



Sixteenth session

New York, 4-14 December 2017

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

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Executive Summary

1. At its twenty-eighth session, which was held from 1-5 May 2017 in The Hague, the Committee on Budget and Finance considered a vast number of substantive issues, *inter alia*, budgetary governance aspects, financial and budgetary matters, institutional and administrative questions, synergies, questions related to human resources, legal aid, reparations, matters related to the cooperation with States Parties, as well as amendments to the Charter of the Audit Committee.
2. The Committee looked forward to considering the new version of the 2018 proposed budget document at its twenty-ninth session in September 2017. The Committee welcomed the constructive approach of the Court, who sought the Committee's feedback and suggestions on how to improve the presentation of the budget document, including context setting.
3. During its twenty-eight session, the Committee heard from all organs of the Court how they are seeking to identify efficiencies and savings, including that the implementation of ReVision is only the beginning of a search for savings and efficiencies, whereby this search would allow the Court to absorb increases in activities. The Committee looks forward to scrutinizing the 2018 proposed programme budget, which according to Court representatives would only request an increase of a "bare minimum".
4. The Committee showed great interest in the proposed annex to the 2018 proposed programme budget, which would show in a comprehensive way, where savings and efficiencies had been identified during the year and are predicted for the proposed budget for next year. An annex, which transparently reflects the Court's efforts towards savings and efficiencies, as well as the Court's ability to absorb future increases, will facilitate a better understanding of the budget document.
5. The Committee observed that there was an overspend on eight out of 15 Court budget line items, whereby some were substantially overspent, and other items were used to compensate. While acknowledging that this practice complies with the Financial Regulations and Rules to provide flexibility and prioritisation within budgets, such practice, if overused or practiced in an extensive way, threatens to undermine the budgetary process. The Committee further noted that 2016 saw a high level of human resources activity, which makes it an exceptional year. However, the Committee decided to scrutinize the situation further within the 2018 proposed programme budget.
6. The Committee welcomed the presentation and discussion about capital and information technology investments. It was highlighted that this field may have multi-annual spending implications. The Committee upheld that, while the discussion of such projects provided a picture of commitment that is useful for budget comprehension, the Court should make restrictive use of multi-annual funds administered outside the annual budget cycle in line with the Resolution ICC-ASP/15/Res.1.
7. The Committee noted that its work was difficult, given the fact that a few reports were presented late, one of which with errors that were corrected through a corrigendum during the last days of the meeting, and would appreciate improvement during the twenty-ninth session in September 2017. To play its part, the Committee is undertaking a review of working practices in order to assess the Court's reporting burden and to analyze where improvements can be made. It will be undertaking a revised trial approach at its twenty-ninth session in September 2017 to assess whether this contributes to improving the working methodology of the Committee and alleviating the reporting burden for the Court.

I. Introduction

A. Opening of the session

1. The twenty-eighth session of the Committee on Budget and Finance (“the Committee”) comprised ten meetings and was held at the seat of the International Criminal Court (“the Court”) in The Hague from 1-5 May 2017.
2. The twenty-eighth session of the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its fifteenth session during its eleventh meeting on 24 November 2016.
3. The President of the Court, Judge Silvia Fernández de Gurmendi, delivered the welcoming remarks at the opening of the session.

B. Election of officers

4. At the twenty-eighth session, the Committee elected Mr. Hitoshi Kozaki (Japan) as Chairperson in accordance with Rule 10 of its Rules of Procedure. The Committee also elected Ms. Monica Sanchez (Ecuador) as the Vice-Chairperson in accordance with Rule 10 of the Committee’s Rules of Procedure and following the practice of geographical rotation. The Committee extended its great appreciation and thanks to the outgoing Chair Ms. Carolina Maria Fernandez Opazo (Mexico) for her dedicated work during the previous three years.
5. The Committee appointed Mr. Hugh Adsett (Canada) as Rapporteur in accordance with Rule 13 of the Rules of Procedure.
6. The Executive Secretary to the Committee on Budget and Finance (“the Executive Secretary”), Mr. Fakhri Dajani, acted as Secretary of the Committee and the Secretariat of the Assembly (“the Secretariat”) assisted in providing the services to the Committee.

C. Adoption of the agenda and organization of work

7. At its first meeting, the Committee adopted the following agenda (CBF/28/1/Rev.4):
 - 1) Opening of the session
 - (a) Welcoming remarks by the President of the Court
 - (b) Election of officers
 - (c) Adoption of the agenda and organization of work
 - (d) Participation of observers
 - (e) Briefing on the fifteenth session of the Assembly
 - 2) Work methodology of the Committee on Budget and Finance
 - 3) Budgetary governance
 - (a) Budget process reform (workshop)
 - (b) Presentation of the Court’s five-year information technology/information management strategy
 - 4) Outlook on the 2018 proposed programme budget – savings and efficiencies
 - 5) Other financial and budgetary matters
 - (a) Status of contributions and States in arrears
 - (b) Programme performance of the 2016 budget, and 2017 budget first quarter
 - (c) Assessment on the establishment of a reserve for ASHI liabilities
 - (d) Report on a full evaluation of the current cash flow management
 - (e) Policy on replacement for capital investment

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- (f) Final analysis on analytical accountability, including cost drivers and costs per activity
 - 6) Institutional reform and administrative matters
 - (a) Judiciary
 - i. Update on lessons learnt / Chambers Practice Manual
 - ii. Allocation of staff for the courtroom usage and hearings
 - (b) Impact of Registry reform
 - i. External Auditor's Report on the full implications of the ReVision process, including its financial implications in the short and long-term
 - ii. Break-down of additional reductions of increased costs as a result of delays in recruitment and the delayed filling of staggered positions
 - (c) Synergies among the organs of the Court
 - i. Interim progress report on the implementation of the OTP 2016-2018 Strategic Plan, including efficiency gains and synergies
 - ii. Report on synergies and efficiencies achieved by the STFV in cooperation with the Court
 - iii. Final report on inter-organ synergies and on the identification of further efficiency gains in the Court's operations
 - (d) Administrative delegation of authority from the Registrar to the STFV
 - (e) Information on the NYLO's rental plan for 2018
 - 7) Human resources
 - (a) Human resources management annual report
 - i. Implementation of performance management
 - ii. Report on the vacancy rate in the Registry
 - iii. Report on the field office closure strategy and on decreases in field offices activities
 - iv. Geographical representation and gender balance – progress report and analysis of the impact of ReVision and the conversions in OTP
 - v. GTAs and the duration of contracts for GTA positions
 - vi. Update on the implementation of short-term appointments
 - (b) AI on consultants and individual contractors, including pro-bono contracts
 - (c) Update on vacant posts in the Secretariat
 - 8) Legal aid
 - (a) Annual report on legal aid for the year 2016
 - 9) Reparations
 - 10) Cooperation with States Parties, including freezing of assets
 - 11) Other matters
 - (a) Contributions of States Parties withdrawing from the Rome Statute
 - (b) Amendments to the Charter of the Audit Committee
8. The Executive Secretary, in consultation with the Chairperson, prepared a work programme for the twenty-eighth session of the Committee.
9. The Committee extended its great appreciation and thanks to the outgoing member, Mr. David Banyanka (Burundi), for his work during previous years, and it welcomed the new member, Mr. François Zoundi (Burkina Faso) who was elected at the fifteenth session of the Assembly.
10. The following members attended the twenty-eighth session of the Committee:
- 1) Hugh Adsett (Canada);

- 2) Carolina María Fernández Opazo (Mexico);
- 3) Fawzi A. Gharaibeh (Jordan);
- 4) Hitoshi Kozaki (Japan);
- 5) Urmet Lee (Estonia);
- 6) Rivomanantsoa Orlando Robimanana (Madagascar);
- 7) Mónica Sánchez Izquierdo (Ecuador);
- 8) Gerd Saupe (Germany);
- 9) Elena Sopková (Slovakia);
- 10) Richard Veneau (France);
- 11) Helen Warren (United Kingdom); and
- 12) François Marie Didier Zoundi (Burkina Faso).

D. Participation of observers

11. Representatives from the Presidency, the Office of the Prosecutor (“the OTP”) and the Registry were invited to address the Committee and to participate in the session including the outlook on the 2018 proposed programme budget – savings and efficiencies, as well as in the budget process reform workshop. The Committee expressed its appreciation for the presentations and for the interaction with the Court officials.

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

A. Budgetary governance

1. Budget process reform

12. At its twenty-fifth session in September 2015, the Committee had suggested a number of ways in which the Court could improve its budgetary process and documents to ensure clear, consistent and transparent information,¹ including a better and more efficient use of the Coordination Council, the submission, in principle, of documentation in English and French 45 days before the session, and a different presentation of costs in the budget document. These suggestions were endorsed by the Assembly at its fourteenth session.²

13. At its twenty-seventh session in September 2016, the Committee acknowledged the improvements that had been made by the Court in relation to the budgetary process, in particular, the Court’s commitment to the application of the “One-Court” principle through the Coordination Council. However, in terms of format, the Committee noted that splitting the presentation of the sub-programmes from major programme titles made the budget document difficult to compare with previous years, and that there was not a consistent approach to the presentation of each programme budget. The Committee recommended that the format for the introduction of each major programme budget, including the use of organigrammes, length and the level of detail should be similar, with cross-Court issues dealt with at the beginning of the budget document.³

14. At its twenty-seventh session in September 2016, the Committee invited the Court to discuss the process and document further at its twenty-eighth session with a view to building on the progress made and to improving the budget process and document. The Committee recommended a focus on the following elements: improved context setting; better planning and presentation of cross-Court expenditures; assessing delivery and efficiency; establishing fundamental principles; and synergies.⁴

15. In a letter by the former Chairperson of the Committee addressed to the President of the Court, dated 14 November 2016, the Court was invited to discuss the above identified topics further with the Committee

¹ *Official records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourteenth session, The Hague 18-26 November 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 23 et seq.

² At its fourteenth session, the Assembly invited the Court to ensure a stringent internal budgetary process and made several suggestions on how to improve the budgetary process. The Assembly invited the Committee in this regard to provide advice to the Court, as required, to ensure these processes are continuously reviewed and improved. Cf. ICC-ASP/14/Res.1, section J, para. 6.

at its twenty-eighth session with a view to further strengthening the budget process and the budget document. In this regard, the Committee attended a workshop organized by the Court to present its work on the budget process reform. Following the “One-Court” principle, representatives from the three organs of the Court presented a summary of the overall approach and internal governance of the revised process, as well as the proposed outline for the budget document.

16. The Committee thanked the Court for its preparatory work and for consulting the Committee at this stage of the preparation for the 2018 proposed programme budget. **In order to ensure a clear understanding of the Court-wide implications and the cost of capital investments, as well as efficiencies and savings achieved, the Committee recommended that two annexes be included in the 2018 proposed programme budget. One annex shall describe Court-wide capital investment plans, such as ICT and others, including projected costs. The other annex shall focus on efficiencies and savings achieved and the projected savings for the Court.**

17. The Committee welcomed the fact that the Court made an effort to take into account the guidelines of the Assembly, as included in Resolution ICC-ASP/15/Res.1, as well as the indication that the Court intends to present the 2018 proposed programme budget by focusing in particular on efficiencies and savings before requesting additional resources and by including a Court-wide presentation thereof in the above mentioned annex to the budget document.

18. Although the Committee welcomed the discussion of the 2018 proposed programme budget, it noted that it had not yet received any figures for the expected budget. **The Committee encouraged the Court to provide, to the extent possible, preliminary figures to the Committee at its spring sessions. The Committee also recommended that the budget include five-year time series showing trends of relevant budgetary assumptions in order to improve the ability of the Court and States Parties to analyze budget trends.**

19. **Mindful that there are activities that take place over several years, requiring the Court to better predict its budgetary requirements through multi-year plans, the Committee recommended that the Court commits itself to financial practices, which give utmost priority to the annual budget cycle and makes restrictive use of multi-annual funds, if any, administered outside the cycle, in line with the Resolution ICC-ASP/15/Res.1.⁵**

2. Outlook on the 2018 proposed programme budget – savings and efficiencies

20. The Court gave the Committee an outlook on the Court’s activities in 2018. The Court anticipates that the currently on-going three trials will continue in 2018, with the trial hearings in one case expected to finish in the first half of the year. Appeals activity is expected to continue at high levels next year. There also could be further reparations proceedings from the ongoing trials. At this juncture, the OTP anticipated that it will continue to conduct six active investigations throughout 2018. Overall, the Court’s level of activity in 2018 is projected to be similar to that in the current year.

21. While the Court does not have any concrete figures at this point, it underlined its strong commitment to keeping the overall increase of its budget to the “bare minimum”, taking into consideration the expected workload ahead, as well as the financial constraints of States Parties. Over the last years, the Court has launched broad-based initiatives aimed at reforming its organisation, streamlining workflows and becoming more efficient. Suffice it to mention the Basic-Size concept of the OTP, the Lessons-Learnt initiative of the Judiciary, the reform of the Registry, the quest for synergies within and across the three organs of the Court, as well as the on-going budget process reform guided by the “One-Court” principle. These reforms, the Court argues, have made it more flexible and efficient.

22. The Committee welcomed the information provided by the Court about its progress in streamlining judicial proceedings. In particular, by shortening the time needed after the confirmation of charges until the opening of the trial, as well as the progress made in interviewing witnesses. **The Court expressed its view that further positive results would materialize and that the search for efficiencies and savings had just begun.⁶ The Committee requested the Court to reflect these achievements in the 2018 proposed programme budget.**

23. The “Report on the implementation of the OTP Strategic Plan⁷” also provided information on the OTP’s exercise to identify efficiency gains and savings, which had been ongoing since 2013. As for 2016,

³ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 10.

⁴ *Ibid.*, para. 11.

⁵ ICC-ASP/15/Res.1, section M, para. 10.

⁶ CBF/28/19, para. 35.

⁷ CBF/28/11.

the OTP identified efficiency gains equivalent to 0.9 per cent of its yearly budget. Each division and section is now in the process of setting efficiency targets in coordination with the Registry and the Presidency.

24. As a result, **the Committee was of the view that any budgetary increases should only be considered when a compelling case is made that funding cannot be freed up by adjusting priorities, redeploying resources and achieving additional savings. The burden of proof will rest with the Court. In case the Court considers presenting a budget increase, it should also present an alternative scenario based on a constant budget size, showing how this would affect its activity.**

25. In this context, the Committee would also like to note the spare capacity apparently emerging at the Registry, which should help offset the budget impact of additional activities. In fact, the Registry, in the wake of the reform, ranked its capacity to absorb future workload increases as “high” for 13 sections and offices, representing no less than 231 staff members or 42 per cent of the final staffing. **The Committee noted with appreciation the organizational development plans established by the Registry for its sections and offices, which will help realizing its full efficiency potential, and recommended that the Registry present a progress update thereon in the context of the 2018 proposed programme budget.**

26. The Committee took note of the work done to date on analytical accountability. The Committee noted the Court’s conclusion that the exercise had been useful in calculating the average costs for specific activities and identifying the relevant cost factors. **The Committee recommended that this deepened knowledge would be reflected in future budget proposals submitted by the Court, in particular by including medium-term cost projections and by better anticipating future resource requirements and trends, thus contributing to a more predictable and sustainable budget.**

3. Presentation of the Court’s five-year information technology/information management strategy

27. The Court submitted the report entitled “Information technology at the International Criminal Court: Five-year IT/IM strategy for the Court (2017-2021).”⁸ The Committee noted and welcomed the application of the “One-Court” principle in the planning of the recent ICT development projects and the fact that a cross organ coordinating body - the Information Management Governance Board - had become operational.

28. The Committee took note of the presentation by the Court, wherein the main aspects of the five-year information technology strategy, which have been approved by the Coordination Council, were presented. The document gave an overview of numerous IT projects that would need to be implemented until 2021 under the umbrella project “eCourt Judicial Workflow Platform” (JWP) in order to achieve the goals of the strategy.

29. The Committee noted that the Court was only able to present a draft of a proper project and of the financial plans of the IT/IM projects and the JWP. Therefore, the Committee concluded that, at this point, it was not in a position to form an opinion on the financial soundness of this initiative and to assess the validity of the contention that these strategic ICT projects could be implemented within the Court’s existing budget.

