



**Statement by Bruno Cathala,
Registrar of the International Criminal Court**

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Mr President,
Excellencies,

On behalf of the Court, I have the honour of presenting the Proposed Programme Budget of the International Criminal Court for 2006.

The budget amounts to a total of 82.46 million euros. The increase over the 2005 budget is closely linked to the challenges the Court faces in light of its field activities and hearings in The Hague. I would like to start by explaining this before moving on to the assumptions on which the 2006 draft budget is based and then highlight some of the improvements to the draft in terms of methodology and presentation. To help you understand the document and figures I will attempt to be very specific by using concrete examples as much as possible.

Before doing so however, allow me to point out that, whilst this draft budget is clearly the product of in-house work of the entire Court, it cannot be explained by that influence alone as it is also the result of intensive consultations at the Court this year.

In this regard, I would first pay special tribute to the Committee on Budget and Finance of your Assembly which influenced the development of our positions and way of approaching budget presentation during excellent dialogue throughout the year and the two sessions in The Hague.

This draft is also the product of bilateral discussions with States, or discussions in formal working groups such as those created by the Bureau, and in more informal fora such as *The Friends of the Court* and the three diplomatic briefings in 2005. Discussions were also held with other actors like NGOs.

1. Allow me to begin with a general presentation of what the Court is planning to do in 2006. The CBF has underlined that these are no longer assumptions, as we now have some distance and experience which allow us to describe things as they really are. At present, many of our staff are working in the field. The duties awaiting them are very varied, and can greatly differ from situation to situation. This is due to the nature of the ongoing conflicts, the geographical

specificities of the countries concerned, sanitary and environmental conditions and linguistic, logistical, or security requirements. Moreover, to act efficiently in the field, cooperation is required of all States, international organisations and other partners likely to support us in the various areas of the Court's work.

To illustrate these points I will give you the example of an investigator on mission, whether for the prosecution or defence. An investigator's profession involves being at the centre of effective and rapid interaction and bringing into play complex mechanisms which require the implementation of resources.

First, one must ensure that before the investigator arrives in the country concerned by the situation, the necessary legal instruments have been adopted to guarantee a fully independent investigation. The investigator must also have taken the necessary medical precautions and be properly trained. One must not neglect security issues either, all the more so as several mechanisms must be designed and fitted to meet the specific needs of our mandate. In this regard allow me to express once again how much the Court appreciates the different forms of practical support we have been receiving from many States.

Reaching the witnesses for interviews assumes having a number of vehicles adapted to the topography and able to drive on roads frequently made impassable by torrential rains or mines.

Although interviews can take place on the premises of the ICC field offices, it is often necessary to find secure places where the anonymity of the persons concerned is preserved, in particular when interviewing sensitive witnesses. We are responsible for providing these persons with appropriate protection and support. The Court must do everything necessary to minimise the risks incurred by those interviewed. Here too I wish to express our thanks to States which have entered into agreements with us for the relocation of witnesses and enforcement of sentences.

The interviews also require the presence of an interpreter. Finding interpreters who speak rare languages, some of which are not written, adds to the difficulties. We must go to the field to test likely candidates for the mission, check where they stand in the conflict under investigation,

and train them to become court interpreters or translators, which means translating precisely what is said or written. You will understand that such challenges require administrative resources sufficiently flexible to be adapted to every possible scenario.

It is essential to use secure and reliable channels of communication in order to guarantee continuity in the dialogue between the investigator, the teams and headquarters, as well as to send field data to The Hague.

In addition to its investigative work, the Court is also involved in outreach. As I am sure you know, outreach involves not only disseminating general information about the Court but also relaying the evolution of judicial proceedings. This is already the case and will be even more so next year with the opening of two trials. These types of activities are primarily the responsibility of the Court which relies on the advice, support and hard work of many different players in the field in order for such outreach to be effective.

Following this very brief description of the challenges in the field, let us return to The Hague to address issues relating to the Court's sessions.

The rules of procedure established by the basic documents and the Regulations of the Court are for a large part new and must be developed, interpreted and, more importantly, tested. This is being done as we speak. Prosecution teams, defence counsel and legal representatives of victims are now being heard by the Court. However, the fact that the Court has not yet conducted a complete trial has significant consequences for the budget, as indicated in the introduction of the budget document.

I would now like to move back to the example of witnesses interviewed by investigators. As you know, some of them may have to appear before the Court. They will have to be brought from their place of residence to Kinshasa or Kampala, and then on to The Hague by plane, where they will need to be accommodated. Security measures will have to be put in place and linguistic arrangements made. Interviews may also be by video link if so required for protection

purposes. Audio-visual and computer systems have already been installed but must be made efficient enough to avoid proceedings frequently being interrupted for technical reasons.

