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THE ROME STATUTE OF THE  
INTERNATIONAL CRIMINAL COURT**

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## Contents

	<i>Page</i>
Part A	
Proposed Programme Budget for 2012 of the International Criminal Court.....	4
Part B	
Reports of the Committee on Budget and Finance.....	163
1. Report of the Committee on Budget and Finance on the work of its sixteenth session, April 2011 .....	163
2. Report of the Committee on Budget and Finance on the work of its seventeenth session, August 2011 .....	193
Part C	
Related documents .....	269
1. Financial statements for the period 1 January to 31 December 2010 .....	269
2. Trust Fund for Victims financial statements for the period 1 January to 31 December 2010.....	323

## Part A

# Proposed Programme Budget for 2012 of the International Criminal Court\*

### Contents

	<i>Paragraphs</i>	<i>Page</i>
List of abbreviations and acronyms .....	.....	6
I. Introduction .....	1 – 32	8
II. Proposed Programme Budget for 2012.....	33- 511	16
A. Major Programme I: Judiciary.....	33 – 87	16
1. Programme 1100: The Presidency .....	42 – 53	18
2. Programme 1200: Chambers.....	54 – 81	22
3. Programme 1300: Liaison Offices .....	82 – 87	28
B. Major Programme II: Office of the Prosecutor.....	88 – 159	31
1. Programme 2100: The Prosecutor.....	98 – 126	34
(a) Sub-programme 2110: Immediate Office of the Prosecutor / Legal Advisory Section.....	103 – 113	36
(b) Sub-programme 2120: Services Section .....	114 – 126	38
2. Programme 2200: Jurisdiction, Complementarity and Cooperation Division.....	127 – 133	41
3. Programme 2300: Investigation Division.....	134 – 152	43
(a) Sub-programme 2320: Planning and Operations Section .....	136 – 144	45
(b) Sub-programme 2330: Investigation Teams .....	145 – 152	47
4. Programme 2400: Prosecution Division.....	153 – 159	49
C. Major Programme III: Registry .....	160 – 467	51
1. Programme 3100: Office of the Registrar .....	173 – 265	55
(a) Sub-programme 3110: Immediate Office of the Registrar.....	174 – 180	57
(b) Sub-programme 3120: Office of Internal Audit.....	181 – 188	59
(c) Sub-programme 3130: Legal Advisory Services Section .....	189 – 193	62
(d) Sub-programme 3140: Security and Safety Section .....	194 – 215	64
(e) Sub-programme 3160: Registry Permanent Premises Office.....	216 – 220	68
(f) Sub-programme 3180: Field Operations Section.....	221 – 245	70
(g) Sub-programme 3190: Counsel Support Section.....	246 – 252	75
(h) Sub-programme 3191: Office of Public Counsel for the Defence .....	253 – 258	77
(i) Sub-programme 3192: Office of Public Counsel for Victims.....	259 – 265	79
2. Programme 3200: Common Administrative Services Division .....	266 – 344	81
(a) Sub-programme 3210: Office of the Director (CASD).....	278 – 281	84
(b) Sub-programme 3220: Human Resources Section.....	282 – 297	85
(c) Sub-programme 3240: Budget and Finance Section.....	298 – 307	89
(d) Sub-programme 3250: General Services Section.....	308 – 330	92
(e) Sub-programme 3260: Information and Communication Technologies Section .....	331 – 344	97

\* Previously issued as ICC-ASP/10/10, and Corr.1-4. See also ICC-ASP/10/10/Corr.5 reproduced in vol. I.

	<i>Paragraphs</i>	<i>Page</i>
3. Programme 3300: Division of Court Services .....	345 – 467	100
(a) Sub-programme 3310: Office of the Director DCS .....	352 – 359	103
(b) Sub-programme 3320: Court Management Section.....	360 – 375	105
(c) Sub-programme 3330: Detention Section.....	376 – 380	108
(d) Sub-programme 3340: Court Interpretation and Translation Section.....	381 – 398	110
(e) Sub-programme 3350: Victims and Witnesses Unit.....	399 – 421	114
(f) Sub-programme 3360: Victims Participation and Reparations Section .....	422 – 440	119
4. Programme 3400: Public Information and Documentation Section.....	441 – 467	123
D. Major Programme IV: Secretariat of the Assembly of States Parties.....	468 – 479	130
E. Major Programme VI: Secretariat of the Trust Fund for Victims .....	480 – 502	134
F. Major Programme VII-1: Project Director’s Office (permanent premises).....	503 – 510	139
G. Major Programme VII-2: Permanent Premises Project – Interest .....	511	141
H. Major Programme VII-5: Independent Oversight Mechanism.....	512 – 514	141
Annexes .....		143
I. Draft resolution of the Assembly of States Parties on the proposed programme budget for 2012, the Working Capital Fund for 2012, scale of assessments for the apportionment of expenses of the International Criminal Court, financing appropriations for 2012 and the Contingency Fund ... ..		143
II. Organizational structure of the Court .....		145
III. Assumptions for the proposed programme budget for 2012.....		146
IV. List of strategic goals and objectives of the International Criminal Court .....		146
V. Staffing information: .....		147
(a) Proposed Court staffing by major programme .....		147
(b) Changes to the staffing table .....		147
(c) List of reclassifications of General Service category posts 2011 .....		148
(d) Posts converted from GTA.....		148
(e) Salary and entitlements for 2012 – judges.....		148
(f) Standard salary costs for 2012 – Professional and General Service staff (headquarters).....		149
VI. Summary table by object of expenditure .....		150
VII. Income projections 2010 – 2012.....		150
VIII. 2012 Estimated income statements – Internship and Visiting Professionals Programme / Least Developed Countries Trust Fund.....		151
IX. Proposed budget for 2012 for the African Union Liaison Office (AULO).....		152
X. Rent and maintenance of interim premises, July to December 2012 .....		153
XI. The functions of the Senior Executive Officer within the Immediate Office of the Registrar.....		154
XII. Introduction to programme and sub-programme functions .....		156
XIII. Glossary of budgetary terms.....		161

## List of abbreviations and acronyms

Arc	Headquarters building at Maanweg, The Hague, Netherlands
ASG	Assistant Secretary-General
ASP	Assembly of States Parties
AU	African Union
AULO	African Union Liaison Office
AV	Audio-visual
CAR	Central African Republic
CASD	Common Administrative Services Division
CBF	Committee on Budget and Finance
CMS	Court Management Section
CoCo	Coordination Council
D	Director
DCS	Division of Court Services
DRC	Democratic Republic of the Congo
DSA	Daily subsistence allowance
DSS	Defence Support Section (integrated in Counsel Support Section - 2010)
DVC	Division of Victims and Counsel (abolished 2010 - sections moved to Office of the Registrar)
ECOS	e-Court operating system
FMU	Facilities Management Unit
FTE	Full-time equivalent
GCDN	Global Communications and Data Network
GS	General Service
GS-OL	General Service (other level)
GS-PL	General Service (principal level)
GSS	General Services Section
GTA	General temporary assistance
HQ	Headquarters
HR	Human resources
IBA	International Bar Association
ICC	International Criminal Court
ICCPP	International Criminal Court Protection Programme
ICT	Information and communication technologies
ICTS	Information and Communication Technologies Section
ICTY	International Criminal Tribunal for the former Yugoslavia
IGO	Intergovernmental organization
ILOAT	International Labour Organization Administrative Tribunal

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INTERPOL	International Criminal Police Organization
IOM	Independent Oversight Mechanism
IPSAS	International Public Sector Accounting Standards
IRS	Initial Response Services
IT	Information technologies
JCCD	Jurisdiction, Complementarity and Cooperation Division
LAS	Legal Advisory Section (in OTP)
LASS	Legal Advisory Services Section (in Registry)
LSU	Language Services Unit
LTU	Logistics and Transport Unit
MIS	Management information system
MORSS	Minimum Operating Residential Security Standards
MOSS	Minimum Operating Security Standards
NGO	Non-governmental organization
NYLO	New York Liaison Office
OIA	Office of Internal Audit
OPCD	Office of Public Counsel for the Defence
OPCV	Office of Public Counsel for Victims
OTP	Office of the Prosecutor
P	Professional
PIDS	Public Information and Documentation Section
PDO	Project Director's Office (permanent premises)
SAP	Systems, Applications and Products (data processing)
SG	Strategic goal
SO	Strategic objective
SSS	Security and Safety Section
STIC	Court Interpretation and Translation Section (French acronym)
TFV	Trust Fund for Victims
TRIM	Total records information management
UNDSS	United Nations Department of Safety and Security
UNDU	United Nations Detention Unit
UNON	United Nations Office at Nairobi
UNSMS	United Nations Security Management System
VPRS	Victims Participation and Reparations Section
VTC	Video teleconferencing
VWU	Victims and Witnesses Unit
WCF	Working Capital Fund

## I. Introduction

1. This proposed programme budget for 2012 is submitted on 8 July 2011 by the Registrar of the International Criminal Court (“the Court”) in accordance with financial regulation 3.1 and financial rule 103.2, for the consideration and approval of the Assembly of States Parties (“the Assembly”) at its tenth session.
2. The budget proposed is for a total of €117.73 million. Of this total:
  - (a) €114.65 million (97.4 per cent) is for the Court;<sup>1</sup> and
  - (b) €3.08 million (2.6 per cent) is for the Secretariat of the Assembly of States Parties.
3. Within the Court, the budget is apportioned as follows:
  - (a) €10.31 million (8.7 per cent) for the Judiciary;
  - (b) €31.80 million (27 per cent) for the Office of the Prosecutor;
  - (c) €69.92 million (59.4 per cent) for the Registry;
  - (d) €1.76 million (1.5 per cent) for the Secretariat of the Trust Fund for Victims;
  - (e) €0.55 million (0.5 per cent) for the Project Director’s Office (permanent premises); and
  - (f) €0.32 million (0.3 per cent) for the Independent Oversight Mechanism.
4. This reflects an increase of €14.12 million, or 13.6 per cent, over the 2011 approved budget. This is mainly due to the cost of a new situation in Libya and an increase in the cost of ensuring that defence and victims have adequate legal representation, as well as a number of additional necessary investments, such as certain capital investments and IPSAS implementation. The above figures exclude the potential additional expenses outlined in annexes IX and X to this proposal, namely uncertain expenditure regarding the interim premises and costs related to the establishment of the African Union Liaison Office.

**Table 1: Proposed budget 2012 by item**

<i>Item</i>	<i>Basic (thousands of euros)</i>	<i>Situation-related (thousands of euros)</i>	<i>Total (thousands of euros)</i>
Judges	5,111.9		5,111.9
Staff costs	35,080.6	43,518.7	78,599.3
Non-staff costs	13,222.6	20,799.2	34,021.8
<b>Total</b>	<b>53,415.1</b>	<b>64,317.9</b>	<b>117,733.0</b>

### The Court today

5. The Court is currently dealing with a number of cases in six situations. There are seven cases at different stages of proceedings, where suspects are either in custody or have voluntarily appeared before the Court. In addition to its investigations in Uganda, the Democratic Republic of the Congo, the Central African Republic, Darfur (Sudan), Kenya, and most recently in Libya, the Prosecutor has requested the Court’s authorization to commence an investigation into the situation in Côte d’Ivoire. Furthermore, the Office of the Prosecutor continues to monitor other situations in preliminary examination, including in Afghanistan, Colombia, Georgia, Guinea, Honduras, the Republic of Korea, Nigeria and Palestine.

<sup>1</sup> This figure includes resources for the Secretariat of the Trust Fund for Victims, the Project Director’s Office (permanent premises) and the Independent Oversight Mechanism.

6. In the context of its active situations, the Court has issued seventeen<sup>2</sup> warrants of arrest against persons suspected of having committed crimes within the jurisdiction of the Court, five of whom are currently in custody, while eleven remain at large. In addition, nine summonses to appear have been issued by the Court, on which basis all nine suspects appeared voluntarily before the Court and are not currently in custody. Out of the cases before the Court, four are at the trial stage, in three cases confirmation of charges hearings have been scheduled, and in one case the Pre-Trial Chamber declined to confirm the charges. Five cases remain in abeyance, owing to failure to arrest the respective suspects.

7. The situation in the Democratic Republic of the Congo continues to be the one with the highest level of judicial activity at the Court. In the case of *The Prosecutor v. Thomas Lubanga*, before Trial Chamber I, the parties are due to present their closing statements at the end of August 2011. The Trial Chamber is due to hand down its final decision in the case, pursuant to article 74 of the Rome Statute, later this year. If the defendant is convicted, the Court's first ever reparations proceedings will follow. In the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, the Defence started to present its case before Trial Chamber II in February 2011 and is expected to finish later in the year. In *The Prosecutor v. Bosco Ntaganda* the suspect remains at large, but in the new case of *The Prosecutor v. Callixte Mbarushimana*, thanks to the effective cooperation of France and Germany during the investigation and arrest procedures, the suspect was surrendered to the Court on 25 January 2011. A confirmation of charges hearing in this case is scheduled to be held before Pre-Trial Chamber I on 17 August 2011.

8. The trial in *The Prosecutor v. Jean-Pierre Bemba Gombo*, in the situation in the Central African Republic, started on 22 November 2010 before Trial Chamber III. Currently, the Prosecution is presenting its case to the Court.

9. In the situation in Darfur, Sudan, which was referred to the Court by the United Nations Security Council in its resolution 1593 of 31 March 2005, the Court has issued arrest warrants against the three suspects in the case of *The Prosecutor v. Ahmad Harun, Ali Kushayb and Omar Hassan Al Bashir*. In a separate case, Mr Bahr Idriss Abu Garda, who was summoned to appear before the Court, appeared voluntarily in May 2009, and on 8 February 2010 Pre-Trial Chamber I declined to confirm the charges against him. In a further case, *The Prosecutor v. Abdallah Banda Abakaer and Saleh Mohammed Jerbo Jamus*, in which the suspects presented themselves voluntarily following summonses to appear issued by the Court, Pre-Trial Chamber I decided to confirm the charges on 7 March 2011. On 16 March 2011, the Presidency constituted Trial Chamber IV and referred this case to it. Abdallah Banda and Saleh Jerbo are not in the custody of the Court.

10. On 31 March 2010, Pre-Trial Chamber II authorized the Prosecutor to open an investigation *proprio motu* into the situation in the Republic of Kenya. Since then, two cases have been opened this year by Pre-Trial Chamber II: *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*, and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*. On 7 and 8 April 2011, all six suspects in both cases appeared voluntarily before the Court in compliance with summonses to appear issued by the Chamber on 8 March 2011. The confirmation of charges hearings for both cases are scheduled to commence on 1 and 21 September 2011 respectively. The suspects are not in the custody of the Court.

11. On 26 February 2011, the United Nations Security Council decided unanimously in its resolution 1970 (2011) to refer the situation in Libya to the Court. On 3 March 2011, the Prosecutor announced his decision to open an investigation in the situation, which was assigned by the Presidency to Pre-Trial Chamber I. On 27 June 2011, upon a request submitted by the Prosecutor on 16 May 2011, Pre-Trial Chamber I issued warrants of arrest against Muammar Abu Minyar Gaddafi, Said Al Islam Gaddafi and Abdullah Al Sanousi.

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<sup>2</sup> Proceedings against Raska Lukwiya in the situation in Uganda were terminated by Pre-Trial Chamber II on 11 July 2007 following his death.

**Assumptions 2012**

12. The unpredictable nature of the Court's judicial work makes it extremely difficult to produce fully reliable assumptions a year in advance of the financial period for which the Court is budgeting. Faced with a variety of possibilities, the Court has adopted a relatively conservative approach concerning the assumptions, so as to avoid over-budgeting and a possible consequent underspend. On the other hand, basing the preparation of the budget on conservative assumptions, runs the risk of under-resourcing, should the Court's judicial activities develop further than originally foreseen. The Court will keep the Assembly informed of any change in its assumptions which could have a material impact on its current estimate of budget requirements for 2012.

13. Accordingly, the Court foresees that, while a number of cases will proceed simultaneously during 2012, trial-hearings will be scheduled consecutively, without endangering the expeditiousness of the proceedings, thus saving the cost of an additional courtroom team to run simultaneous trial-hearings, as was budgeted for during the first half of 2011. It should be stressed that this delicate balance has been achieved following the assessment of a series of different foreseeable circumstances in 2012, including the expected average timing of certain judicial processes. Appeals and reparations phases of trials are also anticipated.

14. The Office of the Prosecutor projects that in 2012 it will continue to conduct seven investigations in six situation countries, including, in particular, the recent situation in Libya. The Office of the Prosecutor will maintain the current case-load of nine residual investigations and will continue the monitoring of at least eight other potential situations.

15. The Registry will continue to support the operations of the Judiciary and to provide services and support to all parties to the proceedings, as well as to the operations of the Office of the Prosecutor where the provision of such services has been requested. Furthermore, the Registry will continue to provide effective and adequate field support through a reduced number of field presences (five as opposed to seven in 2011).

16. As a direct result of the increase in judicial activities and in order to ensure that the rights of all parties and participants in the proceedings are properly protected, seven defence teams and twelve victims' representative teams will continue to receive legal aid during 2012 in accordance with the current legal aid scheme.

**Strategic Planning and the 2012 Budget**

17. The overarching context for the Court's strategic planning process is the principle that there is no higher priority than the mandates and functions set out in the Court's regulatory framework. The Court's current Strategic Plan<sup>3</sup> continues to guide the planning and implementation of the Court's budget.

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<sup>3</sup> ICC/ASP/7/25.

**Table 2: Strategic Planning and the 2012 Budget**

<i>Goal 1: Quality of justice</i>	<i>Goal 2: A well-recognized and adequately supported institution</i>	<i>Goal 3: A model of public administration</i>
Conduct fair, effective and expeditious public proceedings in accordance with the Rome Statute and with high legal standards, ensuring full exercise of the rights of all participants.	Further enhance awareness of, effect a correct understanding of, and increase support for the Court.	Excel in achieving the desired results with minimal resources and through streamlined structures and processes, while maintaining flexibility, guaranteeing accountability and drawing upon sufficient qualified and motivated staff within a caring environment and a non-bureaucratic culture.
1. Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received.	4. Further cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities.	8. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks.
2. Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute.	5. Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences.	9. Submit sound, accurate and transparent budget proposals necessitating only minor adjustments to the proposed amount and distribution of resources by the Assembly of States Parties.
3. Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity.	6. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence.	10. Attract, care for, and offer career development and advancement opportunities to a diverse staff of the highest quality.
	7. Ensure publicity of all proceedings for local and global audiences.	11. Continue the development of a common ICC culture.

18. In preparation for the 2012 budget process, the Court identified its strategic priorities for 2012, which are deliberately limited in number. Accordingly, these strategic priorities are less related to costs and budgetary impact, but rather directed towards developing mechanisms to refine and enhance the Court's processes in these areas and thus improve the way in which the Court functions. Their enumeration is not hierarchical, but rather indicates clusters or areas in which the Court is focusing its attention. Overall, the strategic priorities should be seen as:

- (a) Supporting the Court's core functions of conducting preliminary investigations, investigations and trials; and
- (b) Subject to the cross-cutting requirement of pursuing efficiency and effectiveness in all aspects of the Court's work.

### **Strategic priorities 2012**

*Priority 1 Further enhance the internal operations and policy framework of the Court (Goals 1 and 3):*

- (a) Create or review and revise policies, including human resources and field strategy (Goal 3, Objectives 8, 10 and 16);
- (b) Develop new management tools and refine existing tools, including IPSAS and cost accounting (Goal 3 and Objectives 8, 9 and 16); and
- (c) Continue to strengthen support to courtrooms and facilitate the expeditiousness of trials (Goal 1).

*Priority 2 Address emerging issues relating to all parties/participants in court proceedings (Goals 1 and 2):*

- (a) Security for victims, witnesses and others put at risk by their association with the Court (Goal 1, Objective 2);
- (b) Legal aid, review of the current legal framework (Goal 1, Objective 3); and

(c) Outreach, continue to develop efficient mechanisms to enhance impact (Goal 2, Objectives 4 and 7).

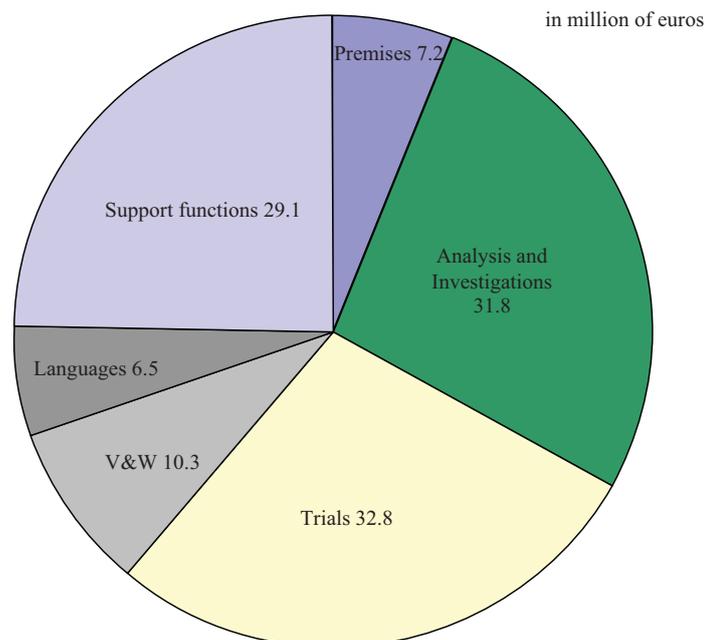
*Priority 3 Invest in expanding existing sources of support and cooperation for and with the Court from internal and external stakeholders, and cultivate new sources (Goal 2):*

(a) Focus on addressing staff welfare and needs identified in the 2010 staff survey (Goal 3, Objective 10); and

(b) New cooperation and enforcement agreements such as: Privileges and immunities; security; logistics; information sharing; witness relocation; provisional release; enforcement of sentences (Goal 2, Objectives 5 and 6).

19. In relation to Priority 1, and in connection with Goal 3 of the Court's Strategic Plan, the Court is proposing, in conformity with common system and international standards, to make provision for a subsidy scheme to assist long-serving staff who retire from the Court to afford adequate health care insurance. In order to conform to common system and international standards, the Court wishes to introduce a suitable subsidy scheme for its long-serving staff who depart the organization into retirement. The Court's share of the cost for the scheme will be absorbed under the common staff cost budget line, where this liability will be recognized according to regular accounting standards. It is not expected that the scheme will require a dedicated increase in the overall programme budget in the future. Details on the rationale for the scheme, eligibility criteria, financial projections and funding are provided in a separate document, as requested by the Committee on Budget and Finance ("the Committee") at its sixteenth session.<sup>4</sup>

### Macroanalysis



20. Provision for analysis and investigations amounts to €31.8 million, to support the preliminary examination of situations for possible investigations and the conduct of subsequent investigations in accordance with the Rome Statute. Costs for the protection of victims and witnesses as well as for participation activities amount to €10.3 million.

21. The total costs for resource utilization in the different phases of the judicial process will amount to approximately €32.8 million, or 27.8 per cent of the budget. Language support in the form of interpretation and translation services amounts to €6.5 million for 2012, the majority of which is related to support of the judicial process. In order to provide all non-judicial support functions to the Court, an amount of €29.1 million is budgeted

<sup>4</sup> ICC-ASP/10/5, para. 68.

across the different organs. Finally, the “Premises” budget reflects the requirements for the interim premises, excluding possible future rent, as well as for the Project Director’s Office for the permanent premises project.

22. The table below explains the dynamic evolution of judicial activities in the Court since 2009, and shows how resources move from one situation to another. Accordingly, the provisions for operational support show a steady limited growth over the years, reflecting increases consequential on the growth in judicial activities. Greater transparency between operational support and the Court’s judicial activities is expected to be achieved once further progress has been made with its cost-accounting system.

**Table 3: Strategic dynamic evolution of judicial activities in the Court**

<i>Budget in thousands euros and (#cases)</i>	<i>Operational Support</i>	<i>Uganda</i>	<i>DRC</i>	<i>Darfur</i>	<i>CAR</i>	<i>Kenya</i>	<i>Libya</i>
2009 approved	16,198.9 (9 cases)	3,233.4 (1 case)	17,475.4 (4 cases)	7,575.6 (3 cases)	7,390.5 (1 case)	0.0 N/A	0.0 N/A
2010 approved	18,158.3 (11 cases)	3,057.8 (1 case)	17,506.1 (5-6 cases)	6,719.1 (3 cases)	7,485.9 (1-2 cases)	0.0 N/A	0.0 N/A
2011 approved	21,927.0 (13 cases + 2)	2,269.7 (1 case)	13,499.6 (5 cases)	4,728.9 (4 cases)	5,653.3 (1 case)	7,740.8* (2 cases)	4,072.6** (2 cases)
2012 proposed	21,973.1 (16 cases)	1,653.8 (1 case)	17,133.3 (6 cases)	3,570.4 (4 cases)	4,618.4 (1 case)	8,036.3 (2 cases)	7,222.0 (2 cases)

\* Includes €2,616 Contingency fund notification for possible use of extra resources for Kenya situation for period June to December 2011.

\*\* Contingency Fund notification for possible use of extra resources for Libya situation for period May to December 2011.

23. The situation-related budget components are the field operations and court-in-session as summarized in the table below:

**Table 4: Budget for court-in-session and field operations per situation**

<i>Item</i>	<i>Proposed budget 2012 in € million</i>
Trial 1 (Lubanga)	4.1
Trial 2 (Katanga/Ngudjolo)	4.1
Trial 3 (Bemba)	2.3
<i>Sub-total court-in-session</i>	<i>21.8</i>
<b>Field operations</b>	
Operational support	10.6
Situation 1 - Uganda	1.7
Situation 2 - DRC	8.9
Situation 3 - Darfur	3.5
Situation 4 - CAR	2.6
Situation 5 - Kenya	8.0
Situation 6 - Libya	7.2
<i>Sub-total field operations</i>	<i>42.5</i>
<b>Total</b>	<b>64.3</b>

24. As has already been seen with the situations in Uganda and Sudan, after the initial stages, where more resources are required for conducting investigations, presenting and opening cases and establishing the required support structures, the level of expenditure decreases when judicial activities do not move forward due to lack of arrests. In such cases, the Court has been able to redeploy resources to cover arising needs in other situations and cases, while retaining a minimum infrastructure.

25. Conversely, in those situations where judicial activity is ongoing, the required resources reflect the changing needs directly connected to the proceedings, which in some instances may result in increases due to additional cases or cases at different stages in the proceedings, or in decreases, as is the case with the Central African Republic. It is important to note that the different stages of the judicial proceedings also require different levels of support from Registry on a number of the essential services it provides to all parties, participants and actors in the proceedings. Overall, it is the level of judicial activity that is the main driver of the Court's budget, thus reflecting its linkage to the core mandate of the institution.

#### **Growth analysis: main cost-drivers for 2012**

26. Taking into account the assumptions set out in paragraphs 12 to 16 above, the main driver for the Court's budget increment in 2012 as a whole is the unavoidable budget increase in connection with the new situation in Libya, which amounts to an additional €7.2 million. It is important to highlight in this regard that operative paragraph 8 of Security Council resolution 1970 (2011) referring the situation in Libya to the Court, expressly "*[r]ecognizes that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily.*"

27. Next after the situation in Libya, and also linked to the overall increase in judicial activities, a substantial increase is expected for legal aid, amounting in total to €4.9 million. This includes €2.5 million to cover legal aid for defence teams and €2.4 million to cover legal aid for teams of victims' representatives. As stated in paragraph 16 above, these figures correspond to the need to pay the legal fees of seven defence teams and twelve teams of victims' representatives at different stages of the proceedings, in accordance with the current legal scheme as endorsed by the Committee and subsequently approved by the Assembly.<sup>5</sup> Finally, a number of additional necessary investments, such as forward commitments including salary scale adjustments, the need for certain capital investments and the implementation of IPSAS, have to be factored in.

#### **Common system costs (salary calculation)**

28. The salary calculation methodology used to prepare the 2012 proposed salary scale is similar to the one used for the 2011 budget proposal. It was based on the Court's actual average step per grade and the latest salary scales available from the United Nations as at February 2011. This calculation has resulted in a net increase of €2.4 million in salary costs, including minor salary increases for General Services staff and for the salary scheme implemented for Professional staff in the field.

#### **Vacancy rate**

29. The Court maintained its budgeted vacancy rate of 8 per cent for the Office of the Prosecutor and 10 per cent for the remainder of the Court despite anticipating lower vacancy rate implementation, in line with the Court's 2010 lower actual vacancy rate. The Court is planning to absorb any additional cost a lower vacancy rate would create.

30. Wherever possible, the Court has found savings. As stated in paragraph 13 above, the Court has assumed that, throughout 2012, only consecutive trial-hearings will be held, resulting in a budget reduction of approximately €1.6 million<sup>6</sup> by comparison with 2011. Furthermore, some efficiencies have been achieved through a strategic review of the

<sup>5</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November-14 December 2007* (ICC-ASP/6/20), vol. II, part B.1, para. 80.

<sup>6</sup> This amount represents the approved increase for six months of simultaneous hearings in 2011.

Court's field operations, whereby the Registry has reduced its field presences from seven to five. As a result of these measures, the Registry will be able, with reduced resources, to provide increased coordination, support and assistance in field operations in all situation countries. A report containing a detailed analysis of the Court's envisaged efficiency gains will be submitted for the consideration of the Committee at its seventeenth session.

**Table 5: Comparative resource growth**

Total ICC	Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
MP I: Judiciary	9,745.0	924.8	10,669.8	9,355.4	952.9	10,308.3	-361.5	-3.4
MP II: Office of the Prosecutor	5,081.6	21,516.4	26,598.0	5,256.2	26,546.5	31,802.7	5,204.7	19.6
MP III: Registry	31,618.0	29,993.4	61,611.4	34,138.4	35,777.7	69,916.1	8,304.6	13.5
MP IV: Secretariat of the Assembly of States Parties	2,728.2	0.0	2,728.2	3,082.9	0.0	3,082.9	354.7	13.0
MP VI: Secretariat of the Trust Fund for Victims	436.5	768.7	1,205.2	715.0	1,040.8	1,755.8	550.6	45.7
MP VII-1: Project Director's Office (Permanent Premises)	492.2	0.0	492.2	546.4	0.0	546.4	54.2	11.0
MP VII-5: Independent Oversight Mechanism	303.1		303.1	320.8		320.8	17.7	5.8
<b>Total</b>	<b>50,404.6</b>	<b>53,203.3</b>	<b>103,607.9</b>	<b>53,415.1</b>	<b>64,317.9</b>	<b>117,733.0</b>	<b>14,125.1</b>	<b>13.6</b>

### Risk management 2012

31. Over the past two years the Court has been formalizing and further strengthening its risk management systems. As part of the effort to develop a more mature and comprehensive system, the Court and units of Major Programmes I to III, from section to organ level, have identified operational and strategic risks and developed risk indicators to serve as tools for managers to track and control the risks to which the Court is exposed.

32. As part of its Assurance Mapping Study in connection with the proposed inspection and evaluation functions of the Independent Oversight Mechanism, the United Nations Office of Internal Oversight Services reviewed the Court's existing mechanisms for risk management in April 2011 and made recommendations to deal with potential gaps and overlaps in the existing external and internal assurance mechanisms. These recommendations are currently under consideration by the Court.

The Court's current key risk categories are:

- (a) Court relationships with States Parties, the Assembly and its subsidiary bodies;
- (b) Stakeholder support;
- (c) Quality of judicial and administrative procedures;
- (d) Independence and interdependence of the organs;
- (e) Credibility of the Court;
- (f) Security of staff and witnesses;
- (g) Business continuity; and
- (h) Premises.

## II. Proposed Programme Budget for 2012

### A. Major Programme I: Judiciary

#### Introduction

33. In 2012, the Judiciary is expected to enter a new phase with the rendering of the first final judgments, possible final appeals from those judgments, and reparation proceedings. When additional activity in more recent cases is taken into account, the aggregate workload of the Pre-Trial Chambers, Trial Chambers and Appeals Chamber is expected to see a further increase in 2012 compared to 2011.

34. The budget for Major Programme I is based on the pre-trial, trial and appeal activities which could be foreseen and accurately costed under the budget assumptions for 2012 agreed in March 2011 among the Presidency, the Registry and the Office of the Prosecutor. Provision has therefore been made for: continuation of the trials of *The Prosecutor v. Thomas Lubanga Dyilo* (hereinafter: “*Lubanga*”), *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* (hereinafter “*Katanga/Ngudjolo*”) and *The Prosecutor v. Jean-Pierre Bemba Gombo* (hereinafter “*Bemba*”), and also for pre-trial activity for the two Kenya cases,<sup>7</sup> as well as the extension of the judges’ terms necessary to complete the *Katanga/Ngudjolo* and *Bemba* proceedings.

35. It is not possible at this stage to predict how many of the new judges who will be sworn in on 11 March 2012 will need in practice to be called to full-time service by the next Presidency in the course of 2012. Subject to the precise timing of any appeals, for example any final appeals in the *Lubanga* case, the limited case-load assumptions set out in the preceding paragraph will require only one judge to be called to full-time service in March 2012, leading to an overall net decrease in Major Programme I’s budget of approximately €360,000.

36. The Presidency notes that in practice the emerging case-load in 2012 may require the calling-up of more judges than projected in this draft budget, but that this requirement cannot yet be accurately estimated.

37. Given the conservative nature of these assumptions, the Court will inform the Assembly in due course of any developments which could have a material impact on the currently estimated budgetary requirements.

38. Mindful of possible future changes in workload, the Judiciary will exercise its functions in a manner that makes the most efficient possible use of the resources allocated to it. The current staffing structure and mechanisms already in place<sup>8</sup> provide a degree of flexibility to allow the Judiciary to address changing circumstances, although the need for temporary additional resources to cover specific case-related judicial requirements during 2012 cannot be excluded.

39. The proposed programme budget for Major Programme I is divided into the Presidency, Chambers, and the New York Liaison Office (hereinafter “NYLO”).

40. Presidency and Chambers are organs of the Court pursuant to article 34 of the Rome Statute. NYLO, while administratively supported by the Presidency, is a common representative of all the organs of the Court. NYLO further serves the Bureau of the Assembly of States Parties and its New York Working Group. The Strategic Planning Coordinator is an inter-organ resource that serves the Judiciary as well as the Office of the Prosecutor and the Registry, but is included within the Presidency’s budget.

41. The activities of the Court, and those of the Chambers and the Presidency in particular, have a profound impact on the perception of the Court as an institution and on the development of international criminal law. Ensuring the ability of both Chambers and the Presidency to carry out their functions to the highest judicial and professional standards,

<sup>7</sup> *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*; ICC-01/09-01/11; and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, ICC-01/09-02/11.

<sup>8</sup> Report of the Presidency on the revised staffing structure of Chambers (ICC-ASP/8/29).

and with maximum efficiency and effectiveness, is in the fundamental interest of the Rome Statute system.

**Table 6: Major Programme I: Proposed budget for 2012**

Judiciary	Expenditure 2010 (thousands of euros)					Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF*	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Judges	6,021.2		6,021.2		6,021.2	5,757.2		5,757.2	5,111.9		5,111.9	-645.3	-11.2
Professional staff	No breakdown available					2,756.3	452.0	3,208.3	2,845.0	468.7	3,313.7	105.4	3.3
General Service staff						804.3	181.8	986.1	835.1	189.0	1,024.1	38.0	3.9
<i>Subtotal staff</i>	3,395.5	521.4	3,916.9		3,916.9	3,560.6	633.8	4,194.4	3,680.1	657.7	4,337.8	143.4	3.4
General temporary assistance	459.0	65.7	524.7	266.1	790.8	108.0	270.8	378.8	198.0	295.2	493.2	114.4	30.2
Consultants						15.4		15.4	31.4		31.4	16.0	103.9
<i>Subtotal other staff</i>	459.0	65.7	524.7	266.1	790.8	123.4	270.8	394.2	229.4	295.2	524.6	130.4	33.1
Travel	51.4		51.4		51.4	206.2	20.2	226.4	222.4		222.4	-4.0	-1.8
Hospitality	9.5		9.5		9.5	17.0		17.0	17.0		17.0		
Contractual services	36.3		36.3		36.3				5.0		5.0	5.0	
Training	20.9		20.9		20.9	21.3		21.3	21.3		21.3		
General operating expenses	34.2		34.2		34.2	54.5		54.5	63.3		63.3	8.8	16.1
Supplies and materials	5.4		5.4		5.4	4.8		4.8	5.0		5.0	0.2	4.2
Equipment including furniture	0.4		0.4		0.4								
<i>Subtotal non-staff</i>	158.1		158.1		158.1	303.8	20.2	324.0	334.0		334.0	10.0	3.1
<b>Total</b>	<b>10,033.8</b>	<b>587.1</b>	<b>10,620.9</b>	<b>266.1</b>	<b>10,887.0</b>	<b>9,745.0</b>	<b>924.8</b>	<b>10,669.8</b>	<b>9,355.4</b>	<b>952.9</b>	<b>10,308.3</b>	<b>-361.5</b>	<b>-3.4</b>
Distributed maintenance	95.7	19.8	115.5		115.5	113.1	28.8	141.9	127.6	28.4	156.0	14.1	10.0

\* Not including expenditure for the African Union Liaison Office.

**Table 7: Major Programme I: Proposed staffing for 2012**

Judiciary											Total P- staff and above	Total GS- staff	Total staff		
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1		GS-PL	GS-OL			
Existing	Basic				2	1	21	4			28	1	12	13	41
	Situation-related				1	2		1			4		3	3	7
	<i>Subtotal</i>				3	3	21	5			32	1	15	16	48
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>					<b>3</b>	<b>3</b>	<b>21</b>	<b>5</b>			<b>32</b>	<b>1</b>	<b>15</b>	<b>16</b>	<b>48</b>

## 1. Programme 1100: The Presidency

### Introduction

42. The Presidency has three strategic priorities for 2012, which reflect its three primary areas of responsibility:

(a) Legal: to carry out its judicial functions under the Statute, including the support of the Judiciary, as efficiently and expeditiously as possible while maintaining the highest legal standards;

(b) Administrative: to optimize the internal and external governance structure and strengthen the Presidency's strategic leadership within that framework; and

(c) External relations: to maintain and increase support for the Court particularly by encouraging the accession of new States Parties and concluding additional agreements with existing States Parties on a variety of issues, including matters of cooperation and enforcement.

43. In 2011, the Presidency's achievements under these three functions included the signing of a number of enforcement and other agreements with States Parties and improving the President's administrative oversight of the Court as a whole, as well as expanding the universality of the Rome Statute.

(a) The legal team of the Presidency was involved in negotiations for four enforcement agreements with States, of which three were concluded. The team also provided logistical and legal support for four meetings of the judges and dealt with 14 judicial decisions, mostly confidential in nature;

(b) On administrative issues the Presidency is continuously striving to improve the operational and strategic management of the Court, in cooperation with the Registry and the Office of the Prosecutor; and

(c) On external relations, in the first half of 2011 the President and Vice-Presidents conducted a number of successful foreign visits aimed at encouraging decisions to accede or to complete ratification procedures, especially in the Asia-Pacific region and the Arab world. The President and Vice-Presidents also received an increasing number of high-level visits to the Court.

44. The legal work of the Presidency includes judicial review of administrative decisions, as well as facilitating the ongoing judicial operations of the Court. In 2012, the Presidency, through its legal function, will continue to support Chambers in their conduct of fair, effective, and expeditious proceedings (Strategic Goal 1). Through its legal team, the Presidency constitutes Chambers, assigns situations and cases to them, addresses requests by judges for excusal from judicial functions, and provides legal support to the judges' plenary sessions. The Presidency is further assisted by its legal team in conducting judicial review of certain decisions of the Registrar, for example concerning matters related to detention, legal assistance, and inclusion on the list of counsel and experts. Additionally, the legal team assists the Presidency with any complaints of misconduct by counsel and elected officials. Noting the likelihood of final judgments in 2012 and 2013 (see paragraphs 7 and 30 above), and the possibility of prison sentences being imposed,<sup>9</sup> the legal team must prepare the Presidency so that it can fully exercise its enforcement functions under part X of the Rome Statute and chapter 12 of the Rules of Procedure and Evidence, namely the enforcement of sentences, forfeitures and other orders.

45. The external relations team supports the Presidency in its external relations capacity. As the external face of the Court,<sup>10</sup> the President liaises with States, international organizations and civil society, ensuring that the Court is a well-recognized and supported institution (Strategic Goal 2). The President also raises awareness globally about the Court, encouraging more States to join the Court, particularly in the regions underrepresented in the Rome Statute system. The external relations team further supports the Presidency in its task of coordinating and consulting with the Prosecutor on external relations issues and

<sup>9</sup> The exact time when final judgments will be rendered and possible sentences imposed is also dependent on whether the parties appeal the trial judgments in the respective cases.

<sup>10</sup> ICC-ASP/9/34, annex II.C, para. 3.

providing strategic guidance and oversight of the Registry's external relations and public information activities.

46. In his administrative function in accordance with articles 38 and 43 of the Rome Statute and pursuant to the Court's corporate governance framework,<sup>11</sup> the President exercises strategic oversight over the Registrar, fully supporting the Registry's aim of becoming a model of public administration (Strategic Goal 3). The administrative team assists the President as well as the Presidency in the successful implementation of the Court's internal and external governance structure, as well as coordinating with the Office of the Prosecutor on all matters of mutual concern. The administrative team is also responsible for Judiciary's internal administration and managing the Presidency's and Chambers' budgetary, financial and staff resources.

### Objectives

1. Conduct fair, effective and expeditious public proceedings in accordance with the Rome Statute and with high legal standards, ensuring full exercise of the rights of all participants. (SG 1)
2. Further enhance awareness of, effect a correct understanding of, and increase support for the Court. (SG 2)
3. Excel in achieving the desired results with minimal resources and through streamlined structures and processes, while maintaining flexibility, guaranteeing accountability and drawing upon sufficiently qualified and motivated staff within a caring environment and a non-bureaucratic culture. (SG 3)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>	- Preparing for a smooth transition of judges in early 2012.	100%
- Carry out its judicial functions under the Statute including the support of the Judiciary as efficiently and expeditiously as possible while maintaining high legal standards	- Progressing in the field of international cooperation and enforcement of sentences. - Managing efficiently applications submitted to the Presidency.	Negotiate two agreements All decisions issued within agreed timeline
<b>Objective 2</b>	- Host official visits.	80
- Maintain or increase support for the ICC (focus on Africa & Asia/Pacific) particularly through additional agreements and ratifications	- Conduct foreign visits. - Deliver speeches at major conferences. - Participate in diplomatic and NGO briefings. - Grant interviews and participate in press conferences.	15 10 2+2 15 + 30
<b>Objective 3</b>	- Strengthen Presidency's strategic leadership and oversight of the Registry.	100%
- Optimize internal and external governance structure and strengthen Presidency's strategic leadership within that framework	- Optimization of internal governance structure. - Comprehensive and effective assistance of and advice to the President. - Improvement of consistent external governance structure. - Overseeing finalization of the Management Control System.	

### Staff resources

#### *Presidency allowances*

47. The proposed programme budget for 2012 makes a provision of €28,000 for the funds covering special allowances for the President<sup>12</sup> and special allowances for the First or Second Vice-President if acting as President.<sup>13</sup> The salaries of the three members of the Presidency are included in Sub-programme 1200.

<sup>11</sup> ICC-ASP/9/34, paras. 5-14.

<sup>12</sup> *Official Records ... Second session ... 2003* (ICC-ASP/2/10), part III.A.1.B.

<sup>13</sup> *Ibid.*, part III.A.1.C.

*Current staffing*

48. The Chef de Cabinet (P-5) provides leadership and strategic direction for the activities of the Presidency staff. The Legal Adviser (P-4), Legal Officer (P-3 GTA) and Associate Legal Adviser (P-2) are responsible for the coordination and substantive support of the Presidency in its legal and judicial functions, including advising on the legal aspects of the Presidency's administrative functions. The Presidency's external relations functions are chiefly supported by the External Relations Adviser (P-3). The Special Assistant to the President (P-3) provides support to the functions of the President relating to the proper administration of the Court, including the strategic oversight of the administrative functions of the Registrar and coordination with the Office of the Prosecutor, as well as the preparation and coordination of the President's interaction with the Court's other organs. The Associate Administrative Officer (P-2) coordinates and monitors the budget preparation, implementation and reporting for Major Programme I, coordinates the staffing resources in the Judiciary and oversees the implementation of the internship and visiting professional programme within Presidency and Chambers. The President's Personal Administrative Assistant (GS-PL), the Judges' Focal Point Administrative Assistant (GS-OL), who provides services for the Judges in the Presidency as well as in Chambers, the Chef de Cabinet's Administrative Assistant (GS-OL), and the Administrative Assistant for External Relations (GS-OL), all provide general administrative and logistical support to the Presidency and Chambers.

*Strategic Planning Coordinator*

49. The Strategic Planning Coordinator (P-3) became part of the Court's staff in 2010. Although provided for in the budget of the Presidency, this position fulfils Court-wide functions in driving the strategic planning and implementation process forward. As such, in contradistinction to the general Presidency staff, the Strategic Planning Coordinator assists senior managers in Major Programmes I, II and III in a coordinated approach across the different organs.

*General temporary assistance*

50. The Presidency is also responsible for enforcement under part X of the Rome Statute and chapter 12 of the Rules of Procedure and Evidence. Enforcement encompasses the enforcement of sentences, forfeitures and other orders. In order to prepare efficiently for the eventuality of final sentences being imposed and to ensure that monitoring mechanisms will be in place, the legal team will continue to make the necessary preparations, and to negotiate the conclusion of cooperation and enforcement agreements in 2012. In light of the aforementioned, and given that the workload is not expected to decrease in 2012, it is vital for the efficient and expeditious discharge of the Presidency's legal and judicial functions that the legal team retains the continued support of the GTA P-3 Legal Officer. Mindful of the recommendation of the Committee at its fifteenth session that the number of permanent posts be frozen at its approved 2010 level until a comprehensive re-justification of all posts has been conducted,<sup>14</sup> the Presidency will not seek the conversion of the GTA position into a permanent post in the 2012 budget, but will return to the matter at a future date.

*Consultants*

51. Recurrent. Given the Presidency's varied workload, the temporary need for expert advice on a range of specialist topics will remain unchanged in the proposed budget.

**Non-staff resources***Travel*

52. Recurrent. A provision of €210,000 has been included in the Presidency's budget to cover judges' travel. The increase reflects the Assembly's endorsement of the Committee's recommendation at its fifteenth session that the allocation previously reserved for judges' travel in Sub-programme 1200 (Chambers) be included under the Presidency's budget.<sup>15</sup>

<sup>14</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 81.

<sup>15</sup> *Ibid.*, vol. I, part II.E. and vol. II, part B.2.D.1, para. 83.

The increase further reflects the funds estimated for meeting the expenses associated with the President's external relations functions, including a provision to cover the cost of staff travelling with the President in the discharge of those functions.

### Training

53. Recurrent. Recognizing that training provided with a view to enhancing the specialist expertise of its staff will directly contribute to the achievement of SG1 and SG3, the Presidency provides funding for specialized training opportunities for its staff.

**Table 8: Programme 1100: Proposed budget for 2012**

The Presidency	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011			
	Basic	Situation-related	Total	Cont. Fund	Total incl.CF	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Judges	1,160.9		1,160.9		1,160.9	1,049.9		1,049.9	28.0		28.0	-1,021.9	-97.3
Professional staff		No breakdown available				707.8		707.8	730.0		730.0	22.2	3.1
General Service staff						258.9		258.9	268.1		268.1	9.2	3.6
<i>Subtotal staff</i>	884.3		884.3		884.3	966.7		966.7	998.1		998.1	31.4	3.2
General temporary assistance	257.0	0.7	257.7		257.7	108.0		108.0	110.4		110.4	2.4	2.2
Consultants						15.4		15.4	15.4		15.4		
<i>Subtotal other staff</i>	257.0	0.7	257.7		257.7	123.4		123.4	125.8		125.8	2.4	1.9
Travel	31.9		31.9		31.9	198.3	20.2	218.5	210.0		210.0	-8.5	-3.9
Hospitality	8.4		8.4		8.4	15.0		15.0	15.0		15.0		
Contractual services	36.3		36.3		36.3								
Training	9.9		9.9		9.9	5.5		5.5	5.5		5.5		
Supplies and materials	0.1		0.1		0.1								
Equipment including furniture	0.4		0.4		0.4								
<i>Subtotal non-staff</i>	87.0		87.0		87.0	218.8	20.2	239.0	230.5		230.5	-8.5	-3.6
<b>Total</b>	<b>2,389.2</b>	<b>0.7</b>	<b>2,389.9</b>		<b>2,389.9</b>	<b>2,358.8</b>	<b>20.2</b>	<b>2,379.0</b>	<b>1,382.4</b>		<b>1,382.4</b>	<b>-996.6</b>	<b>-41.9</b>
Distributed maintenance	24.5		24.5		24.5	30.3		30.3	34.2		34.2	3.9	12.9

**Table 9: Programme 1100: Proposed staffing for 2012**

The Presidency		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic					1	1	3	2		7	1	3	4	11
	Situation-related														
	<i>Subtotal</i>					1	1	3	2		7	1	3	4	11
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>					<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>			<b>7</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>11</b>

## 2. Programme 1200: Chambers

### Introduction

54. Pursuant to article 34(b) of the Rome Statute, Chambers consist of three Divisions: Pre-Trial, Trial and Appeals Division. The Presidency assigns situations and cases to the Pre-Trial and Trial Divisions, while the Appeals Division deals with interlocutory and final appeals against decisions taken in the other Divisions.

### Pre-Trial Division

55. In 2012, the level of judicial activity in the Pre-Trial Division is expected to match, if not surpass, the level of activity seen in 2011. Following the referral of the situation in the Libyan Arab Jamahiriya to the Court in 2011 by the United Nations Security Council, the Pre-Trial Chambers are seized of six situations in 2012, namely the Central African Republic, Darfur/Sudan, the Democratic Republic of the Congo, Kenya, Uganda, and now Libya. In two cases arising from the Kenya situation, Pre-Trial Chamber II issued summonses to appear before the Court on 7 and 8 April 2011 for six persons in total. Following those appearances, confirmation of charges hearings are currently expected in September 2011.

56. A minimum of six judges are to be assigned to the Pre-Trial Division at all times.<sup>16</sup> Four of the judges assigned to the Division are each assigned to one of the two long-standing Pre-Trial Chambers. One further judge has been assigned to both Chambers throughout 2011. One judge assigned to Pre-Trial Chamber I is currently also Presiding Judge of Trial Chamber III in the *Bemba* case, a case which is expected to continue through 2012. A third Pre-Trial Chamber was constituted on 22 June 2011 to deal with the possible new situation in Côte d'Ivoire. The sixth judge in the Division, who was already temporarily assigned to the Trial Division, sitting in the *Banda/Jerbo* trial, has also been assigned to the new Pre-Trial Chamber III. Since 2009, judges of the Pre-Trial Division have also been temporarily assigned to the Appeals Division for the purposes of hearing interlocutory appeals.

57. Division staff consists of twelve posts, namely one P-5 Senior Legal Adviser, six P-3 Legal Officers, one P-2 Associate Legal Officer, one GS-OL Research Assistant and three GS-OL Administrative Assistants.

58. The six situations that the Pre-Trial Chambers are seized of in 2011 may result in further applications of parties and participants to the various proceedings presented to the Pre-Trial Chambers in 2012.

59. Pre-Trial Chamber I is seized of the Prosecutor's application for the confirmation of charges in the *Mbarushimana* case. Because of issues arising in the case, it remains unclear when the pre-trial proceedings may be finally completed.

60. Given the number of summoned persons in the two Kenya cases (six in total), Pre-Trial Chamber II required additional resources in order to deal expeditiously with the confirmation of charges procedure. These requirements were the subject of a Contingency Fund notification in 2011.

61. The nature of proceedings before the Pre-Trial Chambers is such that initial appearances, new applications and other requests cannot be foreseen far in advance. As a result, the Pre-Trial Division can only draw on the experience of previous years in order to arrive at its assumptions for 2012. Having identified the recurring need for additional resources during periods of peak activity, the Division will continue to require the flexibility of GTA funds at P-1/P-2 Assistant/Associate Legal Officer level to address efficiently periods of peak activity.

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<sup>16</sup> See article 39 of the Rome Statute.

### **Trial Division**

62. The Trial Division is currently composed of eight judges. The mandate of one further judge was extended in accordance with articles 36(10) and 39(3)(a) of the Rome Statute to enable him to complete the *Lubanga* trial. Since the constitution of Trial Chamber IV on 16 March 2011, the judges are assigned to four Chambers, currently hearing the *Lubanga*, *Katanga/Ngudjolo* and *Bemba* cases, and preparing for the hearing of *Banda/Jerbo*.

63. The staffing of the Trial Division comprises one P-4 Legal Adviser, seven P-3 Legal Officers assigned to assist the judges, one P-2 Associate Legal Officer and one GS-OL Research Assistant, as well as three GS-OL Administrative Assistants.

64. Supplemental GTA funds approved in the 2011 programme budget have been used to address the additional workload resulting from the three ongoing trials (*Lubanga*, *Katanga/Ngudjolo* and *Bemba*) in 2011. It is expected that the increased workload will extend into 2012, given that the first final decision under article 74 of the Rome Statute is expected to be issued in the *Lubanga* case in the last quarter of 2011, and that any potential reparations proceedings pursuant to article 75 of the Rome Statute will extend into the first quarter of 2012. This heightened workload cannot be absorbed within the regular resources of the Division and will necessitate continued recourse to additional resources in the first quarter of 2012.

65. In the *Katanga/Ngudjolo* trial the presentation of defence evidence is expected to conclude later in 2011, with a final decision pursuant to article 74 of the Rome Statute issued by June 2012. Subject to the outcome of the case and the approach that ultimately is adopted, it is tentatively estimated that any reparations proceedings will be held in June-July 2012.

66. In the *Bemba* case, Trial Chamber III is expected to continue hearing the evidence presented by the Prosecution in the first half of 2011. The presentation of evidence by the Defence may start in the last quarter of 2011; it is expected to extend well into 2012. Given that this is the first case in which several thousand victims are participating during trial, it is not yet foreseeable how this may impact on the course of the proceedings. At this stage, it is nevertheless expected that the presentation of evidence in the *Bemba* case will conclude towards the end of the year 2012, and that the Chamber will reach a final decision in accordance with article 74 of the Rome Statute at the end of that year, with possible reparations proceedings in 2013.

67. In March 2011, Trial Chamber IV was constituted and seized of the *Banda/Jerbo* case. Because of complex issues arising during preparations for the trial-hearing, it is not possible at present to predict when these will commence or how long they are likely to take.

68. Given the accumulation of case work in 2012, and in the light of the experience in 2011 of the recurring need for additional resources during periods of intensified workload in order to avoid delays in the conclusion of proceedings, the Trial Division will continue to require the flexibility of GTA funding at the level of additional resources approved in 2011. However, the Division is also mindful of the fact that resources released through the termination of the *Lubanga* case, as well as of the *Katanga/Ngudjolo* trial in 2012, will be redeployed to other ongoing cases.

### **Appeals Division**

69. The Appeals Division is composed of five judges, one of whom is the President of the Court. The principal statutory function of the Appeals Chamber is to hear interlocutory appeals against decisions of the Pre-Trial and Trial Chambers made in the course of proceedings, and final appeals against decisions on acquittal or conviction and sentence, and potentially also on reparations. Final appeals will result in a considerably higher workload than interlocutory appeals, as the entirety of the trial proceedings may have to be reviewed, and evidence may have to be heard. In 2012 the mandate of one of the appeals judges will expire; the final constitution of the Appeals Division will be decided after the election of the Presidency and assignment of judges to the Divisions on 11 March 2012.

70. The staff of the Appeals Division comprises one P-4 Legal Adviser, five P-3 Legal Officers, one P-2 Associate Legal Officer, one GS-OL Research Assistant and two GS-OL Administrative Assistants.

71. In 2010, the Appeals Chamber was seized of seven interlocutory appeals; by June 2011, a total of five interlocutory appeals had been validly submitted to it. At this stage, it is difficult to predict the number of interlocutory appeals reaching the Appeals Chamber in 2012, as their number depends both on the number of situations and cases before the Pre-Trial Chambers and Trial Chambers and on the actions of the parties in the ongoing pre-trial and trial proceedings. It is nevertheless anticipated that the number of interlocutory appeals will remain at approximately the same level as that in recent years. It may rise if there are additional situations and cases before the Court.

72. It is expected that in 2012 the Appeals Chamber will be seized of appeals against decisions on acquittal or conviction and sentence, and potentially also on reparations, in the *Lubanga* and *Katanga/Ngudjolo* cases, as well as possibly in the case of *Banda/Jerbo*. Given that more than one party may file a final appeal against such decisions, it may be assumed that the cases before the Trial Chambers could result in two to six final appeals. Having regard to the cases' current progress, it is anticipated that these appeals will reach the Appeals Chamber consecutively. It cannot, however, be excluded that they may reach the Appeals Chamber concurrently, or at least partly overlapping in time, since the precise timing of appeals is dependent on procedural or other factors that cannot always be accurately predicted. Although proceedings at the trial level may end towards the end of 2012 in other cases (notably in the *Bemba* case), it is anticipated that, in light of the timeline for the submission of appeal documents, the main workload for any other potential appeals will arise in 2013.

### **Objectives**

1. Conduct fair, effective, and expeditious public proceedings in accordance with the Rome Statute and high legal standards, ensuring full exercise of the rights of all participants. (SG 1) In this respect, it is one of the objectives of the Appeals Division for the year 2012 to develop and adopt working methods that will allow a fair, efficient, and expeditious disposal of final appeals
2. Attract, care for, and offer career development and advancement opportunities to a diverse staff of the highest quality. (SO 10)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b> Pre-Trial Division	<ul style="list-style-type: none"> <li>- Enhance the sharing of information between the Pre-Trial Chambers in order to develop more efficient practices.</li> <li>- Ensure that the transmission of cases to the Trial Division is properly organized and to develop the cooperation in this regard with the Trial Division according to the feedback received.</li> <li>- Prepare cases for trial in the most efficient way and, to this end, define precisely the scope of the cases to be sent to trial and streamline proceedings at the trial stage by solving a number of issues already at the pre-trial stage.</li> <li>- Ensure that cases not supported by sufficient evidence are not sent to trial, in order to achieve judicial economy.</li> </ul>	100%
<b>Objective 2</b> Trial Division	<ul style="list-style-type: none"> <li>- The Division will seek to ensure that procedures are in place that will enable the best use of resources across the Trial Chambers, so that work is allocated on a flexible and responsive basis. The Division will establish an environment in which the necessary continuity of engagement with a case on the part of members of staff and the need to establish appropriately flexible work patterns are equally implemented.</li> <li>- In consultation with the Registry, the Division will seek to ensure that the Trial Chambers have full access to the procedures, practices and decisions that are adopted in each of the individual cases.</li> <li>- The Division will ensure that the excellent lines of communication with the relevant sections of the Registry are maintained.</li> <li>- Starting in 2011 and continuing into 2012, The Division will conduct a “lessons-learned” exercise based on the trials (particularly those that have concluded) with a view to establishing whether the practices and procedures of the Trial Division ought to be amended in order to promote more efficient proceedings.</li> </ul>	<ol style="list-style-type: none"> <li>1. The President of the Division and the Legal Adviser (in consultation with the Presiding Judges of the individual Chambers) will seek to ensure that the resources available to the Division are utilized on the most efficient basis.</li> <li>2. The President of the Division and the Legal Adviser (in consultation with the Presiding Judges of the individual Chambers) and in liaison with the Registry, will seek to ensure that the Trial Chambers have full access to the procedures, practices and decisions that are adopted in each of the individual cases.</li> <li>3. The President of the Division and the Legal Adviser (in consultation with the Presiding Judges of the individual Chambers) will ensure that the excellent lines of communication with the relevant sections of the Registry are maintained.</li> <li>4. The President of the Division and the Legal Adviser (in consultation with the Presiding Judges of the individual Chambers), starting in 2011 and continuing into 2012, will conduct a “lessons-learned” exercise based on the trials (particularly those that have concluded) with a view to establishing whether the practices and procedures of the Trial Division ought to be amended in order to promote more efficient proceedings. With the assistance of the legal staff of individual Chambers, the Division will review the course of each completed trial for this purpose.</li> </ol>
<b>Objective 3</b> Appeals Division	<ul style="list-style-type: none"> <li>- Agreement reached within the Appeals Division, based on previous experience and taking into account inter alia the experience of the ad hoc tribunals, on the most appropriate working methods for the disposal of the first final appeals; these working methods should be flexible and may need to be adapted if there are more than one final appeal and/or parallel interlocutory appeals.</li> <li>- Working methods for interlocutory appeals monitored and, if necessary, revised, in particular in light of experience with hearing interlocutory appeals at the same time as final appeals.</li> </ul>	<p>Flexible working methods for final appeals adopted in the first quarter of 2012; implementation monitored throughout the year.</p> <p>Working methods for interlocutory appeals monitored throughout the year.</p>

### Judges' salaries and entitlements

73. The proposed programme budget for 2012 makes provision for the remuneration of 18 full-time judges, as well as their allowances such as pension contributions, home leave and education grants, as detailed in annex V(e). The annex also includes the additional costs of judges' relocation.<sup>17</sup>

74. The judicial mandates of six judges of the Court will expire on 10 March 2012. The current assumptions foresee the following extension of judicial mandates pursuant to articles 36(10) and 39(3) of the Rome Statute:

(a) An extension of nine months for one judge in the Trial Division hearing the Bemba case; and

(b) Extensions of five months each for two trial judges hearing the Katanga/Ngudjolo case.

75. Extensions will total approximately 19 months. Additional costs will be incurred in relation to the relocation of the judges whose mandates expire in 2012,<sup>18</sup> as well as to the assignment of the new judges who will be called to serve on a full-time basis. Acting pursuant to article 35(3) of the Rome Statute, the incoming Presidency in 2012 will decide when to call the newly elected judges to full-time service during that year. Within the current limited assumptions,<sup>19</sup> and in order to avoid further extensions, only one new judge is anticipated to be called to serve on a full-time basis as of 11 March 2012. If the remaining five judges are not called to serve on a full-time basis, the resulting net savings of judges' salaries would be used to partially absorb the extensions of judges in 2012 and the remuneration of the non full-time judges. However, these assumptions do not take into account possible future developments in the proceedings in the *Mbarushimana* and *Banda/Jerbo* cases,<sup>20</sup> the two Kenya cases beyond pre-trial activity, Libya and Côte d'Ivoire, which may necessitate the calling of further newly elected judges to full-time service in the course of 2012.

### Staff resources

#### *Current staffing*

76. The Judiciary has continued to develop its staffing structure and reinforced flexibility to address changing workload situations and enhance efficiency on an inter-divisional level. Within the spirit of its Report of the Presidency on the revised staffing structure of Chambers,<sup>21</sup> the Divisions have addressed staff shortages within the available resources and structure through inter- and intra-divisional loans. Legal support staff are assigned on a needs basis, taking into account the workload of specific Chambers, as well as the need to share expertise with a view to enhancing cooperation and streamlining working methods between Chambers, thus leading to efficiency gains.

#### *General temporary assistance*

77. *Pre-Trial Division* Recurrent. The Pre-Trial Division has identified a generic recurring need for additional resources during periods of peak activity. The Pre-Trial Division is therefore requesting 12 months of GTA funding at Assistant/Associate Legal Officer level P-1/P-2 to cover immediate short-term needs.

78. *Trial Division* Recurrent. Two P-3 Legal Officers funded from GTA for six months and two P-1/P-2 Assistant/Associate Legal Officers funded from GTA for six months will be necessary in order to ensure the efficient and expeditious conclusion of cases before the Trial Chambers by avoiding a backlog of work and unnecessary extension of the proceedings.

<sup>17</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.3.

<sup>18</sup> No provision is made for the relocation of the judge hearing the Bemba case, as costs for her relocation will be most likely incurred within the 2013 budget cycle.

<sup>19</sup> See paras. 31-34 above.

<sup>20</sup> See paras. 56 and 64 above.

<sup>21</sup> ICC-ASP/8/29.

*Additional resources*

79. A provision of €16,000 is made for additional contractual resources in Chambers to provide assistance during peak periods of activity. These additional individual contractors' resources will allow Chambers to efficiently handle the increased workload during such periods.

80. Should any other unexpected need arise, every effort will be made to absorb related additional expenses within the 2012 budget before resorting to alternative funding.

**Non-staff resources***Training*

81. Recurrent. Chambers provides funding for specialized training opportunities for its staff, mindful that training with a view to enhancing the specialist expertise of its staff will directly contribute to the achievement of SG1 and SO1.