30. **At the same time, the Committee encouraged the Court to further enhance inter-organ cooperation in the field of IM/IT management since possible savings could be achieved⁹ by first eliminating unnecessary duplications in systems development and the purchase of equipment. The projects,¹⁰ where the Court organs are rethinking and streamlining their operating procedures, should be continued and prudently aligned with the ICT developments. If properly managed, this would lead to significant improvements to the functioning of the Court, as well as to clear savings and efficiencies.**

31. **Prior to considering any changes in the IT budget, the Committee recommended the Court to submit no later than at its thirtieth session in April 2018 a fully developed project plan that encompasses measurable goals, a financial plan with an indication of the types of costs, as well as the allocation of those costs within the Court’s budget, including those that produce savings or efficiency gains for the JWP and other strategic projects identified in the IT/IM strategy.**

32. **In order to improve transparency and financial decision-making within the budget process, the Court should include in the structure of the 2018 proposed programme budget a separate annex detailing the allocation of ICT related costs within the budget, by separating recurring standard operating costs from those related to strategic development projects and those related to non-recurring investments.**

⁸ CBF/28/20.

⁹ CBF/28/12.

¹⁰ For example, for the Judiciary: the Chambers Practice Manual amendments (cf. CBF/28/2); for the Registry: finalisation of procedures not fully developed during the ReVision (cf. CBF/28/19), legal aid policy development (cf. CBF/28/4) and Human Resources policies formulation (cf. CBF/28/18); for the OTP: efficiency increasing objectives for 2017 (cf. Approved Programme Budget for 2017 of the International Criminal Court).

B. Work methodology of the Committee on Budget and Finance

33. During its twenty-sixth session in April 2016, the Committee had a preliminary discussion on ways to improve its work methodology and set up an internal working group to report to the Committee at its twenty-eighth session.¹¹

34. The Committee noted that the working methods of the Committee are captured in two documents: the Rules of Procedure of the Committee on Budget and Finance of the International Criminal Court,¹² which have been created at the Committee's establishment in 2002; and the Committee's Policy and Procedure Manual,¹³ which was issued at the Committee's tenth anniversary in 2012.

35. The Committee was updated by the internal working group on the progress to date, including on the objectives of the review, suggested areas for amendment of the Rules of Procedure and the outline of a revised trial approach at its twenty-ninth session in September 2017.

36. The review seeks to:

- (a) ensure production of a high quality report of the Committee in both working languages, as soon as possible at each session;
- (b) optimize time within the session's agenda to collectively discuss and agree on recommendations of the Committee; and
- (c) work with the Court in order to decrease the volume and length of reports required on budgetary issues.

37. **In this regard, the Committee decided that it would consider possible amendments to its Rules of Procedure at its thirtieth session in April 2018.**

38. **The Committee further decided to test a new approach to preparing for the twenty-ninth session in September 2017, including the consideration of the agenda for the twenty-ninth session at its twenty-eighth session. In addition, the Committee will collectively take account of time available, the reporting burden for the Court, and whether the Committee's reporting requests to the Court, as far as complied with, will provide a complete picture to comprehensively consider the 2018 proposed programme budget at the twenty-ninth session in September 2017.**

C. Other financial and budgetary matters

1. Status of contributions

39. The Committee reviewed the status of contributions as at 15 April 2017 (annex I):

- (a) The assessed contribution for the approved budget for 2017 of €141.60 million;¹⁴ and
- (b) Contributions corresponding to Major Programme VII-2 host State loan interest amounting to €2,987,300 for the permanent premises.

40. The Committee noted that, as at 15 April 2017, regular contributions of €63.41 million (44.78 per cent) were outstanding for the 2017 approved budget of €141.60 million. At the same date, the outstanding contributions for the replenishment of the Contingency Fund were €5,738.

41. The Committee noted that the outstanding contributions from previous years stood at €14.56 million at the end of 2016, compared to €16.9 million at the end of 2015, and expressed its deep concern about the outstanding contributions.

42. States Parties that had not opted to make a one-time payment¹⁵ were required to cover the interest payments due on the loan from the host State. The outstanding loan interest, as at 15 April 2017, stood at €589,722 (€100,805 from the previous year and €488,917 for 2017), making a total of €78,573,531 in outstanding contributions including the interest.

¹¹ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, paras. 14 and 15.

¹² Cf. *Official Records ... Second Session ... 2003* (ICC-ASP/2/10), annex III.

¹³ https://asp.icc-cpi.int/iccdocs/asp_docs/CBF/CBF-manual-ENG.pdf.

¹⁴ ICC-ASP/15/Res.1, section A, para 3.

¹⁵ As at 31 December 2014, 65 States Parties had chosen to make full one-time payments to contribute to the construction of the new permanent premises and are exempted from the obligation to repay the loan and the interest.

43. The Committee noted that, as at 15 April 2017, 55.2 per cent of the contributions due in 2017 had been paid compared to 52.9 per cent in 2016. The Committee expressed its concern that only 49 States Parties of 124 had fully paid their contributions as at 15 April 2017.

44. The Committee observed that the Court regularly, i.e. on a quarterly basis, sends official reminders and communicates through various diplomatic channels with States that have outstanding contributions. Given the legal obligation of the Court to pay interest and also to repay the loan for the permanent premises, the Committee recalled that it was imperative for States Parties to provide their timely contributions. Failure to do so may result in decreasing available cash flow to the Court for its essential operating activities. **The Committee urged all States Parties to make their payment on time, in accordance with Regulation 5.6 of the Financial Regulations and Rules (“FRR”) in order to ensure that the Court has sufficient funds throughout the year.**

45. **The Committee requested the Court to continue reminding States Parties that had not paid their contributions in full of their obligation to do so as soon as possible. Furthermore, the Committee recalled its previous recommendation that the President of the Assembly and Court officials take up this issue in bilateral meetings with States that have outstanding obligations to the Court.**

2. States in arrears

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

47. The Committee observed that, as at 15 April 2017, 15 States Parties were in arrears and would therefore not be able to vote in accordance with article 112, paragraph 8 of the Rome Statute. Based on the recommendations of the Committee, the Secretariat had informed States Parties in arrears twice in 2016, i.e. on 4 April 2016 and on 21 October 2016. The Secretariat sent notifications to all States in arrears of the minimum payment required to avoid application of article 112, paragraph 8 of the Rome Statute, and of the procedure for requesting an exemption from the loss of voting rights.

48. **The Committee requested the Secretariat to again notify States Parties in arrears later in the year, highlighting their commitment to contributing to the budget. The Committee recommended that all States Parties in arrears settle their accounts with the Court as soon as possible.**

3. Contributions of States Parties withdrawing from the Rome Statute

49. The Court submitted a report entitled “Contributions of States Parties withdrawing from the Rome Statute”¹⁶ to the Committee. This report presents possible options to deal with the financial obligations of States Parties that withdraw from the Rome Statute, in the absence of clear provisions contained in the Rome Statute or the FRR.

50. The following items were identified by the Court: financial obligations of States Parties withdrawing from the Rome Statute; budget assessments, questions related to precautionary reserves (Working Capital Fund, Contingency Fund and Employees Benefit Liability), budget surplus, and instalment payments for the host State Loan.

51. At the time of the twenty-eighth session of the Committee, one State Party, unless it reverts its decision, would withdraw pursuant to Article 127 of the Rome Statute, whereby the withdrawal would become effective as at 27 October 2017.

52. The Committee took note of the report, and also noted that the effective date of withdrawal of any State Party had not yet arrived. Thus, the Committee considered that it was not in a position to provide advice at this moment in time.

4. Programme performance of the 2016 approved budget

53. The Committee considered the “Report on activities and programme performance of the International Criminal Court for the year 2016.”¹⁷ Based on preliminary and unaudited numbers, the overall implementation rate of the regular budget was 96.1 per cent or a total of €134.21 million against an approved budget of €139.59 million.

54. The overall actual implementation rate of the three Contingency Fund notifications submitted to the Committee had been 86.4 per cent, or a total of €2.60 million, against the revised total notified amount of

¹⁶ CBF/28/22.

¹⁷ CBF/28/21.

€3.01 million. The Committee welcomed the fact that the Court had absorbed the expenditures for unforeseen situations and development within its regular budget.

55. As a result, the Court's total actual expenditure, including the Contingency Fund notifications, was €136.82 million in 2016. This represented an underspending of €2.78 million (€139.59 million minus €136.82 million) against the 2016 approved budget and an implementation rate of 98.0 per cent.

56. The Committee noted that, in accordance with the Resolution ICC-ASP/15/Res. 1, adopted by the Assembly at its fifteenth session in November 2016, the cost overrun for the permanent premises of €1.75 million should be covered by the €0.55 million interest accrued over the years on the funds of the permanent premises project and any existing surplus in the Court's programme budget.¹⁸ Thus, the amount of €2.78 million resulting from the underspend in the programme budget was reduced by the residual amount needed to cover the overrun on the permanent premises (€1.2 million),¹⁹ leading to a reduced surplus of €1.58 million,²⁰ which would be used for the replenishment of the Working Capital Fund ("the WCF"), as decided by the Assembly at its fifteenth session.²¹

57. The Committee noted that the implementation rates of the regular budget by the major programmes was 89.5 per cent for the Judiciary, 94.7 per cent for the OTP, 98.5 per cent for the Registry, 97.6 per cent for the Secretariat, 100 per cent for Premises, 87.1 per cent for the Secretariat of the Trust Fund for Victims (TFV), 58.6 per cent for the Project Director's Office, 99.3 for Permanent Premises Project – Interest, 57.8 per cent for the Independent Oversight Mechanism, 89.6 per cent for the Office of Internal Audit.²²

58. The Committee noted with satisfaction that the actual travel expenditures had decreased from €6.7 million in 2015 to €5.34 million in 2016,²³ and invited the Court to continue exploring possibilities for efficient travel planning and noted its expectation that the outcomes of these efforts would be reflected in the 2018 proposed programme budget.

59. The Committee noted the large overall underspending on actual staff costs for the year 2016 in the amount of €4.55 million (4.7 per cent)²⁴ resulted mainly from the increased average vacancy rate for the OTP of 12.7 per cent (compared to 8.3 per cent for 2015) and the continued high average vacancy rate for the Registry of 22 per cent. In this regard, the Committee expressed its expectation that this situation would be normalized by implementing the strategic objectives and priorities in human resources management.

60. The Committee noted that eight out of 15 budget line items were overspent, some substantially, and others used to compensate. For example, there had been overspending on furniture and equipment in the amount of €2.2 million. The Committee further noted that the year 2016 saw a high level of activity in human resources, which makes it an exceptional year and decided that it will scrutinize this further within the 2018 proposed programme budget. The Committee also noted that the budget implementation figures for 2016 have been subject to adjustments within the main major programmes. The Committee recalled that under the general principles of best budgetary governance, underspending of any budget lines does not per se justify absorbing the savings by expenditure of a different nature. Thus, offsetting underspending in the staff budget by overspending, for example on standard equipment, is a practice to be discouraged. Although the FRR provide for certain flexibility in this regard, caution must be exercised in the use of this flexibility otherwise there is a risk of undermining the budget process. In addition, striving for a 100 per cent implementation rate should not be an objective in itself; rather the search for efficiencies and savings should be prioritized.

61. The Committee noted that, while it can be necessary to provide for appropriate managerial flexibility, the transfer of funds can create a risk, in particular, if the forecast data are uncertain, the nature of an expenditure approved by the Assembly is changed, or an expenditure that was not fully justified is nonetheless carried out because an underspend in another budget line item allows for the transfer of funds. **Therefore, the Committee encouraged the Court to ensure greatest possible accuracy in the budget forecasting in order to ensure that funds are only transferred, when flexibility in budgeting requires so, and in no case to circumvent recommendations of the Committee or resolutions of the Assembly and to keep the Committee informed on transfers made, and to ensure greatest transparency.**

62. The Committee further noted that the underspending in the amount of €1.52 million in relation to general operating expenses resulted, according to the Court, in part, from the lower usage of operational

¹⁸ ICC-ASP/15/Res.1, section H, para.1.

¹⁹ €1.2 million=€1.75 million minus €0.55 million.

²⁰ €1.58 million=€2.78 million minus €1.2 million.

²¹ Contingency Fund in detail ICC-ASP/15/Res.1, section B.

²² CBF/28/21, para. 231.

²³ This corresponds to an implementation rate of 104.7 per cent against the approved regular budget for 2016.

²⁴ Total actual expenditure including Contingency Fund.

utilities in the new premises, which in 2016 had been used for the first time throughout one entire year. **The Committee was of the view that reduced expenditures on general operating expenses should materialize in the 2018 proposed programme budget and in this regard requested the Court to provide transparent information on such reductions in future budget proposals.**

63. The Committee further noted the significant overspending in the amount of €338.7 thousand, or 176.7 per cent, on consultants. **As the Court reached a certain level of maturity with internal professional staff, the Committee expressed its expectation and recommended that in-house expertise would be used in the future with a view to decreasing costs for consultants.**

64. The Committee noted with concern the large increase in the amount of unliquidated purchase orders,²⁵ which have increased from €3.3 million at the end of 2015 to €7.3 million (increase of 121 per cent) at the end of 2016, and further noted that the number of unliquidated purchase orders has increase from 370 at the end of 2015 to 627 at the end of 2016. **The Committee requested further information on the root causes of this development at its twenty-ninth session in September 2017 and, while it was not provided with sufficient information, expressed its expectation that improvements will be made in the next budget cycle, where the Committee will keep monitoring this issue.**

i. Contingency Fund

65. In 2016, the Court was confronted with a number of unforeseen developments and submitted the following three Contingency Fund notifications:

- (a) Notification of 9 August 2016 for €1,358,900 in the case of *Dominic Ongwen* (situation in Uganda);
- (b) Notification of 9 August 2016 for €313,000 in the case of *Lubanga* (situation in the Democratic Republic of Congo); and
- (c) Notification of 20 September 2016 of €2,516,500 for the new situation in Georgia, which was reduced on 10 November to €1,338,000.

66. The Committee noted that the overall use of resources for unforeseen situations amounted to €2.6 million, compared to the total revised notified amount of €3.01 million,²⁶ and that these resource requirements were absorbed within the regular approved budget.

67. At its fifteenth session in November 2016, the Assembly had resolved that the Contingency Fund was to be maintained at the notional level of €7 million for 2017, and requested the Bureau to keep this threshold under review in light of further experience on the functioning of the Contingency Fund.²⁷ On 31 December 2016, the level of the Contingency Fund stood at a level of €5.8 million.

ii. Working Capital Fund

68. The Committee noted that, the level of the WCF stood at €3,634,515 as at 31 December 2016.²⁸ The Assembly at its fifteenth session in November 2016, based on the recommendation of the Committee,²⁹ decided that the WCF for 2017 shall be established in the amount of €11.6 million and noted that the Court was allowed to only use the surplus funds and outstanding contributions to reach the established level of the WCF.³⁰

69. The Committee again stressed the importance of full and timely contributions in order to avoid that the Court incurs additional expenses resulting from delayed payments.

iii. Credit line

70. At its fifteenth session in November 2016, the Assembly, upon recommendation of the Committee,³¹ had authorized the establishment of a seasonal credit line in the amount of up to €7 million for the period of December 2016 to mid-February 2017 to cover liquidity shortfalls, which is to be used as last resort, after the full utilization of the WCF and the temporary, exceptional utilization of the Contingency Fund, and further decided that any related fees shall be absorbed by the Court, taking all possible steps to minimize the cost of a credit line.

71. The Committee noted that, in the end, it had not been necessary for the Court to draw on the credit line, as the receipt of payments from States Parties had made it possible for the Court to avoid a liquidity shortfall.

²⁵ Unliquidated purchase orders represent commitments made in 2016, which however, had not yet been spent.

²⁶ CBF/28/21, para. 262.

²⁷ Compare in detail ICC-ASP/15/Res.1, section D.

²⁸ CBF/28/21, annex XIII.

²⁹ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 144.

³⁰ Cf. in detail ICC-ASP/15/Res.1, section B.

³¹ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 151.

The Committee again stressed the importance of full and timely contributions by States Parties in order to avoid the Court having to incur additional expenses resulting from delayed payments.

