

6. Reports of the Committee on Budget and Finance

(a) Report of the Committee on Budget and Finance on the work of its fourth session, April 2005*

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I. Introduction

A. Opening of the session and adoption of the agenda

1. The fourth session of the Committee on Budget and Finance (the Committee) was convened in accordance with a decision of the Assembly of States Parties (the Assembly) taken at the 6th plenary meeting of its third session on 10 September 2004. The Committee held its fourth session, comprising six meetings, at the seat of the Court in The Hague from 4 to 6 April 2005. The President of the Court, Mr. Philippe Kirsch, delivered welcoming remarks at the opening of the session.

2. The session was presided over by the Chairperson, Mr. Karl Paschke (Germany). Mr. John F. S. Muwanga (Uganda) served as Vice-Chairperson. The Committee appointed Mr. David Dutton (Australia) as Rapporteur for the session.

3. The Secretariat of the Assembly of States Parties (the Secretariat) provided the substantive servicing for the Committee, and its Director, Mr. Medard Rwelamira, acted as Secretary of the Committee.

4. At its 1st meeting, the Committee adopted the following agenda, subsuming agenda item 7 of the provisional agenda (ICC-ASP/4/CBF.1/L.1) under item 6:

1. Opening of the meeting
2. Adoption of the agenda
3. Participation of observers
4. Organization of work
5. Premises of the Court
6. Report on the Strategic Plan of the Court
7. Report on rationalizing translation capacities
8. Report on human resources management policies
9. Report on performance assessment for staff
10. Report concerning consultants
11. Report on options for ensuring adequate defence counsel for accused persons
12. Report on procurement activities
13. Briefing on the performance of the 2004 budget
14. Revised assumptions for the programme budget for 2005
15. Update on the budget preparation process for the draft programme budget for 2006
16. Review of the budget for 2005 of the Secretariat of the Trust Fund for Victims
17. Long-term budgetary implications of pensions for elected officials
18. Approval of the report of the session
19. Other matters
20. Closure of the session

5. The following members attended the fourth session of the Committee:
 1. Lambert Dah Kindji (Benin)
 2. David Dutton (Australia)
 3. Eduardo Gallardo Aparicio (Bolivia)
 4. Fawzi A. Gharaibeh (Jordan)
 5. Myung-jae Hahn (Republic of Korea)
 6. Peter Lovell (United Kingdom of Great Britain and Northern Ireland)
 7. John F. S. Muwanga (Uganda)
 8. Karl Paschke (Germany)
 9. Elena Sopková (Slovakia)
 10. Inna Šteinbuka (Latvia)
 11. Michel-Etienne Tilemans (Belgium)
6. 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.

B. Participation of observers

7. The Committee decided to accept the request of the Coalition for the International Criminal Court to make a presentation to the Committee.

II. Consideration of issues on the agenda of the Committee at its fourth session

A. Review of the financial situation

8. The Committee reviewed the status of contributions as at 5 April 2005. It noted that a total of €1,152,105 was outstanding for the 2002-2003 financial period and a total of €4,683,966 for the 2004 period. It also noted a worrying trend in the payment of contributions in 2005, since only 50 per cent of contributions had been received to date as against about 55 per cent at the same time in 2004. The Committee expressed concern that only 21 States Parties had thus far paid their 2005 contributions in full, leaving €33,472,000 outstanding for 2005.

9. The Committee also expressed concern that 11 States Parties had not yet made any payment for any financial period. It noted that the Assembly had requested its Secretariat to write to States Parties that could lose their voting rights in accordance with article 112, paragraph 8, of the Rome Statute. The Committee recommends that the Assembly request the Secretariat to advise States Parties each year in January, and the Assembly at the opening of each session, of the States that are ineligible to vote. The Secretariat should also

be requested to inform States Parties periodically of States that have recovered their voting rights following payment of their arrears. The Committee further recommends that the Court take any additional measures that would encourage States to pay their contributions.

B. Budgetary matters

1. Preliminary report on programme performance of the International Criminal Court for the year 2004

10. The Committee had before it a preliminary brief on programme performance of the International Criminal Court for the year 2004 (ICC-ASP/4/CBF.1/9). It was indicated that the Court's overall financial implementation rate during the year 2004 was 81.4 per cent of the approved budget. The under-spending had been due primarily to changes in the Prosecutor's planned assumptions regarding the level of investigations and trial activities, which had resulted in lower staff costs. The latter had been partly offset by a reallocation of resources for the establishment of field offices, but had led nonetheless to a substantial unencumbered balance in Major Programme II. The lack of trial activity had further resulted in savings in Major Programme I, as the assumption by some judges of full-time duty in The Hague had been postponed. There was also an unencumbered balance in Major Programme IV due to staggered recruitment during the first year of operation of the Secretariat of the Assembly of States Parties combined with an unbudgeted discount on the conference premises. The Committee, having been informed that the total unencumbered balance amounted to €9,876,000, indicated to the Registry that this surplus should be apportioned among States Parties in accordance with regulation 4.7 of the Financial Regulations and Rules.

11. The Committee took note of the preliminary report on programme performance during the 2004 financial period. Further to paragraph 50 of the report on its third session,¹ in which the Committee recommended that the Court include in future performance reports data on financial performance and results achieved, the Committee recommends that the Court provide annual performance reports to the Committee at its spring sessions.

2. Revised assumptions for the programme budget for 2005

12. The Prosecutor updated the Committee on progress in his work regarding the situations in Uganda and the Democratic Republic of the Congo. The assumptions on which the 2005 budget were based² had been revised and he now expected pre-trial activity for the Uganda situation in April or May and for one case in the Democratic Republic of the Congo in September or October. At the time of his presentation, he had not yet received the sealed list of names of alleged perpetrators of crimes in Darfur, following the referral by the Security Council of the United Nations of that situation which had taken place the previous week. It was therefore premature to forecast how work there might proceed.

13. The Committee expressed appreciation for the update by the Prosecutor on his work and its implications for the assumptions and budget. The Committee noted that Darfur would be the third situation dealt with by the Court and that the Assembly had already approved resources for investigations for a third situation. It observed that the complexities that had emerged in Uganda and the Democratic Republic of the Congo, together with the

¹ Report of the Committee on Budget and Finance on the work of its third session, August 2004, *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third Session, The Hague, 6-10 September 2004*, Part II.A.8(b).

² *Ibid.*, para. 35.

additional responsibilities entailed by the Darfur referral, constituted a very challenging agenda. Indeed, the Court had received four referrals before any investigations were ready for trial and it was likely to be some years before it would dispose of any of the three situations under investigation. The Committee asked to be informed regularly, including through the Extranet that the Court was developing for communication with and among the members of the Committee, of progress in each situation and of any decision to commence investigations in the Central African Republic.

14. The Committee recommends that the Court provide it with first-quarter financial performance data for the ongoing fiscal year at its spring sessions.

3. Update on the preparation of the draft programme budget for 2006

15. The Committee received a presentation by the Registry regarding the preparation of the draft programme budget for 2006. The Court observed that it operated within resource constraints but needed also to respond rapidly to changing situations in complex environments. The Court had therefore been developing a costing model that would distinguish between resources required to maintain the basic operational infrastructure (termed “base structure” or “core”) and those relating to specific situations addressed by the Court. The base structure would be related directly to a stated capacity for the Court, and should activity increase beyond that level, a step change in base resources would be needed.

16. The Court was also developing notional standardized resource requirements (“building blocks”) for each phase of a situation that would enable the Court to budget for each situation as it moved from analysis through investigations to pre-trial, trial and appeal over successive budgetary periods. Such an approach could provide a much clearer basis for the Assembly to review the budget of the Court and it would enable the Court to account separately for each situation. The Court stated that this conceptual work was not yet finished.

17. The Committee had the impression that the approach outlined by the Court offered an improved planning, budgeting and reporting process than had been in place thus far. It welcomed the Court’s efforts to track expenditure against each situation, as requested by the Committee in its previous reports.³ The Committee observed that, if well implemented, the new approach would be beneficial to the Court, the Committee and the Assembly. In particular, the Committee hoped that the Court would be able to produce robust definitions for distinguishing between core and situation-related expenses and that these definitions could be examined by the Committee in the context of the budget. The Committee also hoped that the Court would produce standard costings for each phase of activity in a situation that were sufficiently generic to be used as “building blocks” but were nonetheless flexible enough to enable the Court to operate effectively in different situations. Such costings could be examined by the Committee and the Assembly to obtain assurances regarding value for money while avoiding undue micro-level examination, thus enabling them to undertake a more strategic review of future draft budgets. Moreover, the system could ensure transparency in the Court’s use of resources for each situation. Finally, the Committee observed that this work on preparing the budget needed to be integrated effectively with the Court’s strategic planning efforts (see paragraphs 40 to 42 below).

18. The Committee also recalled its comments and recommendations, in paragraphs 43 to 49 of the report on its third session,⁴ regarding results-based budgeting and presentation, in particular the need for comparable data from one budgeting period to the next.

³ Ibid., paras. 39-42.

⁴ Ibid.

4. Draft 2005 budget for the Secretariat of the Trust Fund for Victims

19. The Court presented a report on the draft 2005 budget of the Secretariat of the Trust Fund for Victims (ICC-ASP/4/CBF.1/4). As regards the relationship between the Registry and the Secretariat of the Trust Fund for Victims, the Registry indicated that, although it had taken on the responsibility of representing and supporting the Board of Directors of the Trust Fund for Victims, it understood that this was a temporary arrangement since the Trust Fund was independent of the Court. With regard to the differentiation of the work of the Secretariat of the Trust Fund from that carried out by the Victims Participation and Reparations Section, the Court would submit a report to the Committee at its fifth session. In response to a query on the definition of “victim”, the Court indicated that it was a matter to be decided upon by the judges.

20. The Committee took note of the Assembly’s decision to establish the Secretariat of the Trust Fund for Victims, and stated that it had no objection to the planned use of the 2005 budget. It decided to resume consideration of this item at its next session, when it would receive a report on victims issues, explaining, inter alia, how the work of the Secretariat and the Victims Participation and Reparations Section had been delineated. The Committee recommends that the Trust Fund and its Secretariat be within the scope of the audit arrangements applicable to the Court.

21. With regard to the request by the Assembly for the Committee to review the draft Regulations of the Trust Fund,⁵ the Committee noted that the New York Working Group of the Bureau of the Assembly had begun to consider the draft Regulations and decided to consult with the Working Group in order to determine how the Committee could contribute to the review, through informal intersessional communication among its members, so as to report to the Bureau prior to the Committee’s fifth session.

5. Long-term budgetary implications of pensions for elected officials

22. At the request of the Assembly,⁶ the Committee engaged in an initial discussion of the long-term budgetary implications of the pension scheme regulations for judges. The Court informed the Committee that a preliminary actuarial examination showed that the annual cash flow implications of pensions for judges would rise to about €400,000 in 2009, €1,400,000 in 2015 and €1,900,000 in 2019. The Court indicated that these costs could be budgeted on the basis of annual cash flow; alternatively, reserves could be accumulated each year in line with the accruing liabilities.

23. The Committee noted that the proposal regarding conditions of service and compensation of judges and elected officials had not been submitted to it despite the fact that paragraph 3 of resolution ICC-ASP/1/Res.4 conferred responsibility on the Committee for the “technical examination of any document submitted to the Assembly that contains financial or budgetary implications”. The Committee had therefore been unable to provide the Assembly with advice prior to its last session. The Committee further noted that the proposal, and the action taken by the Assembly thereon, had significant budgetary implications and could have implications for the policies of the Court pertaining to other staff for conditions of service, including compensation, travel and pensions.

24. The Committee noted that it had not been provided with sufficient information regarding the options available for meeting the budgetary implications of the pension

⁵*Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third Session, The Hague, 6-10 September 2004, Part III, ICC-ASP/3/Res.7, para. 8.*

⁶*Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third Session, The Hague, 6-10 September 2004, Part III, ICC-ASP/3/Res.3, para. 25.*

scheme regulations for judges. It therefore requests the Court to prepare an appraisal of the options and to submit a report to the Committee at its next session.

25. The Committee also decided to examine the proposal regarding conditions of service and compensation of the Prosecutor and Deputy Prosecutors, as requested by the Assembly,⁷ at its next session.

C. Premises of the Court

1. Introduction

26. The Committee received two reports regarding the issue of the future permanent premises of the Court, which were introduced by Judge Hans-Peter Kaul, Chairman of the Inter-Organ Committee on the Permanent Premises: a report on housing options (ICC-ASP/4/1) and a report containing a Project Presentation (ICC-ASP/4/CBF.1/3). With regard to housing options, the following options were considered: continued use of the present premises, i.e. the Arc; use of the premises of the International Criminal Tribunal for the former Yugoslavia (ICTY); and building of new permanent premises on the site of the Alexanderkaserne. The advantages and disadvantages of each option were considered in light of a number of requirements, which were weighted by the Court: space, function, security, cost, public identity and legal feasibility. The Court's evaluation led to the conclusion that the preferable option was to build new premises on the site of the Alexanderkaserne.

27. The Project Presentation contained an overview of the Court's requirements for its permanent premises. Emphasis was placed on the need to provide for permanent premises that reflected the character of the Court; to select a site for an unlimited period of time; to house all organs together on a single site; and to ensure that the premises were in full conformity with the Court's general functional, organizational, security and other needs. It was indicated that the size of the premises would need to be flexible enough to accommodate staffing levels currently estimated to range from a standing capacity of 950 to a full capacity of 1,300. High-quality and low-maintenance materials should be used in the whole complex. The permanent premises would also need to be completely secure, while at the same time remaining open and welcoming. On the basis of the above and other criteria mentioned in the Project Presentation, the Court and the host State had come to the conclusion that the site of the Alexanderkaserne was best suited for the location of the permanent premises. The Court expressed the hope that the Assembly of States Parties would grant general approval in 2005 for the project presented in the report, enabling an international design competition to be launched in 2006 and allowing for completion of the project by 2012 when the ten-year rent-free arrangement at the Arc would cease.

28. The Committee heard a further presentation on financing models, which, as explained by Mr. Edmond Wellenstein, Director-General, ICC Task Force, Ministry of Foreign Affairs of the Netherlands, had been prepared by a private firm at the host State's request. The document was intended to stimulate discussion on the issue. Four financing models for the permanent premises were identified: a commercial lease; a lease from the host State; ownership by the Court; and an integrated design-build-finance-maintain-operate approach. The relative advantages and disadvantages of each option were evaluated on the basis of the following criteria: manageability of risks for the Court, influence of the Court on the project, organizational burden and contractual flexibility.

⁷ Ibid., ICC-ASP/3/Res.3, para. 26.

2. Housing options

29. The Committee referred to paragraphs 101 and 102 of the report on its third session,⁸ in which it had drawn attention to the need for the Assembly to indicate its views on the possible construction of permanent premises and had suggested that the Court and the Assembly might also consider the possibility of continuing to use the current premises in the longer term. The Committee also took note of the creation of a Working Group of the Bureau of the Assembly to consider the issue further and looked forward to assisting the Working Group in its deliberations.

30. The Committee agreed that there were deficiencies in the suitability of the current premises, particularly with regard to the lack of adequate space and the difficulties of providing appropriate security. It agreed that the premises of the ICTY were not ideal for the Court in view of the age of the existing building, that staff were spread over several buildings and that the courtrooms were small. Moreover, the Committee felt that since a purpose-built complex would be designed to meet the particular needs and character of the Court, it would necessarily offer the best solution in the long term.

31. However, the Committee was concerned that the report on housing options concluded that the construction of a purpose-built complex at the Alexanderkazerne was the best option for the Court without providing a sufficiently detailed assessment of the probable costs of each of the three options. The lack of information on potential costs would not provide the Assembly with a sufficient basis on which to reach a decision, given the possible wide variance between the cost of constructing new premises and continuing to occupy the Arc or refurbishing the ICTY premises. The Committee therefore recommends that the Court prepare a report containing estimates of the possible range of costs for each of the three options, including maintenance and energy costs, over a period of 25 years from 2012, setting out the net present value of each option. This report should be submitted to the Assembly through the Committee.

3. Specifications for permanent premises

32. The Committee observed that significant progress had been made in determining the requirements for a purpose-built campus at Alexanderkazerne. The Committee noted that the Court envisaged a campus-style arrangement that would allow each of the major organs to be appropriately accommodated. The premises would accommodate up to six hearings per day in three courtrooms, involving the presence of witnesses, victims and their counsel, and including facilities for the international media. A high level of security would be provided while preserving public access to proceedings. Moreover, the Court envisaged premises that would project the Court's image and role in international criminal justice. The Committee felt that the Assembly's deliberations on the question of premises should encompass this vision of the Court alongside considerations of functional needs, the anticipated pace of Court activity, and short- and long-term costs.

33. The Committee sought clarification from the Court regarding the estimated number of staff in the specifications for the permanent premises. The Court advised that the specifications covered a range of between 950 and 1,300 workstations and that the premises would be designed in such a way that space could be opened and closed according to the tempo of work and the shifting size of the workforce. The estimates of 950 for the Court at standing capacity and 1,300 at full capacity were the result of careful internal planning,

⁸ Report of the Committee on Budget and Finance on the work of its third session, August 2004, *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third Session, The Hague, 6-10 September 2004*, Part II.A.8(b).

although the Court was still evolving and it was not possible to predict its size accurately beyond 2012.