**Table 10: Programme 1200: Proposed budget for 2012**

Chambers	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Judges	4,860.3		4,860.3		4,860.3	4,707.3		4,707.3	5,083.9		5,083.9	376.6	8.0
Professional staff						1,908.4	452.0	2,360.4	1,961.6	468.7	2,430.3	69.9	3.0
General Service staff		No breakdown available				484.8	181.8	666.6	504.0	189.0	693.0	26.4	4.0
<i>Subtotal staff</i>	<i>2,279.8</i>	<i>521.4</i>	<i>2,801.2</i>		<i>2,801.2</i>	<i>2,393.2</i>	<i>633.8</i>	<i>3,027.0</i>	<i>2,465.6</i>	<i>657.7</i>	<i>3,123.3</i>	<i>96.3</i>	<i>3.2</i>
General temporary assistance	201.7	65.0	266.7	266.1	532.8		270.8	270.8		295.2	295.2	24.4	9.0
Consultants									16.0		16.0	16.0	
<i>Subtotal other staff</i>	<i>201.7</i>	<i>65.0</i>	<i>266.7</i>	<i>266.1</i>	<i>532.8</i>		<i>270.8</i>	<i>270.8</i>	<i>16.0</i>	<i>295.2</i>	<i>311.2</i>	<i>40.4</i>	<i>14.9</i>
Travel	0.1		0.1		0.1								
Hospitality	0.9		0.9		0.9	1.0		1.0	1.0		1.0		
Training	11.0		11.0		11.0	15.8		15.8	15.8		15.8		
Supplies and materials	2.0		2.0		2.0								
<i>Subtotal non-staff</i>	<i>14.0</i>		<i>14.0</i>		<i>14.0</i>	<i>16.8</i>		<i>16.8</i>	<i>16.8</i>		<i>16.8</i>		
<b>Total</b>	<b>7,355.8</b>	<b>586.4</b>	<b>7,942.2</b>	<b>266.1</b>	<b>8,208.3</b>	<b>7,117.3</b>	<b>904.6</b>	<b>8,021.9</b>	<b>7,582.3</b>	<b>952.9</b>	<b>8,535.2</b>	<b>513.3</b>	<b>6.4</b>
Distributed maintenance	62.3	19.8	82.1		82.1	77.3	28.8	106.1	87.1	28.4	115.5	9.5	8.9

**Table 11: Programme 1200: Proposed staffing for 2012**

Chambers		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic							18	2		20		8	8	28
	Situation-related					1	2		1		4		3	3	7
	<i>Subtotal</i>					<i>1</i>	<i>2</i>	<i>18</i>	<i>3</i>		<i>24</i>		<i>11</i>	<i>11</i>	<i>35</i>
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>					<b>1</b>	<b>2</b>	<b>18</b>	<b>3</b>			<b>24</b>		<b>11</b>	<b>11</b>	<b>35</b>

### 3. Programme 1300: Liaison Offices

#### Introduction

82. The New York Liaison Office (NYLO) contributes to the objectives of the Court by enhancing interaction and facilitating cooperation between the Court and the United Nations. The Office is constantly engaged with officials from the United Nations Secretariat and its agencies to resolve issues of operational cooperation and to explore ways of strengthening cooperation between the two organizations. NYLO also monitors and reports on developments of relevance to the Court, intervening where necessary.

83. As judicial, investigative and preliminary examination activities increase, the Court has increasingly gained prominence on the United Nations agenda. On an almost daily basis, the work of the Court is discussed by the United Nations General Assembly, the United Nations Security Council and other bodies in diverse contexts, including under situation-specific and thematic agenda items. NYLO, through constant interaction and engagement with key players in these decision-making organs, seeks to ensure that the mandate and work of the Court are respected. The NYLO is administratively supported by the Presidency, but serves and represents all other organs of the Court. It also provides some logistical support to the sessions of the Assembly, its Bureau and the Bureau's New York Working Group. Furthermore, the NYLO disseminates information and updates reports from the Court to the United Nations community in New York, to keep them abreast of relevant developments within the Court.

#### Objectives

1. Further cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities. (SO 4)
2. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence. (SO 6)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objectives 1 and 2</b>		
- Well-recognized and adequately supported institution	- Pursue all requests of the Court for cooperation with relevant interlocutors at United Nations Headquarters until completion of requests.	100% implementation rate
	- Organize briefings for States in New York.	3 briefings
	- Provide support to visiting Court officials.	6-10 visits
	- Monitor and participate in relevant United Nations meetings, follow up on items bilaterally and provide weekly reports to the Court.	1-2 reports every fortnight
	- Provide input for United Nations reports and resolutions on Court-related subjects.	Provide input for 5-8 resolutions
	- Participate and intervene in seminars and discussions on Court-related subjects.	5 seminars / workshops
	- Provide logistical support to the Assembly, its Bureau and the New York Working Group.	15-20 meetings

#### Staff resources

##### *Current staffing*

84. NYLO is currently staffed by one Head of Office (P-5), handling all the substantive work of the office, and one Administrative Assistant (G-5), who provides support on all administrative and logistical matters. Due to its limited staffing, the Head of Office focuses on the most essential tasks of pursuing the most urgent requests for cooperation with the United Nations, establishing and maintaining formal contacts and informal networks with the United Nations Secretariat and Permanent Missions, monitoring and reporting to the Court on United Nations activities of concern to the Court, arranging visits of Court officials to the United Nations and servicing meetings of the Assembly and its subsidiary bodies.

*General temporary assistance*

85. In light of the growing role of the Court in the international community, it is requested that an additional P-2 Associate Legal Officer GTA be included in the budget of NYLO. This will enable NYLO to intervene more actively in discussions within the various bodies and organs of the United Nations, in particular those that have the most substantial operational impact on the Court, and to expand NYLO's network of contacts to include stakeholders such as intergovernmental, regional and non-governmental organizations, thus enhancing the Court's profile both within and outside the United Nations and contributing to the promotion and realization of its objectives. With the additional staffing, NYLO will be able regularly to host high-level events aimed at promoting a better understanding of the Court's work.

86. If the NYLO staffing remains at the 2011 level, its mandate will need to be adjusted to the current circumstances and some of the support functions to the Assembly and its Secretariat may need to be reviewed.

**Non-staff resources***Supplies*

87. Recurrent. A provision is made for the running costs of NYLO, including the rental of the office space, basic office supplies and other expendable materials required for the Office. This amount covers travel, general operating expenses and supplies.

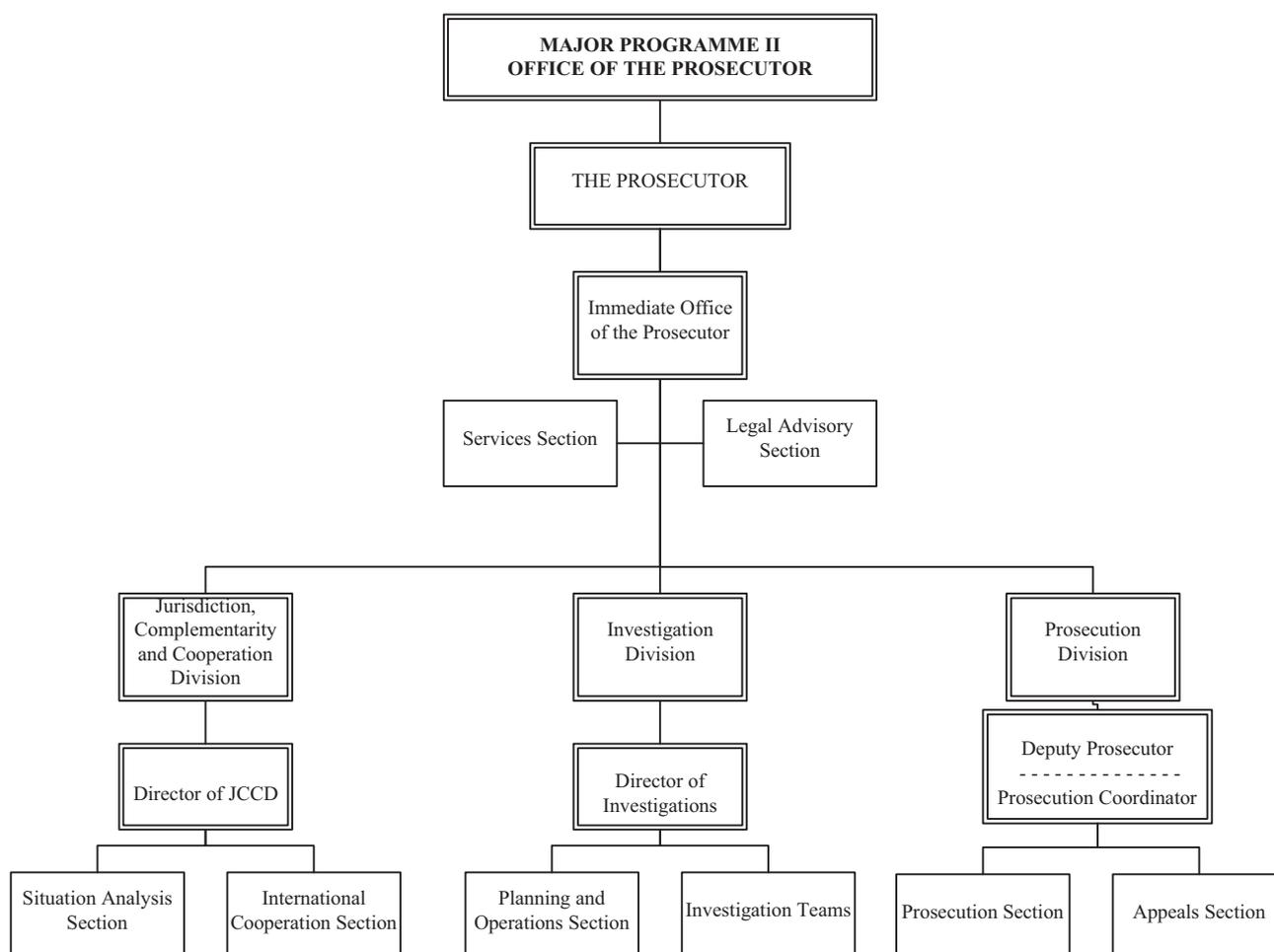
**Table 12: Programme 1300: Proposed budget for 2012**

Liaison Offices	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011			
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF*	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
<i>Judges</i>													
Professional staff	No breakdown available				140.1		140.1	153.4		153.4	13.3	9.5	
General Service staff					60.6		60.6	63.0		63.0	2.4	4.0	
<i>Subtotal staff</i>	231.4		231.4		231.4	200.7		200.7	216.4		216.4	15.7	7.8
General temporary assistance	0.3		0.3		0.3			87.6		87.6	87.6		
<i>Subtotal other staff</i>	0.3		0.3		0.3			87.6		87.6	87.6		
Travel	19.4		19.4		19.4	7.9		7.9	12.4		12.4	4.5	57.0
Hospitality	0.2		0.2		0.2	1.0		1.0	1.0		1.0		
Contractual services									5.0		5.0	5.0	
General operating expenses	34.2		34.2		34.2	54.5		54.5	63.3		63.3	8.8	16.1
Supplies and materials	3.3		3.3		3.3	4.8		4.8	5.0		5.0	0.2	4.2
<i>Subtotal non-staff</i>	57.1		57.1		57.1	68.2		68.2	86.7		86.7	18.5	27.1
<b>Total</b>	<b>288.8</b>		<b>288.8</b>		<b>288.8</b>	<b>268.9</b>		<b>268.9</b>	<b>390.7</b>		<b>390.7</b>	<b>121.8</b>	<b>45.3</b>
Distributed maintenance	8.9		8.9		8.9	5.5		5.5	6.2		6.2	0.7	13.2

**Table 13: Programme 1300: Proposed staffing for 2012**

Liaison Offices		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic					1					1		1	1	2
	Situation-related														
	<i>Subtotal</i>					1					1		1	1	2
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>					<b>1</b>						<b>1</b>		<b>1</b>	<b>1</b>	<b>2</b>

## B. Major Programme II: Office of the Prosecutor



### Introduction

88. The only additional resources requested in the budget submission of the Office of the Prosecutor (“the Office”) for 2012 are to deal with the referral of the Libya situation by the United Nations Security Council and to compensate for increases in common system costs.

89. The Office continues to increase its productivity:

(a) It has absorbed two investigations and the appearance of the suspects in the Kenya situation, as well as the arrest in the case against Callixte Mbarushimana, without requesting additional resources;

(b) It has, wherever possible, reduced its service requirements (e.g. field mission support and referral of new witnesses) and at the same time made every effort to keep unavoidable increases of service requests (e.g. for the additional staff) to a minimum; and

(c) It is planning to absorb the additional resources required in the event that it is authorized by the Chamber to open an investigation into Côte d’Ivoire.

90. The Office integrates its human resources through the teams created in its Regulations and rotates them in accordance with needs. The number of investigators, trial lawyers and cooperation advisers in each team evolves throughout the year in order to adapt to the requirements of each case. On a monthly basis an assessment is made of the resource requirements across all teams and then resources are redistributed according to needs. This results in a very flexible and efficient structure, with optimal use of resources.

91. The 2012 budget proposal for the OTP shows an absolute increase of €5,204,700 (19.6 per cent) over the approved budget for 2011. Common system cost increases aside, the net increase in the 2012 budget request is 16.2 per cent. The 2012 request represents a 21.2 per cent increase over actual expenditure for 2010 if common system cost increases are excluded (24.6 per cent if included). This is explained by a corresponding 60 per cent increase in active and residual caseload assumed for the budgets over the same period (namely developments in DRC, Darfur, Kenya and Libya situations), as can be seen in the table below.

**Table 14: Changes in OTP budget and staff allocation per situation\***

<i>Budget in euros (# staff) and (# cases)</i>	<i>Operational support</i>	<i>Uganda</i>	<i>DRC</i>	<i>Darfur</i>	<i>CAR</i>	<i>Kenya</i>	<i>Libya</i>
2009 approved	5,012,700 (59) (9 cases)	898,900 (3) (1 case)	6,124,300 (53) (4 cases)	4,590,500 (32) (3 cases)	4,206,300 (24) (1 case)	N/A	N/A
2010 approved	5,539,200 (61) (11 cases)	903,800 (3) (1 case)	6,655,400 (54) (5-6 cases)	4,121,400 (24) (3 cases)	4,794,700 (1-2 cases)	N/A	N/A
2011 approved	6,245,900 (69) (13 cases)	341,800 (1) (1 case)	5,510,800 (43) (5 cases)	2,288,000 (16) (4 cases)	2,122,500 (10) (1 case)	5,026,900 (36) (2 cases)	Contingency Fund <sup>22</sup> 2,181,800 (2 cases)
2012 proposed	5,534,900 (53) (16 cases)	111,200 (1) (1 case)	6,062,500 (43) (6 cases)	2,471,000 (17) (4 cases)	1,549,900 (8) (1 case)	5,456,300 (34) (2 cases)	5,360,600 (14) (2 cases)

\* The staffing component indicated in this table reflects established and situation-related posts only and not GTA resources.

92. Resources from cases expected to be almost or completely finished by 2012 (*The Prosecutor v. Lubanga*, and *The Prosecutor v. Katanga/Ngudjolo Chui*) will be reassigned to cover the needs in the upcoming trials in the Kenya situation, as well as for the case of *The Prosecutor v. Mbarushimana*.

93. The number of established posts in the Office remains unchanged in 2012. The additional staff resources necessary as a direct result of the referral of the Libya situation, and covered for 2011 by resources drawn from the Contingency Fund pursuant to the request of May 2011 will be entirely covered for 2012 by the GTA budget proposal; the future need for these resources beyond 2012 will be assessed on the basis of the workload generated by operational cases and situations.

94. Increases in the travel budget are partially caused by inflation adjustments (mainly due to increases in the price of oil and therefore higher airfares, which cannot be absorbed in 2012 in the existing budget), and by the need for additional missions in the context of the Libya investigations.

95. The Office continues to base its activities and strategy on three pillars. The first key component of the OTP cost-efficiency approach is a policy of carefully focused investigations and prosecutions, in accordance with the Statute. The Office is working in six situations, and has opened 13 cases against 24 individuals. In all these cases the individuals were at the top of the entities alleged to have committed the crimes. Prosecuting those at the top in this way is designed to maximize the Court's preventive impact. The Office has collected enough evidence to prosecute at least 100 individuals, but this would result in a massive increase in costs to the Court. Evidence in the Court's possession that could lead to the prosecution of other individuals could ultimately be provided to national authorities. The selection of cases triggers the main cost drivers of judicial proceedings in the remaining phases: number of witnesses, protective measures, length of the proceedings and legal representation for victims and suspects.

<sup>22</sup> Contingency Fund request for Libya situation resources for period May to December 2011.

96. The second key factor is increased cooperation through a network of cooperation with States, intergovernmental and non-governmental entities while respecting the principle of complementarity. During 2009 and 2010 the Office has worked closely with several countries in different regions, including sharing information to assist in the investigation of crimes committed in the Kivus. This also reduces the cost of investigations in the field and of protection. The services required from the Registry in these areas were reduced in 2011, and are further reduced for 2012.

97. The third key element is the flexible use of resources through expanding or reducing joint teams in accordance with needs. This rotation and efficient use of resources has been facilitated by the increased standardization of the Office through its Operational Manual, which came into official use at the beginning of 2010. Staff members are able to move on a needs basis from one team to another, encountering only minimal problems of adaptation.

**Table 15: Major Programme II: Proposed budget for 2012**

Office of the Prosecutor	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	No breakdown available			3,694.2	11,778.3	15,472.5	3,808.7	12,201.8	16,010.5	538.0	3.5
General Service staff				997.2	2,937.6	3,934.8	1,046.8	3,091.2	4,138.0	203.2	5.2
<i>Subtotal staff</i>	4,179.2	13,817.6	17,996.8	4,691.4	14,715.9	19,407.3	4,855.5	15,293.0	20,148.5	741.2	3.8
General temporary assistance	299.4	3,995.8	4,295.2	37.0	4,164.5	4,201.5	38.3	7,869.4	7,907.7	3,706.2	88.2
Overtime	0.2		0.2	15.0		15.0	15.0		15.0		
Consultants		242.0	242.0		106.0	106.0		170.8	170.8	64.8	61.1
<i>Subtotal other staff</i>	299.6	4,237.8	4,537.4	52.0	4,270.5	4,322.5	53.3	8,040.2	8,093.5	3,771.0	87.2
Travel	269.7	1,735.9	2,005.6	229.0	1,805.6	2,034.6	235.5	2,402.4	2,637.9	603.3	29.7
Hospitality	8.2		8.2	10.0		10.0	10.0		10.0		
Contractual services	34.7	174.6	209.3	25.0	252.5	277.5	25.0	282.4	307.4	29.9	10.8
Training	30.1	63.0	93.1	23.9	55.5	79.4	23.9	55.5	79.4		
General operating expenses		233.1	233.1		340.8	340.8		395.0	395.0	54.2	15.9
Supplies and materials	12.4	20.9	33.3	50.3	45.6	95.9	53.0	48.0	101.0	5.1	5.3
Equipment including furniture		142.4	142.4		30.0	30.0		30.0	30.0		
<i>Subtotal non-staff</i>	355.1	2,369.9	2,725.0	338.2	2,530.0	2,868.2	347.4	3,213.3	3,560.7	692.5	24.1
<b>Total</b>	<b>4,833.9</b>	<b>20,425.3</b>	<b>25,259.2</b>	<b>5,081.6</b>	<b>21,516.4</b>	<b>26,598.0</b>	<b>5,256.2</b>	<b>26,546.5</b>	<b>31,802.7</b>	<b>5,204.7</b>	<b>19.6</b>

**Table 16: Major Programme II: Proposed staffing for 2012**

Office of the Prosecutor		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic	1	2		2	6	8	4	7	2	32	1	15	16	48
	Situation-related					6	21	40	40	15	122		48	48	170
	<i>Subtotal</i>	1	2		2	12	29	44	47	17	154	1	63	64	218
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>	<b>1</b>	<b>2</b>		<b>2</b>	<b>12</b>	<b>29</b>	<b>44</b>	<b>47</b>	<b>17</b>	<b>154</b>	<b>1</b>	<b>63</b>	<b>64</b>	<b>218</b>	

## 1. Programme 2100: The Prosecutor

### Introduction

98. The programme of the Prosecutor comprises the Immediate Office, the Legal Advisory Section (LAS) and the Services Section, which all assist the Prosecutor with the coordination of, and provision of services to, the operational divisions and joint teams. It is here that the policies of the Office are evaluated and consolidated. The Executive Committee (regulation 4.2 of the Regulations of the Office of the Prosecutor) advises the Prosecutor on strategic aspects of all operations and activities of the Office, and the Immediate Office acts as its secretariat.

99. Through the Executive Committee, the Prosecutor directs the major activities for achieving the objectives of the prosecutorial strategy with a minimum of resources and maximum accountability.

100. In this regard, the Immediate Office of the Prosecutor coordinates internal and inter-organ activities, ensuring a well-qualified and motivated staff, effective information sharing and the development of a common Court culture.

101. The Legal Advisory Section responds to requests for legal advice from the Prosecutor and all operational divisions.

102. The Services Section provides high-quality and timely OTP-specific administrative, linguistic and technical services, by adopting a flexible approach to meeting clients' needs with minimum resources and by interfacing with the Registry to coordinate seamless common services.

### Objectives

1. Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity. (SO 3)
2. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights and minimize risks. (SO 8)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>	- Proportion of annual training plan implemented	≥ 95%
- Delivery of the annual training plan supporting the full implementation of the Operations Manual	- Percentage of the target groups reached by training	100% compulsory training elements; 60% optional training elements
<b>Objective 2</b>	- Actual proportion of improvements/developments implemented	> 90%
- All OTP-specific language, administrative, budgetary and technical development and improvement objectives for 2012 implemented		

**Table 17: Programme 2100: Proposed budget for 2012**

The Prosecutor	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	No breakdown available			2,058.0	424.6	2,482.6	2,121.0	439.1	2,560.1	77.5	3.1
General Service staff				630.0	673.2	1,303.2	660.4	708.4	1,368.8	65.6	5.0
<i>Subtotal staff</i>	<i>2,283.1</i>	<i>979.6</i>	<i>3,262.7</i>	<i>2,688.0</i>	<i>1,097.8</i>	<i>3,785.8</i>	<i>2,781.4</i>	<i>1,147.5</i>	<i>3,928.9</i>	<i>143.1</i>	<i>3.8</i>
General temporary assistance	174.9	1,320.3	1,495.2	37.0	1,533.8	1,570.8	38.3	2,559.7	2,598.0	1,027.2	65.4
Overtime	0.2		0.2	15.0		15.0	15.0		15.0		
Consultants		242.0	242.0		106.0	106.0		170.8	170.8	64.8	61.1
<i>Subtotal other staff</i>	<i>175.1</i>	<i>1,562.3</i>	<i>1,737.4</i>	<i>52.0</i>	<i>1,639.8</i>	<i>1,691.8</i>	<i>53.3</i>	<i>2,730.5</i>	<i>2,783.8</i>	<i>1,092.0</i>	<i>64.5</i>
Travel	159.4	337.3	496.7	72.5	442.4	514.9	73.4	583.5	656.9	142.0	27.6
Hospitality	8.2		8.2	10.0		10.0	10.0		10.0		
Contractual services	34.7	155.1	189.8	25.0	192.5	217.5	25.0	202.4	227.4	9.9	4.6
Training	30.1	56.1	86.2	23.9	55.5	79.4	23.9	55.5	79.4		
General operating expenses		5.2	5.2		9.7	9.7		10.0	10.0	0.3	3.1
Supplies and materials	12.4	19.0	31.4	50.3	26.6	76.9	53.0	28.0	81.0	4.1	5.3
Equipment including furniture		108.9	108.9		30.0	30.0		30.0	30.0		
<i>Subtotal non-staff</i>	<i>244.8</i>	<i>681.6</i>	<i>926.4</i>	<i>181.7</i>	<i>756.7</i>	<i>938.4</i>	<i>185.3</i>	<i>909.4</i>	<i>1,094.7</i>	<i>156.3</i>	<i>16.7</i>
<b>Total</b>	<b>2,703.0</b>	<b>3,223.5</b>	<b>5,926.5</b>	<b>2,921.7</b>	<b>3,494.3</b>	<b>6,416.0</b>	<b>3,020.0</b>	<b>4,787.4</b>	<b>7,807.4</b>	<b>1,391.4</b>	<b>21.7</b>
Distributed maintenance	64.6	45.2	109.8	80.0	65.8	145.8	90.2	65.0	155.3	9.5	6.5

**Table 18: Programme 2100: Proposed staffing for 2012**

The Prosecutor		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
		Existing	Basic	1				2	5	3	6	2	19	1	9
	Situation-related							1	1	3	5		11	11	16
	<i>Subtotal</i>	<i>1</i>				<i>2</i>	<i>5</i>	<i>4</i>	<i>7</i>	<i>5</i>	<i>24</i>	<i>1</i>	<i>20</i>	<i>21</i>	<i>45</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>		<b>1</b>				<b>2</b>	<b>5</b>	<b>4</b>	<b>7</b>	<b>5</b>	<b>24</b>	<b>1</b>	<b>20</b>	<b>21</b>	<b>45</b>

**(a) Sub-programme 2110: Immediate Office of the Prosecutor / Legal Advisory Section****Staff resources**

103. There are no new posts requested for this sub-programme.

*General temporary assistance*

104. Funds are requested as in previous years for five months of GTA at P-2 level to support ad hoc projects or anticipated peaks in workload in relation to the legal advisory capacity of the Office.

105. Additionally, in the context of the Libya investigation, there is a continued need for the resources requested in the Contingency Fund application, namely one Public Information Assistant (GS-OL) and one Staff Assistant (GS-OL), to support the case-specific and general workload increases that arise as a result of a new situation. The Public Information Assistant will provide support in analysing Arabic media and assisting in the preparation of press releases and other material relevant to the public information strategy for the case. The Staff Assistant will provide the necessary support for the increase in OTP staff, handling the increase in enquiries in respect of recruitment and employment, and taking the necessary action.

*Overtime*

106. Provision remains at €15,000, to meet legal requirements to compensate for overtime in the GS category.

*Consultancy*

107. In 2012 the Office will continue to engage situation-related expert advisers and expert witnesses in support of investigations and trials. For this, the Office requests the increased amount of €170,800, which represents the equivalent of 8.5 months of consultancy services at the P-5 level, although the actual level of the consultants will be determined on the basis of the work required and the experience of the consultants. The majority of this increase relates to the Libya case (€50,200), whilst the remainder reflects standard salary cost increases. The budget remains centralized in the Immediate Office.

108. In accordance with article 42(9) of the Rome Statute, the Prosecutor continues the appointment of external legal advisers on gender crimes and other issues. As these persons contribute their services on a *pro bono* consultancy basis, their appointment entails no increase in the resources requested.

**Non-staff resources***Travel*

109. In order to raise support and concrete cooperation, at the highest levels, for the Office's investigations and the arrest of individuals sought by the Court, and to contribute to maximizing the impact of the Rome Statute, it is necessary for the Prosecutor to travel. The provision within the Immediate Office has always incorporated travel projections for the Prosecutor, legal advisory, HR and public information staff, as well as for key stakeholders invited to meet with the Prosecutor, specifically those unable to fund the costs of such travel.

110. The increase for 2012 is largely accounted for by the provision of €22,200 for the Libya situation. The balance is the result of increases in the standard travel costs used for the 2012 budget. Owing to the reductions in the 2011 travel budget, these increases cannot be absorbed or offset from reductions in travel for the other situations.

111. The travel budget comprises missions for the Prosecutor as well as representatives of the Public Information Unit, Legal Advisory Section and OTP- Human Resources Unit and visitors to the Office. The request concerns almost 60 missions (206 travel days).

*Contractual services including training*

112. The training budget remains centralized in the Immediate Office. The unchanged amount of €79,400 is requested to support continued professional development for all staff within the Office. More specifically, operational training in the fields of investigation, analysis, advocacy, field safety and witness protection will be organized as relevant under the OTP Operational Manual.

113. An amount of €25,000 is requested, as approved last year, to support the public information costs of independent and joint outreach missions in the countries of operation. Typical costs incurred relate to radio broadcasts, the rental of appropriate facilities for press conferences and production and distribution costs for materials.

**Table 19: Sub-programme 2110: Proposed budget for 2012**

Immediate Office of the Prosecutor / Legal Advisory Section	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- related		Total	Situation- related		Total	Situation- related		Total	Amount	%
	Basic			Basic			Basic				
Professional staff	No breakdown available			994.6		994.6	1,022.3		1,022.3	27.7	2.8
General Service staff				324.0		324.0	338.4		338.4	14.4	4.4
<i>Subtotal staff</i>	<i>1,040.5</i>		<i>1,040.5</i>	<i>1,318.6</i>		<i>1,318.6</i>	<i>1,360.7</i>		<i>1,360.7</i>	<i>42.1</i>	<i>3.2</i>
General temporary assistance	174.9		174.9	37.0		37.0	38.3	140.0	178.3	141.3	381.9
Overtime	0.2		0.2	15.0		15.0	15.0		15.0		
Consultants		242.0	242.0		106.0	106.0		170.8	170.8	64.8	61.1
<i>Subtotal other staff</i>	<i>175.1</i>	<i>242.0</i>	<i>417.1</i>	<i>52.0</i>	<i>106.0</i>	<i>158.0</i>	<i>53.3</i>	<i>310.8</i>	<i>364.1</i>	<i>206.1</i>	<i>130.4</i>
Travel	149.2	58.0	207.2	54.9	91.8	146.7	57.8	128.1	185.9	39.2	26.7
Hospitality	8.2		8.2	10.0		10.0	10.0		10.0		
Contractual services	0.4	43.9	44.3		25.0	25.0		25.0	25.0		
Training	22.6	46.5	69.1	23.9	55.5	79.4	23.9	55.5	79.4		
<i>Subtotal non-staff</i>	<i>180.4</i>	<i>148.4</i>	<i>328.8</i>	<i>88.8</i>	<i>172.3</i>	<i>261.1</i>	<i>91.7</i>	<i>208.6</i>	<i>300.3</i>	<i>39.2</i>	<i>15.0</i>
<b>Total</b>	<b>1,396.0</b>	<b>390.4</b>	<b>1,786.4</b>	<b>1,459.4</b>	<b>278.3</b>	<b>1,737.7</b>	<b>1,505.7</b>	<b>519.4</b>	<b>2,025.1</b>	<b>287.4</b>	<b>16.5</b>
Distributed maintenance	31.2		31.2	38.6		38.6	43.6		43.6	5.0	12.9

**Table 20: Sub-programme 2110: Proposed staffing for 2012**

Immediate Office of the Prosecutor / Legal Advisory Section											Total P- staff and above	Total GS- staff	Total staff	
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1		GS-PL	GS-OL		
Existing	Basic	1			1	1	1	4	1	9	1	4	5	14
	Situation-related													
	<i>Subtotal</i>	<i>1</i>			<i>1</i>	<i>1</i>	<i>1</i>	<i>4</i>	<i>1</i>	<i>9</i>	<i>1</i>	<i>4</i>	<i>5</i>	<i>14</i>
New/ Converted	Basic													
	Situation-related													
	<i>Subtotal</i>													
Redeployed/ Reclassified/ Returned	Basic													
	Situation-related													
	<i>Subtotal</i>													
<b>Total</b>	<b>1</b>				<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>14</b>

**(b) Sub-programme 2120: Services Section****Staff resources***General temporary assistance*

114. The Language Services Unit has a continuing need for GTA funds as in previous years. This temporary assistance is required to handle the workload in translation and field interpretation supporting investigative missions.

115. The workforce requirements have changed as result of the referral of the Libya situation. It is estimated that 22 FTE are required for all translation, revision and interpretation services in support of the Office's mandate. Of this request, three FTE are provided by (situation-related) established posts and the remaining 19 FTE through flexible GTA work-month provision.

116. To restrict increases to the minimum in this area, the Language Services Unit continues to budget with some shortfall in resources, an estimated 1.48 FTE less than required (compared to 2.65 FTE in 2011). This shortfall equates to 1,139 pages of translation that will need to be achieved through efficiency gains and outsourcing where confidentiality allows. The wide range of languages serviced reduces the capacity for absorption compared to previous years.

**Table 21: Functional distribution of translators (GTA and existing posts) and resultant translation capacity based on anticipated 2011 workloads**

Language	FTE distribution									Total FTE	Capacity vs demand		
	Translation			Other language services							Anticipated Workload (pgs)	Capacity 2012 (pgs)	Excess/ Shortfall (pages)
	Translation	Translation/ Field Interpretation Management	Field Interpretation Testing/ Support - Training	Interpretation (Missions)	Telephone Interpretation	Document Scanning	Transcription Support (QC)/ Revisiting Transcripts	Sight Translation	Proofreadin/ Reviewing (e.g. ext. trans.)				
ENG - FRA	2.7	0.1	0.1	0.2					0.9	4	2,724	2,079	-645.00
FRA - ENG	2.4	0.9		0.2				0.1	0.4	4	2,548	1,848	-700.00
ENG - ARB	1.7		0.2	0.6	0.3			0.2		3	1,237	1,309	72.00
ARB - ENG	2.2			0.5	0.3					3	1,607	1,694	87.00
KIN/ SWH/ LIN - FRA	1.2					0.3	0.2	0.8		2.5	766	924	158.00
SWH - ENG	0.6	0.5	0.1	0.8						2	524	462	-62.00
SAG				0.3	0.2				1	1.5	-	-	*
KLN/ KIK/ LUY/ LUO	0.3			0.4	0.2	0.2	0.3	0.6		2	280	231	-49.00
<b>Total FTE</b>	<b>11.1</b>	<b>1.5</b>	<b>0.4</b>	<b>3</b>	<b>1</b>	<b>0.5</b>	<b>0.5</b>	<b>1.7</b>	<b>2.3</b>	<b>22</b>	<b>9,686</b>	<b>8,547</b>	<b>-1,139.00</b>

\* Two FTE do not produce written translations, as there is no standard written form of the language.

117. One GSOL position is required for the Information and Evidence Unit to supplement existing resources in the registration and handling of all evidence collected in the Libya situation.

118. Likewise, 12 months of GSOL equivalent is requested in support of financial and operational administration for the Office pertaining to the Libya situation. This additional situation cannot be absorbed by existing resources.

## Non-staff resources

### *Travel*

119. The travel budget allows for investigation-related missions solely for technical staff, field interpreters (local and international) and field interpretation recruitment missions, which necessarily support the investigative missions for all cases at pre-trial and trial phases. The total number of situation-related missions increases to 156 (compared to 144 in 2011); this increase relates solely to the Libya situation (24 missions) and masks a reduction by 12 missions across other cases, in part offsetting the overall increase in travel costs.

120. The basic travel budget provides for eight missions for technical, language and administrative staff to participate in professional conferences, and in support of the budget presentations.

### *Contractual services including training*

121. Major costs for OTP-specific information management projects for 2012 relate to business-process optimization to gain efficiency, namely: specific tools for language detection to support the evidence analysis are required to this end; an amount of €70,000 is allocated for requirements analysis and for advice on solutions and their integration into the existing systems; for cross-situation text and data mining, the amount of €22,000 is requested to cover requirements analysis and solution advice; lastly, €51,000 is required for the Office to pilot a system for automated suggestive evidence metadata coding for OTP evidence collections.

122. Funds for the outsourcing of translations are required to support the Office's in-house translation capacity during peaks in activity relating to time-constrained, case-specific workloads and for communications received in neither of the working languages of the Court. The amount requested is €50,000 representing a €5,000 increase for Libya-related translations.

123. The recurring amount of €9,400 is required as in previous budgets for the outsourcing of scanning, digitizing and printing of very large evidence items requiring specialized equipment not available or economical to have in-house.

### *General operating expenses*

124. This remains at €10,000 to meet in part the costs of the projects outlined above.

### *Supplies and materials / equipment*

125. The unchanged amount of €35,000 is requested to maintain annual subscriptions to OTP-specific databases/journals and professional subscriptions, as well as the purchase of key reference books necessary to support the core activities of the Office.

126. €20,000 is required for the acquisition of two advanced hardware systems for the support of the joint teams, in particular for culling of data. The recurring amount of €10,000 is required to maintain, replace and upgrade OTP-specific mission equipment (for audio-visual support to investigations).

**Table 22: Sub-programme 2120: Proposed budget for 2012**

Services Section	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available			1,063.4	424.6	1,488.0	1,098.7	439.1	1,537.8	49.8	3.3
General Service staff				306.0	673.2	979.2	322.0	708.4	1,030.4	51.2	5.2
<i>Subtotal staff</i>	1,242.5	979.6	2,222.1	1,369.4	1,097.8	2,467.2	1,420.7	1,147.5	2,568.2	101.0	4.1
General temporary assistance	1,320.3		1,320.3	1,533.8		1,533.8	2,419.7		2,419.7	885.9	57.8
Consultants											
<i>Subtotal other staff</i>	1,320.3		1,320.3	1,533.8		1,533.8	2,419.7		2,419.7	885.9	57.8
Travel	10.2	279.3	289.5	17.6	350.6	368.2	15.6	455.4	471.0	102.8	27.9
Contractual services	34.3	111.2	145.5	25.0	167.5	192.5	25.0	177.4	202.4	9.9	5.1
Training	7.5	9.6	17.1								
General operating expenses	5.2		5.2	9.7		9.7	10.0		10.0	0.3	3.1
Supplies and materials	12.4	19.0	31.4	50.3	26.6	76.9	53.0	28.0	81.0	4.1	5.3
Equipment including furniture	108.9		108.9	30.0		30.0	30.0		30.0		
<i>Subtotal non-staff</i>	64.4	533.2	597.6	92.9	584.4	677.3	93.6	700.8	794.4	117.1	17.3
<b>Total</b>	<b>1,306.9</b>	<b>2,833.1</b>	<b>4,140.0</b>	<b>1,462.3</b>	<b>3,216.0</b>	<b>4,678.3</b>	<b>1,514.3</b>	<b>4,268.0</b>	<b>5,782.3</b>	<b>1,104.0</b>	<b>23.6</b>
Distributed maintenance	33.4	45.2	78.6	41.4	65.8	107.2	46.7	65.0	111.7	4.5	4.2

**Table 23: Sub-programme 2120: Proposed staffing for 2012**

Services Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above		Total GS- staff	Total staff
											GS-PL	GS-OL		
Existing	Basic					1	4	2	2	1	10	5	5	15
	Situation-related							1	1	3	5	11	11	16
	<i>Subtotal</i>					1	4	3	3	4	15	16	16	31
New/ Converted	Basic													
	Situation-related													
	<i>Subtotal</i>													
Redeployed/ Reclassified/ Returned	Basic													
	Situation-related													
	<i>Subtotal</i>													
<b>Total</b>					<b>1</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>15</b>	<b>16</b>	<b>16</b>	<b>31</b>	

## 2. Programme 2200: Jurisdiction, Complementarity and Cooperation Division (JCCD)

### Introduction

127. The division contributes primarily to building and reinforcing the strong and extensive network of support and cooperation with States, international organizations and other stakeholders which is necessary in order for the Office to carry out its judicial mandate effectively. The division leads within the Office on matters of jurisdiction, admissibility, interests of victims and cooperation. It channels and coordinates all requests for assistance, negotiates cooperation agreements as appropriate, develops information-sharing networks and galvanizes support for arrests. It coordinates all matters of external relations and conducts the preliminary examination of information on crimes within the jurisdiction of the Court.

128. Within the division, in the context of enhancing fair, effective and expeditious proceedings, the Situation Analysis Section provides advice on complex matters of fact and law regarding complementarity, jurisdiction, cooperation and assessment of interests of justice, in particular in terms of interests of victims.

### Objectives

1. Conduct four to five new investigations into cases, within existing or new situations, and at least four trials, subject to external cooperation received. (SO 1)
2. Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences. (SO 5)
3. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence. (SO 6)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- Provide the Executive Committee with periodic analytical reports on communications received, and issues of jurisdiction, admissibility and/or interests of justice in situations under preliminary examination or investigation.	- Proportion of reports delivered on time and substantiated by the Executive Committee.	100%
- Efficient and timely compliance with internal processes for requests for assistance.	- Proportion of requests processed in accordance with material, formal and timely requirements: rate of compliance.	> 95%
- Further develop range of providers of information and other types of support including in particular cooperation for investigative/trial purposes and conclusion of agreements/arrangements where required.	- Proportion of expected cooperation and support and cooperation arrangements concluded as required.	100%
<b>Objective 2</b>		
- Adequate progress made in the implementation of cooperation and arrest strategies developed for each situation.	- Actual implementation vs planned implementation.	100%
<b>Objective 3</b>		
- Implementation of annual objectives contained within cooperation and external relations strategies directly involving OTP.	- Actual implementation rate of annual objectives.	100%

### Staff resources

#### *Established posts*

129. In 2011, a P-3 Legal Officer position that became vacant was redeployed to the Investigation Division in order to provide for operational needs in terms of crime analysis. In exchange, a P-2 position was redeployed from the Investigation Division to provide JCCD with a further Associate International Cooperation Adviser, thus enabling the JCCD to better supplement the joint teams in terms of analysis and cooperation for the increasing case-load.

*General temporary assistance*

130. The division maintains the GTA resources allocated to it in 2010, namely 10 months of a P-2 Cooperation Adviser/Analyst, for which a continued need exists for the Kenya situation.

131. In addition, the division will require the resources of one P-2 Associate Situation Analyst and one P-2 Associate International Cooperation Adviser to complement the joint team for the Libya situation. Each position is requested for 12 months.

**Non-staff resources***Travel*

132. Situation-related missions are requested for the purpose of securing cooperation for all situations and conducting ongoing analysis of the situations under investigation. The number of missions increases to 116 (cf. 99 in 2011). This provision is for situation-specific analysts and cooperation advisers travelling in advance or in support of investigative missions. The increase is due to the Libya situation (26 missions), and has to some degree been offset by reductions in travel for the other situations.

133. The basic budget remains as in 2011. It comprises missions by the Situation Analysis Section in relation to eight situations under preliminary examination. Additionally, it includes travel for the Director of the division to attend high-level meetings to secure general cooperation from States and international organizations with, or on behalf of, the Prosecutor, and also travel for cooperation advisers. The basic budget, as last year, provides for an average of 4.5 missions per month.

**Table 24: Programme 2200: Proposed budget for 2012**

Jurisdiction, Complementarity and Cooperation Division	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available			727.2	900.0	1,627.2	752.0	912.2	1,664.2	37.0	2.3
General Service staff				122.4		122.4	128.8		128.8	6.4	5.2
<i>Subtotal staff</i>	<i>1,135.8</i>	<i>879.4</i>	<i>2,015.2</i>	<i>849.6</i>	<i>900.0</i>	<i>1,749.6</i>	<i>880.8</i>	<i>912.2</i>	<i>1,793.0</i>	<i>43.4</i>	<i>2.5</i>
General temporary assistance		160.0	160.0		70.3	70.3		256.3	256.3	186.0	264.6
<i>Subtotal other staff</i>		<i>160.0</i>	<i>160.0</i>		<i>70.3</i>	<i>70.3</i>		<i>256.3</i>	<i>256.3</i>	<i>186.0</i>	<i>264.6</i>
Travel	73.1	309.7	382.8	127.5	257.2	384.7	131.1	363.9	495.0	110.3	28.7
<i>Subtotal non-staff</i>	<i>73.1</i>	<i>309.7</i>	<i>382.8</i>	<i>127.5</i>	<i>257.2</i>	<i>384.7</i>	<i>131.1</i>	<i>363.9</i>	<i>495.0</i>	<i>110.3</i>	<i>28.7</i>
<b>Total</b>	<b>1,208.9</b>	<b>1,349.1</b>	<b>2,558.0</b>	<b>977.1</b>	<b>1,227.5</b>	<b>2,204.6</b>	<b>1,011.9</b>	<b>1,532.4</b>	<b>2,544.3</b>	<b>339.7</b>	<b>15.4</b>
Distributed maintenance	17.8	25.4	43.2	22.1	37.0	59.1	24.9	36.6	61.5	2.4	4.0

**Table 25: Programme 2200: Proposed staffing for 2012**

Jurisdiction, Complementarity and Cooperation Division	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic			1	1	2	1	1		6		2	2	8
	Situation-related					3	3	3		9				9
	<i>Subtotal</i>				<i>1</i>	<i>1</i>	<i>5</i>	<i>4</i>	<i>4</i>		<i>15</i>		<i>2</i>	<i>2</i>
New	Basic													
	Situation-related													
	<i>Subtotal</i>													
Redeployed/ Returned	Basic													
	Situation-related							-1	1					
	<i>Subtotal</i>							<i>-1</i>	<i>1</i>					
<b>Total</b>				<b>1</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>5</b>		<b>15</b>		<b>2</b>	<b>2</b>	<b>17</b>

### 3. Programme 2300: Investigation Division

#### Introduction

134. The division contributes to the quality of justice by supporting the OTP in carrying out impartial and expeditious investigations in accordance with the Rome Statute. It is responsible for the preparation of the necessary security plans and protection policies for each case with a view to ensuring the safety and well-being of victims, witnesses, Office staff, and persons at risk on account of their interaction with the Court, in adherence with good practices and, when necessary, in cooperation and coordination with the Registry on matters relating to protection and support. It provides investigative expertise and support, and assists in the preparation and coordination of field deployment of Office staff.

135. The division also provides factual crime analysis of information and evidence, in support of preliminary examinations and evaluations, investigations and prosecutions.

#### Objectives

1. Conduct four to five new investigations into cases, within existing or new situations and at least four trials, subject to external cooperation received. (SO 1)
2. Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute. (SO 2)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- Collection and analysis objectives set out in the joint team investigation plan reached for the five investigations and preliminary examinations.	- Planned collection vs actual collection.	0% deviation assuming no unforeseen events
	- Half-yearly survey of satisfaction with analytical products (joint team, trial team and Executive Committee).	> 90% satisfaction
- Review and transcription of collected material in support of the case hypothesis and the disclosure performed as planned.	- Planned versus actual production of metadata, transcript and review.	> 90%
	- % of error.	Less than 10%
<b>Objective 2</b>		
- No security incident with witness or staff resultant from inadequate exposure or lack of OTP action.	- Number of security incidents caused by inadequate exposure or lack of OTP action.	Zero

**Table 26: Programme 2300: Proposed budget for 2012**

Investigation Division	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available			285.1	7,498.6	7,783.7	294.2	7,362.1	7,656.3	-127.4	-1.6
General Service staff				122.4	1,836.0	1,958.4	128.8	1,932.0	2,060.8	102.4	5.2
<i>Subtotal staff</i>	8,660.7	8,660.7		407.5	9,334.6	9,742.1	423.0	9,294.1	9,717.1	-25.0	-0.3
General temporary assistance	1,388.6	1,388.6			1,813.1	1,813.1		3,671.7	3,671.7	1,858.6	102.5
<i>Subtotal other staff</i>	1,388.6	1,388.6		1,813.1	1,813.1		3,671.7	3,671.7	1,858.6	102.5	
Travel	907.0	907.0		939.0	939.0		1,236.1	1,236.1	297.1	31.6	
Contractual services	19.5	19.5		60.0	60.0		80.0	80.0	20.0	33.3	
Training	6.9	6.9									
General operating expenses	227.9	227.9		331.1	331.1		385.0	385.0	53.9	16.3	
Supplies and materials	1.9	1.9		19.0	19.0		20.0	20.0	1.0	5.3	
Equipment including furniture	33.5	33.5									
<i>Subtotal non-staff</i>	1,196.7	1,196.7		1,349.1	1,349.1		1,721.1	1,721.1	372.0	27.6	
<b>Total</b>	<b>11,246.0</b>	<b>11,246.0</b>		<b>407.5</b>	<b>12,496.8</b>	<b>12,904.3</b>	<b>423.0</b>	<b>14,686.9</b>	<b>15,109.9</b>	<b>2,205.6</b>	<b>17.1</b>
Distributed maintenance	11.1	307.8	318.9	13.8	448.1	461.9	15.6	426.7	442.3	-19.6	-4.2

**Table 27: Programme 2300: Proposed staffing for 2012**

Investigation Division		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above		Total GS- staff	Total staff
											GS-PL	GS-OL		
Existing	Basic		1		1		1				3	2	2	5
	Situation-related					3	10	30	30	6	79	30	30	109
	<i>Subtotal</i>		1		1	3	11	30	30	6	82	32	32	114
New	Basic													
	Situation-related													
Redeployed/ Returned	<i>Subtotal</i>													
	Basic													
	Situation-related						-2		-2		-4			-4
	<i>Subtotal</i>					-2			-2		-4			-4
<b>Total</b>		<b>1</b>		<b>1</b>	<b>3</b>	<b>9</b>	<b>30</b>	<b>28</b>	<b>6</b>	<b>78</b>	<b>32</b>	<b>32</b>	<b>110</b>	

**(a) Sub-programme 2320: Planning and Operations Section****Staff resources**

136. No new posts are requested for 2012; the staffing level remains as approved in 2011.

137. As outlined in programme 2200, a P-3 position was redeployed from JCCD to sub-programme 2320 in order to provide an additional Analyst to support the operational needs of the Section in terms of crime analysis. In exchange, a P-2 Associate Analyst position was redeployed to JCCD to provide additional cooperation capacity.

138. One P-2 Associate Analyst has been temporarily reassigned to the Prosecution Division to assist with trial-related functions. Thus the costs for this position are assigned to Sub-programme 2410 for 2012.

*General temporary assistance*

139. Leaving aside the increases relating to the Libya situation, the general temporary assistance requirements remain as requested in the previous years, namely 21 FTE for working and non-working language transcription, as well as metadata processing and document review for the situations under investigation. In addition, provision continues to be made for two work-months' equivalent of P-2 Psychosocial Experts for pre-interview assessment of children and traumatized witnesses in the field.

140. Five work-months of P-2 Associate Analyst function are also requested as last year to replenish capacity in the investigative teams arising from the assignment of analysts in support of trials.

141. Specifically in the context of the Libya situation, the following resources, requested through the Contingency Fund in 2011, will need to continue in 2012 (each position for 12 months):

- (a) One Analyst (P-3) and One Associate Analyst (P-2) to be assigned to the joint team;
- (b) One Protection Strategy Assistant (GS-OL) to cover the situation- and country- specific aspects of witness protection;
- (c) Four additional Data-Processing Assistants (GS-OL) to support the joint team with the necessary situation-specific data entry and transcription tasks; and
- (d) Five additional Legal Reviewers (GS-OL) to assist in review for disclosure preparation and other classification of evidence.

**Non-staff resources***Travel*

142. Travel provision in the amount of €388,600 is requested for the representatives of the Investigative Planning and Operations Section, for the following purposes:

- (a) Missions for advanced analysis and ongoing situation analysis in support of investigative work;
- (b) Missions for the Associate Victims Expert and/or psychological experts from the roster to perform pre-interview assessments and/or assist with the interviewing of highly traumatized victims/witnesses by the investigators;
- (c) Missions for the purpose of developing risk assessments, ensuring the compliance and operational effectiveness of the system in place, ensuring the security of field personnel and dealing with emergency situations;
- (d) Missions of field personnel supporting the investigations and conducting witness-management tasks for all active and residual cases; and
- (e) Forensic investigation missions in support of the situations in investigation or trial phases.

143. Provision is requested for a total 123 missions. The increase in the number of missions over 2011 is solely related to the Libya situation.

*Contractual services including training*

144. The amount of €80,000 is required to support continued outsourcing of working and non-working language transcription during peak workloads in support of trial preparations, evidence collection and analysis. The increase of €20,000 over 2011 relates specifically to the Libya situation.

**Table 28: Sub-programme 2320: Proposed budget for 2012**

Planning and Operations Section	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	No breakdown available			285.1	3,074.0	3,359.1	294.2	3,136.1	3,430.3	71.2	2.1
General Service staff				122.4	1,468.8	1,591.2	128.8	1,610.0	1,738.8	147.6	9.3
<i>Subtotal staff</i>	<i>4,579.6</i>	<i>4,579.6</i>		<i>407.5</i>	<i>4,542.8</i>	<i>4,950.3</i>	<i>423.0</i>	<i>4,746.1</i>	<i>5,169.1</i>	<i>218.8</i>	<i>4.4</i>
General temporary assistance	1,265.1	1,265.1		1,642.5	1,642.5		2,427.3	2,427.3	784.8	47.8	
<i>Subtotal other staff</i>	<i>1,265.1</i>	<i>1,265.1</i>		<i>1,642.5</i>	<i>1,642.5</i>		<i>2,427.3</i>	<i>2,427.3</i>	<i>784.8</i>	<i>47.8</i>	
Travel	299.7	299.7		328.0	328.0		388.5	388.5	60.5	18.5	
Contractual services	19.5	19.5		60.0	60.0		80.0	80.0	20.0	33.3	
Training	6.9	6.9									
Equipment including furniture	9.7	9.7									
<i>Subtotal non-staff</i>	<i>335.8</i>	<i>335.8</i>		<i>388.0</i>	<i>388.0</i>		<i>468.5</i>	<i>468.5</i>	<i>80.5</i>	<i>20.8</i>	
<b>Total</b>	<b>6,180.5</b>	<b>6,180.5</b>		<b>407.5</b>	<b>6,573.3</b>	<b>6,980.8</b>	<b>423.0</b>	<b>7,641.9</b>	<b>8,064.9</b>	<b>1,084.1</b>	<b>15.5</b>
Distributed maintenance	8.9	166.6	175.5	11.0	234.3	245.3	12.4	231.7	244.1	-1.2	-0.5

**Table 29: Sub-programme 2320: Proposed staffing for 2012**

Planning and Operations Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic				1		1					2	2	2	4
	Situation-related					2	2	12	17			33	24	24	57
	<i>Subtotal</i>				<i>1</i>	<i>2</i>	<i>3</i>	<i>12</i>	<i>17</i>			<i>35</i>	<i>26</i>	<i>26</i>	<i>61</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related							1	-2			-1	1	1	
	<i>Subtotal</i>							<i>1</i>	<i>-2</i>			<i>-1</i>	<i>1</i>	<i>1</i>	
<b>Total</b>				<b>1</b>	<b>2</b>	<b>3</b>	<b>13</b>	<b>15</b>			<b>34</b>	<b>27</b>	<b>27</b>	<b>61</b>	

**(b) Sub-programme 2330: Investigation Teams****Staff resources**

145. There are no requests for new posts within this sub-programme. With the exception of Kenya and Libya (see GTA below), the majority of resource needs are met through the rotation of investigation staff from other investigative cases moving to trial phase; for example, the investigators from the DRC I and DRC II cases moving into the appeals phase can be returned to supplement the new investigations. Likewise, as the peak of investigative activity decreases in one case, analysts and investigators are moved to other more resource-intensive cases. Thus there is a continuing dynamic development of the teams over the duration of the investigative and trial phases.

146. Three positions have been temporarily reassigned to the Prosecution Division to assist with trial-related functions. Thus the costs for these positions (two P-4 Senior Investigators and one P-3 Investigator) are assigned to Sub-programme 2410 for the year 2012.

*General temporary assistance*

147. The sub-programme continues to be in need of GTA funds for the equivalent of five work-months of a P-3 Investigator and four work-months of a P-2 Associate Investigator to replace the investigators who provide the investigative functions as part of the trial team in the case of *The Prosecutor v. Jean Pierre Bemba*.

148. The continuation of the GTA investigative component of the Libya joint team, requested through the Contingency Fund in 2011, is required for the duration of 2012:

- (a) One Team Leader (P-4);
- (b) Two Investigators (P-3);
- (c) Five Associate Investigators (P-2);
- (d) Two Assistant Investigators (P-1); and
- (e) One Information Management Assistant (GS-OL).

149. Additionally, provision in the amount of €96,000 is made for the continuing War Crimes Unit exchanges as approved in prior years.

**Non-staff resources***Travel*

150. Provision in the amount of €847,450 has been made for all investigative and evidence collection duties for the active investigations and trials, as well as for witness management in relation to the residual cases (where arrest warrants are pending), thus safeguarding the investments made and the integrity of the case in the event of subsequent arrest and surrender. The increase in this budget line is mainly due to the estimated 64 missions necessary for the Libya cases (equivalent to 16 missions for teams of four investigators).

*General operating expenses*

151. This budget line relates solely to costs necessarily incurred by witnesses attending interviews, and costs relating to the Office's duty of care towards witnesses assisting the cases (including active investigations, trials and the remaining residual cases). The increase of €54,000 compared to 2011 relates entirely to the Libya situation, the cost of which is estimated in the region of €75,000. This cost has been offset partially by a reduction in the forecast costs for the CAR situation.

*Supplies and materials*

152. For replacement and changes in regard to field kit, and the acquisition of communication equipment relating to the management of witnesses in the six situations, the amount of €20,000 is requested as in 2011.

**Table 30: Sub-programme 2330: Proposed budget for 2012**

Investigation Teams	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available			4,424.6	4,424.6	4,424.6	4,226.0	4,226.0	4,226.0	-198.6	-4.5
General Service staff				367.2	367.2	367.2	322.0	322.0	322.0	-45.2	-12.3
<i>Subtotal staff</i>	<i>4,081.1</i>	<i>4,081.1</i>	<i>4,081.1</i>	<i>4,791.8</i>	<i>4,791.8</i>	<i>4,791.8</i>	<i>4,548.0</i>	<i>4,548.0</i>	<i>4,548.0</i>	<i>-243.8</i>	<i>-5.1</i>
General temporary assistance	123.5	123.5	123.5	170.6	170.6	170.6	1,244.4	1,244.4	1,244.4	1,073.8	629.4
<i>Subtotal other staff</i>	<i>123.5</i>	<i>123.5</i>	<i>123.5</i>	<i>170.6</i>	<i>170.6</i>	<i>170.6</i>	<i>1,244.4</i>	<i>1,244.4</i>	<i>1,244.4</i>	<i>1,073.8</i>	<i>629.4</i>
Travel	607.3	607.3	607.3	611.0	611.0	611.0	847.6	847.6	847.6	236.6	38.7
General operating expenses	227.9	227.9	227.9	331.1	331.1	331.1	385.0	385.0	385.0	53.9	16.3
Supplies and materials	1.9	1.9	1.9	19.0	19.0	19.0	20.0	20.0	20.0	1.0	5.3
Equipment including furniture	23.8	23.8	23.8								
<i>Subtotal non-staff</i>	<i>860.9</i>	<i>860.9</i>	<i>860.9</i>	<i>961.1</i>	<i>961.1</i>	<i>961.1</i>	<i>1,252.6</i>	<i>1,252.6</i>	<i>1,252.6</i>	<i>291.5</i>	<i>30.3</i>
<b>Total</b>	<b>5,065.5</b>	<b>5,065.5</b>	<b>5,065.5</b>	<b>5,923.5</b>	<b>5,923.5</b>	<b>5,923.5</b>	<b>7,045.0</b>	<b>7,045.0</b>	<b>7,045.0</b>	<b>1,121.5</b>	<b>18.9</b>
Distributed maintenance	2.2	141.2	143.4	2.8	213.8	216.6	3.1	195.1	198.2	-18.4	-8.5

**Table 31: Sub-programme 2330: Proposed staffing for 2012**

Investigation Teams		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic		1								1				1
	Situation-related					1	8	18	13	6	46		6	6	52
	<i>Subtotal</i>		<i>1</i>			<i>1</i>	<i>8</i>	<i>18</i>	<i>13</i>	<i>6</i>	<i>47</i>		<i>6</i>	<i>6</i>	<i>53</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related						-2	-1			-3		-1	-1	-4
	<i>Subtotal</i>						<i>-2</i>	<i>-1</i>			<i>-3</i>		<i>-1</i>	<i>-1</i>	<i>-4</i>
<b>Total</b>		<b>1</b>			<b>1</b>	<b>6</b>	<b>17</b>	<b>13</b>	<b>6</b>	<b>44</b>		<b>5</b>	<b>5</b>	<b>49</b>	

#### 4. Programme 2400: Prosecution Division

##### Introduction

153. The Prosecution Division is central to the core business of the Court, namely the conduct of fair, effective and expeditious public proceedings in accordance with the Rome Statute. It is responsible for litigating cases before the Chambers of all three judicial divisions, preparing all written submissions to the Chambers and participating in investigative and case-preparatory activities in the joint teams.

##### Objectives

1. Conduct four to five new investigations into cases, within existing or new situations, and at least four trials, subject to external cooperation received. (SO 1)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- High-quality and compact applications delivered within the stipulated time frames.	- Rate of acceptance of submissions and granting of requests by the Chambers.	≥ 80%
- Efficient presentation of evidence before the Pre-Trial and Trial Chambers.	- Time in which Prosecution case is presented (actual court days) for each case.	≤ 6 months
	- Number of witnesses per case maintained at lowest levels to minimize exposure.	Minimum possible - at least comparable to current trial average (30-35)

##### Staff resources

154. There are no new posts requested for the Prosecution Division in 2012.

155. In accordance with the rotation model, to meet operational needs from existing resources four suitably qualified Investigation Division personnel have been temporarily and laterally reassigned to trial-related functions in the CAR, Kenya and Darfur cases. The costs of these positions (two P-4 positions, one P-3 position and one P-2 position) are therefore assigned for 2012 to the Prosecution Division rather than the Investigation Division.

##### *General temporary assistance*

156. GTA resources continue to be requested at the same level as in 2011, in order to continue to support the case of *The Prosecutor v. Jean Pierre Bemba* and to supplement the pre-trial capacity of the prosecution teams for the two cases in the Kenya situation.

##### *Kenya teams*

- (a) One Trial Lawyer (P-4) for 10 months;
- (b) Two Legal Officers (P-3) for 12 months each;
- (c) Two Legal Officers (P-3) for 10 months each (reassigned from CAR team resource in 2011); and
- (d) One Case Manager (P-1) for 12 months (replacement of established post assigned to Libya cases).

##### *CAR team*

- (a) One Associate Trial Lawyer (P-2) for 9 months; and
- (b) Two Assistant Trial Lawyers (P-1) for 8 months each.

157. To provide the Prosecution Division capacity to the joint team in the Libya situation, the resources requested under the Contingency Fund in 2011 will be required into 2012. This pre-trial capacity (each calculated at 12 months) comprises the following:

- (a) One Trial Lawyer (P-4);
- (b) One Trial Lawyer (P-3);
- (c) One Associate Trial Lawyer (P-2); and
- (d) Two Assistant Trial Lawyers (P-1).

#### Non-staff resources

##### Travel

158. Travel is requested not only for joint team missions in support of the investigations, but also for the representative functions performed by the Deputy Prosecutor aimed at broadening understanding of, and cooperation for, the Office's activities.

159. Provision for a total of 70 missions is requested. The increase of 13 missions over 2011 represents mainly the additional missions foreseen in relation to the Libya situation, as well as additional missions for the DRC and Kenya cases.

**Table 32: Programme 2400: Proposed budget for 2012**

Prosecution Division	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	No breakdown available			623.9	2,955.1	3,579.0	641.5	3,488.4	4,129.9	550.9	15.4
General Service staff				122.4	428.4	550.8	128.8	450.8	579.6	28.8	5.2
<i>Subtotal staff</i>	<i>760.3</i>	<i>3,297.9</i>	<i>4,058.2</i>	<i>746.3</i>	<i>3,383.5</i>	<i>4,129.8</i>	<i>770.3</i>	<i>3,939.2</i>	<i>4,709.5</i>	<i>579.7</i>	<i>14.0</i>
General temporary assistance	124.5	1,126.9	1,251.4		747.3	747.3		1,381.7	1,381.7	634.4	84.9
<i>Subtotal other staff</i>	<i>124.5</i>	<i>1,126.9</i>	<i>1,251.4</i>		<i>747.3</i>	<i>747.3</i>		<i>1,381.7</i>	<i>1,381.7</i>	<i>634.4</i>	<i>84.9</i>
Travel	37.2	181.9	219.1	29.0	167.0	196.0	31.0	218.8	249.8	53.8	27.4
<i>Subtotal non-staff</i>	<i>37.2</i>	<i>181.9</i>	<i>219.1</i>	<i>29.0</i>	<i>167.0</i>	<i>196.0</i>	<i>31.0</i>	<i>218.8</i>	<i>249.8</i>	<i>53.8</i>	<i>27.4</i>
<b>Total</b>	<b>922.0</b>	<b>4,606.7</b>	<b>5,528.6</b>	<b>775.3</b>	<b>4,297.8</b>	<b>5,073.1</b>	<b>801.3</b>	<b>5,539.7</b>	<b>6,341.0</b>	<b>1,267.9</b>	<b>25.0</b>
Distributed maintenance	13.4	101.6	115.0	16.6	147.9	164.5	18.7	162.6	181.3	16.7	10.2

**Table 33: Programme 2400: Proposed staffing for 2012**

Prosecution Division		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic		1			3					4		2	2	6
	Situation-related					3	8	6	6	6	29		7	7	36
	<i>Subtotal</i>		<i>1</i>			<i>6</i>	<i>8</i>	<i>6</i>	<i>6</i>	<i>6</i>	<i>33</i>		<i>9</i>	<i>9</i>	<i>42</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related						2	1	1		4				4
	<i>Subtotal</i>						<i>2</i>	<i>1</i>	<i>1</i>		<i>4</i>				<i>4</i>
<b>Total</b>		<b>1</b>			<b>6</b>	<b>10</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>6</b>	<b>37</b>		<b>9</b>	<b>9</b>	<b>46</b>

### C. Major Programme III: Registry

160. The Registry is headed by the Registrar, the principal administrative officer of the Court, and is the organ responsible for the non-judicial aspects of the administration and servicing of the Court.