72. While being an efficient temporary risk-mitigating instrument, the Committee reiterated its recommendation that the seasonal credit line should only be used as a last resort and after exhausting other possibilities³² and expressed its expectation that the replenishment of the WCF to its established level of €11.6 million, as decided by the Assembly at its fifteenth session in November 2016, would contribute to overcoming liquidity shortfalls without a need to accessing an external credit line.

iv. Cash flow management

73. At its twenty-seventh session in September 2016, the Committee requested that the Court provide at its twenty-eighth session a full evaluation of current cash flow management, including a comparison of assumptions and actual implementation; yearly identification of diverging trends; scope for better aligning disbursements to actual receipts of contributions; management of payment periods, including the advantages, disadvantages and any legal issues in extending periods for the payment of supplier invoices; options for the temporary pooling of liquid reserves; projections and use of annual budget surpluses, currently or in the medium term; and advantages, disadvantages and costs for arranging an external line of credit.³³

74. The Committee considered the “Report of the Court on its Cash Flow Management”.³⁴ The Committee was informed that the Court’s Finance Section monitors cash balances on a daily basis and prepares cash flow projections on a monthly basis. In addition, cash flow projections are reviewed on a quarterly basis by the Investment Committee to assess the current liquidity situation and trends which could affect cash flow. While staff costs are linear and predictable, the outflows on non-staff costs are analyzed with a focus and specific estimates on any large outflows (e.g. yearly instalments for the host State loan to be paid at the beginning of February of each year). The Committee noted with satisfaction that the Court carries out sensitivity analyses, with a view to identifying potential liquidity issues at an early stage.

75. Considering the increasing importance of efficient cash management resulting from delays in the receipt of assessed contributions, the Committee decided to continue monitoring the Court’s liquidity and cash flow arrangements at future sessions.

5. Programme performance of the 2017 budget: first quarter

76. The Committee had before it the “Report on budget performance of the International Criminal Court as at 31 March 2017”.³⁵

77. The Committee noted that the implementation rate, as at 31 March 2017, was at 31.1 per cent, or €44.93 million, against the 2017 approved budget of €144.59 million, and agreed to continue to monitor the situation at its twenty-ninth session in September 2017.

78. The Committee further noted that, as at 5 May 2017, no Contingency Fund notification had been submitted.

6. Assessment on the establishment of a reserve for ASHI liabilities

79. At its twenty-sixth session in April 2016, the Committee noted that the Court was currently following the so-called “pay-as-you-go” approach to financing Employee Benefit Liabilities, including ASHI. The Committee observed that further work would have to be carried out to determine, if the establishment of a reserve would be appropriate. Recalling its recommendations made at its twenty-fourth session in April 2015,³⁶ the Committee requested the Court to make an assessment on the establishment of a reserve and its appropriate level at its twenty-eighth session.³⁷

80. The Committee had before it a report entitled “Funding of ASHI liabilities”,³⁸ and noted that ASHI liabilities still form a rather limited expenditure item for the Court, as it is a relatively young institution, while emphasizing at the same time the need to identify financing possibilities to cater for such liabilities.

³² *Ibid.*

³³ *Ibid.*, para. 152.

³⁴ CBF/28/5.

³⁵ CBF/28/23.

³⁶ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, paras. 57 et seq.

³⁷ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, paras. 42 and 43.

³⁸ CBF/28/6.

81. The Court informed the Committee that the External Auditor would assess the possibility to establish a reserve and, therefore, decided to reconsider this matter once this audit is concluded and after having greater clarity on future cost projections.

7. Policy on replacement for capital investment

82. At its twenty-fifth session in September 2015, the Committee had recommended that a clear and transparent policy on replacement of capital investment should be put in place, both in the field offices and at headquarters in connection with the new permanent premises, and asked to be informed thereon at its twenty-eighth session.³⁹

83. The Committee had before it the “Report on replacement of capital investment”⁴⁰ and received additional explanations from Court representatives. The Committee noted that the Assembly has entrusted the Bureau, via The Hague Working Group (“the HWG”), with considering issues relating to the long-term preservation, value and depreciation of premises as a capital asset, which would entail establishing a draft plan for funding the total cost of ownership and a plan to monitor budget implementation in this regard, as well as focusing on strategic decisions regarding multi-annual investment plans and on unforeseen events that may negatively impact the Court’s judicial functioning.⁴¹ The Committee welcomed the designation of a specific focal point on this topic within the budget facilitation of the HWG. **The Committee emphasized that it would be useful for the Committee to receive a copy of the documentation that the Court provides to the HWG on the issue of the replacement of capital investments in the permanent premises.**

84. **The Committee requested the Court to develop clear and transparent medium-term and long-term cost projections and funding plans for the replacement of capital investments, such as capital investments in ICT, and to provide a comprehensive analysis on this subject at its thirtieth session in April 2018. The Committee further recommended that the Court, starting with the 2019 proposed programme budget, include all relevant information on the replacement of capital investments, such as investments plans, actual investments and replacement of assets in due course of time, in a separate annex to the proposed programme budget.**

D. Institutional reform and administrative matters

1. Judiciary

i. Update on Lessons learnt / Chambers Practice Manual

85. In relation to the lessons learnt exercise on judicial proceedings, the Committee noted at its twenty-seventh session in September 2016 that the Judges had published the Chambers Practice Manual, which is the first update to the Pre-Trial Practice Manual, and looked forward to further updates at its twenty-eighth session.⁴²

86. **The Committee took note of the “Report on lessons learnt in the Presidency”⁴³ and welcomed the continued efforts of the Presidency to identify further efficiencies and savings, including through the development of proposals such as amendments aimed at reducing the number of judges required for pre-trial, trial and appeal phases and the amendment of rules around the prioritisation of translation, and looked forward to further updates through the 2018 proposed programme budget, as well as future budget proposals.**

ii. Allocation of staff for the courtroom usage and hearings

87. At its twenty-seventh session in September 2016, the Committee was of the view that the Court needed to closely monitor the use of courtroom time, and asked the Court to report on the allocation of established posts, GTA positions and short-term appointment staff for the courtroom usage and hearings held in 2013, 2014, 2015 and 2016 to the Committee at its twenty-eighth session.⁴⁴

88. Courtroom usage statistics from 2013 to 2016 showed discrepancies between the planned and actual number of hearing days. Such variances were caused by the time lapse between budget preparation and implementation, as well as uncertainties linked to each judicial proceeding. Due to the uniqueness of each case, benchmarking based on past experience was difficult to do. The Registry, however, managed to provide

³⁹ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para. 71.

⁴⁰ CBF/28/15.

⁴¹ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res. 2, Annex II.

⁴² *Ibid.*, vol. II, part B.2, para. 156.

⁴³ CBF/28/2.

⁴⁴ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 94.

necessary support to courtroom activities by carefully coordinating hearing schedules with relevant organs of the Court and flexibly allocating available staff and non-staff resources. The Court assured the Committee that it would continue to monitor the implementation of the assumed number of hearing days and the related resource allocation in order to continue improving the efficiency and effectiveness of its operations.

89. The Committee noted that the potential use of each courtroom was over 200 days per year, that such capacity was sufficient and that, currently no delays can be explained by logistical reasons.

2. Impact of Registry reform

90. At its fourteenth session in November 2015, the Assembly took note of the ReVision process of the Registry, noted that the full implications of that process, including its financial implications both in the short-term and the long-term, would be the object of further clarifications to the Committee at its twenty-sixth session in April 2016, and looked forward to being duly informed about the impact ensuing from the new structure, both in terms of its capacity to absorb increases in the workload and tangible efficiencies attained and requested the External Auditor to conduct a complete assessment of the ReVision process, including its cost, its impact and its implementation.⁴⁵ In this regard, the External Auditor submitted the “Audit Report of the ReVision project of the International Criminal Court’s Registry” to the Assembly.⁴⁶

91. At its fifteenth session in November 2016, the Assembly noted with appreciation the report of the External Auditor on the ReVision process, noted the conclusions and recommendations made, and further noted that the ReVision process would be the subject of further clarifications to the Committee at its twenty-eighth session.⁴⁷ The Registry submitted an “Update on the Conclusions and Recommendations of the External Auditor on ReVision” to the Committee’s attention.⁴⁸ The Committee took note of the report of the External Auditor and the report of the Registry and strongly expressed its view that the reorganization only marked the beginning of the search for efficiencies and savings. Therefore, the Committee decided that it will closely monitor its implementation at future sessions and in particular scrutinize the 2018 proposed programme budget, including its annex on saving and efficiencies, to identify how savings and efficiencies are tangibly reflected in the budget proposal.

3. Synergies

92. The Committee had before it several reports on synergies at the Court, including the “Report on the implementation of the OTP Strategic Plan”⁴⁹; the “Report of the Secretariat of the Trust Fund for Victims on achieving synergies and efficiencies with the Court”;⁵⁰ and the “Report of the Court on inter-organ synergies”.⁵¹

93. **The Committee took note of the reports, and expressed its expectation that the savings arising as a result of these synergies, including those arising from an intensified cooperation between the STFV and the Registry, as well as the identification of efficiencies would be reflected in the 2018 proposed programme budget, and that this be explicitly identified in an annex to the proposed programme budget.**

E. Human resources

1. Reclassification and conversion of posts

94. The Committee considered the “Report of the Court on specific matters related to human resources management: Reclassification and conversion of posts”⁵² and was of the view that further analysis of the requests for reclassification and conversion needed to be undertaken, and that the merits of each of these requests would be considered in the context of the 2018 proposed programme budget.

2. Geographical representation and gender balance

95. At its twenty-seventh session in September 2016, the Committee recalled that the Court had adopted a range of measures to address long-standing imbalances in geographical representation and gender balance. In this regard, the Committee reiterated its previous recommendation made at its twenty-sixth session⁵³ in April 2016 and looked forward to the consolidation of the Court’s current and planned efforts into an action

⁴⁵ ICC-ASP/14/Res.1, section J, para. 13.

⁴⁶ ICC-ASP/15/27.

⁴⁷ ICC-ASP/15/Res.1, section M, para. 12.

⁴⁸ CBF/28/19.

⁴⁹ CBF/28/11.

⁵⁰ CBF/28/16.

⁵¹ CBF/28/12.

⁵² CBF/28/24.

⁵³ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, para. 91.

plan, where feasible, based on quantified, monitorable performance targets and a progress report in this regard at its twenty-eighth session in the context of the annual report on human resources.⁵⁴

96. At its twenty-seventh session in September 2016, the Committee also looked forward to receiving a further update on the geographical distribution and gender balance at its twenty-eighth session in the context of the annual report on human resources, along with an analysis of the impact of ReVision and of the large scale GTA conversions in OTP in order to ensure that there has been no negative effect on geographical distribution and gender balance within the Court.⁵⁵ Court data showed that converted positions had a negligible effect on geographical representation. On the other hand, conversions negatively affected the gender balance in favour of male staff.

97. The Committee considered the information on geographical representation and gender balance for the year 2016 contained in the “Report of the Court on human resources management”⁵⁶ and in the “Report of the Court on specific matters related to human resources management: Reclassification and conversion of posts”.⁵⁷

98. The Committee noted that there is a significant number of staff that are nationals of States that are not States Parties to the Rome Statute, and in this regard the Committee recommended that the Court address this issue in conjunction with the existing imbalance in geographical representation and include an update thereon in the report on human resource management at its thirtieth session in April 2018.

99. In relation to the Committee’s previous recommendations concerning geographical representation, the Committee was of the view that the Court had achieved modest improvements in the number of under-represented, balanced and over-represented States, while noting that the number of over-represented States increased.

100. With regard to achieving gender balance among the Court’s staff, the Committee noted that the Court work force is still tilted towards male staff. The Committee noted with interest that the Court female employees comprise 44 per cent of the workforce; 53 per cent in the Judiciary, 47 per cent in the OTP and 41 per cent in the Registry.

101. The Committee noted that gender imbalance at the professional level has increased by two per cent in 2016, and that the gap in the gender balance at the higher professional levels remained significant. The Committee recommended that the Court gives priority to narrowing the gap and makes sustained efforts, and that it report on progress made in the context of the report on human resources management at its thirtieth session in April 2018.

102. The Committee recommended that the Court continue its efforts towards further improving the situation with respect to geographical distribution and gender balance and to report back on the specific measures taken, including awareness-raising campaigns, in the context of the report on human resources management at its thirtieth session in April 2018.

3. GTA positions and its duration of contracts

103. At its twenty-seventh session in September 2016, the Committee recommended that staff be used in the most efficient and flexible way possible, for example by redeploying workforce to other duty stations in line with new activities, and looked forward to receiving detailed information on the use of GTA positions in the context of human resources planning at its twenty-eighth session.⁵⁸

104. At its twenty-seventh session in September 2016, the Committee further recommended that the Court specify, for all newly requested GTA positions in future budgets, if possible, the required duration of the requested posts, including multi-year posts, in order to reduce the administrative workload of the Human Resources Section and of the hiring officers. Also, the Committee reiterated its recommendation that the Court submit a policy proposal on the duration of the contracts for GTA positions at its twenty-eighth session as part of its annual human resources management report.⁵⁹

105. The Committee noted the policies put forward by the Court regarding the use of GTA positions and the compensation review package. The Committee welcomed the development of these policies and the prioritisation for further policy development to support staff over the coming year, including through a healthcare insurance contract.

⁵⁴ *Ibid.*, part B.2, para. 188.

⁵⁵ *Ibid.*, para. 191.

⁵⁶ CBF/28/18.

⁵⁷ CBF/28/24.

⁵⁸ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 88.

⁵⁹ *Ibid.*, para. 181.

4. Update on the implementation of short-term appointments

106. At its twenty-sixth session in April 2016, the Committee had asked the Court to take the necessary measures in order to ensure that the implementation of the short-term appointment modality would observe the nature of its functions, and would lead to a wider use of this recruitment process by replacing the non-recommended practice of using Special Services Agreements, and had requested to be provided with further updates in the context of the annual report on human resources management so as to enable the Committee to monitor the implementation of short-term appointments, as appropriate.⁶⁰

107. The Committee welcomed the issuance of the Administrative Instruction on Short-Term Appointments⁶¹ (STA), promulgated on 28 January 2016, as well as on related allowances applicable to staff members holding STAs. The STA staff modality was aligned with the UN common system's provisions for temporary appointments.

108. The Administrative Instruction established the conditions of service for the staff members at all levels employed under a STA. A STA may be issued for a single or cumulative maximum period of one year to meet seasonal or peak workloads and specific short-term requirements.

109. The Committee observed that the Court, in the period from 1 March until 31 December 2016, issued 154 STA contracts, out of which 101 in the Registry, equalling to the duration of 462 working months or 38.5 full-time positions. The Committee recognized that in 2016, due to the high vacancy rate in the Registry, the short-term modality enabled sections to ensure business continuity, while recruiting for vacant positions. **Therefore, the Committee was of the view that the use of STA in the coming years should be monitored and tracked, as well as reported on in the context of report on human resources management in order to keep optimal balance between operational needs, as well as to ensure good governance and transparency of used resources.**

5. Administrative Instruction on consultants and individual contractors

110. At its twenty-sixth session in April 2016, the Committee was informed of the Court's development of an Administrative Instruction on consultants and individual contractors, including a provision on the appropriate use of pro-bono contracts, requested by the Committee at its twenty-fourth session in September 2015, and called upon the Court to submit the proposal for its consideration, not later than at its twenty-eighth session.⁶²

111. The Committee took note of the Administrative Instruction on consultants and individual contractors,⁶³ dated 4 March 2016, where it is clearly foreseen that duration of the services of an individual contractor, shall be limited to six or, in special circumstances, nine work months in a period of 12 consecutive months.

112. Furthermore, the Committee was informed that the consultancy budget including the Contingency Fund implemented in 2016 was 176.7 per cent, or €0.78 million, against the approved budget of €0.44 million.⁶⁴ In this regard the Committee noted that, detailed information on consultants funded by the 2016 approved budget, which was presented by the Court, showed contract lengths that exceeded those foreseen in the Administrative Instruction.

113. **The Committee recommended that the Court should follow the regulations on the use and length of contracts for consultants and contractual service providers, and stressed the need to avoid overspending in the future budget implementation.**

6. Junior Professional Officer programme

114. The Committee had before it the Court's Report on the Junior Professional Officer (JPO) programme.⁶⁵ The JPO programme is designed to offer on-the-job training opportunities to young professionals and to expand the pool of potential future talent for the Court, as well as for national administrations.

115. The Court recalled that, in 2013, the Assembly endorsed the Court's proposal to introduce the JPO programme on a trial basis, taking full account of the concerns raised by the Committee, in particular the possible

⁶⁰ *Ibid.*, part B.1, para. 85.

⁶¹ ICC/AI/2016/001.

⁶² *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, para. 80.

⁶³ ICC/AI/2016/002/Cor.1.

⁶⁴ CBF/28/21/Corr.1.

⁶⁵ CBF/28/18, Annex IV.

impact on geographical representation, and subject to a comprehensive review in 2017. The Court would ensure that all costs associated with the programme are identified and fully recovered from the States Parties.

116. The Court informed the Committee that it had concluded a Memorandum of Understanding (MoU) with the Government of Japan in January 2016. Two other prospective sponsor countries, the Republic of Korea and Switzerland, are also in the process of identifying JPOs through the national scheme, while finalizing the conclusion of the MoUs.

