.7</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	10.0	10.0	
Hospitality			
Contractual services			
Training	11.1	11.1	
Consultants	40.0	40.0	
General operating expenses	2.0	2.0	
Supplies and materials			
Furniture and equipment	5.0	5.0	
<i>Subtotal non-staff</i>	<i>68.1</i>	<i>68.1</i>	
<b>Total</b>	<b>554.8</b>	<b>554.8</b>	

**Table 27: Major ProgrammeVII-6: Office of Internal Audit**

<i>7600 Office Of Internal Audit</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	464.2	464.2	
General Service staff	72.3	72.3	
<i>Subtotal staff</i>	<i>536.5</i>	<i>536.5</i>	
General temporary assistance	122.8	122.8	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>	<i>122.8</i>	
Travel	11.5	11.5	
Hospitality			
Contractual services			
Training	23.4	23.4	
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>34.9</i>	<i>34.9</i>	
<b>Total</b>	<b>694.2</b>	<b>694.2</b>	

**Table 28: Sub-programme 3110: Immediate Office of the Registrar**

<i>3110 Immediate Office of the Registrar</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	697.4	697.4	
General Service staff	79.8	79.8	
<i>Subtotal staff</i>	<i>777.2</i>	<i>777.2</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	49.9	49.9	
Hospitality	4.0	4.0	
Contractual services			
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>53.9</i>	<i>53.9</i>	
<b>Total</b>	<b>831.1</b>	<b>831.1</b>	

**Table 29: Sub-programme 3130: Legal Office**

<i>3130 Legal Office</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	776.6	776.6	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>840.2</i>	<i>840.2</i>	
General temporary assistance	122.8		-122.8
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>		- 122.8
Travel	28.8	23.8	-5.0
Hospitality			
Contractual services			
Training	6.4	6.4	
Consultants	5.0	5.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>40.2</i>	<i>35.2</i>	- 5.0
<b>Total</b>	<b>1,003.2</b>	<b>875.4</b>	<b>-127.8</b>

**Table 30: Sub-programme 3210: Office of the Director (DMS)**

<b>3210</b> <i>Office of the Director DMS</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	712.3	712.3	
General Service staff	381.5	381.5	
<i>Subtotal staff</i>	<i>1,093.8</i>	<i>1,093.8</i>	
General temporary assistance	99.7	49.9	-49.8
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>99.7</i>	<i>49.9</i>	<i>- 49.8</i>
Travel	12.1	12.1	
Hospitality			
Contractual services	218.0	218.0	
Training	5.8	5.8	
Consultants	8.0	8.0	
General operating expenses	303.1	303.1	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>547.0</i>	<i>547.0</i>	
<b>Total</b>	<b>1,740.5</b>	<b>1,690.7</b>	<b>-49.8</b>

**Table 31: Sub-programme 3220: Human Resources Section**

<b>3220</b> <i>Human Resources Section</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,051.8	1,051.8	
General Service staff	1,033.5	1,033.5	
<i>Subtotal staff</i>	<i>2,085.3</i>	<i>2,085.3</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	10.5	10.5	
Hospitality			
Contractual services	10.0	10.0	
Training	188.0	188.0	
Consultants	30.0	30.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>238.5</i>	<i>238.5</i>	
<b>Total</b>	<b>2,323.8</b>	<b>2,323.8</b>	

**Table 32: Sub-programme 3230: Budget Section**

<b>3230 Budget Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	364.7	364.7	
General Service staff	190.7	190.7	
<i>Subtotal staff</i>	<i>555.4</i>	<i>555.4</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime	1.5	1.5	
<i>Subtotal other staff</i>	<i>1.5</i>	<i>1.5</i>	
Travel	6.4	6.4	
Hospitality			
Contractual services			
Training	5.2	5.2	
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>11.6</i>	<i>11.6</i>	
<b>Total</b>	<b>568.5</b>	<b>568.5</b>	

**Table 33: Sub-programme 3240: Finance Section**

<b>3240 Finance Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	454.4	454.4	
General Service staff	826.6	826.6	
<i>Subtotal staff</i>	<i>1,281.0</i>	<i>1,281.0</i>	
General temporary assistance	99.7		-99.7
Temporary assistance for meetings			
Overtime	5.0	5.0	
<i>Subtotal other staff</i>	<i>104.7</i>	<i>5.0</i>	<i>- 99.7</i>
Travel	4.8	4.8	
Hospitality			
Contractual services	89.4	89.4	
Training	10.0	10.0	
Consultants			
General operating expenses	65.0	65.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>169.2</i>	<i>169.2</i>	
<b>Total</b>	<b>1,554.9</b>	<b>1,455.2</b>	<b>-99.7</b>

**Table 34: Sub-programme 3250: General Services Section**

<b>3250 General Services Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	774.6	774.6	
General Service staff	2,528.3	2,528.3	
<i>Subtotal staff</i>	<i>3,302.9</i>	<i>3,302.9</i>	
General temporary assistance	72.3	72.3	
Temporary assistance for meetings			
Overtime	120.0	120.0	
<i>Subtotal other staff</i>	<i>192.3</i>	<i>192.3</i>	
Travel	33.0	33.0	
Hospitality			
Contractual services	244.1	244.1	
Training	6.0	6.0	
Consultants			
General operating expenses	3,027.0	3,027.0	
Supplies and materials	241.3	241.3	
Furniture and equipment	600.5	600.5	
<i>Subtotal non-staff</i>	<i>4,151.9</i>	<i>4,151.9</i>	
<b>Total</b>	<b>7,647.1</b>	<b>7,647.1</b>	

**Table 35: Sub-programme 3290: Security and Safety Section**

<b>3290 Security and Safety Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	403.4	403.4	
General Service staff	4,012.3	4,012.3	
<i>Subtotal staff</i>	<i>4,415.7</i>	<i>4,415.7</i>	
General temporary assistance	359.8	359.8	
Temporary assistance for meetings			
Overtime	230.8	230.8	
<i>Subtotal other staff</i>	<i>590.6</i>	<i>590.6</i>	
Travel	103.3	103.3	
Hospitality			
Contractual services	82.0	82.0	
Training	117.8	117.8	
Consultants			
General operating expenses	115.0	115.0	
Supplies and materials	91.3	91.3	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>509.4</i>	<i>509.4</i>	
<b>Total</b>	<b>5,515.7</b>	<b>5,515.7</b>	



**Table 36: Sub-programme 3310: Office of the Director of DJS**

<b>3310</b> <i>Office of the Director DJS</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	369.8	369.8	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>433.4</i>	<i>433.4</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	7.9	7.9	
Hospitality			
Contractual services			
Training	4.1	4.1	
Consultants	5.0	5.0	
Counsel for Defence			
Counsel for Victims			
General operating expenses	13.1	13.1	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>30.1</i>	<i>30.1</i>	
<b>Total</b>	<b>463.5</b>	<b>463.5</b>	

**Table 37: Sub-programme 3320: Court Management Section**

<b>3320</b> <i>Court Management Section</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,419.2	1,419.2	
General Service staff	1,160.6	1,160.6	
<i>Subtotal staff</i>	<i>2,579.8</i>	<i>2,579.8</i>	
General temporary assistance	460.3	316.6	-143.7
Temporary assistance for meetings	332.2	332.2	
Overtime			
<i>Subtotal other staff</i>	<i>792.5</i>	<i>648.8</i>	-143.7
Travel	25.1	25.1	
Hospitality			
Contractual services			
Training	5.5	5.5	
Consultants			
Counsel for Defence			
Counsel for Victims			
General operating expenses			
Supplies and materials	29.7	29.7	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>60.3</i>	<i>60.3</i>	
<b>Total</b>	<b>3,432.6</b>	<b>3,288.9</b>	<b>-143.7</b>

**Table 38: Sub-programme 3325: Information Management Services Section**

<b>3325 Information Management Services Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	2,045.0	2,045.0	
General Service staff	2,289.0	2,289.0	
<i>Subtotal staff</i>	<i>4,334.0</i>	<i>4,334.0</i>	
General temporary assistance			
Temporary assistance for meetings	10.0	10.0	
Overtime	35.0	35.0	
<i>Subtotal other staff</i>	<i>45.0</i>	<i>45.0</i>	
Travel	24.7	24.7	
Hospitality			
Contractual services	387.8	247.8	-140.0
Training	60.7	60.7	
Consultants			
Counsel for Defence			
Counsel for Victims			
General operating expenses	4,014.6	4,014.6	
Supplies and materials	243.0	243.0	
Furniture and equipment	1,200.3	1,040.3	-160.0
<i>Subtotal non-staff</i>	<i>5,931.1</i>	<i>5,631.1</i>	<i>-300.0</i>
<b>Total</b>	<b>10,310.1</b>	<b>10,010.1</b>	<b>-300.0</b>

**Table 39: Sub-programme 3330: Detention Section**

<b>3330 Detention Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	301.8	301.8	
General Service staff	127.2	127.2	
<i>Subtotal staff</i>	<i>429.0</i>	<i>429.0</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	3.9	3.9	
Hospitality			
Contractual services			
Training	16.8	16.8	
Consultants	6.0	6.0	
Counsel for Defence			
Counsel for Victims			
General operating expenses	2,020.0	2,020.0	
Supplies and materials	7.5	7.5	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>2,054.2</i>	<i>2,054.2</i>	
<b>Total</b>	<b>2,483.2</b>	<b>2,483.2</b>	

**Table 40: Sub-programme 3340: Language Services Section**

<b>3340 Language Services Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	4,548.9	4,548.9	
General Service staff	524.9	524.9	
<i>Subtotal staff</i>	<i>5,073.8</i>	<i>5,073.8</i>	
General temporary assistance	1,219.6	1,085.9	-133.7
Temporary assistance for meetings	652.3	652.3	
Overtime			
<i>Subtotal other staff</i>	<i>1,871.9</i>	<i>1,738.2</i>	<i>- 133.7</i>
Travel	151.7	142.7	-9.0
Hospitality			
Contractual services	66.1	66.1	
Training			
Consultants	46.7	46.7	
Counsel for Defence			
Counsel for Victims			
General operating expenses			
Supplies and materials	7.2	7.2	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>271.7</i>	<i>262.7</i>	<i>-9.0</i>
<b>Total</b>	<b>7,217.4</b>	<b>7,074.7</b>	<b>-142.7</b>