161. In order to fulfil its functions, the Registry has organized itself into two divisions: the Common Administrative Services Division and the Division of Court Services, as well as a number of sections and offices directly under the Office of the Registrar. These are the Legal Advisory Services Section, the Field Operations Section, the Registry Permanent Premises Office, the Security and Safety Section, the Counsel Support Section and the Public Information and Documentation Section. The Immediate Office of the Registrar has a small number of staff supporting the Registrar in her functions, including external relations and cooperation. For administrative purposes, the Offices of Public Counsel for the Defence and Victims (both operating under the aegis of the Counsel Support Section), the Office of Internal Audit, the Independent Oversight Mechanism, the Secretariat of the Assembly of States Parties, the Secretariat of the Trust Fund for Victims and the Project Director's Office of the Permanent Premises Project also fall under the Registry.

162. Through its support functions, the Registry guarantees the efficient delivery of essential services to the different participants in judicial proceedings in order to facilitate and ensure effective investigations, trials and other judicial proceedings. These functions include field and courtroom security, field operations, administrative and other assistance to counsel for the defence and victims, courtroom management and other services related to the conduct of judicial proceedings, such as interpretation and ICT support. This centralized approach to the provision of essential services within the Court enables the Registry to support the different areas of the Court's operations by focusing on its clients' requirements. Similarly, through its common platform of services, the Registry seeks to ensure maximum efficiency and avoids the duplication of resources within the Court.

163. As a central provider of services to the whole Court and the various structures related to the Court as mentioned above, the Registry's budget is largely driven by the level of support required by its clients in connection with the assumptions underlying the budget. As such, the Registry requires a comparatively high share of the total budget of the Court in order adequately to implement the numerous requests for services from other Court organs and entities. For instance, in the case of the Office of the Prosecutor, while service requests have been reduced in some areas, there is an overall net increase in the amount of services requested of the Registry in 2012.

164. In addition to its support functions, the Registry also has other essential responsibilities, such as cooperation with States, protection of victims and witnesses, detention, assistance to victims participating in the proceedings and outreach to affected communities. These functions are fundamental to maximizing the impact of the judicial system established under the Rome Statute and to ensuring its functioning, as well as the effective implementation of judicial decisions. Furthermore, in the case of outreach activities and victim participation, through these core functions the Court delivers justice in a meaningful way to the actual communities affected by the crimes under the Court's jurisdiction by ensuring that they have a stake in the Court's judicial process and effectively managing their expectations. Moreover, effective outreach, and the resultant enhanced understanding of the Court and its activities, encourages the cooperation by witnesses and local intermediaries that is crucial to the judicial proceedings.

165. The proposed programme budget for 2012 contemplates an overall net increase for the Registry of €8.3 million, which represents a nominal increase of 13.5 per cent over the level of the approved 2011 budget. The Registrar has made every effort to ensure that the different programmes and sub-programmes within Major Programme III remain at the same level of resources – and in some instances even at a reduced level – in relation to those approved for 2011, some increases will be unavoidable. Furthermore, in line with the recommendations of the Committee on Budget and Finance at its fifteenth session,<sup>23</sup> there will be no net increase of established posts in the Registry in 2012. Thus during 2012 the Registry plans to deliver more with the same resources – and in some instances with less.

<sup>23</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 81.

166. Whenever possible, the Registry has found efficiency savings and has restructured some of its processes in order to ensure maximum efficiency with reduced resources. For instance, as it is further explained under the Field Operations Section, through a strategic review of its field operations, the Registry has reduced its field presences from seven to five, namely field offices in Bangui and Kinshasa, a scaled-down presence in Kampala, a forward presence in Bunia and a small task force office in Nairobi. As a result, the field presence in Abéché has been closed as of July 2011 and N'Djamena will have been closed by the end of 2011 in accordance with a carefully planned exit strategy. Further reductions will also be achieved through the anticipated scheduling of consecutive trial-hearings throughout 2012, as established in the Court's budget assumptions in the Introduction to this budget proposal (see paragraph 13 above).

167. The Registry thus continues its centralized approach of 2011, enabling minimal budget growth. Redeployments and synergies will be undertaken to absorb as much as possible of the required increases in funds within the baseline of the approved 2011 budget. However, as explained before, some increases will be unavoidable.

168. As also explained in the Introduction (see paragraph 26 above), the increase is mainly caused by the unavoidable additional €4.9 million required for legal aid costs in 2012. As part of the core support provided to defence counsel and representatives of victims, the Registry administers the resources needed to cover their legal fees and other related expenses in accordance with rule 21 of the Rules of Procedure and Evidence. It should be noted that, while the Registry's budget includes funds to cover the cost of legal aid, the Registry has limited control over the use of these resources and acts purely as an administrator of such funds.

169. Because of the increased number of cases, the costs of legal aid for the defence and for victims will substantially increase in 2012, by €2.5 million and €2.4 million respectively. It is important to note that such increase is the result of the direct application of the current legal aid system as endorsed by the Committee at its eighth session<sup>24</sup> and approved by the Assembly. While the recommendation was to start a review process of the legal aid system once the first judicial cycle had been completed, the Registry has in 2011 proactively initiated a thorough revision of the current system, which it plans to continue in 2012. This revision is being conducted in light of the experience gathered by the Court thus far, as well as the need to ensure the most cost-efficient system through the adoption of efficiency measures, while ensuring that the rights of the defence are fully upheld, as well as the rights of victims to participate meaningfully and effectively in the proceedings. It should be noted in this connection that a judiciary-led initiative is currently in place to review the respective mandates and functioning of the Offices of Public Counsel for the Defence and for Victims. Similarly, a useful process has been undertaken by the Assembly, through its Study Group on Governance, by which States are considering measures to increase the efficiency of judicial proceedings within the Court.

170. Furthermore, following the decision by the United Nations Security Council to refer the situation in Libya to the Court, the opening of an investigation into that situation by the Office of the Prosecutor and the issuance of three warrants of arrest have increased requests for additional support from other organs and triggered the need for an increase in the Registry's capacity to respond to these new developments.

171. In addition, the Registry's budget will be particularly affected by further necessary Court-wide investments and commitments, which include salary adjustments amounting to some €1.3 million for Major Programme III, certain capital investment replacements and IPSAS implementation.

172. In line with the wishes of the Assembly and the Committee, the Registry will continue to embrace efficiency in its business processes and service offerings in 2012, and to lead the Court-wide exercise targeted at improving the Court's business processes. Re-engineering of the Court's administrative processes will drive cost savings and contribute to its strategic objective of becoming a model of public administration.

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<sup>24</sup> *Official Records ... Sixth session ... 2007* (ICC-ASP/6/20), vol. II, part B.1, para. 80.

**Table 34: Breakdown of MP III proposed budget**

<i>MP III proposed budget for 2012</i>	<i>Total (millions of euros)</i>
2011 baseline	61.6
<b>Less</b>	
GTA and temporary assistance for meeting for simultaneous trial-hearings	1.4
Travel, contractual services, and others	1.4
<i>Subtotal</i>	<i>2.8</i>
<b>Add</b>	
Forward commitments (staff costs incl. step increment and salary scale)	1.3
Regularization of posts	0.3
GTA,IPSAS project implementation and capital investment	1.3
Kenya situation	1.6
Libya situation	1.9
Counsel for defence	2.5
Counsel for victims	2.4
<i>Subtotal</i>	<i>11.2</i>
<b>Total proposed budget 2012</b>	<b>69.9</b>
<b>Total growth in millions of euros</b>	<b>8.3</b>
<b>Total growth in %</b>	<b>13.5</b>

**Table 35: Major Programme III: Proposed budget for 2012**

Registry	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff	No breakdown available				11,116.7	8,253.8	19,370.5	11,824.8	8,785.6	20,610.4	1,239.9	6.4	
General Service staff					8,490.3	6,309.1	14,799.4	8,900.5	6,399.2	15,299.7	500.3	3.4	
<i>Subtotal staff</i>	<i>18,476.5</i>	<i>13,906.4</i>	<i>32,382.9</i>		<i>32,382.9</i>	<i>19,607.0</i>	<i>14,562.9</i>	<i>34,169.9</i>	<i>20,725.3</i>	<i>15,184.8</i>	<i>35,910.1</i>	<i>1,740.2</i>	<i>5.1</i>
General temporary assistance	1,963.2	1,339.4	3,302.6	2,271.4	5,574.0	1,629.9	2,237.9	3,867.8	1,729.2	2,667.8	4,397.0	529.2	13.7
Temporary assistance for meetings	285.4	72.9	358.3	1,158.1	1,516.4	435.7	292.5	728.2	32.0	429.9	461.9	-266.3	-36.6
Overtime	240.8	59.4	300.2	3.6	303.8	235.9	155.3	391.2	244.4	120.8	365.2	-26.0	-6.6
Consultants	123.2	87.0	210.2	232.4	442.6	142.9	189.7	332.6	343.9	160.4	504.3	171.7	51.6
<i>Subtotal other staff</i>	<i>2,612.6</i>	<i>1,558.7</i>	<i>4,171.3</i>	<i>3,665.5</i>	<i>7,836.8</i>	<i>2,444.4</i>	<i>2,875.4</i>	<i>5,319.8</i>	<i>2,349.5</i>	<i>3,378.9</i>	<i>5,728.4</i>	<i>408.6</i>	<i>7.7</i>
Travel	317.2	1,571.5	1,888.7	158.5	2,047.2	254.6	1,564.2	1,818.8	387.5	1,676.3	2,063.8	245.1	13.5
Hospitality	6.3		6.3		6.3	10.0		10.0	10.0		10.0		
Contractual services	1,558.0	1,010.1	2,568.1	452.2	3,020.3	1,292.7	1,277.3	2,570.0	1,486.4	1,368.4	2,854.8	284.8	11.1
Training	395.9	329.5	725.4		725.4	403.5	403.4	806.9	607.6	235.7	843.3	36.4	4.5
Counsel for Defence		2,896.0	2,896.0		2,896.0		1,099.4	1,099.4		3,583.2	3,583.2	2,483.8	225.9
Counsel for Victims		1,235.0	1,235.0		1,235.0		1,611.8	1,611.8		3,990.5	3,990.5	2,378.7	147.6
General operating expenses	5,513.7	5,229.6	10,743.3	190.9	10,934.2	6,300.8	5,851.2	12,152.0	6,099.0	5,973.4	12,072.4	-79.6	-0.7
Supplies and materials	589.6	414.8	1,004.4		1,004.4	757.5	374.9	1,132.4	793.1	386.5	1,179.6	47.2	4.2
Equipment including furniture	368.1	512.8	880.9	406.2	1,287.1	547.5	372.9	920.4	1,680.0		1,680.0	759.6	82.5
<i>Subtotal non-staff</i>	<i>8,748.8</i>	<i>13,199.3</i>	<i>21,948.1</i>	<i>1,207.8</i>	<i>23,155.9</i>	<i>9,566.6</i>	<i>12,555.1</i>	<i>22,121.7</i>	<i>11,063.6</i>	<i>17,214.0</i>	<i>28,277.6</i>	<i>6,155.9</i>	<i>27.8</i>
<b>Total</b>	<b>29,837.9</b>	<b>28,664.4</b>	<b>58,502.3</b>	<b>4,873.3</b>	<b>63,375.6</b>	<b>31,618.0</b>	<b>29,993.4</b>	<b>61,611.4</b>	<b>34,138.4</b>	<b>35,777.7</b>	<b>69,916.1</b>	<b>8,304.7</b>	<b>13.5</b>
Distributed maintenance	-238.2	-513.9	-752.1		-752.1	-289.7	-748.2	-1,037.9	-326.8	-739.7	-1,066.4	-28.5	2.7

**Table 36: Major Programme III: Proposed staffing for 2012**

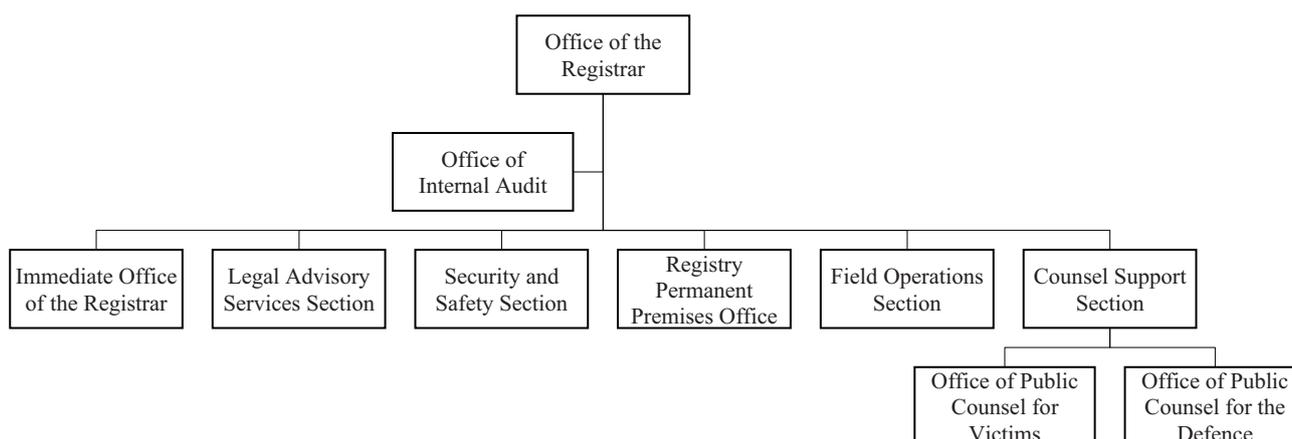
Registry		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic		1		4	16	25	34	25	3	108	8	130	138	246
	Situation-related					1	14	32	36	4	87	8	138	146	233
	<i>Subtotal</i>		<i>1</i>		<i>4</i>	<i>17</i>	<i>39</i>	<i>66</i>	<i>61</i>	<i>61</i>	<i>7</i>	<i>195</i>	<i>16</i>	<i>268</i>	<i>284</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic												2	2	2
	Situation-related											1	-3	-2	-2
	<i>Subtotal</i>											<i>1</i>	<i>-1</i>		
<b>Total</b>		<b>1</b>		<b>4</b>	<b>17</b>	<b>39</b>	<b>66</b>	<b>61</b>	<b>61</b>	<b>7</b>	<b>195</b>	<b>17</b>	<b>267</b>	<b>284</b>	<b>479</b>

## 1. Programme 3100: Office of the Registrar

### Introduction

173. The Registrar is the principal administrative officer of the Court, and as such is entrusted with a series of responsibilities in different areas relating to the non-judicial aspects of the administration and servicing of the Court. The Registrar also has a crucial role to play with respect to achieving support and cooperation from States Parties. Accordingly, the Office channels judicial requests for cooperation from States and ensures their adequate implementation. Furthermore, the Office negotiates certain voluntary agreements, such as agreements on the protection of witnesses and agreements on interim release of detainees. The Office is also responsible for relations with the host State.

The Office of the Registrar comprises the following nine sub-programmes:



### Objectives

1. Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences. (SO 5)
2. Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute. (SO 2)
3. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks. (SO 8)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- To protect the Court's legal interests.	- Number of framework agreements concluded in support of the Court's operations (e.g. headquarters agreements with States; relationship agreements with the United Nations; and relocation agreements).	7%
	- Number of findings of non-cooperation made by Chambers.	0%
<b>Objective 2</b>		
- To provide efficient and effective support to staff and legal teams.	- Number of incidents involving serious injuries due to negligence of management.	0%
- To maintain a secure and safe environment at the Court.	- Screening of all persons and items entering the Court's premises.	100%
	- Vetting of all staff, interns, visiting professionals and consultants.	100%
- To provide field security in accordance with United Nations/ international standards.	- Compliance with Minimum Operating Security Standards (MOSS).	90%
<b>Objective 3</b>		
- To minimize management and financial risks.	- Implementing internal and external audit recommendations by management.	60%

**Table 37: Programme 3100: Proposed budget for 2012**

Office of the Registrar	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available					3,215.4	2,534.7	5,750.1	3,486.7	2,657.0	6,143.7	393.6	6.8
General Service staff						2,694.9	2,081.6	4,776.5	2,804.2	1,973.9	4,778.1	1.6	0.0
<i>Subtotal staff</i>	<i>5,824.1</i>	<i>3,759.9</i>	<i>9,584.0</i>		<i>9,584.0</i>	<i>5,910.3</i>	<i>4,616.3</i>	<i>10,526.6</i>	<i>6,290.9</i>	<i>4,630.9</i>	<i>10,921.8</i>	<i>395.2</i>	<i>3.8</i>
General temporary assistance	1,243.1	242.1	1,485.2	284.3	1,769.5	1,185.9	204.0	1,389.9	1,029.6	372.9	1,402.5	12.6	0.9
Overtime	112.3	24.6	136.9	1.8	138.7	124.4	86.4	210.8	124.4	57.6	182.0	-28.8	-13.7
Consultants	42.0		42.0		42.0	90.0		90.0	160.0		160.0	70.0	77.8
<i>Subtotal other staff</i>	<i>1,397.4</i>	<i>266.7</i>	<i>1,664.1</i>	<i>286.1</i>	<i>1,950.2</i>	<i>1,400.3</i>	<i>290.4</i>	<i>1,690.7</i>	<i>1,314.0</i>	<i>430.5</i>	<i>1,744.5</i>	<i>53.8</i>	<i>3.2</i>
Travel	191.7	377.5	569.2	64.1	633.3	76.5	486.0	562.5	139.1	534.1	673.2	110.7	19.7
Hospitality	6.3		6.3		6.3	10.0		10.0	10.0		10.0		
Contractual services	210.9	290.7	501.6		501.6	280.3	315.1	595.4	332.5	342.3	674.8	79.4	13.3
Training	110.3	95.5	205.8		205.8	154.8	136.9	291.7	143.8	155.9	299.7	8.0	2.7
Counsel for Defence		2,896.0	2,896.0		2,896.0		1,099.4	1,099.4		3,583.2	3,583.2	2,483.8	225.9
Counsel for Victims		1,235.0	1,235.0		1,235.0		1,611.8	1,611.8		3,990.5	3,990.5	2,378.7	147.6
General operating expenses	97.0	683.5	780.5	18.5	799.0	198.0	647.3	845.3	195.0	627.0	822.0	-23.3	-2.8
Supplies and materials	66.0	298.0	364.0		364.0	79.8	255.4	335.2	76.7	170.0	246.7	-88.5	-26.4
Equipment including furniture	14.6	36.7	51.3	70.7	122.0	11.0	163.8	174.8	75.0		75.0	-99.8	-57.1
<i>Subtotal non-staff</i>	<i>696.8</i>	<i>5,912.9</i>	<i>6,609.7</i>	<i>153.3</i>	<i>6,763.0</i>	<i>810.4</i>	<i>4,715.7</i>	<i>5,526.1</i>	<i>972.1</i>	<i>9,403.0</i>	<i>10,375.1</i>	<i>4,849.0</i>	<i>87.7</i>
<b>Total</b>	<b>7,918.3</b>	<b>9,939.5</b>	<b>17,857.8</b>	<b>439.4</b>	<b>18,297.2</b>	<b>8,121.0</b>	<b>9,622.4</b>	<b>17,743.4</b>	<b>8,577.0</b>	<b>14,464.4</b>	<b>23,041.4</b>	<b>5,298.0</b>	<b>29.9</b>
Distributed maintenance	162.5	214.6	377.1		377.1	204.1	312.4	516.5	230.3	296.7	527.0	10.5	2.0

**Table 38: Programme 3100: Proposed staffing for 2012**

Office of the Registrar		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic		1		2	8	6	6	6	1	30	2	41	43	73
	Situation-related					1	7	9	5	3	25	1	50	51	76
	<i>Subtotal</i>		<i>1</i>		<i>2</i>	<i>9</i>	<i>13</i>	<i>15</i>	<i>11</i>	<i>4</i>	<i>55</i>	<i>3</i>	<i>91</i>	<i>94</i>	<i>149</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic												1	1	1
	Situation-related												-2	-2	-2
	<i>Subtotal</i>												<i>-1</i>	<i>-1</i>	<i>-1</i>
<b>Total</b>		<b>1</b>		<b>2</b>	<b>9</b>	<b>13</b>	<b>15</b>	<b>11</b>	<b>4</b>	<b>55</b>	<b>3</b>	<b>90</b>	<b>93</b>	<b>148</b>	

**(a) Sub-programme 3110: Immediate Office of the Registrar**

174. The Registrar has to rely upon efficient and responsive support from the Registry in order to carry out her functions. It is equally crucial that the Registrar has at her disposal a solid structure allowing effective communication within the Court as well as with States Parties and other external key partners and stakeholders. The Immediate Office must therefore ensure the proper management of the Registry and foster communication, both internally and externally.

**Staff resources****Basic resources***One P-5 Senior Executive Officer*

175. Recurrent. The Senior Executive Officer strengthens efficient administration of the Court's resources and effective application of internal and external audit recommendations by management; develops cost accounting methodology for the Office of the Registrar, as well as for offices administratively linked to the Registry; acts as overall manager for the Court's trust funds and special accounts; and reviews the Registry's plans and funding of temporary staff. The position, while approved by the Assembly, was zero-budgeted in 2011 and covered through existing resources within the Registry. The resources required for this position have been re-integrated into the current budget proposal. As requested by the Committee at its fifteenth session, a more detailed justification for this position is provided in annex XI.<sup>25</sup>

*One P-3 Staff Council Officer*

176. Recurrent. In accordance with Staff Regulation 8.1 (b), a staff representative body has been established with one P-3 post of the elected Staff Council Officer. While the post is placed – for budgetary purposes – in the Immediate Office of the Registrar, this position does not serve the Registrar or her Office. It should be noted that no funds have been allocated for this position; its costs are shared by all organs of the Court.

*Consultants*

177. Recurrent. In 2012, the Office will engage management advisers to fine-tune the risk management register. The requested amount of €20,000 represents slightly less than two months of assistance at P-5 level.

**Non-staff resources****Basic resources***Travel*

178. Recurrent. The Registrar, or her representative, is required to travel for the purpose of increasing support and cooperation at the highest levels, among States Parties and external key partners such as the United Nations, donors, IGOs and NGOs. In addition, these resources allow the Registrar to pursue her mandate with regard to victims and witnesses and to the defence. The increase in travel costs reflects the responsibilities of the Immediate Office of the Registrar. The travel budget provides for 18 missions, including four missions for an African NGO representative to attend two meetings at The Hague. The increase in travel costs has been in part offset by the reduction in GTA costs.

*Training*

179. The training budget supports the continued professional development of staff within the Office in the highly technical specialization of cost accounting/SAP; such training is not offered in-house.

<sup>25</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 100.

## Situation-related resources

### Travel

180. Recurrent. The Court's increased operations in various countries, the nature of ongoing conflicts, local geography and security demands far from headquarters are different for each of the situations and will require the Registrar to visit States Parties and local partners in the field in order to gain their support and foster cooperation. The travel budget allows for seven missions to situation countries.

**Table 39: Sub-programme 3110: Proposed budget for 2012**

Immediate Office of the Registrar	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Basic	Situation-related	Total	Cont. Fund	Total incl.CF	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	No breakdown available					759.6		759.6	932.2		932.2	172.6	22.7
General Service staff						198.3		198.3	205.1		205.1	6.8	3.4
<i>Subtotal staff</i>	<i>1,062.4</i>		<i>1,062.4</i>		<i>1,062.4</i>	<i>957.9</i>		<i>957.9</i>	<i>1,137.3</i>		<i>1,137.3</i>	<i>179.4</i>	<i>18.7</i>
General temporary assistance	94.2		94.2		94.2	95.2		95.2				-95.2	-100.0
Consultants									20.0		20.0	20.0	
<i>Subtotal other staff</i>	<i>94.2</i>		<i>94.2</i>		<i>94.2</i>	<i>95.2</i>		<i>95.2</i>	<i>20.0</i>		<i>20.0</i>	<i>-75.2</i>	<i>-79.0</i>
Travel	106.0		106.0	7.4	113.4	25.7	17.1	42.8	95.8	48.0	143.8	101.0	236.0
Hospitality	6.3		6.3		6.3	10.0		10.0	10.0		10.0		
Contractual services	3.2		3.2		3.2								
Training									4.4		4.4	4.4	
<i>Subtotal non-staff</i>	<i>115.5</i>		<i>115.5</i>	<i>7.4</i>	<i>122.9</i>	<i>35.7</i>	<i>17.1</i>	<i>52.8</i>	<i>110.2</i>	<i>48.0</i>	<i>158.2</i>	<i>105.4</i>	<i>199.6</i>
<b>Total</b>	<b>1,272.1</b>		<b>1,272.1</b>	<b>7.4</b>	<b>1,279.5</b>	<b>1,088.8</b>	<b>17.1</b>	<b>1,105.9</b>	<b>1,267.5</b>	<b>48.0</b>	<b>1,315.5</b>	<b>209.6</b>	<b>19.0</b>
Distributed maintenance	22.3		22.3		22.3	30.3		30.3	34.2		34.2	3.9	12.9

**Table 40: Sub-programme 3110: Proposed staffing for 2012**

Immediate Office of the Registrar		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic		1		1	2		3	1		8	1	1	2	10
	Situation-related														
	<i>Subtotal</i>		<i>1</i>		<i>1</i>	<i>2</i>		<i>3</i>	<i>1</i>		<i>8</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>10</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic												1	1	1
	Situation-related														
	<i>Subtotal</i>												<i>1</i>	<i>1</i>	<i>1</i>
<b>Total</b>		<b>1</b>		<b>1</b>	<b>2</b>		<b>3*</b>	<b>1</b>			<b>8</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>11</b>

\* Only two P-3 positions serve the Immediate Office of the Registrar, the third one is the Staff Council Officer which is an independent post falling under this office for budgetary purposes.

**(b) Sub-programme 3120: Office of Internal Audit**

181. No additional resources have been requested for 2012; the Office will attempt as far as possible to cover the additional risks generated by the increase in the Court's activities, in particular in the field, within existing resources. The proposed budget for the Office of Internal Audit in 2012 represents less than 0.52 per cent of the Court's proposed programme budget for 2012. This ratio is not in accordance with standards, which require that internal audit's budget should be around 1 per cent of the overall budget of an organization.

**Staff resources****Basic resources**

182. Recurrent. The Director organizes the overall work programme of the Office, including risk analysis and audit plan, and audits performance supervisions, ad hoc requests and all the administrative and financial activities of the Office. The Director is also the Secretary of the Audit Committee and organizes three meetings per year, for which the Office does not receive additional staff resources. Professional staff perform audits and provide support for the different specific needs of the sections within the Court. Ad hoc requests and occasional support have significantly increased over the last three years and represent around 30-40 per cent of time resources. One General Service staff is in charge of the administrative tasks of the Office, and has been increasingly providing important support to the performance of audits and in assisting the Office in completing the audit plan.

*Consultancy*

183. Recurrent. Concerns provisions for the external members of the Audit Committee. Costs include lump-sum compensation and travel.

**Non-staff resources***Contractual services*

184. Recurrent. Resources for contractual services in the amount of €20,000 are required to support specific investigations and to perform a fraud-risk assessment.

*Permanent premises*

185. The audit strategy for the permanent premises needs to be defined by the Permanent Premises Project Office in consultation with the Office of Internal Audit. The resources required for conducting such audits have not been included in the budget of the Office of Internal Audit. Provision for the necessary dedicated resources ought therefore to be made in the budget of the Permanent Premises Project, with audits being carried out by external auditors under the overall supervision of the Office of Internal Audit.

*Travel*

186. Recurrent. One trip devoted to meetings with auditors from other international organizations. A reduction has been achieved to offset the increase in situation-related travel.

*Training*

187. Recurrent. Training expenses planned for 2012 are similar to those for 2011. The training plan for Office staff includes one three-day course per staff member within Europe on an audit-related topic, according to individual development needs, which are reviewed during the performance appraisal. Also included is the two-day seminar, organized by RIAS (International Organizations Auditors' Network), that the Office Director attends each year.

**Situation-related resources***Travel*

188. Travel plans to the field offices are organized so as to ensure one or two missions per year to the three most important field presences according to the Court's judicial activities (Kinshasa, Bangui, and Nairobi) and one visit to the other presences. Missions vary according to the audit plan, which is normally prepared one year after the budget has been approved.

**Table 41: Workload statistics for the Office of Internal Audit**

	<i>2008 workload in number of days</i>	<i>2011 resources after reallocation according to workload</i>	<i>2012 workload in number of days</i>	<i>2012-2008 variation</i>
Management of the Office	30	50	50	20
Administrative management	110	40	110	0
Audit plan and risk analysis	20	30	30	10
Supervision of audits	80	45	80	0
Performance of audits	480	315	600	120
Audit assistance	30	105	40	10
Follow-up on implementation of audit recommendations	0	25	30	30
Methodology, development of tools, guidelines for audit practice	5	15	20	15
Organization of Audit Committee meetings	10	30	30	20
Management of ad hoc projects involving consultants	0	60	60	60
Contribution to Court projects	0	40	40	40
Provision of advice and support to Court operations	10	20	20	10
	<b>775</b>	<b>775</b>	<b>1110</b>	<b>335</b>
				<b>43%</b>

**Table 42: Sub-programme 3120: Proposed budget for 2012**

Office of Internal Audit	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011			
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff	No breakdown available					368.5		368.5	387.6		387.6	19.1	5.2
General Service staff						60.6		60.6	63.0		63.0	2.4	4.0
<i>Subtotal staff</i>	463.8		463.8		463.8	429.1		429.1	450.6		450.6	21.5	5.0
General temporary assistance	9.4		9.4		9.4								
Consultants	42.0		42.0		42.0	90.0		90.0	90.0		90.0		
<i>Subtotal other staff</i>	51.4		51.4		51.4	90.0		90.0	90.0		90.0		
Travel		6.2	6.2		6.2	8.3	20.4	28.7	2.6	26.5	29.1	0.4	1.4
Contractual services	12.5		12.5		12.5	20.0		20.0	20.0		20.0		
Training	12.2		12.2		12.2	20.6		20.6	21.6		21.6	1.0	4.9
Equipment including furniture	12.9		12.9		12.9								
<i>Subtotal non-staff</i>	37.6	6.2	43.8		43.8	48.9	20.4	69.3	44.2	26.5	70.7	1.4	2.0
<b>Total</b>	<b>552.8</b>	<b>6.2</b>	<b>559.0</b>		<b>559.0</b>	<b>568.0</b>	<b>20.4</b>	<b>588.4</b>	<b>584.8</b>	<b>26.5</b>	<b>611.3</b>	<b>22.9</b>	<b>3.9</b>
Distributed maintenance	8.9		8.9		8.9	11.0		11.0	12.4		12.4	1.4	12.7

**Table 43: Sub-programme 3120: Proposed staffing for 2012**

Office of Internal Audit											Total P- staff and above	Total GS- staff	Total staff		
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1		GS-PL	GS-OL			
Existing	Basic			1		1	1					3	1	1	4
	Situation-related														
	<i>Subtotal</i>			1		1	1					3	1	1	4
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>				<b>1</b>		<b>1</b>	<b>1</b>					<b>3</b>	<b>1</b>	<b>1</b>	<b>4</b>

(c) **Sub-programme 3130: Legal Advisory Services Section**

189. The Legal Advisory Services Section reports directly to the Registrar and the Deputy Registrar and has as its main objective to provide legal advice to the Registrar and the Deputy Registrar, the sections and/or units of the Registry, and other officials of the Court, on questions regarding the general legal framework which governs the work of the Court insofar as they are relevant to the duties assigned to the Registry under the Rome Statute and Rules of Procedure and Evidence. This includes, inter alia, questions of international institutional law, privileges and immunities of the Court and its members, international administrative law, procurement issues, law of contracts and international agreements, general public international law, victims and witnesses issues, defence counsel matters, domestic implementation of the Rome Statute and Court case-law.

190. The section is headed by the Chief of Section and also includes four Lawyers, one Para-Legal Assistant and one Administrative Assistant. There has been a constant increase in workload due to the enlargement of the Court, new cases and, as a result, a more complex legal environment. Due to the shortage of resources in 2009 and 2010, reshuffling of duties amongst existing staff has been necessary. The number of staff will not increase in 2012.

**Non-staff resources**

*Travel*

191. Recurrent. For legal support provided to field offices and related issues.

*Contractual services*

192. Recurrent. Contractual services are required in order to cover consultation and advice on national laws and applicable rules, and assistance with legal proceedings.

*Training*

193. Recurrent. To meet minimum professional training requirements for performance of the section's duties.

**Table 44: Sub-programme 3130: Proposed budget for 2012**

Legal Advisory Services Section	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011			
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff	No breakdown available					548.2		548.2	568.5		568.5	20.3	3.7
General Service staff						121.2		121.2	126.0		126.0	4.8	4.0
<i>Subtotal staff</i>	717.5		717.5		717.5	669.4		669.4	694.5		694.5	25.1	3.7
General temporary assistance	50.1		50.1		50.1								
<i>Subtotal other staff</i>	50.1		50.1		50.1								
Travel	4.8	2.5	7.3		7.3	1.6	14.1	15.7	1.3	14.3	15.6	-0.1	-0.6
Contractual services	1.0		1.0		1.0	15.0		15.0	18.0		18.0	3.0	20.0
Training	7.2		7.2		7.2	10.9		10.9	10.3		10.3	-0.6	-5.5
Supplies and materials	0.4		0.4		0.4				2.7		2.7	2.7	
<i>Subtotal non-staff</i>	13.4	2.5	15.9		15.9	27.5	14.1	41.6	32.3	14.3	46.6	5.0	12.0
<b>Total</b>	<b>781.0</b>	<b>2.5</b>	<b>783.5</b>		<b>783.5</b>	<b>696.9</b>	<b>14.1</b>	<b>711.0</b>	<b>726.8</b>	<b>14.3</b>	<b>741.1</b>	<b>30.1</b>	<b>4.2</b>
Distributed maintenance	15.6		15.6		15.6	19.3		19.3	21.8		21.8	2.5	12.9

**Table 45: Sub-programme 3130: Proposed staffing for 2012**

Legal Advisory Services Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic					1	2	1	1		5		2	2	7
	Situation-related														
	<i>Subtotal</i>					1	2	1	1		5		2	2	7
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>					<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>		<b>5</b>		<b>2</b>	<b>2</b>	<b>7</b>	

**(d) Sub-programme 3140: Security and Safety Section**

194. The task of the Security and Safety Section (SSS) is to provide a safe, secure and confidential working environment for the Court's judges and elected officials and staff members, experts, counsel, accused persons, witnesses, visitors and others, both at headquarters and in the field. The section protects all persons to whom the Court owes a duty of care, as well as the tangible and intangible assets and information resources of the Court.

195. At headquarters, the section provides an uninterrupted 24/7 service to all organs of the Court, including Presidency and Chambers, the Office of the Prosecutor and the Registry, but also the Secretariat of the Assembly of States Parties and the Trust Fund for Victims, including in particular the necessary security and safety services for the safe and undisturbed conduct of court hearings.

196. The reduction in budgetary requirements for the support of simultaneous trials, temporary personnel and overtime has been offset by the following: increased costs of staff vetting as a result of the expansion of the Court's personnel security (vetting) programme to include interns, visiting professionals, consultants and contractors; the introduction of revised field security and staff safety training, in line with the similar United Nations training course; the increased need for maintenance of security screening equipment due to the delayed replacement programme and the aging of the equipment; and allocation of resources for the travel of section personnel to conduct security interviews and investigations in the field.

**Staff resources**

197. Recurrent. The section has re-evaluated its operational structure in the field in order to identify efficiencies and to respond to changes in the Court's activities, namely the closure of the Chad field office; the downsizing of the Kampala field office; the opening of the Kenya situation; and the opening of new investigations in the Kivus in the Democratic Republic of the Congo, resulting in the following re-assignments of personnel or posts: one P-3 and one GS-OL field staff have been redeployed from Chad to Kenya; and a P-2 staff member from Uganda has been redeployed to headquarters as a security analyst, where the post provides essential support directly to field operations. The Registry has further redeployed two remaining posts in Chad to other sections within the Registry.

**Basic resources***General temporary assistance*

198. Recurrent. Twenty-two GS-OL Security Support Assistants (12 months each, continued). To undertake security screening, general building patrols, reception at the Arc building and initial emergency response duties necessary to the security and safety of Court premises, personnel and assets.

*Overtime, including night differential*

199. Recurrent. Maintenance of 24/7 security and safety services requires permanent manning of a number of posts. Night work is compensated according to the Staff Regulations and Rules. Overtime is regularly required, due to public holidays and official leave, mission support and staff shortages.

**Situation-related resources***General temporary assistance*

200. No general temporary assistance funding will be required for 2012 in light of the Court's schedule, where only consecutive trials are anticipated.

*Overtime*

201. Recurrent. Overtime is required in order to cover the extended hours of Court hearings and staff shortages due to an insufficient number of staff. Without the overtime allocation, the section is unable to provide any hearing support activities beyond regular office hours. The total amount of overtime has been reduced in light of the hearings schedule, which provides only for consecutive hearings.

**Non-staff resources****Basic resources***Travel*

202. Recurrent. To attend essential briefings and coordination meetings with partners in other international organizations, such as UNDSS, the Inter-Agency Security Management Network, INTERPOL, security conferences and trade shows, with a view to ensuring compliance with best practices and standards, improving capacity to monitor and address potential security and safety vulnerabilities in the most efficient and cost-effective way, and networking and facilitating information sharing.

203. The Court is also involved in the advanced stage of the Permanent Premises Project, and the section is required to provide input and evaluate the proposed solutions. Knowledge of latest best practices and technological advances are essential, in order to ensure the best possible advice on security and safety issues and the most appropriate and rational end-result.

*Contractual services*

204. Recurrent. Contractual services include security vetting and key-holding and response services for the residences of senior Court officials. As a result of the recommendations of an audit report and risk-management exercise, security vetting has been expanded to include interns, visiting professionals, consultants and contractors in addition to regular staff.

*Training*

205. Recurrent. It is mandatory that all security personnel are regularly trained in first aid and fire and emergency response, and in the use of firearms, and that they maintain qualifications and permits in accordance with Court and host State regulations. Costs for training related to information security, security management, hostage incident management and close protection are included, and are considered fundamental to the overall security posture of the Court.

206. Both the Inter-organ Security Coordination Committee working group and a field staff survey have highlighted the need to revise the field security training provided to staff in collaboration with the host State military in the Netherlands. The revised training is called "Safe and Secure Approaches in Field Environments" (SSAFE), and will be delivered for their safety to all headquarters-based personnel who regularly deploy to the field.

*General operating expenses*

207. Recurrent. Includes the maintenance of firearms, security screening and training equipment, the testing of information security infrastructure and the membership fee for the United Nations Security Management System. There is an increase in costs for the maintenance of security screening equipment, as the equipment is old and prone to malfunctions. Fully functioning security screening equipment is essential to the security regime of the Court.

*Supplies and materials*

208. Recurrent. Supplies and materials include essential provisions for the Pass and ID Office, uniforms and body armour for security personnel and necessary items for firearms training.

**Situation-related resources***Travel*

209. Recurrent. It is mandatory that each field security staff member should travel to headquarters to attend briefings and receive training for the maintenance of qualifications. Requirements also include attendance at United Nations field security coordination meetings and training, close protection for senior Court officials in the field, security support missions such as security interviews, investigations and security assessments. The Chief of Section and the Head of Field Security Unit are required to visit the Court's field locations for coordination, inspection and liaison with local authorities and the United Nations.

*Contractual services*

210. Costs of essential local security service providers (security guarding) at Court field offices and of local law enforcement agencies (police and military) are included. Despite the closure of the Chad field offices, the total cost has decreased only slightly, due to the opening of the new situation in Kenya. The section is still required to ensure safety and security of field offices in five situations, and to continue to support Court missions with the assistance of local police/military.

*Training*

211. Recurrent. Field security personnel require the same level of training in first aid, firefighting and the use of firearms as security personnel at headquarters, as well as specialized training in field-security-related matters, such as close-protection training and training in the transport of accused persons.

212. As mentioned in paragraph 203 above, the Court's field security training (SSAFE) has been revised; it will be delivered to all field-based staff, as well as in two field locations in Kinshasa (in French) and in Uganda (in English), by the United Nations under the direction and supervision of the Court's field security personnel. Only the cost of training is included. Travel and DSA are to be covered by the participating organs/sections.

*General operating expenses*

213. Recurrent. As a member of the United Nations Security Management System (UNSMS), the Court is committed to bearing its share of the local cost-sharing arrangements in each area where the Court has a long-term presence. Equally, following the policies of the UNSMS, the Court is responsible for ensuring Minimum Operating Residential Security Standards (MORSS) for the residences of Court international staff members in the field and must cover any costs in this respect incurred by the staff member.

*Supplies and materials*

214. Recurrent. Includes provision of essential uniforms, personnel protective equipment, other necessary supplies and material required for the performance of security duties in the field or at the Court.

*Equipment including furniture*

215. Capital investment: upgrade of access cards and card readers.

**Table 46: Sub-programme 3140: Proposed budget for 2012**

Security and Safety Section	Expenditure 2010 (thousands of euros)					Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available					542.2	516.4	1,058.6	568.5	605.1	1,173.6	115.0	10.9
General Service staff						2,072.4	1,507.2	3,579.6	2,158.1	1,372.3	3,530.4	-49.2	-1.4
<i>Subtotal staff</i>	<i>2,442.5</i>	<i>1,356.1</i>	<i>3,798.6</i>		<i>3,798.6</i>	<i>2,614.6</i>	<i>2,023.6</i>	<i>4,638.2</i>	<i>2,726.6</i>	<i>1,977.4</i>	<i>4,704.0</i>	<i>65.8</i>	<i>1.4</i>
General temporary assistance	992.9		992.9	284.3	1,277.2	1,090.7	134.4	1,225.1	1,029.6		1,029.6	-195.5	-16.0
Overtime	112.3	24.6	136.9	1.8	138.7	124.4	86.4	210.8	124.4	57.6	182.0	-28.8	-13.7
<i>Subtotal other staff</i>	<i>1,105.2</i>	<i>24.6</i>	<i>1,129.8</i>	<i>286.1</i>	<i>1,415.9</i>	<i>1,215.1</i>	<i>220.8</i>	<i>1,435.9</i>	<i>1,154.0</i>	<i>57.6</i>	<i>1,211.6</i>	<i>-224.3</i>	<i>-15.6</i>
Travel	30.1	157.4	187.5	34.6	222.1	13.9	253.9	267.8	12.3	256.1	268.4	0.6	0.2
Contractual services	54.8	237.6	292.4		292.4	73.5	255.0	328.5	94.5	235.2	329.7	1.2	0.4
Training	90.5	63.8	154.3		154.3	118.5	78.7	197.2	98.5	98.7	197.2		
General operating expenses	97.0	65.5	162.5	9.9	172.4	193.0	69.5	262.5	190.0	110.0	300.0	37.5	14.3
Supplies and materials	63.2	30.8	94.0		94.0	79.8	48.0	127.8	74.0	30.0	104.0	-23.8	-18.6
Equipment including furniture	0.8	14.0	14.8		14.8	1.0		1.0	75.0		75.0	74.0	7,400.0
<i>Subtotal non-staff</i>	<i>336.4</i>	<i>569.1</i>	<i>905.5</i>	<i>44.5</i>	<i>950.0</i>	<i>479.7</i>	<i>705.1</i>	<i>1,184.8</i>	<i>544.3</i>	<i>730.0</i>	<i>1,274.3</i>	<i>89.5</i>	<i>7.6</i>
<b>Total</b>	<b>3,884.1</b>	<b>1,949.8</b>	<b>5,833.9</b>	<b>330.6</b>	<b>6,164.5</b>	<b>4,309.4</b>	<b>2,949.5</b>	<b>7,258.9</b>	<b>4,424.9</b>	<b>2,765.0</b>	<b>7,189.9</b>	<b>-69.0</b>	<b>-1.0</b>
Distributed maintenance	86.8	67.8	154.6		154.6	107.6	98.7	206.3	121.4	89.4	210.8	4.5	2.2

**Table 47: Sub-programme 3140: Proposed staffing for 20112**

Security and Safety Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic					1	2	1	1		5	1	33	34	39
	Situation-related						1	3	1		5		19	19	24
	<i>Subtotal</i>					<i>1</i>	<i>3</i>	<i>4</i>	<i>2</i>		<i>10</i>	<i>1</i>	<i>52</i>	<i>53</i>	<i>63</i>
New/	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related												-2	-2	-2
	<i>Subtotal</i>												-2	-2	-2
<b>Total</b>					<b>1</b>	<b>3</b>	<b>4</b>	<b>2</b>		<b>10</b>	<b>1</b>	<b>50</b>	<b>51</b>	<b>61</b>	

(e) **Sub-programme 3160: Registry Permanent Premises Office**

216. The Registry Permanent Premises Office (“the Office”) acts as the main liaison between the project and the user organization. As such, the Office has the important task of ensuring the functionality and adequacy of the project in relation to the Court’s requirements, as well as representing the views and concerns of the Court at the different stages of the project. Similarly, the Office provides a significant amount of information to the various stakeholders, so that they can take informed decisions on the project.

**Staff resources**

**Basic resources**

217. Recurrent. One P-5 Project Director and one P-2 Associate Project Officer. The Project Director is the focal point for the project within the Court. As such, he represents the Court on the Project Board and coordinates the project from within the Court as user and provides all required input. The Project Director reports to the Registrar and consults and cooperates with the Project Board. He is supported by an Associate Project Officer.

**Non-staff resources**

**Basic resources**

*Travel*

218. Recurrent. Travel includes working meetings with the architects in Denmark, Conference on Court Design and network exchanges with other international organizations carrying out building works. The budget submission for the Registry Permanent Premises Office has been maintained at the 2011 level.

*Contractual services*

219. Recurrent. Without prejudice or limitation to the services provided by the main Project Management Team (reporting to the Assembly’s Project Director’s Office), the following consultancy/support services are required regarding the user role:

- (a) Continuous monitoring and ensuring that user requirements are being implemented correctly;
- (b) Further update and refine requirements where necessary and identify any that were omitted in the existing briefs, in particular regarding (but not limited to) interior, landscaping, user equipment, ICT strategy, security strategy, kitchen requirements, and other facilities as required;
- (c) Prepare/guide and support the Court as final user in meetings concerning the project;
- (d) Provide advice on facilities management aspects for the new premises;
- (e) Analysis of the design proposals (as addition to services by main Project Management team as referred to above);
- (f) Provide advice on moving strategies;
- (g) Provide advice and support regarding the handover, testing and acceptance phase;
- (h) Provide expert consultancy as and when needed regarding (but not limited to) facilities management, ICT, security, sustainability, costs (second opinion if needed), tender strategy, kitchen (strategy), maintenance;
- (i) Provide general second opinion on project decisions as and when needed;
- (j) Provide ongoing advice regarding the new premises maintenance strategy and costs; and
- (k) Provide advice on setting up facilities management and general services to be most efficient for the new building.

220. These services are to be provided by the Court (user) and are not, or only partly, performed by the Assembly's Project Director's Office. To mitigate the associated risks, the budget for supporting consultancy has been increased.

**Table 48: Sub-programme 3160: Proposed budget for 2012**

Registry Permanent Premises Office	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- related		Total	Situation- related		Total	Situation- related		Total	Amount	%
	Basic			Basic			Basic				
Professional staff	No breakdown available			220.4		220.4	227.3		227.3	6.9	3.1
General Service staff											
<i>Subtotal staff</i>	201.5		201.5	220.4		220.4	227.3		227.3	6.9	3.1
General temporary assistance	36.0		36.0								
<i>Subtotal other staff</i>	36.0		36.0								
Travel	3.3		3.3	12.4		12.4	12.7		12.7	0.3	2.4
Contractual services	139.4		139.4	171.8		171.8	200.0		200.0	28.2	16.4
Training							4.3		4.3	4.3	
General operating expenses				5.0		5.0	5.0		5.0		
Supplies and materials	0.3		0.3								
Equipment including furniture	0.9		0.9	10.0		10.0				-10.0	-100.0
<i>Subtotal non-staff</i>	143.9		143.9	199.2		199.2	222.0		222.0	22.8	11.4
<b>Total</b>	<b>381.4</b>		<b>381.4</b>	<b>419.6</b>		<b>419.6</b>	<b>449.3</b>		<b>449.3</b>	<b>29.7</b>	<b>7.1</b>
Distributed maintenance	4.5		4.5	5.5		5.5	6.2		6.2	0.7	12.7

**Table 49: Sub-programme 3160: Proposed staffing for 2012**

Registry Permanent Premises Office											Total P- staff and above	Total GS- staff	Total staff
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	GS-PL			
Existing	Basic				1			1			2		2
	Situation-related												
	<i>Subtotal</i>				1			1			2		2
New/ Converted	Basic												
	Situation-related												
	<i>Subtotal</i>												
Redeployed/ Reclassified/ Returned	Basic												
	Situation-related												
	<i>Subtotal</i>												
<b>Total</b>				1			1			2		2	

**(f) Sub-programme 3180: Field Operations Section**

221. In 2011, in implementing its coordination mandate as approved by the Assembly, the Field Operations Section put in place a field operations strategy based on judicial developments in the six situations before the Court, and on the need to make adequate provision for the operational needs of the various clients in the field. In the context of this strategy, the section conducted a thorough-going overall annual review of field operations and existing field structures. As explained in the Report on the review of field operations,<sup>26</sup> the field operations strategy was constructed on the principle that field operations are closely linked to, and driven by, the different judicial phases in each situation. An oral report on the strategy was presented to the Committee at its sixteenth session, where the Committee generally welcomed this approach as a positive indication of the development and implementation of the field operations strategy.<sup>27</sup>

222. In 2012, the Registry will continue with the implementation of its field operations strategy, including consolidation of standard operating procedures in that regard. The capacity and life cycle of field offices and presences will continue to be dictated by the rhythm of judicial developments in each situation. The operational needs of the Registry, Office of the Prosecutor, Trust Fund for Victims and counsel will remain the key driving factors for field operations' required services and resources.

223. As part of the strategic review of its field operations and in line with the 2012 budget assumptions, in 2011 the Registry will close down its field office in Abéché and its presence in N'Djamena, thus reducing its field presences from seven to five. Accordingly, two field offices will remain in 2012, one in Bangui (Central African Republic) and one in Kinshasa (Democratic Republic of the Congo), due to the ongoing trial activities in both of those situation countries. In addition, a forward field presence in Bunia (Democratic Republic of the Congo), linked to the main field office in Kinshasa, will continue to support ongoing trial activities in the *Lubanga* and *Katanga/Ngudjolo* cases, and ongoing activities related to investigations in the Kivu provinces in connection with the *Mbarushimana* case, as well as servicing all other clients. A limited and reduced field presence will be kept in Kampala (Uganda) in order to provide required services to the Office of the Prosecutor and the Trust Fund for Victims in relation to their work in Uganda and the eastern part of the Democratic Republic of the Congo, as well as to support a very limited number of Registry residual activities. Finally, a limited Registry task-force field presence will remain in Nairobi (Kenya), mainly to ensure the coordination of the different activities in relation to the two ongoing cases.

224. For 2012 the Field Operations Section will be called upon by its clients to continue its support, and in many instances to increase it. In terms of workload, the following figures reflect the overall estimated increase in field work-days<sup>28</sup> from 2011 to 2012.

**Table 50: Clients**

<i>Clients</i>	<i>2011 work-days</i>	<i>2012 work-days</i>	<i>Variance</i>
OTP	2808	2991	7%
TFV	1407	1730	23%
Counsel <sup>29</sup>	300	319	6%

<sup>26</sup> Report on the review of field operations, ICC-ASP/9/12.

<sup>27</sup> Report of the Committee on Budget and Finance on the work of its sixteenth session, ICC-ASP/10/5, para. 74.

<sup>28</sup> Field work-days include the annual work-days of field-based staff and mission-days to the territory of the situation country (external missions). At the date of the budget submission, data for 2011 were available only for the first quarter, and therefore have been extrapolated for the entire year. Data for 2012 were based on the forecasts of field work-days submitted to the Field Operations Section by all Registry's sections, the Office of the Prosecutor and the Trust Fund for Victims as part of the preparation of the 2012 draft budget submission.

<sup>29</sup> As the counsel conducts its work through missions, the data is based on the number of mission days both external and internal. External missions are defined as travel from The Hague to the situation country whereas internal missions are defined as travel within the territory of the situation country.

225. Notwithstanding the anticipated increase in workload, implementation of the field operations strategy will have a positive impact on the Field Operations Section budget for 2012.

226. The field presence in Kampala will be substantially reduced, mainly because of a 62.5 per cent decrease in the Registry field-based staffing. As a result of the reorganization and planning carried out by the section, that reduction will not affect Registry's capacity to continue providing services to the remaining field-based clients in Kampala, namely the Office of the Prosecutor (50 per cent field-based staff increase in 2012) and the Trust Fund for Victims (100 per cent staff increase in 2011 and maintained in 2012). This minimum in-country capacity will be ready to be triggered to full-scale if required by any pertinent developments in judicial activities concerning the situation in Uganda.

227. With regard to the situation in Darfur, Sudan, as explained above the Abéché Field Office has been closed as of July 2011 and the N'Djamena field presence as of 31 December 2011. The section will preserve staff capacity at headquarters to support any residual work in the country through missions undertaken by Registry and its clients as needed, especially in relation to the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*.

228. The reorganization of field presences will achieve overall savings in major assets such as telecommunications equipment, furniture and vehicles. Further savings will be procured through the redistribution of 11 posts, representing over one quarter of the section's total staffing, to other situations with greater operational needs. A core capacity will be maintained in staff and non-staff resources available to coordinate and support work in relation to new situations and unforeseen events.

229. As a result of the efficiency measures described above, in 2012 the section will be able, with reduced resources (-3.4 per cent compared with 2011), to provide increased coordination, support and assistance related to the implementation of the field operations strategy in six situation countries, as well as dealing with the forecast increase in workload and managing field-based staff and assets.

**Table 51: 2011-2012 field-based staffing trend (in %)**

Field-based organs/bodies	Uganda	Democratic Republic of the Congo <sup>30</sup>			Central African Republic
		Chad	Kinshasa	Bunia	
OTP	+50%	-	0%	0%	0%
Registry	-62,5%	-100%	+10,5%	+7%	0%
TFV	+100% <sup>31</sup>	-	-	0%	0%

## Staff resources

### Situation-related resources

230. As a result of the review of the Field Office Manager positions in 2009,<sup>32</sup> new functions were suggested for the subsequently proposed Registry Field Coordinator positions, entailing additional skills and competencies needed to ensure the implementation of the field operations strategy. Since then, key efficiency measures undertaken in 2011 have allowed the section to allocate its resources in 2012 in an efficient, coordinated and planned manner. In order for the section to manage successfully and effectively implement the efficiency measures anticipated in the field operations strategy in 2012, a coordination capacity is needed at field level in order to ensure the coordinated implementation of the strategy at country level and to develop further efficiencies.

<sup>30</sup> Increases in field-based staff for Registry are the result of redeployments of posts from existing resources to support increased workload in the country in relation to pending cases and ongoing investigations.

<sup>31</sup> During 2011, one P-3 post of the Trust Fund for Victims was redeployed from Bunia to Kampala.

<sup>32</sup> Report on the review of field operations (ICC-ASP/9/12).

231. In light of the ongoing judicial proceedings and forecasts for field-related work by the Registry and its clients in 2012, it is essential that the new field-based coordination functions should be implemented in accordance with the proposed strategy. Nevertheless, the requests for revision of the functions have not been integrated into the proposed programme budget for 2012. Instead, they have been submitted and explained in a separate report on field operations for the consideration of the Assembly, in the context of the overall strategic review of field operations,<sup>33</sup> in accordance with the Committee's recommendation at its fifteenth session that this matter be reconsidered in the context of an enhanced strategy for field offices.<sup>34</sup> Notwithstanding that the costs for this restructuring, which amount to €70,200, have not been included in the proposed programme budget for 2012, it is important to note that should the Committee and subsequently the Assembly decide to approve this restructuring, the Section will be able to absorb the costs within existing resources and further achieve an overall decrease of approximately 0.7 per cent of its budget when compared to the 2011 approved budget for the Section.

232. One P-3 Field Office Manager in Kampala will continue to be required for only three months in 2012.

#### *Redeployments*

233. In line with the judicial assumptions for the six situations and the forecast increase in the related workload, a number of posts will be redeployed from either Abéché, N'Djamena or Kampala to other duty stations in order to efficiently cover the substantial increase in field activities in accordance with the standards set out in the field operation strategy. Such redeployments include a number of GS-OL Administrative Assistants and Drivers.

234. In addition, one P-3 Field Office Manager position will be redeployed from Chad to The Hague in order to provide administrative oversight of existing field presences, in particular of those offices that do not have in place a Field Office Manager.

#### *General temporary assistance*

235. As in previous years, the equivalent of one GS-OL post for 15 months will be required in order to ensure continuity of operations in all situation countries during the leave periods of drivers, broken down as follows: three months for Kampala, four months for Bangui, four months for Kinshasa and four months for Bunia.

236. One P-4 Registry Task Force Coordinator will continue to be required in 2012 to oversee the Registry task-force field presence in Nairobi as approved by the President, and to be responsible for overall coordination and support of activities in relation to the Kenya situation.

237. Four GS-OL Cleaners (12 months) will be maintained for Kampala, Bangui, Kinshasa and Bunia respectively.

238. One GS-OL Desk Officer/Logistics Assistant will be required to perform functions related to operational support and assistance, data/management indicators, mission planning/coordination support, implementation of operational support plans, and effective management of Court activities in relation to the Kenya situation, and to ensure the implementation of field-specific standard operational procedures across the six situations.

<sup>33</sup> Report of the Committee on Budget and Finance on the work of its sixteenth session (ICC-ASP/10/5), para. 74.

<sup>34</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 106.

## **Non-staff resources**

239. In 2012, as a result of greater internal control and management of staff and non-staff resources, a 25.3 per cent decrease in non-staff costs compared to the previous year will be achieved.

### *Travel*

240. Travel expenditures from headquarters to the field will also decrease when compared to 2011, in part due to the closure of Chad operations, but also due to improved staffing levels in the field, improved internal controls and a more efficient use of resources.

### *Contractual services*

241. Expenditures on contractual services will continue in support of operations in the field. The increase in this area is due to the costs related to the services required from the United Nations Office in Nairobi to support operations in Kenya. However, this slight increase is offset by reductions in other areas.

### *Training*

242. In 2012 complementary training modules will be organized to supplement the skills and competencies of personnel where needed. This will result in a reduction in training costs compared to 2011.

### *General operating expenses*

243. With the closure of Chad and the downsizing of Kampala-based operations, and the resultant absorption of resources into other areas of operations, general operating expenses for 2012 will be reduced. The section will, nonetheless, continue to review costs, in particular those incurred in the maintenance and use of transport equipment (i.e. vehicles) attributable to age and working environment.

### *Supplies and materials*

244. A large portion of supplies and materials will be absorbed into other operational situations as a result of the closure of the Abéché Field Office and the N'Djamena field presence, as well as the downsizing of the Registry's resources in the Kampala Field Office, resulting in a decrease compared to the previous year.

### *Equipment including furniture*

245. Furniture and equipment will be absorbed into other operational situations as a result of the closure of the Abéché Field Office and the N'Djamena field presence, as well as the downsizing of the Registry's resources in the Kampala Field Office.

**Table 52: Sub-programme 3180: Proposed budget for 2012**

Field Operations Section	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available						881.0	881.0	874.0	874.0		-7.0	-0.8
General Service staff							513.8	513.8	538.5	538.5		24.7	4.8
<i>Subtotal staff</i>	-63.7	1,451.9	1,388.2		1,388.1	1,394.8	1,394.8	1,412.5	1,412.5		17.7	1.3	
General temporary assistance	11.5	247.7	259.2		259.2	69.6	69.6	248.1	248.1		178.5	256.5	
<i>Subtotal other staff</i>	11.5	247.7	259.2		259.2	69.6	69.6	248.1	248.1		178.5	256.5	
Travel		162.6	162.6	14.7	177.3	121.0	121.0	99.1	99.1		-21.9	-18.1	
Contractual services		14.4	14.4		14.4	8.1	8.1	47.1	47.1		39.0	481.5	
Training		29.0	29.0		29.0	58.2	58.2	47.2	47.2		-11.0	-18.9	
General operating expenses		614.5	614.5	8.6	623.1	567.8	567.8	508.0	508.0		-59.8	-10.5	
Supplies and materials		267.2	267.2		267.2	207.4	207.4	140.0	140.0		-67.4	-32.5	
Equipment including furniture		22.7	22.7	70.7	93.4	163.8	163.8				-163.8	-100.0	
<i>Subtotal non-staff</i>		1,110.4	1,110.4	94.0	1,204.4	1,126.3	1,126.3	841.4	841.4		-284.9	-25.3	
<b>Total</b>	<b>-52.2</b>	<b>2,810.0</b>	<b>2,757.8</b>	<b>94.0</b>	<b>2,851.8</b>	<b>2,590.7</b>	<b>2,590.7</b>	<b>2,502.0</b>	<b>2,502.0</b>		<b>-88.7</b>	<b>-3.4</b>	
Distributed maintenance		110.1	110.1		110.1	160.3	160.3	154.4	154.4		-5.9	-3.7	

**Table 53: Sub-programme 3180: Proposed staffing for 2012**

Field Operations Section											Total P- staff and above	Total GS- staff	Total staff						
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1		GS-PL	GS-OL							
Existing	Basic																		
	Situation-related										1	2	4	1	8	1	30	31	39
	<i>Subtotal</i>										<i>1</i>	<i>2</i>	<i>4</i>	<i>1</i>	<i>8</i>	<i>1</i>	<i>30</i>	<i>31</i>	<i>39</i>
New/ Converted	Basic																		
	Situation-related																		
	<i>Subtotal</i>																		
Redeployed/ Reclassified/ Returned	Basic																		
	Situation-related																		
	<i>Subtotal</i>																		
<b>Total</b>					<b>1</b>	<b>2</b>	<b>4</b>	<b>1</b>		<b>8</b>	<b>1</b>	<b>30</b>	<b>31</b>	<b>39</b>					

**(g) Sub-programme 3190: Counsel Support Section**

246. The Counsel Support Section is in charge of centralizing and coordinating all assistance provided to counsel by the Court; it serves as the Registry's focal point for the Offices of Public Counsel, which depend on the Registry solely for administrative purposes, and also provides logistical and administrative assistance. The section also manages the Court's programme of legal aid for indigent defendants and victims.

247. Because of the current number of cases, the costs of legal aid for defence and legal aid for victims will increase in 2012 by €2.5 million and €2.4 million respectively. It is important to note that such increase is the result of the direct application of the current legal aid system as endorsed by the Committee at its eighth session<sup>35</sup> and approved by the Assembly. The Committee had recommended that the Court undertake a review of the legal aid system once the first judicial cycle had been completed. However, the Registry has in 2011 proactively initiated a thorough review of the current system, which it plans to continue in 2012. This review is being conducted in light of the experience gathered by the Court thus far, and of the need to ensure the most cost-efficient system through the adoption of efficiency measures, while ensuring that the rights of the defence are fully upheld, as well as the rights of victims to participate meaningfully and effectively in the proceedings.

**Staff resources****Situation-related***General temporary assistance*

248. One GS-OL Data Processing Assistant, to allow the section to cope with the additional workload by managing new applications to the lists of counsel, legal assistants and professional investigators (in particular from the Middle East and North African region); managing ad hoc and duty counsel appointments and missions; and managing legal aid granted to those involved in the proceedings and providing the required administrative support. The section cannot successfully address the needs arising from its anticipated workload without this reinforcement, given its reduced staffing and the workload borne by its personnel, including accrued overtime.

**Non-staff resources***Legal aid for defence*

249. The cost of legal aid for each indigent defendant has been calculated by applying the current legal aid system in accordance with the 2012 budget assumptions. An additional sum has been provided for duty and ad hoc counsel, appointed respectively by the Registrar and Chambers under the conditions provided for in the Court's Statute, the Rules of Procedure and Evidence and the Regulations of the Court.

*Legal aid for victims*

250. The cost of legal aid for each group of victims as defined in the assumptions has been calculated on the basis of the current legal aid system. An additional sum has been provided for the payment of legal assistance at the situation stage.

*Consultancy*

251. For the Legal Aid Control System project, which is due to be completed during 2012.

*Travel*

252. A total of four missions have been budgeted to maintain contact with international and national bar associations and lawyers on the list of counsel, and to support training programmes on the Court and its law and procedures.