117. As to the way forward, the question is now whether to extend the JPO programme and when to go ahead with the comprehensive review of the programme (existing to date only on a trial basis), as originally scheduled for 2017.

- (i) The Court expressed its conviction of the value of a JPO programme. It wished to seek the Assembly's consideration to approve it in line with the requests and conditions previously outlined; and
- (ii) Alternatively, it requested the Assembly to extend the period of the pilot exercise for an additional three years, i.e. until 2020, by which time the Court will have experienced a full programme cycle.

118. The Committee recommended the Assembly to approve the extension of the programme, preferably on its current trial basis, in any case, with a review re-scheduled for 2020.

7. Update on vacant posts in the Secretariat of the Assembly of States Parties

119. At its twenty-seventh session, the Committee had reiterated its prior recommendation on the use of GTA positions in the Secretariat, and had noted that GTA and STA contracts had been used to address the substantive and technical servicing needs of some of the established posts, including covering the temporary absence of staff. The Committee expressed its concern on the staffing situation and requested a further update for its twenty-eighth session in order to determine the continuing need for those posts and to further guide the Assembly concerning the 2018 proposed budget.⁶⁶ In this regard the Committee received the "Report of the Court on recruitments in Major Programme IV".⁶⁷

120. The Committee was updated on the situation of the vacant posts in the Secretariat as at April 2017. Out of the nine posts that were originally not filled at the end of 2016, two posts have been filled, four were at the last stage of recruitment and four posts remained either under recruitment or would be advertised when further information is provided.

121. The Committee noted the significant progress made by the Secretariat and will continue to closely monitor the situation in order to ensure the adequate staffing of the Office.

8. Report on the field offices

122. At its twenty-seventh session in September 2016, the Committee had requested that the Court report on the field office closure strategy and on decreases in field office activities in the context of human resource planning at its twenty-eighth session.⁶⁸ The Committee noted in this regard the detailed information presented by the Court in its report entitled "Registry report on field offices in the context of human resources planning".⁶⁹

123. The Committee took note of the Court's field office closure strategy and considered that, while it is a step forward to better human resources planning, it will continue to closely monitor the staffing and other resources of field offices, as well as overall field-related expenditures in the context of the regular human resources management report and budget submissions. **In this regard, the Committee recommended that the Court develop standard operating procedures for the full cycle (the opening, operating and closure) of field offices, taking into account past experience and lessons learnt, as well as their full budgetary impact and to report thereon at its thirtieth session in April 2018.**

⁶⁶ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 104.

⁶⁷ CBF/28/14.

⁶⁸ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 89.

⁶⁹ CBF/28/25.

F. Legal aid

124. The Court submitted a report entitled “Report on the performance of the Courts legal aid system in 2016,”⁷⁰ examined by the Committee during its current session. The Committee took note of the figures presented therein by the Registry with respect to legal aid for the financial year 2016. The Committee further took note of the figures related to legal aid contained in the “Report on activities and programme performance of the International Criminal Court for the year 2016.”⁷¹

Table 1: Legal aid for defence and victims

	Budget 2016	Expenditures/engagements 2016	Implementation rate
Legal aid for defence	€4,339,900.0	€4,775,000.0	110.0%
Ad hoc counsel	€181,500.0	€175,000.0	96.40%
Legal aid for defence	€4,521,400.0	€4,950,000.0	109.50%
Legal aid for victims	€1,963,200.0	€1,344,600.0	68.50%
Total Legal aid	€6,484,600.0	€6,294,600.0	97.06%

125. The Committee raised a query with the Court on the discrepancies between different amounts related to expenditures on legal aid for 2016, and its budget implementation rates contained in the “Report on the performance of the Court’s legal aid system in 2016”⁷² and in “Report on activities and programme performance of the International Criminal Court for the year 2016.”⁷³ The Court explained in relation to the final total expenditures for legal aid in 2016 that the figures in the “Report on the performance of the Court’s legal aid system in 2016” were preliminary, before the finalisation of the Financial Statements, which would be audited by the External Auditor. Furthermore, the Committee was informed by the Court that there was a slight difference in budget implementation rates contained in the above mentioned reports.

126. The Committee was not fully convinced about such explanation, and expected to receive reports without mistakes and contradictory information, and decided to review the total expenditures on legal aid during its twenty-ninth session in September 2017.

127. The Committee noted the internal allocation of funds made from the legal aid for victims to the legal aid for defence line of the budget to finance the overspending on the legal aid for defence. It was recalled during this review that, as a matter of principle, the Contingency Fund could not be used to cover possible overruns in the budgets allocated to legal aid or to other purposes, unless all other avenues have been demonstrably exhausted.

128. During its meeting, the Committee learned that consultations on possible amendments to the legal aid system would start on 19 June 2017. The Committee recalled that the Assembly had requested the Court to reassess the functioning of the legal aid system and to present, as appropriate, proposals for adjustments to the legal aid remuneration policy for the consideration of the Assembly at its sixteenth session scheduled in December 2017. Upon query and request, the Committee was provided with the terms of reference of the consultancy. The Committee noted that a consultant had been hired by the Registry for an amount of €40,000 in 2016 to make an assessment of the Court’s legal aid system,⁷⁴ and the same consultant was hired again in 2017 with a contract value of €49,500 plus travel and DSA when required to be in The Hague for work under this agreement, to develop a draft policy for the Court’s legal aid system.

129. The Committee found, during the meeting, that it was not fully updated by the Court on the ongoing review process thus far. It also noted the apparently substantial responsibility conferred upon the external

⁷⁰ CBF/28/4.

⁷¹ CBF/28/21, page 39.

⁷² CBF/28/4.

⁷³ CBF/28/21.

⁷⁴ The “Assessment of the ICC’s Legal Aid System” was posted on the Court website. See <https://www.icc-cpi.int/itemsDocuments/legalAidConsultations-LAS-REP-ENG.pdf>.

expert in devising a future legal aid policy as a basis for consultations with stakeholders, including the civil society. **The Committee requested the Court to keep the Assembly and the Committee informed about the ongoing consultation, including the outcome of the discussion, which will be held on 19 June 2017, the resulting proposal(s) and the process forward. The Committee emphasized that no decision on any amendment to the legal aid system can be taken unless approved by the Assembly upon recommendation of the Committee.**⁷⁵

G. Reparations

130. Further to a request made by the Committee at its twenty-second session in April 2014,⁷⁶ the Court submitted its first report on issues relating to victims' reparations in February 2015.⁷⁷ At its twenty-fourth session in April 2015, the Committee noted the complex issues identified in the report and decided to conduct a more detailed examination of those issues, including potential implications for the Court's budget and administration. At its twenty-sixth session in April 2016, the Committee asked for a further update by the Court on any developments with regard to reparations.⁷⁸

131. At its twenty-seventh session in September 2016, the Committee recalled its earlier assessment that the issue of reparations had a potentially significant impact on the budget and reputation of the Court, and stated that it was cognizant of the fact that the final pattern of reparations in the *Lubanga*, *Katanga* and *Bemba* cases depended on decisions by the Chambers. The Committee requested to be informed about the administrative and operational cost implications resulting from the implementation of reparations, once these can be determined, and further agreed to closely monitor the situation at its forthcoming sessions.⁷⁹ The Committee took note of the "Second report of the Court on developments with regard to reparations,"⁸⁰ including its conclusion that the administrative and operational impacts of reparations remained uncertain at this time, as proceedings were not yet concluded. **The Committee again recalled its earlier assessment that the administrative and operational implications of reparations decisions may be significant for the Court, and recommended the Court to return to it with information on these implications once they can be determined, and further agreed to continue to monitor the situation at its forthcoming sessions.**

H. Cooperation with States Parties, including freezing of assets

132. At its twenty-sixth session in April 2016, the Committee had welcomed the fact that it was provided with information on the plans and actions to be undertaken by the External Operations Support Section, such as the development of a system to avoid duplication of activities between the Coordination and Analysis Unit and the OTP's Situation Analysis Section, as well as the drawing up of a comprehensive strategy with States Parties and other relevant stakeholders in relation to all forms of voluntary cooperation and the development of agreements on the freezing of assets. In this regard, the Committee requested the Registry to report on any developments concerning the cooperation with States Parties, including in the context of freezing of assets, at its twenty-eighth session.⁸¹

133. The Committee had before it a "Report by the Registry on recent developments in the Court's cooperation with States Parties: freezing of assets and voluntary cooperation."⁸² The report indicated that the freezing of assets and the signing of voluntary cooperation agreements with States Parties were identified as priorities for the Court. The identification and freezing of assets is important for the Court for several reasons, including to facilitate measures to secure fines, forfeitures or reparation awards, and to facilitate the investigation of the indigence of persons claiming legal aid. Voluntary cooperation agreements between the Court and individual States Parties are also of great importance for the Court, as they cover a number of Court activities, such as protection of victims and witnesses, the enforcement of sentence, as well as interim release and relocation of suspects or accused persons after acquittal.

134. The report identified several current challenges and priorities, including the need to emphasize that cooperation agreements are flexible and can be modified to accommodate the needs of States and their

⁷⁵ According to ICC-ASP/1/Res. 4, annex, para. 3 "[t]he Committee on Budget and Finance shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature, as may be entrusted to it by the Assembly of States Parties. [...]"

⁷⁶ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.1, para. 77.

⁷⁷ CBF/24/6.

⁷⁸ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, para. 77.

⁷⁹ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 179.

⁸⁰ CBF/28/7.

⁸¹ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, para. 63.

⁸² CBF/28/13.

national legislation; the encouragement of donor States to support the capacity of recipient States to cooperate; and the designation of focal points at the national level to lead domestic coordination.

135. The Committee took note of the report and looked forward to the Court's continuing efforts in this area.

I. Other matters

1. Amendments to the Charter of the Audit Committee

136. At its fourteenth session in November 2015, the Assembly approved the re-establishment of the Audit Committee ("the AC") including the Charter of the AC. The Committee recognized the added value of active interactions with the AC, as well as the necessity of keeping the Charter as a living document reflecting the actual needs of the AC. **In this context the Committee proposed the following amendments to paragraphs 10 and 40 of the AC Charter:**

- (a) **Composition of the AC: Paragraph 10 of the AC Charter should read: "The Audit Committee shall consist of three to five external members from States Parties to the Rome Statute. Members of the AC shall be independent of the Court and its organs, whereby two out of the five members shall be active members of the Committee on Budget and Finance."**
- (b) **Number of meetings: Paragraph 40 of the AC Charter should reduce the frequency of meetings from three to two, and read as follows: "The Audit Committee shall meet at least two times annually, or more frequently, as the Audit Committee deems necessary."**

137. **The Committee invited the AC to consider these proposals at its fifth session in order to enable the Committee to submit these amendments to the AC Charter to the Assembly for approval at its sixteenth session in December 2017.**

2. Future sessions of the Committee

138. The twenty-ninth session will be held from 18-29 September 2017 in The Hague, in accordance with the decision taken by the Assembly at its fifteenth session in November 2016.

Annex I

Status of contributions as at 15 April 2017

State Party	Prior Years			2017						Outstanding Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Host State Loan Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions				
Afghanistan	-	-	-	14,160	588	14,748	14,160	588	14,748	-	14,748	Outstanding	14/11/2016
Albania	-	-	-	19,258	-	19,258	-	-	-	-	-	Fully settled	09/02/2017
Andorra	-	-	-	14,443	-	14,443	-	-	-	-	-	Fully settled	07/03/2017
Antigua and Barbuda	6,874	-	6,874	4,814	155	4,969	4,814	-	4,814	-	11,688	In arrears	01/10/2016
Argentina	-	-	-	2,151,329	-	2,151,329	2,146,569	-	2,146,569	-	2,146,569	Outstanding	20/03/2017
Australia	-	-	-	5,636,246	-	5,636,246	-	-	-	-	-	Fully settled	09/01/2017
Austria	-	-	-	1,736,441	94,285	1,830,726	-	-	-	-	-	Fully settled	31/01/2017
Bangladesh	-	-	-	14,160	744	14,904	-	-	-	-	-	Fully settled	09/02/2017
Barbados	-	-	-	16,850	-	16,850	16,850	-	16,850	-	16,850	Outstanding	23/02/2016
Belgium	-	-	-	2,134,478	117,912	2,252,390	-	-	-	-	-	Fully settled	02/02/2017
Belize	-	-	-	2,407	119	2,526	2,407	119	2,526	-	2,526	Outstanding	13/09/2016
Benin	21,071	327	21,398	7,222	355	7,577	7,222	355	7,577	24	28,999	Ineligible to vote	22/09/2016
Bolivia (Plurinational State of)	-	-	-	28,886	-	28,886	28,886	-	28,886	-	28,886	Outstanding	19/07/2016
Bosnia and Herzegovina	-	-	-	31,294	-	31,294	-	-	-	-	-	Fully settled	23/02/2017
Botswana	-	-	-	33,701	1,888	35,589	-	-	-	-	-	Fully settled	08/02/2017
Brazil	6,973,575	-	6,973,575	9,220,142	346,652	9,566,794	9,220,142	346,652	9,566,794	-	16,540,369	In arrears	29/12/2016
Bulgaria	-	-	-	108,466	5,553	114,019	-	-	-	-	-	Fully settled	14/02/2017
Burkina Faso	3,579	-	3,579	9,629	137	9,766	9,629	137	9,766	-	13,345	In arrears	18/10/2016
Burundi	2,695	81	2,776	2,407	119	2,526	2,407	119	2,526	-	5,302	In arrears	17/03/2015
Cabo Verde	6,212	109	6,321	2,407	119	2,526	2,407	119	2,526	-	8,847	Ineligible to vote	30/12/2013
Cambodia	-	-	-	9,629	367	9,996	9,629	367	9,996	-	9,996	Outstanding	28/06/2016
Canada	-	-	-	7,044,742	-	7,044,742	-	-	-	-	-	Fully settled	11/01/2017
Central African Republic	3,117	81	3,198	2,407	119	2,526	2,407	119	2,526	-	5,724	In arrears	09/12/2014
Chad	12,307	87	12,394	12,036	128	12,164	12,036	128	12,164	-	24,558	In arrears	13/01/2015
Chile	-	-	-	962,314	-	962,314	962,307	-	962,307	-	962,307	Outstanding	07/03/2016
Colombia	1,062,679	4,751	1,067,430	776,534	-	776,534	776,534	-	776,534	-	1,843,964	In arrears	30/06/2015
Comoros	16,732	109	16,841	2,407	119	2,526	2,407	119	2,526	46	19,413	Ineligible to vote	no paym.
Congo	46,821	538	47,359	14,443	588	15,031	14,443	588	15,031	73	62,463	Ineligible to vote	01/06/2011
Cook Islands	-	-	-	2,407	119	2,526	-	-	-	-	-	Fully settled	10/02/2017
Costa Rica	-	-	-	113,422	-	113,422	-	-	-	-	-	Fully settled	02/02/2017
Côte d'Ivoire	-	-	-	21,665	1,302	22,967	-	-	-	-	-	Fully settled	10/04/2017
Croatia	-	-	-	238,738	14,883	253,621	-	-	-	-	-	Fully settled	13/02/2017
Cyprus	-	-	-	103,651	-	103,651	-	-	-	-	-	Fully settled	25/01/2017
Czechia	-	-	-	829,634	-	829,634	-	-	-	-	-	Fully settled	02/02/2017
Democratic Republic of the Congo	13,659	19	13,678	14,160	27	14,187	14,160	27	14,187	-	27,865	In arrears	29/10/2015
Denmark	-	-	-	1,408,495	-	1,408,495	-	-	-	-	-	Fully settled	02/03/2017
Djibouti	4,314	107	4,421	2,407	119	2,526	2,407	119	2,526	-	6,947	Ineligible to vote	05/12/2014
Dominica	8,012	109	8,121	2,407	119	2,526	2,407	119	2,526	8	10,655	Ineligible to vote	31/12/2015
Dominican Republic	259,540	4,764	264,304	110,873	5,314	116,187	110,873	5,314	116,187	-	380,491	Ineligible to vote	22/03/2016
Ecuador	-	-	-	161,566	-	161,566	955	-	955	-	955	Outstanding	20/03/2017
El Salvador	18,985	-	18,985	33,701	-	33,701	33,701	-	33,701	-	52,686	In arrears	no paym.
Estonia	-	-	-	91,615	-	91,615	91,615	-	91,615	-	91,615	Outstanding	11/01/2016
Fiji	-	-	-	7,222	355	7,577	-	-	-	-	-	Fully settled	23/01/2017
Finland	-	-	-	1,099,807	-	1,099,807	-	-	-	-	-	Fully settled	09/01/2017
France	-	-	-	11,718,816	660,815	12,379,631	-	-	-	-	-	Fully settled	31/01/2017
Gabon	-	-	-	41,064	1,491	42,555	41,064	1,491	42,555	-	42,555	Outstanding	03/10/2016
Gambia	2,322	81	2,403	2,407	119	2,526	2,407	119	2,526	-	4,929	In arrears	02/12/2015
Georgia	-	-	-	19,258	-	19,258	-	-	-	-	-	Fully settled	27/01/2017
Germany	-	-	-	15,408,770	-	15,408,770	-	-	-	-	-	Fully settled	09/01/2017
Ghana	30,200	-	30,200	38,657	1,649	40,306	38,657	1,649	40,306	-	70,506	In arrears	09/04/2015
Greece	-	-	-	1,135,915	-	1,135,915	1,135,763	-	1,135,763	-	1,135,763	Outstanding	01/06/2016
Grenada	-	-	-	2,407	119	2,526	2,407	119	2,526	-	2,526	Outstanding	18/03/2016
Guatemala	-	-	-	67,543	3,190	70,733	-	-	-	-	-	Fully settled	23/11/2016
Guinea	14,464	109	14,573	4,814	119	4,933	4,814	119	4,933	84	19,590	Ineligible to vote	20/04/2015
Guyana	-	-	-	4,814	119	4,933	144	-	144	-	144	Outstanding	19/05/2016
Honduras	17,988	-	17,988	19,258	944	20,202	19,258	944	20,202	-	38,190	In arrears	01/03/2016
Hungary	-	-	-	388,267	4,648	392,915	-	-	-	-	-	Fully settled	20/02/2017
Iceland	-	-	-	55,507	-	55,507	-	-	-	-	-	Fully settled	06/02/2017
Ireland	-	-	-	807,970	-	807,970	-	-	-	-	-	Fully settled	20/01/2017
Italy	-	-	-	9,039,319	-	9,039,319	-	-	-	-	-	Fully settled	15/03/2017
Japan	-	-	-	23,345,875	1,279,688	24,625,563	20,401,962	-	20,401,962	-	20,401,962	Outstanding	24/01/2017
Jordan	-	-	-	48,286	-	48,286	-	-	-	-	-	Fully settled	23/02/2017
Kenya	-	-	-	43,471	1,538	45,009	-	-	-	-	-	Fully settled	14/02/2017
Latvia	-	-	-	120,643	-	120,643	-	-	-	-	-	Fully settled	11/01/2017