**Table 41: Sub-programme 3360: Victims Participation and Reparations Section**

<b>3360 Victims Participation and Reparation Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	980.7	980.7	
General Service staff	381.5	381.5	
<i>Subtotal staff</i>	<i>1,362.2</i>	<i>1,362.2</i>	
General temporary assistance	171.8	171.8	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>171.8</i>	<i>171.8</i>	
Travel	93.4	37.8	-55.6
Hospitality			
Contractual services	47.0	47.0	
Training	5.3	5.3	
Consultants	10.0	10.0	
Counsel for Defence			
Counsel for Victims			
General operating expenses			
Supplies and materials	2.0	2.0	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>157.7</i>	<i>102.1</i>	<i>-55.6</i>
<b>Total</b>	<b>1,691.7</b>	<b>1,636.1</b>	<b>-55.6</b>

**Table 42: Sub-programme 3370: Office of Public Counsel for the Defense**

<i>3370 Office of Public Counsel for Defence (OPCD)</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	452.4	452.4	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>516.0</i>	<i>516.0</i>	
General temporary assistance	122.8	122.8	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>	<i>122.8</i>	
Travel	4.4	4.4	
Hospitality			
Contractual services			
Training	0.6	0.6	
Consultants	20.0	20.0	
Counsel for Defence			
Counsel for Victims			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>25.0</i>	<i>25.0</i>	
<b>Total</b>	<b>663.8</b>	<b>663.8</b>	

**Table 43: Sub-programme 3380: Office of Public Counsel for Victims**

<i>3380 Office of Public Counsel for Victims (OPCV)</i>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,166.1	1,166.1	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>1,229.7</i>	<i>1,229.7</i>	
General temporary assistance	99.7	99.7	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>99.7</i>	<i>99.7</i>	
Travel	139.0	132.8	-6.2
Hospitality			
Contractual services	50.0	50.0	
Training			
Consultants	303.6	303.6	
Counsel for Defence			
Counsel for Victims			
General operating expenses	11.0	11.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>503.6</i>	<i>497.4</i>	<i>-6.2</i>
<b>Total</b>	<b>1,833.0</b>	<b>1,826.8</b>	<b>-6.2</b>

**Table 44: Sub-programme 3390: Counsel Support Section**

<b>3390 Counsel Support Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	666.5	666.5	
General Service staff	254.4	254.4	
<i>Subtotal staff</i>	<i>920.9</i>	<i>920.9</i>	
General temporary assistance	72.3		-72.3
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>72.3</i>		<i>-72.3</i>
Travel	70.7	35.2	-35.5
Hospitality			
Contractual services			
Training			
Consultants			
Counsel for Defence	3,669.7	3,528.3	-141.5
Counsel for Victims	1,202.8	1,002.8	-200.0
General operating expenses	7.0	7.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>4,950.2</i>	<i>4,573.3</i>	<i>-377.0</i>
<b>Total</b>	<b>5,943.4</b>	<b>5,494.2</b>	<b>-449.2</b>

**Table 45: Sub-programme 3810: Office of the Director of the Division of External Operations**

<b>3810 Office of the Director, Division of External Operations</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	282.1	282.1	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>345.7</i>	<i>345.7</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	75.7	75.7	
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>75.7</i>	<i>75.7</i>	
<b>Total</b>	<b>421.4</b>	<b>421.4</b>	

**Table 46: Sub-programme 3820: External Operations Support Section**

<b>3820 External Operations Support Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,684.1	1,684.1	
General Service staff	445.1	445.1	
<i>Subtotal staff</i>	<i>2,129.2</i>	<i>2,129.2</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	51.9	51.9	
Hospitality			
Contractual services	15.0	15.0	
Training	20.0	20.0	
Consultants			
General operating expenses	23.0	23.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>109.9</i>	<i>109.9</i>	
<b>Total</b>	<b>2,239.1</b>	<b>2,239.1</b>	

**Table 47: Sub-programme 3830: Victims and Witnesses Section**

<b>3830 Victims and Witnesses Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	3,377.4	3,377.4	
General Service staff	1,404.0	1,404.0	
<i>Subtotal staff</i>	<i>4,781.4</i>	<i>4,781.4</i>	
General temporary assistance	679.3	679.3	
Temporary assistance for meetings	393.1	393.1	
Overtime			
<i>Subtotal other staff</i>	<i>1,072.4</i>	<i>1,072.4</i>	
Travel	1,076.9	1,076.9	
Hospitality			
Contractual services			
Training	23.5	23.5	
Consultants			
General operating expenses	4,382.0	4,382.0	
Supplies and materials	4.5	4.5	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>5,486.9</i>	<i>5,486.9</i>	
<b>Total</b>	<b>11,340.7</b>	<b>11,340.7</b>	

**Table 48: Sub-programme 3840: Public Information and Outreach Section**

<b>3840 Public Information and Outreach Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,166.1	1,166.1	
General Service staff	953.7	953.7	
<i>Subtotal staff</i>	<i>2,119.8</i>	<i>2,119.8</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	35.2	35.2	
Hospitality			
Contractual services	180.8	180.8	
Training	10.0	10.0	
Consultants			
General operating expenses	20.0	20.0	
Supplies and materials	19.0	19.0	
Furniture and equipment	20.0	20.0	
<i>Subtotal non-staff</i>	<i>285.0</i>	<i>285.0</i>	
<b>Total</b>	<b>2,404.8</b>	<b>2,404.8</b>	

**Table 49: Sub-programme 3850: Field Offices**

<b>3850 Field Offices</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	3,831.0	3,831.0	
General Service staff	1,106.6	1,106.6	
<i>Subtotal staff</i>	<i>4,937.6</i>	<i>4,937.6</i>	
General temporary assistance	462.2	331.0	-131.2
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>462.2</i>	<i>331.0</i>	<i>-131.2</i>
Travel	237.2	208.6	-28.6
Hospitality			
Contractual services	1,025.2	1,025.2	
Training	12.7	12.7	
Consultants			
General operating expenses	1,006.2	1,006.2	
Supplies and materials	266.1	266.1	
Furniture and equipment	26.3	26.3	
<i>Subtotal non-staff</i>	<i>2,573.7</i>	<i>2,545.1</i>	<i>-28.6</i>
<b>Total</b>	<b>7,973.5</b>	<b>7,813.7</b>	<b>-159.8</b>

**Annex IV:****Requests to access the Contingency Fund  
(as at 30 September 2016)**

<i>No</i>	<i>Date</i>	<i>Description of the request</i>	<i>Amount requested</i>
1	9 August 2016	Unforeseen and unavoidable costs in the case of The Prosecutor v. Thomas Lubanga Dyilo in the situation in Democratic Republic of Congo	€313,000.00
2	9 August 2016	Unforeseen and unavoidable costs in the case of The Prosecutor v. Dominic Ongwen in the situation in Uganda	€1,358,900.00
3	22 September 2016	Unforeseen and unavoidable costs in the situation in Georgia	€2,516,500.00
<b>Total amount of notifications</b>			<b>€4,188,400.00</b>



## Annex V

### Follow-up on the evaluation of the feasibility of a possible departure from the United Nations Common System and the establishment of an alternative pension scheme for newly recruited staff

CBF Representatives:

- CBF Members
  - o Ms Carolina Fernández, Chairperson
  - o Mr Richard Veneau, Vice-Chairperson
- CBF Executive Secretariat
  - o Mr Fakhri Dajani, Executive Secretary

Meetings with:

- International Civil Service Commission (ICSC)
  - o Mr Wolfgang Stöckel, Vice-Chairman
  - o Ms Regina Pawlik, Executive Secretary
- United Nations Joint Staff Pension Fund (UNJSPF)
  - o Mr Sergio B. Arvizú, Chief Executive Officer
  - o Ms Jaana Sareva, Chief, Risk Management and Legal Services section
  - o Mr Franck de Turrís, Chief of Operations
  - o Mr Paul Dooley, Deputy Chief Executive Officer
- United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ)
  - o Mr Carlos Ruiz Massieu, Chairman

## Background

### United Nations common system compensation package

1. The International Criminal Court's ("the Court") current framework for salary scales and pensions for staff members in the General Service and Professional and higher categories of the Court follows the UN common system standards. This structure is based on recommendations made by the Preparatory Commission of the ICC and decisions adopted by the Assembly at its first and second sessions.<sup>72</sup>
2. At its first session, the Assembly decided that the Court would join the United Nations Joint Staff Pension Fund (UNJSPF).<sup>73</sup>
3. The conditions of service staff are contained in the Staff Regulations and Rules. The Staff Regulations state that salaries and allowances of staff members of the Court shall be in conformity with the UN common system standards. These Staff Regulations for the Court were approved by the Assembly of States Parties ("the Assembly") at its second session, in resolution ICC-ASP/2/Res.2.

<sup>72</sup> ICC-ASP/8/32, para. 4.

<sup>73</sup> *Official Records of the First session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, New York, 3-10 September 2002*, (United Nations publications, Sales No. E.03.V.2), part IV, Decisions, (ICC-ASP/1/Decision No.3.).

2011

4. In the framework of the budget negotiations, States Parties had suggested to study, together with the Court, the possibilities of imposing a temporary freeze on salaries and allowances at the ICC. The Court submitted a written comment on this proposal, which stated that the Court is bound by regulations of the UN common system and Court's own Staff Regulations and Rules. The budget facilitator had requested a legal opinion of the ICSC on the possibility of pursuing a freeze on salaries and allowances in the ICC, independently from what was decided at the UN on the UN common system.

5. At its tenth session, the Assembly heard from the Vice Chairperson of the International Civil Service Commission (ICSC), Mr. Wolfgang Stöckl:

**“He [Stöckl] indicated that the Court must follow the United Nations common system of salaries, allowances and benefits since it is part of the United Nations Joint Staff Pension Fund (UNJSPF).** The Vice Chairperson explained that there was little room of manoeuvre within the common system for member organizations (i.e. travel allowances). He also indicated that there was no possibility at the moment for member organizations to opt out in respect of salary increases and that any departure from the system could give rise to legal challenges. However, he mentioned the case of an organization that had departed from a salary increase adopted in the common system and which continued to be part of the pension scheme.<sup>74</sup>”

6. At its tenth session, the Assembly, in Resolution ICC-ASP/10/Res.4, asked the Court to review the discretionary elements of terms and conditions of service within the UN common system and to report to the Committee on Budget and Finance (“the CBF”):

*“Calls upon the Court to review the appraisal system, including through a consideration of different options by which satisfactory performance is assessed, and the discretionary elements of terms and conditions of service within the United Nations common system, and to report back to the Committee at its eighteenth session.”*

2012

7. At its nineteenth session the CBF considered the question of the UN common system.<sup>75</sup>

8. In an answer by the Court to a query of the CBF on the UN common system at its nineteenth session, the Court also reflected upon possible alternatives to the UN common system:

“11. (...) Assuming that more “expensive” models, such as those of the World Bank and IMF, would not be taken into consideration, an option would be for the Court to establish its own salary and benefits system. This would be an enormously costly and labour-intensive undertaking. Not only would it be costly to research and introduce a Court-specific system, but it would also require a great number of additional staff to manage the monitoring and adjustment system that is required to maintain a functioning salary system for any possible location in the world where the Court might next have to open an office and remunerate staff. Moreover, existing staff would have acquired rights to the salary, allowances and benefits systems in the Staff Regulations and Rules, and these are those of the UN common system.