<sup>35</sup> *Official Records ... Sixth session ... 2007* (ICC-ASP/6/20), vol. II, part B.1, para. 80.

**Table 54: Sub-programme 3190: Proposed budget for 2012**

Counsel Support Section	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available				416.0	195.6	611.6	430.6	203.3	633.9	22.3	3.6	
General Service staff	No breakdown available				121.2	60.6	181.8	126.0	63.0	189.0	7.2	4.0	
<i>Subtotal staff</i>	<i>519.0</i>	<i>130.6</i>	<i>649.6</i>		<i>649.6</i>	<i>537.2</i>	<i>256.2</i>	<i>793.4</i>	<i>556.6</i>	<i>266.3</i>	<i>822.9</i>	<i>29.5</i>	<i>3.7</i>
General temporary assistance	27.0	0.1	27.1		27.1				69.6	69.6	69.6		
Consultants									50.0	50.0	50.0		
<i>Subtotal other staff</i>	<i>27.0</i>	<i>0.1</i>	<i>27.1</i>		<i>27.1</i>				<i>50.0</i>	<i>69.6</i>	<i>119.6</i>	<i>119.6</i>	
Travel	45.3		45.3	7.4	52.7	8.1		8.1	8.1		8.1		
Contractual services							2.0	2.0				-2.0	-100.0
Training										10.0	10.0	10.0	
Counsel for Defence		2,896.0	2,896.0		2,896.0	1,099.4	1,099.4		3,583.2	3,583.2	2,483.8	225.9	
Counsel for Victims		1,235.0	1,235.0		1,235.0	1,611.8	1,611.8		3,990.5	3,990.5	2,378.7	147.6	
General operating expenses		3.5	3.5		3.5								
Supplies and materials	0.4		0.4		0.4								
<i>Subtotal non-staff</i>	<i>45.7</i>	<i>4,134.5</i>	<i>4,180.2</i>	<i>7.4</i>	<i>4,187.6</i>	<i>8.1</i>	<i>2,713.2</i>	<i>2,721.3</i>	<i>8.1</i>	<i>7,583.7</i>	<i>7,591.8</i>	<i>4,870.5</i>	<i>179.0</i>
<b>Total</b>	<b>591.7</b>	<b>4,265.2</b>	<b>4,856.9</b>	<b>7.4</b>	<b>4,864.3</b>	<b>545.3</b>	<b>2,969.4</b>	<b>3,514.7</b>	<b>614.7</b>	<b>7,919.6</b>	<b>8,534.3</b>	<b>5,019.6</b>	<b>142.8</b>
Distributed maintenance	13.4	8.5	21.8		21.8	16.6	12.3	28.9	18.7	12.2	30.9	2.0	6.9

**Table 55: Sub-programme 3190: Proposed staffing for 2012**

Counsel Support Section	Total P-staff and above										Total GS-staff		Total staff	
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	GS-PL	GS-OL			
Existing					1	1		1	1	4		2	2	6
						1		1		2		1	1	3
					1	2		2	1	6		3	3	9
New														
Redeployed/ Returned														
<b>Total</b>					<b>1</b>	<b>2</b>		<b>2</b>	<b>1</b>	<b>6</b>		<b>3</b>	<b>3</b>	<b>9</b>

**(h) Sub-programme 3191: Office of Public Counsel for the Defence**

253. As part of its mandate, the Office of Public Counsel for the Defence (OPCD) provides legal research and assistance to all defence teams, duty counsel and ad hoc counsel, to ensure their ability to comply with judicial deadlines and focus on relevant legal issues. This assistance has proved to be extremely effective, and has enabled defence teams to address legal and procedural issues which have arisen during the proceedings, while at the same time reviewing evidence, supervising investigations, and preparing for examination or cross-examination of witnesses. The role of the OPCD is essential in order to create equality of arms between defence teams and the prosecution, which is able to avail itself of the assistance of specialized legal services from the Prosecution Legal Advisory Section and the Prosecution Appeals Section. The OPCD also ensures the efficiency and expeditiousness of the proceedings, and can help avoid the use of additional legal aid resources.

254. The OPCD has continued this type of assistance in 2011. For example, the OPCD assisted the *Mbarushimana* team in reviewing over 105,000 documents, in order to determine which documents were privileged, and which should be disclosed to the prosecution as potential evidence for the confirmation hearing. The OPCD has also assisted the *Bemba* team in reviewing a further 400 victim applications received shortly before the trial stage. If the defence team had not had the assistance of the OPCD, it might have needed to request an adjournment of the trial, which would significantly have delayed the proceedings. In the *Mbarushimana* and Kenyan cases, the OPCD has assisted the defence teams by providing legal assistance and case-management services pending recruitment to those positions.

255. Lack of sufficient resources will seriously affect the ability of the OPCD to respond to requests for legal research and the provision of real-time assistance for court hearings. Given the current resources of the Office, it has been initially estimated that in 2012 the OPCD may be unable to respond to as many as 345 of the requests it receives for legal advice, which may in turn result in the defence requesting adjournments in the proceedings. While the Office will endeavour to do its utmost with its current capacity to cover its anticipated workload for 2012, should there be any significant increase in the Court's judicial activities, the OPCD would need the corresponding additional resources in order to deal with this.

**Table 56: Workload indicators for the Office of Public Counsel for the Defence**

<i>Anticipated workload 2011</i>	<i>Number of FTE 2011</i>	<i>Anticipated workload 2012</i>	<i>Number of FTE 2012</i>	<i>Estimated capacity 2012</i>	<i>Estimated shortfall without additional resources</i>
Number of items of research and legal advice provide to defence teams = 350	2.5	700	2.5	350	340
Attendance/Assistance at court hearings = 200	0.7	215	0.7	200	15
Production of legal materials and outreach presentations concerning current defence issues before ICC = 12	0.5	12	0.5	10	2
Electronic registration and classification of court documentation (court filings, victim applications) and organization of legal references = 3500 pages	0.8	3500	0.8	1840	1660
Management tasks = 3	0.3	0.3	0.3	0.3	0
Administrative tasks = 2	0.2	0.2	0.2	0.2	0

**Non-staff resources****Basic resources***Travel*

256. Recurrent. This item is required to ensure the OPCD's participation at key external events concerning the rights of the defence before the Court.

### Situation-related resources

#### Travel

257. Recurrent. Situation-related travel is also required in order to facilitate the ability of the OPCD to act as duty counsel to represent a suspect in the field or to represent the rights of the defence in relation to a unique investigative opportunity in the field in accordance with article 56 of the Rome Statute.

#### Contractual services and training

258. Recurrent. Training is required so as to ensure that the limited resources of the OPCD are employed effectively, in order for staff to be competent in relation to all aspects of judicial proceedings which are potentially relevant to defence preparation and the mandate of the OPCD. The OPCD will utilize this training by providing ongoing support in these areas to all present and future defence teams. Failure to obtain the requested resources would entail additional resources, as the Court would be forced to rely on external trainers to provide a similar level of expertise to defence teams.

**Table 57: Sub-programme 3191: Proposed budget for 2012**

Office of Public Counsel for the Defence	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available			140.1	275.9	416.0	144.7	285.9	430.6	14.6	3.5
General Service staff				60.6		60.6	63.0		63.0	2.4	4.0
<i>Subtotal staff</i>	211.3	259.2	470.5	200.7	275.9	476.6	207.7	285.9	493.6	17.0	3.6
General temporary assistance	22.0	-4.1	17.9								
<i>Subtotal other staff</i>	22.0	-4.1	17.9								
Travel	2.2	4.4	6.6	2.1	14.7	16.8	2.3	14.2	16.5	-0.3	-1.8
Contractual services		1.2	1.2		20.0	20.0		20.0	20.0		
Training	0.4		0.4	4.8		4.8	4.7		4.7	-0.1	-2.1
General operating expenses					4.0	4.0		3.0	3.0	-1.0	-25.0
<i>Subtotal non-staff</i>	2.6	5.6	8.2	6.9	38.7	45.6	7.0	37.2	44.2	-1.4	-3.1
<b>Total</b>	<b>235.9</b>	<b>260.7</b>	<b>496.6</b>	<b>207.6</b>	<b>314.6</b>	<b>522.2</b>	<b>214.7</b>	<b>323.1</b>	<b>537.8</b>	<b>15.6</b>	<b>3.0</b>
Distributed maintenance	4.5	8.5	12.9	5.5	12.3	17.8	6.2	12.2	18.4	0.6	3.4

**Table 58: Sub-programme 3191: Proposed staffing for 2012**

Office of Public Counsel for the Defence	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing					1					1		1	1	2
						1		1	1	3				3
					1	1		1	1	4		1	1	5
New/ Converted														
Redeployed/ Reclassified/ Returned														
<b>Total</b>					<b>1</b>	<b>1</b>		<b>1</b>	<b>1</b>	<b>4</b>		<b>1</b>	<b>1</b>	<b>5</b>

**(i) Sub-programme 3192: Office of Public Counsel for Victims**

259. The Office of Public Counsel for Victims has supported and given assistance to 35 external legal representatives in all situations and cases before the Court. In 2010 alone, legal advice and research were provided on 300 separate occasions. Moreover, the Office has generally been entrusted by Chambers with providing legal assistance and legal representation to victims in the phase which precedes a decision on their status as participants in proceedings before the Court, as well as during the period starting from the recognition of their status as victims until such time as a legal representative is chosen by the person(s) or appointed by the Court. An increasing number of victims are also choosing the Office as their legal representative. The number of victims represented by the Office, at one stage or another of proceedings, increased by 82 per cent over 2010/2011. This increase follows a trend from previous years, and can be expected to continue in 2012.

**Staff resources****Situation-related resources***General temporary assistance*

260. New. One P-3 Legal Officer for six months, in order to cope with the increase in the numbers of external legal representatives to be assisted, and of victims to be assisted or represented, due to the opening of an investigation into the situation in Libya. Over the year 2010, the workload of the Office has significantly increased. This trend has been confirmed for the first quarter of 2011. The current staff of the Office is already fully occupied in the five ongoing situations and related cases. The Office at present assists 35 external legal representatives and more than 1,000 victims.

**Non-staff resources****Situation-related resources***Travel*

261. Recurrent. Travel is required to undertake missions in the field, in order to fulfil the Office's mandate. As such, travel is a necessary incident of the Office's tasks. Face-to-face meetings with victims are indispensable to provide meaningful assistance, support and representation, whatever the stage of the proceedings. Developments in existing and anticipated cases/situations indicate that the need for face-to-face meetings and fieldwork will increase, in particular once reparations proceedings commence, when members of the Office will be required to travel to collect evidence and discuss strategy with clients.

262. Considering the security situation in Libya and the fact that victims have left or are leaving the country to seek refuge mainly in European countries, or in neighbouring countries on the African continent, the Office considers that there will be a need for additional travel costs to countries other than Libya, in order to meet with victims, to provide legal assistance/representation to them, or to support possible outreach activities.

*Contractual services*

263. The Office has developed a project for a victim-oriented database, designed to manage the legal assistance and representation provided by the Office to victims and to external legal representatives. The database is an essential tool for the Office, not only because of the possibilities that it offers for handling internal information while maintaining the required level of confidentiality, but also because it will enable an easier exchange of information with other sections dealing with victims' issues within the Court and with external legal representatives, thus further enhancing the Office's effectiveness. In particular, the database enables the Office to collect, catalogue, reference, archive and analyse legal documents, researches, court records, evidence, exhibits, and open-source material; to access other Court applications (Ringtail, Transcend, TRIM) via a single interface; to track all information for each victim (in particular, victim-relevant information, including evidence, court records, correspondence and witness statements and court testimony); to incorporate and streamline major OPCV work processes and keep track of

team tasks and deadlines; to produce statistics and output reports. Since the Court is further developing Ringtail, minor adjustments will be needed to the Office database in 2012 in order to ensure that it fully meets the Office's needs.

264. The Office has published a 250-page Manual for Legal Representatives appearing before the Court, which includes a regularly updated section explaining jurisprudential developments in all situations and cases. The Manual is now available in English and French, and is also scheduled to be available in Spanish. The Office is planning to work on an Arabic version (which may be especially needed in light of the new developments in the situations in Sudan and Libya) in 2011/2012. The Manual will enhance the knowledge of the Court amongst practitioners in the field of international criminal law and has proved to be an essential instrument for external legal representatives.

#### *General operating expenses*

265. Recurrent. For the rental of premises in order to meet with victims. Costs have been maintained at the same level as in 2011.

**Table 59: Sub-programme 3192: Proposed budget for 2012**

Office of Public Counsel for Victims	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related		Basic	Situation- related		Basic	Situation- related		Amount	%
		Total	Total		Total	Total					
Professional staff	No breakdown available			220.4	665.8	886.2	227.3	688.8	916.1	29.9	3.4
General Service staff				60.6		60.6	63.0		63.0	2.4	4.0
<i>Subtotal staff</i>	269.8	562.1	831.98	281.0	665.8	946.8	290.3	688.8	979.1	32.3	3.4
General temporary assistance	-1.6		-1.6				55.2		55.2	55.2	
<i>Subtotal other staff</i>	-1.6		-1.6				55.2		55.2	55.2	
Travel	44.4		44.4	4.4	44.8	49.2	4.0	75.9	79.9	30.7	62.4
Contractual services	37.5		37.5	30.0		30.0	40.0		40.0	10.0	33.3
Training	2.7		2.7								
General operating expenses				6.0		6.0	6.0		6.0		
Supplies and materials	1.7		1.7								
<i>Subtotal non-staff</i>	1.7	84.6	86.3	4.4	80.8	85.2	4.0	121.9	125.9	40.7	47.8
<b>Total</b>	<b>271.5</b>	<b>645.1</b>	<b>916.6</b>	<b>285.4</b>	<b>746.6</b>	<b>1,032.0</b>	<b>294.3</b>	<b>865.9</b>	<b>1,160.2</b>	<b>128.2</b>	<b>12.4</b>
Distributed maintenance	6.7	19.8	26.5	8.3	28.8	37.1	9.3	28.4	37.7	0.6	1.6

**Table 60: Sub-programme 3192: Proposed staffing for 2012**

Office of Public Counsel for Victims	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above			Total GS- staff	Total staff
										GS-PL	GS-OL			
Existing	Basic				1					1	2	1	1	3
	Situation-related								2	2	1	2	7	7
	<i>Subtotal</i>				1	2	2	2	2	2	9	1	1	10
New/ Converted	Basic													
	Situation-related													
	<i>Subtotal</i>													
Redeployed/ Reclassified/ Returned	Basic													
	Situation-related													
	<i>Subtotal</i>													
<b>Total</b>					<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>10</b>

## 2. Programme 3200: Common Administrative Services Division

### Introduction

266. The Common Administrative Services Division (CASD) provides a diverse range of specialized non-judicial services to support the entire Court. The Division combines the functions relating to human resources, budget and finance, general services and information and communications technologies. These functions, driven by service requirements, provide essential coordination to ensure a centralized approach and an optimal and effective utilization of human and financial resources. The major areas of responsibility in CASD are shown below.

<i>Human Resources</i>	<i>Budget and Finance</i>	<i>General Services</i>	<i>ICT</i>
Recruitment	Accounts	Travel & host State affairs	Information services
Staff administration	Disbursements	Logistics and transport	IT operations
Training & development	Payroll	Facilities management	Records management
Health & welfare	Treasury	Procurement	
	Budget		

267. The Division's top priority is to provide the Court with a "model of public administration" by delivering timely, reliable and effective high-quality services in response to client needs both at headquarters and in the field. This derives from and is aligned with the strategic goals and objectives of the Court (Goal 3).

268. The Court's administration has grown from supporting a handful of staff in 2003 to a full-blown operational organization with more than a thousand staff to cater for all year round. The volume and quality of work of the Court's administrative services is of utmost importance for the proper functioning of the institution.

269. Based on the Court's Strategic Plan, CASD has identified the outcomes that will be the focus of the division's activities in the short term. These strategic priorities described below have guided the 2012 budget proposal of the division. As in all divisions and organs of the Court, efficiency and effectiveness will remain cross-cutting and overarching objectives for CASD.

270. The Human Resources Section will continue the progress that has been made towards improving organizational design. The section will place priority on the development, implementation and monitoring of HR policies, strategies and tools; and on a competency and career development framework.

271. The analytic accountability framework is currently being developed and will continue to be implemented in 2012. This exercise aims at improving efficiency by providing information on budgets versus spending, as well as maintaining a balance between costs and service delivery. The current set-up and business processes have been analysed and appropriate cost centres and cost allocation criteria have been identified and agreed upon. The division will continue leading this Court-wide exercise to implement the best-suited cost accounting system in the Court's SAP environment, which will in turn help the Court in planning and making decisions and informed judgments.

272. In 2011 the division initiated implementation of the International Public Sector Accounting Standards (IPSAS). A broad initial effort has been made to identify the potential impact of IPSAS adoption, and to identify gaps in terms of IPSAS compliance requirements in relation to the present status of the Court. In 2012, the Budget and Finance Section will undertake a more detailed gap analysis and conduct an in-depth analysis of the requirements and impact of each IPSAS standard.

273. An important new policy, essential to more efficient functioning of the Court, has been initiated by the General Services Section with a view to maximizing resources for the Court's permanent premises. Accordingly, all assets procured which have a "shelf-life" beyond the completion date of the Court's permanent premises will be purchased with their compatibility to the new premises in mind. The division will also work on the development of policies to adapt the Court's culture so as to optimize future resources.

274. The availability, reliability and confidentiality of all information maintained in ICT applications are critical to the running of the Court. An important objective for 2012 is the regular conduct of hearings without any delays attributable to failure of ICT processes.

275. As a consequence of the opening of an investigation into the situation in Libya regarding crimes allegedly committed after 15 February 2011, and the increase of activities in the situation in Kenya, more services will be required from the division in 2012, particularly in terms of travel and visa services, communications, logistics and finance.

276. Despite a reduction of €0.2 million in the division's general operating expenses, overall there is an increase in resource requirements of €2.01 million, which is in part accounted for by capital investment replacements (€0.9 million) and consultancy services (€0.1 million), as well as the implementation of IPSAS for a full year (€0.3 million), which, as explained above, is one of the division's strategic priorities.

277. The pursuit of efficiencies remains a high priority for the division. Creative business-process re-engineering proposals will continue to be encouraged, focusing on the most cost-intensive processes.

### Objectives

1. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8)
2. Submit sound, accurate and transparent budget proposals necessitating only minor adjustments to the proposed amount and distribution of resources by the Assembly of States Parties (SO 9)
3. Attract, care for, and offer career development and advancement opportunities to a diverse staff of the highest quality (SO 10)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- Become a non-bureaucratic administration focused on results rather than processes.	- To have performed business process re-engineering for 5 administrative processes in the Court.	5
<b>Objective 2</b>		
- Submit sound, accurate and transparent budget proposals.	- Adjustment to the proposed amount and distribution of resources within CASD.	Maximum of 5% reduction or redistribution.
<b>Objective 3</b>		
- Attract, care for and offer career development to a diverse staff.	- Number of HR policies and development of HR Management Manual.	50% completion of manual

**Table 61: Programme 3200: Proposed budget for 2012**

Common Administrative Services Division	Expenditure 2010 (thousands of euros)					Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available					3,351.1	522.0	3,873.1	3,507.2	540.8	4,048.0	174.9	4.5
General Service staff						4,704.6	1,755.7	6,460.3	4,962.3	1,829.1	6,791.4	331.1	5.1
<i>Subtotal staff</i>	7,659.5	2,307.8	9,967.3		9,967.3	8,055.7	2,277.7	10,333.4	8,469.5	2,369.9	10,839.4	506.0	4.9
General temporary assistance	493.8	29.5	523.3	145.6	668.9	336.0	168.0	504.0	699.6	208.8	908.4	404.4	80.2
Temporary assistance for meetings						20.0		20.0	20.0		20.0		
Overtime	128.0		128.0	0.5	128.5	111.5		111.5	120.0		120.0	8.5	7.6
Consultants	74.2		74.2		74.2	20.0		20.0	140.0		140.0	120.0	600.0
<i>Subtotal other staff</i>	696.0	29.5	725.5	146.1	871.6	487.5	168.0	655.5	979.6	208.8	1,188.4	532.9	81.3
Travel	73.3	80.9	154.2		154.2	91.6	78.4	170.0	114.1	71.4	185.5	15.5	9.2
Contractual services	843.0	48.0	891.0		891.0	405.5	60.0	465.5	646.5	60.0	706.5	241.0	51.8
Training	257.7	164.4	422.1		422.1	225.0	162.4	387.4	423.3		423.3	35.9	9.3
General operating expenses	4,407.5	2,726.4	7,133.9		7,133.9	4,515.2	2,927.5	7,442.7	4,325.8	2,870.6	7,196.4	-246.3	-3.3
Supplies and materials	357.2	61.3	418.5		418.5	525.3	9.5	534.8	535.9	9.5	545.4	10.6	2.0
Equipment including furniture	342.7	447.8	790.5	335.5	1,126.0	505.0	181.1	686.1	1,605.0		1,605.0	918.9	133.9
<i>Subtotal non-staff</i>	6,281.4	3,528.8	9,810.2	335.5	10,145.7	6,267.6	3,418.9	9,686.5	7,650.6	3,011.5	10,662.1	975.6	10.1
<b>Total</b>	<b>14,636.9</b>	<b>5,866.1</b>	<b>20,503.0</b>	<b>481.6</b>	<b>20,984.6</b>	<b>14,810.8</b>	<b>5,864.6</b>	<b>20,675.4</b>	<b>17,099.7</b>	<b>5,590.2</b>	<b>22,689.9</b>	<b>2,014.5</b>	<b>9.7</b>
Distributed maintenance	-529.8	-1,084.3	-1,614.1		-1,614.1	-664.9	-1,558.0	-2,222.9	-753.1	-1,528.1	-2,281.2	-58.3	2.6

**Table 62: Programme 3200: Proposed staffing for 2012**

Common Administrative Services Division		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic				1	4	5	15	9		34	6	70	76	110
	Situation-related						2	3			5	1	30	31	36
	<i>Subtotal</i>				1	4	7	18	9		39	7	100	107	146
New/	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic								-1		-1		2	2	1
	Situation-related														
	<i>Subtotal</i>								-1		-1		2	2	1
<b>Total</b>				<b>1</b>	<b>4</b>	<b>7</b>	<b>18</b>	<b>8</b>			<b>38</b>	<b>7</b>	<b>102</b>	<b>109</b>	<b>147</b>

**(a) Sub-programme 3210: Office of the Director (CASD)**

278. The Office of the Director oversees and coordinates those sections that provide management and administrative support services to the Court, namely human resources, budget and finance, general services and information and communications technologies. The Office of the Director helps ensure timely and accurate reporting to oversight bodies, and internal and external audiences in diverse matters such as budget and strategic planning. The Office further manages specific projects aimed at achieving the Court's strategic goal of becoming a model of public administration.

**Non-staff resources****Basic resources***Travel*

279. Recurrent. Related to meetings and cooperation activities with States Parties and meetings for networking purposes.

*Contractual services*

280. Estimated costs for consultancy relating to the process re-engineering and efficiency savings projects due to continue in 2012.

**Situation-related resources***Travel*

281. Recurrent. To cover the Director's travel relating to operations in the field.

**Table 63: Sub-programme 3210: Proposed budget for 2012**

Office of the Director CASD	Expenditure 2010 (thousands of euros)		Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	No breakdown available		350.3		350.3	366.7		366.7	16.4	4.7	
General Service staff			60.6		60.6	63.0		63.0	2.4	4.0	
<i>Subtotal staff</i>	<i>211.8</i>		<i>211.8</i>		<i>410.9</i>	<i>429.7</i>		<i>429.7</i>	<i>18.8</i>	<i>4.6</i>	
Travel	12.7		12.7	14.0	7.4	21.4	12.9	8.1	21.0	-0.4	-1.9
Contractual services	47.9		47.9	20.0		20.0		20.0			
<i>Subtotal non-staff</i>	<i>60.6</i>		<i>60.6</i>	<i>34.0</i>	<i>7.4</i>	<i>41.4</i>	<i>32.9</i>	<i>8.1</i>	<i>41.0</i>	<i>-0.4</i>	<i>-1.0</i>
<b>Total</b>	<b>272.4</b>		<b>272.4</b>	<b>444.9</b>	<b>7.4</b>	<b>452.3</b>	<b>462.6</b>	<b>8.1</b>	<b>470.7</b>	<b>18.4</b>	<b>4.1</b>
Distributed maintenance	8.9		8.9	11.0		11.0	12.4		12.4	1.4	12.7

**Table 64: Sub-programme 3210: Proposed staffing for 2012**

Office of the Director CASD	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing				1				2		3		1	1	4
				1				2		3		1	1	4
New/ Converted														
Redeployed/ Reclassified/ Returned														
<b>Total</b>				<b>1</b>				<b>2</b>		<b>3</b>		<b>1</b>	<b>1</b>	<b>4</b>

**(b) Sub-programme 3220: Human Resources Section****Introduction**

282. The Human Resources Section provides HR-related services to all major programmes of the Court. Headed by the Chief of Section, it comprises four units.

283. The Chief of Section, in addition to section management functions, has direct responsibility for providing strategic advice to the heads of organs on human resources issues and initiatives; for preparing documentation and information on human resources activities and results for the Committee, the Assembly and Court management; for human resources policy development, grievances and legal matters, and staff management collaboration in the area of human resources. The Chief is supported by an administrative assistant and a senior policy and legal assistant.

284. The Staffing Unit is responsible for all matters relating to recruitment, placement of staff, redeployments, post management, classifications and reclassifications, special post allowances, secondments, loans and transfers, as well as career development. In addition, the Staffing Unit manages the Court's important Internship and Visiting Professionals Programme, funded by donors through extrabudgetary resources. While the Staffing Unit has six established posts (two Professional, four General Service), it has consistently required additional support due to workload demands. The table below indicates how the workload per capita of the section is projected to increase in 2012.

**Table 65: Workload indicators for the Staffing Unit**

<i>Anticipated workload 2012</i>	<i>Number of staff 2009</i>	<i>Actual workload 2009</i>	<i>Number of staff 2010 handling the work</i>	<i>Actual workload 2010</i>	<i>Estimated workload 2012</i>
Applications received, evaluated and processed	7	22,152	5	20,650	20,650
Offers prepared	5	626	5	403	403
Vacancies advertised	3	192	2	144	144
Number of interviews	7	1012	4	764	764
Number of tests	7	463	4	485	485

285. The Staff Administration Unit bears responsibility for issuing initial contracts, contract extensions, the administration of salary, benefits and entitlements, attendance record management systems and performance management, as well as conflict resolution and mediation with regard to staff performance. The Unit has responsibility for HR reporting, including the provision of geographical representation information to embassies, as well as to the Committee and the Assembly, development and upgrading of HR-related IT systems, and IT support to staff on HR/IT systems. Despite the fact that the number of staff at the Court has increased steadily over the years, the number of HR assistants serving the staff has remained unchanged, including two GS-OL GTA (since 2004 and 2005 respectively).

**Table 66: Workload indicators for the Staff Administration Unit**

<i>Anticipated workload 2012</i>	<i>Number of staff 2009</i>	<i>Actual workload 2009</i>	<i>Number of staff 2010 handling the work.</i>	<i>Actual workload 2010</i>	<i>Estimated workload 2012</i>
Briefing/advising staff members on entitlements and benefits	5	826	5	913	973
Letter of appointments and Contract extensions	6	403	6	453	726
Personnel actions processed	6	2,000	6	2,681	2900
Approved/certified HR-related travel	1	1047	1	1404	1600
Education grants processed	6	181	6	201	220
Memos and other miscellaneous requests	2	120	3	144	424
Implementation of new initiatives/guidelines/policies	x	x	3	5	7
Policy issues and dealing with complex entitlement and benefits issues	2	17	2	30	40
Statistical reports generated	2	180	2	205	220
Requests from client users on HR / IT issues	2	750	2	820	950
Ongoing HR/IT projects	2	6	2	10	13

286. The Health and Welfare Unit is in charge of occupational health and medical issues for headquarters and field staff, which includes pre-employment medicals, pre- and post-travel care for staff travelling on mission, sick leave certification and emergency medical care. It also is responsible for counselling and welfare issues.

287. The Learning and Development Unit manages the central training budget and provides advice on the utilization of the decentralized training allocations. It assists Court management in the preparation of annual learning plans and develops and implements training and learning programmes.

288. It is noted that, with 22 established posts, and a Court headcount of about 1,000 (established posts, general temporary assistance, interns, visiting professionals, consultants and individual contractors), as a service provider the Human Resources Section is understaffed in comparison with similar organizations.

### **Staff resources**

#### **Basic resources**

##### *Established posts*

289. Recurrent. One P-4 Head of Staffing Unit. The post of Head of Staffing Unit has existed since 2003 (initially as Recruitment Officer). It is one of only two Professional posts in the unit, the other one being at P-2 level. The incumbent of the position is in charge of all recruitment and placement in the Court; in particular, starting in 2011, the Head of Staffing is playing a leading role in developing and implementing measures to promote applications from non- and underrepresented countries and to develop a new approach to reclassifications. In addition to staffing functions, the Head of Staffing acts as Deputy to the Chief of Section, assuming the full Chief of Section functions in the absence of the Chief. The post is a key post, not only in the Human Resources Section but for the Court as a whole. Without this position, the Court would be unable to meet the expectations of States Parties with respect to a transparent recruitment process and improved geographical representation, the requirements of hiring managers in the Court to recruit staff quickly and efficiently, and the needs of staff for career advice and guidance.

*Redeployed posts*

290. One GS-OL Human Resources Assistant. Redeployed from the Security and Safety Section in Registry, the post will assist the Staff Administration Unit to process benefits and entitlements, streamline administrative processes and ensure compliance with rules and procedures. The net effect on the Registry budget will therefore be zero.

*General temporary assistance*

291. One GS-OL Staffing Assistant (12 months, continued). Since 2005, the Staffing Unit has had the same number of established posts at General Service level (four); however, it has consistently required additional support in the form of GTA. In 2008 and 2009, the unit required as many as six additional temporary staff to handle the workload. While the number of GTA has been reduced in 2010 and 2011, the core staffing of the unit continues to be in need of additional staff when new and unexpected recruitment requirements arise to support new situations of the Court (e.g. Libya). The GS-OL GTA staffing assistant position will be required throughout 2012 to help the Court cope with the recruitment workload as well as to support the implementation and enhancement of the e-recruitment SAP system.

292. One GS-OL HR/IT Assistant (12 months, continued). The HR/IT Assistant assists the Senior HR/IT Assistant in the development, implementation and improvement of HR/IT projects, such as the SAP HR module, e-recruitment and the Environmental Health System. The incumbent also assists in the production of the increasing number of HR reports (e.g. on consultants) required by the Committee and the Assembly.

293. One GS-OL Human Resources Assistant (12 months, continued) (Staff Administration). Experience over the past few years has determined that this post continues to be required, to cope with the administrative workload resulting from the increased staffing of the Court.

*Consultants*

294. To assist with HR policy development, including the new approach on reclassifications, and to supply individual contractor services on a short-term basis, as well as for the preparation of a human resources manual as requested by the Committee.<sup>36</sup>

**Non-staff resources****Basic resources***Travel*

295. Recurrent. Required for participation of HR managers in relevant specialized meetings, including the Human Resources Network, the Learning Managers Forum, the Career Development Roundtable and the Association for Human Resources Management in International Organizations.

*Training*

296. Recurrent. To cover language and substantive technical skills training across the Court.

*Contractual Services*

297. Outsourcing services for medical requirements, such as vaccinations.

<sup>36</sup> Report of the Committee on Budget and Finance on the work of its sixteenth session (ICC-ASP/10/5), para. 65.

**Table 67: Sub-programme 3220: Proposed budget for 2012**

Human Resources Section	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available				627.1		627.1	768.1		768.1	141.0	22.5	
General Service staff					760.2	181.8	942.0	851.2	189.0	1,040.2	98.2	10.4	
<i>Subtotal staff</i>	<i>1,405.1</i>	<i>184.7</i>	<i>1,589.8</i>		<i>1,589.8</i>	<i>1,387.3</i>	<i>181.8</i>	<i>1,569.1</i>	<i>1,619.3</i>	<i>189.0</i>	<i>1,808.3</i>	<i>239.2</i>	<i>15.2</i>
General temporary assistance	219.0		219.0	26.4	245.4	201.6		201.6	208.8		208.8	7.2	3.6
Consultants	74.2		74.2		74.2	20.0		20.0	140.0		140.0	120.0	600.0
<i>Subtotal other staff</i>	<i>293.2</i>		<i>293.2</i>	<i>26.4</i>	<i>319.6</i>	<i>221.6</i>		<i>221.6</i>	<i>348.8</i>		<i>348.8</i>	<i>127.2</i>	<i>57.4</i>
Travel	17.2	11.4	28.6		28.6	13.9	15.3	29.2	29.2		29.2		
Contractual services	98.6	3.7	102.3		102.3	11.5		11.5	15.0		15.0	3.5	30.4
Training	135.6	153.8	289.4		289.4	147.6	162.4	310.0	310.0		310.0		
Supplies and materials	51.6	51.6	103.2		103.2	49.4		49.4	60.0		60.0	10.6	21.5
<i>Subtotal non-staff</i>	<i>303.0</i>	<i>220.5</i>	<i>523.5</i>		<i>523.5</i>	<i>222.4</i>	<i>177.7</i>	<i>400.1</i>	<i>414.2</i>		<i>414.2</i>	<i>14.1</i>	<i>3.5</i>
<b>Total</b>	<b>2,001.3</b>	<b>405.2</b>	<b>2,406.5</b>	<b>26.4</b>	<b>2,432.9</b>	<b>1,831.3</b>	<b>359.5</b>	<b>2,190.8</b>	<b>2,382.3</b>	<b>189.0</b>	<b>2,571.3</b>	<b>380.5</b>	<b>17.4</b>
Distributed maintenance	42.3	8.5	50.8		50.8	52.4	12.3	64.7	62.2	12.2	74.4	9.7	14.3

**Table 68: Sub-programme 3220: Proposed staffing for 2012**

Human Resources Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic					1	2	3	1		7	2	10	12	19
	Situation-related												3	3	3
	<i>Subtotal</i>					<i>1</i>	<i>2</i>	<i>3</i>	<i>1</i>		<i>7</i>	<i>2</i>	<i>13</i>	<i>15</i>	<i>22</i>
New/	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic												1	1	1
	Situation-related														
	<i>Subtotal</i>												<i>1</i>	<i>1</i>	<i>1</i>
<b>Total</b>					<b>1</b>	<b>2</b>	<b>3</b>	<b>1</b>		<b>7</b>	<b>2</b>	<b>14</b>	<b>16</b>	<b>23</b>	

**(c) Sub-programme 3240: Budget and Finance Section**

298. The main functions of the Budget and Finance Section (BFS) are to coordinate and prepare the budget of the Court and produce financial statements for the Court and for the Trust Fund for Victims. Further to this, BFS also manages the receipt and allotment of assessed contributions and the corresponding funds for the operational and investment needs of the Court. It also effectively monitors and reports on assessed and voluntary contributions in accordance with Assembly and donor requirements on a day-to-day basis, the BFS is responsible for carrying out all payroll and disbursement activities, including payment to vendors for all procurement of goods and services. The Budget and Accounts Unit of the BFS ensures that all such transactions are accounted and reported, while keeping in focus the internal control aspects. Other key functions include treasury management, banking, investment of surplus funds, and maintenance of the Court's accounting and financial reporting within the Court's SAP systems.

299. The section interfaces financial management and financial administrative needs to the Court and its stakeholders and supports all operational areas of the Court aimed at strengthening financial management and ensuring that transactions are in compliance with the Financial Regulations and Rules, the Statute and agreed Budget priorities. The objectives of the Budget and Finance Section are aligned with the results it expects to achieve in 2012 and the resources necessary to achieve those results. On the basis of the figures for previous years and the expected increase in the Court's activities, the BFS anticipates a corresponding increase in workload volumes. Table 2 below shows the workload statistics for previous years, and the estimated figures for 2012.

**Table 69: Workload statistics for the Budget and Finance Section\***

<i>Anticipated workload 2012</i>	<i>Number of staff 2009</i>	<i>Actual workload 2009</i>	<i>Number of staff 2010</i>	<i>Actual workload 2010</i>	<i>Estimated workload 2012</i>
Prepare and maintain accounts and contributions	4	32,200	4	45,700	48,000
Disbursements processed (invoices, travel claims)	7	26,450	7	35,200	37,000
Payroll transactions	4	15,100	4	15,500	15,500
Payments processing	2	21,600	3	25,200	27,400
CBF reports, CoCo performance and budget preparation and management reports	x	x	3	22	30
Processing of GTA requests, fund transfers and payroll actions.	x	x	3	1096	1500

\* Efforts are made to contain and reduce backlog through efficiencies, innovative working methods and process re-engineering, which have helped reduce work volumes in some units over time. For example, combine and bill invoices monthly instead of (bi)weekly or run payments in batches twice a week instead of processing daily transactions, utilizing staff synergies and efficiencies.

**Staff resources***Redeployment*

300. One GS-OL Budget Assistant redeployed from the Security and Safety Section in Registry, the post will assist the Budget Unit to process numerous budget reports and management information requests, as well as dealing with the post-management aspect of budget implementation. The net effect on the Registry budget will be zero.

*General temporary assistance*

301. In order to meet its targets and in light of its increased workload as shown in the table above, the section is also requesting two GS-OL Finance Assistants for 12 months (one continued, one new) to support work volumes and transaction processing in the Disbursements Unit and the Payroll Unit in 2012. The additional workload over the years without any increase in staffing has put a severe strain on the deliverables of the BFS, in spite of the various system and business process enhancements that have been accomplished in prior years. Need is particularly high during accounting close, financial reporting, external auditing, budget preparation and heavy year-end travel claim processing in the Disbursements Unit. An additional GTA post is also justified by the effective growth in the Court's activities in general and the resulting transaction impact. Any new situation in 2012 is not considered in this proposal.

**Non-staff resources***Travel*

302. Recurrent. To participate in United Nations Joint Staff Pension Fund meetings and Budget and Finance Network meetings. Travel to the field offices to maintain SAP Payroll/Travel module implementation and training. Provision is also made for travel to new field presence/mission(s) in order to set up the finance and expenditure monitoring tools necessary to ensure internal control and accountability under the Court's Financial Regulations and Rules.

*Contractual services*

303. Recurrent. Relates to the audit fees for the External Auditor, with provision for the latest increase in fees.

*Training*

304. Recurrent. To support communications skills and leadership training, and to cover specialist training on Advanced Excel and Access programs.

*General operating expenses*

305. Recurrent. Banking costs corresponding to the expected volume of transactions.

*IPSAS project*

306. IPSAS project funding requested for 2012 amounts to €635,200. This is in conformity with the IPSAS project implementation plan for 2012, as recommended by the Committee at its fifteenth session and approved by the Assembly.<sup>37</sup> Full particulars of the plan – which currently stands unchanged – are set out in the report<sup>38</sup> presented to the Committee at its sixteenth session in April 2011.

307. Recurrent. To cover specialist training relating to IPSAS and skills enhancement for all BFS staff. In order to achieve IPSAS implementation within the planned milestones, staff will be assigned to specific tasks

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<sup>37</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II.D, paras. 8-9.

<sup>38</sup> Report of the Court on the implementation of International Public Sector Accounting Standards (ICC-ASP/9/3).

**Table 70: Sub-programme 3240: Proposed budget for 2012**

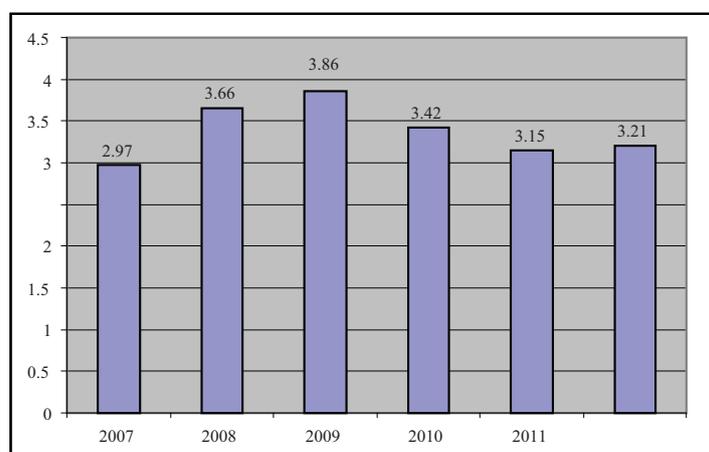
Budget and Finance Section	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	IPSAS	Total	Amount	%
Professional staff	No breakdown available			707.3		707.3	730.0			730.0	22.7	3.2
General Service staff				727.2	319.5	1,046.7	770.7	331.1		1,101.8	55.1	5.3
<i>Subtotal staff</i>	<i>1,322.0</i>	<i>320.9</i>	<i>1,642.9</i>	<i>1,434.5</i>	<i>319.5</i>	<i>1,754.0</i>	<i>1,500.7</i>	<i>331.1</i>		<i>1,831.8</i>	<i>77.8</i>	<i>4.4</i>
General temporary assistance	64.4		64.4	67.2		67.2	69.6	69.6	351.6	490.8	423.6	630.4
Overtime	9.0		9.0	5.0		5.0	5.0			5.0		
<i>Subtotal non-staff</i>	<i>73.4</i>		<i>73.4</i>	<i>72.2</i>		<i>72.2</i>	<i>74.6</i>	<i>69.6</i>	<i>351.6</i>	<i>495.8</i>	<i>423.6</i>	<i>586.7</i>
Travel	7.2		7.2	23.9		23.9	23.9		15.9	39.8	15.9	66.5
Contractual services	163.9		163.9	64.0		64.0	64.0		237.7	301.7	237.7	371.4
Training	1.0		1.0	12.5		12.5	12.5		30.0	42.5	30.0	240.0
General operating expenses	330.5		330.5	432.6		432.6	100.0			100.0	-332.6	-76.9
<i>Subtotal non-staff</i>	<i>502.6</i>		<i>502.6</i>	<i>533.0</i>		<i>533.0</i>	<i>200.4</i>		<i>283.6</i>	<i>484.0</i>	<i>-49.0</i>	<i>-9.2</i>
<b>Total</b>	<b>1,898.0</b>	<b>320.9</b>	<b>2,218.9</b>	<b>2,039.7</b>	<b>319.5</b>	<b>2,359.2</b>	<b>1,775.7</b>	<b>400.7</b>	<b>635.2</b>	<b>2,811.6</b>	<b>452.4</b>	<b>19.2</b>
Distributed maintenance	42.3	14.1	56.4	52.4	20.6	73.0	59.1	20.3		79.4	6.4	8.8

**Table 71: Sub-programme 3240: Proposed staffing for 2012**

Budget and Finance Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic					1	1	3	2		7		12	12	19
	Situation-related											1	4	5	5
	<i>Subtotal</i>					<i>1</i>	<i>1</i>	<i>3</i>	<i>2</i>		<i>7</i>	<i>1</i>	<i>16</i>	<i>17</i>	<i>24</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic												1	1	1
	Situation-related														
	<i>Subtotal</i>												<i>1</i>	<i>1</i>	<i>1</i>
<b>Total</b>					<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>		<b>7</b>	<b>1</b>	<b>17</b>	<b>18</b>	<b>25</b>	

**(d) Sub-programme 3250: General Services Section****Introduction**

308. The General Services Section (GSS) is headed by the Chief of Section and comprises four units: Facilities Management Unit, Logistics and Transport Unit, Procurement Unit and Travel and Host State Affairs Unit. The actual expenditure of the section in non-staff resources increased significantly from €2.97 million in 2007 to €3.86 million in 2009. This was due to the expenses involved in fitting out and moving to the second interim premises building, Haagse Veste 1, in The Hague. The move was completed in 2009 and non-staff costs dropped to an actual expenditure of €3.42 million in 2010. In 2011, in order to minimize the impact of the increase in the overall budget due to increased trial activities, fewer funds were allotted for buildings repairs, office moves, alterations to premises and furniture replacement. Efforts have been made to keep non-staff costs down in 2012. However, it is anticipated that the termination of the current three-year electricity and gas contracts at the end of 2011 will lead to an increase in energy costs. This, coupled with other inflationary drivers and capital expenditure requirements, has increased the request for non-staff resources to €3.21 million.



309. The Procurement Unit is required to provide timely, fair and fully transparent procurement service with integrity, giving best value for money through effective international competition in the best interests of the Court. The unit also works to ensure that, despite a large increase in volume, all procurement activities are managed appropriately within the Court.

**Table 72: Workload indicators for the Procurement Unit**

<i>Primary key workload indicator</i>	<i>Anticipated workload 2011</i>	<i>Increase 2011 to 2012</i>	<i>Anticipated workload 2012</i>	<i>Number of buyers 2012</i>	<i>Estimated capacity</i>	<i>Shortfall</i>
Number of PO/contracts	1,700	3%	1,750	6	1,500	-250
	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011 est.</i>	<i>2012 est.*</i>	
Average no. buyers	5	5	5.25	6	6	
<b>Purchase orders</b>						
No. of PO/contracts	1,416	1,492	1,646	1,700	1,750	
Value of PO/contracts (€)	1,460,525	2,064,200	2,589,600	2,700,000	3,000,000	
<b>Requisitions</b>						
No. of requisitions	1,517	1,581	1,776	1,800	1,900	
<b>Procurement Review Committee</b>						
No. of PRC meetings	54	55	54	54	60	

\* Does not include increases due to the permanent premises construction or Box IV projects

310. The Travel and Host State Affairs Unit is responsible for travel, relocation, visas and privileges. The unit arranges official travel for staff and non-staff members, the reservation of tickets for staff on assignment, repatriation travel and shipment of personal effects. The unit assists with official visa applications, United Nations laissez-passer applications, Dutch ID cards and assistance in areas such as driving licences, tax exemptions, motor vehicle applications, reimbursement of taxes etc.

**Table 73: Workload indicators for the Travel and Host State Affairs Unit**

<i>Overview of services</i>	<i>Capacity per 1 FTE</i>	<i>2010 Workload actual</i>	<i>2010 Number of FTE actual</i>	<i>2010 Average workload per FTE actual</i>	<i>2010 Backlog</i>	<i>2011 Anticipated workload</i>	<i>2011 Number of FTE budgeted</i>	<i>2012 Anticipated workload and FTEs required*</i>	
<b>Travel</b>									
Trips processed in SAP	6,600	3,186	0.4	7,965	1,365	3,298	0.4	3,427	0.5
Travel arrangements	990	3,055	2.5	1,222	232	3,162	2.5	3,285	3.3
<b>Host State Affairs</b>									
Various applications	1,105	2,561	1.9	1,281	176	2,561	1.9	2,561	1.9
<b>Relocation</b>									
Household relocations	618	91	0.15	607		91	0.15	91	0.15
Management	1		1	1			1.0		1.0
			6.0				6.0		6.9*

\* Implies a shortfall of 0.9 of an FTE in 2012 resulting in overtime (unpaid) and backlog

311. The Logistics and Transport Unit (LTU) is responsible for provision of services relating to receipt and inspection of goods, logistics, including driver services, freight forwarding, issue of office supplies, asset management, warehousing, distribution of goods, external printing, fleet maintenance, insurance administration (non-HR), external archives, couriers, mail and digital mail forwarding, telefax and diplomatic pouch. Trial-hearings involve a particularly heavy burden on drivers. The unit's practice is to deal with this synergetically, in-house, by seconding trained staff from other logistics services and from correspondence services. When there are gaps in the trial-hearings calendar, backlogs in these services can be made up and normal service resumed. There is also an inevitable need for overtime, and it is sometimes necessary to supplement in-house services with local contractual taxi services.

312. For 2012, one P-2 position has been redeployed within Major Programme III from GSS to the Public Information and Documentation Section. The unit now consists of one P-3 Unit Head and 13 GS-OL established posts.

**Table 74: Workload indicators for the Logistics and Transport Unit**

<i>Tasks</i>	<i>Unit</i>	<i>2012 assumed</i>	<i>Units per FTE</i>	<i>FTE required</i>	<i>FTE proposed*</i>
Receiving and inspection	Staff members	780	440	1.8	1.8
Asset management	Assets	7,000	7,000	1.0	1.0
Storage and distribution	Staff members	780	800	1.0	1.0
Office supplies and equipment	Staff members	780	800	1.0	1.0
Freight forwarding	Situations	5	12.5	0.4	0.4
Printing	Staff members	780	1,000	0.8	0.8
Provision of local transportation	Staff members	780	160	4.9	5.0
VWU-related transport	Trials	2	1	1.0	0.0
Receiving, sorting and distribution of correspondence/items	Staff members	780	1,140	0.7	0.7
Shipping and franking of outgoing correspondence/items	Situations	5	12.5	0.4	0.4

<i>Tasks</i>	<i>Unit</i>	<i>2012 assumed</i>	<i>Units per FTE</i>	<i>FTE required</i>	<i>FTE proposed*</i>
Express courier / express freight processing	Situations	5	5.5	0.9	0.9
Management	Unit staff	1	1	1.0	1.0
<b>Total</b>				<b>14.9</b>	<b>14</b>

\* 14 staff are proposed (no change from 2011). Extra workload will be absorbed by reduced services and continued synergies.

313. The Facilities Management Unit (FMU) is responsible for the management and maintenance of the interim premises. This includes utilities, maintenance of premises, minor adjustments and repairs to premises and the purchase of office furniture. The unit also plays an important role in the preparation of the Permanent Premises Project. The Facilities Management Unit has a shortfall of staff resources, which is currently filled through outsourcing to security maintenance companies.

**Table 75: Workload indicators for the Facilities Management Unit**

	<i>Units per FTE</i>	<i>2010 actual</i>	<i>FTE 2010 actual</i>	<i>FTE 2010 required</i>	<i>2012 est.</i>	<i>FTE 2012</i>	<i>Shortfall</i>
Help-desk actions	2,200	7,030	3	3	7,000	3	400
Number of workstations	500	1,110	2	2	1,110	2	110
Gross # square metres, Court premises The Hague	5,000	36,000	6	7	36,000	6	6,000
Management and supervision	1	2	2	2	2	2	0
<b>Facilities Management Unit total</b>			<b>13</b>	<b>14</b>		<b>14</b>	

### **Staff resources**

#### **Basic resources**

314. As stated above, one P-2 position has been redeployed from the Logistics and Transport Unit to the Public Information and Documentation Section, in order to fund the position of the AV Producer.

315. One GS-OL Electrical Technician (fixed-term contract) has been budgeted previously under situation-related resources. However, experience has shown that the maintenance of premises at The Hague is constant and not related to situations or cases. It is therefore requested that this post be moved to the basic resources budget.

#### *General temporary assistance*

316. One GS-OL Handyman on a GTA contract has been budgeted previously under situation-related. As this position operates solely at The Hague premises of the Court and is still required, it is similarly proposed that this GTA post be budgeted as a basic resource in 2012.

#### *Overtime*

317. Recurrent. Efforts are continuing to keep overtime within limits through stringent monitoring and synergies, although, as explained above, trial activities inevitably involve overtime for drivers in the Logistics and Transport Unit. The Facilities and Management Unit also has a regular need for overtime, in order to answer call-outs. It is anticipated, on the basis of past experience, that the need for overtime will increase slightly in 2012, particularly in light of the anticipated needs of the Victims and Witnesses Unit for victims and witnesses attending trials.

## **Non-staff resources**

### **Basic resources**

318. Efforts have been made to keep non-staff costs down in 2012 by absorbing certain maintenance activities and capital investment within the 2011 budget through revision and reprioritizing. However, as stated above in the introduction, termination of the current three-year electricity and gas contracts at the end of 2011 is likely to lead to an increase in energy costs. This, coupled with other inflationary drivers and certain unavoidable capital expenditure requirements, has resulted in an increase in the request for non-staff resources budget of the section.

#### *Travel*

319. Recurrent. To attend meetings of the Inter-Agency Network of Facility Managers and of the Logistics Network.

#### *Contractual services*

320. Recurrent. Costs have continued to be reduced for the most essential outsourced services, such as fees for vendor databases and vendor checking, outsourced printing services, archiving services, dry cleaning and taxi/limousine services, and subscriptions for trade publications, manuals and reservation system.

#### *Training*

321. Recurrent. For training required for the various units within the General Services Section.

#### *General operating expenses*

322. Recurrent. The main issues contributing to the requested provision are set out below.

323. Maintenance of premises includes regular office cleaning, fire alarm testing and the inspection and repair of fire separators and maintenance of installations such as speed gates, uninterrupted power supply and security systems at the Arc and HV1 buildings.

324. Utility costs for the Arc are based on current actual consumption for the Arc, Saturnusstraat and HV1.

325. Maintenance of equipment including furniture includes the maintenance of vehicles, kitchenettes and non-IT office equipment, and miscellaneous repairs. It also includes maintenance of the security systems. A further reduction has been achieved, in part through the in-house use of a GS-OL Handyman.

326. Other miscellaneous operating costs include insurance, freight, for example to and from field locations, and cleaning of courtrooms and associated areas. Estimates for the 2012 budget have slightly decreased when compared to the 2011 approved budget level.

#### *Supplies and materials*

327. Recurrent. For office supplies for the Court at The Hague, courtroom robes, work clothing and drivers' uniforms, consumables for vehicles (including fuel, lubricants and tyres) and other supplies.

#### *Equipment including furniture*

328. This item includes vehicles, logistics equipment and office equipment.

### **Situation-related resources**

#### *Travel*

329. Recurrent. For asset inventory in field presences.

## General operating expenses

330. Recurrent. Costs include cleaning requirements as a result of the full-year usage of the courtrooms and associated areas, and freight forwarding to and from the field presences.

**Table 76: Sub-programme 3250: Proposed budget for 2012**

General Services Section	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff	No breakdown available				604.3		604.3	547.6		547.6	-56.7	-9.4	
General Service staff					1,928.1	303.0	2,231.1	2,001.3	315.0	2,316.3	85.2	3.8	
<i>Subtotal staff</i>	2,216.2	277.5	2,493.7		2,493.7	2,532.4	303.0	2,835.4	2,548.9	315.0	2,863.9	28.5	1.0
General temporary assistance	54.5		54.5	26.8	81.3	67.2		67.2	69.6		69.6	2.4	3.6
Overtime	81.9		81.9	0.5	82.4	76.5		76.5	85.0		85.0	8.5	11.1
<i>Subtotal other staff</i>	136.4		136.4	27.3	163.7	143.7		143.7	154.6		154.6	10.9	7.6
Travel	10.4	3.8	14.2		14.2	15.2		15.2	7.6	7.7	15.3	0.1	0.7
Contractual services	99.3		99.3		99.3	41.0		41.0	40.8		40.8	-0.2	-0.5
Training	22.2		22.2		22.2	24.0		24.0	29.9		29.9	5.9	24.6
General operating expenses	2,714.5	100.0	2,814.5		2,814.5	2,554.2	101.0	2,655.2	2,545.4	94.0	2,639.4	-15.8	-0.6
Supplies and materials	211.3		211.3		211.3	276.4		276.4	276.4		276.4		
Equipment including furniture	126.7	128.7	255.4		255.4	139.6		139.6	205.0		205.0	65.4	46.8
<i>Subtotal non-staff</i>	3,184.4	232.5	3,416.9		3,416.9	3,050.4	101.0	3,151.4	3,105.1	101.7	3,206.8	55.4	1.8
<b>Total</b>	<b>5,537.0</b>	<b>510.0</b>	<b>6,047.0</b>	<b>27.3</b>	<b>6,074.3</b>	<b>5,726.5</b>	<b>404.0</b>	<b>6,130.5</b>	<b>5,808.6</b>	<b>416.7</b>	<b>6,225.3</b>	<b>94.8</b>	<b>1.5</b>
Distributed maintenance	82.4	14.1	96.5		96.5	102.1	20.6	122.7	112.0	20.3	132.3	9.6	7.9

**Table 77: Sub-programme 3250: Proposed staffing for 2012**

General Services Section											Total P- staff and above	Total GS- staff	Total staff		
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1		GS-PL	GS-OL			
Existing	Basic				1	1	2	2			6	3	28	31	37
	Situation-related												5	5	5
	<i>Subtotal</i>				1	1	2	2			6	3	33	36	42
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic							-1			-1				-1
	Situation-related														
	<i>Subtotal</i>							-1			-1				-1
<b>Total</b>					<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>		<b>5</b>	<b>3</b>	<b>33</b>	<b>36</b>	<b>41</b>	

**(e) Sub-programme 3260: Information and Communication Technologies Section**

331. The Information and Communication Technologies Section (ICTS) has maximized its efficiencies, having absorbed over 200 new users over the last two years without significantly increasing its resources. It has prioritized and reassigned posts and functions in order to meet the demands of the organization. The team of 54 staff support over 1,200 users in 10 locations. These include the two main headquarters buildings, the Detention Centre, the Court warehouse and training centres, five field presences in the areas of operations, and the New York Liaison Office.

332. ICT services have undergone a number of changes in the past 18 months. Major emphasis has been placed on continuing with the strategic plan and courtroom automation, and providing adequate support to all legal teams. The e-Court team is responsible for managing the technology for hearings, ensuring that the various legal participants have secure access to all hearing-related information, and providing support to case participants in managing their case-related information.

333. The major objective for 2012 is the implementation of a new Storage Area Network (SAN) to replace the current eight-year-old system and reduce the risk of data loss and system downtime. With the new Storage Area network, the sub-programme will be in a better position to move forward with the ICT Disaster Recovery Plan. In addition, other projects include the first phase of a data archive, an integrated information system to link information from different systems together for better decision-making and the replacement of core equipment in the courtroom. The key performance indicators are:

- (a) Maintain an uptime of 99.2 per cent for all information systems;
- (b) Implement the ICT Disaster Recovery Plan (SAN-dependent);
- (c) Protect the ICT network from external threats;
- (d) Create an integration platform for all case-related data sources to support e-Discovery; and
- (e) Identify services that can be outsourced in order to focus on core business of supporting investigations and trials.

**Staff resources****Situation-related resources***General temporary assistance*

334. One GS-OL Service Desk Technician (12 months continued). The table below includes the requested GTA and one GTA paid by the Project Support Funds. In 2012 the Service Desk has 0.5 FTE less than 2011. The ICT section will manage the decline in GTA staff by a reduction in service levels while making every effort to meet the requirements.

**Table 78: Workload indicators**

	<i>Number of FTE 2011</i>	<i>Anticipated workload 2012</i>	<i>Number of FTE 2012</i>	<i>Estimated capacity 2012</i>	<i>Shortfall with additional resources</i>	<i>Shortfall without additional resources</i>
<i>Anticipated workload 2010</i>						
Service Desk tickets = 10,780	6.0	18,620	5.5	13,200	n/a	5,420

335. One GS-OL e-Court Technical Assistant (12 months continued). The table below includes the existing GTA. The number of external legal teams will increase significantly in 2012. The e-Court team will absorb the new intake through a reduction in service levels.

**Table 79: Workload indicators**

	<i>Number of FTE 2011</i>	<i>Anticipated workload 2012</i>	<i>Number of FTE 2012</i>	<i>Estimated capacity 2012</i>	<i>Shortfall with additional resources</i>	<i>Shortfall without additional resources</i>
<i>Anticipated workload 2011</i>						
Support hearings and e-Court participants = 3,210	3	5,466	3	3,600	1,866	3,199

*Temporary assistance for meetings*

336. All Court meetings and media events, video link testimonies, etc. that need translation as well as audio-visual facilities, require the support of the centralized services of the ICT section. Many of these events need extra technical services that cannot be met out of existing resources.

*Overtime*

337. The ICT section performs a major portion of changes to technology systems outside working hours, namely in the evenings and at weekends. This enables a higher availability of business systems during working hours. The ICT staff in charge of technical support for hearings start one hour before the morning hearings to prepare for the sessions and require one hour at the end of each day to manage data for users resulting from the day's hearings. There are not enough technical staff in the smaller teams to create staff rotations and time off; therefore overtime is used as compensation in all the areas mentioned. In areas where sufficient staff are available, then CTO is used as compensation.

**Non-staff resources***Travel*

338. To cover requests for video links in the field and for ICT field technical staff to update their knowledge on HQ technological changes in order to enhance their effectiveness in the field. It also covers essential meetings on information security management, how to deal with cyber attacks and United Nations support services.

*Contractual services*

339. Recurrent. Major costs carriers in these areas are Internet Hosting, outsourcing contracts to companies to support major projects where ICT staff lack expertise. Examples are courtroom technology functional changes, e-Court application support and technical training for ICT staff. Technical training is important to ensure that investment in ICT technologies is maximized.

*General operating expenses*

340. Recurrent. These costs include annual use of application software licences and databases for the electronic administration systems of the Court, comprising e-Court systems, SAP, TRIM, intranets and the office automation suite including e-mail. It also covers local telephone and mobile communications costs, secure connections between the various locations in The Hague and the maintenance of the Court's Global Communications and Data Network (GCDN). The Court also has an extensive satellite network between the field offices and headquarters locations.

*Supplies and materials*

341. The supplies and materials are for the photocopier and high-speed printing services, peripheral devices, spare parts, network cards, data cables, portable data devices, etc.

*Equipment including furniture*

342. It should be noted that, while the furniture and equipment budget is higher than usual, €1.0 million of this is for capital investments, with €0.4 million being for the normal annual investments to support the business functions not related to capital investment requests. The request for new equipment is thus in fact €146,000 less than that requested in the 2011 budget.

*Capital investments*

343. The increased costs in furniture and equipment reflect the need to replace equipment that is still being used but is no longer supported by the industry. The project for the SAN (€0.4 million) will significantly reduce the current risk of having to use obsolete equipment to run the information systems of the Court. The ICT and Procurement Sections have done

a significant amount of work to identify the least-cost, technically acceptable solution on the market. The other capital requests are for phase 1 of a long-awaited enterprise data archive (€150,000) to ensure the legacy data is maintained in the most cost-efficient and effective manner. A data archive will allow the court to store legacy data more cheaply and comply with existing regulations on data retention. €50,000 is requested for a fixed video-conference solution in Kinshasa and Bangui. €200,000 is requested to implement an integration system that will simplify the organization's data management system. €200,000 is requested to upgrade the Court's analogue courtroom components to a fully digital environment in order to reduce the amount of work it takes to manage and retrieve data. This is based on the report of an independent e-Court Audit that was undertaken in 2010.

344. In 2013 these requests will not be repeated, except for the ongoing phases of the data archive. General operating expenses may increase slightly in order to maintain the investments made.

**Table 80: Sub-programme 3260: Proposed budget for 2012**

Information and Communication Technologies Section	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff	No breakdown available				1,062.1	522.0	1,584.1	1,094.8	540.8	1,635.6	51.5	3.3	
General Service staff					1,228.5	951.4	2,179.9	1,276.1	994.0	2,270.1	90.2	4.1	
<i>Subtotal staff</i>	<i>2,504.4</i>	<i>1,524.7</i>	<i>4,029.1</i>		<i>4,029.1</i>	<i>2,290.6</i>	<i>1,473.4</i>	<i>3,764.0</i>	<i>2,370.9</i>	<i>1,534.8</i>	<i>3,905.7</i>	<i>141.7</i>	<i>3.8</i>
General temporary assistance	155.9	29.5	185.4	92.4	277.8		168.0	168.0		139.2	139.2	-28.8	-17.1
Temporary assistance for meetings							20.0	20.0	20.0		20.0		
Overtime	37.1		37.1		37.1		30.0	30.0	30.0		30.0		
<i>Subtotal other staff</i>	<i>193.0</i>	<i>29.5</i>	<i>222.5</i>	<i>92.4</i>	<i>314.9</i>	<i>50.0</i>	<i>168.0</i>	<i>218.0</i>	<i>50.0</i>	<i>139.2</i>	<i>189.2</i>	<i>-28.8</i>	<i>-13.2</i>
Travel	25.8	65.7	91.5		91.5	24.6	55.7	80.3	24.6	55.6	80.2		
Contractual services	433.3	44.3	477.6		477.6	269.0	60.0	329.0	269.0	60.0	329.0		
Training	98.9	10.6	109.5		109.5	40.9		40.9	40.9		40.9		
General operating expenses	1,362.5	2,626.4	3,988.9		3,988.9	1,528.4	2,826.5	4,354.9	1,680.4	2,776.6	4,457.0	102.1	2.3
Supplies and materials	94.3	9.7	104.0		104.0	199.5	9.5	209.0	199.5	9.5	209.0		
Equipment including furniture	216.0	319.1	535.1	335.5	870.6	365.4	181.1	546.5	1,400.0		1,400.0	853.5	156.2
<i>Subtotal non-staff</i>	<i>2,230.8</i>	<i>3,075.8</i>	<i>5,306.6</i>	<i>335.5</i>	<i>5,642.1</i>	<i>2,427.8</i>	<i>3,132.8</i>	<i>5,560.6</i>	<i>3,614.4</i>	<i>2,901.7</i>	<i>6,516.1</i>	<i>955.6</i>	<i>17.2</i>
<b>Total</b>	<b>4,928.2</b>	<b>4,630.0</b>	<b>9,558.2</b>	<b>427.9</b>	<b>9,986.1</b>	<b>4,768.4</b>	<b>4,774.2</b>	<b>9,542.6</b>	<b>6,035.3</b>	<b>4,575.7</b>	<b>10,611.0</b>	<b>1,068.5</b>	<b>11.2</b>
Distributed maintenance	-705.7	-1,121.0	-1,826.6		-1,826.6	-882.8	-1,611.5	-2,494.3	-998.9	-1,580.9	-2,579.9	-85.6	3.4

**Table 81: Sub-programme 3260: Proposed staffing for 2012**

Information and Communication Technologies Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic				1	1	5	4		11	1	19	20	31
	Situation-related						2	3				5	18	18
	<i>Subtotal</i>					<i>1</i>	<i>3</i>	<i>8</i>	<i>4</i>			<i>16</i>	<i>1</i>	<i>37</i>
New/ Converted	Basic													
	Situation-related													
	<i>Subtotal</i>													
Redeployed/ Reclassified/ Returned	Basic													
	Situation-related													
	<i>Subtotal</i>													
<b>Total</b>					<b>1</b>	<b>3</b>	<b>8</b>	<b>4</b>		<b>16</b>	<b>1</b>	<b>37</b>	<b>38</b>	<b>54</b>

### 3. Programme 3300: Division of Court Services

#### Introduction

345. In 2012, the Division of Court Services (DCS) will continue to focus its efforts on supporting the ongoing trials, in pursuance of its core business of enabling the expeditious and swift running of the trial proceedings before the Court.