State Party	Prior Years			2017						Outstanding Contributions Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Host State Loan Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions				
Lesotho	-	-	-	2,407	119	2,526	2,407	119	2,526	-	2,526	Outstanding	27/01/2017
Liberia	145	-	145	2,407	119	2,526	2,407	119	2,526	-	2,671	In arrears	30/05/2016
Liechtenstein	-	-	-	16,850	-	16,850	-	-	-	-	-	Fully settled	23/01/2017
Lithuania	-	-	-	173,602	-	173,602	-	-	-	-	-	Fully settled	16/12/2016
Luxembourg	-	-	-	154,344	-	154,344	-	-	-	-	-	Fully settled	08/02/2017
Madagascar	-	-	-	7,222	355	7,577	4,018	-	4,018	-	4,018	Outstanding	30/12/2015
Malawi	17,619	218	17,837	4,814	239	5,053	4,814	239	5,053	26	22,916	Ineligible to vote	28/09/2011
Maldives	4,782	81	4,863	4,814	119	4,933	4,814	119	4,933	-	9,796	In arrears	11/01/2016
Mali	79	-	79	7,222	475	7,697	7,222	475	7,697	-	7,776	In arrears	25/04/2016
Malta	-	-	-	38,657	-	38,657	38,657	-	38,657	-	38,657	Outstanding	08/03/2016
Marshall Islands	3,356	81	3,437	2,407	119	2,526	2,407	119	2,526	-	5,963	In arrears	04/03/2015
Mauritius	-	-	-	28,886	-	28,886	-	-	-	-	-	Fully settled	16/01/2017
Mexico	-	-	-	3,460,846	-	3,460,846	3,460,846	-	3,460,846	-	3,460,846	Outstanding	23/01/2017
Mongolia	-	-	-	12,036	-	12,036	12,036	-	12,036	-	12,036	Outstanding	20/10/2016
Montenegro	-	-	-	9,629	-	9,629	9,629	-	9,629	-	9,629	Outstanding	24/05/2016
Namibia	-	-	-	24,072	-	24,072	-	-	-	-	-	Fully settled	24/03/2017
Nauru	15	-	15	2,407	119	2,526	2,407	119	2,526	-	2,541	In arrears	09/03/2017
Netherlands	-	-	-	3,574,267	-	3,574,267	-	-	-	-	-	Fully settled	30/01/2017
New Zealand	-	-	-	646,404	29,894	676,298	-	-	-	-	-	Fully settled	16/12/2016
Niger	26,513	218	26,731	4,814	239	5,053	4,814	239	5,053	92	31,876	Ineligible to vote	23/11/2009
Nigeria	762,370	9,530	771,900	504,096	10,632	514,728	504,096	10,632	514,728	-	1,286,628	Ineligible to vote	25/10/2013
Norway	-	-	-	2,047,536	100,547	2,148,083	-	-	-	-	-	Fully settled	13/01/2017
Panama	60,015	-	60,015	81,986	621	82,607	81,986	621	82,607	-	142,622	In arrears	25/08/2016
Paraguay	-	-	-	33,701	1,183	34,884	33,701	450	34,151	-	34,151	Outstanding	14/12/2016
Peru	316,468	9,374	325,842	327,946	13,822	341,768	327,946	13,822	341,768	-	667,610	In arrears	02/08/2016
Philippines	-	-	-	397,896	-	397,896	-	-	-	-	-	Fully settled	30/03/2017
Poland	-	-	-	2,028,278	-	2,028,278	-	-	-	-	-	Fully settled	20/12/2016
Portugal	-	-	-	945,463	-	945,463	907,093	-	907,093	-	907,093	Outstanding	13/05/2016
Republic of Korea	-	-	-	4,917,626	191,776	5,109,402	4,917,626	16,380	4,934,006	-	4,934,006	Outstanding	13/07/2016
Republic of Moldova	-	-	-	9,629	-	9,629	9,629	-	9,629	-	9,629	Outstanding	28/06/2016
Romania	-	-	-	443,774	-	443,774	-	-	-	-	-	Fully settled	13/02/2017
Saint Kitts and Nevis	-	-	-	2,407	119	2,526	2,407	119	2,526	-	2,526	Outstanding	01/06/2016
Saint Lucia	-	-	-	2,407	119	2,526	2,407	119	2,526	-	2,526	Outstanding	10/05/2016
Saint Vincent and the Grenadines	196	-	196	2,407	119	2,526	2,407	119	2,526	-	2,722	In arrears	14/09/2016
Samoa	-	-	-	2,407	-	2,407	2,407	-	2,407	-	2,407	Outstanding	27/01/2016
San Marino	-	-	-	7,222	-	7,222	-	-	-	-	-	Fully settled	07/03/2017
Senegal	-	-	-	12,036	705	12,741	12,036	705	12,741	-	12,741	Outstanding	18/11/2016
Serbia	-	-	-	77,172	-	77,172	-	-	-	-	-	Fully settled	17/02/2017
Seychelles	-	-	-	2,407	119	2,526	2,407	119	2,526	-	2,526	Outstanding	03/02/2016
Sierra Leone	-	-	-	2,407	119	2,526	-	-	-	-	-	Fully settled	11/11/2015
Slovakia	-	-	-	385,860	-	385,860	-	-	-	-	-	Fully settled	20/02/2017
Slovenia	-	-	-	202,630	-	202,630	-	-	-	-	-	Fully settled	19/01/2017
South Africa	-	-	-	877,920	-	877,920	-	-	-	-	-	Fully settled	08/03/2017
Spain	-	-	-	5,891,976	-	5,891,976	5,890,469	-	5,890,469	-	5,890,469	Outstanding	18/03/2016
State of Palestine	-	-	-	16,850	588	17,438	16,850	487	17,337	-	17,337	Outstanding	29/03/2016
Suriname	14,213	249	14,462	14,443	367	14,810	14,443	367	14,810	-	29,272	In arrears	04/04/2016
Sweden	-	-	-	2,305,673	-	2,305,673	2,219,331	-	2,219,331	-	2,219,331	Outstanding	25/04/2016
Switzerland	-	-	-	2,749,447	-	2,749,447	-	-	-	-	-	Fully settled	02/02/2017
Tajikistan	-	-	-	9,629	355	9,984	1,934	-	1,934	-	1,934	Outstanding	07/03/2017
The former Yugoslav Republic of Macedonia	-	-	-	16,850	944	17,794	16,850	944	17,794	-	17,794	Outstanding	28/12/2016
Timor-Leste	68	-	68	7,222	-	7,222	7,222	-	7,222	-	7,290	In arrears	15/03/2017
Trinidad and Tobago	-	-	-	81,986	-	81,986	-	-	-	-	-	Fully settled	16/02/2017
Tunisia	-	-	-	67,543	4,254	71,797	67,543	4,254	71,797	-	71,797	Outstanding	29/03/2016
Uganda	47,349	647	47,996	14,160	705	14,865	14,160	705	14,865	48	62,909	Ineligible to vote	05/12/2012
United Kingdom	-	-	-	10,763,724	-	10,763,724	8,069,698	-	8,069,698	-	8,069,698	Outstanding	09/02/2017
United Republic of Tanzania	73,611	682	74,293	14,160	744	14,904	14,160	744	14,904	354	89,551	Ineligible to vote	01/06/2010
Uruguay	-	-	-	190,594	2,449	193,043	190,594	2,449	193,043	-	193,043	Outstanding	22/09/2016
Vanuatu	6,212	108	6,320	2,407	119	2,526	2,407	119	2,526	-	8,846	Ineligible to vote	15/11/2016
Venezuela (Bolivarian Republic of)	4,688,898	67,865	4,756,763	1,377,060	74,079	1,451,139	1,377,060	74,079	1,451,139	4,983	6,212,885	Ineligible to vote	04/09/2012
Zambia	13,659	480	14,139	14,160	705	14,865	14,160	705	14,865	-	29,004	In arrears	29/06/2015
<i>Rounding difference</i>				713	3,695	4,408							
	14,560,714	100,805	14,661,519	141,600,000	2,987,306	144,587,306	63,417,357	488,917	63,906,274	5,738	78,573,531		

Note: Only covers assessed programme budget contributions and replenishments of Contingency Fund and does not include assessed contributions to permanent premises of new States Parties joined after 2015 and any advances to Working Capital Fund.

Annex II

Human resources tables

Geographical Representation of ICC Professional Staff

Status as at 31 March 2017

Total number of professionals: 444*

* Excluding Elected Officials and 41 language staff

Total number of nationalities: 90

Distribution per region:

Region	Nationality	Total
African	Algeria	1
	Benin	1
	Burkina Faso	1
	Cameroon	6
	Congo	1
	Congo, Democratic Republic of the	3
	Cote d'Ivoire	2
	Egypt	5
	Ethiopia	2
	Gambia	3
	Ghana	3
	Guinea	2
	Kenya	3
	Lesotho	1
	Malawi	1
	Mali	3
	Mauritius	1
	Niger	3
	Nigeria	4
	Rwanda	2
	Senegal	4
	Sierra Leone	3
	South Africa	8
Togo	1	
Uganda	5	
United Republic of Tanzania	3	
Zambia	1	
Zimbabwe	1	
African Total		74

Region	Nationality	Total
Asian	Afghanistan	1
	China	3
	Cyprus	1
	India	2
	Indonesia	1
	Iran (Islamic Republic of)	3
	Japan	7
	Jordan	1
	Lebanon	1
	Mongolia	1
	Pakistan	1
	Palestine	2
	Philippines	3
	Republic of Korea	1
	Singapore	2
Sri Lanka	1	
Uzbekistan	1	
Viet Nam	1	
Asian Total		33

Region	Nationality	Total
Eastern European	Albania	2
	Belarus	1
	Bosnia and Herzegovina	4
	Croatia	4
	Georgia	5
	Poland	4
	Republic of Moldova	3
	Romania	7
	Russian Federation	1
	Serbia	6
	Slovenia	3
	Ukraine	2
Eastern European Total		42

Region	Nationality	Total
GRULAC	Argentina	6
	Brazil	2
	Chile	1
	Colombia	6
	Costa Rica	1
	Ecuador	2
	Jamaica	2
	Mexico	4
	Peru	5
	Trinidad and Tobago	2
Venezuela	2	
GRULAC Total		33

Region	Nationality	Total
WEOG	Australia	14
	Belgium	16
	Canada	19
	Denmark	2
	Finland	6
	France	56
	Germany	14
	Greece	3
	Iceland	1
	Ireland	11
	Israel	2
	Italy	18
	Malta	1
	Netherlands	20
	New Zealand	4
	Portugal	6
	Spain	16
Sweden	3	
Switzerland	2	
United Kingdom	32	
United States of America	16	
WEOG Total		262

Geographical Representation of ICC Professional Staff

Status as at 31 March 2017

Number of Staff per post, per region*

* Excluding Elected Officials and 41 language staff

Grade	Region	Nationality	Total
D-1	African	Lesotho	1
	African Total		1
	Asian	Japan	1
	Asian Total		1
	GRULAC	Argentina	1
		Ecuador	1
	GRULAC Total		2
	WEOG	Belgium	2
		France	1
		Italy	1
Netherlands		1	
WEOG Total		5	
D-1 Total			9

Grade	Region	Nationality	Total
P-5	African	Congo, Democratic Republic of the	1
		Ghana	1
		Kenya	1
		Mali	2
		Senegal	1
		South Africa	2
	African Total		8
	Asian	Jordan	1
	Asian Total		1
	Eastern European	Georgia	1
		Serbia	2
	Eastern European Total		3
	GRULAC	Jamaica	1
	GRULAC Total		1
	WEOG	Australia	2
		Canada	4
		Denmark	1
		Finland	1
		France	6
		Germany	1
		Ireland	1
		Italy	2
		Netherlands	1
Portugal		1	
Spain		4	
United Kingdom		5	
United States of America	1		
WEOG Total		30	
P-5 Total			43

Grade	Region	Nationality	Total
P-4	African	Burkina Faso	1
		Cote d'Ivoire	1
		Nigeria	2
		Senegal	1
		Sierra Leone	1
		South Africa	3
		Uganda	1
		United Republic of Tanzania	2
		African Total	
	Asian	Iran (Islamic Republic of)	3
		Japan	2
		Lebanon	1
		Philippines	1
	Asian Total		7
	Eastern European	Georgia	1
		Romania	2
		Ukraine	1
	Eastern European Total		4
	GRULAC	Colombia	1
		Ecuador	1
		Trinidad and Tobago	2
	GRULAC Total		4
	WEOG	Australia	1
		Belgium	1
		Canada	1
		Denmark	1
		Finland	3
France		6	
Germany		4	
Ireland		1	
Italy		3	
Netherlands		1	
New Zealand		1	
Portugal		1	
Spain		2	
Sweden		1	
United Kingdom	8		
United States of America	2		
WEOG Total		37	
P-4 Total		64	

Grade	Region	Nationality	Total	
P-3	African	Algeria	1	
		Benin	1	
		Cameroon	1	
		Congo	1	
		Cote d'Ivoire	1	
		Egypt	2	
		Gambia	2	
		Ghana	1	
		Guinea	1	
		Kenya	2	
		Mali	1	
		Mauritius	1	
		Niger	1	
		Nigeria	1	
		Rwanda	1	
		Senegal	1	
		Sierra Leone	1	
		South Africa	2	
		Togo	1	
	Uganda	1		
	United Republic of Tanzania	1		
	Zimbabwe	1		
	African Total			26
	Asian	India	1	
		Japan	1	
		Mongolia	1	
Palestine		1		
Philippines		2		
Republic of Korea		1		
Singapore		1		
Sri Lanka	1			
Asian Total			9	
Eastern European	Albania	1		
	Bosnia and Herzegovina	1		
	Croatia	2		
	Georgia	1		
	Poland	1		
	Republic of Moldova	1		
	Romania	1		
	Serbia	2		
Slovenia	1			
Eastern European Total			11	
GRULAC	Argentina	2		
	Brazil	2		
	Chile	1		
	Colombia	3		
	Costa Rica	1		
	Jamaica	1		
	Mexico	1		
	Peru	1		
	Venezuela	1		
GRULAC Total			13	
WEOG	Australia	6		
	Belgium	7		
	Canada	5		
	Finland	1		
	France	17		
	Germany	4		
	Greece	2		
	Ireland	4		
	Italy	4		
	Netherlands	8		
	New Zealand	3		
	Portugal	2		
	Spain	4		
Sweden	1			