34. The Committee observed that the figures represented only workstations and not the full staffing complement envisaged by the Court, since they did not reflect staff in the field and staff not working at desks (including security officers). While the Committee recognized that the Court would continue to grow and evolve in the coming years, possibly exceeding any current expectations or plans, it noted that the estimates did not appear to correlate with current staffing levels. The Committee therefore asked the Court to provide more detailed information on the composition of its staffing estimates at the Committee's next session. Further, the Committee recognized that since planning for the premises would take some years, it would be possible to adjust the specifications on the basis of more accurate estimates.

35. The Committee noted that provision did not appear to have been made in the specifications for housing of the Secretariat of the Assembly of States Parties. The Committee agreed that the specifications for the permanent premises should include sufficient space to meet the needs of the Secretariat of the Assembly and to cater for small-to medium-sized meetings of the Bureau, the Committee and other subsidiary bodies of the Assembly. The Committee recommends that the Court take this into account in its future planning.

36. The Committee also noted that its own consideration of the specifications for permanent premises would be limited, given the Committee's mandate and composition, to evaluating functional requirements and costs. The Committee recommends that, should the Assembly decide to proceed with the construction of permanent premises, it should request the Court to ensure appropriate independent confirmation of the technical aspects of design and construction. Such advice might be obtained from the External Auditor and by engaging an independent consultant with appropriate expertise.

4. Financing

37. The Committee recognized that the efforts of the Court so far had been directed primarily at the specifications for purpose-built permanent premises and that the Court had not yet developed financing options for the project. However, while a decision by the Assembly on financing the project would not be required until a later stage, the Committee emphasized that a clearer sense of costs and financing issues would be required before the Assembly would be ready to proceed with the option of purpose-built permanent premises. Further, the possible considerable impact of constructing new premises on the budget of the Court required early attention to financing issues.

38. The Committee took note of the presentation of the host State on financing options, observing that each of the alternatives identified was predicated on the assumption that land, construction and maintenance in respect of permanent premises at the Alexanderkaserne would be financed on commercial terms. The Committee doubted whether financing options on commercial terms would meet expectations in the Assembly regarding the appropriate level of host State support.

39. The Committee therefore recommends that the Court prepare a report on financing methods used for the new premises of other major international organizations, including comparable international judicial institutions. The Committee requests that the Court also consider creative financing options such as the possibility of inviting States Parties to consider individual donations for the construction of the premises (for instance particular courtrooms or conference rooms). The report should be submitted to the Committee at its next session to facilitate informed discussion in the Assembly of financing modalities.

D. Strategic Plan of the Court

1. Strategic Plan

40. The Court made a presentation to the Committee concerning the steps it had taken in preparing the Strategic Plan of the Court. The Plan constituted a partial response to the Committee's recommendations, contained in paragraphs 43 to 48 of the report on its third session,⁹ that the Court prepare overarching objectives for its work, improve its application of results-based budgeting, and enhance consistency in the activities of each organ. The Plan would be a key management instrument and facilitate a continual improvement in the planning of the Court; it would also, while respecting the specific nature and role of each organ, ensure consistency between long-term goals and short-term action. The Court stressed that the Plan was a work in progress, still subject to refinement, and that a report on a first Strategic Plan would be finalized in June 2005, with proposals on an improved planning process to be submitted to the Committee at its autumn session.

41. The Committee welcomed the presentation on the Court's conceptual work aimed at developing a Strategic Plan for the Court as a whole and agreed that this work appeared likely to address concerns it had previously expressed. It was impressed, in particular, with the work that had been undertaken to identify capacity constraints in the end-to-end process of the Court. However, while the conceptual framework seemed promising, the Committee also emphasized that it needed to be translated into a meaningful set of interrelated strategic goals, expected accomplishments and performance indicators that could be used by the Court to focus its work in the short to long term on achieving results. It would also assist in identifying key risks and countermeasures for the corporate governance arrangements of the Court.

42. The Committee was concerned that resource constraints appeared to be affecting the pace of this critical project. It recommends that the Court ensure that work on the Strategic Plan is effectively connected to the Court's planning and budgeting processes and the preparation of the 2006 budget, and that senior management is closely engaged in both processes. The Committee requested the Court to provide a report on its work towards a Strategic Plan to complement the proposed budget for 2006.

2. Outreach activities of the Court

43. In its presentation, the Court indicated that an external relations strategy group had been formed with representatives of the three organs. The project on outreach activities constituted part of the Strategic Plan of the Court and, after further discussion and refinement, would be ready by the time the proposed programme budget for 2006 was finalized. The Committee also noted that specific meanings had been attached to each of the following terms: "external relations" referred to contacts with governments, international organizations and other major actors; "public information" denoted efforts to disseminate messages about the Court to wide, diffuse audiences; and "outreach" referred to situation-specific activities.

44. The Committee also welcomed the presentation of the Court on its efforts to develop an integrated strategy for external relations, public information and outreach, and to delineate the roles of each organ. These efforts appeared to address the concerns expressed previously by the Committee¹⁰ as to the fragmentation and duplication of such

⁹ Ibid.

¹⁰ Ibid, paras. 107 and 108.

work and the need to set targets and measure performance. The Committee requested the Court to provide details of the integrated strategy to the Committee in the context of the 2006 budget.

E. Human resources

45. The Court made a presentation on its human resources management policies, which included information on: comparative indicators of staff growth between 2004 and 2005; geographical distribution among the different regions; gender balance; the process of recruitment; staff requirements to manage the recruitment process; and the Internship and Visiting Professionals Programmes. The Committee was informed that, as of 1 April 2005, the Court employed 299 staff members (152 in the Professional category and 147 in the General Service category) against 489 established budgeted posts. Furthermore, there were 97 staff members employed under general temporary assistance (26 in the Professional category, 65 in the General Service category and 6 as interpreters), 61 interns and 4 visiting professionals. Accordingly, a total of 461 persons were attached to the Court. In addition, there were 18 judges and 4 elected officials (Prosecutor, 2 Deputy Prosecutors, Registrar). The Court also made a presentation on the performance appraisal system it was developing; such a system would be based on seven core competencies. In order to assist in this process, a consultant had been hired to conduct a classification of all posts. The Court indicated that all posts would be classified for the proposed programme budget for 2006.

46. The Committee welcomed the information in the presentations but noted that it would have been desirable to include more information in the report on human resources management policies (ICC-ASP/4/CBF.1/1), which also referred to the development of the performance appraisal system, and the report on consultants (ICC-ASP/3/23). Nonetheless, the Committee was impressed by the progress made in developing the human resources system, recognizing its importance for the Court's future success. The Committee decided to continue to be seized of the issue of human resources.

F. Legal aid

47. The Committee had before it a report on options for ensuring adequate defence counsel (ICC-ASP/3/CBF.2/3) and an update to annex 2 thereof (ICC-ASP/4/CBF.1/8). The Court indicated that the proposed scheme, which had been devised following consultations with legal professionals as well as the ad hoc tribunals and the Special Court for Sierra Leone, was aimed at ensuring respect for the principle of equality of arms while taking due care to keep costs at a minimum. The latter goal was to be achieved, in particular, through the payment of monthly fees and through the requirement for defence counsel to submit an action/stage plan to the Registrar.

48. The Committee also had before it a report on the principles and criteria for the determination of indigence for the purposes of legal aid (ICC-ASP/4/CBF.1/2). The Court indicated in its presentation of the report that the proposed system was based on the principles of objectivity, flexibility and simplicity and took into account the obligations of the person requesting legal assistance to his or her dependants. It was also consistent with the proposed system for payment of legal aid.

49. The Committee emphasized that the delivery of legal aid was an area of considerable risk for the Court. Experience in the ad hoc tribunals had shown that administration of legal aid without rigorous controls could result in unreasonably high costs and abuses by some defence counsel and defendants. While recognizing the importance of an effective legal aid system for guaranteeing the rights of indigent accused, the Committee felt that legal aid must be managed very carefully to avoid abuses and contain costs.

50. The Committee agreed that the determination of indigence should be conducted in an objective manner on the basis of a full examination of each applicant's financial assets and income. It therefore encouraged the Court to propose appropriate resources to fund an investigation capacity to locate financial assets. The Committee was not convinced that daily subsistence allowance (DSA) was an appropriate basis on which to conduct an assessment of living expenses since DSA was intended as a payment to cover the costs of short-term travel (and was therefore higher than a reasonable measure of the ongoing cost of living expenses). The Committee therefore recommends that the Court employ another measure of cost of living, obtaining such data either from the private sector or from an international data set such as that maintained by the International Civil Service Commission for the determination of common system salaries. Nor was the Committee convinced by the exclusion of certain assets, such as residence, furnishings and vehicles, from the assessment, where such assets were of a luxurious or lavish nature, for the purpose of determination of indigence.

51. The Committee observed that the monthly cap system proposed by the Court could be insufficient to preclude the risk of some counsel prolonging proceedings for financial gain. The Committee recognized that the Registry would seek to control costs generated by defence counsel through the mechanism of quarterly action plans. However, the Committee was concerned that such an approach might prove ineffective and that the Registry would be subjected to considerable pressure by counsel. The Committee recommends that the Court consider further whether flat-rate payments could be used for some phases of the proceedings so as to avoid creating incentives for unnecessary work and delays in proceedings.

52. With respect to the rates proposed, the Committee noted that expenditure for defence costs (i.e. monthly fees per defendant of €19,864 for the initial phase, €36,509 for the trial phase and €26,451 for the appeals phase, as well as a fee of €55,315 for 90 days of investigation) would amount in the future to a considerable sum in the Registry's budget. It noted that the Court proposed that salary rates be calculated on the basis of a comparison with the Office of the Prosecutor plus a 40 per cent increase to compensate for various professional factors. The Committee felt that it could only be ascertained whether this was an appropriate level of remuneration in light of practical experience.

53. In view of this, and the need to manage the risks to the Court's credibility from having either an extravagant or an ineffective legal aid system, the Committee recommends that the Court put in place a formal procedure to evaluate the legal aid system and ensure that the criteria of equality of arms, objectivity, transparency, continuity and economy are met in a balanced and judicious manner. It also decided to revert to the question of legal aid in the context of the 2006 budget and at that time to discuss further the role of the Office of Public Counsel for the defence and the assignment of counsel to indigent accused.

G. Other reports

1. Rationalization of the translation capacities of the Court

54. The Committee had before it a report on rationalizing the translation capacity of the Court (ICC-ASP/4/CBF.1/7), which stated that no duplication occurred solely by virtue of the fact that translation services were performed in more than one organ, as there was a clear distinction between, on the one hand, official translations of Court documents which were the sole responsibility of the Registrar and, on the other, translations related to operational investigative activities which, for reasons of confidentiality, had to be performed under the supervision of the Office of the Prosecutor. The Committee was apprised of the efforts undertaken to avoid possible duplication and waste of resources in the field of translation, in particular centralization within the Registry of the revision of translations, the use of the same IT system for translation support, the administration of resources in a common register, and the joint recruitment of translators and field interpreters. Any further centralization, it was stated, would not bring about any savings.

55. The Committee accepted the reasoning for maintaining separate translation capacities in the Registry and the Office of the Prosecutor and noted that the translation capacity of the Office of the Prosecutor would be limited to investigation material, witness statements and certain supporting documents regarding requests for charges to be issued. However, notwithstanding the need for confidentiality in the handling of some documents, the Committee expected that the two translation units would use the same systems, assist each other where required, and employ document management systems that would minimize the risk of multiple translations of the same document.

2. Procurement

56. The Court made a presentation on its procurement process. It noted that the challenges ahead included improvement of procurement planning, implementation of local procurement for field offices, reduction of the number of suppliers, achievement of cost savings and cost avoidance.

57. The Committee took note of the presentation and the report submitted on this matter (ICC-ASP/3/CBF.2/13).

H. Other matters

58. The Committee noted that its third and fourth sessions had become overburdened due to the increasing activity of the Court and the consequent number and complexity of issues that the Committee needed to consider in dialogue with the Court. The overloaded agenda and the time spent on hearing presentations had precluded a full discussion of some issues that warranted more extensive consideration. The Committee therefore emphasized that priorities for the agenda of each session should be selected in advance and requested the Chairperson of the Committee to liaise with the Secretariat and the Court to ensure the most stringent time management.

59. Further, the Committee noted the tendency of the Court to submit very short reports on some issues which were supplemented during the session with substantial presentations. The Committee emphasized that it wished to minimize time spent on presentations during future sessions and to maximize time for dialogue with Court officials and deliberations on its recommendations. It therefore requests the Court to be more economical in its presentations and to avoid presentations where the relevant information can be provided to the Committee in advance.

60. The Committee expressed appreciation of the Court's continued work on the Extranet which would facilitate communication between the members of the Committee and between the Committee and the Court. The Committee agreed that the Extranet should provide a medium for the dissemination of information outside sessions, thereby alleviating pressure on the Committee's sessions.

61. Finally, the Committee decided to hold its fifth session in The Hague from 10 to 14 October 2005.

Annex I

Status of contributions as at 5 April 2005

States Parties	Prior years assessed contributions	Prior years receipts	Prior year outstanding contributions	2005 assessed contributions	2005 contributions receipt	2005 outstanding contributions	Total outstanding contributions
1 Afghanistan	2.501	539	1.962	2.767	-	-	4.729
2 Albania	6.522	6.522	-	6.916	-	6.916	6.916
3 Andorra	7.959	7.959	-	6.916	-	6.916	6.916
4 Antigua and Barbuda	4.529	-	4.529	4.150	-	4.150	8.679
5 Argentina	1,678,107	369,282	1,308,825	1,322,414	-	1,322,414	2,631,239
6 Australia	2,754,677	2,754,677	-	2,202,179	2,202,256	-	-
7 Austria	1,529,049	1,529,049	-	1,188,236	1,009,723	178,513	178,513
8 Barbados	14,421	14,421	-	13,833	13,834	-	-
9 Belgium	1,872,310	1,872,310	-	1,478,725	-	1,478,725	1,478,725
10 Belize	1,716	-	1,716	1,383	-	1,383	3,099
11 Benin	3,431	3,431	-	2,767	-	2,767	2,767
12 Bolivia	14,821	3,048	11,773	12,450	-	12,450	24,223
13 Bosnia & Herzegovina	5,764	5,764	-	4,150	-	4,150	4,150
14 Botswana	19,349	19,349	-	16,599	2,622	13,977	13,977
15 Brazil	3,101,239	677,439	2,423,800	2,106,733	-	2,106,733	4,530,533
16 Bulgaria	26,691	26,691	-	23,516	15,059	8,457	8,457
17 Burkina Faso	1,098	-	1,098	2,767	-	2,767	3,865
18 Burundi	91	91	-	1,383	-	1,383	1,383
19 Cambodia	3,431	2,830	601	2,767	-	2,767	3,368
20 Canada	4,671,329	4,671,329	-	3,891,163	3,891,304	-	-
21 Central African Republic	1,716	-	1,716	1,383	-	1,383	3,099
22 Colombia	276,014	145,149	130,865	214,408	-	214,408	345,273
23 Congo	457	-	457	1,383	-	1,383	1,840
24 Costa Rica	45,285	4,661	40,624	41,498	-	41,498	82,122
25 Croatia	64,707	64,707	-	51,181	8,366	42,815	42,815
26 Cyprus	66,284	66,284	-	53,949	53,951	-	-
27 Democratic Republic of the Congo	5,764	2,026	3,738	4,150	-	4,150	7,888
28 Denmark	1,251,795	1,251,795	-	993,194	1,038,531	-	-
29 Djibouti	1,519	421	1,098	1,383	-	1,383	2,481
30 Dominica	1,716	-	1,716	1,383	-	1,383	3,099
31 Ecuador	36,300	24,477	11,823	26,282	-	26,282	38,105
32 Estonia	19,349	19,349	-	16,599	16,600	-	-
33 Fiji	6,861	6,861	-	5,533	-	5,533	5,533
34 Finland	908,171	908,171	-	737,287	737,316	-	-
35 France	10,621,451	10,621,451	-	8,341,171	8,341,469	-	-
36 Gabon	18,528	12,897	5,631	12,450	-	12,450	18,081
37 Gambia	1,716	618	1,098	1,383	-	1,383	2,481
38 Georgia	3,484	-	3,484	4,150	-	4,150	7,634
39 Germany	15,555,205	15,555,205	-	11,981,960	5,888,375	6,093,585	6,093,585
40 Ghana	7,479	3,089	4,390	5,533	-	5,533	9,923
41 Greece	915,382	915,382	-	733,138	185,874	547,264	547,264
42 Guinea	4,441	-	4,441	4,150	-	4,150	8,591
43 Guyana	91	-	91	1,383	-	1,383	1,474
44 Honduras	8,419	-	8,419	6,916	-	6,916	15,335
45 Hungary	212,597	212,597	-	174,293	174,299	-	-
46 Iceland	57,707	57,707	-	47,031	47,034	-	-
47 Ireland	566,283	566,283	-	484,147	484,165	-	-
48 Italy	8,497,237	7,891,720	605,517	6,757,316	-	6,757,316	7,362,833
49 Jordan	17,017	17,017	-	15,216	-	15,216	15,216
50 Latvia	22,642	22,642	-	20,749	20,750	-	-
51 Lesotho	1,716	39	1,677	1,383	-	1,383	3,060
52 Liberia	91	-	91	1,383	-	1,383	1,474
53 Liechtenstein	9,195	9,195	-	6,916	6,917	-	-
54 Lithuania	29,596	21,013	8,583	33,199	-	33,199	41,782
55 Luxembourg	133,943	133,943	-	106,512	106,516	-	-
56 Malawi	2,096	-	2,096	1,383	-	1,383	3,479
57 Mali	3,431	3,224	197	2,767	-	2,767	2,964
58 Malta	21,683	6,870	14,813	19,366	-	19,366	34,179
59 Marshall Islands	1,716	1,415	301	1,383	-	1,383	1,684
60 Mauritius	18,870	15,562	3,308	15,216	-	15,216	18,524
61 Mongolia	1,716	1,716	-	1,383	595	788	788
62 Namibia	10,911	10,911	-	8,300	8,301	-	-
63 Nauru	1,716	618	1,098	1,383	-	1,383	2,481
64 Netherlands	2,930,823	2,930,823	-	2,337,741	2,337,826	-	-
65 New Zealand	391,787	391,787	-	305,705	305,717	-	-
66 Niger	1,716	-	1,716	1,383	-	1,383	3,099
67 Nigeria	86,211	86,211	-	58,098	172	57,926	57,926
68 Norway	1,145,351	1,145,351	-	939,246	939,281	-	-
69 Panama	31,975	10,396	21,579	26,282	-	26,282	47,861
70 Paraguay	23,057	-	23,057	16,599	-	16,599	39,656
71 Peru	174,044	3,066	170,978	127,262	-	127,262	298,240
72 Poland	730,190	730,190	-	637,691	637,714	-	-
73 Portugal	801,952	801,952	-	650,141	-	650,141	650,141
74 Republic of Korea	2,750,756	2,074,783	675,973	2,484,368	-	2,484,368	3,160,341
75 Romania	101,850	101,850	-	82,997	40,273	42,724	42,724
76 Samoa	1,597	1,597	-	1,383	636	747	747
77 San Marino	4,529	1,236	3,293	4,150	-	4,150	7,443
78 Senegal	8,577	6,978	1,599	6,916	-	6,916	8,515
79 Serbia and Montenegro	33,211	19,226	13,985	26,282	-	26,282	40,267
80 Sierra Leone	1,716	618	1,098	1,383	-	1,383	2,481
81 Slovakia	82,545	82,545	-	70,547	70,547	-	-
82 Slovenia	140,049	140,049	-	113,429	-	113,429	113,429
83 South Africa	573,056	561,858	11,198	403,917	-	403,917	415,115
84 Spain	4,325,364	4,325,364	-	3,485,862	-	3,485,862	3,485,862
85 St. Vincent and the Grenadines	1,519	1,219	300	1,383	-	1,383	1,683
86 Sweden	1,731,087	1,731,087	-	1,380,512	1,380,562	-	-
87 Switzerland	2,100,964	2,100,964	-	1,655,784	1,471,608	184,176	184,176
88 Tajikistan	1,716	-	1,716	1,383	-	1,383	3,099
89 The former Yugoslav Republic of Macedonia	10,293	6,242	4,051	8,300	-	8,300	12,351
90 Timor-Leste	1,597	498	1,099	1,383	-	1,383	2,482
91 Trinidad and Tobago	34,033	34,033	-	30,432	17,205	13,227	13,227
92 Uganda	9,675	3,701	5,974	8,300	-	8,300	14,274
93 United Kingdom of Great Britain and Northern Ireland	10,152,211	10,152,211	-	8,475,349	2,009,927	6,465,422	6,465,422
94 United Republic of Tanzania	8,740	2,155	6,585	8,300	-	8,300	14,885
95 Uruguay	102,271	9,778	92,493	66,397	-	66,397	158,890
96 Venezuela	316,518	128,829	187,689	236,541	-	236,541	424,230
97 Zambia	3,037	2,620	417	2,767	-	2,767	3,184
	83,965,349	78,128,973	5,836,376	66,891,200	33,465,325	33,472,000	39,308,376