346. The Division of Court Services will provide the necessary specialized services, such as high quality e-Court provisions, in particular live transcripts in both working languages, an essential contribution to the conduct of fair, effective and expeditious trials. It will continue to support interpretation in French and English, as well as into the languages spoken by witnesses and persons detained or summoned to appear. It will also be responsible for the well-being of detained persons during the critical period of trial.

347. In order to be able to provide effective and efficient support for the proceedings, the division groups together all the active components for sound and comprehensive judicial assistance: the Court Management Section, the Detention Section, the Court Interpretation and Translation Section, the Victims and Witnesses Unit and the Victims Participation and Reparations Section.

348. As the Court is approaching the reparations phase in one of the cases before the Court, the Division of Court Services in general, and the Victims Participation and Reparations Section in particular, while continuing with the implementation of victims' strategy and the smooth processing of all applications for participation, will devote specific attention to this new aspect of the Court's proceedings.

349. The division fully understands the need for savings in the Court's budget. It is important, however, to be aware that certain costs, such as but not limited to the provision of interpretation capacity in "unusual" languages, will still need to be incurred in order to enable the expeditious conduct of Court proceedings.

350. Additionally, continued attention will be given to supporting witnesses testifying during the trials and to post-testimony follow-up.

351. Finally, the division will continue to contribute to the Court's objective of conducting investigations, in cooperation with the Office of the Prosecutor, assisting in the coordination of arrest operations for persons named in arrest warrants, or the appearance of persons subject to summonses to appear, by organizing operational and judicial support with States Parties, States not party to the Rome Statute and relevant institutional partners, both in the field and in The Hague.

#### Objectives

1. Conduct four to five new investigations into cases, within existing or new situations, and at least four trials, subject to external cooperation received. (SO 1)<sup>39</sup>
2. Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute. (SO 2)<sup>40</sup>
3. Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity. (SO 3)
4. Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences. (SO 5)

<sup>39</sup> Subject to final confirmation of charges in the Prosecutor v. Jean-Pierre Bemba case.

<sup>40</sup> The Court's operations carry an inherent risk and are conducted under certain constraints, not least the general security situation in its area of operations and the fact that it has no police or army of its own. A degree of risk will therefore always remain. However, the Court can put in place a system to minimize and mitigate security risks to an acceptable degree through a variety of measures, striving for security of all participants consistent with the Rome Statute.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- Support to Court sessions in accordance with the Regulations of the Court and the Regulations of the Registry. Support of 200 court days for 2012.	- Number of trial days successfully completed.	100%
- Provision of efficient and effective services to requesting parties and to Chambers.	- Number of requests responded to within a week.	90%
<b>Objective 2</b>		
- A well-ordered detention community where the detained persons collectively feel safe from harm and are indeed safe.	- Number of incidents involving serious injuries due to negligence of managements.	0%
- Efficient and effective support, protection and operational/logistical services to victims, witnesses and others at risk, regardless of location, subject to assessment.	- Number of successfully protected witnesses and victims.	100%
<b>Objective 3</b>		
- Terminological accuracy and consistency in translated texts and interpreted events in all used languages.	- Number of searches performed in language tools per month by active users.	200 (minimum)
- Comprehensive and resource-effective use of all translation services.	- Number of duplicated requests in the workflow.	0%
- Adequate number of staff and freelance interpreters and field interpreters available for assignments.	- Number of fulfilled interpretation and field interpretation requests.	90%
- High standards regarding conditions of detention and management of the detention centre.	- Number of positive reviews.	100%
<b>Objective 4</b>		
- Successful arrest and transfer operations.	- Number of actions undertaken by States as a result of a Court request.	80%
- Effective systems for processing applications from victims.	- Number of applications received from victims registered and acknowledged within seven days of receipt.	95%
	- Number of applications from victims entered into the database within 30 days of receipt.	95%

**Table 82: Programme 3300: Proposed budget for 2012**

Division of Court Services	Expenditure 2010 (thousands of euros)					Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available					3,726.2	4,675.9	8,402.1	3,893.9	5,023.4	8,917.3	515.2	6.1
General Service staff						606.0	2,269.4	2,875.4	630.0	2,359.8	2,989.8	114.6	4.0
<i>Subtotal staff</i>	<i>3,898.1</i>	<i>7,105.4</i>	<i>11,003.5</i>		<i>11,003.5</i>	<i>4,332.2</i>	<i>6,945.3</i>	<i>11,277.5</i>	<i>4,523.9</i>	<i>7,383.2</i>	<i>11,907.1</i>	<i>629.8</i>	<i>5.6</i>
General temporary assistance	8.8	1,054.7	1,063.5	1,704.1	2,767.6		1,697.9	1,697.9		1,784.9	1,784.9	87.0	5.1
Temporary assistance for meetings	285.4	72.9	358.3	1,158.1	1,516.4	415.7	292.5	708.2	12.0	429.9	441.9	-266.3	-37.6
Overtime	0.5	34.8	35.3	1.3	36.6		68.9	68.9		63.2	63.2	-5.7	-8.3
Consultants	7.0	87.0	94.0	232.4	326.4	32.9	189.7	222.6	43.9	160.4	204.3	-18.3	-8.2
<i>Subtotal other staff</i>	<i>301.7</i>	<i>1,249.4</i>	<i>1,551.1</i>	<i>3,095.9</i>	<i>4,647.0</i>	<i>448.6</i>	<i>2,249.0</i>	<i>2,697.6</i>	<i>55.9</i>	<i>2,438.4</i>	<i>2,494.3</i>	<i>-203.3</i>	<i>-7.5</i>
Travel	32.9	981.7	1,014.6	73.6	1,088.2	57.8	943.2	1,001.0	89.6	990.9	1,080.5	79.4	7.9
Contractual services	270.6	170.4	441.0	250.6	691.6	360.9	303.3	664.2	113.4	286.3	399.7	-264.5	-39.8
Training	27.5	69.6	97.1		97.1	19.9	104.1	124.0	34.9	79.8	114.7	-9.3	-7.5
General operating expenses	954.9	1,819.7	2,774.6	169.6	2,944.2	1,505.6	2,262.9	3,768.5	1,481.2	2,462.3	3,943.5	175.0	4.6
Supplies and materials	18.3	55.5	73.8		73.8	28.9	110.0	138.9	30.0	187.0	217.0	78.1	56.2
Equipment including furniture	10.8	28.3	39.1		39.1	31.5	28.0	59.5				-59.5	-100.0
<i>Subtotal non-staff</i>	<i>1,315.0</i>	<i>3,125.2</i>	<i>4,440.2</i>	<i>493.8</i>	<i>4,934.0</i>	<i>2,004.6</i>	<i>3,751.5</i>	<i>5,756.1</i>	<i>1,749.1</i>	<i>4,006.3</i>	<i>5,755.4</i>	<i>-0.8</i>	<i>0.0</i>
<b>Total</b>	<b>5,514.8</b>	<b>11,480.0</b>	<b>16,994.8</b>	<b>3,589.7</b>	<b>20,584.5</b>	<b>6,785.4</b>	<b>12,945.8</b>	<b>19,731.2</b>	<b>6,328.9</b>	<b>13,827.9</b>	<b>20,156.8</b>	<b>425.7</b>	<b>2.2</b>
Distributed maintenance	93.5	307.8	401.3		401.3	127.0	427.5	554.5	143.1	422.7	565.8	11.3	2.0

**Table 83: Programme 3300: Proposed staffing for 2012**

Division of Court Services		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic				1	3	11	12	7	2	36		10	10	46
	Situation-related						5	20	25	1	51	3	50	53	104
	<i>Subtotal</i>				<i>1</i>	<i>3</i>	<i>16</i>	<i>32</i>	<i>32</i>	<i>3</i>	<i>87</i>	<i>3</i>	<i>60</i>	<i>63</i>	<i>150</i>
New/	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related											1	-1		
	<i>Subtotal</i>											<i>1</i>	<i>-1</i>		
<b>Total</b>				<b>1</b>	<b>3</b>	<b>16</b>	<b>32</b>	<b>32</b>	<b>3</b>	<b>87</b>	<b>4</b>	<b>59</b>	<b>63</b>	<b>150</b>	

**(a) Sub-programme 3310: Office of the Director DCS**

352. The main function of the Office of the Director of Court Services is to ensure operational support to the judicial proceedings. In doing so, the Office oversees and coordinates the functioning of the different sections within the division in order to coordinate, evaluate and assess information on a wide array of matters, from translation and interpretation to the conditions of detention, respect for the rights of the detainees and the protection of victims and witnesses, and to take operational decisions and filter policy questions to the Registrar for her decision-making. The Office also coordinates and facilitates the implementation of decisions or orders issued by Chambers on matters such as transfer to the Court of suspects or other persons summoned to appear.

**Staff resources****Situation-related resources***General temporary assistance*

*One P-2 Associate Legal Officer for 12 months*

353. Recurrent. In view of the further anticipated increase in workload as a result of the increased number of filings expected in 2012 and in light of the expanding number of situations and cases, this post is required in order to review all filings, to contribute to overall improvement in the quality and coherence of filings with the Registry and to cope with the workload within the Office of the Director DCS.

*One GS-OL Administrative Assistant for six months*

354. Recurrent. The post continues to be required in order to cope with the workload within the Office of the Director, bearing in mind the level of the Court's judicial activity at different stages of the proceedings.

*Consultants*

355. Recurrent. Consultancy is required to provide the Office of the Director DCS and, to a larger extent, the Division of Court Services, with the necessary specialized knowledge for executing its mandate, for example in relation to the List of Experts, taking into account the characteristics and specifics of every situation currently before the Court.

**Non-staff resources****Basic resources***Travel*

356. Recurrent. Regular meetings with representatives of various other international organizations and NGOs to keep abreast of current developments are necessary for the proper management of the division and require senior-level presence.

*Contractual services and training*

357. Recurrent. Certain areas, such as freezing of assets, require specialized training, over and above the various skills necessary to execute the range of tasks performed by the Office of the Director DCS. This item also includes fees for expert witnesses appearing before the Court at the request of the judges.

### Situation-related resources

#### Travel

358. Recurrent. The increasing complexity of notification operations requires senior-level management and presence. Travel is also required to meet local authorities, to prepare operations with regard to arrest and voluntary appearance, to organize notification procedures, to follow up on projects being implemented in the field by the different sections of the Division of Court Services, such as support networks for victims and witnesses, and to establish means of communication for contact between detainees and their family members. Travel resources are also necessary to execute the proper mandate of the Registry such as the protection of victims in accordance with article 43(6) of the Rome Statute.

#### General operating expenses

359. Recurrent. For the rental of premises for activities in the field related to arrest and notification operations and support of Chambers' witnesses.

**Table 84: Sub-programme 3310: Proposed budget for 2012**

Office of the Director DCS	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation-related		Basic	Situation-related		Basic	Situation-related		Amount	%
		Total	Total		Total	Total					
Professional staff	No breakdown available			156.1	274.5	430.6	167.1	282.2	449.3	18.7	4.3
General Service staff				60.6		60.6	63.0		63.0	2.4	4.0
<i>Subtotal staff</i>	264.9	232.4	497.3	216.7	274.5	491.2	230.1	282.2	512.3	21.1	4.3
General temporary assistance		29.6	29.6		122.4	122.4		127.2	127.2	4.8	3.9
Consultants		32.8	32.8	13.9	68.0	81.9	13.9	68.0	81.9		
<i>Subtotal other staff</i>		62.4	62.4	13.9	190.4	204.3	13.9	195.2	209.1	4.8	2.3
Travel	10.0	45.9	55.9	6.3	44.6	50.9	13.7	37.2	50.9	-0.1	-0.1
Contractual services	9.8		9.8								
Training	22.8		22.8	18.4		18.4	18.4		18.4		
General operating expenses		0.2	0.2		5.0	5.0		5.0	5.0		
<i>Subtotal non-staff</i>	42.6	46.1	88.7	24.7	49.6	74.3	32.1	42.2	74.3	0.0	-0.1
<b>Total</b>	<b>307.5</b>	<b>340.9</b>	<b>648.4</b>	<b>255.3</b>	<b>514.5</b>	<b>769.8</b>	<b>276.1</b>	<b>519.6</b>	<b>795.7</b>	<b>25.9</b>	<b>3.4</b>
Distributed maintenance	4.5	8.5	12.9	5.5	12.3	17.8	6.2	12.2	18.4	0.6	3.5

**Table 85: Sub-programme 3310: Proposed staffing for 2012**

Office of the Director DCS		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic				1							1	1	1	2
	Situation-related							2	1			3			3
	<i>Subtotal</i>				1			2	1			4		1	5
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>				<b>1</b>			<b>2</b>	<b>1</b>			<b>4</b>		<b>1</b>	<b>1</b>	<b>5</b>

**(b) Sub-programme 3320: Court Management Section**

360. The Court Management Section (CMS) has a twofold mandate: to keep a record of the Court's proceedings and to ensure that hearings run smoothly. Keeping an accurate judicial record requires the coordinated interaction of a number of professional disciplines. The tasks of the staff of the section are constantly evolving due to the relative immaturity of the Court's processes and its unique procedural framework, as well as the need to evolve in line with technological developments in order to optimize the section's processes. A good example of evolving tasks is the duty, assigned to CMS in early 2011, of processing electronic evidence seized by the Registry.

361. The section's responsibility for the conduct of hearings includes ensuring that the courtroom proceedings are scheduled appropriately and producing both an audio-visual and a written record of what is said during the hearings in real time, in both working languages of the Court. It also serves as the communication hub for parties, participants, Chambers and relevant Registry sections, such as language services, detention and witness protection, in all matters relating to the organization of hearings. The section's courtroom officers, court clerks and audio-visual specialists are all involved in these tasks.

362. The overall budget for the section has been reduced compared to the 2011 budget. Savings are largely due to the absence of simultaneous hearings in the 2012 budget assumptions, since the presence or absence of simultaneous hearings impacts directly on the support services that CMS is required to provide. Nonetheless, even in the absence of simultaneous hearings, in order to perform its mandate effectively CMS needs to remain able to react rapidly to requests, in particular those from Chambers.

**Table 86: Sub-programme 3310: Approved staffing for 2011**

<i>Anticipated workload 2011</i>	<i>Number of FTE 2011</i>	<i>Anticipated workload 2012</i>	<i>Number of FTE 2012</i>	<i>Estimated capacity 2012</i>	<i>Shortfall with additional resources</i>	<i>Shortfall without additional resources</i>
Number of court days= 200 <sup>41</sup>	26	215	26	215	0 <sup>42</sup>	0

**Staff resources****Basic resources**

363. The basic resources of the Court Management Section are mainly devoted to dealing with the management and functional administration of the e-Court system as well as overseeing and managing the operations of the section in all aspects.

*Consultants*

364. An increased level of specialized consultancy will be required in the area of judicial records management, with the new document management system being deployed in the last quarter of 2011. The judicial records management processes have not changed since 2008 and have been created around the use of one particular electronic system. The introduction of a new electronic system and developments in records management processes worldwide, particularly in the field of e-filing, may require a re-engineering of the Court's processes.

**Situation-related resources***General temporary assistance*

365. Recurrent. Two P-2 GTA Court Reporters, for 12 months each, one for French and one for English.

<sup>41</sup> For consistency purposes, in order to allow comparison with the 2012 proposed budget assumptions, the 2011 number of court days has been proportionally reduced to 200. Due to simultaneous trials, the actual number of court days in the 2011 approved budget was 266. The additional 66 days would correspond to an additional 9 FTEs in the second column of the table.

<sup>42</sup> The slight gap of 15 court days between the anticipated workload and the estimated capacity for 2012 can be covered within the proposed budget.

366. One GS-OL GTA Court Records Assistant for six months. Continued from the 2011 Contingency Fund request, this post is related to the increase in the number of filings submitted for registration in the case records mainly due to the new cases in the situation in Kenya. It is anticipated that around 4,000 additional documents could be registered in the two Kenya cases alone. In 2008, the year leading to the confirmation of charges in the *Katanga/Ngudjolo* case, around 2,000 documents (including annexes) were registered. In 2010 around 9,000 documents were registered. The current workload indicator is 2,640 documents per year per FTE. Currently the records office has five FTE. One additional FTE would be required to cover the anticipated filings in the Kenya case for the first half of 2012, even in the event that the charges are not confirmed (the six suspects have appeal submissions pending).

367. One GS-OL Data Entry Clerk for six months. Required for continued processing of electronic evidence. Following the practice in the *Bemba* and *Mbarushimana* cases, and considering that in the Kenya cases a total of six suspects of high profile are involved, the Registry may be required to process seized electronic evidence. The section has to cater for capacity to process evidence in a timely manner so as not to delay the proceedings.

#### *Overtime*

368. Recurrent. Occasional extended sitting hours of the Court, as well as operations relating to remote witness testimony are expected to require courtroom staff to work overtime. In addition, overtime will be required for urgent filing of records after office hours. Overtime is re-distributed among the three trials proportionately to the number of court days per trial. The amount has been reduced due to absence of simultaneous hearings. Overtime is also required when the section has to respond to requests for immediate assistance (late filings, urgent audio-visual copy requests necessitating processing in “real time”; copying the audio-visual record of a single hearing takes as long as the actual hearing).

#### *Consultants*

369. Consultancy is required for the area of court reporting (enhancements to the procedures and tools already in use) and audio-visual production (in terms of material and procedures used – digitization project envisaged for a tape-less environment). This project in the longer term will result in substantial savings and increased efficiencies (reduced need for copying audio-visual material, which will imply fewer man-hours for this task and less overtime; reduction in the cost of audio-visual supplies; archiving rendered far more cost- and space-efficient). Consultancy is also needed in the area of evidence processing (whenever Registry is instructed by Chambers to process seized material/evidence). This is a new area of expertise for the section, and hence consultancy is necessary.

### **Non-staff resources**

#### **Basic resources**

##### *Contractual services and training*

370. Recurrent: This item includes training and participation in educational travel on latest developments in legal technologies especially in the area of judicial records management and e-Court. Keeping current with developments in these core functions of the section is essential in order to manage the section and allotted funds efficiently.

##### *Supplies and materials*

371. Recurrent. This recurring cost includes audio-visual tapes and disks for use in the “audio-visual copy-control” facility.

#### **Situation-related resources**

##### *Travel*

372. Recurrent. In support of remote witness testimony using video teleconferencing (VTC), AV support staff and an Associate Legal Officer/Courtroom Officer need to be present at remote locations. The assumption is for 15 per cent of witness testimony by VTC, involving some ten witnesses, with five missions grouping witnesses, as has been the practice wherever possible in 2010 in order to increase efficiency and consequent savings.

*Contractual services*

373. Further enhancements and refining to current ECOS modules are needed in order to incorporate new requirements of the Court. Enhancements and processes optimization will be mostly required in the ECOS modules supporting court hearings scheduling and the processing of court records and transcripts (including their notification to proceedings participants).

*Training*

374. Recurrent. Specialized training is required for real-time court reporting to maintain speed and accuracy.

*Supplies and materials*

375. Recurrent. Includes broadcast-quality video tapes, DVDs and other supplies for audio-visual support of court hearings, the use of consumables for the provision and distribution of evidence used in court, and provision of courtroom session material to press and public.

**Table 87: Sub-programme 3320: Proposed budget for 2012**

Court Management Section	Expenditure 2010 (thousands of euros)					Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available					397.8	739.5	1,137.3	409.7	760.6	1,170.3	33.0	2.9
General Service staff						121.2	683.1	804.3	126.0	709.1	835.1	30.8	3.8
<i>Subtotal staff</i>	<i>415.0</i>	<i>1,469.6</i>	<i>1,884.6</i>		<i>1,884.6</i>	<i>519.0</i>	<i>1,422.6</i>	<i>1,941.6</i>	<i>535.7</i>	<i>1,469.7</i>	<i>2,005.4</i>	<i>63.8</i>	<i>3.3</i>
General temporary assistance	6.6	162.2	168.8	607.1	775.9		430.8	430.8		254.4	254.4	-176.4	-40.9
Overtime	0.5	27.9	28.4	1.3	29.7		27.5	27.5		20.0	20.0	-7.5	-27.3
Consultants	3.4		3.4	1.8	5.2	11.0	30.0	41.0	20.0	10.0	30.0	-11.0	-26.8
<i>Subtotal other staff</i>	<i>10.5</i>	<i>190.1</i>	<i>200.6</i>	<i>610.2</i>	<i>810.8</i>	<i>11.0</i>	<i>488.3</i>	<i>499.3</i>	<i>20.0</i>	<i>284.4</i>	<i>304.4</i>	<i>-194.9</i>	<i>-39.0</i>
Travel	0.5	20.4	20.9	4.3	25.2		34.3	34.3		33.6	33.6	-0.7	-2.0
Contractual services		2.0	2.0	162.5	164.5		154.5	154.5		100.0	100.0	-54.5	-35.3
Training		17.3	17.3		17.3		37.4	37.4	15.0	10.8	25.8	-11.6	-31.0
General operating expenses						7.8		7.8	7.8		7.8		
Supplies and materials	7.6	50.2	57.8		57.8	12.3	91.2	103.5	13.0	112.8	125.8	22.3	21.5
Equipment including furniture	10.8	26.1	36.9		36.9	25.5	28.0	53.5				-53.5	-100.0
<i>Subtotal non-staff</i>	<i>18.9</i>	<i>116.0</i>	<i>134.9</i>	<i>166.8</i>	<i>301.7</i>	<i>45.6</i>	<i>345.4</i>	<i>391.0</i>	<i>35.8</i>	<i>257.2</i>	<i>293.0</i>	<i>-98.0</i>	<i>-25.1</i>
<b>Total</b>	<b>444.4</b>	<b>1,775.7</b>	<b>2,220.1</b>	<b>777.0</b>	<b>2,997.1</b>	<b>575.6</b>	<b>2,256.3</b>	<b>2,831.9</b>	<b>591.5</b>	<b>2,011.3</b>	<b>2,602.8</b>	<b>-229.1</b>	<b>-8.1</b>
Distributed maintenance	11.1	59.3	70.4		70.4	16.6	82.2	98.8	18.7	81.3	100.0	1.2	1.2

**Table 88: Sub-programme 3320: Proposed staffing for 2012**

Court Management Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic					1		1	2		4		2	2	6
	Situation-related								1	8	9	1	10	11	20
	<i>Subtotal</i>					<i>1</i>		<i>2</i>	<i>10</i>		<i>13</i>	<i>1</i>	<i>12</i>	<i>13</i>	<i>26</i>
New/	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>					<b>1</b>		<b>2</b>	<b>10</b>		<b>13</b>	<b>1</b>	<b>12</b>	<b>13</b>	<b>26</b>	

**(c) Sub-programme 3330: Detention Section**

376. The Detention Section's aim is to provide safe, secure and humane conditions to those persons detained by the Court while awaiting trial and/or appeal. Its overall objective is to deliver a physically and mentally healthy environment to suspect and accused at every stage of the initial detention up until the person is either released on the Court's order or transferred to a State of enforcement to serve his or her sentence. The Court is bound by a set of obligations regarding the quality of the Detention Centre. The primary obligation is to satisfy the international standards set out by the treaties and conventions on human rights, prohibition of torture, prevention of discrimination, rights of women and children, and the administration of justice requiring persons under any form of imprisonment to be treated with humanity.

**Staff resources****Situation-related resources***Consultants*

377. Recurrent. Psychologist and/or psychiatrist services on a case-by-case need basis, to ensure the well-being of detained persons.

**Non-staff resources****Basic resources***General operating expenses*

378. Recurrent. Rental of cells is based on six cells, including remand programme and staff. With the departure of the Special Court for Sierra Leone, the full cost of cells will have to be borne by the Court. Due to the downsizing of the ICTY UNDU, the Court is to take over its part of shared functions. These shared functions include manning the 24-hour control centre and entrance to Building 4 (formerly known as Unit 4) and providing other joint services, every fourth day. On 18 February 2011, the Agreement on Detention Facilities and Services between the International Criminal Court and the Kingdom of the Netherlands was signed.

**Situation-related resources***Training*

379. Recurrent. Includes specific training related to detention and prison management as well as human rights in an international context.

*General operating expenses*

380. Other miscellaneous operating costs include medical care and items specific to the well-being of detainees in relation to respect for religious and cultural background (pursuant to regulation 102 of the Regulations of the Court and regulation 199 of the Regulations of the Registry).

**Table 89: Workload 2012**

	<i>Number of staff 2009</i>	<i>Actual workload 2009</i>	<i>Number of staff 2010 handling the work</i>	<i>Actual workload 2010</i>	<i>Estimated workload 2012</i>
<i>Anticipated workload 2012</i>					
Number of transports outside host prison		135		417	250
Hours of visits	2 (GS-OL)	1,386	2 (GS-OL)	1,138	1,500
Number of detained persons		4 (+1)*		4 (+1)	5

\* Figure between brackets is SCSL-detained person.

**Table 90: Sub-programme 3330: Proposed budget for 2012**

Detention Section	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available			195.6	80.3	275.9	203.3	82.6	285.9	10.0	3.6
General Service staff				60.6	60.6	121.2	63.0	63.0	126.0	4.8	4.0
<i>Subtotal staff</i>	<i>249.8</i>	<i>122.7</i>	<i>372.5</i>	<i>256.2</i>	<i>140.9</i>	<i>397.1</i>	<i>266.3</i>	<i>145.6</i>	<i>411.9</i>	<i>14.8</i>	<i>3.7</i>
Consultants					6.0	6.0		6.0	6.0		
<i>Subtotal other staff</i>					<i>6.0</i>	<i>6.0</i>		<i>6.0</i>	<i>6.0</i>		
Travel	5.7	32.7	38.4	2.8		2.8	3.8		3.8	1.0	35.7
Contractual services					2.1	2.1		2.1	2.1		
Training	0.5	13.6	14.1	1.5	17.0	18.5	1.5	17.0	18.5		
General operating expenses	954.9	8.9	963.8	1,497.8	94.0	1,591.8	1,473.4	118.4	1,591.8		
Supplies and materials	1.7	1.4	3.1	7.1		7.1	7.5		7.5	0.4	5.6
Equipment including furniture				6.0		6.0				-6.0	-100.0
<i>Subtotal non-staff</i>	<i>962.8</i>	<i>56.6</i>	<i>1,019.4</i>	<i>1,515.2</i>	<i>113.1</i>	<i>1,628.3</i>	<i>1,486.2</i>	<i>137.5</i>	<i>1,623.7</i>	<i>-4.6</i>	<i>-0.3</i>
<b>Total</b>	<b>1,212.6</b>	<b>179.3</b>	<b>1,391.9</b>	<b>1,771.4</b>	<b>260.0</b>	<b>2,031.4</b>	<b>1,752.5</b>	<b>289.1</b>	<b>2,041.6</b>	<b>10.2</b>	<b>0.5</b>
Distributed maintenance	6.7	5.6	12.3	8.3	8.2	17.1	9.3	8.1	17.5	0.3	1.9

**Table 91: Sub-programme 3330: Proposed staffing for 2012**

Detention Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic						1		1		2		1	1	3
	Situation-related								1		1		1	1	2
	<i>Subtotal</i>						<i>1</i>		<i>2</i>		<i>3</i>		<i>2</i>	<i>2</i>	<i>5</i>
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>						<b>1</b>		<b>2</b>		<b>3</b>		<b>2</b>	<b>2</b>	<b>5</b>	

**(d) Sub-programme 3340: Court Interpretation and Translation Section**

381. The Court Interpretation and Translation Section (STIC) provides language services for the efficient conduct of Court business. The section provides language services to Chambers, Presidency and Registry, including in particular translation, revision and editing of Court documents; consecutive and simultaneous interpretation for trial-hearings, press conferences, meetings and other events; assistance and guidance in terminology and references; and recruitment, training and accreditation of field interpreters. As in any international organization with two or more working languages, STIC faces the usual challenges, with tight deadlines and shortage of resources. In addition, the challenges specific to the Court faced by the section relate to the languages used in Court proceedings. The situations dealt with by the Court can change at short notice and therefore so can the languages involved. Most of the languages in question are not “usual” languages, with substantial numbers of qualified interpreters and translators available. The section also cooperates in a number of projects with the Language Services Unit of the Office of the Prosecutor. While additional resources are needed to cover the added requirements for the situation in Libya, the section has achieved an overall decrease in its proposed resources for 2012 when compared to the 2011 approved budget, inter alia, because of the anticipated scheduling of consecutive trial-hearings.

**Table 92: Translation in-house resources (basic and situation-related)**

<i>Translators</i>	<i>Number of FTE 2010</i>	<i>Number of FTE 2011</i>
French	7.2	7.2
English	4.8	4.8
Arabic	0.5	0.8
<hr/>		
<i>Revisers</i>	<i>Number of FTE 2010</i>	<i>Number of FTE 2011</i>
French	2.8	2.8
English	1	1
Arabic	1	1

**Staff resources****Basic resources***Temporary assistance for meetings*

382. Recurrent. Essential translation and interpretation requirements: article 87(2) of the Rome Statute, rule 42 of the Rules of Procedure and Evidence, regulation 40(3) of the Regulations of the Court. The requested funds (substantially reduced by comparison with 2011) are required to complement in-house translators with external resources. Additional freelance interpreters will be necessary for one NGO round table in 2012.

**Situation-related resources***General temporary assistance*

383. Recurrent. One P-2 Associate Operational/Field Interpretation Coordinator. The post is required to ensure continued and effective sourcing, recruitment and training of field interpreters in relation to all current and future situations. The post has special training responsibilities in respect of field interpreters, which is a prerequisite for accreditation. The training and accreditation of field interpreters has been carried out jointly by STIC and the Office of the Prosecutor’s Language Services Unit (LSU) since 2004, thus pooling resources for greater effectiveness and efficiency.

384. Recurrent. One P-3 Court Interpreter for Swahili and Kinyarwanda. A Swahili interpreter working on the *Katanga/Ngudjolo* trial will be continuing to provide interpretation for the *Mbarushimana* case. The alternative is recruitment of freelancers from Africa on an ad hoc basis, which has proven to be more costly. The quality of interpretation from and into situation languages is difficult to guarantee with freelance interpreters.

385. One P-1 Para-professional Interpreter for Lingala (nine months). The incumbent is required to provide interpretation from and into Lingala for the *Katanga/Ngudjolo* trial.

386. Four P-1 Para-professional Interpreters for Sango (nine months each). The team of four provides interpretation from and into Sango for the *Bemba* proceedings, as the majority of witnesses are Sango speakers.

387. One GS-PL Language Assistant for Sango (nine months). The language assistant provides support for the witnesses in preparation for the in-court testimony stage. As the majority of witnesses are Sango speakers, VWU staff cannot communicate with the witnesses without the assistance of a Language Assistant.

388. One P-2 Associate Translator for Arabic. Arabic is increasingly important at the Court, especially with the new situation in Libya. Regular translation activities are performed on a daily basis in the section. In addition to these, the GTA Arabic translator is involved in helping with the training of field interpreters and para-professional interpreters. A shortage of reliable freelance translators with legal translation experience necessitates the existence of a small Arabic unit within the section to maintain the operational status of Arabic.

389. Recurrent. Operational/Field Interpreters. The reduced funds are to provide basic support to meet the needs of client sections in terms of field and operational support, with absolute priority given to judicial matters: Counsel Support Section, Victims and Witnesses Unit, Victims Participation and Reparations Section, Security and Safety Section and Office of Public Counsel for Victims. These individual contractors are recruited on a need basis from a list of accredited field interpreters. The resources required have been calculated on the basis of 27.5 months of work, of which approximately 10 months pertain to activities concerning the situation in Libya.

**Table 93: Workload**

	<i>Workload 2009</i>	<i>Workload 2010</i>	<i>Anticipated workload 2011</i>	<i>Anticipated workload 2012</i>
Field Interpreter days	737	1,247	1,412	1,355

*Temporary assistance for meetings*

390. Recurrent. Freelance interpreters will have to be recruited to support Court in-house staff interpreters to provide interpretation for trials, including for the Arabic booth for ongoing cases in the situation in Sudan. The estimate is 60 days of trial for Europe-based interpreters. Arabic interpretation cannot be provided by the Court's in-house interpreters.

*Consultants*

391. Recurrent. The reduced resources are required to arrange for one expert panel for terminology (legal terminology in situation/case languages) as well as one expert panel for translation purposes.

**Non-staff resources****Basic resources***Contractual services*

392. Recurrent. The proposed reduced resources are for the outsourcing of translations to meet minimum obligations under article 87(2) of the Rome Statute, rule 42 of the Rules of Procedure and Evidence and regulation 40(3) of the Regulations of the Court.

393. Recurrent. Continued ECOS development for translation, interpretation and field interpretation modules. In-depth testing of the translation module's reporting tools was carried out. The new tableau de bord report has necessitated further changes to the module, which will affect requesters and how the tableau de bord is calculated. Interpretation and field interpretation module development users will become familiar with the system and will identify further requirements, necessitating upgrades to the system. Training will be required relating to upgrades/developments to the system as well as investigation into errors in the system which cannot be fixed in-house.

*Supplies and materials*

394. Recurrent. The reduced resources are required to purchase dictionaries and reference materials in working and official languages, as well as to pay for recurrent online subscriptions to reference databases and dictionaries needed by translators, revisers, interpreters and terminologists.

**Situation-related resources***Travel*

395. Recurrent. For operational interpretation, including witness familiarization, monitoring and transcription, as well as continuing field interpretation requirements, for which there are very few qualified field interpreters locally. To maintain a sufficient roster of accredited field interpreters with the relevant (situation-related) languages, a number of field interpreter accreditation missions have to be undertaken.

*Contractual services*

396. Recurrent. This item includes outsourced translation, outsourced terminology and translation-related services, for outsourcing of translations, including for judicial cooperation, documents from and into Arabic and for documents that cannot be dealt with in-house (all languages). Also includes external printing in order to print 600 copies of the Terminology Bulletin three times a year in the six official languages of the Court and selected situation/case languages.

*Training*

397. Recurrent. The reduced resources are required for the participation of one staff member in the International Terminology Summer School 2012 (part of the STIC training schedule), as well as for participation of three language professionals (translator, reviser, interpreter) in specialist training.

*Supplies and materials*

398. Recurrent. To purchase dictionaries and reference materials in situation/case languages which are necessary for translators, revisers, interpreters and terminologists.

**Table 94: Sub-programme 3340: Proposed budget for 2012**

Court Interpretation and Translation Section	Expenditure 2010 (thousands of euros)					Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available					1,700.7	2,384.8	4,085.5	1,770.8	2,461.9	4,232.7	147.2	3.6
General Service staff						242.4	258.9	501.3	252.0	268.1	520.1	18.8	3.8
<i>Subtotal staff</i>	<i>1,870.1</i>	<i>2,453.1</i>	<i>4,323.2</i>		<i>4,323.2</i>	<i>1,943.1</i>	<i>2,643.7</i>	<i>4,586.8</i>	<i>2,022.8</i>	<i>2,730.0</i>	<i>4,752.8</i>	<i>166.0</i>	<i>3.6</i>
General temporary assistance	2.2	462.0	464.2	826.6	1,290.8		909.1	909.1		897.9	897.9	-11.2	-1.2
Temporary assistance for meetings	285.4	72.9	358.3	1,158.1	1,516.4	415.7	292.5	708.2	12.0	429.9	441.9	-266.3	-37.6
Consultants		27.3	27.3	230.6	257.9		64.2	64.2		37.6	37.6	-26.6	-41.4
<i>Subtotal other staff</i>	<i>287.6</i>	<i>562.2</i>	<i>849.8</i>	<i>2,215.3</i>	<i>3,065.1</i>	<i>415.7</i>	<i>1,265.8</i>	<i>1,681.5</i>	<i>12.0</i>	<i>1,365.4</i>	<i>1,377.4</i>	<i>-304.1</i>	<i>-18.1</i>
Travel	7.0	180.8	187.8		187.8	9.9	202.1	212.0	7.4	197.0	204.4	-7.6	-3.6
Contractual services	257.1	93.7	350.8	1.8	352.6	257.5	93.0	350.5	61.4	79.0	140.4	-210.1	-59.9
Training		14.1	14.1		14.1		17.8	17.8		8.9	8.9	-8.9	-50.0
Supplies and materials	9.0	3.0	12.0		12.0	9.5	9.5	19.0	9.5	9.5	19.0		
<i>Subtotal non-staff</i>	<i>273.1</i>	<i>291.6</i>	<i>564.7</i>	<i>1.8</i>	<i>566.5</i>	<i>276.9</i>	<i>322.4</i>	<i>599.3</i>	<i>78.3</i>	<i>294.4</i>	<i>372.7</i>	<i>-226.6</i>	<i>-37.8</i>
<b>Total</b>	<b>2,430.8</b>	<b>3,306.9</b>	<b>5,737.7</b>	<b>2,217.1</b>	<b>7,954.8</b>	<b>2,635.7</b>	<b>4,231.9</b>	<b>6,867.6</b>	<b>2,113.1</b>	<b>4,389.8</b>	<b>6,502.9</b>	<b>-364.7</b>	<b>-5.3</b>
Distributed maintenance	42.3	84.7	127.0		127.0	55.2	119.2	174.4	62.2	117.9	180.1	5.7	3.3

**Table 95: Sub-programme 3340: Proposed staffing for 2011**

Court Interpretation and Translation Section		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic					1	7	7	1		16		4	4	20
	Situation-related						5	12	7	1	25	1	3	4	29
	<i>Subtotal</i>					<i>1</i>	<i>12</i>	<i>19</i>	<i>8</i>	<i>1</i>	<i>41</i>	<i>1</i>	<i>7</i>	<i>8</i>	<i>49</i>
New/	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
	<b>Total</b>					<b>1</b>	<b>12</b>	<b>19</b>	<b>8</b>	<b>1</b>	<b>41</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>49</b>

**(e) Sub-programme 3350: Victims and Witnesses Unit**

399. Under article 43(6) of the Rome Statute, the Victims and Witnesses Unit (VWU) is mandated to provide protective measures and security arrangements, counselling and other appropriate assistance to witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses. As a service provider, the VWU is generally a reactive unit and acts on the basis of referrals. Similarly, the VWU bases its annual budget on the number of requests for services received for referrals for protection or support, or for witnesses to appear before the court to testify. The VWU provides its services to Chambers, and to the parties and participants.

400. In order as far as possible to absorb the cost of the additional resources required for the situation in Libya in 2012, the VWU has applied principles of efficiency and economy, in some instances reducing the number of services that the VWU has budgeted for, and limiting the number of GTA positions. The increase in resource requirements as a result of the Libya situation amounts to €289,200, representing the costs of requests for protection referrals from the Office of the Prosecutor and staff travel to implement such referrals, and of one GTA Support Assistant

401. The two largest non-staff costs in the VWU 2012 budget proposal consist of general operating expenses and staff travel, both costs being interrelated and driven by the number of service requests submitted to the VWU by the parties and participants. General operating expenses, representing 36 per cent of the VWU overall budget proposal, include costs related to trials and the implementation of protection and support referrals, as well as the establishment, development and testing of the Initial Response System (IRS) in the field.

402. Bearing in mind the number of 2012 service requests received for the IRS, relocations, resettlements and local protective measures, general operating expenses have increased in 2012, without considering additional requests for the situation in Libya. In an effort to maintain such expenses at the 2011 level, the VWU has applied reductions in a number of areas. For instance, in relation to protection referrals, mainly emanating from the Office of the Prosecutor, in an effort to reduce costs the VWU has cut down the number of areas budgeted for the IRS and the number of witness relocations in the Kenya situation, and made efforts to reduce the cost of local protective measures in the CAR, DRC and Kenya situations. Such reductions have had a direct impact on staff travel to implement protection referrals, reducing such costs further. Furthermore, the VWU has already started working on exit strategies for the current participants in the ICC Protection Programme (ICCPP); therefore the 2012 budget proposal includes a substantially lower number of relocation and resettlement cases carried over from the year 2011.

**Staff resources****Situation-related resources***General temporary assistance**One P-3 GTA Psychologist/ Psychological Trauma Expert.*

403. The post of Psychologist/Trauma expert is the only post mandated under the Rome Statute, article 43(6). Under the direct supervision of the Chief of Unit, the Psychologist is essential in providing his/her expertise in relation to applicants and participants in the ICC Protection Programme and in relation to witnesses appearing before the Court to testify.

404. The Psychologist is required to undertake the psychosocial assessments of applicants for the ICCPP; provide strategic direction for the planning and implementation of support-related aspects of ICCPP participants; monitor and respond to crisis situations arising from ICCPP participants; administer the Witness/Victim Support Programme of the ICCPP; evaluate and provide training for all VWU staff members directly involved in work with witnesses and victims included in the ICCPP, in order to maintain a high level of performance; provide advice to the Head of Protection on support-related activities; develop and implement a witness/victim management programme at headquarters and in the field and tailor it to the various situations under investigation by the Court, based on best practice; formulate appropriate requirements for short- and long-term support; liaise

and cooperate with protection and support staff at headquarters. Further, the Psychologist will be required to work closely with all Associate Protection Officers in the field to develop exit and management strategies for ICCPP participants.

405. Similarly, the Psychologist is required to conduct psychological assessments of witnesses due to testify before the Court, in particular vulnerable witnesses such as victims of gender-based violence, children, former child soldiers and highly traumatized persons. The assessments are to establish whether or not it is appropriate for such witnesses to give evidence before the Court, and, if so, to recommend to the Trial Chamber any special measures which should be in place to facilitate witness testimony. The Psychologist also provides in-court assistance to victims and witnesses when required, as well as oversight of support assistants providing in-court assistance. He or she monitors the witness's testimony and liaises as necessary with the Trial Chamber regarding the witness's welfare.

**Table 96: Workload indicators for the Psychologist/Trauma Expert P-3**

	<i>Number of staff 2009 handling the work</i>	<i>Actual workload 2009</i>	<i>Number of staff 2010 handling the work</i>	<i>Actual workload 2010</i>	<i>Number of staff 2011 handling the work</i>	<i>Actual workload first quarter 2011</i>	<i>Estimated workload 2012</i>
Number of mission days to conduct psychosocial assessments for the ICCPP and other assessments ordered by the Chamber	1	15	1.3	77	1.3	16	110
Psychosocial assessment for trial witnesses at HQ	1	15	1.3	18	1.3	13	25
Other assessments ordered by the Chamber (HQ/field)	1	-	1.3	8	1.3	5	
In-court assistance provided (psychologist on stand-by and/or in courtroom, and/or monitoring court transcript throughout the testimony of the witness)	1	10	1.3	20	1.3	16	25
Participation in hearings/status conferences	1	8	1.3	2	1.3	-	5
Substantive contributions to VWU filings (no. of filings)	1	15	1.3	7	1.3	1	10
Training sessions organized and given on vulnerable witnesses. No. of Court seminars contributed to	1	3	1.3	3	1.3	-	1

406. One GS-OL Support Assistant for 11 months. The responsibilities of support assistants include providing support to victims and witnesses appearing before the Court for testimony, and they accompany support persons and dependants, as well as providing support to ICCPP relocation cases. Due to the overall increase in activities of the Unit, especially taking into account the new situation in Libya, one additional Support Assistant position is required during 2012 to assist the existing support team with those tasks and more specifically with providing support services to ICCPP relocation cases. The support services provided to ICCPP relocation cases include operational support during the initial phase of the relocation programme regarding medical care, clothing, housing, schooling and familiarization with the new environment; training to adapt to the new environment, which may include cultural awareness, language training, and public transport, value of local money, shopping and hygiene; psychosocial support services during the stay in the ICCPP.

**Table 97: Workload indicators for the Support Assistant GS-OL**

	<i>Number of staff 2009 handling the work</i>	<i>Actual workload 2009</i>	<i>Number of staff 2010 handling the work</i>	<i>Actual workload 2010</i>	<i>Number of staff 2011 handling the work</i>	<i>Actual workload first quarter 2011</i>	<i>Estimated workload 2012</i>
Support assistance to ICCPP relocation cases (number of work-months)	6	N/A	7.6*	Equivalent to the working hours of 1.5 FTE	8*	Equivalent to the working hours of 2 FTE for 3 months	2 full-time FTE
Overtime hours in relation to support assistance provided to victims/witnesses appearing before the Court for testimony, accompanying support persons and dependents and support assistance to ICCPP relocation cases.	6	228	7.6	985	8	-	1,083

\* Two staff were recruited on GTA basis from May 2010 in support of parallel trials and continue to be recruited in 2011.

#### *Overtime*

407. Recurrent. So far experience has shown that VWU staff have been performing high overtime hours due to numerous daily witness movements and early arrival times of witnesses scheduled to testify before the Court, as well as the late departure of witnesses undergoing Court familiarization. Those mainly involved are the Support Assistants, Trial Operations Assistants and Protection Assistants.

#### *Consultants*

408. Recurrent. Consultancy in 2012 is required for the Committee of Experts: to review the Victims and Witnesses protection and operations systems currently in place, a Committee of Experts is to be hired. The Committee consists of six witness protection experts representing different geographical regions.

#### **Non-staff resources**

##### **Basic resources**

#### *Travel*

409. Recurrent. Mission travel is foreseen to negotiate witness relocation agreements and to attend witness protection conferences and remain abreast of international best practices in this field.

##### **Situation-related resources**

#### *Travel*

410. Recurrent. Staff travel comprises operational travel relating to the provision of witness protection and support services, including witness escort travel for trial purposes, as well as staff travel related to witness protection and support.

411. The requested resources are to cover the costs of witness escort for trial purposes, consisting mainly of individual escort of protected witnesses, and escort of non-protected witnesses where required; staff travel related to the resettlement and relocation of witnesses, including travel related to threat and psychosocial assessment, staff advance preparatory missions to relocation country; physical resettlement or relocation of witnesses and case management or follow-up visits to resettled or relocated witnesses; psychosocial assessment and the provision of support services to witnesses; implementation of local protective measures; Initial Response Systems (IRS) supervision and testing, including rental of safe houses; field travel for planning, supervision and audit of field operations; and VWU headquarters and field staff coordination meetings.

*General operating expenses*

412. Recurrent. The requested resources for witness-related operating expenses are to cover trial-related costs, including travel of victims and witnesses and their accommodation in the field and at the seat of the Court, travel of accompanying support persons, preparation of travel documents, clothing, allowances, health insurance, and witness allowances. On the basis of the Court's assumptions, 59 victims<sup>43</sup> and two expert witnesses are expected to appear before the Court for testimony in 2012 for two trials, as well as five accompanying support persons. Furthermore, resources will cover the establishment of Initial Response Systems (IRS), to respond to any immediate threats to victims and witnesses in three situations where the Court is operational. For the year 2012, the Court intends to expand the IRS to the new situation in Kenya and to maintain those in the DRC and the Central African Republic. Other expenses include witness resettlement expenses for Kenya, the DRC and the Central African Republic, witness relocation expenses for Kenya and the Central African Republic, and local protection measures in four situations: Sudan, DRC, CAR and Kenya.

*Training*

413. Recurrent. The following VWU specialized training courses are planned for 2012:

414. First Aid Training for VWU staff at headquarters and in the field. The course is designed to ensure that headquarters and field staff in daily contact with witnesses can provide basic first aid in case of emergency. Such staff will constitute the initial response to medical emergencies, as agreed with the Court's Medical Officer.

415. Supervision Management Training Course. Provides a useful foundation for the future development and exercise of leadership skills and establishes how more effectively to interact in the working environment, as well as to show the different stages of skill sets of people for the different tasks/duties that may have been assigned to them and how leadership/management approaches to each person's skill set can be applied.

416. Witness Protection Training Course. This course deals with principles of witness management in a covert environment and includes training on, among other things, personal security of case managers, global considerations when dealing with and relocating witnesses, and risk management. This six-day course is intended for four VWU staff, namely one Associate Protection Officer, two Field Witness Officers and one Psychologist/Psychological Trauma Expert.

417. Trauma Training/Handling Vulnerable and Traumatized Witnesses. This training aims to equip the Support Assistants with techniques to better deal with their empathic engagement with traumatized victims and witnesses, and with the effects of vicarious traumatization upon the trauma therapist working with survivors of traumatic life events. This training will also help Support Assistants acquire the ability to recognise differences in the perception and experience of trauma among varied cultural groups and the resulting difference in treatment needs. This training will last two days and will be provided to all Support Assistants located at headquarters.

418. Advanced Open-Source Intelligence Training. This is the continuation of the training undertaken by the VWU Analyst. The course helps in building and sustaining a successful open-source intelligence system and organization. Through operational and functional training, staff are taught appropriate information collection and analysis methods, dissemination mechanisms, and workflow management processes that ensure disciplined operations.

419. RINO training on psychotrauma. Goal of the course is the acquisition of knowledge on traumatism and intervention techniques in the event of crisis, and development of capacity to recognize and define problems.

420. Driving and Field Security Training. To acquire specialized driving techniques to handle driving in the field during implementation of protection operations.

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<sup>43</sup> Some witnesses are victims of crimes and thus require specific measures.

*Supplies and materials*

421. Recurrent. Cost of supplies and materials for the needs of VWU waiting rooms and renewal of annual subscriptions for newsletters and magazines for the sole use of witnesses.

**Table 98: Sub-programme 3350: Proposed budget for 2012**

Victims and Witnesses Unit	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011		
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff	No breakdown available				645.3	1,010.9	1,656.2	668.3	1,221.1	1,889.4	233.2	14.1	
General Service staff					60.6	1,097.7	1,158.3	63.0	1,142.9	1,205.9	47.6	4.1	
<i>Subtotal staff</i>	<i>459.4</i>	<i>2,324.0</i>	<i>2,783.4</i>		<i>2,783.4</i>	<i>705.9</i>	<i>2,108.6</i>	<i>2,814.5</i>	<i>731.3</i>	<i>2,364.0</i>	<i>3,095.3</i>	<i>280.8</i>	<i>10.0</i>
General temporary assistance	242.9	242.9	231.2	474.1		231.2	231.2		174.2	174.2	-57.0	-24.7	
Overtime	6.9	6.9		6.9		41.4	41.4		43.2	43.2	1.8	4.3	
Consultants	26.9	26.9		26.9		21.5	21.5		21.3	21.3	-0.2	-0.9	
<i>Subtotal other staff</i>	<i>276.7</i>	<i>276.7</i>	<i>231.2</i>	<i>507.9</i>		<i>294.1</i>	<i>294.1</i>		<i>238.7</i>	<i>238.7</i>	<i>-55.4</i>	<i>-18.8</i>	
Travel	9.5	614.4	623.9	44.9	668.8	31.5	557.2	588.7	31.8	606.9	638.7	50.0	8.5
Contractual services	16.4	16.4		16.4									
Training	14.6	14.6		14.6		26.9	26.9		24.6	24.6	-2.3	-8.6	
General operating expenses	1,810.6	1,810.6	169.6	1,980.2		2,163.9	2,163.9		2,338.9	2,338.9	175.0	8.1	
Supplies and materials	0.9	0.9		0.9		7.6	7.6		4.7	4.7	-2.9	-38.2	
Equipment including furniture	2.2	2.2		2.2									
<i>Subtotal non-staff</i>	<i>9.5</i>	<i>2,459.1</i>	<i>2,468.6</i>	<i>214.5</i>	<i>2,683.1</i>	<i>31.5</i>	<i>2,755.6</i>	<i>2,787.1</i>	<i>31.8</i>	<i>2,975.1</i>	<i>3,006.9</i>	<i>219.8</i>	<i>7.9</i>
<b>Total</b>	<b>468.9</b>	<b>5,059.8</b>	<b>5,528.7</b>	<b>445.7</b>	<b>5,974.4</b>	<b>737.4</b>	<b>5,158.3</b>	<b>5,895.7</b>	<b>763.1</b>	<b>5,577.8</b>	<b>6,340.9</b>	<b>445.2</b>	<b>7.6</b>
Distributed maintenance	13.4	124.2	137.6		137.6	19.3	176.8	196.1	21.8	174.8	196.5	0.4	0.2

**Table 99: Sub-programme 3350: Proposed staffing for 2012**

Victims and Witnesses Unit	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above			Total GS-staff	Total staff
										GS-PL	GS-OL			
Existing	Basic				1	2	1	1		5		1	1	6
	Situation-related							6	6	12	1	31	32	44
	<i>Subtotal</i>					<i>1</i>	<i>2</i>	<i>7</i>	<i>7</i>	<i>17</i>	<i>1</i>	<i>32</i>	<i>33</i>	<i>50</i>
New/ Converted	Basic													
	Situation-related													
	<i>Subtotal</i>													
Redeployed/ Reclassified/ Returned	Basic						1			1				1
	Situation-related							-1		-1	1	-1		-1
	<i>Subtotal</i>										<i>1</i>	<i>-1</i>		
<b>Total</b>					<b>1</b>	<b>2</b>	<b>7</b>	<b>7</b>		<b>17</b>	<b>2</b>	<b>31</b>	<b>33</b>	<b>50</b>

**(f) Sub-programme 3360: Victims Participation and Reparations Section**

422. The Victims Participation and Reparations Section (VPRS) is the specialized unit within the Registry, as envisaged in regulation 86(9) of the Regulations of the Court, charged with assisting victims in relation to their participation in proceedings and reparations. The section thus has operations both in the field, in order to enable victims to make their applications and participate effectively, and at the seat of the Court to manage documents and other information received, and to assist Chambers.

423. The VPRS has experienced a significant increase in workload in the last two years due to: (a) an increase in the number of situations and cases and higher numbers of victims' applications being received; (b) the increased level of judicial activity affecting the participation of victims, including the likelihood of reparations proceedings in 2012, and new capabilities requested of VPRS by Chambers; and (c) changes to the business model resulting from experience in the field in working with intermediaries. The year-on-year increase in the number of applications for participation received by the section is shown below.

**Table 100: Average monthly number of applications for participation received**

2008	2009	2010	From January to May 2011
57	63	187	362

424. However, there has been no increase in VPRS staff at headquarters since 2006, in spite of the workload increasing many times over. This has put very high pressure on the section each year and makes it unfeasible to absorb the additional workload generated by the Kenya and Libya situations without additional staff. It should be noted in this regard that the situation in Libya comes on top of the field activities generated by trials relating to the DRC and CAR situations, which will continue and may involve proceedings relating to reparations in 2012. Reparations proceedings are expected to mean more intensive field activities of the section, including informing victims, enabling victims to make applications and preparing reports for Chambers upon request. The section is therefore not in a position to redeploy resources in order to meet the additional requirements of the new situation in Libya.

425. Furthermore, a new model on working with intermediaries in the field is being developed in the context of the Court-wide guidelines on intermediaries, which require a greater level of engagement with intermediaries assisting victims. The amended model is the most cost-efficient way of ensuring greater supervision of the work of intermediaries, since the alternative would require additional staff to be hired in order to take on work currently carried out by intermediaries.

426. The scale of these increases is such that they can no longer be absorbed within existing staff resources if the section is to be in a position to respond to demands of Chambers, maintain control in the field and respect the rights of victims. In preparing the budget submissions for 2012, the section has made every effort to minimize the amount of additional resources requested and to find efficiencies and alternative options wherever possible; nevertheless, additional resources will be required by the section to cope with the increase in workload due to the new cases in the situation in Kenya and, in particular, the new situation in Libya.

#### **Staff resources**

##### **Situation-related resources**

###### *General temporary assistance*

427. New. One GS-OL Field Assistant. This position is requested in order to establish a minimum capacity for the section's operations in relation to the Libya situation. The Field Assistant is to cover field activities from headquarters, including the following: identify victim communities; identify, support and train intermediaries; make available and arrange collection of standard forms; check applications received for completeness; prepare key

messages for victims and intermediaries; organize common legal representation and assist in the implementation of Chambers' orders in the field.

428. New. One P-2 Associate Legal Officer (Libya focal point). The additional staff person is needed in particular to cope with the additional work created by the Libya situation, and to perform the following tasks: carry out legal processing of applications and review redacted versions of applications; prepare individual assessments of applications and draft reports on applications for Chambers; respond to requests and orders of Chambers; liaise with field staff for follow-up of applications and organizing common legal representations, etc., and to ensure that they are informed of relevant judicial developments; provide input on policy issues including operating procedures, and carry out legal research and drafting.

429. New. One P-2 Associate Legal Officer (Processing). The section is required by Chambers to conduct an individualized legal analysis of each application for participation on the basis of instructions received from each Chamber. A shortfall in staff capacity to process all of the applications from victims received by the VPRS was already noted in the workload indicators for the 2011 budget. The impact of the shortfall in 2011 has required the section to prioritize the work according to the progress of judicial proceedings, and a backlog exists in some situations which has increased during the past year, since there has also been a further rise in the number of applications received each month. A further significant rise is expected for 2012 due to the increase in the number of active situations and cases, and in particular, the new cases in the situation in Kenya and the reparations proceedings that may arise in relation to the ongoing trials.

**Table 101: Workload indicators for Associate Legal Officers**

	<i>FTE required per situation</i>	<i>Number of situations</i>	<i>Number of current posts 2011</i>	<i>Shortfall</i>
Associate Legal Officer P-2, as focal point	1	6	2	4
Associate Legal Officer, P-1 or P-2, as floater for processing applications	0.5	6	0	3

430. New. One GS-OL Data Processing Assistant. One additional Data Processing Assistant is requested in order to cope with the increase in the number of victims' applications received. The main functions of data-processing staff at headquarters are as follows: registering and scanning applications for participation and reparations received from victims; entering data from the applications into a database, as well as data received separately; updating records with new information received; extracting information from the database for reports; preparing draft redactions; checking for quality and preparing documents for filing; maintaining physical records and other administrative tasks. Basically, the additional post is requested in order to ensure that the section does not fall even further behind as a result of the new situation in Libya.

431. One G-4 Field Assistant (Chad, six months continued). To support VPRS missions to the field.

**Table 102: Workload indicators for data-processing staff**

	<i>Number of applications dealt with per FTE per year</i>	<i>Number of applications expected to be received in 2012</i>	<i>Number of applications that can be processed with current capacity of 2 FTE</i>	<i>Shortfall in FTE</i>
Data Processing Assistant GS-OL, HQ	600	2,400	1,200	2

*Consultants*

432. Experience has shown that hiring consultants to carry out detailed mapping of victim communities in a new situation is necessary and cost-effective, enabling unique expertise to be tapped in a timely manner, on the basis of which the field activities of the section can be built. Resources are therefore required for mapping victim communities in Libya.

433. Furthermore, VPRS field staff interact with victims and intermediaries in a highly sensitive environment. Both existing and newly recruited field staff require ongoing training and support to enable them to manage their interaction with intermediaries and with victims, while maximizing the well-being of victims and themselves. These funds are also required for the purpose of bringing in specific expertise to assist the VPRS field staff in this way, and will be used in conjunction with the training budget described below.

**Non-staff resources****Situation-related resources***Travel*

434. Recurrent. The increased request is to cover, in the additional situation in Libya, costs of travel of staff to and from the field, and on missions of field staff within the country. In general, the section makes stringent efforts to minimize travel to and from headquarters, and the vast majority of trips are by field staff conducting their activities within the country concerned. As in previous years, a visit by all field staff to headquarters once in the year is provided for, which is essential for annual planning and training as well as to enhance their understanding of the Court.

435. The travel budget includes an element for travel to locations in Europe, North America and Africa for the purposes of targeting the Darfur diaspora, as part of a joint project with PIDS to reach refugee communities from Darfur. It also includes a small travel element for the purposes of seminars and consultations with a view to strategy development and obtaining expertise.

*Training*

436. Recurrent. A small increase is proposed to cover the additional needs of the Libya situation. As noted in relation to consultants, VPRS field staff interact with victims and intermediaries in a highly sensitive environment and require ongoing training and support from qualified experts to enable them to manage their interaction with intermediaries and with victims, while maximizing the well-being of victims and themselves.

*Contractual services*

437. The development of the applications database within the ECOS system will be completed in 2012. Funds are required for the final stage of development, but at only half the level as for 2011.

438. Recurrent. For external printing of standard application forms, accompanying booklet and other informational materials specifically for enabling victims to apply to participate in proceedings and for reparations, to be made available in the field and to potential victim communities. A slight increase is included in light of the addition of Libya to the number of active situations and cases.

439. Recurrent. For activities of field staff when meeting victim-applicants and victims, and when providing support and training for intermediaries and legal representatives. Mainly to cover travel costs, cost of hiring meeting rooms, photocopying of documents, etc. The additional amount is requested in light of the high level of activity anticipated for Libya, which comes on top of continued judicial activities in relation to the other situations.

*Supplies and materials*

440. The increase relates to the new business model for working with intermediaries, as mentioned above, for the Libya situation. It is to provide protection kits to selected intermediaries in order to equip them to secure confidential documents and information, and to conduct their activities safely. Most intermediaries do not have such capacity, creating the risk of data relating to victims being compromised. Up to 10 intermediaries for the Libya situation are assumed. This represents an increase in budget over previous years, reflecting the outcome of a pilot study in Kenya in the context of the Court-wide strategy on intermediaries, with a view to implementing the Court's obligations by providing passive protection capacity to certain intermediaries in order to avoid putting victims and intermediaries engaging with the Court at risk.

**Table 103: Sub-programme 3360: Proposed budget for 2012**

Victims Participation and Reparations Section	Expenditure 2010 (thousands of euros)				Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011				
	Basic	Situation-related	Total	Cont. Fund	Total incl.CF	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%		
Professional staff	No breakdown available				630.7	185.9	816.6	674.7	215.0	889.7	73.1	9.0			
General Service staff					60.6	169.1	229.7	63.0	176.8	239.8	10.1	4.4			
<i>Subtotal staff</i>	638.9	503.6	1,142.5		1,142.5	691.3	355.0	1,046.3	737.7	391.8	1,129.5	83.2	8.0		
General temporary assistance						158.0	158.0	39.2	197.2		4.4	4.4	331.2	326.8	7,427.3
Consultants	3.6		3.6		3.6	8.0		8.0	10.0	17.5	27.5	19.5	243.8		
<i>Subtotal other staff</i>	3.6	158.0	161.6	39.2	200.8	8.0	4.4	12.4	10.0	348.7	358.7	346.3	2,792.7		
Travel	0.2	87.5	87.7	24.4	112.1	7.3	105.0	112.3	32.9	116.2	149.1	36.8	32.8		
Contractual services	3.7	58.3	62.0	86.3	148.3	103.4	53.7	157.1	52.0	105.2	157.2	0.1	0.1		
Training	4.2	10.0	14.2		14.2		5.0	5.0		18.5	18.5	13.5	270.0		
Supplies and materials							1.7	1.7		60.0	60.0	58.3	3,429.4		
<i>Subtotal non-staff</i>	8.1	155.8	163.9	110.7	274.6	110.7	165.4	276.1	84.9	299.9	384.8	108.7	39.4		
<b>Total</b>	<b>650.6</b>	<b>817.4</b>	<b>1,468.0</b>	<b>149.9</b>	<b>1,617.9</b>	<b>810.0</b>	<b>524.8</b>	<b>1,334.8</b>	<b>832.6</b>	<b>1,040.4</b>	<b>1,873.0</b>	<b>538.2</b>	<b>40.3</b>		
Distributed maintenance	15.6	25.4	41.0		41.0	22.1	28.8	50.9	24.9	28.4	53.3	2.4	4.8		

**Table 104: Sub-programme 3360: Proposed staffing for 2012**

Victims Participation and Reparations Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing						1	2	2	2	7		1	1	8
								2		2		5	5	7
						1	2	4	2	9		6	6	15
New														
Redeployed/Returned														
<b>Total</b>						<b>1</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>9</b>		<b>6</b>	<b>6</b>	<b>15</b>

#### 4. Programme 3400: Public Information and Documentation Section

##### Introduction

441. The Public Information and Documentation Section (PIDS) contributes to raising awareness and promoting understanding of the Court's mandate and its work, primarily among communities affected by cases heard before it, as well as with global audiences, including journalists, civil society organizations, and legal and academic communities. The section is composed of the Outreach Unit, Public Affairs Unit, Protocol and Events Unit and the Library and Documentation Centre.