12. By contrast, adhering to a time-proven, fully-established salary system which is maintained by hundreds of experienced experts and monitored constantly by all States Parties to the Court (through the General Assembly), is a very cost-effective and efficient system. As mentioned, the Court, unlike UN organizations, does not pay for the extensive and comprehensive services provided by the ICSC and UN, such as salary surveys, determination of allowances, etc. Yet, the Court benefits greatly from those services.”

9. The CBF considered that the Court is bound by the Statutes of the UN Joint Staff Pension Fund.

“In consequence, the Court is obliged to apply the main elements of the UNCS such as classification of posts, salary scales, dependency benefit/allowances, annual leave, home leave, health protection, sick leave, maternity leave, reasonable compensation in the event of illness, accident or death attributable to

<sup>74</sup> *Official Records of the Tenth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, New York, 12-21 December 2011*, vol. I, part II, H.2., paras. 27-29.

<sup>75</sup> ICC-ASP/11/15, paras. 48-69.

the performance of official duties on behalf of the Court, payments of termination indemnity and repatriation grants to its staff.”

### Salary scales and increments

10. “The scale, expressed as gross and net base salaries, is applied uniformly, worldwide, by all organizations in the common system.”<sup>76</sup>

2015

11. The United Nations General Assembly in its resolution A/RES/70/244 took a decision to approve, with effect from 2016, the revised base/floor scale of gross and net salaries for staff in the Professional and higher categories, as recommended by the ICSC. In addition, the UNGA decided to approve the ICSC proposal on the common system compensation package as at 1 July 2016, including the unified salary scale and transitional measures.<sup>77</sup>

### The CBF mission

12. The mission was part of the follow-up to the Assembly request for an evaluation of the feasibility of future de-indexation of the salary scale of the Court from the United Nations scale, with a view to tightening control of the Court’s salary costs.

13. The CBF delegation had several meetings with UN officials and non-UN officials in order to obtain the necessary information in assisting it to draw a conclusion about the feasibility of a departure of the UN common system, and the establishment of an alternative pension scheme for newly recruited staff.

#### *Non-United Nations international organisations*

14. In view of the dispersed nature of the remuneration systems in the various non-United Nations international organisations, it would appear that there is no alternative salary scale that is directly substitutable.

15. For example, even international financial institutions such as the African Development Bank, the Asian Development Bank and the Inter-American Development Bank do not yet have a harmonised system. In addition, the European institutions in the broadest sense sometimes have rather confusing salary scales – whereas at the Council of Europe A7 is the highest professional grade and A1 is the lowest, at the European Union A1 is the highest grade.

16. It is true that over the past 50 years several major institutions with their headquarters in Europe have pooled their remuneration systems, adopting a common salary scale and establishing a single source of reference for comparing salaries. The “Co-ordinated Organisations” system (which include, the OECD, NATO, the European Space Agency, the Council of Europe and its Partial Agreements) is founded on a common data management service platform, the International Service for Remunerations and Pensions (ISRP).

17. However, the diversity of remuneration systems among international institutions forced non-United Nations organisations to design systems for comparing salary scales, in order to ease the recruitment process. For example, level A4 at a Co-ordinated Organisations member organisation such as the OECD (comparable to level P-5 in the United Nations system) is approximately equivalent to:

- level C/D at the EIB;
- level A14 at the IMF;
- level G at the World Bank;
- level 3 at the Inter-American Development Bank; and
- level 6 at the African Development Bank.

<sup>76</sup> “United Nations Common System of Salaries, Allowances and Benefits”, *International Civil Service Commission*, May 2013.

<sup>77</sup> A/RES/70/244, section III, para. 1.

*Questions and challenges*

18. The CBF delegation has raised several questions and challenges in case a decision to be made to depart from the UN common system and the establishment of an alternative pension scheme for newly recruited staff.

*Can the remuneration structure and the classification of posts at the Court in its current form – i.e. aligned to the United Nations common system – be maintained while freezing or slowing down the annual adjustment of that scale?*

19. On the basis of the findings of this mission it is indeed possible from a strictly technical point of view to proceed with such a freeze while continuing to draw on the common services of the United Nations for future calculations when the scale is unfrozen, and continuing to receive information from the service to determine the annual remuneration variation country by country. In fact, the Vice-Chairman of the ICSC stated that the information would continue to be available free of charge to the Court.

*Could the Court apply different salary scale and remain with the United Nations Joint Staff Pension Fund?*

20. Following discussions with UNJSPF officials, it became clear that, in the event of de-indexation of the salary scale of the Court from the United Nations scale, it would be impossible for Court's staff pensions to remain in the UNJSPF.

21. As a preliminary finding, it seems risky to leave the UNJSPF scheme, considering the track record of this pension fund, which has assets in excess of 54 billion dollars and whose projected returns over the next 50 years (subject to an average 3.5 ROI<sup>78</sup>) will allow it:

- to cover all service costs over the period in question; and
- to do so without reducing assets or increasing the general rate of contribution from salaries (23.7 per cent taking staff and employer contributions together (7.9 per cent from staff and 15.8 per cent from employer)).

*Does the Court has the capabilities to manage the pension scheme, or if hiring specialists, what would be the cost?*

22. The CBF delegation believes that managing a pension scheme requires experts in that field, where the Court would definitely need to establish special department for that purpose, which would need additional yearly budget for that purpose. During the discussion with UNJSPF officials, they confirmed that the cost for managing own pension scheme would be by far more expensive than the organisation's share in the pension scheme.

23. In fact, for some years now the ISRP has been able to provide management and administrative processing services to non-member organisations of the Co-ordinated Organisations system, including The Hague Conference on Private International Law (HCCH).

24. In view of his current principal role in the management of European human resources, the CBF Vice-Chairperson has contacted his ISRP counterpart in order to evaluate the potential costs and gains associated with transferring pension scheme management from the United Nations common system to Co-ordinated Organisations. These contacts have established firstly that any pre study would necessarily have a cost, and secondly that other institutions that using this type of shared service chose it for security reason and not driven by saving. In this very case, go further on this path thus seems no real interest.

25. In fact, the CBF delegation discussions revealed that a few years ago one organisation previously aligned to the United Nations common system, namely the Geneva-based World Trade Organization (WTO), opted to leave the United Nations joint pension scheme. Again, the CBF Vice-Chairperson has undertaken since then to contact the WTO to obtain information on analysis of the benefits or costs carried out after WTO left the scheme. Conclusions of these discussions are that WTO stays only for a short period of time in the United Nations joint pension scheme. Its

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<sup>78</sup> Return on Investment.

decision (effective before 2000) to leave the system was purely driven by considerations of policy independence and not by cost-saving reasons.

26. Similarly, another institution, namely the Universal Postal Union (UPU), as Specialized Agency of the United Nations uses the common system remuneration scale, but in 1964 created its own Provident Scheme. As of 2016, such a scheme has deficit of 28 million Swiss francs over its statutory obligations and is seeking ways to cover the difference. Furthermore, the Provident Scheme as part of the management structure of the UPU has full-time staff employed in the administration of the pension scheme.

*Would the Court be able to attract other staff from the UN system to work with the Court, or would the staff of the Court be able to move and work with other UN organisations?*

27. The CBF delegation believes that the introduction of a completely autonomous salary scale structure would undoubtedly limit mobility between the Court and other United Nations bodies, to the detriment of the Court, without achieving the States Parties' stated objective of efficiency. It should be noted that the CBF's role *vis-à-vis* States Parties is to advise them on international best practices, including in the area of human resources.

## **Conclusion**

28. Overall, at this point, the CBF has been able to bring together the necessary institutional and international factors for an initial benchmark, using its own resources, without incurring additional costs for the Court, and was able to proceed with this benchmark, analyse its impact and then return to the twenty seventh meeting of the CBF with sufficient information to make a substantiated recommendation to the States Parties.

29. **However, it should be noted that any further analysis should be based on the findings of an external consultant, considering the limits on the role of the CBF. At this stage, the CBF delegation recommended that hiring an external consultant is not necessary.**

30. **Based on the fact finding mission conducted by the CBF delegation, and based on its evaluation of the feasibility of a departure of the UN common system, and the establishment of an alternative pension scheme for newly recruited staff, the CBF found that it is more feasible for the Court's staffing budget to continue as part of the UN common system in terms of the compensation package and the pension scheme, where the Court does not pay any fees for maintaining and updating such a system, as well as preserving the mobility for staff between the Court and other UN organisations.**

## Annex VI:

### Amendments to the Financial Regulations and Rules

3.4 The Registrar shall submit the proposed programme budget for the following financial period to the Committee on Budget and Finance at least 45 days prior to the meeting at which the Committee shall consider the proposed programme budget. At the same time, the Registrar shall also submit the proposed programme budget to the States Parties.

3.5 The Committee on Budget and Finance shall consider the proposed programme budget and shall submit its comments and recommendations to the Assembly of States Parties. The Assembly shall consider the proposed programme budget and take a decision on it.

3.5bis In the event that unforeseen circumstances resulting in an increase or decrease of the proposed programme budget for the next financial period become known before the meeting of the Committee on Budget and Finance at which the Committee shall consider the proposed budget, and which can still be accommodated in the proposed programme budget, the Registrar shall submit an addendum to the proposed programme budget to the Committee on Budget and Finance at the earliest convenience. The addendum shall be in a form consistent with the proposed programme budget and details pertaining to the reasons for the addendum shall be specified.