	Switzerland	1
	United Kingdom	10
	United States of America	8
	WEOG Total	87
P-3 Total		146

Grade	Region	Nationality	Total
P-2	African	Cameroon	4
		Congo, Democratic Republic of the	2
		Egypt	3
		Ethiopia	1
		Ghana	1
		Malawi	1
		Niger	2
		Nigeria	1
		Rwanda	1
		Senegal	1
		Sierra Leone	1
		South Africa	1
		Uganda	1
	Zambia	1	
		African Total	21
	Asian	Afghanistan	1
		China	2
		Cyprus	1
		Indonesia	1
		Japan	3
		Pakistan	1
Uzbekistan		1	
	Asian Total	10	
Eastern European	Belarus	1	
	Bosnia and Herzegovina	2	
	Croatia	1	
	Georgia	2	
	Poland	2	
	Romania	3	
	Russian Federation	1	
	Serbia	2	
Slovenia	2		
	Eastern European Total	16	
GRULAC	Argentina	3	
	Colombia	2	
	Mexico	3	
	Peru	4	
	Venezuela	1	
	GRULAC Total	13	
WEOG	Australia	4	
	Belgium	5	
	Canada	7	
	Finland	1	
	France	22	
	Germany	5	
	Greece	1	
	Iceland	1	
	Ireland	4	
	Israel	2	
	Italy	5	
	Netherlands	8	
	Portugal	2	
	Spain	5	
	Sweden	1	
Switzerland	1		
United Kingdom	8		
United States of America	5		
	WEOG Total	87	
P-2 Total		147	

Grade	Region	Nationality	Total
P-1	African	Cameroon	1
		Ethiopia	1
		Gambia	1
		Guinea	1
		Uganda	2
	African Total		6
	Asian	China	1
		India	1
		Palestine	1
		Singapore	1
		Viet Nam	1
	Asian Total		5
	Eastern European	Albania	1
		Bosnia and Herzegovina	1
		Croatia	1
		Poland	1
		Republic of Moldova	2
Romania		1	
Ukraine	1		
Eastern European Total		8	
WEOG	Australia	1	
	Belgium	1	
	Canada	2	
	France	4	
	Ireland	1	
	Italy	3	
	Malta	1	
	Netherlands	1	
	Spain	1	
	United Kingdom	1	
WEOG Total		16	
P-1 Total		35	

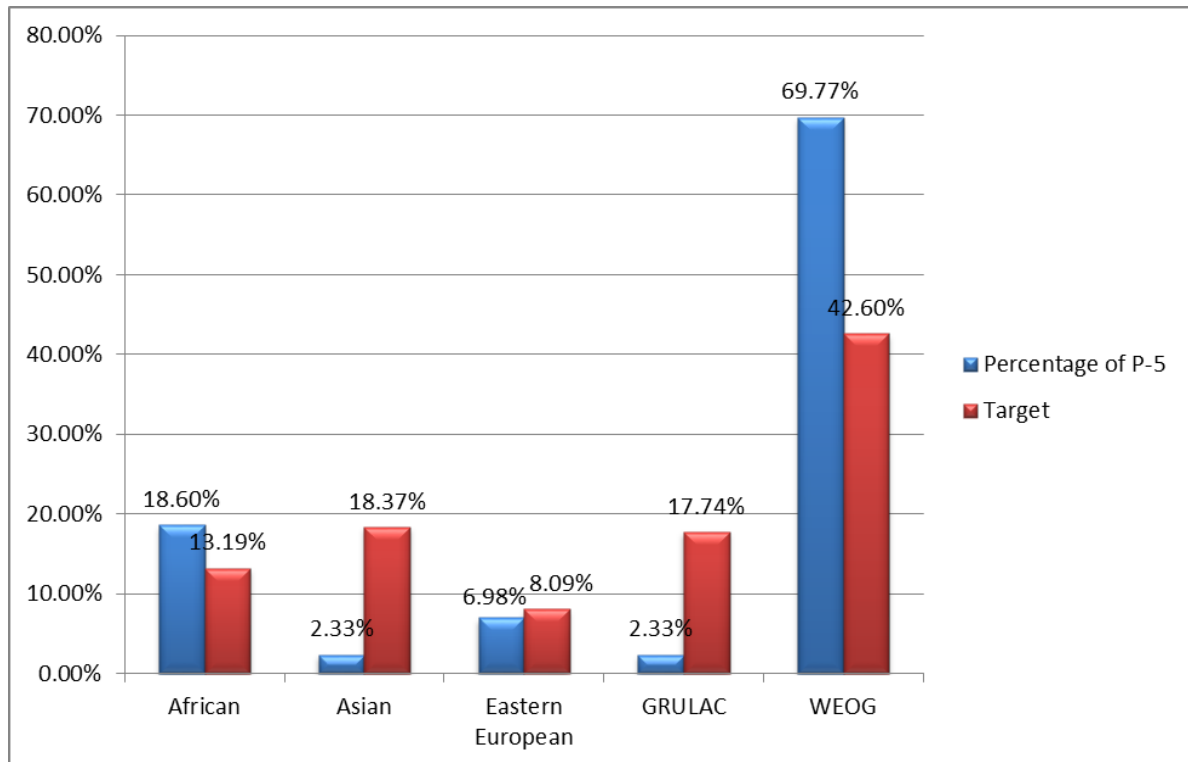
*Grand Total***Grand
Total****444**

Percentage of staff per post, per region

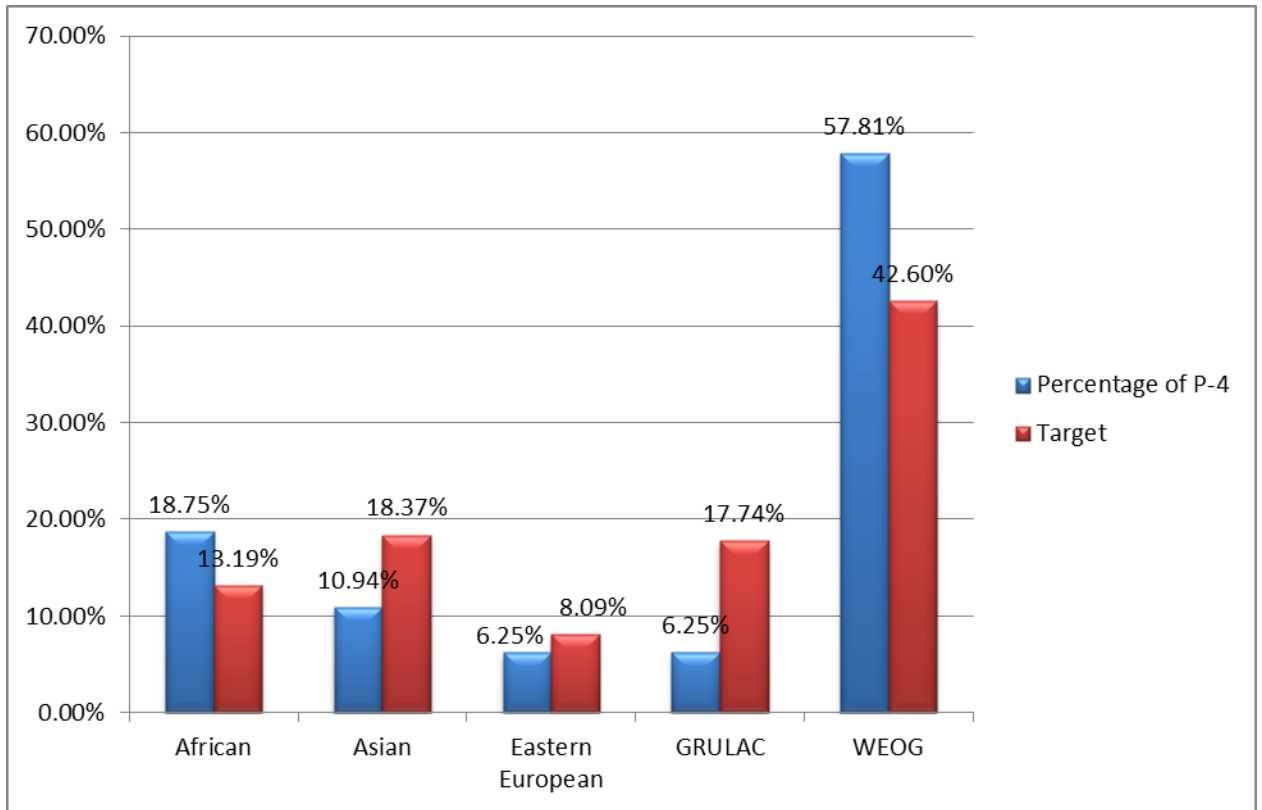
Percentage – D1 posts

Due to the limited number of only 9 positions concerned, statistic and graphic representations could be misleading, please refer to the exact numbers in table above.