442. Within existing resources, outreach activities are carried out to ensure that communities affected by the commission of crimes under the Court's jurisdiction can understand and follow its judicial activities. To this end, as stated in 2006, in the Strategic Plan for Outreach of the International Criminal Court,<sup>44</sup> PIDS seeks to bridge the distance between the Court and these communities by establishing an effective system of two-way communication addressing their concerns and responding to their questions. However, with limited resources the Court has been unable to comply fully with the request of the Assembly "... to further develop and implement the Strategic Plan for Outreach in affected countries, including, where appropriate, by early outreach from the outset of the Court's involvement, including during the preliminary examination stage".<sup>45</sup> The section has narrowed the scope of its work to reaching out primarily to victims and affected communities, and has been using local media to enhance its impact in order to help the Registry in facilitating the exercise of victims' rights before the Court as provided by the Rome Statute and further Assembly resolutions: "... emphasizing the importance of outreach to victims and affected communities in order to give effect to the unique mandate of the Court towards victims".<sup>46</sup>

443. The Office of the Head oversees all units and represents PIDS at public events. The Office will continue to contribute to implementing the Court's public information strategy by engaging with members of the legal and academic communities. To this end, activities are to be organized with the objective of increasing the number of African female lawyers practising before the Court and attracting Arab lawyers. In addition, the section will continue with its efforts to encourage universities to include international criminal law, and the International Criminal Court in particular, in their official curricula. Efforts will also be made to expand the ICC Moot Court competition through the organization of events conducted in French, Chinese, Arabic and Russian, involving academic institutions all over the world.

444. In 2012, outreach activities remain a priority for the section. In synchrony with the progress of the judicial proceedings, in the Democratic Republic of the Congo (DRC) activities in connection with the conclusion of the *Lubanga* and *Katanga/Ngudjolo* trials will be the priority, and the commencement of the *Mbarushimana* trial will require an increase of operations in the Kivu Provinces. In the Central African Republic (CAR), the level of operations will remain the same as in 2011. In connection with the situation in Uganda, with reduced judicial activity outreach activities will decrease and the section will keep a small presence to maintain existing networks and continue to support the production of interactive radio programmes. For the situation in Darfur, Sudan, the Outreach Unit will decrease operations in Chad, though it will continue to engage with refugees, exile communities, journalists and lawyers. Some of the existing resources initially allocated to the two latter situations will be redeployed to situation countries with cases at the trial stage and ongoing investigations. It should be noted, for instance, that three positions initially allocated to Uganda will be redeployed to Kenya and that almost 50 per cent of the operational budget required by PIDS to operate in that country will be covered by existing resources.

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<sup>44</sup> ICC-ASP/5/12.

<sup>45</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.3, para. 38.

<sup>46</sup> *Ibid.*, sixteenth preambular paragraph.

445. The Public Affairs Unit of the section is responsible for media relations, raising awareness and promoting understanding about the Court primarily among journalists and other global audiences. It is responsible for implementing part of the Court-wide public information strategy<sup>47</sup> as endorsed by the Assembly.<sup>48</sup> In addition to working with the media, this unit maintains the Court's website and is responsible for preparing and disseminating information materials, as well as the core legal texts.

446. To support outreach activities, as well as radio and television information needs, the section has a small team that produces the only audio-visual record for public release of the Court's hearings and other events taking place at the seat of the Court. During 2010, a total of 1,650 DVDs were prepared and distributed among journalists, members of legal and academic communities, and stakeholders at the seat of the Court and in the field. Overall, 70 radio and 70 television summaries of hearings were disseminated among international media. In addition, another 64 programmes were developed on Court events outside the Court. These productions are for public information purposes only and do not constitute archives. The Court Management System is responsible for video archives of hearings for legal purposes and does not support public information activities. Restrictions on the human resources available to the audio-visual team mean that PIDS will in future be unable to follow hearings on a daily basis, and therefore will not be able to continue producing weekly summaries of ongoing trials, as in 2010 and 2011.

447. The section will continue to host general and study visits at the seat of the Court through its Protocol and Events Unit. The latter is also responsible for assisting the Court in preparing high-profile visits and organizing events with the highest protocol standards. During 2010, the section welcomed 10,302 visitors, including 8,000 group information visitors and persons attending hearings. Also 65 in-depth study visits were organized and 7,500 Court information packages were distributed at the seat of the Court.

448. In addition, the Library and Documentation Centre is primarily focusing on serving the parties and participants in judicial proceedings, as well as independent Court-related bodies, ensuring that they can access the legal collection and documents in a timely manner, including through training staff. The Library is gradually starting to provide services to researchers and NGOs.

449. It should be noted that in 2010 the overall implementation rate of the budget allocated to PIDS was 107 per cent, including the Contingency Fund.

### **Objectives**

1. Further cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities. (SO 4)
2. Ensure publicity of all proceedings for local and global audiences. (SO 7)
3. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence. (SO 6)

450. The following performance indicators and targets for 2012 have been included. It should be noted that the work will be done with the same level of resources as that allocated to the section in 2010.

<sup>47</sup> Report of the Court on the public information strategy 2011-2013 (ICC-ASP/9/29).

<sup>48</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.3, para. 39.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- Increased level of awareness and understanding of Court activities among affected communities. This year special efforts to engage women will continue.	- Number of activities engaging women.	20% more in the DRC and CAR and Sudan, compared to 2011.
	- Number of women directly engaged at interactive sessions.	For the Kenya situation, baseline data will be collated
	- Estimated population reached through radio.	Same as in 2011
	- Estimated population reached through television.	Same as in 2011
	- Number of radio listening clubs established by the Outreach Unit, where appropriate.	3 more in the DRC and in CAR
<b>Objective 2</b>	In countries concerned:	0 hours as weekly summaries of trials can no longer be produced
- Increased access to the Court's judicial proceedings for local and global audiences.	- Number of hours of radio broadcasts of audio summaries.	0 hours as weekly summaries of trials can no longer be produced
	- Number of hours of TV broadcasts of video summaries.	80% of respondents to surveys satisfied
	- Increased level of satisfaction by journalists covering the Court with the assistance of the PIDS Outreach Unit in the field.	Overall 30,000
	- Number of publications distributed.	10,000 more than in 2011
	- Increased number of visitors to the Court's website video-streaming service.	
<b>Objective 3</b>		
- Constantly increase global awareness of the Court through media and campaigns.	- Increased number of visitors attending briefings at the seat of the Court.	30% less than in 2011
	- Increased number of interviews given to the media by Court officials based in The Hague.	10% more than in 2011
	- Increased number of lawyers especially from Africa and the Arab world submitting applications to the list of counsel and list of assistants to counsel following the ICC-IBA campaign Calling African Lawyers.	5% more than in 2011
	- Increased number of universities participating in the ICC Moot Court competition	10% more than in 2011

**Table 105: Workload statistics for the Public Information and Documentation Section with the same level of resources as in 2011**

<i>Anticipated workload 2012</i>	<i>Number of staff 2009</i>	<i>Actual workload 2009</i>	<i>Number of staff 2010 handling the work.</i>	<i>Actual workload 2010</i>	<i>Estimated workload 2012</i>
Production of weekly summaries of hearings in cases at trial stage by the audio-visual team.	1	92	2	135	29 <sup>49</sup>
Organization of outreach sessions in Uganda.	4	162	4	136	10 <sup>50</sup>
Organization of outreach sessions in the DRC.	5	192	6	221	250
Organization of outreach sessions in connection with Darfur (Sudan).	1 <sup>51</sup>	13	1	70	70
Organization of outreach sessions in Central African Republic.	2	89	3	98	98
Organization of information visits at the seat of the Court.	3	6,276	3	10,400	7,500
Assembling and dissemination of general information kits and campaign-related information packages.	3	7,278	3	7,500	6,500
Number of documents published on the Court website.	1	872	1	2,390	3,000
Number of press releases prepared and disseminated.	2	145	2	157	170
Number of ICC Weekly Updates prepared and disseminated.	2	10	2	44	44
Number of books loaned by the Library.	4	6,519	4	6,720	7,000
Number of training sessions on the use of the Library for internal staff members.	2	102	2	77	24

### Staff resources

#### Basic resources

451. One P-2 Audio-visual Producer. The AV producer is in charge of designing and producing all Court audio-visual programs used for public information and outreach purposes worldwide (for international media as well as for situation-related countries). This position has existed since 5 May 2008 and was funded by general temporary assistance. At the expiration of the GTA in December 2010, a P-2 post from the General Services Section has been redeployed to PIDS in order to continue to fund this position.

#### Situation-related resources

452. One Field Outreach Coordinator for Kenya (P-2, redeployed from Uganda). As a result of judicial developments in the Kenya situation, the strategic plan for outreach requires a coordinator in the field to ensure that the Court's mandate and mode of operation are understood, and that Kenyans have access to and understanding of its judicial proceedings. Outreach efforts aim at fostering interaction between the Court and the groups most affected by the alleged crimes

<sup>49</sup> Due to restrictions on staff resources, PIDS will not be able to follow the trials on a daily basis and will therefore no longer be able to produce weekly summaries of trials. The number here reflects the number of AV programmes that it is possible to produce with fewer staff.

<sup>50</sup> The number of outreach sessions will decrease due to redeployment of three posts to other situation-related countries.

<sup>51</sup> The Field Legal Outreach Coordinator for the situation in Sudan entered on duty on 2 November 2009.

453. Two Field Outreach Assistants for Kenya (GSOL, redeployed from Uganda). To organize outreach activities with communities, the media and legal and academic groups, the Outreach Coordinator requires the assistance of two locally recruited staff. Subject to possible security considerations, the persons appointed will be Kenyan nationals, or else they should be non-nationals, but residing in the country and with good knowledge of it.

454. One Field Outreach Assistant for the DRC (GSOL, redeployed from Chad). To organize outreach activities with communities, the media and legal and academic groups in the Kivus, the outreach team needs to be reinforced by an additional, locally recruited staff member. Subject to security considerations, this position can be based in the Kivus. It will be redeployed from Chad.

#### *General temporary assistance*

455. One Graphic Designer and Website Developer (GSOL, related to the situation in Libya). To handle graphic design and website development in Arabic.

456. One GS-OL Administrative Assistant (12 months, continued). To support outreach activities.

457. One GS-OL Audio-visual Production Assistant (12 months, continued). With a legal profile and public information expertise, this position is required to assist the production of radio and television programmes by following and videotaping the Court's proceedings (an average of 5 hours per day), writing daily summaries of judicial activities, preparing weekly highlights for the production of programmes, ensuring the distribution of productions to international and regional media and Court field offices, and responding to internal and public demands.

458. One P-2 Public Information and Outreach Coordinator for Libya (12 months). With the opening of an investigation in Libya, the public information strategy requires a coordinator to coordinate the implementation of the Court's public information strategy in the Arab World, and to develop and implement a situation-related strategic plan for Libya in order to develop short-term plans focused on making available clear information to worldwide Arab audiences about the role of the Court through the Court's communications platforms and international media. It is also proposed to proactively develop a network of Friends of the Court which can contribute to position the Court as an independent and non-political organization through op-eds and interviews regularly published in Arab and African regions. Engaging timely key bloggers and key opinion-makers in the Arab world, particularly in Egypt and in Tunisia, will be strategically a priority when trying to influence how the Court is perceived. The position will also develop medium/long-term plans focusing on engaging, in key countries, strategic groups such as journalists, the legal community, academia and NGOs.

### **Non-staff resources**

#### **Basic resources**

##### *Travel*

459. Recurrent. Includes travel of the Chief of Section for consultation meetings with civil society organizations and the media, and to attend the Assembly session in New York together with the Head of the Outreach Unit, in order to present the annual report; and of the Spokesperson accompanying the Registrar and President twice a year. It also includes the trip of the Librarian to the United Nations Interagency Meeting on Knowledge Sharing and Information Management in New York.

##### *Contractual services*

460. Recurrent. Other costs include external printing, use of a professional photographer to update the pictures of newly elected senior officials, publication of ten op-eds in newspapers authored by the President, media monitoring and broadcasting services, awards and ceremonies for the international Moot Court competitions finals, and table-top flags to be used during welcoming ceremonies of new States Parties to the Rome Statute. Other contractual services include inter-library loans and bindings and contractual cataloguers to

assist with multilingual cataloguing of works in Asian, Arabic and Russian scripts. Costs also reflect an increase in external printing due to the need to update all information material following the election of the new Prosecutor and judges. There is also an increase in satellite costs for broadcasting services, which includes costs for global broadcasts for six press conferences; eight such broadcasting services have been requested by the Office of the Prosecutor for 2012.

#### *Training*

461. Recurrent. Training includes specialized training by the International Association of Law Librarians in Washington and the SirsiDynix International Administrators in London.

#### *General operating expenses*

462. Recurrent. Cost for software maintenance for the Library required for access to electronic databases for Registry and OTP, and subscriptions for Chambers.

#### *Supplies and materials*

463. Recurrent. Funds are required to procure books and serials for the Court's Library. This provision has been increased to fund price increases for databases and electronic supporting equipment and serial publications.

### **Situation-related resources**

#### *Travel*

464. Recurrent. Travel is required for outreach activities in the six situations under investigation, including internal travel to remote areas where affected communities are concentrated. This item also includes travel for one field staff member per situation to attend briefing/training and planning sessions at headquarters, as well as trips for newly recruited staff to come to the headquarters for training on the Court and team-building exercises.

465. Overall, during 2010 the Outreach Programme engaged directly 52,957 people in the course of 525 outreach sessions held in remote areas with a high concentration of victims of the alleged crimes in situations brought before the Court. During the same period, estimated audiences of nearly 70 million people were regularly exposed to Court information through local radio and television programmes. The number of participants and activities organized per situation were: Uganda: 23,100 participants - 136 sessions; DRC: 21,122 participants – 221 sessions; Sudan: 1,899 participants – 70 sessions; and CAR: 6,836 participants – 98 sessions. The estimated audiences reached through the media in connection with each situation are as follows: Uganda: 8.5 million; DRC: 25 million; Sudan: 10 million; CAR: 1 million.

#### *Contractual services*

466. Recurrent. Resources include satellite costs for global broadcasts of four key hearings (based on the assumption that there will be two opening trials in the Kenyan situation and two trial verdicts in the DRC and the CAR situations). This item also includes distribution and broadcast of video and audio summaries of cases and key hearings of cases at the pre-trial stage, including initial appearances and confirmation of charges hearings, press conferences and the interactive programme *Ask the Court*, which provides answers by senior officials to questions asked by members of the communities in each situation-related country. Resources also include costs for organizing sessions for affected communities that interact with outreach teams during town/village meetings; and for holding information sessions with networks and coalitions of journalists, civil society organizations, women's groups, lawyers, schools and universities that help to enhance outreach and increase the impact of activities. At the end of each session, surveys are conducted and kept in an internal database for monitoring, reporting and planning purposes.

*Supplies and materials*

467. Recurrent. Resources to fund costs for the annual maintenance of current audio-visual equipment; the purchase of DVDs, tapes and discs, as well as new versions of editing software and the outsourcing of services to meet the information needs of external clients, the media and NGOs that cannot be provided with current in-house equipment.

**Table 106: Programme 3400: Proposed budget for 2012**

Public Information and Documentation Section	Expenditure 2010 (thousands of euros)					Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available					824.0	521.2	1,345.2	937.0	564.3	1,501.3	156.1	11.6
General Service staff						484.8	202.4	687.2	504.0	236.4	740.4	53.2	7.7
<i>Subtotal staff</i>	<i>1,094.8</i>	<i>733.3</i>	<i>1,828.1</i>		<i>1,828.1</i>	<i>1,308.8</i>	<i>723.6</i>	<i>2,032.4</i>	<i>1,441.0</i>	<i>800.7</i>	<i>2,241.7</i>	<i>209.3</i>	<i>10.3</i>
General temporary assistance	217.5	13.1	230.6	137.4	368.0	108.0	168.0	276.0		301.2	301.2	25.2	9.1
<i>Subtotal other staff</i>	<i>217.5</i>	<i>13.1</i>	<i>230.6</i>	<i>137.4</i>	<i>368.0</i>	<i>108.0</i>	<i>168.0</i>	<i>276.0</i>		<i>301.2</i>	<i>301.2</i>	<i>25.2</i>	<i>9.1</i>
Travel	19.3	131.4	150.7	20.8	171.5	28.7	56.6	85.3	44.7	79.9	124.6	39.3	46.1
Contractual services	233.5	501.0	734.5	201.6	936.1	246.0	598.9	844.9	394.0	679.8	1,073.8	228.9	27.1
Training	0.4		0.4		0.4	3.8		3.8	5.6		5.6	1.8	47.4
General operating expenses	54.3		54.3	2.8	57.1	82.0	13.5	95.5	97.0	13.5	110.5	15.0	15.7
Supplies and materials	148.1		148.1		148.1	123.5		123.5	150.5	20.0	170.5	47.0	38.1
<i>Subtotal non-staff</i>	<i>455.6</i>	<i>632.4</i>	<i>1,088.0</i>	<i>225.2</i>	<i>1,313.2</i>	<i>484.0</i>	<i>669.0</i>	<i>1,153.0</i>	<i>691.8</i>	<i>793.2</i>	<i>1,485.0</i>	<i>332.0</i>	<i>28.8</i>
<b>Total</b>	<b>1,767.9</b>	<b>1,378.8</b>	<b>3,146.7</b>	<b>362.6</b>	<b>3,509.3</b>	<b>1,900.8</b>	<b>1,560.6</b>	<b>3,461.4</b>	<b>2,132.8</b>	<b>1,895.1</b>	<b>4,027.9</b>	<b>566.5</b>	<b>16.4</b>
Distributed maintenance	35.6	48.0	83.6		83.6	44.1	69.9	114.0	52.9	69.1	122.0	8.0	7.0

**Table 107: Programme 3400: Proposed staffing for 2012**

Public Information and Documentation Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic				1	3	1	3		8		8	8	16
	Situation-related							6		6	3	8	11	17
	<i>Subtotal</i>					<i>1</i>	<i>3</i>	<i>1</i>	<i>9</i>	<i>14</i>	<i>3</i>	<i>16</i>	<i>19</i>	<i>33</i>
New	Basic													
	Situation-related													
	<i>Subtotal</i>													
Redeployed/ Returned	Basic							1		1				1
	Situation-related													
	<i>Subtotal</i>							<i>1</i>		<i>1</i>				<i>1</i>
<b>Total</b>					<b>1</b>	<b>3</b>	<b>1</b>	<b>10</b>		<b>15</b>	<b>3</b>	<b>16</b>	<b>19</b>	<b>34</b>

## D. Major Programme IV: Secretariat of the Assembly of States Parties

### Introduction

468. The Secretariat provides the Assembly and its Bureau and subsidiary bodies with administrative and technical assistance in the discharge of their functions under the Statute. The conference-servicing functions of the Secretariat include the planning, preparation and coordination of the meetings of the Assembly and its subsidiary bodies, and receiving, translating, reproducing and distributing their documents, reports and decisions.

469. In addition, it provides substantive servicing of the Assembly and its subsidiary bodies. The substantive servicing functions include providing legal and substantive secretariat services such as the provision of documentation, reports and analytical summaries, and supplying advice within the Secretariat on legal and substantive issues relating to the work of the Assembly. Other functions include advising on the Financial Regulations and Rules and preparing draft resolutions on financial and budgetary needs.

470. After four years of reductions, the proposed budget for Major Programme IV foresees an increase for 2012, primarily to reflect the increased costs of holding the eleventh session of the Assembly in The Hague, as further explained in paragraph 475 below. The Secretariat will continue to strive to reduce its overall costs through further efficiency measures, especially in the area of translation and reproduction of documentation, and the flexibility granted by the Assembly in its use of GTA posts to service short-term needs.

### Objectives

1. Organize quality conferences for the eleventh session of the Assembly in The Hague, and two sessions of the Committee on Budget and Finance in The Hague. In addition, the Secretariat will service meetings of a number of subsidiary bodies of the Assembly, in particular, meetings of The Hague Working Group of the Bureau, and the Oversight Committee for the Permanent Premises.
2. Enable the Assembly and its subsidiary organs to carry out their mandate more effectively by: providing them with quality servicing and support, such as planning and coordinating conference services; preparing, coordinating and submitting documentation; monitoring the compliance of various organs of the Court with regulations governing the timely preparation and submission of documents; identifying and acquiring additional resources to enable the Secretariat to carry out its mandate effectively and efficiently; and ensuring that States Parties have access to conference and documentation services in accordance with the Statute. The Secretariat is also entrusted with assisting the Assembly in attaining the objectives set out in its Plan of action.
3. Research and prepare analytical studies on the application and interpretation of the provisions of the Statute relating to the Assembly and its subsidiary bodies.
4. Enable effective dissemination of documentation and information to States Parties and other interested organizations via, inter alia, the Internet.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b> - Conference held as planned.	- Meetings run smoothly, end on time and adopt reports. - All agenda items are considered. - Participants are supported substantively and logistically at meetings, including with registration, provision of documentation and language services. - Session participants are satisfied with the arrangements and information provided.	n/a
<b>Objective 2</b> - Quality edited and translated documents released for processing, production and distribution in a timely manner.	- States are provided and satisfied with quality conference services and with the editing, translation and timely issuance of documents, in the six official languages, which fully support them in their functions. - States are assisted as required, in particular with the provision of information and documentation regarding the Assembly and Court.	n/a

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 3</b> - Quality legal advice provided to the Assembly and its subsidiary bodies.	- States are provided with substantive legal services, especially in the form of documentation, which facilitate and support their work. - Members of the Assembly and relevant bodies are satisfied with the sessions.	n/a
<b>Objective 4</b> - Effective dissemination of documentation and information to States Parties via, inter alia, the Internet.	- Website and Assembly, CBF and Oversight Committee Extranets are used frequently. - Information and documentation can be accessed without delays.	n/a

### Staff resources

#### Basic resources

471. *One P-2 Associate Legal Officer* (conversion). The workload of substantive servicing of the Assembly and its subsidiary bodies has increased considerably since the Secretariat was established in 2004. There are new bodies, never envisioned in the original framework considered by the Preparatory Commission in 2003, and the number of meetings of these bodies has increased considerably beyond what had been expected. Such bodies include the Bureau, and its Hague and New York Working Groups, as well as the Oversight Committee on Permanent Premises. The length of the sessions of the Committee on Budget and Finance has also increased. Furthermore, the Assembly has also held resumed sessions that were not foreseen in the original configuration of the Secretariat. It should be noted that, although it is based in The Hague, the Secretariat provides substantive servicing of the Presidency of the Assembly, the Bureau and its New York Working Group, via the preparation of pre-session and post-session documentation. The conversion of an existing GTA P-2 Associate Legal Officer post to an established post would allow the Secretariat to provide better support to the Assembly and its subsidiary bodies.

472. *One GS-OL Web Developer Assistant* (new). The establishment of a Web Developer Assistant post, which has been sourced out of general temporary assistance for the past three years, would allow the Secretariat to continue to post documents, papers and publications on the web, and to maintain an Extranet for the Assembly, the Committee on Budget and Finance, and the Oversight Committee, as well as to ensure timely posting of information regarding elections, complementarity developments, press releases, etc.

473. *One P-2 Special Assistant to the President* (new). The increased activities of the President of the Assembly and the need to support a new President and a new Bureau for the triennium 2011-2014 require the establishment of a regular post in New York to support this key position, as the President cannot rely on the resources of his/her United Nations Mission. The new staff member would assist the President with, inter alia, coverage of Assembly-related issues at the United Nations Headquarters, continuous engagement with observer States to promote the universality of the Rome Statute, preparation of speaking notes, background papers, etc. Furthermore, the staff member would provide substantive servicing to the Bureau and the New York Working Group, as well as to sessions of the Assembly, under the direction of the Secretariat of the Assembly. Technical servicing of the Bureau and New York-based subsidiary bodies of the Assembly would continue to be undertaken by the Liaison Office, where the staff member could be co-located.

**Table 108: Number of official meetings serviced by the Secretariat in 2010**

Bureau	21
Hague Working Group	46
New York Working Group	17
Oversight Committee	32

474. The Secretariat of the Assembly of States Parties expects less documentation for the eleventh session of the Assembly. The preparation of the documentation will require the editing, translation and revision of official documents for the Assembly and the Committee

on Budget and Finance.<sup>52</sup> The number of FTE for translation and editing per language is two (one translator and one reviser).<sup>53</sup> The Secretariat will continue its endeavour to increase efficiencies, inter alia through the outsourcing of translations.

**Table 109: Workload indicators for the Secretariat of the Assembly of States Parties**

<i>Item</i>	<i>Number of pages in 2010<sup>(1)</sup></i>	<i>Expected workload 2011</i>	<i>Expected % increase in 2011</i>	<i>Anticipated workload 2012</i>	<i>Expected % increase in 2012</i>	<i>Number of FTE<sup>(2)</sup> 2011</i>	<i>Number of FTE<sup>(2)</sup> 2012</i>
Official documents and papers (English) received for editing, translation and/or revision	3,307	3,200	-3.2	3,200	0.0	2	2
Official documents and papers edited, revised and/or translated into the five other official languages (Arabic, Chinese, French, Russian, Spanish) <sup>(3)</sup>	7,510	5,200	-30.8	5,200	0.0	10	10
Other publications <sup>(4)</sup> (English) edited, translated and/or revised	184	184	0.0	184	0.0	-	-
Other publications <sup>(4)</sup> edited, revised and/or translated into three languages (Arabic, French, Spanish)	552	552	0.0	552	0.0	-	-
<b>Total</b>	<b>11,553</b>	<b>9,136</b>	<b>-20.9</b>	<b>9,136</b>	<b>0.0</b>	<b>12</b>	<b>12</b>

<sup>(1)</sup> Number of words per page is 300.

<sup>(2)</sup> Translator and reviser per language - commencing full time from July until November/December each year. From January to June the Secretariat relies on outsourcing.

<sup>(3)</sup> As of 2009 most of the documents are only translated into Arabic, French and Spanish.<sup>54</sup>

<sup>(4)</sup> In addition to the session documents and official records, a number of publications have been planned and produced: Plan of action seminar booklets; the Assembly Newsletter; and the Assembly Fact Sheet.

#### *General temporary assistance*

475. The decrease of 14 per cent in the proposed budget for GTA in comparison to the 2011 approved budget mainly results from the proposal to convert the post of Associate Legal Officer to an established one.

476. The Secretariat will require Special Assistants during the months leading up to and including the annual session of the Assembly. Special Assistants will assist the Director with all the logistical aspects of the meetings of the Assembly, including determining space requirements and equipment needs, registration of delegations and NGO representatives and communicating with delegates.

#### *Temporary assistance for meetings*

477. There is a decrease of 11 per cent in temporary assistance for meetings in comparison to the 2011 approved budget, resulting from efficiency measures adopted by the Secretariat. This temporary assistance is required for the registration of delegates, issuance of passes, photocopying of documents on a large scale and their distribution, etc., and generally facilitating delegates' attendance at the session in The Hague.

### **Non-staff resources**

#### **Basic resources**

##### *Travel*

478. The changes to the travel budget reflect a decrease of 17 per cent in comparison to the 2011 approved budget because of reduced travel costs for Secretariat staff, since the eleventh session of the Assembly will take place in The Hague instead of New York.

<sup>52</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. II, part B.2, para. 96.

<sup>53</sup> The timely issuance of official documentation by the Secretariat of the Assembly is contingent upon the staggered and orderly submission of draft documents by the Court in accordance with the annual timetable prepared by the Secretariat pursuant to the Manual of Procedures adopted by the Bureau of the Assembly.

<sup>54</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.6 and ICC-ASP/7/Res.7.

*Contractual services*

479. The increase of €250,000 in contractual services mainly reflects the cost of organizing the eleventh session of the Assembly in The Hague instead of New York. The cost structure is different from the years when the Assembly sessions are held at United Nations Headquarters, where there is no need to pay for the rental of conference rooms, or for security, badges and other conference services.

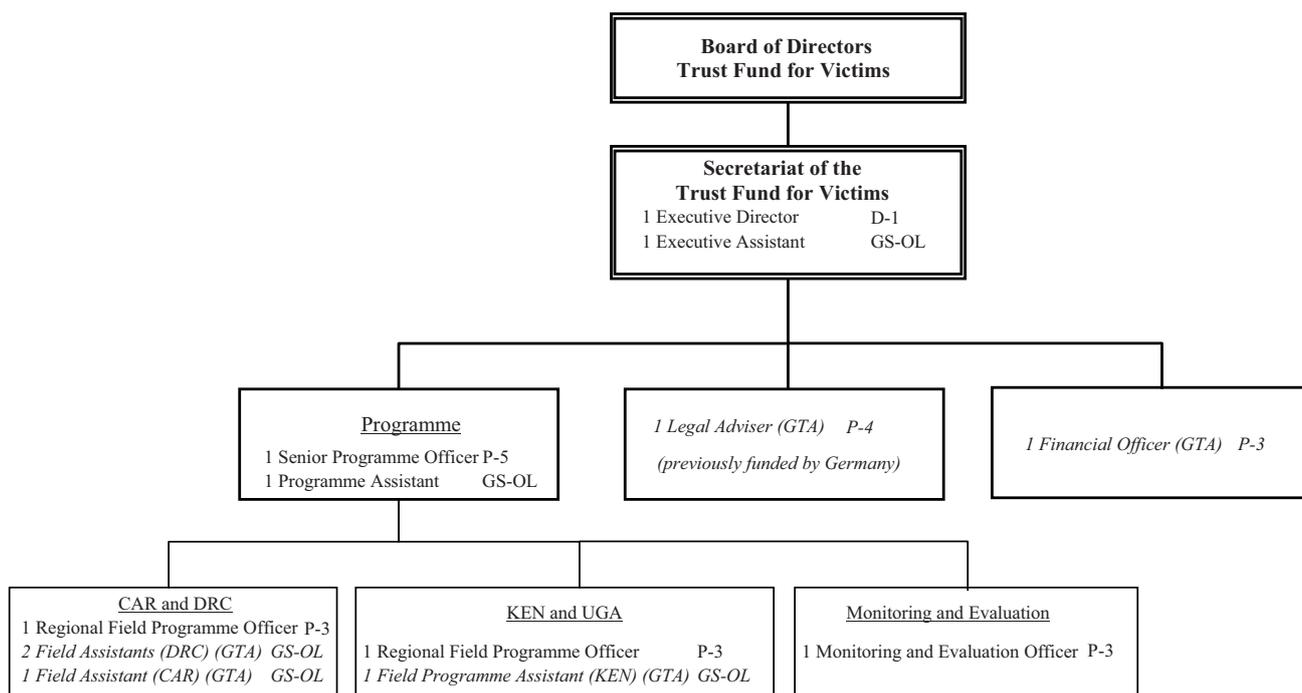
**Table 110: Major Programme IV: Proposed budget for 2012**

Secretariat of the Assembly of States Parties	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff	No breakdown available			568.0		568.0	775.3		775.3	207.3	36.5
General Service staff				275.4		275.4	354.2		354.2	78.8	28.6
<i>Subtotal staff</i>	<i>575.0</i>		<i>575.0</i>	<i>843.4</i>		<i>843.4</i>	<i>1,129.5</i>		<i>1,129.5</i>	<i>286.1</i>	<i>33.9</i>
General temporary assistance	507.0		507.0	424.0		424.0	376.4		376.4	-47.6	-11.2
Temporary assistance for meetings	656.1		656.1	625.0		625.0	557.2		557.2	-67.8	-10.8
Overtime	55.5		55.5	38.0		38.0	38.0		38.0		
Consultants	28.4		28.4								
<i>Subtotal other staff</i>	<i>1,247.0</i>		<i>1,247.0</i>	<i>1,087.0</i>		<i>1,087.0</i>	<i>971.6</i>		<i>971.6</i>	<i>-115.4</i>	<i>-10.6</i>
Travel	454.8		454.8	272.8		272.8	225.7		225.7	-47.1	-17.3
Hospitality	13.6		13.6	10.0		10.0	10.0		10.0		
Contractual services	1,223.7		1,223.7	443.0		443.0	693.0		693.0	250.0	56.4
Training				9.0		9.0	9.0		9.0		
General operating expenses	60.6		60.6	29.3		29.3	24.4		24.4	-4.9	-16.7
Supplies and materials	13.7		13.7	23.7		23.7	14.7		14.7	-9.0	-38.0
Equipment including furniture	0.9		0.9	10.0		10.0	5.0		5.0	-5.0	-50.0
<i>Subtotal non-staff</i>	<i>1,767.3</i>		<i>1,767.3</i>	<i>797.8</i>		<i>797.8</i>	<i>981.8</i>		<i>981.8</i>	<i>184.0</i>	<i>23.1</i>
<b>Total</b>	<b>3,589.3</b>		<b>3,589.3</b>	<b>2,728.2</b>		<b>2,728.2</b>	<b>3,082.9</b>		<b>3,082.9</b>	<b>354.7</b>	<b>13.0</b>
Distributed maintenance	20.0		20.0	24.8		24.8	28.0		28.0	3.2	12.9

**Table 111: Major Programme IV: Proposed staffing for 2012**

Secretariat of the Assembly of States Parties	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
Existing	Basic			1		2	1	1		5	2	2	4	9
	Situation-related													
	<i>Subtotal</i>			<i>1</i>		<i>2</i>	<i>1</i>	<i>1</i>		<i>5</i>	<i>2</i>	<i>2</i>	<i>4</i>	<i>9</i>
New/ Converted	Basic							2		2		1	1	3
	Situation-related													
	<i>Subtotal</i>							<i>2</i>		<i>2</i>		<i>1</i>	<i>1</i>	<i>3</i>
Redeployed/ Reclassified/ Returned	Basic													
	Situation-related													
	<i>Subtotal</i>													
<b>Total</b>				<b>1</b>		<b>2</b>	<b>1</b>	<b>3</b>		<b>7</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>12</b>

## E. Major Programme VI: Secretariat of the Trust Fund for Victims



### Introduction

480. The Trust Fund for Victims (“the Fund”) supports activities which address the harm resulting from the crimes under the jurisdiction of the Court by assisting victims to return to a dignified and contributory life within their communities. The Fund fulfils two mandates: (1) administering reparations ordered by the Court against a convicted person,<sup>55</sup> and (2) using other resources for the benefit of victims in accordance with the provisions of article 79 of the Rome Statute.<sup>56</sup> Both mandates provide support to victims of genocide, crimes against humanity and war crimes committed since 1 July 2002.<sup>57</sup>

481. The main priorities of the Fund in 2012 include: improving resource-mobilization and fund-raising results, launching the SAP Grants Management system (which will assist in financial reporting), carrying out an assessment of the Kenya situation, initiating activities in the Central African Republic, evaluating and extending activities in the Democratic Republic of the Congo and northern Uganda as part of developing-country programme-framework strategies, analysing and disseminating results of the victim-impact study, and preparing for Court-ordered reparations.

482. It is envisaged that 2012 will be a vital year for managing the implementation of Court-ordered reparations. Bearing in mind that extending activities to new situations such as Kenya and the Central African Republic will increase the workload of a small Secretariat, support is needed to ensure additional capacity to manage and implement these new priorities, and to maintain programme impact and effectiveness in the DRC and northern Uganda.

483. The eighth meeting of the Board of Directors took place on 21-22 March 2011 in The Hague. The Directors reviewed and approved the proposed 2012 budget and the staffing structure of the Secretariat, including three new GTA positions (Legal Adviser, Financial Officer, and Field Programme Assistant in Kenya). In view of the expected workload in 2012 and the need to guarantee a minimum financial and legal capacity, the current seven established posts and three approved GTA posts, as well as three new requested GTA posts, are necessary in order for the Fund to function effectively.

<sup>55</sup> Rule 98 (2), (3) and (4) of the Rules of Procedure and Evidence.

<sup>56</sup> Rule 98 (5) of the Rules of Procedure and Evidence. For more information on the Fund’s legal basis, please see <http://trustfundforvictims.org/legal-basis>.

<sup>57</sup> As defined in articles 6, 7 and 8 of the Rome Statute.

## Objectives

484. The Fund's overall objective is to respond to the priority needs of the most vulnerable victims and their families under the jurisdiction of the Court by providing rehabilitation assistance and/or reparations. The Fund's overall objective can also be aligned with the Court's strategic objectives, including:

1. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence. (SO 6)
2. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks. (SO 8)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- Individual and collective reparations paid when ordered by Chambers.	- Mechanism in place for timely delivery, control and reporting on reparation payments.	95% implementation rate
<b>Objective 2</b>		
- Improved resource base by way of increased voluntary contributions, more diversity in contributors and improved predictability of income.	- Fundraising strategy.	Substantial improvement in income (specific targets to be developed in fundraising strategy).
<b>Objective 3</b>		
- Increased awareness of the role and activities of the Trust Fund for Victims.	- Increased use of communication materials by media, partner organizations, intermediaries and other stakeholders.	Improved visibility in public domain and in affected communities.
<b>Objective 4</b>		
- Efficient administrative structure and operations in place in conformity with applicable regulations and rules.	- Satisfactory report from the External Auditor and Internal Auditor.	No remarks from the External Auditor or the Internal Auditor concerning the Secretariat's control and management practices.
<b>Objective 5</b>		
- Enhanced effectiveness of functions, including grants management, Chamber notifications, and tendering.	- Significant improvement in process and systems management for administering projects in coordination with Registry sections such as LASS, Procurement, and Budget and Finance.	Increased transparency and effectiveness of donor resources and grants management in accordance with the Court's Financial Regulations and Rules

## Staff resources

### Basic resources

#### *Staffing*

485. Recurrent.

#### *General temporary assistance*

486. One P-4 Legal Adviser (12 months, new). At present, the Secretariat of the Trust Fund for Victims does not have specific funding for a Legal Adviser in the regular budget. Legal expertise on non-administrative matters has been provided until now on a temporary basis. Since April 2010, the Trust Fund has secured earmarked funding through a German voluntary contribution to provide for in-house legal expertise at P-4 level, thus ensuring the appropriate professional background for performance of the varied and complex preparatory tasks involved in implementing Court-ordered reparations. The earmarked funding will expire at the end of December 2011. In view of the anticipated triggering of the Fund's mandate on reparations from 2011 onwards, the availability of appropriate in-house legal expertise will be of fundamental importance to respond to Chambers and satisfy

expectations about the development of the Fund as a credible international instrument of reparative justice.

487. One P-3 Financial Officer (12 months, new). During 2009, the Fund Secretariat operated with a P-5 Senior Administrative Officer, redeployed from the Court Registry for one year, to support financial management in the absence of the Executive Director. Since the recruitment of the Executive Director was finalized in September 2010, the Registrar extended the redeployment of the P-5 Senior Administrative Officer until that date. The position is now back in the Immediate Office of the Registrar. The need for in-house financial management capacity was recognized by the External Auditors in their most recent report submitted to the Assembly during its ninth session in December 2010.

#### *Consultants*

488. Provision of expert advice on a wide range of technical issues, including the Fund's visibility and strategic partnership development.

### **Situation-related resources**

#### *Staffing*

489. Recurrent.

#### *General temporary assistance*

490. One GS-OL G-5 Field Programme Assistant (12 months, new). This incumbent will be based in Kenya to support the Trust Fund's activities in-country, together with the Regional Field Officer for Uganda and Kenya based in Kampala.

491. One GS-OL Field Assistant (CAR; 12 months, continued) in lieu of the approved P-3 Field Programme Officer (CAR). To ensure direct oversight and technical support for the Fund's projects in the Central African Republic, as requested by the Board of Directors.

492. Two GS-OL Field Assistants (DRC; 12 months, continued). To support the development and implementation of the Fund's projects in the DRC, with specific emphasis on project follow-up and logistical and administrative support.

#### *Consultants*

493. In addition, consultants will provide assistance to the Fund for conducting outreach activities with victims and affected communities as part of the implementation of reparations, external evaluation and audit of existing programmes, and conducting victim identification and assessments as ordered by the Court. Consultants will also be used to assist with implementation of any Court-ordered reparations, and to carry out external evaluation of general assistance programmes in the DRC, the CAR and northern Uganda.

### **Non-staff resources**

#### **Basic resources**

##### *Travel*

494. Recurrent. For Board-member travel, fund-raising activities and meetings with donors and partners.

##### *Hospitality*

495. Recurrent. For events and receptions aimed at increasing the visibility of the Fund and for resource-mobilization initiatives.

*Contractual services*

496. Recurrent. Provision includes costs for the annual meeting of the Fund's Board of Directors, the external auditors' fee, and printing of communication materials for the Board of Directors, States Parties and other stakeholders and for the development of tools and media for outreach, visibility and partnership development.

*General operating expenses*

497. Recurrent. To cover communications and miscellaneous expenses.

*Supplies and materials*

498. Recurrent. For basic office supplies and other expendable office materials.

**Situation-related resources***Travel*

499. Recurrent. For reparation-related travel and visiting projects and partners to support project monitoring, evaluation and reporting. Provision has increased due to greater resource mobilization activities, especially for reparations, and expansion of activities to the CAR and Kenya.

*Contractual services*

500. Recurrent. For the rental of vehicles in remote areas and external printing of materials for resource-mobilization activities and victim outreach. In addition, services will be needed for the SAP Grant Management support in 2012 and for the research contract for the second phase of the victim-impact survey in the field.

*Training*

501. Recurrent. For training of staff in programme and project reporting in the Management Information System (MIS).

*General operating expenses*

502. Recurrent. To cover logistical expenditures, as the Fund's staff are operating in remote, high-risk locations, where basic infrastructure is absent or deficient. The provision includes cost for supplies and materials for the Fund's new offices in the CAR and Kenya.

**Table 112: Major Programme VI: Proposed budget for 2012**

Secretariat of the Trust Fund for Victims	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation- related		Total	Situation- related		Total	Situation- related		Total	Amount	%
	Basic			Basic			Basic				
Professional staff	No breakdown available			159.0	422.4	581.4	167.1	440.3	607.4	26.0	4.5
General Service staff				60.6	60.6	121.2	63.0	63.0	126.0	4.8	4.0
<i>Subtotal staff</i>	<i>105.6</i>	<i>453.5</i>	<i>559.1</i>	<i>219.6</i>	<i>483.0</i>	<i>702.6</i>	<i>230.1</i>	<i>503.3</i>	<i>733.4</i>	<i>30.8</i>	<i>4.4</i>
General temporary assistance	34.6	78.0	112.6		61.2	61.2	244.8	75.6	320.4	259.2	423.5
Temporary assistance for meetings	3.0		3.0								
Overtime	0.4	0.8	1.2								
Consultants				20.5	8.0	28.5	40.0	90.0	130.0	101.5	356.1
<i>Subtotal other staff</i>	<i>38.0</i>	<i>78.8</i>	<i>116.8</i>	<i>20.5</i>	<i>69.2</i>	<i>89.7</i>	<i>284.8</i>	<i>165.6</i>	<i>450.4</i>	<i>360.7</i>	<i>402.1</i>
Travel	78.1	42.8	120.9	97.6	116.4	214.0	56.5	230.9	287.4	73.4	34.3
Hospitality	0.6		0.6	5.0		5.0	5.0		5.0		
Contractual services	89.0	33.9	122.9	83.5	62.0	145.5	116.0	82.0	198.0	52.5	36.1
Training		11.3	11.3	2.6	24.4	27.0	4.6	42.0	46.6	19.6	72.6
General operating expenses	1.0	10.0	11.0	4.9	13.7	18.6	5.0	17.0	22.0	3.4	18.3
Supplies and materials	1.3		1.3	2.8		2.8	3.0		3.0	0.2	7.1
Equipment including furniture		0.0	0.0				10.0		10.0	10.0	
<i>Subtotal non-staff</i>	<i>170.0</i>	<i>98.0</i>	<i>268.0</i>	<i>196.4</i>	<i>216.5</i>	<i>412.9</i>	<i>200.1</i>	<i>371.9</i>	<i>572.0</i>	<i>159.1</i>	<i>38.5</i>
<b>Total</b>	<b>313.6</b>	<b>630.3</b>	<b>943.9</b>	<b>436.5</b>	<b>768.7</b>	<b>1,205.2</b>	<b>715.0</b>	<b>1,040.8</b>	<b>1,755.8</b>	<b>550.6</b>	<b>45.7</b>
Distributed maintenance	4.5	14.1	18.6	5.5	20.6	26.1	6.2	20.3	26.5	0.4	1.7

**Table 113: Major Programme VI: Proposed staffing for 2012**

Secretariat of the Trust Fund for Victims										Total P- staff and above	GS-PL	GS-OL	Total GS- staff	Total staff
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1					
Existing	Basic			1							1	1	1	2
	Situation-related				1		3				4	1	1	5
	<i>Subtotal</i>			<i>1</i>	<i>1</i>		<i>3</i>				<i>5</i>	<i>2</i>	<i>2</i>	<i>7</i>
New	Basic													
	Situation-related													
	<i>Subtotal</i>													
Redeployed/ Returned	Basic													
	Situation-related													
	<i>Subtotal</i>													
<b>Total</b>			<b>1</b>	<b>1</b>		<b>3</b>					<b>5</b>	<b>2</b>	<b>2</b>	<b>7</b>

## F. Major Programme VII-1: Project Director's Office (permanent premises)

### Introduction

503. The objective of the Project Director's Office (PDO) is to provide the Court with the necessary permanent premises. In 2009, the activities of the PDO started with the architectural design competition and selection. 2011 concerned the continuation of the design phase of the project, namely the final design phase and the initiation of the tendering for the general contractor. 2012 will focus on the continuation and conclusion of the tender for the general contractor and the contract award. Consequently, the project will move into the construction phase.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>	- Project performs in line with the agreed budget.	100%
- To provide the Court with the necessary permanent premises to meet the organization's strategic goals and objectives.	- Tender for general contractor finalized and contract awarded.	100%
	- Construction of the permanent premises started.	20%

### Staff resources

#### Basic resources

##### *General temporary assistance*

504. One GS-OL Document Assistant (3 months, continued). To provide specialized support to prepare the paper documentation system for the execution phase of the project and provide filing and archiving assistance.

#### Non-staff resources

#### Basic resources

##### *Travel*

505. Recurrent. For meetings with Assembly members, the design firm, and material and service vendors.

##### *Contractual services*

506. Recurrent. Costs include external translation services, external printing of communication material, services related to organization of meetings/events.

##### *Training*

507. Recurrent. Costs include training in project management for building projects, as part of competency-related development needs, identified in performance appraisal.

##### *General operating expenses*

508. Recurrent. Cost related to exhibition of the design, transport costs related to external communication events.

##### *Supplies and materials*

509. Recurrent. Cost related to purchase of technical books, publications and subscriptions.

##### *Equipment including furniture*

510. Recurrent: For specialist project management software such as Autocad, Indesign, Vector works, Photoshop, etc.

**Table 114: Major Programme VII-1: Proposed budget for 2012**

Project Director's Office	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Situation-related		Total	Situation-related		Total	Situation-related		Total	Amount	%
	Basic			Basic			Basic				
Professional staff	No breakdown available			274.8		274.8	287.8		287.8	13.0	4.7
General Service staff				60.6		60.6	63.0		63.0	2.4	4.0
<i>Subtotal staff</i>	<i>315.6</i>		<i>315.6</i>	<i>335.4</i>		<i>335.4</i>	<i>350.8</i>		<i>350.8</i>	<i>15.4</i>	<i>4.6</i>
General temporary assistance	26.4		26.4	16.8		16.8	17.4		17.4	0.6	3.6
<i>Subtotal other staff</i>	<i>26.4</i>		<i>26.4</i>	<i>16.8</i>		<i>16.8</i>	<i>17.4</i>		<i>17.4</i>	<i>0.6</i>	<i>3.6</i>
Travel	14.9		14.9	26.2		26.2	27.8		27.8	1.6	6.1
Hospitality	8.6		8.6	5.0		5.0	5.0		5.0		
Contractual services	9.4		9.4	81.0		81.0	110.0		110.0	29.0	35.8
Training				6.2		6.2	11.9		11.9	5.7	91.9
General operating expenses	20.0		20.0	9.7		9.7	10.0		10.0	0.3	3.1
Supplies and materials				1.9		1.9	3.5		3.5	1.6	84.2
Equipment including furniture	0.5		0.5	10.0		10.0	10.0		10.0		
<i>Subtotal non-staff</i>	<i>53.4</i>		<i>53.4</i>	<i>140.0</i>		<i>140.0</i>	<i>178.2</i>		<i>178.2</i>	<i>38.2</i>	<i>27.3</i>
<b>Total</b>	<b>395.4</b>		<b>395.4</b>	<b>492.2</b>		<b>492.2</b>	<b>546.4</b>		<b>546.4</b>	<b>54.2</b>	<b>11.0</b>
Distributed maintenance	6.7		6.7	8.3		8.3	9.3		9.3	1.0	12.5

**Table 115: Major Programme VII-1: Proposed staffing for 2012**

Project Director's Office		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic				1		1					2	1	1	3
	Situation-related														
	<i>Subtotal</i>				<i>1</i>		<i>1</i>					<i>2</i>	<i>1</i>	<i>1</i>	<i>3</i>
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>				<b>1</b>		<b>1</b>					<b>2</b>	<b>1</b>	<b>1</b>	<b>3</b>	

## G. Major Programme VII-2: Permanent Premises Project - Interest

### Introduction

511. The new Major Programme VII-2 has been created in 2011 to report on the interest expected to be paid on loans received by the Court for the Permanent Premises Project. In 2012, the Court estimates it will have to access 16 million euros from the loan. Interest from this loan payment, calculated on a linear basis for the last six months of 2012, amounts to approximately 120,000 euros, which is due in January 2013. Although this amount will be accrued in 2012, it will only be included in the 2013 proposed budget.

## H. Major Programme VII-5: Independent Oversight Mechanism

### Introduction

512. The Independent Oversight Mechanism (IOM) was established by the Assembly in accordance with article 112, paragraph 4, of the Rome Statute to provide independent, effective and meaningful oversight of the Court. The envisaged scope of the IOM's activities includes investigation, evaluation and inspection; at present, it is only the professional investigative capacity that is being implemented. The additional elements of inspection and evaluation may be brought into operation at a later date, subject to a decision of the Assembly.<sup>58</sup>

513. The investigative function of the IOM includes the receipt and investigation of reports of possible misconduct or serious misconduct, including unlawful acts, by elected officials, staff members and contractors/consultants. The IOM exercises operational independence under the authority of the President of the Assembly, and provides quarterly and annual reports on its activities to the Assembly. The operational mandate of the IOM was adopted at the Assembly's ninth session, and the investigative function is expected to be fully operational by 2012.<sup>59</sup>

### Objectives

514. The IOM's overall objective is to provide meaningful and effective oversight of the Court through the provision of an independent, professional and dedicated investigation service. This objective can be subdivided in terms of the one-to-three year strategic objectives of the Court:

1. Maintain and further develop the system in order to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute (SO 2); and
2. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks. (SO 8)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
<b>Objective 1</b>		
- To provide effective and efficient oversight of Court personnel whilst seeking to minimize security risks.	- Completion of investigation reports.	As the IOM is in start-up phase, it is not currently possible to estimate the level of activities
<b>Objective 2</b>		
- Ensure procedural fairness and transparency to guarantee rights in the execution of investigative function.	- Compliance with the IOM Manual of Procedures to ensure fairness throughout the investigative process.	As the IOM is in start-up phase, it is not currently possible to estimate the level of activities

<sup>58</sup> *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I, part II, ICC-ASP/8/Res.1.

<sup>59</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.5.

**Table 116: Major Programme VII-5: Proposed budget for 2012**

Independent Oversight Mechanism	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Amount	%
Professional staff	No breakdown available			196.1		196.1	203.3		203.3	7.2	3.7
General Service staff											
<i>Subtotal staff</i>				<i>196.1</i>		<i>196.1</i>	<i>203.3</i>		<i>203.3</i>	<i>7.2</i>	<i>3.7</i>
General temporary assistance	104.2		104.2								
<i>Subtotal other staff</i>	<i>104.2</i>		<i>104.2</i>								
Travel	3.0		3.0	9.0		9.0	22.5		22.5	13.5	150.0
Contractual services							65.0		65.0	65.0	
General operating expenses				39.0		39.0				-39.0	-100.0
Supplies and materials				19.0		19.0	10.0		10.0	-9.0	-47.4
Equipment including furniture				40.0		40.0	20.0		20.0	-20.0	-50.0
<i>Subtotal non-staff</i>	<i>3.0</i>		<i>3.0</i>	<i>107.0</i>		<i>107.0</i>	<i>117.5</i>		<i>117.5</i>	<i>10.5</i>	<i>9.8</i>
<b>Total</b>	<b>107.2</b>		<b>107.2</b>	<b>303.1</b>		<b>303.1</b>	<b>320.8</b>		<b>320.8</b>	<b>17.7</b>	<b>5.8</b>
Distributed maintenance	4.5		4.5	5.5		5.5	6.2		6.2	0.7	13.2

**Table 117: Major Programme VII-5: Proposed staffing for 2012**

Independent Oversight Mechanism		USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic						1		1		2				2
	Situation-related														
	<i>Subtotal</i>						<i>1</i>		<i>1</i>		<i>2</i>				<i>2</i>
New/ Converted	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>						<b>1</b>		<b>1</b>		<b>2</b>				<b>2</b>	

## Annexes

### Annex I

#### **Draft resolution of the Assembly of States Parties on the proposed programme budget for 2012, the Working Capital Fund for 2012, scale of assessments for the apportionment of expenses of the International Criminal Court, financing appropriations for 2012 and the Contingency Fund**

*The Assembly of States Parties,*

*Having considered* the proposed programme budget for 2012 of the International Criminal Court and the related conclusions and recommendations contained in the Report of the Committee on Budget and Finance on the work of its seventeenth session,

#### **A. Programme budget for 2012**

1. *Approves* appropriations totalling €117,733,000 for the following appropriation sections:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	10,308.3
Major Programme II - Office of the Prosecutor	31,802.7
Major Programme III - Registry	69,916.1
Major Programme IV - Secretariat of the Assembly of States Parties	3,082.9
Major Programme VI - Secretariat of the Trust Fund for Victims	1,755.8
Major Programme VII-1 - Project Director's Office (permanent premises)	546.4
Major Programme VII-2 - Permanent Premises Project – Interest	0.0
Major Programme VII-5 - Independent Oversight Mechanism	320.8
<b>Total</b>	<b>117,733.0</b>

2. *Further approves* the following staffing tables for each of the above appropriation sections:

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat Assembly of States Parties</i>	<i>Secretariat Trust Fund for Victims</i>	<i>Project Director's Office</i>	<i>Independent Oversight Mechanism</i>	<i>Total</i>
USG		1						1
ASG		2	1					3
D-2								0
D-1		2	4	1	1	1		9
P-5	3	12	17		1			33
P-4	3	29	39	2		1	1	75
P-3	21	44	66	1	3			135
P-2	5	47	61	3			1	117
P-1		17	7					24
<i>Subtotal</i>	<i>32</i>	<i>154</i>	<i>195</i>	<i>7</i>	<i>5</i>	<i>2</i>	<i>2</i>	<i>397</i>

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat Assembly of States Parties</i>	<i>Secretariat Trust Fund for Victims</i>	<i>Project Director's Office</i>	<i>Independent Oversight Mechanism</i>	<i>Total</i>
GS-PL	1	1	17	2				21
GS-OL	15	63	267	3	2	1		351
<i>Subtotal</i>	<i>16</i>	<i>64</i>	<i>284</i>	<i>5</i>	<i>2</i>	<i>1</i>		<i>372</i>
<b>Total</b>	<b>48</b>	<b>218</b>	<b>479</b>	<b>12</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>769</b>

## B. Working Capital Fund for 2012

*The Assembly of States Parties,*

*Resolves* that the Working Capital Fund for 2012 shall be established in the amount of €7,405,983, and *authorizes* the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court.

## C. Scale of assessment for the apportionment of expenses of the International Criminal Court

*The Assembly of States Parties,*

*Decides* that, for 2012, the contributions of States Parties shall be assessed in accordance with an agreed scale of assessment, based on the scale adopted by the United Nations for its regular budget applied for 2012 and adjusted in accordance with the principles on which that scale is based.<sup>1</sup>

*Notes* that, in addition, any maximum assessment rate for the largest contributors applicable for the United Nations regular budget will apply to the International Criminal Court's scale of assessments.

## D. Financing appropriations for 2012

*The Assembly of States Parties,*

*Resolves* that, for 2012, budget appropriations amounting to €117,733,000 and the amount for the Working Capital Fund of €7,405,983, approved by the Assembly under part I, paragraph 1, and part II, respectively, of the present resolution, be financed in accordance with regulations 5.1, 5.2 and 6.6 of the Financial Regulations and Rules of the Court.

## E. Contingency Fund

*The Assembly of States Parties,*

*Recalling* its resolutions ICC-ASP/3/Res. 4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res. 4 that requested the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

*Taking note* of the advice of the Committee on Budget and Finance in the reports on the work of its eleventh and thirteenth sessions,

- Decides* to maintain the Contingency Fund at its current level for 2012;
- Decides* that, should the Fund reach a level below €7 million by the end of the year, the Assembly should decide on its replenishment up to an amount it deems appropriate, but no less than €7 million;
- Requests* the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the Contingency Fund.

<sup>1</sup> Rome Statute of the International Criminal Court, article 117.



## Annex III

### Assumptions for the proposed programme budget for 2012

<i>Function</i>	<i>Total</i>
Number of court days in 12 months	215
Number of witnesses appearing in court	59
Number of expert witnesses giving evidence	2
Number of support persons to witnesses	5
Maximum duration of stay per witness	15
Number of accused in custody *	5
Number of defence teams **	7
Number of victims' representatives	12
Number of cells required	6
Number of field presences	5
Extension of judges (in months)	19

\* Number of defendants: 7.

\*\* Legal aid fees only. Including Bemba.

## Annex IV

### List of strategic goals and one-to-three years strategic objectives of the International Criminal Court

<i>Goal 1: A Model of International Criminal Justice</i>	<i>Goal 2: A Well-Recognized and Adequately Supported Institution</i>	<i>Goal 3: A Model of Public Administration</i>
Conduct fair, effective and expeditious public proceedings in accordance with the Rome Statute and with high legal standards, ensuring full exercise of the rights of all participants.	Further enhance awareness of, effect a correct understanding of, and increase support for the Court.	Excel in achieving the desired results with minimal resources and through streamlined structures and processes, while maintaining flexibility, guaranteeing accountability and drawing upon sufficient qualified and motivated staff within a caring environment and a non-bureaucratic culture.
1. Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received.	4. Further cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities.	8. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks.
2. Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute.	5. Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences.	9. Submit sound, accurate and transparent budget proposals necessitating only minor adjustments to the proposed amount and distribution of resources by the Assembly of States Parties.
3. Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity.	6. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence.	10. Attract, care for, and offer career development and advancement opportunities to a diverse staff of the highest quality.
	7. Ensure publicity of all proceedings for local and global audiences.	11. Continue the development of a common ICC culture.

**Annex V(a)****Proposed Court staffing in 2012 by major programme**

<i>Total Court</i>	<i>USG</i>	<i>ASG</i>	<i>D-2</i>	<i>D-1</i>	<i>P-5</i>	<i>P-4</i>	<i>P-3</i>	<i>P-2</i>	<i>P-1</i>	<i>Total P-staff and above</i>	<i>GS-PL</i>	<i>GS-OL</i>	<i>Total GS-staff</i>	<i>Total staff</i>
Major Programme I					3	3	21	5		32	1	15	16	48
Major Programme II	1	2		2	12	29	44	47	17	154	1	63	64	218
Major Programme III		1		4	17	39	66	61	7	195	17	267	284	479
Major Programme IV				1		2	1	3		7	2	3	5	12
Major Programme VI				1	1		3			5		2	2	7
Major Programme VII-1				1		1				2		1	1	3
Major Programme VII-5						1		1		2				2
<b>Grand total</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>9</b>	<b>33</b>	<b>75</b>	<b>135</b>	<b>117</b>	<b>24</b>	<b>397</b>	<b>21</b>	<b>351</b>	<b>372</b>	<b>769</b>

**Annex V(b)****Changes to the staffing table**

<i>Number of posts</i>	<i>Level</i>	<i>From 2011 approved budget</i>	<i>To 2012 proposed budget</i>
<b>Office of the Prosecutor</b>			
Situation - related			
1	P-3	Jurisdiction, Complementarity and Cooperation Division	Planning and Operations Section
1	P-2	Planning and Operations Section	Jurisdiction, Complementarity and Cooperation Division
1	P-2	Planning and Operations Section	Prosecutions Division
2	P-4	Investigation Teams	Prosecutions Division
1	P-3	Investigation Teams	Prosecutions Division
<b>6</b>			
<b>Registry</b>			
Basic			
1	P-2	General Services Section	Outreach Unit
1			
Situation-related			
1	GS-OL	Security and Safety Section	Human Resources Section
1	GS-OL	Security and Safety Section	Budget and Finance Section
2			
<b>3</b>			
<b>Total = 9</b>			

**Annex V(c)****List of reclassifications of General Service category posts 2011**

<i>Number of posts</i>	<i>Level</i>		<i>Section</i>	<i>Functional title</i>
	<i>Previous</i>	<i>New/Approved</i>		
<b>Office of the Prosecutor</b>				
1	G-4	G-5	Services Section	Finance and General Administration Assistant
<b>1</b>				
<b>Registry</b>				
3	G-4	G-5	Human Resources Section	Staffing Assistant
1	G-3	G-4	General Services Section	Facilities Services Clerk
1	G-2	G-3	General Services Section	Handyman
3	G-5	G-6	Budget and Finance Section	Senior Budget and Finance Assistant
1	G-4	G-5	Court Interpretation and Translation Section	Administrative Assistant (Interpretation)
1	G-4	G-5	Court Interpretation and Translation Section	Administrative Assistant (Field Interpretation)
3	G-4	G-5	Victims Participation and Reparations Section	Field Assistant
<b>13</b>				
<b>Total = 14</b>				

**Annex V(d)****Posts converted from GTA**

<i>Number of posts</i>	<i>Level</i>	<i>Sub-programme/Section</i>	<i>Post title</i>
<b>Secretariat of Assembly of States Parties</b>			
Basic			
1	P-2	Secretariat of Assembly of States Parties	Associate Legal Officer
<b>1</b>			
<b>Total = 1</b>			

**Annex V(e)****Salary and entitlements for 2012 – judges (thousands of euros)**

<i>Presidency</i>	<i>Costs</i>
Special allowance President and Vice-Presidents	28.0
<b>Chambers: 18 judges</b>	
Standard salary costs	2,930.0
<i>Judges' pension (pending Allianz quotation)</i>	1,724.3
Common costs	125.0
<i>Subtotal Chambers</i>	4,779.3
<b>Additional requirements 2012</b>	
Provision for costs relating to end of term and newly elected judges	304.6
<i>Subtotal additional requirements</i>	304.6
<b>Total Judiciary</b>	<b>5,111.9</b>

## Annex V(f)

### Standard salary costs for 2012 - Professional and General Service staff at headquarters (thousands of euros)

<i>Post level</i>	<i>Net salary</i>	<i>Common staff costs</i>	<i>Representation allowance</i>	<i>Total</i>
	[1]	[2]	[3]	[1]+[2]+[3]=[4]
USG	164.4	78.1	4.0	246.5
ASG	143.7	68.3	3.0	215.0
D-1	125.9	59.8		185.7
P-5	109.0	51.8		160.7
P-4	90.9	43.2		134.1
P-3	75.2	35.7		110.9
P-2	62.2	29.6		91.8
P-1	62.2	29.6		91.8
GS-PL	59.6	28.3		87.9
GS-OL	47.5	22.6		70.0

Delayed recruitment factors:

- (a) Existing Professional and General Service posts in MP II: ..... 8%
- (b) Existing Professional and General Service posts in all other MPs: ..... 10%

<i>Post level</i>	<i>Delayed recruitment factors</i>		
	<i>(0%)</i>	<i>(8%)</i>	<i>(10%)</i>
USG	246.5	226.8	221.9
ASG	215.0	197.8	193.5
D-1	185.7	170.8	167.1
P-5	160.7	147.9	144.7
P-4	134.1	123.4	120.7
P-3	110.9	102.0	99.8
P-2	91.8	84.5	82.6
P-1	91.8	84.5	82.6
GS-PL	87.9	80.8	79.1
GS-OL	70.0	64.4	63.0

## Annex VI

## Summary table by object of expenditure

Total ICC	Expenditure 2010 (thousands of euros)					Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)			Resource growth 2012 vs 2011	
	Basic	Situation- related	Total*	Cont. Fund	Total incl.CF**	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Judges	6,021.2		6,021.2		6,021.2	5,757.2		5,757.2	5,111.9		5,111.9	-645.3	-11.2
Professional staff	No breakdown available					18,765.1	20,906.5	39,671.6	19,912.0	21,896.4	41,808.4	2,136.8	5.4
General Service staff						10,688.4	9,489.1	20,177.5	11,262.6	9,742.4	21,005.0	827.5	4.1
<i>Subtotal staff</i>	<i>27,047.4</i>	<i>28,698.9</i>	<i>55,746.3</i>		<i>55,746.3</i>	<i>29,453.5</i>	<i>30,395.6</i>	<i>59,849.1</i>	<i>31,174.6</i>	<i>31,638.8</i>	<i>62,813.4</i>	<i>2,964.3</i>	<i>5.0</i>
General temporary assistance	3,393.8	5,478.9	8,872.7	2,537.5	11,410.2	2,215.7	6,734.4	8,950.1	2,604.1	10,908.0	13,512.1	4,562.0	51.0
Temporary assistance for meetings	944.5	72.9	1,017.4	1,158.1	2,175.5	1,060.7	292.5	1,353.2	589.2	429.9	1,019.1	-334.1	-24.7
Overtime	296.9	60.2	357.1	3.6	360.7	288.9	155.3	444.2	297.4	120.8	418.2	-26.0	-5.9
Consultants	151.6	329.0	480.6	232.4	713.0	178.8	303.7	482.5	415.3	421.2	836.5	354.0	73.4
<i>Subtotal other staff</i>	<i>4,786.8</i>	<i>5,941.0</i>	<i>10,727.8</i>	<i>3,931.6</i>	<i>14,659.4</i>	<i>3,744.1</i>	<i>7,485.9</i>	<i>11,230.0</i>	<i>3,906.0</i>	<i>11,879.9</i>	<i>15,785.9</i>	<i>4,555.9</i>	<i>40.6</i>
Travel	1,189.1	3,350.2	4,539.3	158.5	4,697.8	1,095.4	3,506.4	4,601.8	1,177.9	4,309.6	5,487.5	885.7	19.2
Hospitality	46.8		46.8		46.8	57.0		57.0	57.0		57.0		
Contractual services	2,951.1	1,218.6	4,169.7	452.2	4,621.9	1,925.2	1,591.8	3,517.0	2,500.4	1,732.8	4,233.2	716.2	20.4
Training	446.9	403.8	850.7		850.7	466.5	483.3	949.8	678.3	333.2	1,011.5	61.7	6.5
Counsel for Defence		2,896.0	2,896.0		2,896.0		1,099.4	1,099.4		3,583.2	3,583.2	2,483.8	225.9
Counsel for Victims		1,235.0	1,235.0		1,235.0		1,611.8	1,611.8		3,990.5	3,990.5	2,378.7	147.6
General operating expenses	5,629.5	5,472.7	11,102.2	190.9	11,293.1	6,438.2	6,205.7	12,643.9	6,201.7	6,385.4	12,587.1	-56.8	-0.4
Supplies and materials	622.4	435.7	1,058.1		1,058.1	860.0	420.5	1,280.5	882.3	434.5	1,316.8	36.3	2.8
Equipment including furniture	369.9	655.2	1,025.1	406.2	1,431.3	607.5	402.9	1,010.4	1,725.0	30.0	1,755.0	744.6	73.7
<i>Subtotal non-staff</i>	<i>11,255.7</i>	<i>15,667.2</i>	<i>26,922.9</i>	<i>1,207.8</i>	<i>28,130.7</i>	<i>11,449.8</i>	<i>15,321.8</i>	<i>26,771.6</i>	<i>13,222.6</i>	<i>20,799.2</i>	<i>34,021.8</i>	<i>7,250.2</i>	<i>27.1</i>
<b>Total</b>	<b>49,111.1</b>	<b>50,307.1</b>	<b>99,418.2</b>	<b>5,139.4</b>	<b>104,557.6</b>	<b>50,404.6</b>	<b>53,203.3</b>	<b>103,607.9</b>	<b>53,415.1</b>	<b>64,317.9</b>	<b>117,733.0</b>	<b>14,125.1</b>	<b>13.6</b>

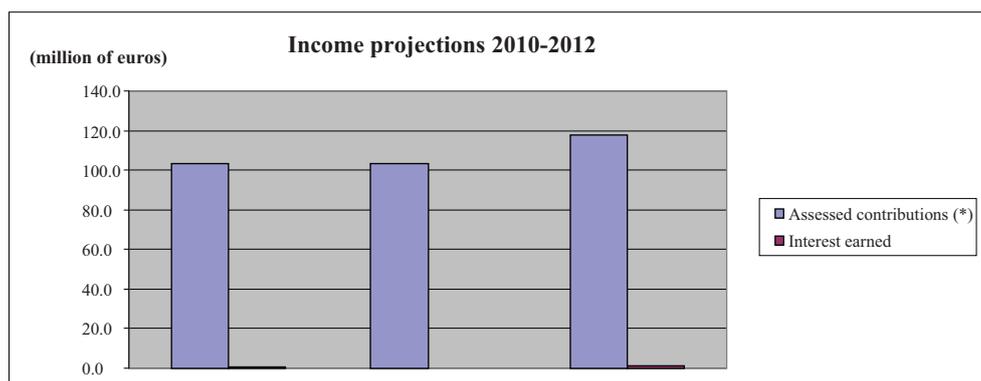
\* Including expenditure for Review Conference, as approved in 2010 budget.