Annex II

List of documents

Committee on Budget and Finance

ICC-ASP/4/1	Report to the Assembly of States Parties on the future permanent premises of the International Criminal Court: housing options
ICC-ASP/4/CBF.1/L.1	Provisional agenda
ICC-ASP/4/CBF.1/L.2/Rev.1	Annotated list of items included in the provisional agenda
ICC-ASP/4/CBF.1/L.3	Draft report of the Committee on Budget and Finance on the work of its fourth session
ICC-ASP/4/CBF.1/1	Report on human resources management policies of the Court
ICC-ASP/4/CBF.1/2	Report on the principles and criteria for the determination of indigence for the purposes of legal aid
ICC-ASP/4/CBF.1/3	Report on the future permanent premises of the International Criminal Court: Project Presentation
ICC-ASP/4/CBF.1/4	Report on the draft 2005 budget of the Secretariat of the Trust Fund for Victims
ICC-ASP/4/CBF.1/5	Report on the Strategic Plan of the Court
ICC-ASP/4/CBF.1/6/Rev.1	Report on the outreach activities of the Court
ICC-ASP/4/CBF.1/7	Report on rationalizing the translation capacity of the Court
ICC-ASP/4/CBF.1/8/Corr.1	Report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons Update to annex 2: Payment details of the ICC legal aid scheme
ICC-ASP/4/CBF.1/9	Preliminary report on programme performance of the International Criminal Court for the year 2004
ICC-ASP/4/CBF.1/INF.1	Future permanent premises of the International Criminal Court: financing models
ICC-ASP/3/12, annex II	Proposal concerning conditions of service and compensation of judges and elected officials
ICC-ASP/3/23	Report to the Assembly of States Parties concerning consultants
ICC-ASP/3/CBF.2/3	Report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons
ICC-ASP/3/CBF.2/13	Procurement activities of the Procurement Review Committee: 1 January 2003 to 30 April 2004

(b) Report of the Committee on Budget and Finance on the work of its fifth session, October 2005***Contents**

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* Previously issued as ICC-ASP/4/27, ICC-ASP/4/27/Add.1, ICC-ASP/4/27/Corr.1, ICC-ASP/4/27/Corr.2 and ICC-ASP/4/27/Add.1/Corr.1.

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I. Introduction

A. Opening of the session, election of officers and adoption of the agenda

1. The fifth session of the Committee on Budget and Finance (the Committee) was convened in accordance with a decision of the Assembly of States Parties (the Assembly) taken at the 5th plenary meeting of its third session on 10 September 2004. The Committee held its fifth session, comprising 10 meetings, from 10 to 14 October 2005. The President of the Court, Mr. Philippe Kirsch, delivered welcoming remarks at the opening of the session.

2. For the fifth session, the Committee re-elected Mr. Karl Paschke (Germany) as Chairperson and elected Mr. Eduardo Gallardo Aparicio (Bolivia) as Vice-Chairperson. The Committee also appointed Mr. Peter Lovell (United Kingdom of Great Britain and Northern Ireland) as Rapporteur for the session.

3. The Secretariat of the Assembly of States Parties (the Secretariat) provided the substantive servicing for the Committee, and its Director, Mr. Medard Rwelamira, acted as Secretary of the Committee.

4. At its 1st meeting, the Committee adopted the following agenda (ICC-ASP/4/CBF.2/L.1):

1. Opening of the session.
2. Election of the Chairperson and Vice-Chairperson
3. Adoption of the agenda.
4. Participation of observers.
5. Organization of work.
6. Budgetary matters:
 - (a) Performance reports data on financial performance and results 2004 and 2005;
 - (b) Consideration of the proposed programme budget for 2006;
 - (c) Report regarding long-term budgetary consequences of the pension scheme regulations for judges;
 - (d) Consideration of the proposal regarding the conditions of service and compensation of the Prosecutor and Deputy Prosecutors;
 - (e) Report on the establishment of a New York Liaison Office for the Court;
 - (f) Report on the impact of staff increases on the Information Technology Section;
 - (g) Report on the implementation of activities financed by the Contingency Fund;
 - (h) Report on amendments to the Financial Regulations and Rules.

7. Audit reports:
 - (a) Financial Statements of the International Criminal Court for the period 1 January to 31 December 2004;
 - (b) Financial Statements of the Trust Fund for Victims for the period 1 January to 31 December 2004;
 - (c) Report of the Office of Internal Audit.
 8. Permanent Premises of the Court:
 - (a) Report on permanent premises: estimates of the costs over a 25 year period;
 - (b) Report on permanent premises: financing methods used for the new premises of other international organisations;
 - (c) Report on permanent premises: composition of staffing estimates for permanent premises.
 9. Strategic Plan of the Court (including the integrated strategy for external relations, public information and outreach).
 10. Legal aid.

Report on the formal procedure to evaluate the legal aid system.
 11. Other reports:
 - (a) Report on the relationship between the Secretariat of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Court;
 - (b) Draft Regulations of the Trust Fund for Victims;
 - (c) Report on standard operating procedures for travel of Committee members.
 12. Other matters.
 13. Approval of the report of the session.
 14. Closing of the session.
5. The following members attended the fifth session of the Committee:
1. Lambert Dah Kindji (Benin)
 2. Eduardo Gallardo Aparicio (Bolivia)
 3. Fawzi A. Gharaibeh (Jordan)
 4. Myung-jae Hahn (Republic of Korea)
 5. Peter Lovell (United Kingdom of Great Britain and Northern Ireland)
 6. John F.S. Muwanga (Uganda)
 7. Karl Paschke (Germany)
 8. Elena Sopková (Slovakia)
 9. Michel-Etienne Tilemans (Belgium)
 10. Santiago Wins (Uruguay)
6. The Committee took note of the resignation of Ms. Inna Šteinbuka (Latvia) from her position as member of the Committee following her appointment as Director of the Department of Economic and Regional Statistics at EUROSTAT. Mr. David Dutton (Australia) was unable to attend the session and sent his apologies.

7. 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.

B. Participation of observers

8. The Committee decided to accept the request of the Coalition for the International Criminal Court to make a presentation to the Committee. The Committee appreciated the presentation and welcomed the insight that the Coalition was able to give on many of the issues facing the Court.

C. Statement by a representative of the host State

9. At the 1st meeting on 10 October, Ambassador Edmond Wellenstein, Director General, ICC Task Force, Ministry of Foreign Affairs of the Netherlands, made a statement on behalf of the host State outlining recent developments in the transfer of material in the diplomatic pouch, detention cells and the interim and permanent premises.

II. Consideration of issues on the agenda of the Committee at its fifth session

A. Financial and operational performance of the Court

10. The Committee considered five reports on the performance and achievements of the Court in 2004 and 2005:

- Report on the activities of the Court (ICC-ASP/4/16);
- Report on programme performance of the International Criminal Court for the year 2004 (ICC-ASP/4/13);
- Financial Statements for the period 1 January to 31 December 2004 (including the report of the External Auditor) (ICC-ASP/4/9);
- Report on budget performance of the International Criminal Court as at 31 August 2005 (ICC-ASP/4/20);
- Report of the Office of Internal Audit (ICC-ASP/4/4).

11. The first two reports on the Court's activities and performance outlined the major steps forward that the Court had made in developing its capacity during 2004 and into 2005, upon which it should be congratulated. This progress has enabled the Court to embark upon the significant level of operational activity now being undertaken.

12. The Committee considered the report of the External Auditor, in particular the recommendations therein, on:

- Procurement;

- Budgetary planning control and monitoring;
- Transfers within major programmes and between staff and non-staff appropriations;
- Establishment of the Property Survey Board in accordance with the Financial Regulations and Rules;
- Lack of clarity in accountability arrangements;
- Establishment of financial control statement;
- Establishment of an Audit Committee;
- Establishment of a risk assessment framework;
- Alignment of the Information Technology strategy to the Court's core business;
- Plan to review and monitor how audit recommendations are addressed.

13. The Committee welcomed the opportunity to discuss the report with the External Auditor and endorsed the recommendations therein, many of which coincided with the Committee's own findings, in particular in the areas of budgetary planning and control, transfers within programmes, accountability arrangements and the establishment of an audit committee with full independence.

14. The Committee noted that as at 31 August the Court had spent 48.4 per cent of its total programme budget. The Court anticipated spending 83 per cent of the total budget for 2005. Whilst the Committee appreciated the approach taken by the Court to contain actual expenditure to the minimum, it felt that scope existed for improving the planning and procurement activities as underlined by the External Auditor.

15. The Committee heard a presentation of the report from the internal auditor and received information on the 2005-2006 operational audit plan. The Committee welcomed the progress made in the set up of the Office of Internal Audit and the adoption of the Audit Charter.

16. The Committee recommends that future reports of the Office of Internal Audit be more substantiated and contain tangible information, whilst maintaining the necessary confidentiality. The Committee noted the need for the internal auditor to be given access at all times to the officials of the Court and have timely receipt of information requested. The Committee reiterates that the internal auditor should be fully independent in choosing what subjects to audit, with greater emphasis on a risk based audit approach.

B. Status of contributions

17. The Committee reviewed the status of contributions as at 31 August 2005. It noted that a total of €890,000 (2.88 per cent) was outstanding from 2002/03, €3,606,000 (6.79 per cent) from 2004, and €13,300,000 (19.88 per cent) for the current 2005 period. The issue remained a matter of concern for the Committee. As the Court moves from the development stage to full operational capacity, budgetary issues will become clearer and the likelihood of under-spending, that has enabled the Court to cope with the shortfall in contributions, will diminish. The Committee considered the Report of the Bureau on the arrears of States Parties (ICC-ASP/4/14) and noted the recommendations therein. The Committee will consider how it will approach the role outlined for it in recommendations 7 and 8 at its next session in 2006, following the pertinent decision of the Assembly.

C. Consideration of the proposed programme budget for 2006

18. The Committee heard a general presentation by the Court of the budgetary estimates for 2006, regarding basic expenses, situation-related costs, and the major areas of budgetary growth.

19. It was understood that the process of developing the Strategic Plan for the Court was still evolving and would only be completed in 2006. Nevertheless, this process had already impacted on the preparation of the budget for 2006 and enabled the Court to strive for more coherence. To achieve this purpose, a Budget Coordination Committee had been created in which representatives of all organs had interacted to ensure transparency, predictability, and a clear delineation of basic and situation-related costs.

20. As regards the assumptions for 2006, it was pointed out that further progress in Situation I will largely depend on the likelihood of making arrests and on the ensuing judicial process. The Committee was further informed that unlike in Situation I, where only one group of people was being investigated, investigations in Situation II concerned several groups. In Situation III, there is a likelihood that there will be two investigations.

21. The presentation also highlighted the difficulties and specific challenges involved in the field operations of the Court. It was pointed out that these difficulties led to significant costs in the various activities performed, such as the basic repairs in temporary local premises, the translation and transcriptions of evidence gathered in the field, the purchasing of appropriate vehicles for negotiating inadequate local roads, the purchasing of satellite time for communications, the need to ensure the security of staff and witnesses in hostile environments, etc.

1. Recommendations of a general nature

(a) General considerations

22. The Committee welcomed the update by the Prosecutor on progress in his work regarding the situations in Darfur (Sudan), the Democratic Republic of the Congo and Uganda, as well as the implications for the budget. The assumptions were premised on the Court examining four situations during 2006 and having trial activity commence in the first half of 2006. Pre-trial activity, which was already taking place, would be intensified even more in 2006.

23. As in its review of the 2005 programme budget, the Committee concluded that the assumptions, although reasonable, were still contingent upon the Court receiving adequate cooperation on the part of national and international authorities, upon conditions on the ground and upon whether indictees were arrested and transferred to the custody of the Court.

(b) Strategic Plan

24. The Committee recalled that at its third session in 2004, it had recommended that the Court prepare a set of overarching objectives and expected accomplishments for the Court as a whole, reflecting the collective plans for advancing the aims of the Rome Statute.¹ The Committee had considered the matter further at its fourth session when it had endorsed the approach outlined by the Court. The Committee noted that the pace of

¹ ICC-ASP/3/25, part II, A.8 (b), para. 46.

progress in developing such a plan by the Court had been disappointingly slow over the past year. The most recent report, which had been taken note of by the Committee (see paragraph 112 below), only reflected a provisional set of three strategic goals.² In this connection the Committee was of the view that it was difficult to link the proposed programme budget with the strategic goals.

25. The Committee therefore again recommends that the issue of developing the Strategic Plan should be afforded a higher level of priority together with a greater level of involvement by the senior management of the Court.

(c) Results-based budgeting and presentation

26. The Committee welcomed the implementation of its recommendation concerning the categorization of resources in the proposed programme budget, which used the categories of “basic” and “situation-related” to differentiate between core costs, which were likely to remain relatively constant, and other resources which are likely to vary depending on the number of situations and the phases of work in each situation. The Committee re-emphasised that situation-related resources should only be used when the situation really warrants it.

27. Overall the Committee welcomed the shorter, more concise presentation of the budget and noted some improvement in the expected accomplishments relating to the sub-programmes. Generally, the performance indicators were fewer in number with some good examples of well-framed measures and associated targets, particularly on timeliness and throughput. Although this was not consistent throughout the budget, the Committee hoped that these good examples would help to improve the quality further in future years. The Committee requests that expected accomplishments and performance indicators be better delineated, and that the latter should be the standards of quantifiable measurement of expected accomplishments. Likewise, the Committee would appreciate it if the presentation of future budgets would clearly indicate in the comparative tables for each programme and sub-programme the redeployment of staff and non-staff costs during the current year and provide data on current staffing levels.

28. The Committee further recalled its recommendation that, in the medium term, with the installation of a more sophisticated accounting system, the Court would seek to structure the budget by situation.³ The Committee recalled the recommendation of the External Auditor relating to transfers between budgets and considered whether the programme structure, which reflected the organizational structure of the Court, needed to be revised as the Court moved further into its operational mode. It was apparent to the Committee that in areas such as mobile telephones and desktop computers, the service provider was expected to manage budgetary implications rather than the person authorizing the expenditure. The Committee felt that increased financial control would be achieved with a closer alignment of authority and budgetary responsibility.