3.5ter In the event that unforeseen circumstances resulting in an increase or decrease of the proposed programme budget for the next financial period become known after the session of the Committee on Budget and Finance and prior to the meeting of the Assembly of States Parties, the Registrar shall submit an addendum as described in paragraph 3.5bis to the Committee on Budget and Finance through its Chairperson. After having submitted the addendum to the Committee on Budget and Finance through its Chairperson, the members of the Committee on Budget and Finance shall consider the addendum in remote session, such as via e-mail, or may decide to convene in The Hague as a sub-committee made up of three members, in order to consider the addendum at the earliest convenience. In this case, the recommendation of the Committee on Budget and Finance in relation to the addendum shall be annexed to the Report of the Committee on Budget and Finance and submitted to the Assembly of States Parties.

3.6 Supplementary budget proposals may be submitted by the Registrar with respect to the current financial period if circumstances unforeseen at the time of adopting the budget make it necessary. A supplementary budget should only be submitted for matters of an exceptional or extraordinary nature which go beyond all precautionary financial reserves and therefore necessitate a separate decision by the Assembly of States Parties. In this case, the supplementary budget proposal shall be in a form consistent with the approved budget. The provisions of these Regulations shall be applicable to the proposed supplementary budget. ~~Decisions of the Assembly of States parties on the supplementary budget proposed by the Registrar shall be based on the recommendations of the Committee on Budget and Finance.~~

3.6bis The Committee on Budget and Finance shall consider the proposed programme budgets, related addendums and supplementary budgets, and shall submit its comments and recommendations to the Assembly of States Parties. The Assembly of States Parties shall consider the proposed programme budgets, addendums and supplementary budgets and take a decision based on the recommendations of the Committee on Budget and Finance.

3.7 The Registrar may enter into commitments for future financial periods, provided that such commitments are for activities which have been approved by the Assembly of States Parties and are expected to occur or continue beyond the end of the current financial period.

6.6 There shall be established a Contingency Fund to ensure that the Court can meet:

(a) Costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; or

(b) Unavoidable expenses for developments in existing situations that could not be foreseen or could not be accurately estimated at the time of adoption of the budget; or

- (c) Costs associated with an unforeseen meeting of the Assembly of States Parties.

The level of the Fund and the means by which it shall be financed (i.e. by assessed contributions and/or cash surpluses in the budget) shall be determined by the Assembly of States Parties.

6.7 If a need to meet unforeseen or unavoidable expenses arises, for the following budget year after approval of the programme budget by the Assembly of States Parties, the Registrar, by his or her own decision or at the request of the Prosecutor, the President or the Assembly of States Parties, is authorized to enter into commitments not exceeding the total level of the Contingency Fund. Before entering into such commitments, the Registrar shall submit a letter of notification to access the Contingency Fund and additional resource requests in a form consistent with the proposed programme budget ~~detailed, supplementary budget notification~~ to the Committee on Budget and Finance through its Chairperson. Two weeks after having notified the Chairperson of the Committee on Budget and Finance, and taking into consideration any financial comments on the funding requirements made by the Committee through its Chairperson, the Registrar may enter into the corresponding commitments. All funding obtained in this way shall relate only to the financial period(s) for which a programme budget has already been approved.

6.7bis In the unlikely event that the amount being notified is larger than what can be absorbed by the Contingency Fund, the Court should submit a supplementary budget to the Committee on Budget and Finance for its comments and recommendations to the Assembly of States Parties.

6.8 The Registrar shall report together with the new draft programme budget to the Assembly of States Parties, through the Committee on Budget and Finance, on any exercise of the commitment authority given under regulation 6.7.

6.9 Income derived from Contingency Fund investments shall be classed as miscellaneous income for credit to the General Fund.

## Annex VII

### Annual Report of the Audit Committee

#### *Executive Summary*

1. The Audit Committee (“the AC”) focused at its second session on the governance structure of the Court, including on a review of the Court’s risk register, as well as on the oversight of internal and external audit.
2. The AC noted the major steps taken by the Court towards enhancing its governance arrangements, notably through considering the Office of Internal Audit (“the OIA”) as an independent major programme with a direct reporting line of the Director of OIA to the AC, the re-establishment of the AC, as well as the strengthening of the role of the Coordination Council and other inter-organ coordination mechanisms, in addition, the becoming operational of the Independent Oversight Mechanism (“the IOM”). However, the AC stressed the need for more concerted efforts from all actors to strengthen the governance structure of the Court and for a clearer definition of roles and responsibilities of the three main organs, in particular in the areas of public information, outreach, human resources, and translation services.
3. The AC recommended the Court to enhance collaboration with the OIA, in particular by inviting the Director of the OIA, as appropriate, to attend meetings of the Coordination Council and other inter-organ coordination mechanisms. Furthermore, the AC recommended the Court to submit the terms of reference for all operating inter-organ coordination bodies at its fourth session.
4. The AC reviewed the Court’s corporate risk profile and the process by which it was set up. After analysis of the Audit Plan for 2016, the Draft Audit Plan for 2017 and the Court’s risk register, the AC noted some discrepancies and, therefore, recommended the OIA and the Court to sort out the incongruities and to report thereon to the AC at its fourth session. The AC encouraged the Court to establish the envisaged risk management committee and to explore the appropriateness of entrusting a staff member as a Court-wide risk coordinator and to update the AC on the progress made at its fourth session.
5. At its first session, the AC considered and approved the Audit plan for 2016, while at its second session, it was updated on the status of work performed so far in 2016 and on the Draft Audit Plan for 2017.
6. The AC noted with satisfaction the progress made with regard to the implementation of long outstanding recommendations and urged the Court to expand these efforts in close consultation with the OIA with a view to putting an effective implementation mechanism in place.
7. The AC recommended at its first session that the Assembly extend the mandate of the External Auditor for two more years.
8. The AC noted with surprise and disappointment that, despite early notice, the External Auditor was not available to attend its second session and requested the External Auditor to ensure his presence at the sessions of the AC. Due to the absence of the External Auditor at its second session, the AC decided not to consider the financial statements of the Court and the Trust Fund for Victims for the year ended 31 December 2015.
9. While the AC did not receive any formal feedback on its interim report, it noted with satisfaction that all recommendations of its first session had been implemented by the Court.



## I. Introduction

1. At its fourteenth session, the Assembly of States Parties (“the Assembly”) approved the recommendations of the Committee on Budget and Finance (“the CBF”) on the re-establishment of the Audit Committee (“the AC”), including the Charter of the AC (“the Charter”), contained in annex IV of the CBF’s report on the work of its twenty-fifth session.<sup>79</sup>

2. According to the Charter, the purpose of the AC is to provide the Assembly with independent advice on the adequacy and effectiveness of the Court’s management practices,<sup>80</sup> and to assist the International Criminal Court (“the Court”) “in meeting States Parties’ demands for transparency and accountability by providing oversight of its management practices in key governance areas, including:

- a) Values and ethics;
- b) Governance structure;
- c) Risk management;
- d) Internal control framework;
- e) Audit activity;
- f) External assurance providers, including:
  - (i) The examination and monitoring of the independence of the External Auditor and of his recommendations, as well as of any other questions raised by the External Auditor or by any other external assurance provider; and
  - (ii) Making recommendations to the competent organ concerning the nomination of the External Auditor.
- g) Management action plans; and
- h) Financial statements and public accountability reports.”<sup>81</sup>

3. Taking into account the calendar of the Assembly and CBF meetings, the AC had decided at its first session to submit, in accordance with paragraph 64 of the Charter, an annual report to the CBF summarizing its activities and recommendations covering the period from September of the previous year to September of the current year, except for 2016, where the report would cover the period from January to September 2016. This annual report includes the work performed and recommendations raised by the AC in its Interim report.<sup>82</sup>

## II. Consideration of issues on the agenda of the Audit Committee at its first and second sessions

4. Considering the comprehensive mandate outlined in the Charter and the limited time allocated for AC meetings in 2016, the AC discussed the need to prioritize its work and decided to focus on two key issues in 2016:

- (a) Governance structure, including a review of the Court’s risk register; and
- (b) Oversight of internal and external audit, especially with regard to the implementation of audit recommendations.

<sup>79</sup> *Official Records of the Assembly of States Parties, Fourteenth session, The Hague 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV.

<sup>80</sup> *Ibid.*, paras. 2 and 3.

<sup>81</sup> *Ibid.*, para. 5.

<sup>82</sup> AC/1/15.

## A. Governance structure of the Court

5. The AC considered, amongst others, the relevant parts of the Report of the Bureau on the Study Group on Governance,<sup>83</sup> the CBF's Policy and Procedure Manual<sup>84</sup> and a Background paper on the Governance Structure of the Court prepared by the Secretary to the AC in consultation with the Chairperson.

6. The extract of the Report of the Bureau on the Study Group on Governance comprises a progress report by the Working Group on Lessons Learnt on Cluster A ("Pre-trial"), Cluster B ("Pre-trial and trial relationship and common issues"), Cluster C ("Trial") and Cluster E ("Appeals"). The report updates the Study Group on Governance on initiatives taken by the Court with a view to improving the efficiency of judicial proceedings and to expediting the criminal process.

7. The Background paper provides an overview of the governance structure of the Court, including the Court's risk management. In addition, it outlines the budget process of the Court and provides background information on the Court's oversight bodies.

### FINDINGS AND RECOMMENDATIONS

8. Based on various reports submitted to the AC, and on meetings held with the Court's representatives and the Director of the OIA, the AC noted that major steps have been taken by the Court, upon initiative of the CBF and the Assembly, towards enhancing its governance arrangements, notably through establishing the reporting line of the Director of the OIA to the AC and making the OIA an independent major programme. The re-establishment of the AC in 2015<sup>85</sup> with its new composition, comprising five independent external members,<sup>86</sup> was a further step towards ensuring independent oversight of the internal and external audit and the Court's governance arrangements. Moreover, the AC welcomed the strengthening of the role of the Coordination Council and other inter-organ coordination mechanisms in the budgetary process, with a view to pursuing a greater top-down approach and strategic guidance, in line with the recommendations of the CBF and the resolution of the Assembly at its fourteenth session.<sup>87</sup> Finally, the AC noted the establishment of the Independent Oversight Mechanism ("the IOM"), which will come into full operation in the course of 2017, as a key enhancement of the oversight of the Court. The AC plans to further assess the Court's values and ethics arrangements in 2017, in particular by examining the Court's Whistleblowing and Whistleblower Protection Policy and Anti-Fraud Policy.<sup>88</sup>

9. However, the AC also reached a conclusion that more combined and concerted efforts from the three main organs of the Court and the Director of the OIA are needed to strengthen the governance structure of the Court and to achieve a satisfactory interplay of the various roles and responsibilities.