\*\* Not including expenditure for the African Union Liaison Office.

## Annex VII

## Income projections 2010-2012 (millions of euros)

Description	2010	2011	2012
Assessed contributions	103.6	103.6	117.7
Interest earned	0.4	0.2	0.5
<b>Total</b>	<b>104.0</b>	<b>103.8</b>	<b>118.2</b>



## Annex VIII

### 2012 estimated income statements

#### Internship and Visiting Professionals Programme

<i>Item</i>	<i>Euros</i>
<b>Estimated income 2012</b>	
Donor contributions	1,179,839
<i>Subtotal income</i>	<i>1,179,839</i>
<b>Estimated expenditure 2012</b>	
Staffing cost	140,000
Interns and visiting professionals	616,350
Travel	180,000
General operating expenses	99,528
Supplies and materials	66,775
Administration costs	77,186
<i>Subtotal expenditure</i>	<i>1,179,839</i>
<b>Net income 2012</b>	<b>0</b>

#### Least-Developed Countries Trust Fund

<i>Item</i>	<i>Euros</i>
<b>Estimated income 2012</b>	
Donor contributions	60,000
<i>Subtotal income</i>	<i>60,000</i>
<b>Estimated expenditure 2012</b>	
Travel	52,200
Administration costs	7,800
<i>Subtotal expenditure</i>	<i>60,000</i>
<b>Net income 2012</b>	<b>0</b>

## Annex IX

### Proposed budget for 2012 for the African Union Liaison Office (AULO)

In line with resolution ICC-ASP/9/Res.4, section IX,<sup>1</sup> no resources have been allocated to the African Union Liaison Office in the 2012 programme budget. In the event that the African Union should agree to the Court's request to open a liaison office in Addis Ababa, Ethiopia, the Court will notify the Committee on Budget and Finance of the requirement for access to the Contingency Fund up to the amount in the Court's proposed budget for 2011 of €420,900 for the purposes of proceeding with the establishment of the AULO.

African Union Liaison Office	Expenditure 2010 (thousands of euros)			Approved Budget 2011 (thousands of euros)			Proposed Budget 2012 (thousands of euros)		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
<i>Judges</i>	3.6		3.6						
Professional staff							165.4		165.4
General Service staff							63.0		63.0
<i>Subtotal staff</i>	23.5		23.5				228.4		228.4
General temporary assistance	0.1		0.1				69.9		69.9
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>	0.1		0.1				69.9		69.9
Travel	11.5		11.5				15.2		15.2
Hospitality							1.0		1.0
Contractual services							15.6		15.6
Training									
General operating expenses							49.6		49.6
Supplies and materials							5.0		5.0
Equipment including furniture							47.7		47.7
<i>Subtotal non-staff</i>	11.5		11.5				134.1		134.1
<b>Total</b>	<b>38.7</b>		<b>38.7</b>				<b>432.4</b>		<b>432.4</b>

<sup>1</sup> Official Records ... Ninth session ... 2010 (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.4.

## Annex X

### Rent and maintenance of interim premises, July to December 2012

The host State's agreement to provide rent-free interim premises to the Court at The Hague ends on 30 June 2012.<sup>1</sup> Thus, from 1 July 2012 the Court will itself have to bear the rental and maintenance costs of the interim premises.

The table below shows the rent and maintenance costs to be paid by the host State in 2011. Pending final negotiations, and assuming that costs remain unchanged, the cost of six months' rental and maintenance that the Court will have to bear for the second half of 2012 will be €3,112,500.

This can be divided into:

Rent..... €2,762,500

Maintenance ..... €350,000

The figure for maintenance does not include user-maintenance costs, which are budgeted annually under Sub-programme 3250 (General Services Section), under the head of general operating expenses.

<b>Rent 2011</b>	<i>2011</i>
Rent ARC-A	2,450,000
Rent ARC-C	980,000
Rent HAAGSE VESTE	1,675,000
Rent REGULUSWEG	13,000
Rent SATURNUSSTRAAT CAR PARK	330,000
Rent MAANWEG UNNUMBERED	32,500
Rent WEGASTRAAT SATELLITE-VAN PARKING LOT	44,500
<i>Subtotal rent</i>	<i>5,525,000</i>
<b>Maintenance</b>	
ARC Based on experience/forecast	400,000
HAAGSE VESTE Based on new maintenance contracts	300,000
<i>Subtotal maintenance</i>	<i>700,000</i>
<b>Total in 2011</b>	<b>6,225,000</b>
Total estimate for months July to Dec. 2012, based on 2011 figures	3,112,500

<sup>1</sup> *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), part B.1, para. 105; and *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), part B.2, paras. 138-139.

## Annex XI

### The functions of the Senior Executive Officer within the Immediate Office of the Registrar

#### *Background*

1. In 2004 a Budget and Control Section for the Court was created and a P-5 Chief of Section was competitively recruited. The section was responsible for budget preparation, and exercised a monitoring and controlling function for the whole Court.
2. In 2006, the section was reorganized to become the Office of the Controller under the direct supervision of the Registrar, in line with the recommendation of the Committee on Budget and Finance (“the Committee”) at its third session in August 2004, “to ensure a closer relationship with him [the Registrar], given the importance of the planning, budgeting and control function”.<sup>1</sup>
3. In 2008, the Office of the Controller was merged with the Budget and Finance Section and posts in the Office were redeployed to the Common Administrative Services Division (CASD), mainly to the Budget and Finance and Human Resources Sections. As a result, there were two P-5 posts in the reorganized Budget and Finance Section.
4. The report of the External Auditor, issued the same year in July 2008, recommended providing the Secretariat of the Trust Fund for Victims (“the Secretariat”) with adequate administrative resources.<sup>2</sup> Furthermore, the Director of Internal Audit stated in her audit report,<sup>3</sup> issued in August 2008, that the Secretariat’s administrative management required a permanent high-level post.
5. Subsequently, at its eleventh session in September 2008, the Committee proposed that the Assembly approve the recommendations contained in the External Auditor’s report and that the Court ensure their full implementation.<sup>4</sup> The Committee further recommended that one of the two P-5 posts in the reorganized Budget and Finance Section be redeployed from the Registry to the Secretariat.<sup>5</sup>
6. In November 2008, the Assembly approved a one-year redeployment of the P-5 from the Registry to the Secretariat for the year 2009.<sup>6</sup>
7. Accordingly, the P-5 was assigned to the Secretariat to carry out budgetary, controlling, financial and administrative functions during 2009.
8. Subsequently, the Assembly approved in the Court’s programme budget for 2010 the return of the P-5 post to the Immediate Office of the Registry.<sup>7</sup>
9. Considering the continuing need for administrative and financial expertise within the Secretariat, in particular due to the then three vacant posts of the Executive Director, the Monitoring and Evaluation Officer and the Executive Assistant, and in line with the recommendations made by the External Auditor and the Committee for the years 2009 and 2010, the Registrar maintained her active support to the Secretariat in 2010 and tasked the P-5 Senior Executive Officer with assisting the Secretariat and the Fund until the new Executive Director took up his duties.<sup>8</sup> The Registrar’s decision was also supported by and

<sup>1</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part II, A.8.b, para. 81.

<sup>2</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol.II., part C.2, inter alia paras. 6 and 16, and recommendations 2 and 3.

<sup>3</sup> Administrative functioning of the Secretariat of the Trust Fund for Victims, OIA 07.08.

<sup>4</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. II.B.2, para. 19.

<sup>5</sup> *Ibid.*, para. 83.

<sup>6</sup> *Ibid.*, vol. I, part II.E.2, para.23.

<sup>7</sup> *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol.II. part A, para. 383 and annex V(b).

<sup>8</sup> Furthermore, the recent External Auditor’s report entitled: “The audit of the financial statements of the Trust Fund for Victims”, issued in July 2010 (ICC-ASP/9/14), confirmed the Fund’s continued need for adequate financial management and oversight. The External Auditor wrote: “The Fund has been operating with a P-5 Administrative Officer to cover the financial operations ... We understand that with the appointment of a new Director the administrative post will no longer exist within the Secretariat of the Trust Fund and return to the Immediate Office of the Registrar, with current administrative and financial responsibilities transferring to the new Director and Executive Assistant. It will be important to ensure that the necessary level of financial expertise is not lost with the removal of the P-5 administrative role, and that the new Director will have sufficient resources available to cover the necessary financial and administrative functions. The expected growth in voluntary

in line with resolution ICC-ASP/3/Res.7 of September 2004, in which the Assembly requested the Registrar to “provide such assistance as is necessary for the proper functioning of the Board and the Secretariat.”<sup>9</sup>

10. Since 2008, when the current Registrar took up office in April, and the Office of the Controller was merged with the Budget and Finance Section, the Court has continued growing, with a significant increase in staff. Furthermore, all sections have intensified their operations, particularly since the start of the first trials in early 2009; and important decisions with administrative implications were taken, such as the Assembly’s resolution ICC-ASP/7/Res.1 on permanent premises of 21 November 2008.<sup>10</sup>

11. This increase in staff, operations and budget particularly affects the Registry, which is “responsible for the non-judicial aspects of administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42” (article 43 of the Rome Statute).

12. As a result, resource monitoring and planning within the areas of the Registrar’s responsibility have become ever more complex. To remain effective and address this challenge, the Registrar has identified a continuing need for high-level expertise within her Immediate Office. Learning from the experience of comparable international institutions, she has come to the conclusion that an added layer of independent oversight will strengthen the financial governance of the Court.

13. She has therefore tasked the P-5 Senior Executive Officer with developing – together with other members of the Court - an activity-based cost distribution model (ABCD) to identify case- and phase-related costs (examples would be the costs of the *Abakaer Nourain/Jerbo Jamus* case in the pre-trial phase; the *Bemba* case in the trial phase; the *Lubanga* case in the appeals phase). To begin with, the Senior Executive Officer is currently building the ABCD model for the Office of the Registrar and the other offices administratively linked to the Registry.

14. The Registrar’s use of the P-5 Senior Executive Officer thus addresses the possible risks identified in an internal audit on budget control of March 2010,<sup>11</sup> which criticized a lack of organ/divisional-level financial overview to facilitate better financial planning and resources allocation and a lack of ongoing oversight and accountability mechanism to challenge programme managers on how they use the approved budgetary resources in meeting their objectives.

15. The Registrar also seeks to address other administrative challenges, in particular those mentioned in the internal audit report of March 2010,<sup>12</sup> which recommends, inter alia, introducing regular budgetary review meetings at the division and organ level. Such review meetings would provide a platform for more accountability and closer oversight of programme activities. The Registrar endorses this recommendation and proposes that the Senior Executive Officer supports her in the preparation and evaluation of mid- and year-end performance reviews.

16. Furthermore, the Senior Executive Officer has been assigned to ensure the implementation of the internal and external auditors’ recommendations made since 2008; to validate the implementation of these audit recommendations for which the Registry has direct responsibility; and to report on their status to the Registrar, the Deputy Registrar, the Office of Internal Audit and the Audit Committee.

17. Lastly, the Court’s Coordination Council decided in January 2011 to designate the Senior Executive Officer as overall manager of the Court’s trust funds and special accounts, including responsibility for any required adjustments of the Court’s SAP system. Currently, the Senior Executive Officer is designing and testing an improved budgetary control system for trust and special funds in SAP to strengthen control over extrabudgetary funds and facilitate financial reporting.

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contributions once the full online donation facility is functional, and the expectations that Court reparations will be ordered in the near future, will increase the need to ensure adequate financial management and oversight.” See also the Committee’s recommendations in the *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. II.B.2, paras. 83 and 103, and in the *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. II.B.2, para. 106.

<sup>9</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.7, para. 3.

<sup>10</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.1.

<sup>11</sup> Audit on Budget Control, Audit Project number OIA.03-A.09 of 8 March 2010, page 20.

<sup>12</sup> *Ibid.*, p. 21.

## Annex XII

### Introduction to programme and sub-programme functions

- A. Major Programme I: Judiciary
  - 1. Programme 1100: Presidency
    - (a) Administrative function: administration of the Court and coordination among the organs.
    - (b) Judicial function: support to Chambers, enforcement of sentences and other functions conferred upon the Presidency in accordance with the Statute and subsidiary texts.
    - (c) External relations function: broaden the understanding of the work of the Court, and coordinate the Court's external communication activities.
  - 2. Programme 1200: Chambers
    - (a) Pre-trial Division
    - (b) Trial Division
    - (c) Appeals Division
  - 3. Programme 1300: Liaison Offices
    - (a) New York Liaison Office: Enhance interaction and facilitate cooperation between the Court and the United Nations.
- B. Major Programme II: Office of the Prosecutor
  - 1. Programme 2100: The Prosecutor
    - (a) Sub-programme 2110: Immediate Office of the Prosecutor / Legal Advisory Section
      - (i) Strategic function: directs strategies underpinning the Prosecutorial Strategy; evaluation of legal standards and policy; human resource deployment strategy.
      - (ii) Advice function: legal advice to the operational divisions of the Office and coordination of the legal academic network.
    - (b) Sub-programme 2120: Services Section
      - (i) General Administration Unit: budgetary and financial matters, human resources administration and operational support to joint teams and divisions.
      - (ii) Language Services Unit: translation and field interpretation services pertaining to OTP operations.
      - (iii) Knowledge-Base Unit: OTP-specific technology-based services.
      - (iv) Information and Evidence Unit: physical evidence, potential trial exhibits and referrals management.
  - 2. Programme 2200: Jurisdiction, Complementarity and Cooperation Division
    - (a) Situation Analysis
      - (i) Operational function: analysis of situations of interest (new and existing) in terms of interests of justice, complementarity and admissibility issues; analyses of incoming communications and referrals under articles 15 and 53 of the Statute. Provides a dedicated situation analysis capacity to the joint teams for each situation.
      - (ii) Advice function: prepares substantive reports and recommendations for Executive Committee.

- (b) International Cooperation
    - (i) External relations function: international network building, cooperation agreements negotiations and situation-related cooperation. Coordinates requests for assistance.
    - (ii) Judicial Cooperation: coordinates judicial assistance.
    - (iii) International Cooperation and Arrest: implements international cooperation strategies, promotes national efforts and general cooperation on arrest issues.
    - (iv) Provides dedicated international cooperation advisory capacity to each of the joint teams.
  - 3. Programme 2300: Investigation Division
    - (a) Sub-programme 2320: Planning and Operations Section
      - (i) Operational and Investigative Support Unit: support and monitor field operations and security procedures. Provide forensic expertise and working and non-working-language transcriptions and metadata entry resources.
      - (ii) Gender and Children Unit: advice and support in relation to victim/witness issues.
      - (iii) Investigative Strategies and Analysis Unit: develops investigative strategies, conducts crime analysis. Develops investigative and analytical operating standards and further develops networks with national agencies and law enforcement bodies.
    - (b) Sub-programme 2330: Investigation Teams
      - (i) Operational function: comprises the investigative and field operations capacity of the situation-specific joint teams responsible for evidence collection in the field and implementing the investigative strategies and plans.
      - (ii) Dedicated resources collaborate with the Trial Team during the trial and appeals phases.
  - 4. Programme 2400: Prosecution Division
    - (a) Prosecution
      - (i) Judicial function: litigates cases before the Pre-Trial and Trial Divisions, drafts documents containing charges under article 61, paragraph (3) (a), of the Statute and prepares legal submissions.
      - (ii) Advice function: provides legal guidance to the joint teams in developing investigative strategies and case preparation.
    - (b) Appeals
      - (i) Judicial function: litigates in appellate proceedings; prepares legal submissions concerning interlocutory and final appeals and presents oral arguments on appeal.
      - (ii) Advice function: provides legal advice to the Office on appeals and potential appeals.
- C. Major Programme III: Registry
- 1. Programme 3100: Office of the Registrar
    - (a) Sub-programme 3110: Immediate Office of the Registrar
      - (i) Advice function: legal advice to the Registrar and other Court organs. Prepares, negotiates and reviews legal instruments and internal policies and guidelines.
      - (ii) External relations function: liaises with host State on implementation of Headquarters Agreement. Monitors States Parties' cooperation and enactment of legislation.

- (b) Sub-programme 3120: Office of Internal Audit
  - (i) Operational function: determines if financial transactions are being used economically, efficiently, effectively and in compliance with the applicable legislative authority, regulations and rules.
- (c) Sub-programme 3130: Legal Advisory Services Section
  - (i) Operational function: ensure unified and coordinated approach to legal issues common to all organs of the Court; protect the legal interests of the Court and its staff and minimize legal exposure; negotiate and prepare legal instruments including contracts, international agreements and memoranda of understanding; draft and review internal policies and guidelines; represent the Court in legal proceedings.
  - (ii) Advice function: provide legal advice to the Registrar and the sections and/or units of the Registry, and other officials of the Court, on questions regarding the general legal framework which governs the work of the Court relevant to the duties of the Registrar.
- (d) Sub-programme 3140: Security and Safety Section
  - (i) Operational function: responsible for the Court's physical security.
  - (ii) Advice function: general safety advice.
- (e) Sub-programme 3160: Registry Permanent Premises Office
  - (i) Operational function: ensuring that the Court's requirements are met, including quality, schedule and financial control.
  - (ii) Advice function: architectural, functional and technical aspects of new premises.
- (f) Sub-programme 3180: Field Operations Section
  - (i) Operational function: coordinates field offices' activities and monitors their management.
  - (ii) Advice function: advice on field operations' activities.
- (g) Sub-programme 3190: Counsel Support Section
  - (i) Operational function: assists persons seeking legal assistance and defence teams and legal teams for victims, ensures independence of defence teams and legal teams for victims and communicates with other organs and interlocutors outside the Court.
- (h) Sub-programme 3191: Office of Public Counsel for the Defence
  - (i) Operational function: provides support and assistance to defendants and defence teams, and to Chambers.
  - (ii) Office independent of the Registrar.
- (i) Sub-programme 3192: Office of Public Counsel for Victims
  - (i) Operational function: provides support and assistance to the victims and legal representatives of the victims.
  - (ii) Functions independently of the Registrar.

2. Programme 3200: Common Administrative Services Division
  - (a) Sub-programme 3210: Office of the Director
  - (b) Sub-programme 3220: Human Resources Section
    - (i) Recruitment Unit
    - (ii) Staff Administration and Monitoring Unit
    - (iii) Training and Development Unit
    - (iv) Health and Welfare Unit
  - (c) Sub-programme 3240: Budget and Finance Section
    - (i) Accounts Unit: financial management
    - (ii) Payroll Unit
    - (iii) Disbursements Unit
    - (iv) Treasury Unit
    - (v) Contributions Unit
    - (vi) Budget Unit: budget preparation and management
  - (d) Sub-programme 3250: General Services Section
    - (i) Travel Unit
    - (ii) Facilities Management Unit
    - (iii) Logistics and Transportation Unit
    - (iv) Procurement Unit
  - (e) Sub-programme 3260: Information and Communication Technologies Section
    - (i) Operations Unit: provides hardware, software, applications and communications infrastructure. Ensures customer support.
    - (ii) Information Service Unit: develops and supports information systems and applications.
3. Programme 3300: Division of Court Services
  - (a) Sub-programme 3310: Office of the Director
  - (b) Sub-programme 3320: Court Management Section
    - (i) Operational function: organizes court hearings, provides fully operational courtrooms. Supports video links. Manages court hearing information.
  - (c) Sub-programme 3330: Detention Section
    - (i) Operational function: responsible for safe, secure and humane custody of persons detained under the authority of the Court.
  - (d) Sub-programme 3340: Court Interpretation and Translation Section
    - (i) Operational function: responsible for translation and interpretation for Court hearings and other activities, and for field missions of Registry, Chambers and Presidency.
  - (e) Sub-programme 3350: Victims and Witnesses Unit
    - (i) Operational function: facilitates interaction of victims and witnesses with the Court.
    - (ii) Advice function: advice to the Court on appropriate protective measures, security arrangements, counselling and assistance.

- (f) Sub-programme 3360: Victims Participation and Reparations Section
  - (i) Operational function: assists victims and groups of victims. Raises awareness of victims regarding their rights under the Rome Statute. Liaises with the Secretariat of the Trust Fund for Victims regarding the implementation of orders relating to reparation.
- 4. Programme 3400: Public Information and Documentation Section
  - (a) Library and Documentation Centre
    - (i) Operational function: print, non-print and electronic legal information resources.
  - (b) Public Information
    - (i) Operational function: publicizes activities of the Court. Promotes better understanding of the Court's principles. Maintains dialogue with communities where the Court is active.
- D. Major Programme IV: Secretariat of the Assembly of States Parties
  - (a) Operational function: provides administrative and technical assistance and legal and substantive secretariat services to the Assembly of States Parties, its Bureau and subsidiary bodies.
  - (b) Advice function: assists and prepares texts and statements on financial and budgetary matters.
- E. Major Programme VI: Secretariat of the Trust Fund for Victims
  - (a) Operational function: provides assistance to the Board of Directors of the Trust Fund for Victims.
  - (b) Office under full authority of the Board of Directors and attached to the Registry of the Court for administrative purposes.
- F. Major Programme VII-1: Project Director's Office (permanent premises)
  - (a) Operational function: provides the best possible long-term accommodation for the Court at the lowest possible costs.
- G. Major Programme VII-5: Independent Oversight Mechanism
  - (a) Operational function: provides independent, effective and meaningful oversight through investigations, evaluations and inspections.

## Annex XIII

### Glossary of budgetary terms

Appropriation	Amount voted by the Assembly of States Parties for specified purposes for a financial period, against which obligations may be incurred for those purposes and up to the amounts so voted.
Appropriation section	Largest subdivision of the budget of an organization within which transfers may be made without prior approval by the Assembly of States Parties.
Basic costs	Costs which are required to set up and sustain the Court as an organization with a basic capacity to be ready to react to situations before an investigation is opened. Basic costs include the judges, the elected officials with their support, the essential services for maintaining the Court's basic administrative functions and its premises, and the necessary capacity to perform initial analysis, investigative, prosecutorial and judicial functions before the opening of an investigation.
Budget	A plan in financial terms for the carrying out of a programme of activities for a specific period.
Budgetary control	The control or management of an organization in accordance with an approved budget for the purpose of keeping expenditures within the limitations of available appropriations and available revenues.
Common staff costs	Costs, other than salary costs, arising from conditions of employment of the staff.
Contingency Fund	A fund providing for unforeseen expenses.
Extrabudgetary resources	All resources, other than those of the regular budget, administered by the organization.
Financial year	The period from 1 January to 31 December inclusive.
Major Programme	Major function of an organization for which one or more objectives may be set.
New requirement	New items incorporated in the budget due to new activities or an increase in existing activities.
Objective	A desired state to be reached or maintained through one or more activities.
Post	An authorization to employ a person, or a succession of persons, for the performance of work required by the organization.
Previous commitment	Commitment where the full impact of a decision with financial implications is not realized until the second or subsequent year.
Programme	A set of activities directed towards the attainment of one or more defined objectives. In the programme structure, the next lower subdivision of a major programme contributing to the objective or objectives of that major programme.
Programme budget	A budget which focuses upon the work to be undertaken and the objectives sought through that work: it emphasizes the ends to be achieved and translates them into the costs required for their implementation; decisions relate both to resource levels and to results to be achieved.
Programme structure	A hierarchical arrangement of programmes (e.g. major programmes, programmes, sub-programmes and programme elements).

Results-based budgeting	<p>A budget process in which:</p> <ul style="list-style-type: none"><li>(a) organizational units formulate budgets around a set of pre-defined objectives and expected results;</li><li>(b) expected results justify the resource requirements which are derived from and linked to outputs required to achieve such results; and</li><li>(c) actual performance in achieving expected results is measured by performance indicators.</li></ul>
Standard costs	Amounts used for budgeting and budgetary control purposes, representing either target or estimated average unit costs.
Situation-related costs	Costs generated by activities when a decision to open an investigation into a situation has been made (either by the Prosecutor under article 53, or by the Pre-Trial Chamber under article 15, paragraph 4, of the Rome Statute).
Sub-programme	In the programme structure, the next lower subdivision of a programme, contributing to the objective or objectives of that programme.
Temporary posts	Posts of limited duration approved by the appropriate authority within the budgetary provisions therefor.
Trust fund	Account established with specific terms of reference and under specific agreements to record receipts and expenditure of voluntary contributions for the purpose of financing wholly or in part the cost of activities consistent with the organization's aims and policies.
Working Capital Fund	A fund established by the appropriate legislative organ to finance budgetary appropriations pending receipt of States Parties' contributions and for such other purposes as may be authorized.
Zero growth	As defined by the Committee on Budget and Finance, the numerical value of the item or budget does not change. Inflation is not added. This is sometimes known as zero nominal growth.
Zero growth in real terms	Approved budget for current year increased only due to inflation or other price increases for next year, the underlying factors having remained constant.

## Part B

### Reports of the Committee on Budget and Finance

#### 1. Report of the Committee on Budget and Finance on the work of its sixteenth session, April 2011\*

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1 - 11	164
A. Opening of the session, election of officers and adoption of the agenda .....	1 - 10	164
B. Participation of observers.....	11	165
II. Consideration of issues on the agenda of the Committee at its sixteenth session.....	12 - 108	165
A. Review of financial issues.....	12 - 18	165
1. Status of contributions .....	12 - 14	165
2. Cash holdings.....	15 - 16	166
3. Investment of liquid funds .....	17 - 18	166
B. Audit matters.....	19	166
C. Budgetary matters .....	20 - 46	167
1. General comments .....	20	167
2. United Nations Security Council referrals.....	21 - 23	167
3. Contingency Fund.....	24 - 34	167
4. Programme performance of the 2010 budget.....	35 - 41	169
5. Performance of the 2011 budget (first quarter).....	42	169
6. Budget assumptions for 2012 and beyond .....	43 - 46	170
D. Administrative matters.....	47 - 53	170
1. Efficiency measures.....	47	170
2. Analytic accountability .....	48	170
3. International Public Sector Accounting Standards.....	49 - 50	170
4. Procurement.....	51 - 53	171
E. Governance .....	54 - 56	171
F. Human resources.....	57 - 74	172
1. Management.....	58 - 59	172
2. Recruitment.....	60	172
3. General Temporary Assistance .....	61 - 62	172
4. Use of consultants.....	63	173
5. Junior Professional Officers.....	64 - 65	173
6. Conditions of Service.....	66 - 68	173
7. Performance management.....	69	174
8. Reclassifications .....	70 - 72	174
9. Field offices .....	73 - 74	175

\* Previously issued as ICC-ASP/10/5.

G.	Legal aid .....	75 - 77	175
H.	Premises of the Court .....	78 - 103	175
	1. Permanent premises .....	78 - 91	175
	2. Interim premises .....	92 - 103	177
I.	Other matters .....	104 - 108	178
	1. Judges' pension .....	104 - 106	178
	2. Documentation of the Committee .....	107	178
	3. Dates for the seventeenth session of the Committee .....	108	178
Annex I:	Status of contributions as at 11 April 2011 .....		179
Annex II:	Human resources tables .....		181
Annex III:	List of documents .....		192

## I. Introduction

### A. Opening of the session and adoption of the agenda

1. The sixteenth session of the Committee on Budget and Finance (“the Committee”), comprising ten meetings, was held at the seat of the Court in The Hague, from 11 to 15 April 2011. The President of the Court, Mr. Sang-Hyun Song, delivered welcoming remarks at the opening of the session.

2. For the sixteenth session, the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at the 5<sup>th</sup> plenary meeting of its ninth session on 10 December 2010.

3. The Committee expressed its condolences to the government and people of Japan for the tragic loss of lives and the destruction wrought by the events of 11 March 2011.

4. The Committee also expressed its condolences to the staff of the Court and the family of Mr. Alain Kongolo Lubamba, a staff member of the Office of the Prosecutor killed on 4 April 2011 in the airplane crash at Kinshasa airport.

#### *Election of officers*

5. For the sixteenth session, the Committee re-elected Mr. Santiago Wins (Uruguay) as Chairperson, and elected Mr. Juhani Lemmik (Estonia) as Vice-Chairperson by consensus, in accordance with rule 10 of its Rules of Procedure and following the practice of the yearly rotation of the Vice-chair. The Committee expressed its appreciation to the former Vice-Chairperson, Ms. Rossette Nyirinkindi Katungye (Uganda). In accordance with rule 13, the Committee appointed Mr. Masud Husain (Canada) as Rapporteur.

6. The Committee took note of the resignation of Mr. Shinichi Iida (Japan) from his position as member of the Committee following his appointment as Director of Oceania Affairs in the Ministry of Foreign Affairs of Japan. The Committee thanked Mr. Iida for his valuable participation and welcomed the participation of the new member of the Committee, Mr. Masatoshi Sugiura (Japan).<sup>1</sup>

7. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and its Director, Mr. Renan Villacis, acted as Secretary of the Committee.

<sup>1</sup> Mr. Sugiura had been elected by the Bureau of the Assembly on 5 April 2011 to complete the term of Mr. Iida.

8. At its 1st meeting, the Committee adopted the following agenda (CBF/16/1):
  1. Opening of the session
  2. Adoption of the agenda
  3. Election of officers
  4. Participation of observers
  5. Organization of work
  6. Review of financial issues
  7. Audit matters
  8. Budgetary matters
  9. Administrative matters
  10. Governance
  11. Human resources
  12. Legal aid
  13. Premises of the Court
  14. Other matters
9. The following members attended the sixteenth session of the Committee:
  1. David Banyanka (Burundi)
  2. Carolina María Fernández Opazo (Mexico)
  3. Gilles Finkelstein (France)
  4. Fawzi A. Gharaibeh (Jordan)
  5. Masud Husain (Canada)
  6. Juhani Lemmik (Estonia)
  7. Rossette Nyirinkindi Katungye (Uganda)
  8. Gerd Saupe (Germany)
  9. Ugo Sessi (Italy)
  10. Elena Sopková (Slovakia)
  11. Masatoshi Sugiura (Japan)
  12. Santiago Wins (Uruguay)
10. The following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry.

## **B. Participation of observers**

11. The Committee invited the staff council of the Court to make a presentation. In addition Committee members met informally with some members of the Coalition for the International Criminal Court.

## **II. Consideration of issues on the agenda of the Committee at its sixteenth session**

### **A. Review of financial issues**

#### **1. Status of contributions**

12. The Committee reviewed the status of contributions as at 11 April 2011 (annex I). The Committee noted that the outstanding contributions from the previous financial periods had increased to a total of €1,208,000 compared to €615,000 in March 2010. In addition, the Committee expressed concern that, similar to last year, only 48 per cent of the 2011 contributions had been received as of 11 April 2011. The Committee further noted that only 42 States had fully paid all their contributions. The Committee encouraged all States Parties

to make best efforts to ensure that the Court had sufficient funds throughout the year, in accordance with regulation 5.6 of the Financial Regulations and Rules.

13. According to article 112, paragraph 8, of the Rome Statute: “A State Party which is in arrears in the payment of its financial contributions towards 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 proceeding two full years.” The Committee observed that, as at 11 April 2011, 12 States Parties were in arrears and would therefore not be able to vote, in accordance with article 112, paragraph 8. The Committee further observed that the Secretariat had informed States Parties in arrears twice, in December 2010 and February 2011, of the minimum payment required to avoid application of article 112, paragraph 8, of the Statute and of the procedure for requesting an exemption from the loss of voting rights. The Committee requested the Secretariat to again notify States Parties in arrears. Moreover, the Committee recommended that all States in arrears settle their accounts with the Court as soon as possible.

14. As elections for six judges, six members of the Committee and the President of the Assembly will be held at the tenth session of the Assembly, the Committee reminded States in arrears that requests for exemption under article 112, paragraph 8, of the Rome Statute should be submitted by States Parties to the Secretariat of the Assembly at least one month before the session of the Committee (22-31 August 2011), in order to facilitate the Committee’s review of the requests and advise the Assembly accordingly.<sup>2</sup> For that purpose, a sub-group of the Committee will be established.

## **2. Cash holdings**

15. The Committee was informed that, as at 31 March 2011, the Court held approximately €67.7 million. This included cash for the Working Capital Fund of €7.4 million, the Contingency Fund of €9.2 million and the Permanent Premises Fund of €16.2 million.

16. The Committee observed that the implementation rate as at 31 March 2011 was at 31.8 per cent.

## **3. Investment of liquid funds**

17. The Committee heard an oral presentation on the Court’s investment of liquid funds. The Committee was informed that in the first quarter of 2011, investments remained in time deposits and high interest savings accounts. Moreover, the required banking diversification had been achieved both by spreading the Court’s funds across several banks and countries, with funds placed with banks in The Netherlands, France, Germany and the United Kingdom. As the Court’s funds are euro-based, the Committee was informed that the Investment Review Committee had found that there would be no added benefit to expanding outside of Europe as the counterparty risk would remain in Europe in any case.

18. The Committee recommended that the Court continue to monitor the current financial market to ensure appropriate safeguarding of funds and interest rate returns and report annually to the Committee at its April session.

## **B. Audit matters**

19. The Committee was informed by the Director of the Office of Internal Audit that the Audit Committee had held its last meetings from 28 February to 1 March 2011. The Committee took note of the assurance mapping study that was currently being undertaken by external experts. The Committee, reiterating the importance of minimizing duplication between oversight bodies, recalled its recommendations at its fifteenth session<sup>3</sup> and recommended that the Presidency review the terms of reference of the Audit Committee taking into account both the concerns expressed by the Committee and the outcome of the assurance mapping study.

<sup>2</sup> *Official Records ... Fourth session ... 2005* (ICC-ASP/4/32), part III, ICC-ASP/4/Res.4, para. 43.

<sup>3</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B, para. 20.

## C. Budgetary matters

### 1. General comments

20. The Committee noted that for several items (internationally recruited professional staff serving at field locations and a proposed health insurance subsidy scheme) the Court had implemented and was proposing to implement changes that would have financial implications. The Committee recalled the decision of the Assembly that any proposal of the Court which had programme budget implications, whether it be in the short, medium or long term, must be submitted to the Committee for its consideration and be explicitly approved by the Assembly prior to implementation by the Court.<sup>4</sup>

### 2. United Nations Security Council referrals

21. The Committee noted that one of the cost drivers that would have a significant impact upon the Court's budget is the cost of United Nations Security Council referrals. In the case of the referral of the situation in Libya, the tentative estimate by the Court at 11 April 2011 of the programme budget implications for Major Programme II alone was approximately €2 million for the current year; this amount would be increased with the yet to be quantified costs to be incurred by other major programmes. Although the Court would most likely resort to the Contingency Fund in 2011, the costs of the Libya situation would be part of the regular budget in the coming years.

22. Under the terms of the referral, the costs would be borne by the Court, via the contributions of its Assembly of States Parties. The normative regime for the costs related to such referrals is the Relationship Agreement between the Court and the United Nations<sup>5</sup> and United Nations General Assembly resolution 62/12.

23. The Committee noted that the central role played by the Court in international criminal justice brought benefits to the entire international community and suggested that the Assembly might wish to consider engaging with the United Nations General Assembly to explore options to cover the financial burden of future referrals.

### 3. Contingency Fund

24. Given the increase in Court activity and the notifications by the Registrar with respect to accessing the Contingency Fund, the Committee reviewed a number of issues relating to notifications and subsequent reporting on the use of the Fund.

25. The Court had submitted three notifications in 2010 amounting to €8.24 million<sup>6</sup> to cover parallel trials and the Kenya situation. The Committee was informed that the total expenditure was €5.14 million (62.4 per cent). Upon the request of the Committee, the Court submitted an informal paper providing greater details on the use of the Contingency Fund in 2010.

26. During the first quarter of 2011, the Registry submitted two notifications<sup>7</sup> to access the Contingency Fund for a total amount of €0.63 million to cover the transfer of witnesses from the Democratic Republic of the Congo to The Hague, and to cover the legal aid costs for Mr. Callixte Mbarushimana, respectively. The Court informed the Committee that it

<sup>4</sup> Ibid., para. 34.

<sup>5</sup> *Official Records... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.1, annex.

<sup>6</sup> The Court provided supplementary budget notifications to access the Contingency Fund in 2010 to the Committee in the following instances:

(a) By letter dated 18 December 2009, the Registrar submitted a notification for the sum of €3,316,100 to cover parallel trials for the first half of 2010;  
 (b) By letter dated 15 April 2010, the Registrar submitted a short supplementary budget notification for the sum of €1,957,100 in respect of certain unavoidable costs in the new situation, Kenya; and  
 (c) By letter dated 10 May 2010, the Registrar submitted a notification for the sum of €2,968,100 to cover parallel trials for the second half of 2010.

<sup>7</sup> The Court provided supplementary budget notifications to access the Contingency Fund in the first quarter of 2011 to the Committee in the following instances:

(a) By letter dated 28 February 2011, the Registrar submitted a notification for the sum of €229,295 to cover the transfer of witnesses from the Democratic Republic of the Congo to The Hague; and  
 (b) By letter dated 1 March 2011, the Registrar submitted a short supplementary budget notification for the sum of €400,263 to cover the legal aid costs for Mr. Callixte Mbarushimana.

would also submit a notification in order to meet unavoidable costs relating to the Libya situation for an amount likely to be in excess of €3.7 million (including €2 million for MP II as noted in paragraph 21 above).

27. As an initial observation, the Committee took note of the total amount spent in 2010 and the projected amount in 2011. The Committee was of the view that, should this trend continue, it is likely that the issue of replenishing the Contingency Fund will need to be addressed in the near future.

28. In terms of notifications, the Committee noted that the practice in the Registry was to quantify the total notional amount of all resources required by the unforeseen situation and provide this amount in its notification. The Registry would subsequently determine what requirements could be absorbed within the regular budget as the year progressed. The Office of the Prosecutor tended to seek to redistribute its regular resources at the front end and only quantify in the notifications the expenses that could not likely be absorbed.

29. The Committee was informed that this differing approach was necessary because the Office of the Prosecutor was not a service provider for other areas of the Court and therefore could shift resources to new priorities without affecting other organs. The Registry was not in a position to decide at the outset what agreed services it would not provide or to which clients it would not provide them in order to shift resources. It could only seek efficiencies and determine what requirements could be absorbed at a later stage depending on the implementation of its regular budget.

30. The Committee took note of this explanation. That being said, the Committee was concerned that the preliminary budget notification at the beginning of the year could lead to overestimating requirements due to lack of information. Furthermore the notifications did not distinguish between expenses that were inherently short-term (consumables, services) and expenses that may have implications for subsequent regular budgets (staff, furniture and equipment). The Committee was also concerned that non-perishable items such as equipment purchased against the Contingency Fund needed to be integrated into planning for the subsequent year's budget and capital replacement plans. Such purchases made against the Contingency Fund should in principle lead to a lesser requirement for equipment in the subsequent budget.

31. The Committee recommended therefore that the Court enhance the information provided in its notifications. Specifically it requested the Court to provide a detailed description as to why the expenses were unforeseen or unavoidable, itemize in greater detail the proposed resource requirements, including the projected impact on the regular budget for the following year, and indicate the current and projected implementation rate of the regular budget of the Court and of the specific organs involved in the notification.

32. The Committee also requested that the Court provide an update on the status of its implementation of the Contingency Fund expenditure at the Committee's second session each year that would include an update on the implementation rate of the regular budget and implementation of the expenses identified in the notification, a revised estimate, any change in circumstances, and measures taken to find efficiencies and savings to help absorb or mitigate the unforeseen or unavoidable expenses.

33. Furthermore, in order to perform its oversight function adequately, the Committee recommended that the Court provide a clearer accounting of its actual expenditures made in relation to the Contingency Fund. This was particularly important as the tables in the 2010 performance report submitted to the Committee did not distinguish between the implementation of the regular budget and the implementation of the expenses notified under the Contingency Fund. Although consistent with past practice, this approach led to confusion as it was difficult to evaluate the Court's performance against its initial assumptions for the regular budget and did not provide a clear sense of how expenditures had been made from the Contingency Fund. The Committee therefore requested the Court to separate the Contingency Fund implementation from the regular budget in order to provide a more accurate picture and to prepare for IPSAS requirements. The Committee requested the Court to apply this recommendation to the 2010 performance report and to re-issue it to the Assembly.<sup>8</sup>

<sup>8</sup> The 2010 performance report submitted to the Assembly is document ICC-ASP/10/16.

34. Furthermore, the Committee reminded the Court to submit notifications to access the Contingency Fund to the Chairperson of the Committee via the Secretariat in both English and French simultaneously as the 14-day period foreseen in regulation 6.7 of the Financial Regulations and Rules would only begin to run as at the date when the Chairperson of the Committee receives the notifications from the Court in the two working languages of the Court.

#### 4. Programme performance of the 2010 budget

35. The Committee considered the report on programme performance of the International Criminal Court for the year 2010.<sup>9</sup> The Committee noted that, according to preliminary information, the overall implementation rate had been 95.2 per cent or a total of €97.35 million,<sup>10</sup> against an approved budget of €102.25 million. The Committee also noted that the overall implementation rate for the Review Conference had been 107.2 per cent or a total of €1.47 million,<sup>11</sup> against an approved budget of €1.37 million.

36. The Committee recognized the efforts of the Court to absorb the cost of unforeseen expenses in the regular budget.

37. The Committee made a number of recommendations to help improve the presentation of the budget performance. As noted in paragraph 33 above, the Committee recommended that the Court provide separate tables for the implementation of the regular budget and for expenses made against the Contingency Fund.

38. Furthermore, in order to provide a dynamic view of the Court's activities, the Committee requested the Court to consolidate, in tables in an annex, information with regard to the number of missions, documents and pages filed in the case of the Office of the Prosecutor,<sup>12</sup> and the number of defendants, victims' applications, duration of stay of witnesses for the Registry,<sup>13</sup> including tables that reflect the assumption in the proposed programme budget and the actual figures, both for the respective financial period, as well as the prior three years' figures.

39. The Committee noted that there was a significant deviation from the assumptions regarding the witness stays at the seat of the Court, with more witnesses staying for longer periods in The Hague than had been estimated in the 2010 programme budget. This led to an increase of €200,814. The Committee recommended that the Court review the circumstances for the large discrepancy between its initial assumptions and the actual realization with respect to witnesses' presence in The Hague in 2010 and 2011, and report to the Committee at its seventeenth session in terms of the budget assumptions for the 2012 programme budget.

40. The Committee took note of the status of trust funds and recalled that, pursuant to financial regulation 6.5, all trust funds are to be reported through the Committee to the Assembly of States Parties.

41. Recalling its comments from prior sessions, the Committee further recommended that the 2012 budget performance indicators for Major Programme I be reviewed in order to provide better tracking of activities and results achieved. The Committee recommended that the example of other organs of the Court and other international tribunals could be helpful in this regard.

#### 5. Performance of the 2011 budget (first quarter)

42. The Committee considered the report on budget performance of the International Criminal Court as at 31 March 2011.<sup>14</sup> The Committee observed that the implementation rate was at 31.8 per cent and agreed to continue to monitor the situation at its seventeenth session.

<sup>9</sup> CBF/16/9.

<sup>10</sup> Subject to final revision by the External Auditor.

<sup>11</sup> Subject to final revision by the External Auditor.

<sup>12</sup> Paras. 52 to 67 of CBF/16//9.

<sup>13</sup> Paras. 75 to 100 of CBF/16/9.

<sup>14</sup> CBF/16/13 and Corr.1.

## 6. Budget assumptions 2012 and beyond

43. The Committee heard an oral presentation on the provisional budget assumptions for 2012. The Court informed the Committee that it had identified cost drivers that could potentially lead to very significant increases in 2012.

44. The Committee recommended that the Court conduct an in-depth analysis to find efficiency and other savings to help offset these budget increases. The Committee recalled the request of the Assembly for the Court to review its spending priorities.<sup>15</sup>

45. In light of the fact that the first cases before the Court were likely to reach the reparations phase in 2012, the Committee considered the costs associated with that phase. The Committee noted that the issue of the reparations was being dealt with by the following five bodies:

- (a) The Committee;
- (b) The Trust Fund for Victims;
- (c) The Hague Working Group of the Bureau of the Assembly;
- (d) The Study Group on Governance of The Hague Working Group; and
- (e) The Chambers of the Court.

46. The Committee noted that given its mandate it would consider only the financial and budgetary aspects of this issue and thus advised that a number of factors should be taken into account when designing a reparations process such as the existence of any assets of the convicted, fines imposed as part of the sentence and funds available in the Trust Fund for Victims. The Committee recommended that all parties involved with this issue ensure that the financial implications and cost-benefit analysis of various options to deal with the reparations phase be taken into account.

## D. Administrative matters

### 1. Efficiency measures

47. The Committee received a fifth status report on the Court's progress regarding efficiency measures.<sup>16</sup> The Committee reiterated its recommendation to the Court to receive a quantification of the efficiency gains at its seventeenth session.<sup>17</sup>

### 2. Analytic accountability

48. The Committee heard an oral presentation on analytical accountability, according to which the project would be conducted in two phases: phase I (internal preparation and blue print requirements) would last a maximum of three months, and phase II (technical implementation) would start during the third month of phase I and run for approximately three months. The cost of phase I and the preparation for phase II amount to approximately €60,000. The Committee recommended that the Court report annually on this issue at the Committee's April session.

### 3. International Public Sector Accounting Standards

49. The Committee welcomed the report of the Court on the International Public Sector Accounting Standards<sup>18</sup> (IPSAS) and observed that the Court had included a proposed implementation schedule along with its proposed budget. The Committee requested the Court to ensure that it incorporated the budget of IPSAS in its proposed programme budget for 2012.

<sup>15</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part I, B., paras. 36-37.

<sup>16</sup> CBF/16/15.

<sup>17</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B, paras. 35-36.

<sup>18</sup> ICC-ASP/10/3.

50. The Committee also noted that implementation of IPSAS would have a profound effect on the financial management and budgeting procedures of the Court. The Committee therefore reiterated its request that the Court identify potential impacts for the SAP system and amendments that will be required to the Financial Regulations and Rules of the Court, for its April session.<sup>19</sup>

#### 4. Procurement

51. The Committee welcomed the report of the Court on procurement<sup>20</sup> and observed that Court had made considerable progress in enhancing the efficiency and transparency of its procurement practices, inter alia, by cooperating with other international organizations and by posting relevant information on the website of the Court. The Committee invited the Court to further improve the visibility of its procurement activities by adding additional information on all the procurement activities related to the permanent premises, and by centralizing all the information required for those who want to bid for any future services.

52. In addition, the Committee invited the Court to enhance its presentation of information in its report by providing time series over several years with graphs for the procurement activities. The Committee reiterated its previous recommendation from its fourteenth session<sup>21</sup> and the External Auditor's recommendation 14<sup>22</sup> that the Court implement on an urgent basis the declaration of assets for all staff in the Procurement Unit and in the permanent premises project, and to formalize the process of assets declaration in written procedures.

53. The Committee invited the Court to provide an update at its seventeenth session on the procedures and practices relating to procurement for the permanent premises.

#### E. Governance

54. The Committee had before it the report of the Court on governance and heard a presentation by the Chair of the Study Group on Governance,<sup>23</sup> Ambassador Pieter de Savornin Lohman (The Netherlands), in which he informed the Committee that the Study Group had commenced its work and would examine the following issues:

*Cluster 1: Relationship between the Court and the Assembly*

- (a) Extension of judges' terms;
- (b) Election process of judges and of their President/the President of the Court; and
- (c) Scope and mandate of judicial independence vis-à-vis administrative accountability (crosscutting with Cluster 2).

*Cluster 2: Strengthening the institutional framework within the Court*

- (a) Powers and competences of the President of the Court; and
- (b) Follow-up of the internal governance report.<sup>24</sup>

*Cluster 3: Increasing the efficiency of the criminal process*

- (a) Expediting the criminal process; and
- (b) Reparations.

55. The Committee welcomed the briefing and emphasized the potential financial impact on the Court relating to governance structures. The Committee expressed its interest in the results of the Study Group and decided to provide to the Group a compilation of previous recommendations by the Committee on these issues.

56. The Committee also met with the United Nations Office of Internal Oversight Services' experts conducting the assurance mapping study who provided an update on their activities and sought input from the Committee. The Committee provided written responses

<sup>19</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B, para. 65.

<sup>20</sup> CBF/16/2.

<sup>21</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B, para. 44.

<sup>22</sup> *Ibid.*, part C, para. 62.

<sup>23</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.2.

<sup>24</sup> Report of the Court on measures to increase clarity on the responsibility of the different organs (ICC-ASP/9/34).

to the experts including the aforementioned compilation. The Committee expressed its support for this process and looked forward to receiving the report of the experts.

## **F. Human resources**

57. The Committee had before it the report of the Court on human resources management.<sup>25</sup> The Committee expressed concern about the lack of transparency in the recruitment process, the continued imbalance in geographic representation in the Court and the lack of comprehensive written administrative instructions. The Committee observed that the Court needed to improve the dissemination of information about the vacancies at the professional level, in particular as regards under and non-represented States. This was evidenced by the statistics on human resources submitted to the Committee (see annex II).

### **1. Management**

58. The Committee invited the Court to consider budget neutral/low cost alternatives for reaching out to under and non-represented States, such as:

(a) Liaising regularly with the Bureau's focal point on geographical representation and gender balance;

(b) Organizing regular briefings for embassies of such States in The Hague;

(c) Organizing regular briefings for United Nations missions by the New York Liaison Office;

(d) Exploring the use of modern telecommunications to hold video-conference information sessions with interested audiences;

(e) Inviting officials from capitals to visit the Court for an information session or organize information sessions during some of the regional seminars held by the Court for other purposes; and

(f) Explore the possibility of implementing a fast-track recruitment process for nationals of non-represented and under-represented States Parties, as well as other measures in the practice of the United Nations.

59. The Committee recommended that the Court should provide in the context of its human resources report a full account of costs, benefits, problems and prospects related to all forms of recruitment activities (competitive examinations, recruitment missions, etc).

### **2. Recruitment**

60. The Court informed the Committee that it had considered the issue of establishing a confirmation board for recruitment processes as requested by the Committee at its fourteenth session.<sup>26</sup> The Court had decided not to establish such a board due to the concern that this would unduly delay recruitment. The Committee was of the view that, because recruitment in the Court was no longer at the same high levels, the process should be more manageable. The Committee noted that transparency was also very important and that the Court should make improvements in this regard. Therefore, the Committee recommended that the Court establish on a trial basis a confirmation board that includes a representative of Staff Council as is the practice in other international organizations and report to the Committee at its April session.

### **3. General temporary assistance**

61. In response to the Committee's observation on whether the Court has a written policy on general temporary assistance (GTA), the Court advised that it operated with a fully standardized practice with regard to the principles for determining the use of GTA.

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<sup>25</sup> ICC-ASP/10/9.

<sup>26</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B, para. 55.

62. The Committee recalled its request in paragraph 69 of the report of its fifteenth session on need of standard policy and written directives for the use of GTAs in each organ and on the criteria used in such recruitment.

#### 4. Use of consultants

63. The Committee noted that many consultants were hired by the Court to conduct various tasks. The Committee invited the Court to provide more details about the duration and criteria for remuneration of consultants in its future reports and develop a policy and criteria for the hiring of consultants.

#### 5. Junior Professional Officers (JPO)

64. The Committee took note of the information provided by the Court on its proposal for establishing a JPO programme and recommended that the Court refine its proposal to ensure all costs associated with a JPO programme are identified. The Committee recalled that the Court has 763 budgeted posts and a total of 1,120 persons working for the Court.<sup>27</sup> In this regard, it recommended that the Court identify concrete areas where the work of JPOs would be a contribution for the Court without entailing additional bureaucracy and costs. The Committee also recommended that the Court consider the number of JPOs per year that can be accommodated within the premises of the Court, the costs of additional workstations, as well as the costs for administering the programme. These costs should in principle be fully recovered from the sponsoring countries.

65. The Committee recommended that the Court should review and improve all personnel policies and procedures as a matter of priority, with a view to making them simpler, transparent and relevant. These rules and procedures should be consolidated into a Human Resources Management Manual to be used as a main reference source by all programmes covering GTAs, consultants and others, and report to the Committee at its eighteenth session.

#### 6. Conditions of service

66. The Court informed the Committee that in 2010 it had implemented improved conditions of service for internationally recruited professional staff serving at field duty stations in line with conditions applied by the United Nations funds and programmes. The Committee had concerns with the approach taken by the Court. The Committee recalled that, as mentioned in paragraph 20 above, any proposals with budget implications must be explicitly approved by the Assembly, after consideration by the Committee. In that regard, informing the Committee of a review of conditions of service in the field is not the equivalent of an authorization from the Assembly. The Committee was also concerned that the Court chose to adopt the conditions applied by the United Nations funds and programmes. The Committee pointed out that there were other options available to the Court and that the General Assembly had itself decided to harmonize the conditions applied by the funds and programmes with the United Nations Secretariat. The Committee recommended that any application of enhanced conditions of service at field duty stations take into account that the conditions applied by the United Nations funds and programmes will themselves be adjusted. The Committee requested the Court to make a full accounting of the costs of the changes for the conditions of service for internationally recruited professional staff serving at field duty stations, including an explanation of the decision to apply the conditions used by the United Nations funds and programmes and plans to follow the United Nations system as the conditions of the funds and programmes are harmonized with the United Nations Secretariat, and report to the Committee at its eighteenth session.

67. Furthermore, the Court informed the Committee that it was considering offering a health premium subsidy scheme to eligible staff members who retire in or after 2011. The Court was of the view that it could absorb any costs for the next 10-15 years without increasing the programme budget.

<sup>27</sup> Annex II, human resources table 6.

68. The Committee again emphasized that any proposal with direct financial implications for the programme budget must be reviewed by the Committee and approved explicitly by the Assembly, regardless of whether the Court could finance the proposal without increasing the budget. Flexibility and surplus funds should not be used by the Court to cover new long-term obligations without prior explicit approval of the Assembly. As there was insufficient time to properly discuss the specific proposal during this session, the Committee was not in a position to make a recommendation to the Assembly at this point. The Committee, noting that other international organizations offered a 50/50 ratio contribution scheme, was not convinced that the ratio proposed by the Court was appropriate and therefore requested the Court to re-submit the proposal with a more precise calculation on the basis of a 50/50 coverage for consideration at its seventeenth session.

## **7. Performance management**

69. The Court informed the Committee that it continued to apply individual work plans as a basis for evaluating performance and that it planned to issue a new administrative instruction on the matter in the course of 2011. The Committee recommended that the Court consider establishing mechanisms to recognize exceptional service by individuals or teams and commemorating staff who had died in the line of duty, and report to the Committee at its eighteenth session.

## **8. Reclassifications**

70. As regards reclassifications, the Committee welcomed that the Court would not request any reclassifications for the proposed programme budget for 2012, that it would review its approach to reclassification in the context of its revised human resources strategy and that the Committee would be receiving the proposed future approach by the Court for consideration at its eighteenth session.

71. The Committee welcomed the Court assuming the challenge of managing its range of functions, including new ones, with the resources allocated to existing staffing levels. In that regard, the Committee clarified that its recommendation to freeze the number of established positions meant that the Court should not put forward requests for new established positions until a comprehensive justification of all existing posts had been conducted. Hence there should be no net increase of established posts in the 2012 budget. The Committee understood that, should requirements and priorities within an organ change, an established post could be transferred within an organ or between organs as long as there was no net increase. The Committee recommended that the comprehensive justification of all positions start with the D-1 and P-5 levels in all organs. The Committee requested the Court to provide the justification for these positions at its seventeenth session.

72. The Committee also received a report on the skeleton of the Court and the possibility of zero-based budgeting.<sup>28</sup> The Committee was of the view that both reports required further refinement. The Committee clarified that the purpose of the freeze, the consideration of zero-based budgeting and the skeleton was to promote a fundamental review of the processes established within the Court with a view to determining the core activities of the Court, the most efficient way to deliver core activities, and whether processes and procedures implemented during the establishment phase of the Court were still appropriate. The Committee recalled that the Court had had difficulty in defining its staffing requirements for the various court procedures, therefore the Committee recommended that the Court review the report on zero-based budgeting and the skeleton from this perspective and attempt to better define its core requirements. The revised versions of the two reports would thus be submitted by the Court to the Committee for consideration at its eighteenth session.

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<sup>28</sup> CBF/16/12 and CBF/16/14.

## 9. Field offices

73. The Committee heard a presentation by the Registry on field offices wherein the Registry informed the Committee that it would reduce the field presence of the Court to two full field offices, two field presences, as well as a limited Registry presence in Nairobi, Kenya by the end of 2011. After an initial closing cost, this could be expected to have a positive impact on the budget. Equipment would be stored and re-used wherever practicable and economical. The Court informed the Committee that measures to support locally recruited staff in their search for alternate employments were already in place.

74. The Committee welcomed this approach as a positive indication of the development and implementation of a field office strategy and recommended that the informal presentation be converted into a formal document of the Assembly.

## G. Legal aid

75. The Committee considered the report of the Court regarding the desirability of absolute thresholds for the purposes of indigence calculations, the actual expenditure on legal aid in the 2010 budget performance report, the report on the 2011 budget performance as at 31 March 2011 and the forecast for legal aid for 2012 provided by the Court.

76. The Committee observed that there was a very large overspend for legal aid in 2010, as well as a very high implementation rate already in the first quarter of 2011. The Committee noted that legal aid was an increasingly important cost driver and decided to pay special attention to this issue at its next session in the context of the 2012 budget. The Committee also recommended that the Court prepare a more comprehensive report with additional justification for the choice of the current cost-of-living indicators used to determine the threshold for indigence, as well as other possible options, such as International Civil Service Commission (ICSC), given the limited spectrum of countries covered by proposing the use of the Organisation for Economic Co-operation and Development (OECD) standards.

77. To facilitate an informed discussion, the Committee asked the Court to provide an update on the issues which have arisen, and the experience gained, in the determination of indigence of both detainees and their dependants. The update should discuss the methods applied for the collection of evidence, ways to identify concealed assets, the legal tools available for the liquidation of any assets, the role of the financial investigator, and any lessons to be learned from other international tribunals.

## H. Premises of the Court

### 1. Permanent premises

78. The Committee had before it the “Interim report on the activities of the Oversight Committee”<sup>29</sup> and heard presentations from the Chairperson of the Oversight Committee, Mr. Martin Strub, the Acting Project Director, Ms. Ann Janssens, and the Registry who briefed the Committee on the activities of the Oversight Committee, the Project Director’s Office, and the Project Office on Permanent Premises, respectively. The Committee received a further presentation by the Project Manager, Mr. Peter Timmerman.

79. The Committee was informed that, despite the delay caused by the selection of the architect and the time required in the exercise of “value engineering”, which consisted of a series of changes in the design, the project should remain within the approved budget of €190 million at 2014 prices, as well as the timeline now extended to December 2015 for moving into the new premises. The final design phase had started on 1 March 2011 and would take six months.

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<sup>29</sup> CBF/16/10 and Add.1.

80. The Committee was also informed that the budget costs related to the project but not related to the construction (“Box 4 costs”) had been estimated by the Court to amount to approximately €42.2 million, which would need to be disbursed between 2011 and 2015. This amount was in addition to the approved budget of €190 million, as the Box 4 costs, although referred to in prior Assembly resolutions on the permanent premises, had not been susceptible to quantification until the pre-design phase had concluded.

81. The report of the Oversight Committee had divided the Box 4 costs between the integrated user equipment (“3gv elements”), estimated at €22.1 million, and the non-integrated user equipment (“2gv elements”), and estimated at €20.1 million. For 2011 the Court estimated that approximately €2.5 million would be required to finance activities in Box 4.