Witnesses are not the only categories of participants in proceedings at the Court. There are also victims, the accused and States Parties. Sufficient resources are required for the Court to provide victims with legal assistance and for the defence of the accused.

Before moving to the second part of my presentation, I would also like to emphasise that we are determined to make the Court representative of the whole world, in particular through its staff. Court staff is currently made up of 76 nationalities. In this respect, internship and visiting professionals' programmes are essential because they have allowed the Court to give nationals of the countries of situations referred to the Court the opportunity to work at the ICC. I am very grateful to the States Parties which have generously contributed to these programmes and continue to do so. The Court will need your support to enable more candidates from an increasing number of countries to participate in the programmes.

We also believe that the Court's universal nature is the result of opening to the outside world. We made a special effort on this count in 2005 by recruiting temporary staff to handle visits. Here are some figures to give you an idea of the importance of this work. By late October, we had organised almost 200 visits, representing a total of 3,548 persons. In addition to the general public, we received prime ministers, ministers, members of parliament, ambassadors and judges from all the continents of the world.

2. The draft 2006 budget was prepared on the basis of a set of assumptions presented in the introduction of the document and in annex III.

The Court based itself on the following assumptions. The Office of the Prosecutor will examine up to eight situations and continue one investigation throughout 2006. It anticipates opening another into a fourth situation in mid-2006. One trial should begin in May 2006 and another in

July 2006. Meanwhile, activities relating to investigations and to the pre-trial phase will continue and several appeals are possible.

As I have already said, on the basis of our experience in 2004 and 2005, the above mentioned assumptions are no longer reasoned speculations but reflect our daily work. Our assumptions were also cross-checked and approved by all the organs of the Court before being integrated definitively into the draft budget. Uncertainties remain, in particular the ability of States to arrest persons for whom the Pre-Trial Chambers have issued arrest warrants.

In an attempt to be as realistic as possible, we also defined the assumptions relating to the work of the Chambers. You will find the figures in annex III of the budget document. They relate for instance to the number of accused per case, defence teams which will receive legal aid, witnesses heard during the trial, expert witnesses and the maximum length of stay for witnesses.

3. The methodology and presentation of the draft budget were greatly inspired by the cogent advice of the Committee on Budget and Finance and observations of your Assembly last year concerning the application of a results-based budgeting system, the establishment of a set of objectives and desired developments, and the adoption of measures to streamline the presentation of the budget.

In its efforts to improve the presentation of the current proposed programme budget, the Court identified different phases in the legal proceedings – analysis, investigation, pre-trial phase, trial, appeal and enforcement of sentences. The specific requirements for each phase of each situation were carefully examined. This allowed us to distribute the institution's costs into "basic costs" and "situation-related costs", and hence to define costs per situation. This is unprecedented in international criminal justice.

This budget is also a first step in relating the budget process to the Court's strategic plan to create an integrated performance system. You may recall that the ICC strategic plan is still being developed. However, the first stage of the plan has already contributed to guaranteeing

structural cohesiveness in the budget proposed here. Some work remains to be done, especially as there was no precedent we could use for this exercise; never before has such a complicated task been undertaken in an international court.

Before I conclude, allow me to touch on the concept of flexibility.

The Court continues to place great value on transparency and the effectiveness of its operations, and has been doing so from the very beginning. Flexibility of financial management is essential for it to function effectively, especially as it is still in its construction phase. We must remember that this institution is barely three years old. Again, the lack of precedents and, as I explained earlier, the fact that the innovative system established by the Rome Statute has never been put into practice before require that the Court be able to adapt constantly to difficulties which differ from one situation to another. I would also add that the concept of flexibility is closely linked to the concept of establishing a modern institution.

Obviously, flexibility includes two components – transparency in management and significant financial transactions in the “major programmes” and strict adherence to the rules, in particular the Court’s financial rules and regulations. The Court has already begun on the first point by informing the CBF of a number of important changes, and it has undertaken to improve its method still further. Concerning the second point, we are very attentive to ensuring that the relevant regulations are strictly respected. You will have noted that a post of budget controller directly accountable to me has been created until software tools for the work of the oversight organs is in place.

In conclusion, the draft budget which I have had the honour of presenting to you seeks to provide a precise description of the new stage in which the Court will be in 2006, as it continues its activities of 2005. But allow me to reiterate that the Court needs you, your ongoing support and continued assistance if it is to embody the aspirations of its founding fathers and infuse life into the words of the Statute, within the spirit of Rome.

Thank you.