29. Although Committee members welcomed the realistic approach of recruitment lead-in times by only seeking 50 per cent of the annual cost of additional posts, they were concerned that this could mask the full extent of the financial commitment being made. The full year cost of the additional posts approved in the 2005 budget increased the Court’s

² (1) To investigate, prosecute and conduct fair trials, in an effective and impartial manner, and in accordance with high legal standards; (2) To fulfil its judicial activities, as well as the activities in support thereof, in a transparent and efficient manner; and (3) To contribute to long-lasting respect for and enforcement of international criminal justice, the prevention of crime, and the fight against impunity (ICC-ASP/4/CBF.2/2, para. 9).

³ ICC-ASP/3/25, part II, A.8 (b), para. 42.

budget by €2.8 million, while the full cost of the additional posts sought for 2006 would increase the budget by some €5 million in 2007 and thereafter. The Committee felt that it would be helpful if the full year cost of new posts was also included. The Committee also felt that where material amounts are sought for travel, General Temporary Assistance (GTA), contractual services and general operating expenses a breakdown or description should be provided. The Committee requests that these two changes be adopted in future budgets.

2. Recommendations relating to major programmes⁴

(a) The Judiciary – the Presidency and Chambers

Introduction of Major Programme I: The Judiciary – the Presidency and Chambers

30. The Committee noted that no new professional posts were being requested. The only request was for a new post at the general service level to provide administrative support to the staff of the Immediate Office of the President. It was further pointed out that although there was a general increase in the Programme, this was largely offset by some reductions like those relating to judges' salaries and fewer consultancies.

31. The Committee was also informed that the pre-trial activity of the Judiciary had increased significantly not only because of the frequent requests by the Prosecutor and victims to participate in the proceedings, but also because the Chambers had to decide for the first time on a wide variety of matters. The Appeals Chambers also met regularly to discuss matters such as the rules for the conduct of future proceedings and the principles which should guide the drafting of future judgements.

32. As regards the budgetary request concerning travel for site visits, it was pointed out that this was based on the need for the Chambers to get to know the relevant situation on a first-hand basis, as well as the need to ensure that essential evidence which is at risk of being lost is secured and available at any subsequent stage of the proceedings.

33. The Committee also took note of the Presidency's objective to strengthen the "One Court" principle both internally and in its external relations and expressed its hope that this objective will be fully achieved in the course of the next budgetary term.

34. The Committee welcomed the close cooperation that the Court had been developing with international organizations, particularly the United Nations and the African Union, as regards logistics, communications, security and transportation, as well as in procurement.

Observations and recommendations of the Committee

35. The Committee welcomed the concise and succinct presentation given on this Major Programme. It was of the view that the budgetary proposals contained in Major Programme I were well founded and recommends their approval.

⁴ Unless otherwise indicated, the references to paragraphs in Part II.C.2 (a) to (e) relate to the proposed programme budget for 2006 (ICC-ASP/4/5 and Corr.1).

(b) Office of the Prosecutor**Introduction of Major Programme II: Office of the Prosecutor**

36. The Committee reviewed Major Programme II: Office of the Prosecutor. In introducing Major Programme II, the Office of the Prosecutor stressed that the Office was now working fully on the investigations in the three situations.

37. It was also pointed out that no major structural changes of the Office of the Prosecutor were being proposed except those emanating from the implementation of recommendations of the Committee on Budget and Finance and the Assembly of States Parties. In this regard the Committee was informed that the Staff Strategy Unit had been abolished, as the initial stage of creating staff policies and guidelines was nearing its end. Similarly, the functions of Director of the Jurisdiction, Complementarity and Cooperation Division and of Chef de Cabinet, would be separated, the latter to be performed by the incumbent of the redeployed P-5 post from the abolished Unit.

38. The Committee was also informed that the major increase in the proposed budget for Major Programme II was clearly related to situation expenditures. In this connection, the point was made that some of the proposed new posts were justified by the fact that a number of situations were under full investigation at the same time.

39. As regards increases in the proposed travel missions, some missions within Europe were intended to obtain broad international support for the Court, to give briefings on its work, develop partnerships and joint research projects, or legal tools and build networks with academic institutions. Other proposed travel expenses outside Europe were related to the need to have trial lawyers in the field from the beginning of an investigation in order to ensure that the evidence being gathered (e.g. witness statements) was appropriate and valuable for the trial. They were also justified by the difficulties and attendant costs involved in travel to the remote regions where most of the investigations were being conducted.

40. The Committee was informed that for the foreseeable future, the restructuring of the Office had been completed, and future variations in staff would only be related to the needs of actual situations.

41. The Committee welcomed the presentations made by the Office of the Prosecutor outlining the work of the investigation teams. This gave the Committee a vivid insight into the practical issues faced by the investigation teams in performing their critical work. The Committee expressed their admiration for the dedication shown by the investigation teams often working in extremely harsh conditions.

42. The Committee expressed appreciation for the fact that the recommendations it had made at the previous session concerning the restructuring of the Office had been implemented and this had been done without unduly affecting the operational capacity of the Programme.

Observations and recommendations of the CommitteeProgramme 2200: Jurisdiction, Complementarity and Cooperation Division

43. The Committee considered the request of the Division for the creation of two additional posts, one P-2 (Associate Situation Analyst) (sub-programme 2220, para. 115) and one P-3 (International Cooperation Advisor) (sub-programme 2230, para. 124). After careful consideration of the justifications, the Committee decides to recommend the

creation of the additional P-3 post. As regards the P-2 post, it recommends that at this stage the proposed post should be reconverted into temporary assistance, without prejudice to the proposal being resubmitted at a later instance, if the situation should warrant it.

Programme 2300: Investigation Division

44. The Committee was impressed by the presentation and recommends the approval of the proposals made in the Programme. At the same time, the Committee took note of the correction made by the Office of the Prosecutor concerning the number of additional data entry clerks (from five to seven) (sub-programme 2320, para. 144), but it deemed advisable to keep the number of additional data entry clerks at five. It was also the understanding of the Committee that the considerable budgetary requirements of the Division were an indication of the progress being achieved. At the same time, the Committee expected that for the foreseeable future, new developments arising within the area of competence of the Division would be sufficiently covered by the resources already allocated to it.

Programme 2400: Prosecution Division

45. The Committee was of the view that it was not likely that Trial Team 3 would be faced with demanding trial activities in the course of the next budgetary period. Consequently, as regards sub-programme 2420 (para. 191), the Committee recommends the creation of one P-3 Legal Officer post and one P-2 Legal Officer post, but not the GS-OL Prosecution Assistant post. It also recommends the creation of a P-1 Case Manager post, one of the two GS-OL Trial Support Staff for trial team (Situation I) and only one of the two GS-OL Trial Support Staff for trial team 2 (Situation II). As regards the one full trial team requested for Situation III, the Committee recommends the creation of one P-5 Senior Trial Lawyer post; one P-4 Trial Lawyer post (redeployed from sub-programme 2320); one P-2 Associate Trial Lawyer post and two GS-OL Trial Support Staff posts. It recommends not to establish the other P-4 Pre-Trial Lawyer post, the P-1 Case Manager post and the GS-OL Prosecution Assistant post.

Travel

46. The Committee was not entirely convinced of the rationale behind certain proposed travel expenditures and was of the view that some of the proposals were insufficiently justified. It recommends a reduction of €50,000 of basic travel within the Office of the Prosecutor. This reduction was not intended to apply to situation-related travel.

(c) Registry

Introduction of Major Programme III: Registry

47. The Committee considered in detail the proposals and welcomed the opportunity to discuss them thoroughly with the Registrar and each of his divisional Directors and Section Heads. The Committee particularly appreciated this dialogue and the explanations provided by all concerned.

48. The Committee concluded that increases in certain areas are necessary for the effective functioning of the Court, in particular in those Sections servicing directly the pre-trials and trials proceedings and the activities and operations of the Office of the Prosecutor in the field, such as security, information and communication technologies, court management interpretation and translation, and victims and witnesses.

49. However, the rate of growth of personnel, travel not related to situations, contractual services, temporary personnel and general operating expenses was a cause for

concern. In certain cases lapses were noted or the proposals were based on very ambitious assumptions regarding the activities of the Registry and the support required for the other sections of the Court. The Committee felt that more experience of field operations and trial proceedings would be necessary to set the correct level of required resources. The Committee was of the opinion that an increase in projected workload should not automatically entail a commensurate increase in resources. Nonetheless, the Committee took into account the need to leave to the Registrar a sufficient margin of manoeuvre to meet the needs of the Court in 2006.

Observations and recommendations of the Committee

50. As in the previous budgets programmes, the Committee observed that in many instances requests for travel resources in Europe and outside Europe for trips not related to the field operations (situation-related) had very limited or no justification and that the habit of distributing small amounts of travel money to every Section was persisting. The Committee accordingly recommends that the total travel budget of the Registry falling under basic resources (i.e. €363,200) be reduced by 30 per cent and requests the Registrar to redistribute the funds according to priorities.

3100: Office of the Registrar

51. The Committee was informed that the Registrar will make a recommendation to the President for a Deputy Registrar at D-1 level (sub-programme 3110, para. 217). The Committee has no objection to the establishment of that post, provided that it be filled by a professional who is highly skilled in managerial functions, so as to reinforce the relevant capacity of the Registry. The Committee noted that the Deputy Registrar must be elected by the judges in the same manner as the Registrar.

52. The Deputy Registrar will lend support to the Registrar in carrying out his tasks. Therefore, the Deputy Registrar should not have a separate office structure but should be fully integrated into the Immediate Office of the Registrar, which comprises at present five staff members. For this reason, the Committee recommends not to approve the one P-2 post nor the one GS-OL post referred to in sub-programme 3110, paras. 220 and 221.

53. In the Legal Advisory Services Section, an additional P-2 post is proposed under basic resources (sub-programme 3130, para. 236). The Committee noted that the job description of this post corresponds to the general description of the activities of the section, which comprises of seven staff at present. The Committee was not convinced that an additional established post was needed in 2006, in view of the increase in staff in other Divisions and Sections which perform similar legal work. Accordingly, the Committee recommends that this P-2 post be provided under GTA.

54. The Committee paid particular attention to the resource requirements of the Security and Safety section (sub-programme 3140), which is in charge of security at the interim premises and in the field offices, and the protection of officials travelling in the various countries where investigations are ongoing. Five additional officers (GS-OL) are required for the security of the new building of the Court (para. 246). The Committee recommends the approval of one GS-OL (Security Supervisor) post and to provide the four other posts under GTA. Furthermore, a P-3 Field Support Officer (para. 248) and 15 GS-OL security officers are required for field security (para. 249). The Committee recommends approving the P-3 post, 12 GS-OL posts and providing three remaining GS-OL posts under GTA.

55. The Office of the Controller (sub-programme 3150) proposes two GS-PL Budget Control Assistants (para. 263). The Committee recommends the approval of one GS-PL under basic resources and one GS-PL under situation-related resources.

56. The Committee was informed that an analysis had been made of the costs and benefits of outsourcing security services compared with having security personnel employed directly by the Court, concluding that the latter is slightly less expensive.

57. Since a final decision must be taken in 2006 on the most efficient way to provide security personnel for the Court, the Committee recommends that the market survey be presented at its sixth session for consideration.

3200: Common Administrative Services Division

58. In this Division, one P-2 post is proposed under the Office of the Director (sub-programme 3210, para. 269) and three P-3 Field Office Managers under the new field operation section (sub-programme 3280, para. 331). The Committee recommends that these posts be approved. One additional P-2 post is proposed in the Human Resources Section (sub-programme 3220, para. 278) in connection with the establishment of several internal committees and boards. The Committee feels that the tasks described for this position do not warrant the recruitment of an additional professional. Accordingly, the Committee recommends that this post not be approved.

59. In the same Division, 16 new GS-OL posts are requested under Human Resources (sub-programme 3220, paras. 279 and 280), Budget and Finance (sub-programme 3240, paras. 292, 293 and 294), General Services (sub-programme 3250, paras. 300, 301, 302, 303 and 304), and Procurement (sub-programme 3270, para. 326). After reviewing each of them, the Committee recommends approving nine GS-OL posts and requesting the Registrar to allocate those posts according to the priorities.

60. The Committee paid particular attention to staff and non-staff cost requirements of the Information and Communication Technologies Section (sub-programme 3260). Information provided by the Registry to the Committee was thorough and included a breakdown of the costs for information and communication technologies covered under general operating expenses.

61. The Committee noted that seven additional GS-OL technicians are requested (sub-programme 3260, paras. 311, 312, 313, 315, 316 and 317). The Committee recommends that five GS-OL posts be approved and consideration on the establishment of the remaining two GS-OL posts be deferred to the next programme budget, based on workload indicators.

62. Regarding non-staff costs, the Committee observed that information and communication technologies costs would increase from €1 million to €4.4 million (313 per cent). Furthermore, a credit of €860,000 would remain under contractual services (including training) also for expenses and purchases relating to information and communication technologies. The Committee recognized that expenses for hardware, software, and maintenance related to information and communication technologies were largely fixed costs that could not be compressed without compromising the service to the staff and the activities of the Court, or postponing development of projects in that area. Nonetheless, the Committee was concerned by the steep increase of costs for software applications (SAP, TRIM, e-court, Oracle, etc). Likewise, the Committee observed that the increase in communication costs mainly related to requirements in the field, which are essential. However, the Committee also observed that a substantial amount of these communication costs would be incurred for calls made on mobile phones and fixed lines from Headquarters

of the Court to the field and other locations around the world and from these locations to The Hague. The Committee understood that there was no particular restriction on staff regarding communication for professional purposes and that the telephones were provided to staff on mission on a regular basis. The Committee noted the need to maintain financial prudence over the expenditure whilst, at the same time, maintaining the morale of the staff working in the field under adverse conditions. Still, the Committee was seriously concerned by the projected information and communication technologies costs in 2006, which could spiral out of control. Accordingly, the Committee recommends that the budget of the Information and Communication Technologies Section be reduced by €600,000 under general operating expenses and contractual services, and requests the Registrar, through the Controller, to develop urgently procedures on the use of communication tools by staff of all sections at the Headquarters of the Court, on travel and in the field, in order to control those costs and achieve maximum efficiency.

63. In the Office of the Director (sub-programme 3210, para. 272) an amount of €150,000 is budgeted for GTA for unforeseen circumstances, including cost overruns on information and communication technologies applications and field operations. The Committee is of the opinion that this is not an adequate justification for the use of GTA. Cost overruns should be avoided and there are other means at the disposal of the Court to cover unforeseen events. Additional resources for those events should only be required as a measure of last resort and in exceptional and fully justified circumstances. The Committee also points out that a provision for €100,000 of GTA is foreseen under the Immediate Office of the Registrar. Accordingly, the Committee recommends that the €150,000 not be approved.

3300: Division of Court Services

64. Under this Division, three P-4, eight P-3 and three P-2 posts are requested for the Court Management (sub-programme 3320), Court Interpretation and Translation (sub-programme 3340), Victims and Witnesses Unit (sub-programme 3350). The Committee recommends the approval of those posts, except for the following:

- One P-4 and one P-3 for interpretation and translation, to be converted into GTA. More experience should be gained of the exact requirements of resources in this section in view of the actual Court proceedings, before establishing all requested posts.
- Two P-2 posts in the Victims and Witnesses Unit, in view of the establishment of two P-2 field officers in the Victims Participation and Reparations Section (sub-programme 3530, under Division of Victims and Counsel). While these two Units are located in different Divisions and their responsibilities and tasks are clearly delineated and separated, their staff in the field should work closely together and coordinate their efforts and activities.

65. Under the same Division, 21 GS-PL and GS-OL posts are requested for all the Sections (paras. 345 to 350, 357, 358, 374, 375 and 386 to 388). The Committee recommends approving 15 GS-PL and GS-OL posts and converting six GS-OL posts into GTA. The Committee requests to allocate the established posts primarily in the Court Management Section and the Victims and Witnesses Unit.

66. In the Detention Section (sub-programme 3300), an amount of €1,633,600 is budgeted for the costs of detention, in particular for renting a block of 12 cells from the host State at the rate of €378.82 per cell, per day. This price does not correspond to the rates applied by the host State to the International Criminal Tribunal for the former Yugoslavia (ICTY). The Committee recommends that the Assembly encourage the Court and the host

State to conclude an agreement in line with the prices for ICTY (€216 per cell, per day) and that the corresponding amount be budgeted in this Section.

3400: Public Information and Documentation Section

67. This Section proposes one P-3 protocol and conference officer (sub-programme 3430, para. 410), one GS-OL clerk assistant for protocol (sub-programme 3430, para. 413) and one GS-OL Library assistant (sub-programme 3420, para. 403). The Committee is not convinced that the P-3 and GS-OL posts should be established at this time. Likewise, the Committee feels that consideration on the Library Assistant post should be deferred to the next programme budget. Accordingly the Committee recommends that the P-3 post and two GS-OL posts for protocol and library not be established at this time.

68. Three GS-PL Public information and Outreach Coordinators (sub-programme 3430, para. 414), and eight GS-OL public information assistants and administrative assistants (sub-programme 3430, paras. 415 and 416) are proposed as new posts. Regarding field activities, the Committee agrees that outreach is essential for the work of the Court to be understood and supported by the countries where investigations are ongoing. The Committee was informed that the work of this section would rely to a large extent on the non-governmental organisations (NGOs) present in the field to increase the outreach activities to the local population primarily in the countries where field offices are located. In view of the difficult conditions in the field and the necessity to acquire more experience in the ways and means of reaching local populations, a more prudent approach should be followed as a first step. It recommends the approval of the three GS-PL posts and five GS-OL posts for field activities and a review of the workload of field officers and assistants for the next programme budget.