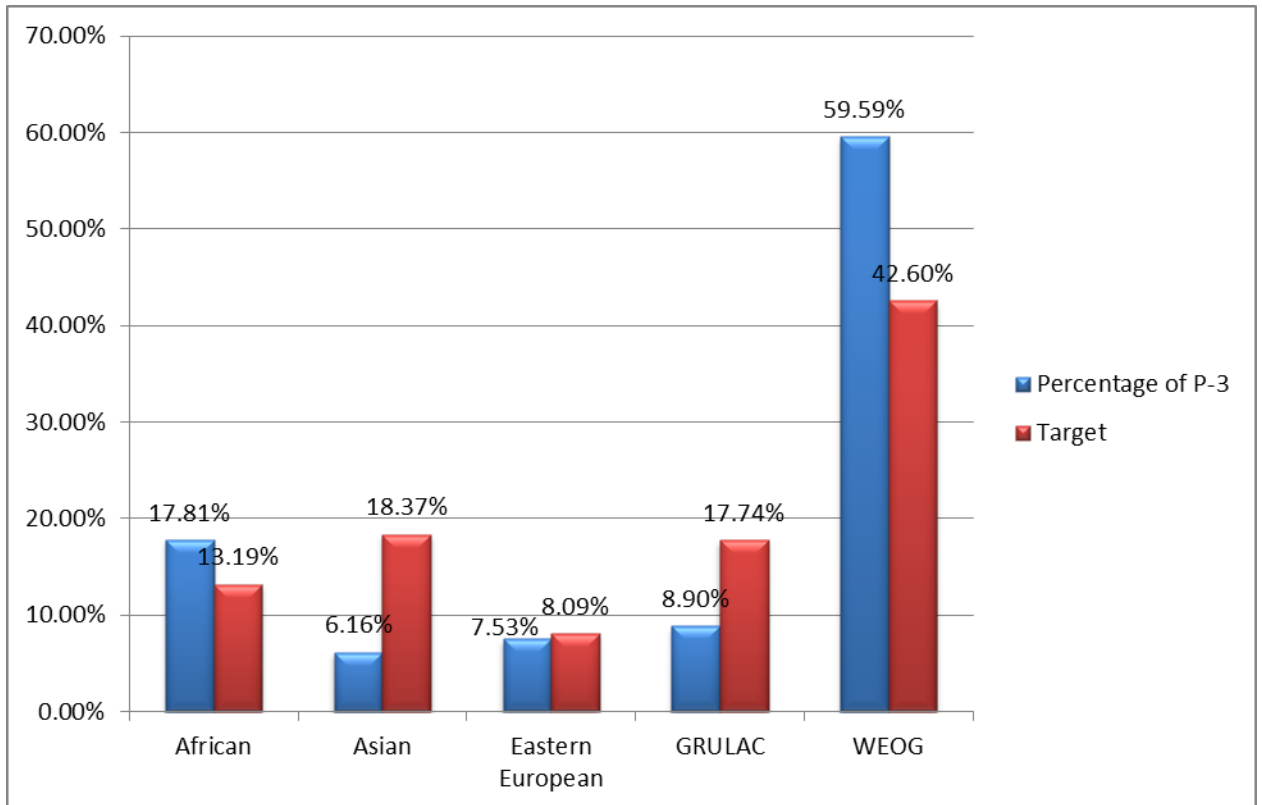
Percentage - P5 posts



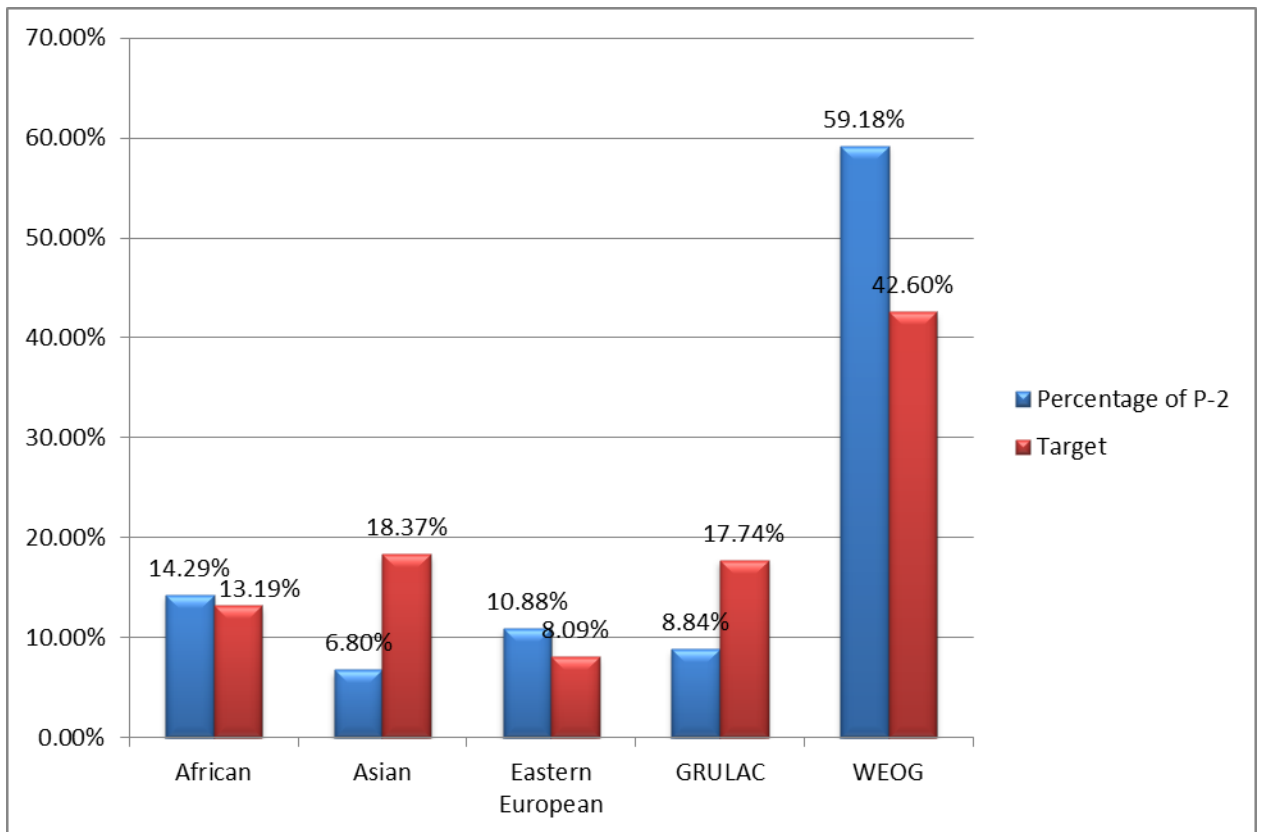
Percentage - P4 posts



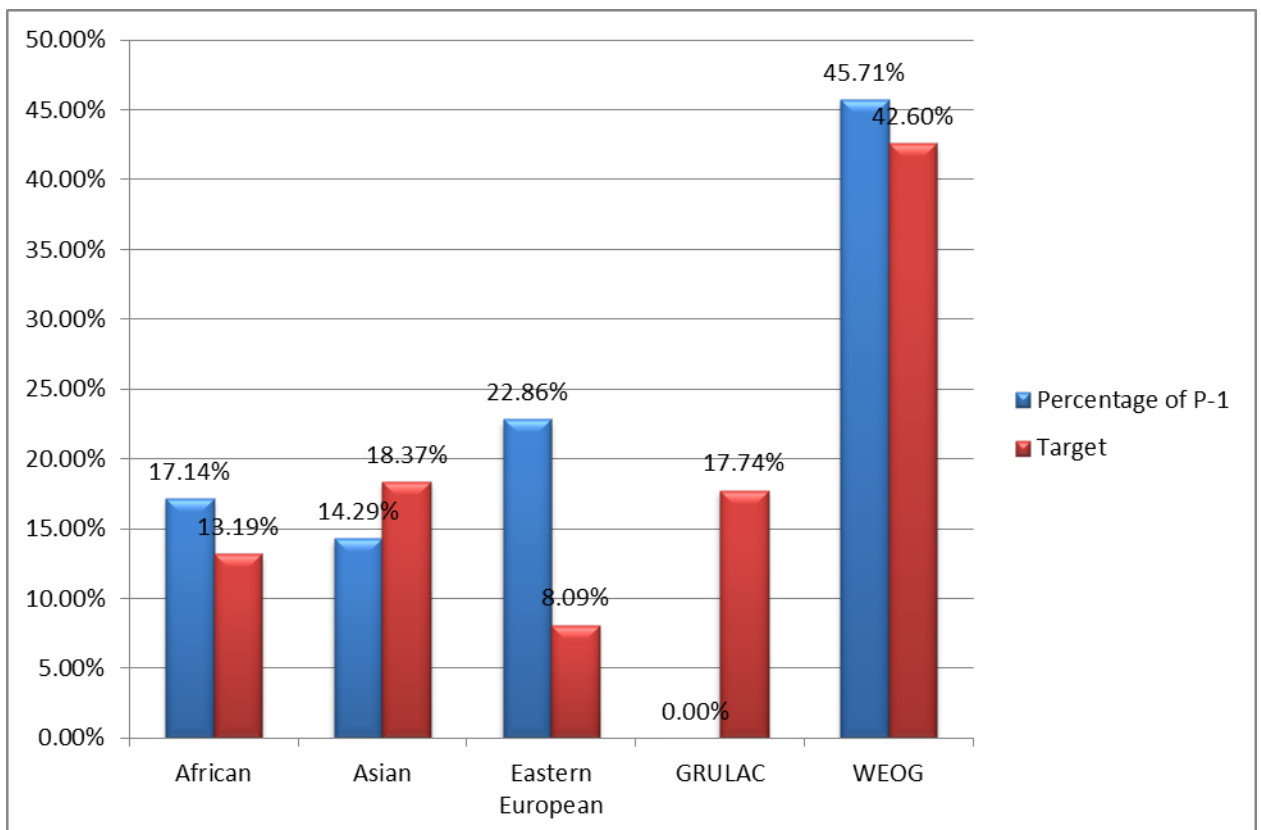
Percentage - P3 posts



Percentage - P2 posts



Percentage - P1 posts



Desirable Range by Country as at 31 March 2017

Region	Country	Assessment 2017	Desirable Range		Actual rep.	Category	Under/Over
			Lower	Upper			
African	Algeria	0.00000%	0	0	1	Non Ratified	+1
African	Benin	0.00510%	1	2	1	In balance	
African	Botswana	0.02380%	1	2	0	Non Represented	-1
African	Burkina Faso	0.00680%	2	2	1	Under Represented	-1
African	Burundi	0.00170%	1	2	0	Non Represented	-1
African	Cameroon	0.00000%	0	0	6	Non Ratified	+6
African	Cape Verde	0.00170%	1	2	0	Non Represented	-1
African	Central African Republic	0.00170%	1	2	0	Non Represented	-1
African	Chad	0.00850%	2	2	0	Non Represented	-2
African	Comoros	0.00170%	1	2	0	Non Represented	-1
African	Congo	0.01020%	1	2	1	In balance	
African	Côte d'Ivoire	0.01530%	2	2	2	In balance	
African	Democratic Republic of the Congo	0.01000%	2	3	3	In balance	
African	Djibouti	0.00170%	1	2	0	Non Represented	-1
African	Egypt	0.00000%	0	0	5	Non Ratified	+5
African	Ethiopia	0.00000%	0	0	2	Non Ratified	+2
African	Gabon	0.02900%	1	2	0	Non Represented	-1
African	Gambia	0.00170%	1	2	3	Over Represented	+1
African	Ghana	0.02730%	2	2	3	Over Represented	+1
African	Guinea	0.00340%	1	2	2	In balance	
African	Kenya	0.03070%	2	2	3	Over Represented	+1
African	Lesotho	0.00170%	1	2	1	In balance	
African	Liberia	0.00170%	1	2	0	Non Represented	-1
African	Madagascar	0.00510%	2	2	0	Non Represented	-2
African	Malawi	0.00340%	2	2	1	Under Represented	-1
African	Mali	0.00510%	2	2	3	Over Represented	+1
African	Mauritius	0.02040%	1	2	1	In balance	
African	Namibia	0.01700%	1	2	0	Non Represented	-1
African	Niger	0.00340%	2	2	3	Over Represented	+1
African	Nigeria	0.35600%	4	5	4	In balance	
African	Rwanda	0.00000%	0	0	2	Non Ratified	+2
African	Senegal	0.00850%	2	2	4	Over Represented	+2
African	Seychelles	0.00170%	1	2	0	Non Represented	-1
African	Sierra Leone	0.00170%	1	2	3	Over Represented	+1
African	South Africa	0.62000%	3	4	8	Over Represented	+4
African	Togo	0.00000%	0	0	1	Non Ratified	+1
African	Tunisia	0.04770%	2	2	0	Non Represented	-2
African	Uganda	0.01000%	2	2	5	Over Represented	+3
African	United Republic of Tanzania	0.01000%	2	3	3	In balance	
African	Zambia	0.01000%	2	2	1	Under Represented	-1
African	Zimbabwe	0.00000%	0	0	1	Non Ratified	+1
Asian	Afghanistan	0.01000%	2	2	1	Under Represented	-1
Asian	Bangladesh	0.01000%	3	4	0	Non Represented	-3
Asian	Cambodia	0.00680%	2	2	0	Non Represented	-2
Asian	China	0.00000%	0	0	3	Non Ratified	+3
Asian	Cook Islands	0.00170%	1	2	0	Non Represented	-1
Asian	Cyprus	0.07320%	2	2	1	Under Represented	-1
Asian	Fiji	0.00510%	1	2	0	Non Represented	-1
Asian	India	0.00000%	0	0	2	Non Ratified	+2
Asian	Indonesia	0.00000%	0	0	1	Non Ratified	+1
Asian	Iran (Islamic Republic of)	0.00000%	0	0	3	Non Ratified	+3
Asian	Japan	16.48720%	41	55	7	Under Represented	-34
Asian	Jordan	0.03410%	2	2	1	Under Represented	-1
Asian	Lebanon	0.00000%	0	0	1	Non Ratified	+1
Asian	Maldives	0.00340%	1	2	0	Non Represented	-1
Asian	Marshall Islands	0.00170%	1	2	0	Non Represented	-1
Asian	Mongolia	0.00850%	1	2	1	In balance	
Asian	Nauru	0.00170%	1	2	0	Non Represented	-1
Asian	Pakistan	0.00000%	0	0	1	Non Ratified	+1
Asian	Palestine	0.01190%	1	2	2	In balance	

Region	Country	Assessment 2017	Desirable Range		Actual rep.	Category	Under/Over
			Lower	Upper			
Asian	Philippines	0.28100%	3	4	3	In balance	
Asian	Republic of Korea	3.47290%	10	13	1	Under Represented	-9
Asian	Samoa	0.00170%	1	2	0	Non Represented	-1
Asian	Singapore	0.00000%	0	0	2	Non Ratified	+2
Asian	Sri Lanka	0.00000%	0	0	1	Non Ratified	+1
Asian	Tajikistan	0.00680%	1	2	0	Non Represented	-1
Asian	Timor-Leste	0.00510%	1	2	0	Non Represented	-1
Asian	Uzbekistan	0.00000%	0	0	1	Non Ratified	+1
Asian	Vanuatu	0.00170%	1	2	0	Non Represented	-1
Asian	Viet Nam	0.00000%	0	0	1	Non Ratified	+1
Eastern European	Albania	0.01360%	1	2	2	In balance	
Eastern European	Belarus	0.00000%	0	0	1	Non Ratified	+1
Eastern European	Bosnia & Herzegovina	0.02210%	1	2	4	Over Represented	+2
Eastern European	Bulgaria	0.07660%	2	2	0	Non Represented	-2
Eastern European	Croatia	0.16860%	2	2	4	Over Represented	+2
Eastern European	Czech Republic	0.58590%	3	4	0	Non Represented	-3
Eastern European	Estonia	0.06470%	2	2	0	Non Represented	-2
Eastern European	Georgia	0.01360%	1	2	5	Over Represented	+3
Eastern European	Hungary	0.27420%	2	3	0	Non Represented	-2
Eastern European	Latvia	0.08520%	2	2	0	Non Represented	-2
Eastern European	Lithuania	0.12260%	2	2	0	Non Represented	-2
Eastern European	Montenegro	0.00680%	1	2	0	Non Represented	-1
Eastern European	Poland	1.43240%	5	7	4	Under Represented	-1
Eastern European	Republic of Moldova	0.00680%	1	2	3	Over Represented	+1
Eastern European	Romania	0.31340%	2	3	7	Over Represented	+4
Eastern European	Russian Federation	0.00000%	0	0	1	Non Ratified	+1
Eastern European	Serbia	0.05450%	2	2	6	Over Represented	+4
Eastern European	Slovakia	0.27250%	2	3	0	Non Represented	-2
Eastern European	Slovenia	0.14310%	2	2	3	Over Represented	+1
Eastern European	The Former Yugoslav Rep. of Macedonia	0.01190%	1	2	0	Non Represented	-1
Eastern European	Ukraine	0.00000%	0	0	2	Non Ratified	+2
GRULAC	Antigua and Barbuda	0.00340%	1	2	0	Non Represented	-1
GRULAC	Argentina	1.51930%	5	7	6	In balance	
GRULAC	Barbados	0.01190%	1	2	0	Non Represented	-1
GRULAC	Belize	0.00170%	1	2	0	Non Represented	-1
GRULAC	Bolivia	0.02040%	2	2	0	Non Represented	-2
GRULAC	Brazil	6.51140%	18	25	2	Under Represented	-16
GRULAC	Chile	0.67960%	3	4	1	Under Represented	-2
GRULAC	Colombia	0.54840%	3	4	6	Over Represented	+2
GRULAC	Costa Rica	0.08010%	2	2	1	Under Represented	-1
GRULAC	Dominica	0.00170%	1	2	0	Non Represented	-1
GRULAC	Dominican Republic	0.07830%	2	2	0	Non Represented	-2
GRULAC	Ecuador	0.11410%	2	2	2	In balance	
GRULAC	El Salvador	0.02380%	1	2	0	Non Represented	-1
GRULAC	Grenada	0.00170%	1	2	0	Non Represented	-1
GRULAC	Guatemala	0.04770%	2	2	0	Non Represented	-2
GRULAC	Guyana	0.00340%	1	2	0	Non Represented	-1
GRULAC	Honduras	0.01360%	1	2	0	Non Represented	-1
GRULAC	Jamaica	0.00000%	0	0	2	Non Ratified	+2
GRULAC	Mexico	2.44410%	8	11	4	Under Represented	-4
GRULAC	Panama	0.05790%	2	2	0	Non Represented	-2
GRULAC	Paraguay	0.02380%	1	2	0	Non Represented	-1
GRULAC	Peru	0.23160%	2	3	5	Over Represented	+2
GRULAC	Saint Kitts and Nevis	0.00170%	1	2	0	Non Represented	-1
GRULAC	Saint Lucia	0.00170%	1	2	0	Non Represented	-1
GRULAC	Saint Vincent and the Grenadines	0.00170%	1	2	0	Non Represented	-1
GRULAC	Suriname	0.01020%	1	2	0	Non Represented	-1
GRULAC	Trinidad and Tobago	0.05790%	2	2	2	In balance	
GRULAC	Uruguay	0.13460%	2	2	0	Non Represented	-2
GRULAC	Venezuela	0.97250%	4	5	2	Under Represented	-2
WEOG	Andorra	0.01020%	1	2	0	Non Represented	-1
WEOG	Australia	3.98040%	11	15	14	In balance	
WEOG	Austria	1.22630%	4	6	0	Non Represented	-4

Region	Country	Assessment 2017	Desirable Range		Actual rep.	Category	Under/Over
			Lower	Upper			
WEOG	Belgium	1.50740%	5	7	16	Over Represented	+9
WEOG	Canada	4.97510%	13	18	19	Over Represented	+1
WEOG	Denmark	0.99470%	4	5	2	Under Represented	-2
WEOG	Finland	0.77670%	3	4	6	Over Represented	+2
WEOG	France	8.27600%	21	29	56	Over Represented	+27
WEOG	Germany	10.88190%	27	37	14	Under Represented	-13
WEOG	Greece	0.80220%	3	4	3	In balance	
WEOG	Iceland	0.03920%	1	2	1	In balance	
WEOG	Ireland	0.57060%	3	4	11	Over Represented	+7
WEOG	Israel	0.00000%	0	0	2	Non Ratified	+2
WEOG	Italy	6.38370%	17	23	18	In balance	
WEOG	Liechtenstein	0.01190%	1	2	0	Non Represented	-1
WEOG	Luxembourg	0.10900%	2	2	0	Non Represented	-2
WEOG	Malta	0.02730%	1	2	1	In balance	
WEOG	Netherlands	2.52420%	7	10	20	Over Represented	+10
WEOG	New Zealand	0.45650%	2	3	4	Over Represented	+1
WEOG	Norway	1.44600%	5	6	0	Non Represented	-5
WEOG	Portugal	0.66770%	3	4	6	Over Represented	+2
WEOG	San Marino	0.00510%	1	2	0	Non Represented	-1
WEOG	Spain	4.16100%	11	15	16	Over Represented	+1
WEOG	Sweden	1.62830%	5	7	3	Under Represented	-2
WEOG	Switzerland	1.94170%	6	8	2	Under Represented	-4
WEOG	United Kingdom	7.60150%	20	26	32	Over Represented	+6
WEOG	United States of America	0.00000%	0	0	16	Non Ratified	+16
		100.00%			444		

Gender balance of ICC Professional Staff

Status as at 31/03/2017

Number of Professional Staff by Gender*

* Including Elected Officials and Language Staff

Judiciary

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-5	2	1	3

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-4	1	2	3

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-3	11	8	19

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-2	4	7	11

Office of the Prosecutor

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
USG	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
ASG		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
D-1		3	3

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-5	4	13	17

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-4	13	22	35

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-3	26	45	71

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-2	44	23	67

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-1	24	8	32

Registry

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
ASG		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
D-1		3	3

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-5	8	13	21

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-4	14	24	38

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-3	33	37	70

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-2	44	32	76

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-1	1	2	3

Secretariat of the Assembly of States Parties

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
D-1		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-5		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-4	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-2	1		1

Secretariat of the Trust Fund for Victims

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
D-1		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-3	2	1	3

Independent Oversight Mechanism

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-5		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-2	1		1

Office of Internal Audit

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
D-1	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-4		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
P-3	1		1

<i>F</i>	<i>M</i>	<i>Grand Total</i>
237	251	488

International Criminal Court

Staff count

Actual

As at 31st of March 2017, the actual situation regarding the Court's staff count is as follows:

Staff count	
Established posts	858 ⁸³
Approved GTA	115
Short Term Appointments	65
Interns	94
Visiting professionals	12
SSA Contractors	67
Elected officials / Judges	21
Total	1232

⁸³ Figures include as Filled the post of Staff Council Representative in the Registry.

International Criminal Court

Staff count

Projected

Based on the approved budget of 2017 and taking into account averages for interns, visiting professionals and SSA contractors as per 2017, the Court's headcount at the end of 2017 could be expected to be as follows:

Staff count	
Established posts ⁸⁴	967
Approved GTA ⁸⁵	170
Short-Term Appointments	65
Interns	84
Visiting professionals	12
SSA Contractors	84
Elected officials / Judges	21
Total	1403

⁸⁴ Vacancy rate not taken into account in the projection.

⁸⁵ *Ibid.*

Vacant Posts - ICC Established Posts

Status as at 31 March 2017

81 posts are: under recruitment/recruitment completed (76) or advertised (5) as of 31 March 2017.