10. While taking due account of the need to guarantee the independence of the organs of the Court and cognizant of the complex governance structure of the Court deriving from the Rome Statute and the progress recently made with regard to the Court's governance arrangements, the AC stressed the need for a clearer definition of roles and responsibilities of the three main organs within the framework of the Court as a whole, in particular in all key areas where the Court needs to speak with one voice to its stakeholders or public audience (e.g. external communication, public information, outreach), ensure equality of treatment (e.g. human resources) or optimize the use of resources (e.g. translation services). **In this regards, the AC recommended the Court to prepare an organization's manual, as it is found in most international organizations, at its fifth session, and a list of all posts with relevant levels together with a job description for each post exercising the functions of public information, outreach, human resources, and translation services in the three organs separately, and to submit to its fourth session.**

11. The AC took note that the Coordination Council of the Court is composed of the three Principals of the Court, the President, the Prosecutor and the Registrar, and meets once a month, or whenever

<sup>83</sup> AC/2/4.

<sup>84</sup> [https://asp.icc-cpi.int/iccdocs/asp\\_docs/CBF/CBF-manual-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/CBF/CBF-manual-ENG.pdf).

<sup>85</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV.

<sup>86</sup> *Ibid.*, para. 10.

<sup>87</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/Res.1), vol. I, part III, section J, para. 4(a).

<sup>88</sup> *Official Records ... Twelfth session ... 2013*, (ICC-ASP/12/Res.6), vol. I, part III.

necessary, to tackle issues of strategic importance, as well as of other *ad-hoc* inter-organ coordination mechanisms on specific topics, such as the annual budget, the lessons learnt exercise and synergies.

12. After having been informed that no terms of reference exist for these inter-organ coordination mechanisms, **the AC recommended the Court to work on terms of reference for the Coordination Council and for all other existing coordination bodies and to submit them to the attention of the AC at its fourth session.**

13. The AC noted with surprise that the Director of the OIA was not invited to attend the Coordination Council meetings. In a governance structure made up of three main organs, the Director of the OIA, with her independent expertise is a partner and advisor of primary importance to the Court. In addition, attending the meetings of the Coordination Council would ensure that the Director of the OIA maintains a comprehensive and up to date understanding of the evolving risks, which is essential to the work of the OIA. **Therefore, the AC recommended the Court to enhance and deepen collaboration with the OIA, in particular by inviting the Director of the OIA, as appropriate, to attend the meetings of the Coordination Council and other inter-organ coordination mechanisms, especially when risk management and internal control matters are discussed, and by sharing minutes of such meetings in relation to matters that are relevant to the work of the OIA, with a view to ensuring better cooperation.**

14. The AC resolved that it would continue to closely monitor at its upcoming sessions the Court's governance arrangements, in particular, the above identified areas.

## B. Risk management of the Court

15. At its first session, the AC had requested the OIA and the Court to submit a risk register, as well as a comprehensive description of the process followed to establish this register to the AC at its second session.<sup>89</sup>

16. The AC had before it several reports related to the risk management by the Court and the OIA. The overall objective of the Final Audit Report on Enterprise Risk Management<sup>90</sup> conducted by the OIA in 2014 was to assess the effectiveness of the Court's risk management processes. The Report of the Court on risk management<sup>91</sup> provides information on the process followed to establish the risk register; the progress made so far on risk management and challenges faced; as well as the actions planned for moving forward. The AC further considered the Summary of the risk assessment performed by the OIA.<sup>92</sup>

17. This documentation is being complemented by a paper entitled Update on Risk Management which contains the Court's risk register and a draft Administrative Instruction on Risk Management Policy that has been submitted for consideration to the AC but not yet formally promulgated.

### *FINDINGS AND RECOMMENDATIONS*

18. To facilitate the discussion on risk management, the AC analysed the Audit Plan for 2016, the Draft Audit Plan for 2017 and the Court's risk register. The AC noted that some risks were covered by both registers; others were covered only by either the Court's risk register or the OIA's register, seemingly, resulting from a lack of coordination and risk management culture in the Court. While the AC is aware of different perspectives that may exist when assessing risks on behalf of the Court and the OIA, the AC believed that there is one shared common goal, namely the identification, assessment and effective management of risks for the Court, and that the two registers should therefore be cross checked and discussed.

19. **The AC, therefore, recommended the OIA to analyze with the Court the existing discrepancies between the two registers, so as to ensure that the process for establishing the annual internal audit plan would not miss out on any risk. The Committee further recommended the OIA and the Court to liaise and share their risk registers in the future.**

20. The AC also expressed concern over the criteria used for evaluating the impact of a risk (e.g. financial consequences of less than €1 million are considered as minor) and that no criteria for the

<sup>89</sup> AC/1/15, para. 17.

<sup>90</sup> AC/2/6.

<sup>91</sup> AC/2/8.

<sup>92</sup> AC/2/2.

impact on the safety of persons had been introduced. **Therefore, the AC recommended a review of the criteria for evaluating the level of financial risks, and the impact on the safety of persons.**

21. **The AC encouraged the Court to establish the envisaged risk management committee and to explore the appropriateness of entrusting a staff member from existing human resources as a Court-wide risk coordinator, who would be responsible for ensuring a harmonised approach of the Court in relation to the management of risks and their adequate monitoring across all organs, while giving room to organ-specific risk management initiatives, and to update the AC on the progress made at its fourth session.**

22. **The AC further recommended the Court to conduct training sessions on risk management for different line managers with a view to cultivating a culture of risk management throughout the Court, and to avail itself in this respect, as far as possible, of in-house expertise, in particular of the OIA.**

23. The AC resolved that it would monitor progress made in relation to the Court's risk management at its upcoming sessions with a view to ensuring that the Court will dispose of an adequate and effective enterprise risk management system, embedded in the Court's management processes as it is in place today in most international organizations. Such an enterprise risk management system would create an effective tool to improve the resilience of the Court to adverse events, and not simply constitute an additional administrative burden.

## **C. Oversight of internal and external audit**

### **1. Internal Audit matters**

#### *(a) Follow-up on external quality assessment*

24. According to the International Standards for the Professional Practice of Internal Auditing of the Institute of Internal Auditors, each internal audit service requires an external quality assessment every five years by an independent reviewer.

25. The AC had before it the Report for an independent validation of the self-assessment of the OIA<sup>93</sup> that was performed in May 2013 by the Internal Audit of the Council of Europe as a qualified external validator.

26. At its first session, the AC had requested the results of the latest External Quality Assessment of the OIA. In February 2016, an Action Plan for OIA Quality Assessment recommendations as at 25 February 2016 was received by the AC. Upon request by the AC, an update to the Action plan for OIA Quality Assessment – 13 July 2016 was submitted.

27. The AC took note of the positive outcome of this independent assessment and of the proper follow-up of the recommendations that had been made by the independent evaluator, including the formalization of a quality assurance and improvement programme.

#### *(b) Approval of internal audit plans for 2016 and 2017*

28. At its first session, the AC had before it the OIA's approved Audit plan for 2015,<sup>94</sup> was briefed by the Director of the OIA on the assurance, consultancy and evaluation engagements performed, and received explanations on departures from the plan, such as those that had occurred as a consequence of the Registry's reorganisation, or the scrutiny by the external auditor of the payroll process.

29. At its first session, the AC considered and approved, in accordance with its Charter, the Audit plan for 2016, which focused on the mission planning process, the Court's budgetary process, currency exchange management, the security of field offices and crisis management procedures.<sup>95</sup>

<sup>93</sup> AC/2/3.

<sup>94</sup> AC/1/12.

<sup>95</sup> AC/1/15, para. 16.

*(c) Update on the work performed in 2016*

30. At the second session of the AC, the Director of the OIA updated the AC on the status of work performed so far in 2016, explaining that the delay of six weeks in implementation is related to the follow-up on outstanding recommendations which the AC had advised to perform.

31. At its second session, the AC further received an update on the Draft Audit Plan of the OIA for 2017.

*(d) Implementation status of the Internal Audit's recommendations*

32. At its first session, the AC focused on the process by which the OIA issues and follows-up on its recommendations. The AC had before it the Report of the OIA on the status of implementation of the audit recommendations over a six-year period, from June 2008 to February 2015,<sup>96</sup> as well as the OIA's Annual report on the implementation of audit recommendations as at 26 January 2016.<sup>97</sup> Over a three-year period, out of a total of 231 recommendations, only two per cent had been implemented within six months and 16 per cent had been implemented within a two-year period.

33. At its first session, the AC noted with concern the high number of outstanding recommendations, and stressed that the key responsibility for establishing an effective internal control lay with management at all levels. The AC further expressed its understanding that, if recommendations were accepted but not implemented, the Court's management was in effect implicitly accepting not to mitigate the risks identified. Furthermore, the AC received an analysis from the Director of the OIA on the difficulties met by the Court in the implementation of Internal Audit recommendations, including those due to governance and of her concerns that her office did not always have full and timely access to information requested and necessary to fulfil the OIA's mandate.

34. In compliance with the request of the AC, the OIA conducted from March to June 2016 in cooperation with the Court's management a review and follow-up of all the recommendations issued in the time period from 2008 until 2011. The AC noted that 54 per cent of the outstanding recommendations (i.e. 32 recommendations out of 60) had been implemented and that the implementation of 46 per cent (i.e. 27 recommendations) is in progress. **The AC is looking forward to receiving information by the OIA about the status of the implementation of recommendations for the time period 2012 -2014 at its fourth session.**

*FINDINGS AND RECOMMENDATIONS*

35. The AC explored different possibilities to ensure the timely implementation of recommendations that have been accepted by the Court management, also considering the role that the AC could play in accelerating the implementation of outstanding recommendations.

36. **The AC noted with satisfaction the progress made since its last session with regard to reducing the backlog of recommendations, urged the Court to further expand these efforts in close consultation with the OIA in order to put an effective mechanism for the implementation of recommendations in place and to avoid a similar backlog in the future, and to report thereon to the AC after completion of the next annual follow-up exercise.**

37. **With a view to ensuring accountability and the timely implementation of recommendations, the AC recommended that the implementation of recommendations process should start with an acceptance or rejection of such recommendation and the identification of an owner with a specific timeline for the implementation of each recommendation, to be included in the final audit report.**

38. The AC further agreed to the request of the Director of the OIA to have the OIA work plan for each year approved before the end of the year preceding the year in question, as to allow the OIA to start implementing the audit plan at the beginning of each calendar year. Thus, the AC decided to approve the Final Audit Plan for 2017 at its third session, that will be held remotely, such as through video-conference.