3500: Division of Victims and Counsel.

69. The Committee had no objection to the proposals for professional and general service staff. The Committee noted however that a considerable amount of €3,392,100 of non-staff costs had been budgeted under contractual services (including training). A large part of these costs had been approved under the previous programme budget and could be necessary for defence representation and legal representation of victims. However, the Committee felt that the amounts allocated respectively to defence and to victims representation should be more balanced and considered that the total amount under contractual services is slightly excessive, and based on ambitious assumptions on the participation of witnesses and victims in 2006 (see annex III of the proposed programme budget for 2006). Accordingly, the Committee recommends that this amount should be decreased by 10 per cent.

3600: Secretariat of the Trust Fund for Victims

70. The Committee recommends that the proposed budget for the Secretariat of the Trust Fund for Victims contained in annex A of the report of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005 (ICC-ASP/4/12) be approved.

(d) Secretariat of the Assembly of States Parties

Introduction of Major Programme IV: Secretariat of the Assembly of States Parties

71. The Committee heard the presentation by the Director of the Secretariat of the proposed programme budget for 2006 for Major Programme IV regarding the Secretariat of the Assembly of States Parties.

72. The Committee was informed that the budgetary proposals concerning Major Programme IV had been prepared on the assumption that in 2006 one single session of the Assembly of States Parties and two sessions of the Committee on Budget and Finance would be held and that the Secretariat would have to service some working groups established by the Assembly.

73. The Committee was informed that the actual growth was 20 per cent and this percentage included increases due to higher per diem rates for translators, increases in air travel costs for business-class tickets for the Committee members, price-indexation of general operating costs, etc.

Observations and recommendations of the Committee

74. The Committee noted that under the Financial Regulations and Rules the Court was required to submit the proposed programme budget to the Committee and States Parties at least 45 days before the session of the Committee. Given the current scheduling of the session of the Assembly, the Court has had to finalize the preparation of the budget by July so that it could be transmitted to the Assembly of States Parties sufficiently ahead of time. In this regard, the Committee also noted the recommendation by the External Auditor in which he encouraged the Court to consider the need to extend the timetable for the submission of the draft budget to allow sufficient time for management review. The Committee also recognized the need to present the budget in good time to enable the Secretariat to undertake the necessary processes relating to editing, translation and reproduction. To this effect, the Committee requested an indication from the Secretariat as to the additional costs which might be involved in shortening the period of preparation of the budget and, in particular, in completing the translation of the document in 22 calendar days. This would enable the Committee to make the appropriate recommendation at its next session.

75. The Committee recommends that the budgetary proposals contained in Major Programme IV be approved.

(e) Investment in the premises of the Court

Introduction of Major Programme V: Investment in the Court's Premises

76. The Committee heard the presentation by the Registrar of the proposed programme budget for 2006 for Major Programme V.

77. The Committee was informed of the Court's intention during 2006 to construct a second courtroom that had earlier been approved by the Assembly. The Committee noted that the allocation that the Court was seeking for construction did not have new financial implications for States Parties. However, the Committee was informed that since the allocation would entail transferring funds from Major Programme III (Registry) to Major Programme V, authorization of the Assembly was required.⁵ Savings would actually be achieved by carrying out the construction of both courtrooms concurrently.

78. As regards permanent premises, the Committee was informed that the Court continued to be involved in their planning which entailed, *inter alia*, finalization of the architectural brief, the identification of appropriate financing options and modalities of the future site and buildings, as well as the convening of an architectural competition for the design of the premises. In this regard, it noted that it would be important for the Court to seek expert assistance in the planning stage of the premises project and in the preparatory

⁵ See also annex VI.

work for them, so as to depend on an adequate, independent and neutral verification of all the work involved, in particular, aspects of a technical nature concerning design and construction.

Observations and recommendations of the Committee

79. The Committee noted that the level of funding sought for this Programme was substantially reduced from 2005 and recognised that the Court would require advice from independent experts. The Committee recommends that this Major Programme and the transfer of funds between Major Programmes be approved.

D. Permanent Premises of the Court

80. The Committee was addressed by Ambassador Edmond Wellenstein, Director-General, ICC Task Force, Ministry of Foreign Affairs of the host State, Ambassador Gilberto Vergne Saboia (Brazil), Coordinator of the Hague Working Group of the Bureau and the Registrar of the Court and his officials. Discussions focused on the three reports provided by the Court at the request of the Committee at its fourth session.⁶ These covered:

- Financial comparisons of the three housing options (ICC-ASP/4/23);
- Financing methods used for the premises of other international organisations (ICC-ASP/4/25);
- Composition of estimated staffing levels. (ICC-ASP/4/24).

81. At the outset, the Court indicated that it would not be seeking definitive recommendations or decisions on the permanent premises this year by the Committee or Assembly. At this stage the Court was seeking:

- Recommendations on one of the three housing options;
- Comments on the financing issues;
- Awareness of the implications of the time schedule;
- Support for the necessary preparatory and planning work.

82. The Committee noted that the Court had not yet provided a substantive response to the request made at its fourth session for more detailed information on the composition of its staffing estimates. The Court indicated that this information would be provided as part of the work in developing a Court Capacity Model. This model is being developed alongside the Court's strategic plan which will outline the Court's strategies for delivering its goals. The draft plan will not be completed until next year.

83. In view of this, the Committee did not feel that it could make any further progress from the position set out in the report from its fourth session. The Committee felt that of the options available, the Alexanderkazerne would probably offer most flexibility in being able to match the requirements of all interested parties when they are finally settled. However, until the work on staffing levels and the Court's strategic plan has been developed, and approved by the Assembly, the Committee was unable to advance this substantively. In particular, the Court's future approach to hearings away from the seat of the Court, as provided by article 3, paragraph 3, of the Rome Statute, will need to be taken into account.

⁶ The Committee decided to forward these three reports, as well as a fourth one considered at its fourth session, which were originally issued as documents ICC-ASP/4/CBF.2/4, ICC-ASP/4/CBF.2/5, ICC ASP/4/CBF.2/6 and ICC-ASP/4/CBF.1/3, respectively, to the Assembly.

84. On the issue of financing the permanent premises, the Committee noted that there was no apparent development on the position of the host State with regard to land, building and maintenance costs and that these would still need to be financed on commercial terms. The Committee considered the paper outlining the financing methods adopted for other similar international organisations. The Committee hoped that this could be helpful in advancing this issue to a conclusion that would be acceptable to all parties. After allowing for any assistance that the host State felt able to make, the permanent premises represented a significant commitment that would result in a steep change to the Court's budget. In view of this, the Committee felt that consideration should also be given by States and other interested parties to exploring whether some of the cost of the permanent premises could be met through donations or interest free loans.

85. The Committee also considered the governance and assurance arrangements that would need to be put in place.

86. The permanent premises will represent the biggest single investment that States Parties will make in the Court for the foreseeable future. Its design and capacity will be major enablers in the achievement of the Court's strategic goals. As a result, considerable challenges and risks arise that need to be effectively managed, and assurance provided to States Parties. The Committee recommends that the Assembly consider the establishment of expert committees on buildings and finance to meet this need.

87. The Committee reviewed the timetable for the permanent premises. It recognised that further deferment of a decision on the permanent premises would impact on the Court's ability to vacate the interim premises when the rent-free period ends in 2012. Although this was an important factor to be borne in mind, the Committee felt that it should not prevent the Assembly from making a timely and well-informed decision in due course.

E. Interim premises

88. In addition to considering the impact that the decision on the permanent premises would have on the continuing use of the interim premises, the Committee also considered the immediate situation. As the caseload of the Court starts to enter the judicial stage, the need for accommodation at the interim premises increases (the total number of staff working for the Court is at present 560, including interns, GTA personnel, consultants, general service and professional staff). The Committee heard from both Ambassador Edmond Wellenstein and officials of the Court on this issue. Although consultations with the host State had given the impression that the matter would be resolved by giving the Court use of some floors in the B-Wing of the ARC building that Eurojust was scheduled to vacate before the end of 2005, the Court had been informed that this would no longer be feasible. The Committee welcomed the regular dialogue that has taken place between the Court and the host State, ensuring that the host State was aware of planned growth of 500 to 600 staff by the end of the year and able to plan accordingly. Despite this, the Committee was concerned about the impasse that now appears to exist over the next stage of the Court's growth. The Committee was reminded of the generous commitment of the host State to support the Court with secure interim premises up to 2012, and the arrangements that seem to have been agreed upon between the Court and the host State for the occupation of the B-Wing. The Committee hoped that a solution could be found by the host State to enable Eurojust to vacate the B-Wing, as previously agreed.

89. The Committee urges the host State to do the utmost to make sure that, by 2006, the Court can expand in accordance with the staffing estimates provided.

F. Other reports with budgetary implications

1. Long-term budgetary consequences of the pension scheme regulations for judges

90. At its third session, the Assembly of States Parties agreed upon the pension scheme regulations for the judges of the International Criminal Court (ICC-ASP/3/Res.3, operative paragraphs 22 to 25). By this resolution, the Assembly decided that judges shall not contribute to financing the pension scheme. This will have significant financial implications. The Assembly requested the Committee to consider the long term budgetary consequences of the pension scheme, and to report thereon before the fourth session of the Assembly with a view to ensuring that the appropriate budgetary arrangements might be made.

91. The Committee considered the position at both its fourth and fifth sessions. The Committee recognized that the pension scheme was generous with significant financial implications for States Parties. Pending the establishment of a permanent basis for funding, the Court had budgeted €75,000 per annum to meet any pension payments that may arise.

92. The Committee considered a report which the Court had prepared at its request⁷ and determined that there are two main options for funding the pension scheme. These are:

- Meet pension payments as they arise from the annual budget (the cash option)
- Set aside the accrued liabilities on an annual basis, which would be placed in a fund to meet pension payments when they arise (the accruals option)

93. The main difference between the two options is that in the cash option payments would initially be low, but as judges retired and became eligible for their pension this would increase. Projections produced by the Court's actuaries suggest that payments would be low until 2008 but would then rise steadily, costing an estimated €2.5 million in 2026 and levelling out at just over €4 million a year in about 2040. The accruals option would cost in the region of €2 million a year initially, levelling out to about €2.5 million a year in 2008. The accruals option would also mean that because payments would be met from the accumulated funds budgeting would be more predictable as unexpected payments would be met from the fund.

94. The Committee took the view that both options have major financial implications for the budget of the Court, but on balance the accruals approach would be preferable and is recommended accordingly. This was on the basis that it would ensure that proper financial provision was made for the Court's commitments when the liability arose rather than deferring it for many years, especially in view of the issues this could raise for assessed contributions. This option would also avoid the unpredictability that the cash system could present.

95. If the Assembly accepts this recommendation it would also need to consider whether the administration of the fund should be dealt with internally or placed with an

⁷ Report on the long-term budgetary consequences of the pension scheme regulations for judges (ICC-ASP/4/CBF.2/7). The Committee decided to forward this report to the Assembly.

external pension provider. An external provider would charge between 10 per cent to 18 per cent for investment and administration depending on the exact package, but if administered internally the Court would also incur costs as they would need to employ specialist staff to administer a comparatively small pension fund. The internal approach would also place additional oversight burdens on the President and Registrar in a specialist area that is far from the core business of the Court.

96. Taking this into account the Committee recommends that using an external provider is the best option in view of the specialist nature and risks that the Court would need to manage.

97. If these recommendations are adopted by the Assembly they do raise the issue of the pension liabilities that have accrued already since the judges were appointed, and for which only a minimal amount has been set aside in the 2006 budget. The Committee recommends that the expected under-spent budget for 2005 should be utilized to meet the existing and future liabilities until the requirement can be included in the 2007 budget. The Committee considers that this is an exceptional solution and should not become a regular method of meeting the Court's commitments.

98. In view of the high uplift required to the gross judicial salary budget to meet the pension arrangements provided for the existing judges, the Assembly may wish, for future judges, to satisfy itself whether it wishes to continue with the current scheme and the high level of pension benefits that it provides.

99. The Committee noted that there are no provisions regarding retirement pensions for judges who have previously served at other international tribunals or organisations and receive a pension therefrom, while serving as judges of the Court. Therefore, the Assembly may wish to revisit the issue of the Pension Scheme Regulations for the judges of the Court in this regard and also to consider a proportional reduction in the pensions to be paid by the Court.

2. Consideration of the proposal regarding the conditions of service and compensation of the Prosecutor and Deputy Prosecutors

100. After taking note of the report of the Court, entitled "Report on the Conditions of Service and Compensation of the Prosecutor and the Deputy Prosecutors pursuant to paragraph 26 of resolution ICC-ASP/3/Res.3" (ICC-ASP/4/11), the Committee was convinced that the solution consisting of participation in the United Nations Joint Staff Pension Fund (UNJSPF) would be inadequate and, consequently, that a more reasonable scheme should be developed with the advice of a private insurer. The Committee requests the Court to report on this matter, including some costed options, at its next session.

3. Legal Aid

101. The Committee heard a presentation by the Court of the "Report by the Registry on the formal procedure for assessment and oversight of the Court's system of legal assistance" (ICC-ASP/4/CBF.2/3). The Report underlined internal and external assessment mechanisms. These included procedures for handling counsel's billing arrangements, a computerized financial database to ascertain monthly sums allocated to individual defence teams, as well as a proposed financial investigator for verifying the factual veracity of claims of indigence and of counsel's bills.

102. The Committee took note of the report.

4. Report on the establishment of a New York Liaison Office for the Court

103. The Committee considered a report prepared by the Bureau of the Assembly, entitled “Option paper by the Bureau on the establishment of a New York Liaison Office” (ICC-ASP/4/6) and had an exchange of views with Court officials, both on the need for such an office and on some of the modalities whereby it would be established.

104. The Committee was of the view that the proposal was modest and generally acceptable. The Committee noted that the establishment of such an office would assist in responding to genuine needs of the Court and the cost associated with its establishment appeared reasonable.

5. Report on the impact of staff increases on the Information Technology Section

105. The Committee took note of the document entitled “Report on the impact of staff increases on the Information and Communication Technologies Section pursuant to paragraph 18 of Part II of the official records of the Third Session of the Assembly of States Parties (ICC-ASP/4/8).”

6. Draft Code of Professional Conduct for counsel

106. The Committee took note of the document entitled “Report of the Bureau on the draft Code of Professional Conduct for counsel” (ICC-ASP/4/21) and was of the view that providing the secretariat services for the Disciplinary Board and the Disciplinary Appeals Board, as foreseen in draft articles 36, paragraph 12, and 44, paragraph 12, of the draft Code would have budgetary implications and requests the Registry to provide information thereon.

G. Other reports

1. Report on the relationship between the Secretariat of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Court

107. The Committee heard a presentation by the Court of the “Report on the relationship between the Secretariat of the Board of Directors of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Registry and their respective responsibilities pursuant to paragraph 29 of the Report of the Committee on Budget and Finance on the work of its third session” (ICC-ASP/4/CBF.2/8). The report set out the different nature of the responsibilities of the Victims Participation and Reparations Section and those of the Secretariat of the Board of the Trust Fund for Victims, while at the same time outlining some areas of commonality or convergence of responsibilities between the Section and the Board, entailing coordination and cooperation.

108. The Committee took note of the report.

2. Report on amendments to the Financial Regulations and Rules

109. The Committee took note of the document entitled “Report on changes to the Financial Regulations and Rules as a result of the establishment of the Contingency Fund pursuant to paragraph 2 of resolution ICC-ASP/3/Res.4” (ICC-ASP/4/7) and recommends the adoption of the proposed amendments.

3. Draft Regulations of the Trust Fund for Victims

110. At its third session, the Assembly requested its Bureau to consider further the draft Regulations of the Trust Fund for Victims and to determine criteria for the management of the Trust Fund. Furthermore, the Assembly requested the Committee to review the draft Regulations and to report thereon to the Bureau.⁸ Nonetheless, since prior to the fifth session of the Committee the Bureau had not yet finalised a report to be submitted to the Assembly on the draft Regulations, the Committee decided to consult with the Bureau in order to determine how the Committee could contribute to the review, if possible through informal inter-sessional communication among its members, prior to the fourth session of the Assembly.

4. Report on standard operating procedures for travel of Committee members

111. The Committee took note of the document entitled “Report on the Standard Operating Procedures for the travel of members of the Committee on Budget and Finance (ICC-ASP/4/17 and Corr. 1).

5. Strategic Plan of the Court (including the integrated strategy for external relations, public information and outreach).

112. The Committee took note of the documents entitled “Report on the Integrated Strategy for External Relations, Public Information and Outreach pursuant to paragraph 44 of the Report of the Committee on the work of its fourth session” (ICC-ASP/4/CBF.2/1) and “Strategic Planning Project Group: Project progress and planning report pursuant to paragraph 42 of the report of the Committee on the work of its fourth session” (ICC-ASP/4/CBF.2/2). See also in this connection paragraph 24 above.

H. Other matters

1. Report on draft guidelines for the selection and engagement of gratis personnel at the International Criminal Court

113. The Committee took note of the document entitled “Report on draft guidelines for the selection and engagement of gratis personnel at the International Criminal Court” (ICC-ASP/4/15), which (pursuant to article 44, paragraph 4, of the Rome Statute) had been prepared by the Court, regarding possible employment of gratis personnel in accordance with guidelines to be established by the Assembly.⁹

2. Future meetings

114. The Committee decided to hold its sixth session in The Hague from 24 to 26 April 2006.

⁸ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third Session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), Part III, resolution ICC-ASP/3/Res.7, operative paras 6 and 8.