<i>Major Programme</i>	<i>Programme</i>	<i>Sub-Programme</i>	<i>Post Level</i>	<i>Post Title</i>	<i>Total</i>	<i>Comments</i>	
MP I	Judiciary	Presidency	P-3	Special Assistant to the President	1	Posts vacated due to internal move. Pending streamlining of operations.	
MP II	Office of the Prosecutor	Legal Advisory Section	P-2	Associate Legal Adviser	1	Pending streamlining of operations.	
		Investigation Division	P-3	Forensic Officer	1	Posts vacated due to resignation. Post expected to be filled in Q3.	
			GS-OL	Field Operations Assistant (DRC and UGA)	2	Pending streamlining of operations.	
		Prosecution Division	P-1	Assistant Trial Lawyer	1	Post vacated due to resignation. Post to be filled in Q2.	
MP III	Registry	Legal Office	GS-OL	Legal Assistant	1	Post expected to be filled in Q3.	
		Division of Management Services	Human Resources Section	P-4	Head, HR Organisational Development Unit	1	Post vacated due to resignation. Post expected to be filled in Q3.
			General Services Section	GS-OL	Supply Coordinator	1	Post expected to be filled in Q4.
	Division of Judicial Services	Victims Participation and Reparations Section	GS-OL	Administrative Assistant	1	Post expected to be filled in Q4.	
			P-1	Assistant Legal Officer	1	Post vacated due to internal move. Post expected to be filled in Q4.	
	Division of External Operations	Victims and Witnesses Section	P-3	Planning Officer	1	Post vacated due to resignation. Post expected to be filled in Q3.	
			GS-OL	Field Case Management Assistant (DRC and Kenya)	3	Operations under review.	
		Public Information and Outreach Section	GS-OL	Online Communications Assistant	1	Post expected to be filled in Q3.	
			P-2	Associate Online Officer	1	Post vacated due to internal move. Post expected to be filled in Q3.	
		Field Office - Uganda	GS-OL	Senior Driver	1	Post expected to be filled in Q4.	
			GS-OL	Driver	1	Post expected to be filled in Q3.	
		Field Office - DRC	GS-OL	Field Assistant	1	Posts expected to be filled in Q3.	
			GS-OL	Driver	1	Posts expected to be filled in Q4.	
	Field Office - CIV	P-3	Field Officer (VPRS)	1	Posts expected to be filled in Q4.		
GS-OL		Field Assistant	1	Posts expected to be filled in Q3.			
Field Office – CAR	P-3	Field Officer (VPRS and Outreach)	1	Posts expected to be filled in Q3.			
		P-2	Associate Field Security Officer	1	Posts expected to be filled in Q3.		
	GS-OL	Cleaner	1	Post expected to be filled in Q3.			
Field Office - Georgia	GS-OL	Field Assistant	1	Posts expected to be filled in Q4.			
Grand Total:					28		

Geographical Representation of ICC GTA Professional Staff

Status as at 31 March 2017

Total number of professionals: 76

Total number of nationalities: 30

Distribution per region:

Region	Nationality	Total
African	Cameroon	1
	Rwanda	2
	Senegal	1
	South Africa	2
	Sudan	1
	Uganda	7
African Total		14

Region	Nationality	Total
Asian	India	1
	Japan	1
	Kyrgyzstan	1
	Singapore	1
	Uzbekistan	1
Asian Total		5

Region	Nationality	Total
Eastern European	Georgia	2
	Poland	1
	Republic of Moldova	1
Eastern European Total		4

Region	Nationality	Total
GRULAC	Argentina	1
	Colombia	1
	Venezuela	2
GRULAC Total		4

Region	Nationality	Total
WEOG	Australia	2
	Belgium	2
	Canada	10
	France	7
	Germany	1
	Ireland	1
	Italy	1
	Netherlands	6
	Portugal	1
	Spain	1
	Switzerland	1
	United Kingdom	10
	United States of America	6
WEOG Total		49

Annex III

Budget performance for Contingency Fund notifications in 2016

1. Table 1 below provides a summary of overall budget performance for a total of three Contingency Fund notifications submitted to the Committee. Overall actual implementation at year-end in 2016 is 86.4 per cent, or €2.60 million, against the total revised Contingency Fund notification amount of €3.01 million.

Table 1: Overall budget performance in 2016 for the three Contingency Fund notifications by item of expenditure (amounts in thousands of euros)

<i>Expenditure Item</i>	<i>Total Revised Contingency Fund Notification</i> [1]	<i>Total Actual Expenditure*</i> [2]	<i>Total Implementation rate in %</i> [3]=[2]/[1]
General temporary assistance	1,177.3	899.8	76.4
Temporary assistance for meetings		69.2	
Overtime		9.8	
<i>Subtotal staff costs</i>	<i>1,177.3</i>	<i>978.8</i>	<i>83.1</i>
Travel	386.4	302.7	78.3
Contractual services	394.8	332.6	84.2
Training	8.0	13.7	171.7
Consultants	110.0	100.7	91.5
General operating expenses	148.1	138.5	93.5
Supplies and materials		6.9	
Furniture and equipment	785.3	727.8	92.7
<i>Subtotal non-staff costs</i>	<i>1,832.6</i>	<i>1,622.9</i>	<i>88.6</i>
Total	3,009.9	2,601.7	86.4

** Expenditure 2016 is based on preliminary, unaudited figures which are subject to change.*

2. The budget performance for each Contingency Fund notification is detailed below in the order of the notifications to the Committee.

3. Table 2 below shows budget performance in respect of the Contingency Fund notification for the case of *Dominic Ongwen* in the situation in Uganda. The funds were implemented at 88.8 per cent, or €1.21 million, against the notification amount of €1.36 million. Savings were achieved in the GTA category as two out of four requested para-professional interpreters for the Acholi language started work in August instead of July. Funds were redeployed from GTA to TAM to engage freelance interpreters for Acholi, as they were required immediately. In addition, due to a delay in recruitment for the GTA positions experienced by VPRS, the GTA category implemented its requested amount at 55.9 per cent. There was an overspend in general operating expenses as a result of support to more than 150 missions provided by the Uganda Field Office; the funds were redeployed from travel and contractual services within the Uganda Field Office.

Table 2: Budget performance in 2016 in respect of the Contingency Fund notification for the case of Dominic Ongwen in the situation in Uganda by item of expenditure (amounts in thousands of euros)

<i>Expenditure Item</i>	<i>Contingency Fund Notification</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
General temporary assistance	498.5	278.6	55.9
Temporary assistance for meetings		69.2	
Overtime		9.1	
<i>Subtotal staff costs</i>	<i>498.5</i>	<i>356.9</i>	<i>71.6</i>
Travel	230.9	211.5	91.6
Contractual services	303.0	276.0	91.1
Consultants	33.0	31.4	95.1
General operating expenses	75.5	110.7	146.6
Supplies and materials		3.5	
Furniture and equipment	218.0	216.2	99.2
<i>Subtotal non-staff costs</i>	<i>860.4</i>	<i>849.2</i>	<i>98.7</i>
Total	1,358.9	1,206.1	88.8

* Expenditure 2016 is based on preliminary, unaudited figures which are subject to change

4. Table 3 below shows budget performance in respect of the Contingency Fund notification for the case of *Thomas Lubanga Dyilo* in the situation in the DRC. At year-end, the fund had been implemented at 53.8 per cent, or €0.17 million, against the notification amount of €0.31 million. Savings were achieved in the GTA category owing to a delay in recruitment by VPRS and the fact that it proved unnecessary to recruit two field assistants as a result of developments in the DRC Field Office. Savings were achieved in the non-staff costs category by OPCV since its mandate was confirmed by the Trial Chamber in October instead of July, and some missions were cancelled due to the security and logistical situation in the field.

Table 3: Budget performance in 2016 in respect of the Contingency Fund notification for the case of Thomas Lubanga Dyilo in the situation in the Democratic Republic of the Congo by item of expenditure (amounts in thousands of euros)

<i>Expenditure Item</i>	<i>Contingency Fund Notification</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
General temporary assistance	164.2	67.1	40.9
<i>Subtotal staff costs</i>	<i>164.2</i>	<i>67.1</i>	<i>40.9</i>
Travel	44.3	30.0	67.7
Contractual services	12.5	6.9	55.4
Consultants	77.0	58.0	75.3
General operating expenses	15.0	6.2	41.5
<i>Subtotal non-staff costs</i>	<i>148.8</i>	<i>101.1</i>	<i>68.0</i>
Total	313.0	168.2	53.8

* Expenditure 2016 is based on preliminary, unaudited figures which are subject to change

5. Table 4 below shows budget performance in respect of the Contingency Fund notification for the new situation in Georgia in which the OTP opened its investigation on 27 January 2016. On 10 November 2016, a revised notification for resources was submitted to the Committee as a result of the freezing of a number of GTA positions and a reduction in investigative missions in the OTP, which consequently reduced the level of resources in witness-related activities in the Registry. This resulted in the revised notification amount at €1.34 million, a decrease of €1.18 million from the original notification amount of €2.52 million.

6. The fund was implemented at 91.7 per cent, or €1.23 million, against the revised notification amount of €1.34 million. The revised notification in the OTP was almost fully implemented at 95.0 per

cent, or €0.72 million, against the revised notification amount of €0.76 million. The Registry's implementation rate of 87.4 per cent was due to the reduced victim and witness application-related activities budgeted under travel and general operating expenses, carried out as a result of a decrease in the activities of the OTP.

Table 4: Budget performance in 2016 in respect of the Contingency Fund notification for the new situation in Georgia by item of expenditure (amounts in thousands of euros)

<i>Expenditure Item</i>	<i>Revised Contingency Fund Notification</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
General temporary assistance	514.6	554.1	107.7
Overtime		0.6	
<i>Subtotal staff costs</i>	<i>514.6</i>	<i>554.7</i>	<i>107.8</i>
Travel	111.2	61.2	55.0
Contractual services	79.3	49.7	62.7
Training	8.0	13.7	171.7
Consultants		11.3	
General operating expenses	57.6	21.6	37.5
Supplies and materials		3.5	
Furniture and equipment	567.3	511.7	90.2
<i>Subtotal non-staff costs</i>	<i>823.4</i>	<i>672.6</i>	<i>81.7</i>
Total	1,338.0	1,227.4	91.7

* Expenditure 2016 is based on preliminary, unaudited figures which are subject to change.

Consolidated Budget Performance of the Court – Programme budget and Contingency Fund notifications

7. Table 5 below shows the Court's consolidated budget performance, taking together the programme budget and the total Contingency Fund notifications. The Court's actual expenditure, including Contingency Fund expenditure, is €136.82 million, against the consolidated budget of €142.60 million including the revised Contingency Fund notification of €3.01 million. This represents a 98.0 per cent implementation rate and 95.9 per cent of the approved budget of €139.59 million, with a residual balance of €2.78 million. The final residual balance will be €1.58 million once reduced by the cost overrun of the permanent premises in the amount of €1.20 million that the Court needs to absorb in its 2016 programme budget.

Table 5: Court consolidated budget performance in 2016 by item of expenditure (amounts in thousands of euros)

<i>Items</i>	<i>Approved Budget 2016</i>	<i>Total Revised Contingency Fund (CF) Notification 2016</i>	<i>Total Consolidated Budget and Revised CF Notification 2016</i>	<i>Actual Expenditure* 2016</i>	<i>Actual Expenditure* for CF 2016</i>	<i>Total Actual Expenditure incl CF 2016</i>	<i>Total Actual incl CF Implementation rate 2016 against Approved Budget in %</i>	<i>Total Actual incl CF Implementation rate 2016 against Total Consolidated Budget and Revised CF Notification in %</i>
	[1]	[2]	[3]=[1]+[2]	[4]	[5]	[6]=[4]+[5]	[7]=[6]/[1]	[8]=[6]/[3]
Judges	5,369.1	-	5,369.1	5,265.5	-	5,265.5	98.1	98.1
<i>Subtotal judges</i>	<i>5,369.1</i>	<i>-</i>	<i>5,369.1</i>	<i>5,265.5</i>	<i>-</i>	<i>5,265.5</i>	<i>98.1</i>	<i>98.1</i>
Staff costs	74,232.4	-	74,232.4	70,756.2	-	70,756.2	95.3	95.3
General temporary assistance	19,919.6	569.9	20,489.5	17,305.0	530.6	17,835.6	89.5	87.0
Temporary assistance for meetings	1,156.5	-	1,156.5	1,639.0	69.2	1,708.2	147.7	147.7
Overtime	412.9	-	412.9	512.7	9.8	522.5	126.5	126.5
Short term assistant		607.4	607.4	-	369.2	369.2	-	60.8
<i>Subtotal staff costs</i>	<i>95,721.4</i>	<i>1,177.3</i>	<i>96,898.7</i>	<i>90,212.9</i>	<i>978.8</i>	<i>91,191.7</i>	<i>95.3</i>	<i>94.1</i>
Travel	5,097.2	386.4	5,483.6	5,035.6	302.7	5,338.3	104.7	97.4
Hospitality	31.1	-	31.1	44.1	-	44.1	141.9	141.9
Contractual services	4,078.5	394.8	4,473.3	3,670.6	332.6	4,003.2	98.2	89.5
Training	749.2	8.0	757.2	873.2	13.7	886.9	118.4	117.1
Consultants	441.5	110.0	551.5	679.5	100.7	780.2	176.7	141.5
Counsel for defence	4,521.4	-	4,521.4	4,950.0	-	4,950.0	109.5	109.5
Counsel for victims	1,963.2	-	1,963.2	1,344.6	-	1,344.6	68.5	68.5
General operating expenses	19,761.2	148.1	19,909.3	18,104.2	138.5	18,242.7	92.3	91.6
Supplies and materials	844.8	-	844.8	1,249.6	6.9	1,256.5	148.7	148.7
Equipment incl. furniture	1,012.0	785.3	1,797.3	2,783.6	727.8	3,511.4	347.0	195.4
<i>Subtotal non-staff costs</i>	<i>38,500.1</i>	<i>1,832.6</i>	<i>40,332.7</i>	<i>38,735.2</i>	<i>1,622.9</i>	<i>40,358.1</i>	<i>104.8</i>	<i>100.1</i>
Total ICC	139,590.6	3,009.9	142,600.5	134,213.6	2,601.7	136,815.3	98.0	95.9

* Expenditure 2016 is based on preliminary, unaudited figures which are subject to change

Annex IV

List of documents

<i>CBF document symbol</i>	<i>Title</i>	<i>CBF document symbol has been converted to</i>
CBF/28/2	Report on Lessons Learnt in Presidency	
CBF/28/3	Report on the New York Liaison Offices Rental Plan (2017-2027)	
CBF/28/4	Report on the Performance of the Court's Legal Aid System in 2016	
CBF/28/5	Report of the Court on its Cash Flow Management	
CBF/28/6	Funding of ASHI liabilities	
CBF/28/7	Second Report of the Court on developments with regard to reparations	
CBF/28/8	Report of the Court on the Staggering of Posts within the Registry for 2017	
CBF/28/9	Report of the Court on the development of analytic accountability	
CBF/28/11	Report on the implementation of the OTP Strategic Plan	
CBF/28/12	Report of the Court on Inter-Organ Synergies	
CBF/28/13	Report by the Registry on recent developments in the Court's cooperation with States Parties: freezing of assets and voluntary cooperation	
CBF/28/14	Report of the Court on recruitments in Major Programme IV	
CBF/28/15	Report on Replacement of Capital Investment	
CBF/28/16	Report of the Secretariat of the Trust Fund for Victims on Achieving Synergies and Efficiencies with the Court	
CBF/28/17	Report of the Court on the Use of Courtroom Time	
CBF/28/18	Report of the Court on Human Resource Management	
CBF/28/19	Registry's Update on the Conclusions and Recommendations of the External Auditor on ReVision	
CBF/28/20	Information Technology at the International Criminal Court: Five-year IT/IM Strategy for the Court (2017-2021)	
CBF/28/21 CBF/28/21/Corr.1	Report on activities and programme performance of the International Criminal Court for the year 2016 and Corrigendum	ICC-ASP/16/2
CBF/28/22	Contributions of States Parties withdrawing from the Rome Statute	
CBF/28/23	Report on Budget Performance of the International Criminal Court as at 31 March 2017	
CBF/28/24	Report of the Court on specific matters related to Human Resource Management: Reclassification and Conversion of Posts	
CBF/28/25	Registry Report of the Field Office Closure Strategy and Decreases in Field Activities in the Context of Human Resources Planning	

<i>CBF document symbol</i>	<i>Title</i>	<i>CBF document symbol has been converted to</i>
ICC-ASP/15/27	Audit Report of the ReVision Project of the International Criminal Court's Registry	ICC-ASP/15/27