<sup>96</sup> CBF/24/12.

<sup>97</sup> AC/1/16.

39. **The AC requested the Court to grant the OIA unrestricted access to all information needed to perform its mandate, as stipulated by its Charter.**

## 2. External Audit matters

### (a) External Auditor

40. Part M.2 of the AC's Charter provides for the consideration of the external audit by the AC. It sets out the comprehensive oversight role of the AC of the external audit with the aim that the AC obtains reasonable assurances with respect to its audit activity.

41. In accordance with paragraph 64(ii) of its Charter, the annual AC report should include a summary of the Court's progress in addressing corrective action on the findings and recommendations made in external audit reports.

42. In accordance with its Charter, the AC is tasked to meet with external assurance providers, such as the External Auditor, during the planning of the audit, the presentation of the audited financial statements, and the discussion of the letter to management on recommendations<sup>98</sup> and, further, to examine and monitor the independence of the External Auditor and of his recommendations, as well as of any other questions raised by him or by any other external assurance provider.<sup>99</sup>

43. At its first session, the AC expressed a request to invite the External Auditor of the Court to its second session.<sup>100</sup> On 11 July 2016, the representative of the External Auditor, Mr. Lionel Vareille, *Chef du service de l'audit externe des organisations internationales*, informed the Executive Secretary that he would not be able to participate at the second AC session, neither in person nor through phone or video conference.

### FINDINGS AND RECOMMENDATIONS

44. The AC noted with surprise and disappointment that, despite early notice given to the External Auditor, the representative was not available to attend the second session and could not exchange with the AC about external audit matters, thus, posing an impediment to the fulfilment of the AC's tasks as mandated by the Assembly.

45. **Stressing the need for a constructive interplay between the AC and the External Auditor in the future, the AC requested the External Auditor to ensure his presence at all sessions of the AC in accordance with paragraph 58 of the AC Charter.**

### (b) Engagement letter and its Terms of Reference

46. According to Regulation 12.1 of the Financial Regulations and Rules, the Assembly shall appoint an external auditor for a period of four years and its appointment may be renewed. According to the Charter, the AC shall make recommendations concerning the nomination of the External Auditor.<sup>101</sup>

47. In view of the fact that the AC had not yet come into existence at the relevant time, and that therefore no such recommendations regarding the nomination of an External Auditor had been possible, the Assembly, at its fourteenth session, extended the term of the current External Auditor, the *Cour des comptes*, by two years,<sup>102</sup> on the understanding that the AC would make a recommendation in relation to the nomination of the External Auditor for the remaining two years in 2016.

### FINDINGS AND RECOMMENDATIONS

48. Based on the fact that the currently selected Auditor was a Supreme Audit Institution, recognized as a competent and independent body, and given the high quality of the reports of the

<sup>98</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV, para. 58.

<sup>99</sup> *Ibid.*, para. 59.

<sup>100</sup> AC/1/15, para. 23.

<sup>101</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV, para. 60.

<sup>102</sup> *Ibid.*, vol. I, part III, ICC-ASP/14/Res.1, section K, para. 2.

French *Cour des Comptes*, and further considering the value in ensuring continuity, **the AC recommended at its first session that the Assembly extend the mandate of the External Auditor for two more years, so as to include the financial statements of the Court and of the Trust Fund for Victims for the years 2018 and 2019.**<sup>103</sup>The AC welcomed the broadening of the mandate of the External Auditor, that will include, in addition to the annual audit report and the opinion on the financial statements of the Court and the TFV, also an annual performance audit report.

49. The External Auditor had prepared a draft letter of engagement that was submitted to the AC for consideration at its second session. It included the terms and conditions for the remaining two-year extension of the External Auditor's mandate.

50. **The Committee requested the External Auditor to modify the draft letter of engagement as to include a commitment that the representative attends the meetings of the AC in accordance with paragraphs 58 and 59 of the AC Charter.**

51. **Furthermore, the Committee requested the External Auditor to also submit in the future to the AC the management letter(s) with comments and observations addressed to the management of the Court that are not included in the report(s) of the External Auditor.**

(c) *External audit report on the Financial Statements of the International Criminal Court and of the Trust Fund for Victims for the year ended 31 December 2015*

52. Due to the absence of the External Auditor at its second session and the lack of information resulting thereof, the AC decided not to consider the financial statements of the International Criminal Court,<sup>104</sup> which include an audit report on the financial reporting and management of the permanent premises project, and the financial statements of the TFV<sup>105</sup> for the year ended 31 December 2015.

### III. Follow-up on previous recommendations

53. Bearing in mind its broad mandate and the resource requirements needed to comply with it, the AC had recommended at its first session that the AC Secretary be rapidly given the necessary assistance, by accelerating the recruitment process of the approved Senior Administrative Assistant (GS-PL) post, starting January 2016.<sup>106</sup> At its second session, the AC noted with satisfaction that the recruitment had been concluded in the meantime.

54. At its first session, the AC had requested the OIA and the Court to submit a risk register, as well as a comprehensive description of the process followed to establish this register to the Committee at its second session.<sup>107</sup> At its second session, the AC welcomed the submission of the documentation in question.

55. At its first session, the AC had recommended the timely recruitment of the approved post of IT Auditor, considering that three IT audits had been included in the Audit plan for 2016.<sup>108</sup> At its second session, the AC noted with satisfaction that the post had been filled in the meantime. At the same time, the AC reiterated its recommendation that careful consideration be given to the possible advantages of outsourcing such IT audits in the future.

56. At its first session, the AC recommended that the Assembly extend the mandate of the External Auditor for two years, so as to include the financial statements of the Court and the TFV for the years 2018 and 2019.<sup>109</sup> The issue of the extension of the mandate of the *Cour des Comptes* will be considered by the Assembly at its fifteenth session in November 2016.

57. At its first session, the AC further requested the OIA to critically review the outstanding recommendations issued for the years 2008-2011 and to liaise with the Court's management on the risks that it was willing to take with a view to setting aside the corresponding recommendations, to

<sup>103</sup> AC/1/15, para. 22.

<sup>104</sup> ICC-ASP/15/12.

<sup>105</sup> ICC-ASP/15/13.

<sup>106</sup> AC/1/15, para. 12.

<sup>107</sup> *Ibid.*, para. 17.

<sup>108</sup> *Ibid.*, para. 19.

<sup>109</sup> *Ibid.*, para. 22.

agree with the Court's management on a timeline for the implementation of the remaining outstanding recommendations and to report to the AC on the outcome of this exercise at its second session.<sup>110</sup> The AC noted with satisfaction the work done by both the Court and the OIA.

58. At its first session, the AC had asked to be given a presentation from the Court on the results of the latest External Quality Assessment of the OIA.<sup>111</sup> A paper was submitted by the OIA on this matter.

## IV. Other matters

### 1. Feedback on interim report of the Audit Committee

59. The interim report of the AC,<sup>112</sup> dated 16 February 2016, which summarized the conclusions drawn during the first AC session, was distributed to the Court, the External Auditor and the OIA, for the purpose of information and with a view to ensuring the timely implementation of and follow-up on the recommendations of the AC.

60. While the AC noted that it did not receive any formal feedback on its interim report and the work carried out at its first session, it noted with satisfaction that all the recommendations of its first session had been implemented by the Court.

61. The AC invited the Court and the CBF, whenever appropriate, to give feedback to the AC on how it could better meet their expectations as an advisory body on governance, risk and audit matters, and wishes to encourage an open dialogue with these two governance bodies.

### 2. Self-assessment of the Audit Committee, including training

62. In accordance with paragraph 39 of its Charter, the AC members shall receive formal orientation on the purpose and mandate of the AC and the Court's objectives. The AC appreciated in this regard the brief exchanges with representatives of the Presidency, the Office of the Prosecutor and the Registry at its first session.

63. **The AC requested the Secretary to identify training possibilities for the AC members on the Court's operation and structure, and will discuss possible free of charge training opportunities, such as those available online, at the forthcoming sessions.**

64. Pursuant to paragraph 63 (b) of its Charter, the AC shall regularly evaluate its own performance and that of individual members. In line with its Charter and drawing from a good practice of the Institute of Internal Auditors and other national audit offices, the AC resolved to discuss the possible use of a self-assessment checklist specifically adapted to the needs of the AC in future sessions.

### 3. Future sessions of the Audit Committee

65. The AC decided to hold its third session in 2016 remotely on a day that remains to be determined. Furthermore, the AC decided to schedule its fourth session tentatively from 30 to 31 March 2017, and its fifth session tentatively from 4 to 5 September 2017.

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<sup>110</sup> *Ibid.*, para. 27.

<sup>111</sup> *Ibid.*, para. 28.

<sup>112</sup> AC/1/15.



## Appendix I: Opening of the sessions, election of officers, adoption of the agenda and participation of observers

### 1. Opening of the sessions

1. In accordance with its Charter, the AC shall meet at least three times annually, or more frequently as the AC deems necessary.<sup>113</sup> The AC held its first session on 28 January 2016, and its second session from 22 to 23 August 2016, at the seat of the Court in The Hague.

2. During the two sessions, the AC had before it the documentation as listed in annex II of this report.

### 2. Election of officers

3. For the first year, the AC elected Mr. David Banyanka (Burundi) as Chairperson and Ms. Elena Sopková (Slovakia) as Vice-Chairperson, by consensus, in accordance with Part F of its Charter. The AC further appointed Ms. Laure Esteveny (France) as Rapporteur.

4. At its second session, the AC decided that the elections of the Chairperson and the Vice-Chairperson, as well as the appointment of the Rapporteur would take place in the first AC session of each calendar year.

5. The Executive Secretary to the CBF, Mr. Fakhri Dajani, acted as the Secretary to the AC and the Secretariat of the Assembly provided the logistical servicing.

### 3. Adoption of the agenda

6. In accordance with paragraph 64(i) of its Charter, the AC shall provide in its annual report to the CBF a summary of the work performed as to fully discharge its responsibilities from the preceding year.

7. At its first session, the AC adopted the following agenda:

- 1) Opening of the session
- 2) Election of officers
- 3) Adoption of the agenda and organization of work
- 4) Participation of observers
- 5) Audit matters:
  - (a) Internal Audit plan for 2015
  - (b) Internal Audit plan for 2016
  - (c) External Auditor's mandate
  - (d) Implementation status of Internal Audit's recommendations
- 6) Other matters.<sup>114</sup>

8. At its second session, the AC adopted the following agenda:

- 1) Opening of the session
  - (a) Adoption of the agenda and organization of work
  - (b) Participation of observers
- 2) Governance structure of the Court
- 3) Risk management of the Court

<sup>113</sup> *Ibid.*, para. 40.