⁹ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court Rome, 15 June - 17 July 1998*, (UN doc.A/CONF.183/13, vol. 1).

Annex I

List of documents

Documents of the fifth session of the Committee on Budget and Finance

ICC-ASP/4/CBF.2/L.1	Provisional agenda
ICC-ASP/4/CBF.2/L.2	Annotated list of items included in the provisional agenda
ICC-ASP/4/CBF.2/1	Report on the Integrated Strategy for External Relations, Public Information and Outreach pursuant to paragraph 44 of the Report of the Committee on the work of its fourth session
ICC-ASP/4/CBF.2/2	Strategic Planning Project Group: Project progress and planning report pursuant to paragraph 42 of the report of the Committee on the work of its fourth session
ICC-ASP/4/CBF.2/3	Report by the Registry on the Formal Procedure for Assessment and Oversight of the Court's System of Legal Assistance
ICC-ASP/4/CBF.2/3/Corr.1	Report by the Registry on the Formal Procedure for Assessment and Oversight of the Court's System of Legal Assistance - Corrigendum
ICC-ASP/4/CBF.2/4*	Report on the Future Permanent Premises of the International Criminal Court - Financial Comparison of Housing Options
ICC-ASP/4/CBF.2/5*	Report on the Future Permanent Premises of the International Criminal Court - Interim Report on the Composition of Estimated Staffing Levels
ICC-ASP/4/CBF.2/6*	Report on the Future Permanent Premises of the International Criminal Court - Financing Methods Used for the Premises of Other International Organizations
ICC-ASP/4/CBF.2/7	Report on the long-term budgetary consequences of the pension scheme regulations for judges
ICC-ASP/4/CBF.2/8	Report on the relationship between the Secretariat of the Board of Directors of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Registry and their respective responsibilities pursuant to paragraph 99 of the Report of the Committee on Budget and Finance on the work of its third session

Selected documents of the fourth session of the Assembly of States Parties

ICC-ASP/4/1	Report to the Assembly of States Parties on the Future Permanent Premises of the International Criminal Court: Housing Options
ICC-ASP/4/2	Report of the Committee on Budget and Finance on the work of its fourth session
ICC-ASP/4/3	Staff rules of the International Criminal Court (Annex to ICC/AI/2005/003)
ICC-ASP/4/4	Report of the Office of Internal Audit
ICC-ASP/4/5	Proposed Programme Budget for 2006 of the International Criminal Court

ICC-ASP/4/6	Option paper by the Bureau on the establishment of a New York Liaison Office
ICC-ASP/4/7	Report on changes to the Financial Regulations and Rules as a result of the establishment of the Contingency Fund pursuant to paragraph 2 of resolution ICC-ASP/3/Res. 4
ICC-ASP/4/8	Report on the impact of staff increases on the Information and Communication Technologies Section pursuant to paragraph 18 of Part II of the Official Records of the Third Session of the Assembly
ICC-ASP/4/9	Financial statements for the period 1 January to 31 December 2004
ICC-ASP/4/10	Trust Fund for Victims - financial statements for the period 1 January to 31 December 2004
ICC-ASP/4/11	Report on the Conditions of Service and Compensation of the Prosecutor and the Deputy Prosecutors pursuant to paragraph 26 of resolution ICC-ASP/3/Res. 3
ICC-ASP/4/12	Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005
ICC-ASP/4/13	Report on programme performance of the International Criminal Court for the year 2004
ICC-ASP/4/14	Report of the Bureau on the arrears of States Parties
ICC-ASP/4/15	Report on draft guidelines for the selection and engagement of gratis personnel at the International Criminal Court
ICC-ASP/4/17	Report on the Standard Operating Procedures for the travel of members of the Committee on Budget and Finance
ICC-ASP/4/17/Corr.1	Report on the Standard Operating Procedures for the travel of – Corrigendum
ICC-ASP/4/20	Report on budget performance of the International Criminal Court as at 31 August 2005
ICC-ASP/4/21	Report of the Bureau on the Draft Code of Professional Conduct for Counsel

Selected documents of the fourth session of the Committee on Budget and Finance

ICC-ASP/4/CBF.1/2	Report on the principles and criteria for the determination of indigence for the purposes of legal aid (pursuant to paragraph 116 of the Report of the Committee on Budget and Finance of 13 August 2004)
ICC-ASP/4/CBF.1/3	Report on the future permanent premises of the International Criminal Court: Project Presentation
ICC-ASP/4/CBF.1/8	Report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons (ICC-ASP/3/CBF.2/3) Update to Annex 2: Payment details of the ICC legal aid scheme

ICC-ASP/4/CBF.1/8/Corr.1	Report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons (ICC-ASP/3/CBF.2/3) Update to Annex 2: Payment details of the ICC legal aid scheme - Corrigendum
ICC-ASP/4/CBF.1/INF.1	Future Permanent Premises of the International Criminal Court: Financing Models

Selected documents of the third session of the Assembly of States Parties

ICC-ASP/3/6	Establishment of a New York Liaison Office for the International Criminal Court and the Secretariat of the Assembly of States Parties – report pursuant to paragraph 11 of resolution ICC-ASP/2/Res.7
ICC-ASP/3/12 (annex II)	Proposal regarding conditions of service and compensation of judges and elected officials
ICC-ASP/3/18	Report of the Committee on Budget and Finance

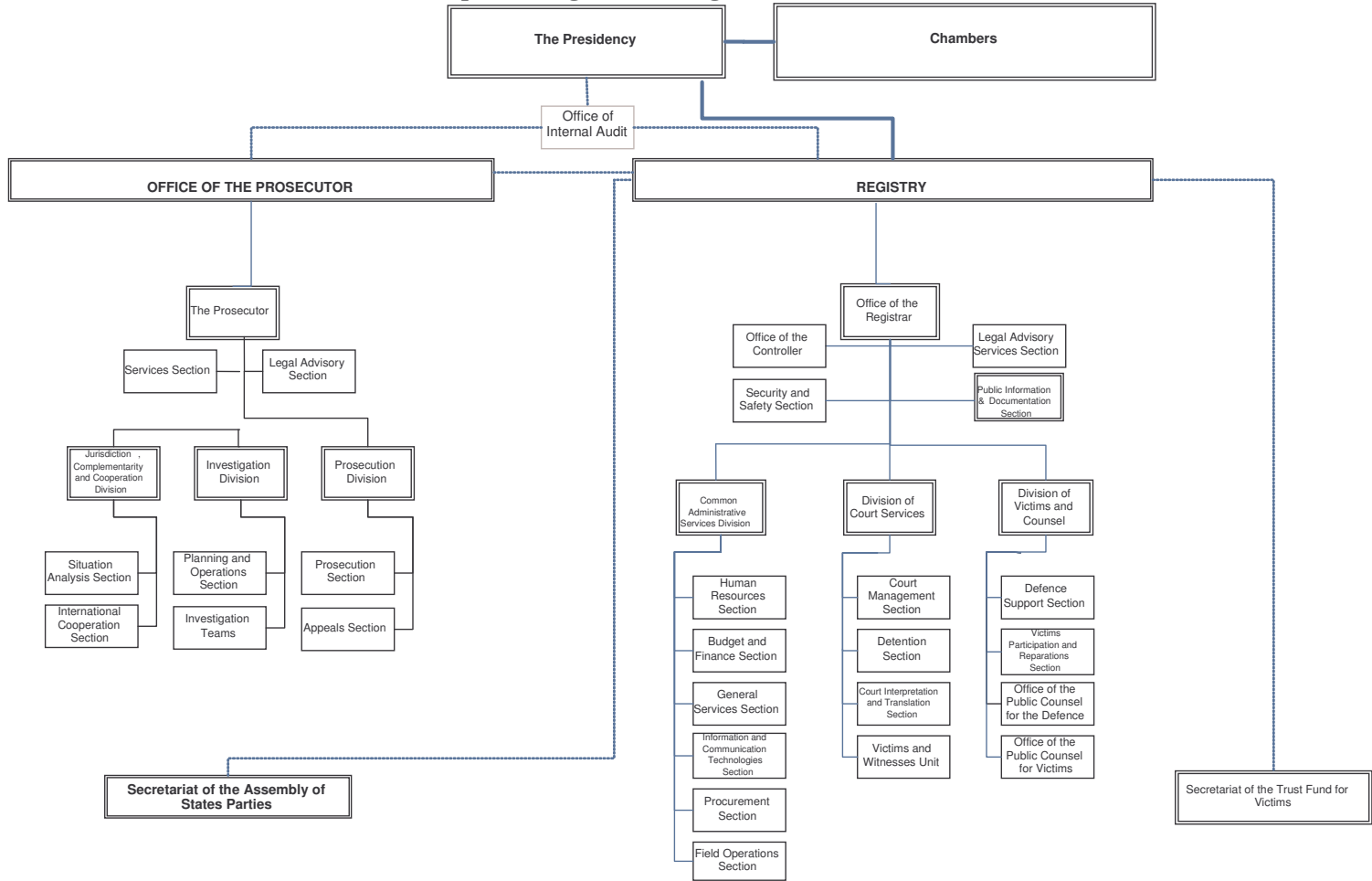
Selected documents of the third session of the Committee on Budget and Finance

ICC-ASP/3/CBF.2/2	Report on participation of and reparations to victims (pursuant to paragraph 49 of the Report of the Committee on Budget and Finance of 8 August 2003)
ICC-ASP/3/CBF.2/3	Report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons (pursuant to paragraph 52 of the Report of the Committee on Budget and Finance of 8 August 2003)

Other documents

ICC-BD/01-01-04	Regulations of the Court
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Annex II Organigramme of the Court Proposed Programme Budget 2006



Annex III

Budgetary implications of implementation of the recommendations of the Committee on Budget and Finance

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance

(Changes are indicated in grey)

TOTAL – ALL MAJOR PROGRAMMES

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
<i>Judges</i>	3,785.3		3,785.3	3,785.3		3,785.3		
Professional staff	15,486.0	12,774.4	28,260.4	15,396.1	12,425.5	27,821.6	-438.8	-1.6
General Service staff	8,783.4	6,820.4	15,603.8	8,662.5	6,101.5	14,764.0	-839.8	-5.4
<i>Subtotal staff</i>	24,269.4	19,594.8	43,864.2	24,058.6	18,527.0	42,585.6	-1,278.6	-2.9
General temporary assistance	1,357.4	3,357.1	4,714.5	1,364.4	3,725.8	5,090.2	375.7	8.0
Temporary assistance for meetings	2,231.8		2,231.8	2,231.8		2,231.8		
Overtime	202.1	109.5	311.6	202.1	109.5	311.6		
Consultants	112.0	142.9	254.9	112.0	142.9	254.9		
<i>Subtotal other staff</i>	3,903.3	3,609.5	7,512.8	3,910.3	3,978.2	7,888.5	375.7	5.0
Travel	830.7	3,345.8	4,176.5	671.8	3,345.8	4,017.6	-158.9	-3.8
Hospitality	48.0		48.0	48.0		48.0		
Contractual services including training	3,392.2	5,284.7	8,676.9	3,390.4	4,947.3	8,337.7	-339.2	-3.9
General operating expenses	6,938.4	4,369.0	11,307.4	5,942.3	4,069.0	10,011.3	-1,296.1	-11.5
Supplies and materials	762.6	504.7	1,267.3	762.6	504.7	1,267.3		
Furniture and equipment	1,085.6	740.4	1,826.0	1,085.6	740.4	1,826.0		
<i>Subtotal non-staff</i>	13,057.5	14,244.6	27,302.1	11,900.7	13,607.2	25,507.9	-1,794.2	-6.6
Total All Major Programmes	45,015.5	37,448.9	82,464.4	43,654.9	36,112.4	79,767.3	-2,697.1	-3.3

<i>Item</i>	Proposed Budget 2006 Post table			CBF - Proposed Budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	156	165	321	153	158	311	-10	-3.1
General Service staff	165	175	340	161	149	310	-30	-8.8
Total staff	321	340	661	314	307	621	-40	-6.1

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

1. Major Programme I – Judiciary

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
	3,785.3		3,785.3	3,785.3		3,785.3		
Professional staff	2,032.8	383.1	2,415.9	2,032.8	383.1	2,415.9		
General Service staff	671.3	171.8	843.1	671.3	171.8	843.1		
<i>Subtotal staff</i>	<i>2,704.1</i>	<i>554.9</i>	<i>3,259.0</i>	<i>2,704.1</i>	<i>554.9</i>	<i>3,259.0</i>		
General temporary assistance	80.0		80.0	80.0	0.0	80.0		
Consultants	35.0		35.0	35.0	0.0	35.0		
<i>Subtotal other staff</i>	<i>115.0</i>		<i>115.0</i>	<i>115.0</i>	<i>0.0</i>	<i>115.0</i>		
Travel	125.0	101.4	226.4	125.0	101.4	226.4		
Hospitality	11.0		11.0	11.0	0.0	11.0		
Contractual services including training	15.0		15.0	15.0	0.0	15.0		
<i>Subtotal non-staff</i>	<i>151.0</i>	<i>101.4</i>	<i>252.4</i>	<i>151.0</i>	<i>101.4</i>	<i>252.4</i>		
Total Major Programme I	6,755.4	656.3	7,411.7	6,755.4	656.3	7,411.7		

Item	Proposed Budget 2006 Post table			CBF – Proposed Budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	24	3	27	24	3	27		
General Service staff	12	3	15	12	3	15		
Total staff	36	6	42	36	6	42		

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

1.1 Programme 1100 – Presidency

<i>Item</i>	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
<i>Judges</i>	629.2		629.2	629.2		629.2		
Professional staff	582.6		582.6	582.6		582.6		
General Service staff	213.2		213.2	213.2		213.2		
<i>Subtotal staff</i>	795.8		795.8	795.8		795.8		
General temporary assistance	30.0		30.0	30.0		30.0		
Consultants	35.0		35.0	35.0		35.0		
<i>Subtotal other staff</i>	65.0		65.0	65.0		65.0		
Travel	70.0		70.0	70.0		70.0		
Hospitality	10.0		10.0	10.0		10.0		
<i>Subtotal non-staff</i>	80.0		80.0	80.0		80.0		
Total programme	1,570.0		1,570.0	1,570.0		1,570.0		

<i>Item</i>	Proposed Budget 2006 Post table			CBF – Proposed Budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	6		6	6		6		
General Service staff	4		4	4		4		
Total staff	10		10	10		10		

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

1.2 Programme 1200 – Chambers

<i>Item</i>	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
<i>Judges</i>	3,156.1		3,156.1	3,156.1		3,156.1		
Professional staff	1,450.2	383.1	1,833.3	1,450.2	383.1	1,833.3		
General Service staff	458.1	171.8	629.9	458.1	171.8	629.9		
<i>Subtotal staff</i>	1,908.3	554.9	2,463.2	1,908.3	554.9	2,463.2		
General temporary assistance	50.0		50.0	50.0		50.0		
<i>Subtotal other staff</i>	50.0		50.0	50.0		50.0		
Travel	55.0	101.4	156.4	55.0	101.4	156.4		
Hospitality	1.0		1.0	1.0		1.0		
Contractual services including training	15.0		15.0	15.0		15.0		
<i>Subtotal non-staff</i>	71.0	101.4	172.4	71.0	101.4	172.4		
Total programme	5,185.4	656.3	5,841.7	5,185.4	656.3	5,841.7		

<i>Item</i>	Proposed Budget 2006 Post table			CBF – Proposed Budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	18	3	21	18	3	21		
General Service staff	8	3	11	8	3	11		
Total staff	26	6	32	26	6	32		

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2. Major Programme II – Office of the Prosecutor

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	3,526.4	7,938.8	11,465.2	3,526.4	7,789.3	11,315.7	-149.5	-1.3
General Service staff	933.4	2,260.6	3,194.0	933.4	2,079.4	3,012.8	-181.2	-5.7
<i>Subtotal staff</i>	<i>4,459.8</i>	<i>10,199.4</i>	<i>14,659.2</i>	<i>4,459.8</i>	<i>9,868.7</i>	<i>14,328.5</i>	<i>-330.7</i>	<i>-2.3</i>
General temporary assistance	235.0	2,924.0	3,159.0	235.0	2,966.4	3,201.4	42.4	1.3
Consultants	0.0	77.9	77.9	0.0	77.9	77.9		
<i>Subtotal other staff</i>	<i>235.0</i>	<i>3,001.9</i>	<i>3,236.9</i>	<i>235.0</i>	<i>3,044.3</i>	<i>3,279.3</i>	<i>42.4</i>	<i>1.3</i>
Travel	202.0	2,186.7	2,388.7	152.0	2,186.7	2,338.7	-50.0	-2.1
Hospitality	10.0		10.0	10.0		10.0		
Contractual services including training	58.7	262.5	321.2	58.7	262.5	321.2		
General operating expenses	0.0	58.4	58.4	0.0	58.4	58.4		
Supplies and materials	38.0	118.2	156.2	38.0	118.2	156.2		
Furniture and equipment	119.9	264.1	384.0	119.9	264.1	384.0		
<i>Subtotal non-staff</i>	<i>428.6</i>	<i>2,889.9</i>	<i>3,318.5</i>	<i>378.6</i>	<i>2,889.9</i>	<i>3,268.5</i>	<i>-50.0</i>	<i>-1.5</i>
Total Major Programme II	5,123.4	16,091.2	21,214.6	5,073.4	15,802.9	20,876.3	-338.3	-1.6