<sup>114</sup> AC/1/1.

- 4) Oversight of internal and external audit
  - (a) Internal audit
    - (i) Follow-up on external quality assessment
    - (ii) Updates on the work performed in 2016
    - (iii) Implementation status of audit recommendations
    - (iv) OIA annual risk assessment and plan
    - (v) Work plan for 2017
  - (b) External audit
    - (i) Engagement letter and its Terms of Reference
    - (ii) External audit report on the International Criminal Court – Financial statements – Year ended 31 December 2015, including an Audit report on the financial reporting and management of the permanent premises project – 2015 financial year
    - (iii) External audit report on the Trust Fund for Victims – Financial Statements – Year ended 31 December 2015
- 5) Other matters
  - (a) Feedback on AC interim report
  - (b) Self-assessment of the Audit Committee, including training
  - (c) AC work plan for future sessions<sup>115</sup>

9. In accordance with paragraph 64(iv) of its Charter, the annual AC report should include details of meetings, including the number of meetings held during the relevant period and the number of meetings attended by each AC member.

10. The AC held two meetings at its first session in January 2016 and four meetings at its second session in August 2016. The following members attended:

- (a) Mr. Samir Abu Lughod (Jordan);
- (b) Mr. David Banyanka (Burundi);
- (c) Mr. Jorge Duhalt (Mexico);
- (d) Ms. Laure Esteveny (France); and
- (e) Ms. Elena Sopková (Slovakia).

#### **4. Participation of observers**

11. In January 2016, the President of the Court, Judge Silvia Fernández de Gurmendi, briefed the AC about the Court's current activities and plans for enhancing the budget process. The AC also exchanged with representatives of the Office of the Prosecutor and the Registry, who were invited to clarify their expectations *vis-à-vis* the AC.

12. The AC invited the Director of the Division of Management Services to address the AC in relation to the Court's governance structure and risk management at its second session. The AC further invited the Director of the OIA to make presentations at its first and second sessions. The AC also invited the Head of the IOM to make a presentation about his work and interactions with the other key actors of governance.

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<sup>115</sup> AC/2/1/Rev.1.

## Appendix II: List of documents

<i>Document symbol</i>	<i>Title</i>
AC/1/2	International Standards for the Professional Practice of Internal Auditing
AC/1/3	International Criminal Court – Charter for the Office of Internal Audit
AC/1/4	Final Audit report on the Unaccompanied Shipment Policy of the Court
AC/1/5	Final Audit Report on the Audit of the Internal Control Framework of the TFV's assistance programs
AC/1/6	Final Audit Report on Sick Leave Management
AC/1/7	Final OIA report on the ICT preparations and readiness for the move to the Permanent Premises
AC/1/8	Final OIA Report on Long Term Digital Archiving program/Records Retention and Disposal project
AC/1/9	The Office of Internal Audit - Special Review on non-implemented internal audit recommendation issued between mid-2008 and 2011
AC/1/10	Final Audit Report on Implementation of Daily Subsistence Allowance (DSA) policy for travel reimbursement
AC/1/11	The Office of Internal Audit - Final Report - A review of the Language Services Unit of the OTP
AC/1/12	The Office of Internal Audit – 2015 Internal Audit Plan
AC/1/13	The Office of Internal Audit – 2016 Internal Audit Plan
AC/1/14	The Office of Internal Audit –Draft Audit Plan for 2017
AC/1/15	Interim Report of the Audit Committee
AC/1/16	Annual Report of the Office of Internal Audit - Implementation of audit recommendations: situation as at 26/01/2016
AC/1/17	The Office of Internal Audit - Risk Evaluation
AC/2/2	Office of Internal Audit (OIA) - Summary of the risk assessment performed by the Office of Internal Audit
AC/2/3	Report for an independent validation of the self- assessment of the Office of Internal Audit of the International Criminal Court
AC/2/4	Annex II of the Report of the Bureau of the Study Group on Governance (ICC/ASP/14/30)
AC/2/5	Audit Report on the Budget Performance of the Permanent Premises Project
AC/2/6	Final Audit Report on Enterprise Risk Management
AC/2/7	Report on Risk Management by the International Criminal Court
AC/2/8	Report of the Court on risk management
AC/2/9	Report on the procedure for following up the implementation of recommendations conducted in the first semester of 2016 as requested by the Audit Committee
AC/2/10	The Office of Internal Audit, Audit Report (Final): The Audit of the Mission Planning Process
AC/2/10.1	Audit of Mission Planning – Issues requiring management attention
CBF/19/21	Annual report of the Audit Committee
CBF/21/15	Office of Internal Audit - 2014-2015 IT Audit Strategy Plan & 2013 IT Audit Plan
CBF/21/16	Report of the Office of Internal Audit on its activities for 2014
CBF/22/4	Annual Report of the Office of Internal Audit Implementation of audit recommendations: situation as of 18/02/2014
CBF/22/5	Office of Internal Audit - Provisional work plan for 2015
CBF/22/12	Report of the Court on the Audit Committee
CBF/24/5	Report of the Court on the Audit Committee
CBF/24/10	Annual Report of the Office of Internal Audit on its activities in 2014
CBF/24/11	Office of Internal Audit - 2015 Internal Audit Plan
CBF/24/12	Annual Report of the Office of Internal Audit - Implementation of audit recommendations: Situation as at 3 February 2015
CBF/24/13	Office of Internal Audit - Draft Audit Plan for 2016
ICC-ASP/13/12	Financial statements for the period 1 January to 31 December 2013
ICC-ASP/13/12/Corr.1	Financial statements for the period 1 January to 31 December 2013
ICC-ASP/13/13	Trust Fund for Victims financial statements for the period 1 January to 31 December 2013
ICC-ASP/14/12	Financial statements of the International Criminal Court for the year ended 31 December 2014
ICC-ASP/14/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2014
ICC-ASP/14/15	Report of the Committee on Budget and Finance on the work of its Twenty-Fifth session
ICC-ASP/15/12	Financial Statements of the International Criminal Court for the year ended 31 December 2015
ICC-ASP/15/13	Financial Statements of the Trust Fund for Victims for the year ended 31 December 2015

## Appendix III: Charter of the Audit Committee

### A. Introduction

1. The Audit Committee plays an important role in providing oversight of the governance, risk management, and internal control practices of the International Criminal Court (“the Court”). This oversight mechanism also serves to provide confidence in the integrity of these practices. The Audit Committee performs its role by providing independent advisory and assurance services to the Assembly of States Parties (“the Assembly”).

### B. Purpose

2. The purpose of the Audit Committee is to provide structured systematic oversight of the Court’s governance, risk management, and internal control practices. The Audit Committee assists the Assembly by providing advice and guidance on the adequacy of the Court’s initiatives in relation to:

- (a) Governance structure;
- (b) Risk management;
- (c) Values and ethics;
- (d) Internal control framework;
- (e) Oversight of internal and external audit; and
- (f) Financial statements and public accountability reporting.

3. In broad terms, the Audit Committee reviews each of the items noted above and provides the Assembly with independent advice on the adequacy and effectiveness of the Court’s management practices. This advice and guidance also may include suggestions and recommendations to strengthen those practices.

### C. Mandate

4. The mandate for the establishment of the Audit Committee derives from the Assembly’s approval of the recommendations of the Committee on Budget and Finance (“the CBF”).<sup>116</sup>

5. The mandate of the Audit Committee is to assist the Court in meeting States Parties’ demands for transparency and accountability by providing oversight of its management practices in key governance areas, including:

- (a) Values and ethics;
- (b) Governance structure;
- (c) Risk management;
- (d) Internal control framework;
- (e) Audit activity;
- (f) External assurance providers, including:
  - (i) The examination and monitoring of the independence of the External Auditor and of his recommendations as well as of any other questions raised by the External Auditor or by any other external assurance provider; and
  - (ii) Making recommendations to the competent organ concerning the nomination of the External Auditor.
- (g) Management action plans; and
- (h) Financial statements and public accountability reports.

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<sup>116</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. I, part II, para. 8.

6. The list of mandates is non-exhaustive, with the possibility of adding or changing items. Exhaustion of the full list of items each calendar year is not mandatory. Rather, the Audit Committee should be able to address issues whenever the need arises.

#### **D. Authority**

7. The authority of the Audit Committee to perform its work is established within the scope of its Charter. In discharging its responsibilities, the Audit Committee shall have unrestricted access to members of Court management and staff, as well as all relevant information it considers necessary to discharge its duties. The Audit Committee also shall have unrestricted access to records, data, and reports.

8. The Audit Committee is entitled to receive all such explanations from Court management and staff that it deems necessary to discharge its responsibilities.

9. The Audit Committee may engage such independent counsel and/or other advisers as it deems necessary to carry out its duties.

#### **E. Composition of the Audit Committee**

10. The Audit Committee shall consist of three to five external members, who shall be independent of the Court and its organs. One or two out of the five members shall be acting members of the CBF.

11. The members should collectively possess sufficient knowledge of audit, finance, IT, law, risk and control. As the responsibilities of the Audit Committee evolve in response to regulatory, economic and reporting developments, it is important that members' competencies and the overall balance of skills on the Committee be periodically evaluated to respond to emerging needs.

12. For the recruitment procedure, all efforts should be made to ensure that the criteria of geographical and gender balance are observed. An Ad Hoc Audit Committee is tasked with recruiting the members of the Audit Committee.

13. Secretarial services shall be provided to the Committee by the Executive Secretary of the CBF.

#### **F. The Chair and Vice-Chair of the Audit Committee**

14. Each year, at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.

15. The election process shall be handled by the Secretary of the Audit Committee who will invite candidacies for election as Chairperson or Vice-Chairperson.

16. The Chairperson and the Vice-Chairperson shall be elected for a term of one year. They shall be eligible for re-election twice.

17. In the absence of the Chairperson, the Vice-Chairperson shall take his/her place.

18. If the Chairperson or the Vice-Chairperson ceases to be able to carry out his/her functions or ceases to be a member of the Audit Committee, he/she shall cease to hold such office and a new Chairperson or Vice-Chairperson shall be elected for the unexpired term.

19. If the Chairperson ceases to hold office pursuant to para. 17 above, the Vice-Chairperson shall take his/her place until election of a new Chairperson.

20. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

21. The Chairperson, in the exercise of his/her functions, remains under the authority of the Audit Committee.

22. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson shall declare the opening and closing of each meeting of the Audit Committee, direct the discussions, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Audit Committee and over the maintenance of

order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Audit Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

23. The Chairperson shall represent the Audit Committee at meetings of the CBF or at meetings of the Assembly.

#### **G. Terms of Office**

24. The term of office for an Audit Committee member shall be three years. Independent members of the Audit Committee may not serve more than two terms.

25. To ensure continuity within the Audit Committee, the appointment of members shall be staggered by extending once an additional one year the term of the first appointed Chairperson and Vice-Chairperson to be four years instead of three.

#### **H. Quorum and Decision-making**

26. The quorum for the Audit Committee shall be a majority of the members.

27. As a general rule, decision-making in the Audit Committee should be by consensus. If all efforts to reach a decision by consensus have been exhausted, decisions shall be taken by a majority of members present and voting.

28. Each member of the Audit Committee, including the Chairperson, shall have one vote.

29. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

#### **I. Operational Principles of the Audit Committee**

##### **1. Audit Committee values**

30. The Audit Committee shall conduct itself in accordance with the code of values and ethics of the Court, and with international standards.

##### **2. Communications**

31. The Audit Committee expects that all communication with management and staff of the Court, as well as with any external assurance providers, will be direct, open, and complete.

##### **3. Work plan**

32. The Audit Committee Chair, in concert with other members and with the assistance of the Secretary to the Audit Committee, will establish a work plan to ensure that the responsibilities of the Audit Committee are properly scheduled and effectively carried out.

##### **4. Meeting agenda**

33. The Chair shall establish meeting agendas in consultation with Audit Committee members, and with the Secretary of the Audit Committee.

##### **5. Information requirements**

34. The Audit Committee shall establish and communicate its information requirements. These shall include the nature, extent, and timing of such information requirements. Information shall be provided to the Audit Committee at least six weeks prior to each meeting.

## **6. Preparation and attendance**

35. Audit Committee members have an obligation to prepare for and participate in Audit Committee meetings.

## **7. Incompatible activities**

36. Members of the Audit Committee shall have no financial interest in any activity relating to matters upon which the Audit Committee has the responsibility to make recommendations. Members of the Audit Committee shall not be eligible to assume any other functions at the Court.

## **8. Conflict(s) of interest**

37. It is the responsibility of an Audit Committee member to disclose a conflict of interest or the appearance of a conflict of interest to the Audit Committee. If there is any question as to whether Audit Committee member(s) should recuse themselves from a vote, the Audit Committee shall vote to determine whether the member should recuse himself or herself.

## **9. Confidentiality**

38. Members of the Audit Committee shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Audit Committee.

## **10. Orientation and training**

39. The Audit Committee members shall receive formal orientation on the purpose and mandate of the Audit Committee and on the Court's objectives.

# **J. Operational Procedures**

## **1. Meetings**

40. The Audit Committee shall meet at least three times annually, or more frequently as the Audit Committee deems necessary.

41. The structure of the Audit Committee should be kept as lean and efficient as possible. Therefore, if possible, one or more of its meetings should be conducted by video link.

42. The Committee shall normally meet at the seat of the Court. Sessions of the Audit Committee may be held elsewhere if the Audit Committee and/or the CBF so decide.

## **2. Convening of sessions**

43. Sessions of the Audit Committee shall be convened at the request of the majority of the members of the Audit Committee, the Chairperson of the Audit Committee, or at the request of the CBF.

44. Before the Chairperson makes a request to convene a session of the Audit Committee, he/she shall consult the members of the Audit Committee, including on the date and duration of the session.

45. Any session of the Audit Committee called pursuant to a request of the CBF shall be convened as soon as possible but no later than 60 days from the date of the request.

46. The Chairperson shall notify the members of the Audit Committee as early as possible of the date and duration of each session.

## **3. Agenda**

47. The provisional agenda for each session of the Audit Committee shall be drawn up by the Secretary, in consultation with the Chairperson, whenever possible, and shall include:

- (a) All items proposed by the Audit Committee; and

(b) All items proposed by the CBF.

48. The provisional agenda for each session of the Audit Committee shall be communicated to its members and the Court as early as possible in advance of the session, but at least 21 days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Audit Committee and to the members of the CBF sufficiently in advance of the session.

49. At the beginning of each session the Audit Committee shall adopt its agenda for the session, on the basis of the provisional agenda. The Audit Committee may, if necessary, amend the agenda.

#### **4. Access to officials**

50. The Audit Committee shall have such unrestricted access to officials of the Court as may be required to discharge their duties.

### **K. Compensation of Committee Members**

51. Members of the Audit Committee shall work on a *pro bono* basis, with the Court being responsible for travel, accommodation and related costs. Travel costs shall correspond to business class airfare. A daily subsistence allowance (DSA) shall be paid at 140 per cent.

### **L. Responsibilities**

52. It is the responsibility of the Audit Committee to provide the Assembly through the CBF with independent, objective advice on the adequacy of Court management's arrangements with respect to the following aspects:

#### **1. Values and ethics**

53. To obtain reasonable assurance with respect to the Court's values and ethics practices, the Audit Committee shall:

- (a) Review and assess the policies, procedures, and practices established by the governing body to monitor conformance with its code of conduct and ethical policies by all Court managers and staff;
- (b) Provide oversight of the mechanisms put in place by management to establish and maintain high ethical standards for all Court managers and staff ; and
- (c) Review and provide advice on the systems and practices established by management to monitor compliance with laws, regulations, policies, and standards of ethical conduct and identify and deal with any legal or ethical violations.

#### **2. Governance of the Court**

54. To obtain reasonable assurance with respect to the Court's governance arrangements, the Audit Committee shall review and provide advice on the governance arrangements established and maintained within the Court and the procedures in place to ensure that they are operating as intended.

55. Risk management. To obtain reasonable assurance with respect to the Court's risk management arrangements, the Audit Committee shall:

- (a) Provide oversight on significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by senior management;
- (b) Review and provide advice on the risk management arrangements established and maintained by management and the procedures in place to ensure that they are operating as intended;
- (c) Annually review the Court's corporate risk profile; and
- (d) Obtain from the Internal Auditor an annual report on management's implementation and maintenance of an appropriate integrated risk management process.



### 3. Management control framework

56. To obtain reasonable assurance with respect to the Court's management control framework, the Audit Committee shall:

- (a) Review and provide advice on the Court's overall and management units' internal control arrangements; and
- (b) Receive reports on all matters of significance arising from work performed by others who provide financial and internal control assurance to senior management.

## M. Oversight of Internal and External Audit and Other Assurance Providers

### 1. Internal audit

57. To obtain reasonable assurance with respect to audit activity, the Audit Committee shall:

- (a) Review and approve the internal audit charter at least once every two years. The charter should be reviewed to ensure that it is consistent with changes in the Court's financial, risk management, and governance arrangements and reflects developments in internal audit professional practices;
- (b) Review and approve proposed risk-based internal annual audit work plans and make recommendations concerning internal audit projects;
- (c) Advise the Assembly through the CBF regarding the qualifications and recruitment, retention and release of the Director of the Office of Internal Audit;
- (d) Provide input to management on the annual performance evaluation of the Director of the Office of Internal Audit;
- (e) Recommend to management the appropriate compensation of the Director of the Office of Internal Audit;
- (f) Review the budget, expertise and staffing levels of the internal audit programme;
- (g) Advise the Assembly through the CBF about increases and decreases in the requested budget for the internal audit programme and any additional expertise needed. Evaluate whether additional expertise should be in the form of permanent staff or outside consulting services;
- (h) Review internal audit reports and other communications to management;
- (i) Review and track management's action plans to address internal audit recommendations;
- (j) Enquire of the Director of the Office of Internal Audit whether any internal audit engagements or tasks have been carried out that did not result in a report to the Audit Committee. If such activity has taken place, enquire as to the matters of significance, if any, arising therefrom;
- (k) Review and provide input on internal audit's strategic plan, programme goals, performance measures, and outcomes;
- (l) Enquire of the Director of the Office of Internal Audit about steps taken to ensure that the audit activity is consistent with the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing Standards;
- (m) Ensure that the internal audit function has an external quality assurance review every five years; and
- (n) Review the results of the independent external quality assurance review and monitor the implementation of the action plans to address recommendations raised.

### 2. External audit

58. To obtain reasonable assurance with respect to the work of the external assurance providers (including, but not limited to, the External Auditor), the Audit Committee shall meet

with such providers during planning of the audit, the presentation of the audited financial statements, and the discussion of the letter to management on recommendations.

59. The Audit Committee shall examine and monitor of the independence of the External Auditor and of his recommendations, as well as of any other questions raised by the External Auditor or by any other external assurance provider.

60. The Committee shall make recommendations to the competent organ concerning the nomination of the External Auditor.

### **3. Follow up on management action plans**

61. To obtain reasonable assurance that management has acted on the observations and recommendations from internal and external audit, the Audit Committee shall review regular reports on the progress of implementing approved management action plans and audit recommendations resulting from completed audits.

### **4. Financial statements and public accountability reporting**

62. The Audit Committee is responsible for oversight of the independent audit of the Court's financial statements, including but not limited to overseeing the resolution of audit findings in areas such as internal control, legal and statutory compliance, and ethics.

### **5. Other responsibilities**

63. In addition, the Audit Committee shall:

- (a) Perform other activities related to this charter as requested by the Assembly; and
- (b) Regularly evaluate its own performance and that of individual members.

### **6. Reporting on Audit Committee performance**

64. The Audit Committee shall:

- (a) Make an annual report to the CBF summarizing its activities and recommendations;
- (b) The report should include:
  - (i) A summary of the work performed by the Audit Committee to fully discharge its responsibilities during the preceding year;
  - (ii) A summary of the Court's progress in addressing corrective actions on the findings and recommendations made in internal and external audit reports;
  - (iii) An overall assessment of the Court's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes impacting the Court; and
  - (iv) Details of meetings, including the number of meetings held during the relevant period and the number of meetings attended by each member.

65. The Audit Committee may, at any time, report to the Assembly through the CBF any other matter it deems of sufficient importance.

## **N. Languages**

66. The working languages of the Committee shall be the official working languages of the Court.

67. All recommendations and other documents of the Audit Committee shall be published in the official languages of the Court, unless otherwise decided by the Chairperson of the Audit Committee.

## **O. Review**

68. The Committee shall keep the present Charter under review.

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