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	31	103	134	31	100	131	-3	-2.2
General Service staff	17	51	68	17	45	62	-6	-8.8
Total staff	48	154	202	48	145	193	-9	-4.5

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2.1 Programme 2100 – The Prosecutor

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	1,934.1	161.1	2,095.2	1,934.1	161.1	2,095.2		
General Service staff	607.6	560.6	1,168.2	607.6	560.6	1,168.2		
<i>Subtotal staff</i>	<i>2,541.7</i>	<i>721.7</i>	<i>3,263.4</i>	<i>2,541.7</i>	<i>721.7</i>	<i>3,263.4</i>		
General temporary assistance	235.0	2,418.0	2,653.0	235.0	2,418.0	2,653.0		
Consultants	0.0	77.9	77.9	0.0	77.9	77.9		
<i>Subtotal other staff</i>	<i>235.0</i>	<i>2,495.9</i>	<i>2,730.9</i>	<i>235.0</i>	<i>2,495.9</i>	<i>2,730.9</i>		
Travel	88.1	409.0	497.1	79.2	409.0	488.2	-8.9	-1.8
Hospitality	10.0		10.0	10.0		10.0		
Contractual services including training	58.7	262.5	321.2	58.7	262.5	321.2		
General operating expenses		40.0	40.0		40.0	40.0		
Supplies and materials	38.0	28.0	66.0	38.0	28.0	66.0		
Furniture and equipment	119.9	254.1	374.0	119.9	254.1	374.0		
<i>Subtotal non-staff</i>	<i>314.7</i>	<i>993.6</i>	<i>1,308.3</i>	<i>305.8</i>	<i>993.6</i>	<i>1,299.4</i>	<i>-8.9</i>	<i>-0.7</i>
Total programme	3,091.4	4,211.2	7,302.6	3,082.5	4,211.2	7,293.7	-8.9	-0.1

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	19	3	22	19	3	22		
General Service staff	11	13	24	11	13	24		
Total staff	30	16	46	30	16	46		

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2.2 Programme 2200 – Jurisdiction, Complementarity and Cooperation Division

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	685.9	541.0	1,226.9	685.9	498.6	1,184.5	-42.4	-3.5
General Service staff	108.6		108.6	108.6		108.6		
<i>Subtotal staff</i>	<i>794.5</i>	<i>541.0</i>	<i>1,335.5</i>	<i>794.5</i>	<i>498.6</i>	<i>1,293.1</i>	<i>-42.4</i>	<i>-3.2</i>
General temporary assistance		169.0	169.0		211.4	211.4	42.4	25.1
<i>Subtotal other staff</i>		<i>169.0</i>	<i>169.0</i>		<i>211.4</i>	<i>211.4</i>	<i>42.4</i>	<i>25.1</i>
Travel	45.5	286.6	332.1	29.2	286.6	315.8	-16.3	-4.9
<i>Subtotal non-staff</i>	<i>45.5</i>	<i>286.6</i>	<i>332.1</i>	<i>29.2</i>	<i>286.6</i>	<i>315.8</i>	<i>-16.3</i>	<i>-4.9</i>
Total programme	840.0	996.6	1,836.6	823.7	996.6	1,820.3	-16.3	-0.9

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	6	7	13	6	6	12	-1	-7.7
General Service staff	2		2	2		2		
Total staff	8	7	15	8	6	14	-1	-6.7

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2.3 Programme 2300 – Investigations Division

<i>Item</i>	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	460.0	5,347.0	5,807.0	460.0	5,347.0	5,807.0		
General Service staff	108.6	1,350.4	1,459.0	108.6	1,290.0	1,398.6	-60.4	4.1
<i>Subtotal staff</i>	568.6	6,697.4	7,266.0	568.6	6,637.0	7,205.6	-60.4	0.8
General temporary assistance		145.0	145.0		145.0	145.0		
<i>Subtotal other staff</i>		145.0	145.0		145.0	145.0		
Travel	24.0	1,311.5	1,335.5	9.0	1,311.5	1,320.5	-15.0	1.1
General operating expenses		18.4	18.4		18.4	18.4		
Supplies and materials		90.2	90.2		90.2	90.2		
Furniture and equipment		10.0	10.0		10.0	10.0		
<i>Subtotal non-staff</i>	24.0	1,430.1	1,454.1	9.0	1,430.1	1,439.1	-15.0	1.0
Total programme	592.6	8,272.5	8,865.1	577.6	8,212.1	8,789.7	-75.4	0.9

<i>Item</i>	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	3	71	74	3	71	74		
General Service staff	2	28	30	2	26	28	-2	-6.7
Total staff	5	99	104	5	97	102	-2	-1.9

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(Changes are indicated in grey)

2.4 Programme 2400 – Prosecution Division

<i>Item</i>	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	446.4	1,889.7	2,336.1	446.4	1,782.6	2,229.0	-107.1	-4.6
General Service staff	108.6	349.6	458.2	108.6	228.8	337.4	-120.8	-26.4
<i>Subtotal staff</i>	<i>555.0</i>	<i>2,239.3</i>	<i>2,794.3</i>	<i>555.0</i>	<i>2,011.4</i>	<i>2,566.4</i>	<i>-227.9</i>	<i>-8.2</i>
General temporary assistance		192.0	192.0		192.0	192.0		
<i>Subtotal other staff</i>		<i>192.0</i>	<i>192.0</i>		<i>192.0</i>	<i>192.0</i>		
Travel	44.4	179.6	224.0	34.6	179.6	214.2	-9.8	-4.4
<i>Subtotal non-staff</i>	<i>44.4</i>	<i>179.6</i>	<i>224.0</i>	<i>34.6</i>	<i>179.6</i>	<i>214.2</i>	<i>-9.8</i>	<i>-4.4</i>
Total programme	599.4	2,610.9	3,210.3	589.6	2,383.0	2,972.6	-237.7	-7.4

<i>Item</i>	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	3	22	25	3	20	23	-2	-8.0
General Service staff	2	10	12	2	6	8	-4	-33.3
Total staff	5	32	37	5	26	31	-6	-16.2

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3. Major Programme III – Registry

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	9,536.9	4,452.5	13,989.4	9,447.0	4,253.1	13,700.1	-289.3	-2.1
General Service staff	6,929.5	4,388.0	11,317.5	6,808.6	3,850.3	10,658.9	-658.6	-5.8
<i>Subtotal staff</i>	<i>16,466.4</i>	<i>8,840.5</i>	<i>25,306.9</i>	<i>16,255.6</i>	<i>8,103.4</i>	<i>24,359.0</i>	<i>-947.9</i>	<i>-3.7</i>
General temporary assistance	910.0	433.1	1,343.1	917.0	759.4	1,676.4	333.3	24.8
Temporary assistance for meetings	312.5		312.5	312.5		312.5		
Overtime	160.1	109.5	269.6	160.1	109.5	269.6		
Consultants	77.0	65.0	142.0	77.0	65.0	142.0		
<i>Subtotal other staff</i>	<i>1,459.6</i>	<i>607.6</i>	<i>2,067.2</i>	<i>1,466.6</i>	<i>933.9</i>	<i>2,400.5</i>	<i>333.3</i>	<i>16.1</i>
Travel	363.2	1,057.7	1,420.9	254.4	1,057.7	1,312.1	-108.8	-7.7
Hospitality	17.0		17.0	17.0		17.0		
Contractual services including training	2,267.3	5,022.2	7,289.5	2,265.5	4,684.8	6,950.3	-339.2	-4.7
General operating expenses	6,197.7	4,310.6	10,508.3	5,201.6	4,010.6	9,212.2	-1,296.1	-12.3
Supplies and materials	681.8	386.5	1,068.3	681.8	386.5	1,068.3		
Furniture and equipment	752.3	476.3	1,228.6	752.3	476.3	1,228.6		
<i>Subtotal non-staff</i>	<i>10,279.3</i>	<i>11,253.3</i>	<i>21,532.6</i>	<i>9,172.6</i>	<i>10,615.9</i>	<i>19,788.4</i>	<i>-1,744.2</i>	<i>-8.1</i>
Total Major Programme III	28,205.3	20,701.4	48,906.7	26,894.8	19,653.2	46,548.0	-2,358.7	-4.8

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	98	59	157	95	55	150	-7	-4.5
General Service staff	132	121	253	128	101	229	-24	-9.5
Total staff	230	180	410	223	156	379	-31	-7.6

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.1 Programme 3100 – Office of the Registrar

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	1,959.3	47.6	2,006.9	1,874.5	47.6	1,922.1	-84.8	-4.2
General Service staff	2,366.4	1,180.1	3,546.5	2,336.2	968.7	3,304.9	-241.6	-6.8
<i>Subtotal staff</i>	<i>4,325.7</i>	<i>1,227.7</i>	<i>5,553.4</i>	<i>4,210.7</i>	<i>1,016.3</i>	<i>5,227.0</i>	<i>-326.4</i>	<i>-5.9</i>
General temporary assistance	760.0	30.0	790.0	802.4	241.4	1,043.8	253.8	32.1
Overtime	124.4	43.5	167.9	124.4	43.5	167.9		
<i>Subtotal other staff</i>	<i>884.4</i>	<i>73.5</i>	<i>957.9</i>	<i>926.8</i>	<i>284.9</i>	<i>1,211.7</i>	<i>253.8</i>	<i>26.5</i>
Travel	76.5	257.4	333.9	53.7	257.4	311.1	-22.8	-6.8
Hospitality	10.0		10.0	10.0		10.0		
Contractual services including training	188.5	105.5	294.0	188.5	105.5	294.0		
General operating expenses	122.0	30.0	152.0	122.0	30.0	152.0		
Supplies and materials	119.2	84.1	203.3	119.2	84.1	203.3		
Furniture and equipment	98.0	107.1	205.1	98.0	107.1	205.1		
<i>Subtotal non-staff</i>	<i>614.2</i>	<i>584.1</i>	<i>1,198.3</i>	<i>591.4</i>	<i>584.1</i>	<i>1,175.5</i>	<i>-22.8</i>	<i>-1.9</i>
Total programme	5,824.3	1,885.3	7,709.6	5,728.9	1,885.3	7,614.2	-95.4	-1.2

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	19	1	20	17	1	18	-2	-10.0
General Service staff	44	25	69	43	18	61	-8	-11.6
Total staff	63	26	89	60	19	79	-10	-11.2

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.2 Programme 3200 – Common Administrative Services Division

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	3,052.2	691.2	3,743.4	3,009.8	691.2	3,701.0	-42.4	-1.1
General Service staff	3,515.1	811.3	4,326.4	3,394.3	660.3	4,054.6	-271.8	-6.3
<i>Subtotal staff</i>	<i>6,567.3</i>	<i>1,502.5</i>	<i>8,069.8</i>	<i>6,404.1</i>	<i>1,351.5</i>	<i>7,755.6</i>	<i>-314.2</i>	<i>-3.9</i>
General temporary assistance	150.0		150.0	0.0		0.0	-150.0	-100.0
Temporary assistance for meetings	32.5		32.5	32.5		32.5		
Overtime	35.7	36.0	71.7	35.7	36.0	71.7		
Consultants	50.0	35.0	85.0	50.0	35.0	85.0		
<i>Subtotal other staff</i>	<i>268.2</i>	<i>71.0</i>	<i>339.2</i>	<i>118.2</i>	<i>71.0</i>	<i>189.2</i>	<i>-150.0</i>	<i>-44.2</i>
Travel	102.5	56.0	158.5	71.8	56.0	127.8	-30.8	-19.4
Contractual services including training	1,564.4	292.0	1,856.4	1,564.4	292.0	1,856.4		
General operating expenses	4,322.1	2,451.1	6,773.2	4,022.1	2,151.1	6,173.2	-600.0	-8.9
Supplies and materials	310.0	202.6	512.6	310.0	202.6	512.6		
Furniture and equipment	520.7	336.0	856.7	520.7	336.0	856.7		
<i>Subtotal non-staff</i>	<i>6,819.7</i>	<i>3,337.7</i>	<i>10,157.4</i>	<i>6,489.0</i>	<i>3,037.7</i>	<i>9,526.7</i>	<i>-630.8</i>	<i>-6.2</i>
Total programme	13,655.2	4,911.2	18,566.4	13,011.3	4,460.2	17,471.5	-1,095.0	-5.9

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	32	8	40	31	8	39	-1	-2.5
General Service staff	68	22	90	64	17	81	-9	-10.0
Total staff	100	30	130	95	25	120	-10	-7.7

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.3 Programme 3300 – Division of Court Services

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	2,670.7	3,045.8	5,716.5	2,670.7	2,846.4	5,517.1	-199.4	-3.5
General Service staff	325.7	2,078.8	2,404.5	325.7	1,963.9	2,289.6	-114.9	-4.8
<i>Subtotal staff</i>	<i>2,996.4</i>	<i>5,124.6</i>	<i>8,121.0</i>	<i>2,996.4</i>	<i>4,810.3</i>	<i>7,806.7</i>	<i>-314.3</i>	<i>-3.9</i>
General temporary assistance		386.4	386.4	114.6	501.3	615.9	229.5	59.4
Temporary assistance for meetings	280.0		280.0	280.0		280.0		
Overtime		30.0	30.0	0.0	30.0	30.0		
Consultants	11.0	30.0	41.0	11.0	30.0	41.0		
<i>Subtotal other staff</i>	<i>291.0</i>	<i>446.4</i>	<i>737.4</i>	<i>405.6</i>	<i>561.3</i>	<i>966.9</i>	<i>229.5</i>	<i>31.1</i>
Travel	42.8	661.0	703.8	30.0	661.0	691.0	-12.8	-1.8
Contractual services including training	308.0	1,041.0	1,349.0	308.0	1,041.0	1,349.0		
General operating expenses	1,663.6	1,829.5	3,493.1	967.5	1,829.5	2,797.0	-696.1	-19.9
Supplies and materials	22.7	83.8	106.5	22.7	83.8	106.5		
Furniture and equipment	133.6	5.2	138.8	133.6	5.2	138.8		
<i>Subtotal non-staff</i>	<i>2,170.7</i>	<i>3,620.5</i>	<i>5,791.2</i>	<i>1,461.8</i>	<i>3,620.5</i>	<i>5,082.3</i>	<i>-708.9</i>	<i>-12.2</i>
Total programme	5,458.1	9,191.5	14,649.6	4,863.8	8,992.1	13,855.9	-793.7	-5.4

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	27	41	68	27	37	64	-4	-5.9
General Service staff	6	55	61	6	49	55	-6	-9.8
Total staff	33	96	129	33	55	119	-10	-7.8

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.4 Programme 3400 – Public Information and Documentation Section

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	588.3		588.3	538.4		538.4	-49.9	-8.5
General Service staff	258.0	124.8	382.8	258.0	64.4	322.4	-60.4	-15.8
<i>Subtotal staff</i>	<i>846.3</i>	<i>124.8</i>	<i>971.1</i>	<i>796.4</i>	<i>64.4</i>	<i>860.8</i>	<i>-110.3</i>	<i>-11.4</i>
Travel	17.5	30.0	47.5	12.3	30.0	42.3	-5.3	-11.1
Contractual services including training	98.0	210.0	308.0	98.0	210.0	308.0		
General operating expenses	7.0		7.0	7.0		7.0		
Supplies and materials	219.9		219.9	219.9		219.9		
<i>Subtotal non-staff</i>	<i>342.4</i>	<i>240.0</i>	<i>582.4</i>	<i>337.2</i>	<i>240.0</i>	<i>577.2</i>	<i>-5.3</i>	<i>-0.9</i>
Total programme	1,188.7	364.8	1,553.5	1,133.6	304.4	1,438.0	-115.6	-7.4

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	7		7	6		6	-1	-14.3
General Service staff	5	12	17	5	10	15	-2	-11.8
Total staff	12	12	24	11	10	21	-3	-12.5

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.5 Programme 3500 – Division of Victims and Counsel

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	1,107.5	667.9	1,775.4	1,107.5	667.9	1,775.4		
General Service staff	410.0	193.0	603.0	410.0	193.0	603.0		
<i>Subtotal staff</i>	<i>1,517.5</i>	<i>860.9</i>	<i>2,378.4</i>	<i>1,517.5</i>	<i>860.9</i>	<i>2,378.5</i>		
General temporary assistance		16.7	16.7		16.7	16.7		
Consultants	16.0		16.0	16.0		16.0		
<i>Subtotal other staff</i>	<i>16.0</i>	<i>16.7</i>	<i>32.7</i>	<i>16.0</i>	<i>16.7</i>	<i>32.7</i>		
Travel	53.9	53.3	107.2	37.7	53.3	91.0	-16.2	-15.1
Contractual services including training	18.4	3,373.7	3,392.1	16.6	3,036.3	3,052.9	-339.2	-10.0
Supplies and materials		16.0	16.0		16.0	16.0		
Furniture and equipment		28.0	28.0		28.0	28.0		
<i>Subtotal non-staff</i>	<i>72.3</i>	<i>3,471.0</i>	<i>3,543.3</i>	<i>54.3</i>	<i>3,133.6</i>	<i>3,187.9</i>	<i>-355.4</i>	<i>-10.0</i>
Total programme	1,605.8	4,348.6	5,954.4	1,587.8	4,011.2	5,599.0	-355.4	-6.0

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	11	9	20	11	9	20		
General Service staff	8	7	15	8	7	15		
Total staff	19	16	35	19	16	35		

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.6 Programme 3600 – Secretariat of the Trust Fund for Victims

Item	Proposed budget 2006 ¹⁰ (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	158.9		158.9	246.1		246.1	87.2	54.9
General Service staff	54.3		54.3	84.4		84.4	30.1	55.4
<i>Subtotal staff</i>	<i>213.2</i>		<i>213.2</i>	<i>330.5</i>		<i>330.5</i>	<i>117.3</i>	<i>55.0</i>
Travel	70.0		70.0	49.0		49.0	-21.0	-30.0
Hospitality	7.0		7.0	7.0		7.0		
Contractual services including training	90.0		90.0	90.0		90.0		
General operating expenses	83.0		83.0	83.0		83.0		
Supplies and materials	10.0		10.0	10.0		10.0		
<i>Subtotal non-staff</i>	<i>260.0</i>		<i>260.0</i>	<i>239.0</i>		<i>239.0</i>	<i>-21.0</i>	<i>-8.1</i>
Total programme	473.2		473.2	569.5		569.5	96.3	20.4

Item	Proposed budget 2006 Post table			CBF – Proposed budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	2		2	3		3	1	50.0
General Service staff	1		1	2		2	1	100.0
Total staff	3		3	5		5	2	66.7

¹⁰ The figures in this column are based on the provisional submission contained in the proposed programme budget for 2006 (ICC-ASP/4/5, para. 477). The figures in the column entitled “CBF – Proposed budget 2006” are based on the proposed programme budget for 2006 contained in annex A of the Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005 (ICC-ASP/4/12, annex A, para. 8).

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

4. Major Programme IV – Secretariat of the Assembly of States Parties

<i>Item</i>	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	389.9		389.9	389.9		389.9		
General Service staff	249.2		249.2	249.2		249.2		
<i>Subtotal staff</i>	<i>639.1</i>		<i>639.1</i>	<i>639.1</i>		<i>639.1</i>		
General temporary assistance	132.4		132.4	132.4		132.4		
Temporary assistance for meetings	1,919.3		1,919.3	1,919.3		1,919.3		
Overtime	42.0		42.0	42.0		42.0		
<i>Subtotal other staff</i>	<i>2,093.7</i>		<i>2,093.7</i>	<i>2,093.7</i>		<i>2,093.7</i>		
Travel	140.5		140.5	140.5		140.5		
Hospitality	10.0		10.0	10.0		10.0		
Contractual services including training	420.2		420.2	420.2		420.2		
General operating expenses	461.9		461.9	461.9		461.9		
Supplies and materials	13.0		13.0	13.0		13.0		
Furniture and equipment	47.2		47.2	47.2		47.2		
<i>Subtotal non-staff</i>	<i>1,092.8</i>		<i>1,092.8</i>	<i>1,092.8</i>		<i>1,092.8</i>		
Total Major Programme IV	3,825.6		3,825.6	3,825.6		3,825.6		

<i>Item</i>	Proposed Budget 2006 Post table			CBF – Proposed Budget 2006 Post table			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	3		3	3		3		
General Service staff	4		4	4		4		
Total staff	7		7	7		7		

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

5. Major Programme V – Investment in the Court’s Premises

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Contractual services including training	631.0		631.0	631.0		631.0		
General operating expenses	278.8		278.8	278.8		278.8		
Supplies and materials	29.8		29.8	29.8		29.8		
Furniture and equipment	166.2		166.2	166.2		166.2		
<i>Subtotal non-staff</i>	<i>1,105.8</i>		<i>1,105.8</i>	<i>1,105.8</i>		<i>1,105.8</i>		
Total Major Programme V	1,105.8		1,105.8	1,105.8		1,105.8		

5.1 Programme 5100 – Interim Premises

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Contractual services including training	415.0		415.0	415.0		415.0		
General operating expenses	278.8		278.8	278.8		278.8		
Supplies and materials	29.8		29.8	29.8		29.8		
Furniture and equipment	166.2		166.2	166.2		166.2		
<i>Subtotal non-staff</i>	<i>889.8</i>		<i>889.8</i>	<i>889.8</i>		<i>889.8</i>		
Total programme	889.8		889.8	889.8		889.8		

5.2 Programme 5200 – Permanent Premises

Item	Proposed budget 2006 (thousands of euros)			CBF – Proposed budget 2006 (thousands of euros)			CBF changes	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Contractual services including training	216.0		216.0	216.0		216.0		
<i>Subtotal non-staff</i>	<i>216.0</i>		<i>216.0</i>	<i>216.0</i>		<i>216.0</i>		
Total programme	216.0		216.0	216.0		216.0		

Annex IV

Status of expenditure (by cost category – budget 2005)
Comparison of Appropriation and Expenditure - Status as at 31 August 2005
(in thousands of euros)

<i>Item</i>	Approved budget 2005 ¹¹	Expenditure as at 31 August 2005	Unencumbered balance as at 31 August 2005	Implementation rate as at 31 August 2005 in %
	[1]	[2]	[1]-[2]=[3]	[4]
Judges	4,011	1,933	2,078	48.2
<i>Subtotal judges</i>	<i>4,011</i>	<i>1,933</i>	<i>2,078</i>	<i>48.2</i>
Staff costs	33,694	14,669	19,025	43.5
General temporary assistance	2,849	3,714	(865)	130.4
Temporary assistance for meetings	1,367	107	1,260	7.8
Overtime	387	69	318	17.8
Consultants	537	139	398	25.9
<i>Subtotal staff costs</i>	<i>38,834</i>	<i>18,698</i>	<i>20,136</i>	<i>48.2</i>
Travel	2,572	1,638	934	63.7
Hospitality	48	24	24	50.0
Contractual services incl. training	10,415	5,165	5,250	49.6
General operating expenses	6,003	2,659	3,344	44.3
Supplies and materials	872	461	411	52.9
Furniture and equipment	4,136	1,764	2,372	42.7
<i>Subtotal non-staff costs</i>	<i>24,046</i>	<i>11,711</i>	<i>12,335</i>	<i>48.7</i>
Total ICC	66,891	32,342	34,549	48.4

Budget Performance 2005: Summary by Major Programme
(in thousands of euros)

<i>Item</i>	Approved budget 2005	Expenditure as at 31 August 2005	Unencumbered balance as at 31 August 2005	Implementation rate in % as at 31 August 2005
	[1]	[2]	[1]-[2]=[3]	[4]
Major Programme I Judiciary	7,304	3,357	3,947	46.0
Major Programme II Office of the Prosecutor	17,022	7,610	9,412	44.7
Major Programme III Registry	37,312	18,288	19,024	49.0
Major Programme IV Secretariat of the Assembly of States Parties	3,188	1,234	1,954	38.7
Major Programme V Investment in Court's premises	2,065	1,853	212	89.7
Total ICC	66,891	32,342	34,549	48.4

¹¹ The approved budget takes into consideration the adjustments within the Secretariat of the Assembly of States Parties to better reflect the budgetary requirements and the decisions of the Assembly of States Parties.

Annex V

Status of contributions as at 24 October 2005

States Parties	Prior Years Assessed Contributions	Prior Years Receipts	Prior Years Outstanding Contributions	2005 Assessed Contributions	2005 Contributions Receipt	2005 Outstanding Contributions	Total Outstanding Contributions
1 Afghanistan	2,501	539	1,962	2,765	-	2,765	4,727
2 Albania	6,522	6,522	-	6,914	-	6,914	6,914
3 Andorra	7,959	7,960	-	6,914	-	6,914	6,914
4 Antigua and Barbuda	4,529	-	4,529	4,148	-	4,148	8,677
5 Argentina	1,678,107	628,802	1,049,305	1,321,871	-	1,321,871	2,371,176
6 Australia	2,754,677	2,754,755	-	2,201,276	2,202,423	-	-
7 Austria	1,529,049	1,529,080	-	1,187,748	1,188,326	-	-
8 Barbados	14,421	15,099	-	13,827	13,835	-	-
9 Belgium	1,872,310	1,872,310	-	1,478,119	1,478,890	-	-
10 Belize	1,716	1,716	-	1,383	3,190	-	-
11 Benin	3,431	3,431	-	2,765	2,768	-	-
12 Bolivia	14,821	3,048	11,773	12,444	-	12,444	24,217
13 Bosnia & Herzegovina	5,764	5,829	-	4,148	4,150	-	-
14 Botswana	19,349	19,350	-	16,593	16,620	-	-
15 Brazil	3,101,239	677,439	2,423,800	2,105,868	-	2,105,868	4,529,668
16 Bulgaria	26,691	26,883	-	23,506	23,518	-	-
17 Burkina Faso	1,098	-	1,098	2,765	-	2,765	3,863
18 Burundi	91	91	-	1,383	-	1,383	1,383
19 Cambodia	3,431	3,431	-	2,765	2,167	598	598
20 Canada	4,671,329	4,719,007	-	3,889,566	3,891,598	-	-
21 Central African Republic	1,716	-	1,716	1,383	-	1,383	3,099
22 Colombia	276,014	276,014	-	214,320	224,539	-	-
23 Congo	457	-	457	1,383	-	1,383	1,840
24 Costa Rica	45,285	4,661	40,624	41,481	-	41,481	82,105
25 Croatia	64,707	74,008	-	51,160	51,185	-	-
26 Cyprus	66,284	66,288	-	53,926	53,955	-	-
27 Democratic Republic of the Congo	5,764	2,026	3,738	4,148	-	4,148	7,886
28 Denmark	1,251,795	1,313,937	-	992,787	1,038,606	-	-
29 Djibouti	1,519	421	1,098	1,383	-	1,383	2,481
30 Dominica	1,716	-	1,716	1,383	-	1,383	3,099
31 Dominican Republic	-	-	-	20,165	-	20,165	20,165
32 Ecuador	36,300	34,253	2,047	26,272	-	26,272	28,319
33 Estonia	19,349	19,536	-	16,593	16,601	-	-
34 Fiji	6,861	6,861	-	5,531	-	5,531	5,531
35 Finland	908,171	919,274	-	736,985	737,372	-	-
36 France	10,621,451	10,750,609	-	8,337,750	8,342,101	-	-
37 Gabon	18,528	12,897	5,631	12,444	-	12,444	18,075
38 Gambia	1,716	618	1,098	1,383	-	1,383	2,481
39 Georgia	3,484	-	3,484	4,148	-	4,148	7,632
40 Germany	15,555,205	15,751,074	-	11,977,045	11,982,868	-	-
41 Ghana	7,479	7,479	-	5,531	5,533	-	-
42 Greece	915,382	1,309,713	-	732,837	185,930	546,907	546,907
43 Guinea	4,441	-	4,441	4,148	-	4,148	8,589
44 Guyana	91	-	91	1,383	-	1,383	1,474
45 Honduras	8,419	811	7,608	6,914	-	6,914	14,522
46 Hungary	212,597	216,918	-	174,222	174,312	-	-
47 Iceland	57,707	57,711	-	47,012	47,037	-	-
48 Ireland	566,283	574,060	-	483,949	484,202	-	-
49 Italy	8,497,237	7,891,720	605,517	6,754,545	-	6,754,545	7,360,062
50 Jordan	17,017	17,028	-	15,210	-	-	-
51 Kenya	-	-	-	7,259	-	7,259	7,259
52 Latvia	22,642	22,830	-	20,741	20,752	-	-
53 Lesotho	1,716	39	1,677	1,383	-	1,383	3,060
54 Liberia	91	-	91	1,383	-	1,383	1,474
55 Liechtenstein	9,195	9,195	-	6,914	6,916	-	-
56 Lithuania	29,596	29,597	-	33,185	-	33,185	33,185
57 Luxembourg	133,943	133,947	-	106,469	106,524	-	-
58 Malawi	2,096	-	2,096	1,383	-	1,383	3,479
59 Mali	3,431	3,234	197	2,765	-	2,765	2,962
60 Malta	21,683	21,255	428	19,358	-	19,358	19,786
61 Marshall Islands	1,716	1,415	301	1,383	-	1,383	1,684
62 Mauritius	18,870	19,073	-	15,210	15,217	-	-
63 Mongolia	1,716	2,079	-	1,383	1,383	-	-
64 Namibia	10,911	10,911	-	8,296	8,301	-	-
65 Nauru	1,716	618	1,098	1,383	-	1,383	2,481
66 Netherlands	2,930,823	2,984,309	-	2,336,782	2,338,003	-	-
67 New Zealand	391,787	391,806	-	305,579	305,741	-	-
68 Niger	1,716	-	1,716	1,383	-	1,383	3,099
69 Nigeria	86,211	87,424	-	58,074	177	57,897	57,897
70 Norway	1,145,351	1,157,391	-	938,861	939,352	-	-
71 Panama	31,975	31,976	-	26,272	8,494	17,778	17,778
72 Paraguay	23,057	-	23,057	16,593	-	16,593	39,650
73 Peru	174,044	3,066	170,978	127,209	-	127,209	298,187
74 Poland	730,190	743,245	-	637,430	637,762	-	-
75 Portugal	801,952	802,220	-	649,874	650,214	-	-
76 Republic of Korea	2,750,756	2,750,756	-	2,483,350	884,404	1,598,946	1,598,946
77 Romania	101,850	101,850	-	82,963	83,003	-	-
78 Saint Vincent and the Grenadines	1,519	1,219	300	1,383	-	1,383	1,683
79 Samoa	1,597	1,597	-	1,383	2,130	-	-
80 San Marino	4,529	4,529	-	4,148	4,150	-	-
81 Senegal	8,577	8,577	-	6,914	5,316	1,598	1,598
82 Serbia and Montenegro	33,211	19,226	13,985	26,272	-	26,272	40,257
83 Sierra Leone	1,716	619	1,097	1,383	-	1,383	2,480
84 Slovakia	82,545	82,545	-	70,518	70,552	-	-

States Parties		Prior Years Assessed Contributions	Prior Years Receipts	Prior Years Outstanding Contributions	2005 Assessed Contributions	2005 Contributions Receipt	2005 Outstanding Contributions	Total Outstanding Contributions
85	Slovenia	140,049	140,049	-	113,382	113,441		
86	South Africa	573,056	573,056	-	403,752	392,750	11,002	11,002
87	Spain	4,325,364	4,325,364	-	3,484,433	3,486,250		
88	Sweden	1,731,087	1,731,169	-	1,379,946	1,380,667		
89	Switzerland	2,100,964	2,101,063	-	1,655,106	1,655,910		
90	Tajikistan	1,716	593	1,123	1,383	-	1,383	2,506
91	The Former Yugoslav Rep. of Macedonia	10,293	10,294	-	8,296	-	8,296	8,296
92	Timor-Leste	1,597	498	1,099	1,383	-	1,383	2,482
93	Trinidad and Tobago	34,033	34,033	-	30,420	17,207	13,213	13,213
94	Uganda	9,675	3,701	5,974	8,296	-	8,296	14,270
95	United Kingdom	10,152,211	10,262,428	-	8,471,873	8,476,296		
96	United Republic of Tanzania	8,740	2,155	6,585	8,296	-	8,296	14,881
97	Uruguay	102,271	9,778	92,493	66,370	-	66,370	158,863
98	Venezuela	316,518	316,519	-	236,444	3,886	232,558	232,558
99	Zambia	3,037	2,620	417	2,765	-	2,765	3,182
Total		83,965,349	80,523,077	4,496,445	66,891,200	53,786,524	13,174,157	17,670,602

Annex VI

Financing the second courtroom¹²

During the third session of the Committee on Budget and Finance, in August 2004, the issue of the construction of the second courtroom was raised. A clear statement had been received from the host State that “if the ASP decides that a second courtroom is needed for the ICC, this will be at the Court’s cost”.¹³ In its report to the Committee, the Court sought approval for the construction of a second courtroom, stating that “If the construction could be incorporated in the current construction activities, it would have a very positive effect on the cost”.¹⁴

Accordingly, the Court included in the proposed budget for 2005 €1.8 million (or 50 per cent of the estimated cost of €3.6 million). The remainder, which was to be incurred in 2004, was to be funded through savings in the Registry’s budget, since there was no separate Major Programme V – Investment in the Court’s premises.

In September 2004, following the approval by the Assembly of States Parties of the budget for 2005, the Court went forward with the proposed construction of the second courtroom taking due consideration of the cost-effectiveness in combining this construction with that of the first courtroom.

In 2004, the Court obligated €600,000 for this project. An additional €1.8 million has been obligated in 2005.

The estimated cost of the project has since been reduced from the €3.6 million to €3.2 million. The Court requires €800,000 in 2005 to fund the construction of the shell of the second courtroom. However, the Court has exhausted the appropriation in Major Programme V – Investment in the Court’s premises.

Therefore, the Court proposes transferring the required €800,000 from Major Programme III – Registry – to Major Programme V – Investment in the Court’s premises.

Under financial regulation 4.8,¹⁵ such transfer would need the approval of the Assembly of States Parties. Pursuant to financial regulation 4.8, the Court submits to the Committee on Budget and Finance for final approval by the Assembly of States Parties its request to transfer €800,000 from the appropriation of Major Programme III – Registry – to Major Programme V – Investment in the Court’s premises.

In summary:

It is important to emphasize that this request, while regularizing the necessary financial authority, has no financial implication for States Parties. In fact, cost savings were achieved by carrying out the construction of both courtrooms concurrently.

¹² The approved budget takes into consideration the adjustments within the Secretariat of the Assembly of States Parties to better reflect the budgetary requirements and the decisions of the Assembly of States Parties.

¹³ Letter of 17 June 2004 – Ministry of Foreign Affairs, para. 3.

¹⁴ ICC-ASP/3/CBF.2/7, para. 5 final section.

¹⁵ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.D.