82. The Chair of the Oversight Committee specifically requested the views of the Committee on financing options for the Box 4 elements. The Oversight Committee had identified three options: an increase of the host State loan up to €212.1 million, under the same conditions (to cover the full 3gv budget); a commercial loan with interest at the charge of the regular budget; an increase of the annual budget of the Court; and the use of the portion of the host State loan that remains unused and/or one-time payments received in order to pay for the 3gv budget. Given the urgency of integrating the 3gv elements into the final design, the Oversight Committee sought the views of the Committee on an expeditious basis.

83. The Committee noted that the information provided concerning the costs of Box 4 was still an initial estimate that had not yet been verified by the Oversight Committee. From this perspective, the Committee was not in a position to endorse the costs. The Committee welcomed the clarification that the Oversight Committee would be undertaking a detailed verification of the cost estimates.

84. The Committee recommended that particular attention be paid to the 2gv costs to ensure that the Court’s current and projected capital replacement plans are fully integrated into the 2gv calculations to avoid double counting; to ensure that new acquisitions will be compatible with the new premises, and that existing equipment be reviewed to provide for maximum use with a view to decreasing the 2gv estimates. For example, the Court informed that it had calculated that it would use 50 per cent of the current furniture. The Committee considered this to be a low estimate given that most of the existing furniture and equipment is new and in excellent condition. The Committee strongly recommended that this estimate be scrutinized carefully by the Oversight Committee with active support from the Court. The Committee also recommended that the Court review its forecasted staffing levels with a view to furnishing only those offices that would be required in the new premises (scalability).

85. With respect to the financing options, the Committee made several observations.

86. The Committee concurred with the Chair of the Oversight Committee that costs and financing for Box 4 were an inevitable and foreseeable part of the project. Given the stage of the project development, it is important for the Assembly to consider the costs and financing options.

87. The Committee noted that there are only four main options for financing the Box 4 costs:

*Option 1:* Using the existing financing mechanisms of the construction project (the host State loan and/or the funds provided by States Parties that made one-time payments);

*Option 2:* Taking a commercial loan;

*Option 3:* Direct payment by States Parties through either the regular budget or through a special project budget; and

*Option 4:* Some combination of the preceding options.

88. The appropriateness, feasibility and desirability of any of the options depended to some extent on the size of the costs. However the terms and conditions of the host State loan and the one-time payments would also have to be considered to determine the feasibility of using option 1.

89. The Committee generally agreed that the 3gv and 2gv costs could be separated and subject to separate financing mechanisms, as well as that the 3gv costs should be dealt with as soon as possible to avoid further delays in the project.

90. The Committee recommended that a financing strategy be developed to deal not only with the Box 4 costs but for any other cost overruns that the project could potentially face. This is particularly important given the reduction of the construction cushion and expenditures already made against the contingency fund of the project.

91. The Committee finally recommended that the issues of governance identified by the External and Internal auditors be addressed as quickly as possible to avoid any further delays.

## 2. Interim premises

92. The Committee noted that the Bureau of the Assembly had considered the issue of interim premises at its 4<sup>th</sup> meeting on 23 March 2011 and had requested the Committee to “take up the matter of interim premises at its forthcoming session”.

93. The Committee had before it a report of the Court to the Bureau on its activities and heard a presentation from the Registrar, as well as from the representative of the host State, Ambassador Joost Andriessen, on the issue of the interim premises.

94. The Court informed the Committee that, as requested by the Assembly, it had continued its formal discussions with the host State on aspects relating to interim premises. Concerning the rent, the Court informed the Committee that it had exhausted its discussion with the host State on extending the rent-free period for the interim premises beyond 30 June 2012.<sup>30</sup> After the approval of the Bureau, a joint letter by the Registrar and the host State, dated 6 April 2011, had been sent to the Rijksgebouwendienst (RGD)<sup>31</sup> with the request to assist the Court in negotiating the lease at a cost of €12,000. This cost would be shared equally between the Court and the Ministry of Foreign Affairs. The Registrar assured the Committee that the negotiations would be closely monitored together with the host State and that she would report to the Committee and the Bureau on the results of the negotiations.

95. The Committee noted that the Bureau had decided that the consideration of interim rent should proceed on two tracks: one that deals with negotiating the lease and the other to determine who will pay the interim rent as of 1 July 2012.

96. The Committee made the following observations.

97. The issue of negotiating the best lease arrangements for the interim premises was a technical matter and the Court should proceed proactively with speed and diligence in its discussions with the host State and the RGD. The Court will need to reassure the Assembly that it has made best efforts to achieve the best terms possible. The Court must also look at possible cost saving measures within the temporary premises to lower potential rental costs such as reviewing its parking needs and the possibility of staff contributions to their parking, as well as minimizing the amount of space that it requires.

98. The issue of who should pay the interim rent as of 1 July 2012 was a political issue that was firmly in the domain of the Assembly of States Parties and the host State. This was not a technical matter that either the Court or the Committee could resolve.

99. However, at a technical level, the Committee noted that the issue of who will pay needed to be resolved quickly as financial liabilities could be incurred and financial decisions would be required that could have a direct and immediate impact on the Court’s proposed programme budget for 2012.

100. In this respect, the Committee recommended that the Bureau appoint, as a matter of priority, one member to act as the main interlocutor with the host State on this issue. The Committee recommended that the member should preferably be based in New York in order to facilitate a direct interaction with the Bureau.

<sup>30</sup> This would imply that as of 1 July 2012 the Court would have to bear a cost of €3.11 million for the period between 1 July and 31 December 2012 and thereafter €6.226 million per year.

<sup>31</sup> A government building agency which leases the building from the landlord.

101. The Committee noted that the Court had specific requirements in terms of courtroom facilities, security, archiving and access that could not be replicated without incurring capital, moving, business disruption and other costs that would likely offset any savings in rental costs for a short-term lease. Therefore, the Committee was of the view that it would be highly unlikely that a move to lower cost rental premises in The Hague would provide a substantial cost saving.

102. The Committee noted that, in its report to the Bureau on interim premises, the Court informed that it had begun studying alternatives to staying in the current interim premises, including "the alternative ... if another State was prepared, at relatively short notice, to provide premises for the Court at nominal or no charge". The Committee recommended that the evaluation of any offers would have to include a detailed cost-benefit analysis in order to avoid additional financial consequences for States Parties, given that under the current scenario the cost associated to interim premises will represent €6.23 million a year.

*Office space for the translation teams of the Secretariat*

103. The Committee recalled its prior recommendations that the Court continue to provide the requisite office space for the translation teams of the Secretariat in the Haagse Veste, which had been possible during the prior years, thus avoiding any budgetary implications for the rental of office space under Major Programme IV.<sup>32</sup>

## **I. Other matters**

### **1. Judges' pension**

104. At its ninth session, the Assembly decided that the issue of the regime that should apply to the two judges elected at the sixth session of the Assembly be referred to the Committee on Budget and Finance for its opinion.<sup>33</sup>

105. In this connection, the Committee had before it the "Report of the Court on the applicability of the former pension regime to Judges Cotte and Nsereko".<sup>34</sup> The Committee noted that the report set out legal principles of this issue and in this connection recalled that its mandate was solely related to administrative and budgetary questions. Therefore, the Committee was not in a position to provide any views on the legal basis of the argument presented by the Presidency.

106. The Committee noted that, should the Assembly so decide, from a budgetary perspective, the costs, according to the information provided, of changing the pension provisions for judges Cotte and Nsereko would be an additional €852,493 that would have to be added to the 2012 budget.

### **2. Documentation of the Committee on Budget and Finance**

107. The Committee reiterated the importance of receiving on time all of the documents requested for each session in order to accomplish its work in a timely and comprehensive manner for the Assembly. While there had been some improvement in presentation of documents available in both working languages, the Committee reiterated that, with accumulated experience, the Court should now be in a position to identify and proactively provide recurrent documents. The Committee reminded the Court that it must provide all necessary information to allow the Committee to conduct its work.

### **3. Dates for the seventeenth session of the Committee**

108. The Committee decided to hold its seventeenth session in The Hague from 22 to 31 August 2011.

<sup>32</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B, para. 89.

<sup>33</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II, para. 35.

<sup>34</sup> ICC-ASP/10/17.

## Annex I

## Status of contributions as at 11 April 2011 (in euros)

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2011 Assessed Contributions</i>	<i>2011 Contributions Received</i>	<i>2011 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
1. Afghanistan	18,996	18,996	-	6,153	40	6,113	6,113
2. Albania	63,084	63,084	-	15,382	15,372	10	10
3. Andorra	68,662	68,662	-	10,767	300	10,467	10,467
4. Antigua and Barbuda	25,307	22,881	2,426	3,076	-	3,076	5,502
5. Argentina	6,393,177	6,393,177	-	441,461	13,118	428,343	428,343
6. Australia	18,299,016	18,299,016	-	2,973,322	2,973,322	-	-
7. Austria	9,282,915	9,282,915	-	1,309,000	1,309,000	-	-
8. Bangladesh	8,975	-	8,975	15,382	-	15,382	24,357
9. Barbados	95,949	95,949	-	12,306	362	11,944	11,944
10. Belgium	11,538,239	11,538,239	-	1,653,555	1,653,555	-	-
11. Belize	10,614	10,614	-	1,538	40	1,498	1,498
12. Benin	18,388	18,388	-	4,615	624	3,991	3,991
13. Bolivia (Plurinational State of)	78,695	69,274	9,421	10,767	-	10,767	20,188
14. Bosnia and Herzegovina	62,518	62,518	-	21,535	245	21,290	21,290
15. Botswana	144,117	144,117	-	27,687	27,687	-	-
16. Brazil	13,956,308	13,956,308	-	2,478,025	35,162	2,442,863	2,442,863
17. Bulgaria	223,404	223,404	-	58,451	58,451	-	-
18. Burkina Faso	20,432	20,432	-	4,615	129	4,486	4,486
19. Burundi	8,990	2,077	6,913	1,538	-	1,538	8,451
20. Cambodia	18,388	18,388	-	4,615	39	4,576	4,576
21. Canada	31,026,274	31,026,274	-	4,932,977	4,932,977	-	-
22. Central African Republic	10,614	2,913	7,701	1,538	-	1,538	9,239
23. Chad	7,455	1,644	5,811	3,076	-	3,076	8,887
24. Chile	439,812	439,812	-	363,013	2,162	360,851	360,851
25. Colombia	1,419,433	1,419,433	-	221,499	4,870	216,629	216,629
26. Comoros	6,183	555	5,628	1,538	-	1,538	7,166
27. Congo	12,433	6,094	6,339	4,615	-	4,615	10,954
28. Cook Islands	3,305	1	3,304	1,538	-	1,538	4,842
29. Costa Rica	327,142	327,142	-	52,298	2,142	50,156	50,156
30. Croatia	543,169	543,169	-	149,204	149,204	-	-
31. Cyprus	445,974	445,974	-	70,757	70,757	-	-
32. Czech Republic	637,375	637,375	-	536,828	536,828	-	-
33. Democratic Republic of the Congo	32,460	32,460	-	4,615	4,615	-	-
34. Denmark	7,760,368	7,760,368	-	1,132,108	1,132,108	-	-
35. Djibouti	10,418	5,197	5,221	1,538	-	1,538	6,759
36. Dominica	10,614	9,318	1,296	1,538	-	1,538	2,834
37. Dominican Republic	245,825	146,467	99,358	64,604	-	64,604	163,962
38. Ecuador	246,434	246,434	-	61,528	845	60,683	60,683
39. Estonia	186,722	186,722	-	61,528	61,528	-	-
40. Fiji	38,077	38,077	-	6,153	4,871	1,282	1,282
41. Finland	5,837,422	5,837,422	-	870,616	870,616	-	-
42. France	65,607,369	65,607,369	-	9,418,342	5,253,517	4,164,825	4,164,825
43. Gabon	101,927	50,929	50,998	21,535	-	21,535	72,533
44. Gambia	10,614	9,322	1,292	1,538	-	1,538	2,830
45. Georgia	34,795	34,795	-	9,229	9,229	-	-
46. Germany	91,268,907	91,268,907	-	12,333,213	6,345,084	5,988,129	5,988,129
47. Ghana	46,150	40,481	5,669	9,229	-	9,229	14,898
48. Greece	6,168,101	6,168,101	-	1,062,890	24,085	1,038,805	1,038,805
49. Guinea	20,841	4,347	16,494	3,076	-	3,076	19,570
50. Guyana	8,990	8,990	-	1,538	1,538	-	-
51. Honduras	57,527	40,510	17,017	12,306	-	12,306	29,323
52. Hungary	2,104,218	2,104,218	-	447,613	447,613	-	-
53. Iceland	385,690	385,690	-	64,604	64,604	-	-
54. Ireland	4,324,266	4,324,266	-	766,019	766,019	-	-
55. Italy	52,989,882	52,989,882	-	7,689,415	2,080,984	5,608,431	5,608,431

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2011 Assessed Contributions</i>	<i>2011 Contributions Received</i>	<i>2011 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
56. Japan	65,221,461	65,221,461	-	19,273,528	8,538,932	10,734,596	10,734,596
57. Jordan	123,891	123,891	-	21,535	487	21,048	21,048
58. Kenya	83,892	83,892	-	18,458	18,458	-	-
59. Latvia	204,638	204,638	-	58,451	58,451	-	-
60. Lesotho	10,614	7,618	2,996	1,538	-	1,538	4,534
61. Liberia	8,990	5,728	3,262	1,538	-	1,538	4,800
62. Liechtenstein	81,730	81,730	-	13,844	13,844	-	-
63. Lithuania	336,881	336,881	-	99,982	99,982	-	-
64. Luxembourg	874,133	874,133	-	138,437	138,437	-	-
65. Madagascar	9,044	1,847	7,197	4,615	-	4,615	11,812
66. Malawi	10,995	9,398	1,597	1,538	-	1,538	3,135
67. Mali	18,388	18,388	-	4,615	1,997	2,618	2,618
68. Malta	164,007	164,007	-	26,149	26,149	-	-
69. Marshall Islands	10,614	8,396	2,218	1,538	-	1,538	3,756
70. Mauritius	116,751	116,751	-	16,920	16,920	-	-
71. Mexico	16,516,789	16,516,789	-	3,623,977	90,812	3,533,165	3,533,165
72. Mongolia	12,152	12,152	-	3,076	40	3,036	3,036
73. Montenegro	11,465	11,465	-	6,153	6,133	20	20
74. Namibia	67,377	67,377	-	12,306	12,306	-	-
75. Nauru	10,614	10,614	-	1,538	1,538	-	-
76. Netherlands	19,023,861	19,023,861	-	2,853,343	2,853,343	-	-
77. New Zealand	2,591,529	2,591,529	-	419,926	419,926	-	-
78. Niger	12,152	7,941	4,211	3,076	-	3,076	7,287
79. Nigeria	541,594	430,163	111,431	119,979	-	119,979	231,410
80. Norway	7,933,582	7,933,582	-	1,339,764	1,339,764	-	-
81. Panama	223,170	223,170	-	33,840	13,736	20,104	20,104
82. Paraguay	91,498	91,498	-	10,767	195	10,572	10,572
83. Peru	928,319	710,695	217,624	138,437	-	138,437	356,061
84. Poland	5,572,065	5,572,065	-	1,273,622	1,273,622	-	-
85. Portugal	5,296,742	5,296,742	-	786,015	786,015	-	-
86. Republic of Korea	21,096,329	20,522,098	574,231	3,476,311	-	3,476,311	4,050,542
87. Republic of Moldova	-	-	-	3,076	-	3,076	3,076
88. Romania	859,540	859,540	-	272,260	272,260	-	-
89. Saint Kitts and Nevis	6,183	6,183	-	1,538	38	1,500	1,500
90. Saint Lucia	256	-	256	1,538	-	1,538	1,794
91. Saint Vincent and the Grenadines	10,418	10,418	-	1,538	26	1,512	1,512
92. Samoa	10,496	10,496	-	1,538	1,538	-	-
93. San Marino	31,223	31,223	-	4,615	4,615	-	-
94. Senegal	50,230	39,822	10,408	9,229	-	9,229	19,637
95. Serbia	238,729	238,729	-	56,913	851	56,062	56,062
96. Seychelles	513	513	-	3,076	3,076	-	-
97. Sierra Leone	10,614	9,316	1,298	1,538	-	1,538	2,836
98. Slovakia	728,902	728,902	-	218,423	218,423	-	-
99. Slovenia	963,305	963,305	-	158,434	158,434	-	-
100. South Africa	3,305,684	3,305,684	-	592,203	592,203	-	-
101. Spain	29,721,044	29,721,044	-	4,886,831	119,898	4,766,933	4,766,933
102. Suriname	6,382	6,382	-	4,615	39	4,576	4,576
103. Sweden	11,032,664	11,032,664	-	1,636,635	1,636,635	-	-
104. Switzerland	12,732,263	12,732,263	-	1,738,155	49,095	1,689,060	1,689,060
105. Tajikistan	12,152	12,152	-	3,076	3,076	-	-
106. The former Yugoslav Republic of Macedonia	60,842	51,480	9,362	10,767	-	10,767	20,129
107. Timor-Leste	10,496	9,057	1,439	1,538	-	1,538	2,977
108. Trinidad and Tobago	285,532	285,532	-	67,680	67,680	-	-
109. Uganda	49,931	49,931	-	9,229	114	9,115	9,115
110. United Kingdom	67,660,246	67,660,246	-	10,158,211	2,539,569	7,618,642	7,618,642
111. United Republic of Tanzania	65,207	65,207	-	12,306	163	12,143	12,143
112. Uruguay	405,145	405,145	-	41,531	1,086	40,445	40,445
113. Venezuela (Bolivarian Republic of)	2,185,095	2,185,095	-	482,992	11,110	471,882	471,882
114. Zambia	19,532	13,378	6,154	6,153	-	6,153	12,307
<b>Total</b>	<b>610,380,846</b>	<b>609,173,299</b>	<b>1,207,547</b>	<b>103,607,900</b>	<b>50,244,658</b>	<b>53,363,242</b>	<b>54,570,789</b>

## Annex II

### Human resources tables

**Table 1: Geographical representation of ICC Professional staff**  
Status as at 31 March 2011

Total number of professionals: 318\*

Total number of nationalities: 75

**Distribution per region:**

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>Africa</b>	Benin	1
	Burkina Faso	1
	Cameroon	1
	Congo, Democratic Republic of the	2
	Côte d'Ivoire	1
	Egypt	4
	Gambia	2
	Ghana	2
	Guinea	1
	Kenya	3
	Lesotho	1
	Malawi	1
	Mali	2
	Niger	3
	Nigeria	5
	Rwanda	1
	Senegal	3
	Sierra Leone	3
	South Africa	8
	Togo	1
Tunisia	1	
Uganda	2	
United Republic of Tanzania	2	
Zimbabwe	1	
	<b>Total</b>	<b>52</b>
<b>Asia</b>	Cyprus	1
	Iran (Islamic Republic of)	4
	Japan	4
	Jordan	1
	Lebanon	2
	Mongolia	1
	Palestinian Territory, Occupied	1
	Philippines	1
	Republic of Korea	2
	Singapore	3
	Sri Lanka	1
	<b>Total</b>	<b>21</b>
<b>Eastern Europe</b>	Albania	1
	Bosnia and Herzegovina	1
	Bulgaria	1
	Croatia	5
	Georgia	1
	Poland	1
	Romania	6
	Russian Federation	1
	Serbia	4
	The former Yugoslav Republic of Macedonia	1
	Ukraine	1
	<b>Total</b>	<b>23</b>

\* Excluding 36 language staff.

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>GRULAC</b>	Argentina	4
	Brazil	2
	Chile	1
	Colombia	5
	Costa Rica	1
	Ecuador	2
	Mexico	2
	Peru	3
	Trinidad and Tobago	4
	Venezuela (Bolivarian Republic of)	2
	<b>Total</b>	<b>26</b>
<b>WEOG</b>	Australia	16
	Austria	3
	Belgium	11
	Canada	14
	Denmark	1
	Finland	3
	France	45
	Germany	16
	Greece	2
	Ireland	4
	Italy	10
	Netherlands	17
	New Zealand	4
	Portugal	3
	Spain	8
	Sweden	1
	Switzerland	1
	United Kingdom	26
United States of America	11	
	<b>Total</b>	<b>196</b>

**Table 2: Geographical representation of professional staff\***  
Status as at 31 March 2011

**Number of staff per post, per region:**

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>D-1</b>	Africa	Lesotho	1
		<i>Africa Total</i>	<i>1</i>
	GRULAC	Ecuador	1
		<i>GRULAC Total</i>	<i>1</i>
	WEOG	Belgium	2
		France	1
		Italy	1
		Netherlands	1
		<i>WEOG Total</i>	<i>5</i>
		<b>D-1 Total</b>	<b>7</b>
<b>P-5</b>	Africa	Kenya	1
		Mali	1
		Senegal	1
		South Africa	3
		<i>Africa Total</i>	<i>6</i>
	Asia	Philippines	1
		Singapore	1
		<i>Asia Total</i>	<i>2</i>
	Eastern Europe	Serbia	1
		<i>Eastern Europe Total</i>	<i>1</i>
	GRULAC	Argentina	1
		Ecuador	1
		<i>GRULAC Total</i>	<i>2</i>

\* Excluding 36 language staff.

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
	WEOG	Australia	1
		Canada	1
		Finland	1
		France	3
		Germany	5
		Ireland	1
		Italy	2
		Spain	2
		United Kingdom	1
		United States of America	2
		<i>WEOG Total</i>	<i>19</i>
		<b>P-5 Total</b>	<b>30</b>
<b>P-4</b>	Africa	Congo, Democratic Republic of the	1
		Côte d'Ivoire	1
		Niger	1
		Nigeria	1
		Sierra Leone	1
		<i>Africa Total</i>	<i>5</i>
	Asia	Iran (Islamic Republic of)	2
		Japan	1
		Jordan	1
		<i>Asia Total</i>	<i>4</i>
	Eastern Europe	Croatia	1
		Romania	1
		<i>Eastern Europe Total</i>	<i>2</i>
	GRULAC	Colombia	1
		Peru	1
		Trinidad and Tobago	3
		<i>GRULAC Total</i>	<i>5</i>
	WEOG	Australia	4
		Belgium	1
		Canada	3
		Denmark	1
		Finland	1
		France	6
		Germany	3
		Italy	2
		Netherlands	6
		Portugal	1
		Spain	1
		United Kingdom	9
		United States of America	1
		<i>WEOG Total</i>	<i>39</i>
		<b>P-4 Total</b>	<b>55</b>
<b>P-3</b>	Africa	Benin	1
		Burkina Faso	1
		Congo, Democratic Republic of the	1
		Egypt	1
		Kenya	1
		Malawi	1
		Mali	1
		Niger	2
		Nigeria	3
		South Africa	4
		United Republic of Tanzania	1
		<i>Africa Total</i>	<i>17</i>
	Asia	Iran (Islamic Republic of)	1
		Mongolia	1
		Republic of Korea	1
		Singapore	2
		<i>Asia Total</i>	<i>5</i>
	Eastern Europe	Albania	1
		Poland	1
		Serbia	1
		Ukraine	1
		<i>Eastern Europe Total</i>	<i>4</i>

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
	GRULAC	Argentina	1
		Brazil	1
		Colombia	4
		Costa Rica	1
		Mexico	1
		Trinidad and Tobago	1
		Venezuela (Bolivarian Republic of)	1
		<i>GRULAC Total</i>	<i>10</i>
	WEOG	Australia	7
		Austria	2
		Belgium	7
		Canada	5
		Finland	1
		France	14
		Germany	4
		Greece	1
		Ireland	3
		Italy	4
		Netherlands	3
		New Zealand	2
		Portugal	2
		Spain	3
		Switzerland	1
		United Kingdom	7
		United States of America	4
		<i>WEOG Total</i>	<i>70</i>
		<b>P-3 Total</b>	<b>106</b>
<b>P-2</b>	Africa	Egypt	3
		Gambia	1
		Ghana	2
		Kenya	1
		Rwanda	1
		Senegal	2
		Sierra Leone	2
		South Africa	1
		Togo	1
		Tunisia	1
		Uganda	1
		United Republic of Tanzania	1
		Zimbabwe	1
		<i>Africa Total</i>	<i>18</i>
	Asia	Cyprus	1
		Iran (Islamic Republic of)	1
		Japan	3
		Lebanon	2
		Palestinian Territory, Occupied	1
		Republic of Korea	1
		Sri Lanka	1
		<i>Asia Total</i>	<i>10</i>
	Eastern Europe	Croatia	3
		Georgia	1
		Romania	3
		Serbia	2
		<i>Eastern Europe Total</i>	<i>9</i>
	GRULAC	Argentina	2
		Brazil	1
		Mexico	1
		Peru	1
		<i>GRULAC Total</i>	<i>5</i>
	WEOG	Australia	4
		Austria	1
		Canada	4
		France	18
		Germany	4
		Greece	1
		Italy	1

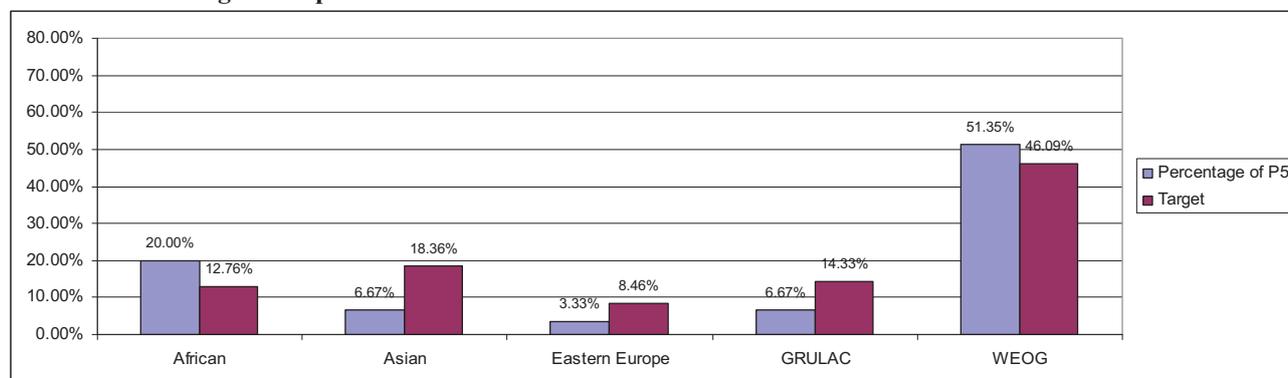
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Netherlands	6
		New Zealand	2
		Spain	1
		Sweden	1
		United Kingdom	8
		United States of America	4
		<i>WEOG Total</i>	<i>55</i>
		<b>P-2 Total</b>	<b>97</b>
<b>P-1</b>	Africa	Cameroon	1
		Gambia	1
		Guinea	1
		Nigeria	1
		Uganda	1
		<i>Africa Total</i>	<i>5</i>
	Eastern Europe	Bosnia and Herzegovina	1
		Bulgaria	1
		Croatia	1
		Romania	2
		Russian Federation	1
		The former Yugoslav Republic of Macedonia	1
		<i>Eastern Europe Total</i>	<i>7</i>
	GRULAC	Chile	1
		Peru	1
		Venezuela (Bolivarian Republic of)	1
		<i>GRULAC Total</i>	<i>3</i>
	WEOG	Belgium	1
		Canada	1
		France	3
		Netherlands	1
		Spain	1
		United Kingdom	1
		<i>WEOG Total</i>	<i>8</i>
		<b>P-1 Total</b>	<b>23</b>
		<b>GRAND TOTAL</b>	<b>318</b>

### Percentage of staff per post, per region

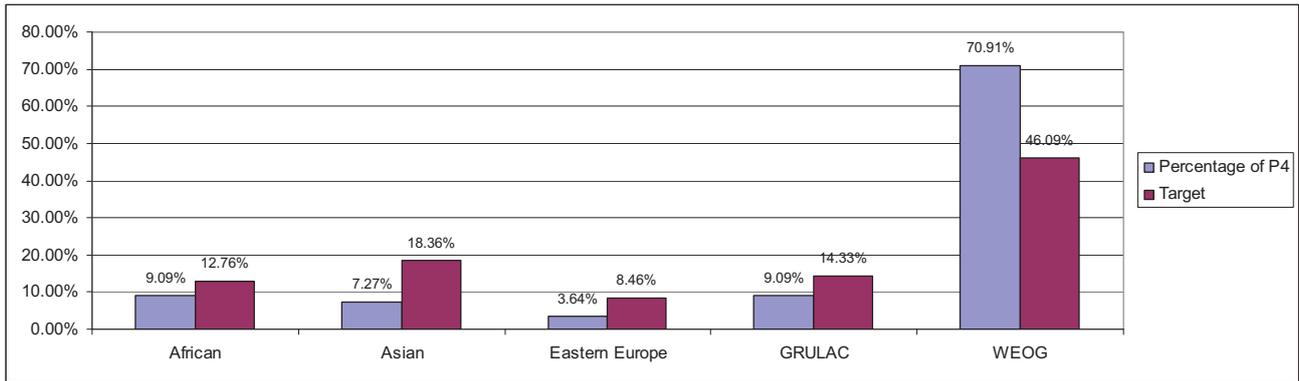
#### Chart 1: Percentage – D-1 posts

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

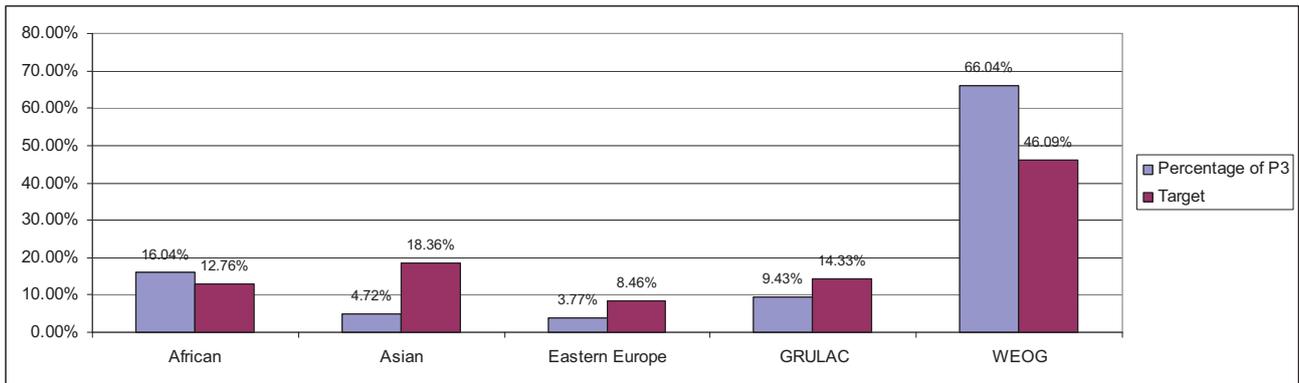
#### Chart 2: Percentage – P-5 posts



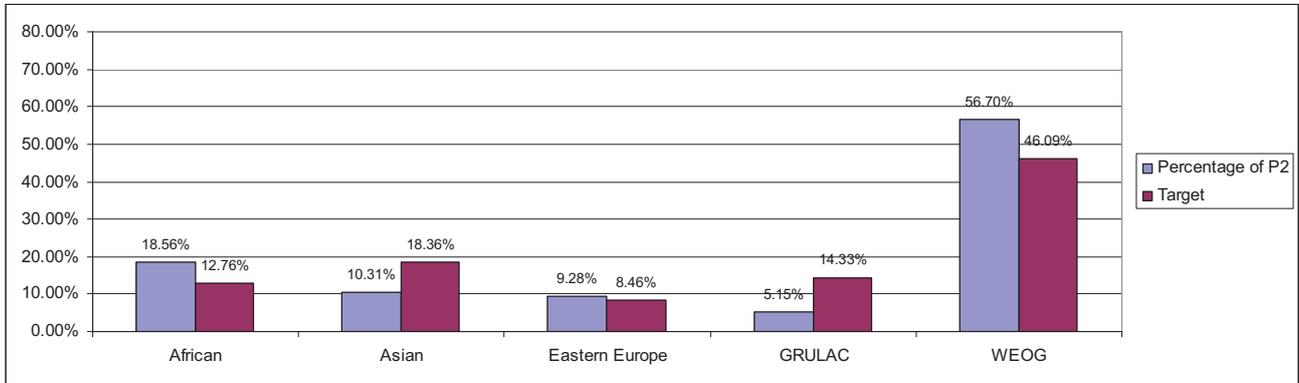
**Chart 3: Percentage – P-4 posts**



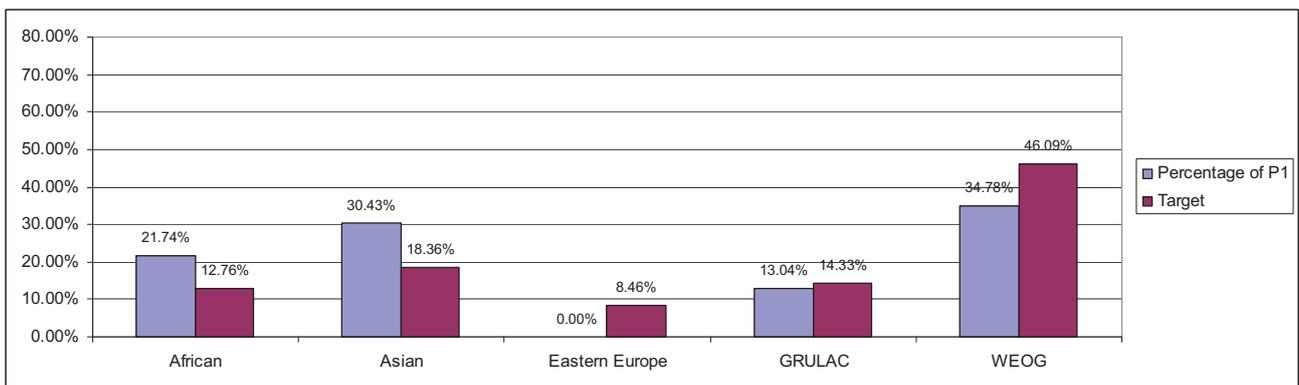
**Chart 4: Percentage – P-3 posts**



**Chart 5: Percentage – P-2 posts**



**Chart 6: Percentage – P-1 posts**



**Table 3: Geographical representation of Professional staff**  
Situation effective 31 March 2011.

<i>Region</i>	<i>Country</i>	<i>Assessment 2011</i>	<i>Desirable range</i>	<i>Midpoint</i>	<i>No. of staff*</i>
<b>African</b>	Benin	0.00445%	1.12 - 1.51	1.31	1
	Botswana	0.02672%	1.10 - 1.49	1.30	
	Burkina Faso	0.00445%	1.16 - 1.58	1.37	1
	Burundi	0.00148%	1.11 - 1.50	1.30	
	Central African Republic	0.00148%	1.08 - 1.46	1.27	
	Chad	0.00297%	1.13 - 1.53	1.33	
	Comoros	0.00148%	1.05 - 1.42	1.24	
	Congo	0.00445%	1.08 - 1.46	1.27	
	Democratic Republic of the Congo	0.00445%	1.52 - 2.06	1.79	2
	Djibouti	0.00148%	1.05 - 1.42	1.24	
	Gabon	0.02078%	1.09 - 1.47	1.28	
	Gambia	0.00148%	1.06 - 1.43	1.25	2
	Ghana	0.00891%	1.23 - 1.66	1.44	2
	Guinea	0.00297%	1.12 - 1.52	1.32	1
	Kenya	0.01782%	1.36 - 1.84	1.60	3
	Lesotho	0.00148%	1.06 - 1.44	1.25	1
	Liberia	0.00148%	1.07 - 1.45	1.26	
	Madagascar	0.00445%	1.19 - 1.61	1.40	
	Malawi	0.00148%	1.16 - 1.56	1.36	1
	Mali	0.00445%	1.14 - 1.55	1.35	2
	Mauritius	0.01633%	1.08 - 1.46	1.27	
	Namibia	0.01188%	1.08 - 1.46	1.27	
	Niger	0.00297%	1.16 - 1.57	1.36	3
	Nigeria	0.11580%	2.33 - 3.16	2.75	5
	Senegal	0.00891%	1.15 - 1.55	1.35	3
	Seychelles	0.00297%	1.05 - 1.42	1.23	
Sierra Leone	0.00148%	1.09 - 1.47	1.28	3	
South Africa	0.57158%	2.33 - 3.15	2.74	8	
Uganda	0.00891%	1.29 - 1.75	1.52	2	
United Republic of Tanzania	0.01188%	1.38 - 1.86	1.62	2	
Zambia	0.00594%	1.15 - 1.55	1.35		
<b>Asian</b>	Afghanistan	0.00594%	1.26 - 1.70	1.48	
	Bangladesh	0.01485%	2.21 - 2.99	2.60	
	Cambodia	0.00445%	1.16 - 1.56	1.36	
	Cook Islands	0.00148%	1.05 - 1.42	1.23	
	Cyprus	0.06829%	1.16 - 1.57	1.37	1
	Fiji	0.00594%	1.06 - 1.43	1.25	
	Japan	18.60237%	32.37 - 43.79	38.08	4
	Jordan	0.02078%	1.12 - 1.52	1.32	1
	Marshall Islands	0.00148%	1.05 - 1.42	1.23	
	Mongolia	0.00297%	1.07 - 1.44	1.26	1
	Nauru	0.00148%	1.05 - 1.42	1.23	
	Republic of Korea	3.35526%	6.87 - 9.30	8.08	2
	Samoa	0.00148%	1.05 - 1.42	1.23	
	Tajikistan	0.00297%	1.10 - 1.49	1.29	
	Timor-Leste	0.00148%	1.05 - 1.43	1.24	
	<b>Eastern European</b>	Albania	0.01485%	1.09 - 1.47	1.28
Bosnia & Herzegovina		0.02078%	1.10 - 1.49	1.30	1
	Bulgaria	0.05642%	1.19 - 1.61	1.40	1
	Croatia	0.14401%	1.31 - 1.77	1.54	5
	Czech Republic	0.51813%	1.96 - 2.66	2.31	
	Estonia	0.05939%	1.15 - 1.56	1.35	
	Georgia	0.00891%	1.09 - 1.47	1.28	1
	Hungary	0.43203%	1.82 - 2.46	2.14	
	Latvia	0.05642%	1.15 - 1.56	1.36	
	Lithuania	0.09650%	1.22 - 1.66	1.44	
	Moldova	0.00297%	1.07 - 1.45	1.26	
	Montenegro	0.00594%	1.06 - 1.43	1.24	
	Poland	1.22927%	3.32 - 4.49	3.91	1
	Romania	0.26278%	1.62 - 2.19	1.91	6
	Serbia	0.05493%	1.20 - 1.63	1.41	4
	Slovakia	0.21082%	1.43 - 1.93	1.68	
	Slovenia	0.15292%	1.31 - 1.77	1.54	
	The former Yugoslav Rep. of Macedonia	0.01039%	1.08 - 1.45	1.26	1

\* Established Professional posts, excluding elected officials and language staff. 35 other Professional staff members are nationals of non-States Parties.

<i>Region</i>	<i>Country</i>	<i>Assessment 2011</i>	<i>Desirable range</i>	<i>Midpoint</i>	<i>No. of staff*</i>	
<b>GRULAC</b>	Antigua and Barbuda	0.00297%	1.05 - 1.42	1.23		
	Argentina	0.42609%	2.02 - 2.74	2.38	4	
	Barbados	0.01188%	1.07 - 1.44	1.25		
	Belize	0.00148%	1.05 - 1.42	1.23		
	Bolivia (Plurinational State of)	0.01039%	1.13 - 1.53	1.33		
	Brazil	2.39173%	6.32 - 8.55	7.43	2	
	Chile	0.35037%	1.74 - 2.35	2.04	1	
	Colombia	0.21379%	1.72 - 2.32	2.02	5	
	Costa Rica	0.05048%	1.16 - 1.57	1.36	1	
	Dominica	0.00148%	1.05 - 1.42	1.23		
	Dominican Republic	0.06235%	1.22 - 1.65	1.43		
	Ecuador	0.05939%	1.24 - 1.67	1.46	2	
	Guyana	0.00148%	1.05 - 1.42	1.24		
	Honduras	0.01188%	1.12 - 1.51	1.31		
	Mexico	3.49778%	7.54 - 10.20	8.87	2	
	Panama	0.03266%	1.12 - 1.52	1.32		
	Paraguay	0.01039%	1.11 - 1.50	1.30		
	Peru	0.13362%	1.47 - 1.99	1.73	3	
	Saint Kitts and Nevis	0.00148%	1.05 - 1.42	1.23		
	Saint Lucia	0.00148%	1.05 - 1.42	1.23		
	Saint Vincent and the Grenadines	0.00148%	1.05 - 1.42	1.23		
	Suriname	0.00445%	1.05 - 1.43	1.24		
	Trinidad and Tobago	0.06532%	1.16 - 1.57	1.36	4	
	Uruguay	0.04008%	1.13 - 1.53	1.33		
	Venezuela (Bolivarian Republic of)	0.46617%	2.01 - 2.72	2.36	2	
	<b>WEOG</b>	Andorra	0.01039%	1.06 - 1.44	1.25	
		Australia	2.86978%	5.89 - 7.97	6.93	16
		Austria	1.26342%	3.17 - 4.29	3.73	3
Belgium		1.59597%	3.73 - 5.05	4.39	11	
Canada		4.76120%	9.07 - 12.27	10.67	14	
Denmark		1.09269%	2.87 - 3.88	3.38	1	
Finland		0.84030%	2.46 - 3.32	2.89	3	
France		9.09037%	16.37 - 22.15	19.26	45	
Germany		11.90374%	21.09 - 28.54	24.81	16	
Greece		1.02588%	2.80 - 3.79	3.29	2	
Iceland		0.06235%	1.15 - 1.55	1.35		
Ireland		0.73934%	2.29 - 3.09	2.69	4	
Italy		7.42165%	13.61 - 18.41	16.01	10	
Liechtenstein		0.01336%	1.07 - 1.44	1.25		
Luxembourg		0.13362%	1.27 - 1.71	1.49		
Malta		0.02524%	1.09 - 1.47	1.28		
Netherlands		2.75398%	5.67 - 7.67	6.67	17	
New Zealand		0.40530%	1.74 - 2.35	2.04	4	
Norway		1.29311%	3.19 - 4.32	3.76		
Portugal		0.75864%	2.36 - 3.19	2.78	3	
San Marino		0.00445%	1.05 - 1.42	1.24		
Spain		4.71666%	9.08 - 12.28	10.68	8	
Sweden		1.57964%	3.69 - 5.00	4.34	1	
Switzerland		1.67763%	3.84 - 5.20	4.52	1	
United Kingdom		9.80447%	17.52 - 23.70	20.61	26	
<b>Total</b>			<b>100.00%</b>		<b>350.00</b>	<b>283</b>

**Table 4: Gender balance of Professional staff by gender\***  
Status as at 31 March 2011

**Judiciary**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	1	1	2
P-4	1	2	3
P-3	11	9	20
P-2	5	0	5

**Office of the Prosecutor**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
USG		1	1
ASG	1		1
D-1	0	2	2
P-5	3	8	11
P-4	10	15	25
P-3	15	27	42
P-2	25	17	42
P-1	11	6	17

**Registry**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG	1		1
D-1	1	3	4
P-5	7	9	16
P-4	18	16	34
P-3	23	37	60
P-2	31	25	56
P-1	5	3	8

**Secretariat of the Assembly of States Parties**

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

**Secretariat of the Trust Fund for Victims**

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

**Project Director's Office**

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

**Grand total**

	<i>F</i>	<i>M</i>	<i>Grand Total</i>
	<b>173</b>	<b>185</b>	<b>358</b>

\* Including elected officials and language staff.

**Table 5: Staff count, actual**

As at 31 March 2011, the actual situation regarding the Court's staff count is as follows:

<i>Staff count</i>	
Established posts	702
Approved GTA	193
Interns	86
Visiting professionals	7
Consultants	49
Elected officials / judges	23
<b>Total</b>	<b>1,060</b>

**Table 6: Staff count, projected**

Based on the approved budget 2011, and on averages of interns, visiting professionals and consultants in the previous years, the Court's headcount at the end of 2011 will be as follows:

<i>Staff count</i>	
Established posts	761
Approved GTA	184
Interns*	90
Visiting professionals	12
Consultants	50
Elected officials / judges	23
<b>Total</b>	<b>1,120</b>

**Table 7: Vacant posts - Established posts**  
Status as at 31 March 2011

<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	Presidency	Presidency	P-5	Chef de Cabinet	1	Post vacated due to resignation.
MP II	Investigation Division	Planning & Operations Section	P-3	Field Operations Officer	1	Pending streamlining operation, will be filled in 2011.
			GS-OL	Field Operations Coordinator	1	Pending streamlining operation, will be filled in 2011.
			GS-OL	Field Operations Assistant	1	Pending streamlining operation, will be filled in 2011.
	Prosecution Division	Prosecution Section	P-5	Senior Trial Lawyer	1	Resignation confirmed, effective date 01 April 2011.
MP III	Immediate Office of the Registrar	Immediate Office of the Registrar	P-3	Staff Council Officer	1	New post in 2010, not vacant as such but funding a Staff Council Representative.
			P-4	Legal Adviser	1	Post vacated due to internal movement.
		Security and Safety Section	P-2	Field Security Officer	1	Post to be redeployed to HQ, pending approval.
			GS-OL	Security Lieutenant (Field) <sup>1</sup>	1	Post advertised as of 30 March 2011.
		Counsel Support Section	P-4	Head, Legal Aid Unit	1	Post vacated due to internal movement; post to be advertised with new profile.
Common Administrative Services Division	General Services Section	GS-PL	Travel Officer	1	Post vacated due to internal movement.	
		GS-OL	Logistics Clerk/Driver	1	Post vacated due to internal movement.	

\* The number of interns fluctuates. It comprises European Union-funded internships as well as unpaid internships.

<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 III	Division of Court Services	Office of the Head, DCS	P-2	Associate Legal Officer	1	Post vacated due to internal movement.
		Court Management Section	G-7	Senior Audio-Visual Assistant	1	Post vacated due to internal movement.
		Detention Section	P-4	Chief Custody Officer	1	Resignation confirmed, effective date 07 October 2011.
		Public Information and Documentation Section	Public Information Unit	P-2	Web Content Manager	1
MP IV	Secretariat of the ASP	Secretariat of the ASP	P-2	Special Assistant to the Director	1	P-4 post returned and P-2 requested and approved instead.
			GS-OL	Administrative Assistant	1	Post vacated due to resignation.
<b>Grand total</b>					<b>18 (17)**</b>	

41 posts are currently under recruitment or advertised. 1 ASG post under MP II is not currently under recruitment.

\* Updated status as at 01 April 2011.

\*\* One post is advertised as of 31 March 2011.

**Table 8: Staffing: approved versus filled posts\***  
Status as at 31 March 2011

	<i>Approved</i> [2]	<i>Filled</i> [3]	<i>Under recruitment</i> [4]	<i>Advertised not under recruitment</i> [5]	<i>Vacancies advertised</i> [6]	<i>% of established posts vacant</i> [(2-3)/2]x100	<i>Vacancy rate (% of established posts)</i> [(AVG(3)-2)/2]x100
Judiciary							
Major Programme I	48	45	2	0	1	6.25%	4.17%
Office of the Prosecutor							
Major Programme II	215	200	10	1	4	6.98%	6.05%
Registry							
Major Programme III	477	443	21	2	11	7.13%	7.34%
Secretariat of the ASP							
Major Programme IV	9	6	1	0	2	33.33%	33.33%
Secretariat of the TFV							
Major Programme VI	7	6	1	0	0	14.29%	14.29%
Project Director's Office							
Major Programme VII-1	3	2	1	0	0	33.33%	33.33%
Independent Oversight Mechanism							
Major Programme VII-5	2	0	2	0	0	100.00%	100.00%
<b>Total ICC</b>	<b>761</b>	<b>702</b>	<b>38</b>	<b>3</b>	<b>18</b>	<b>7.75%</b>	<b>7.62%</b>

<b>Target recruitment</b>	<b>59</b>
<b>Under recruitment</b>	<b>38</b>
<b>Percentage of target</b>	<b>64.4%</b>

\* Excluding elected officials.

## Annex III

### List of documents

CBF/16/1	Provisional agenda
CBF/16/1/Add.1	Annotated list of items included in the provisional agenda
CBF/16/1/Add.1/Rev.1	Annotated list of items included in the provisional agenda
CBF/16/2	Report of the Court on procurement
CBF/16/3	Report of the Court on the implementation of International Public Sector Accounting Standards (IPSAS)
CBF/16/4	Report of the Court regarding the desirability of absolute thresholds for the purposes of indigence calculation
CBF/16/5	Report of the Court on capital investment replacements
CBF/16/6	Report of the Court on the implementation and operation of the governance arrangements
CBF/16/7	Report on the relevant components of common costs calculation for the judges of the International Criminal Court
CBF/16/8	Report of the Court on human resources management
CBF/16/9	Report on programme performance of the International Criminal Court for the year 2010
CBF/16/10	Interim report on the activities of the Oversight Committee
CBF/16/10/Add.1	Interim report on the activities of the Oversight Committee - Addendum
CBF/16/11	Report of the Court on the applicability of the former pension regime to Judges Cotte and Nsereko
CBF/16/12	First feasibility report of the Court on a zero-based budget approach
CBF/16/13	Report on budget performance of the International Criminal Court as at 31 March 2011
CBF/16/13/Corr.1	Report on budget performance of the International Criminal Court as at 31 March 2011 - Corrigendum
CBF/16/14	Report of the Court on its staffing requirements, including “skeleton” Court
CBF/16/15	Fifth status report on the Court’s progress regarding efficiency measures

## 2. Report of the Committee on Budget and Finance on the work of its seventeenth session, August 2011\*

### Contents

	<i>Paragraph</i>	<i>Page</i>
I. Introduction .....	1-10	195
A. Opening of the session and adoption of the agenda .....	5-9	195
B. Participation of observers .....	10	196
II. Consideration of issues on the agenda of the Committee at its seventeenth session .....	11-144	196
A. Strategic Considerations: cost drivers .....	11-26	196
1. Legal aid .....	15	197
2. New situations including Security Council referrals.....	16-20	198
3. Reparations .....	21	198
4. Budgetary process.....	22-23	198
5. Outreach.....	24	199
6. Alternative financing and service delivery .....	25-26	199
B. Review of financial issues.....	27-30	199
1. Status of contributions .....	27	199
2. States in arrears.....	28-29	200
3. Surpluses.....	30	200
C. Audit matters.....	31-39	200
1. Audit reports .....	31-39	200
(a) Financial statements of the Court for the period 1 January to 31 December 2010 .....	31-35	200
(b) Financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2010.....	31-35	200
(c) Report of the Office of Internal Audit .....	36-38	201
(d) Report of the Audit Committee .....	39	201
D. Administrative matters.....	40-48	201
1. Procurement.....	40-41	201
2. Health scheme subsidy.....	42	202
3. Rejustification of senior positions.....	43-47	202
4. Efficiency measures.....	48	202
E. Budgetary matters .....	49-86	202
1. Financial performance data of the 2011 budget as at 30 June 2011.....	49-56	202
(a) Contingency Fund.....	50-55	203
(b) Working Capital Fund .....	56	204
2. Consideration of the 2012 proposed programme budget .....	57-71	204
(a) Assumptions and activities for 2012.....	57-60	204
(b) Presentation and macro analysis .....	61-67	204

\* Previously issued as ICC-ASP/10/15.

	<i>Paragraph</i>	<i>Page</i>
	(c) Supplementary budgets.....	68-71 205
3.	Recommendations of general application on the 2012 proposed programme budget...	72-86 206
	(a) Common system .....	73-77 206
	(b) Travel.....	78 206
	(c) Training .....	79 206
	(d) Consultants .....	80-81 206
	(e) Supplies and materials .....	82 207
	(f) Vacancy rates and staff levels.....	83 207
	(g) Libya.....	84-86 207
F.	Major programmes .....	87-133 207
1.	Major Programme I: Judiciary .....	87-94 207
2.	Major Programme II: Office of the Prosecutor .....	95-98 208
3.	Major Programme III: Registry.....	99-117 208
	(a) Sub-programme 3110: Immediate Office of the Registrar .....	99-100 208
	(b) Sub-programme 3120: Office of Internal Audit .....	101 208
	(c) Sub-programme 3130: Legal Advisory Services Section .....	102 209
	(d) Sub-programme 3140: Security and Safety Section .....	103-106 209
	(e) Sub-programme 3180: Field Operations Section.....	107-109 209
	(f) Sub-programme 3192: Office of Public Counsel for Victims .....	110 209
	(g) Sub-programme 3220: Human Resources Section .....	111-112 210
	(h) Sub-programme 3240: Budget and Finance Section.....	113 210
	(i) Sub-programme 3260: Information and Communication Technologies Section .....	114 210
	(j) Sub-programme 3330: Detention Section.....	115-116 210
	(k) Programme 3400: Public Information and Documentation Section .....	117 210
4.	Major Programme IV: Secretariat of the Assembly of States Parties .....	118-123 210
5.	Major Programme VI: Secretariat of the Trust Fund for Victims .....	124-132 211
6.	Major Programme VII-5: Independent Oversight Mechanism .....	133 212
G.	Premises of the Court .....	134-143 212
1.	Permanent premises .....	134-140 212
2.	Interim premises .....	141-143 213
H.	Other matters.....	144 213
1.	Future meetings.....	144 213
Annex I:	List of documents .....	214
Annex II:	Status of contributions as at 31 August 2011 .....	215
Annex III:	Legal aid.....	218
Annex IV:	Summary of recommendations.....	223
Annex V:	Budgetary implications of the implementation of the recommendations of the Committee on Budget and Finance.....	224

## I. Introduction

1. There have been significant developments for the Court in 2011. On 26 February 2011, the United Nations Security Council referred a situation (Libya) to the International Criminal Court (“the Court”).<sup>1</sup> On 26 August 2011, the Court, for the first time, heard the closing arguments during the trial phase of a case,<sup>2</sup> and is expected to render a judgement late in 2011 or early in 2012.

2. However, cost drivers, some previously forecast or foreseen and others not, have placed heavy pressure on the Court’s proposed programme budget, prompting the Court to notify of possible access to the Contingency Fund, at the same time as the Assembly of States Parties (“the Assembly”) had instructed the Court to draw up budget options for 2012, which costed the full range of core Court activities that could be achieved within the same budget allocation as 2011.<sup>3</sup>

3. The Committee on Budget and Finance (“the Committee”) noted a number of improvements in the 2012 proposed programme budget document but work remained to be done to improve the explanations and justifications for resources. The Committee conducted its examination of the 2012 proposed programme budget on the basis of the general principle of budgetary integrity: requested resources must be in the proposed programme budget and well justified.

4. Due to the budgetary and financial pressures on the Court, the Committee decided to include in this report a section on strategic considerations for managing cost drivers, including options or areas for consideration for costs reductions, as well as possible financing options. The Committee also added an overall summary of its recommendations in annex IV. It is the Committee’s hope that these additions to the report will provide useful input for the Assembly’s consideration of these issues.

### A. Opening of the session and adoption of the agenda

5. The seventeenth session of the Committee was convened in accordance with the decision of the Assembly taken at the 5<sup>th</sup> meeting, on 10 December 2010, of its ninth session, from 6 to 10 December 2010, and the further decision of the Committee on its dates, taken on 15 April 2011. The session, comprising 18 meetings, was held from 22 to 31 August 2011. The President of the Court, Judge Sang-Hyun Song, delivered welcoming remarks at the opening of the session.

6. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and its Director, Mr. Renan Villacis, acted as Secretary of the Committee.

7. The following members attended the seventeenth session of the Committee:

1. David Banyanka (Burundi)
2. Carolina María Fernández Opazo (Mexico)
3. Gilles Finkelstein (France)
4. Fawzi A. Gharaibeh (Jordan)
5. Masud Husain (Canada)
6. Juhani Lemmik (Estonia)
7. Rossette Nyirinkindi Katungye (Uganda)
8. Gerd Saupe (Germany)
9. Ugo Sessi (Italy)

<sup>1</sup> United Nations Security Council, Resolution 1970 (2011), 26 February 2011, para. 4.

<sup>2</sup> *Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06.

<sup>3</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Ninth session, New York, 6 - 10 December 2010* (ICC-ASP/9/20), vol. I, part II, para. 31.

10. Elena Sopková (Slovakia)
11. Masatoshi Sugiura (Japan)
12. Santiago Wins (Uruguay)
8. At its 3<sup>rd</sup> meeting, the Committee adopted the following agenda (CBF/17/1):
  1. Opening of the session
  2. Adoption of the agenda
  3. Participation of observers
  4. Organization of work
  5. States in arrears
  6. Financial performance data of the 2011 approved budget
  7. Contingency Fund
  8. Consideration of the 2012 proposed programme budget
  9. Administrative matters
  10. Governance
  11. Audit matters:
    - (a) Audit reports
      - (i) Financial statements of the International Criminal Court for the period 1 January to 31 December 2010;
      - (ii) Financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2010; and
      - (iii) Report of the Office of Internal Audit.
    - (b) Report of the Audit Committee
  12. Legal aid
  13. Premises of the Court
  14. Other matters
9. The following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry. Furthermore, representatives of The Hague Working Group of the Bureau of the Assembly, the Trust Fund for Victims and the Oversight Committee on permanent premises made presentations to the Committee.

## **B. Participation of observers**

10. The Committee decided to accept the request of the Coalition for the International Criminal Court to make a presentation to the Committee. The Committee expressed its appreciation for the presentation.

## **II. Consideration of issues on the agenda of the Committee at its seventeenth session**

### **A. Strategic considerations: cost drivers**

11. The Court is facing substantial increase in expenditures that are a result both of forecast and foreseen requirements, as well as new situations. The potential increases for 2012 are far greater than the 2012 proposed programme budget of €117 million and could potentially reach €130 million. Table 1 provides a clear breakdown of the other potential costs that the Court and the Assembly could face in 2012.

**Table 1: Potential additional expenditures in 2012**

<i>Description</i>	<i>Amount in Euros</i>
2012 proposed programme budget <sup>4</sup>	117,730,000
African Union Liaison Office <sup>5</sup>	432,400
Rent and maintenance of interim premises <sup>6</sup>	3,112,500
2012 proposed budget: permanent premises (2gv) <sup>7</sup>	1,000,000
Contingency Fund replenishment <sup>8</sup>	6,296,000
<b>Total</b>	<b>€128,570,900</b>
Situation in Côte d'Ivoire	from €0.5 to €1.5 million
Cost of one full-time judge per month <sup>9</sup>	from €18,000 to €19,500

12. At the same time, the Assembly had requested the Court, in addition to the regular budget, to draw up budget options for the 2012 proposed programme budget, which costed the full range of core Court activities and other important activities that could be achieved within the same budget allocation as 2011.<sup>10</sup> The Court did not provide those budget options or scenarios.

13. This situation has brought into sharp focus the need for the Assembly to provide strategic guidance to the Court on how to manage increasing costs from known drivers and new situations. It may be unrealistic for the Court itself to propose large reductions in its activities and potentially stop some programme activities that had previously been mandated by the Assembly.

14. For this reason, the Committee identified a number of significant cost drivers and other areas of Court activity where the Assembly could provide guidance as to the level of expected activity, relative prioritization, the possibility of reform, and alternative methods of service delivery and financing to help contain and control increases in the regular budget over the coming years. Simply put, the Court is reaching the point when the expectations on the type and level of activities and on the level of resources may be diverging.

## 1. Legal aid

15. Legal aid is one of the key cost drivers in the 2012 proposed programme budget and will likely remain so for the foreseeable future. The Committee has over the last few years raised the issues of the increasing costs for legal aid for both the defence and for victims. At this session, the Committee took an in-depth look at the actual amount of expenditure per trial. It observed that for the case of the *Prosecutor v. Lubanga*, €2.8 million had already been spent on legal aid for the accused and that this figure would likely exceed €3 million. €1.3 million had been spent on legal aid for victims. In the case of the *Prosecutor v. Katanga and Ngudjolo Chui*, €3.5 million had been spent so far on legal aid for the defence and almost €1 million for legal aid for victims. Under the current system, these costs will continue to grow. The Committee is of the view that a review of the legal aid system is now urgently warranted. Simply put, a decision will ultimately be required as to the sustainability of the financial costs of this legal aid system and whether there are alternatives or changes that can help contain costs while still ensuring a fair trial for the accused and adequate representation and participation of victims. The Committee has provided annex III to this report with further details and some possibilities for potential changes.

<sup>4</sup> ICC-ASP/10/10.

<sup>5</sup> ICC-ASP/10/10, annex IX.

<sup>6</sup> ICC-ASP/10/10 annex X.

<sup>7</sup> ICC-ASP/10/10/Add.1\*.

<sup>8</sup> If the replenishment should ensure a level of €7 million for 2012. See paras. 50-55 of this report.

<sup>9</sup> This cost consists of €15,000 as monthly salary and between €3,000 and €4,500 per month for related pension costs. Furthermore, a judge is entitled to relocation costs between €7,000 and €14,000 depending on personal circumstances. Of the six new judges who will be elected during the tenth session of the Assembly, the Presidency anticipated that only one judge will be called to serve on a full-time basis immediately following the swearing-in on 11 March 2012. However, the emerging case-load in 2012 may require calling-up more judges in the course of 2012, the cost of which was not included in the proposed budget.

<sup>10</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II, para. 31.

## 2. New situations including Security Council referrals

16. The Libya and potential Côte d'Ivoire situations have brought into focus the impact of new cases on the Court's 2012 proposed programme budget. A single new case can potentially trigger a requirement for €7 million more in a single year. The resources required will also shift and impact different areas of the Court as a case progresses. While the main impact will be on the Office of the Prosecutor, and to a lesser extent the Registry, at the investigation phase, as a case moves to pre-trial and into the trial phase, there will be increased costs in the Judiciary and the Registry.

17. On the one hand, the Court will have to make greater efforts at identifying resources that can be shifted to cover new cases, particularly as activity in existing cases decreases over time. This has been part of the reasoning in requesting the skeleton of the Court and a rejustification of senior positions.<sup>11</sup>

18. On the other hand, absorption of new activity within existing resources, even with re-engineering, can only go so far. At some point the Assembly will also have to consider how much additional activity it can support through assessed contributions in the regular budget. This will be particularly important to help set the fiscal context for the new Prosecutor. The Committee has already recommended in this report the idea of tying the availability of some requested funds for Libya to the assessment of the Prosecutor of events on the ground (a form of "step" or "trigger" approach). This may provide a model to help deal with uncertainties in future cases.

19. Furthermore, greater consideration is required on how the Court will complete its activities in a situation country and what will be required to leave. Exit strategies will help provide information to the Assembly on how existing resources can be redeployed, as well as providing guidance on how a situation country can be assisted to carry on national proceedings when the Court will have finished its activities in a given situation.

20. With respect to cases referred by the United Nations Security Council, as a matter of principle it is unclear why the Assembly should alone bear the full costs. The Committee suggested that this issue could be looked at by the Bureau or one of the working groups to consider options for addressing the issue with the United Nations for future referrals.

## 3. Reparations

21. The Court is rapidly moving to, potentially, the first reparations proceedings, which will constitute an innovation in international criminal law. Depending on the type of process, the costs of a reparations proceeding could be significant. During its session, the Committee was informed that there was still no overall strategy for reparations in the Court. The Committee was of the view that this is an area where strategic guidance from the Assembly would be important. What should the proportion be between the costs of the reparations process in relation to the amount of voluntary funds and seized assets? In the context of significant costs for legal aid, are there alternatives to costly proceedings in order to maximize assistance or reparations to victims? Are there alternative mechanisms for delivering the same results, either through the Trust Fund for Victims or through a national process with assistance from the Court? Is there any area where States could provide voluntary funds to offset some of the costs?

## 4. Budgetary process

22. The Committee noted several improvements in the presentation of the 2012 proposed programme budget. However, there was also an unprecedented amount of potential expenses that were not contained in the 2012 proposed programme budget but were included as annexes pending decisions by the Assembly or, in the case of permanent premises, because the submission was not ready prior to the submission of the 2012 proposed programme budget. The Committee has been encouraging the Court to identify known or knowable significant multi-year cost drivers including capital replacement,

<sup>11</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 82 and report of the Committee on Budget and Finance on the work of its sixteenth session (ICC-ASP/10/5), para. 71.

premises and staff costs and to present them clearly to the Assembly to ensure that there were no surprises when a clearly identifiable expense comes due. In order to be able to forecast better cost increases for the future years, the Committee recommended that the Court produce a medium term (i.e. at least up to 2015) expenditure forecast as an annex to the 2012 proposed programme budget and for each annual budget thereafter. The Committee also encouraged the Assembly to consider mechanisms to address such costs.

23. Furthermore, the Committee also recommended the Court to reconsider its process for establishing the proposed programme budget and report to the Committee on this matter at its eighteenth session. The Court would need to ensure that the fiscal context is well understood by all programmes and sub-programmes and that a real prioritization process is established.

## **5. Outreach**

24. Outreach is an important area to help build and maintain support for the Court internationally and to ensure broad diffusion of information on the investigation and trials within the Court. However, outreach is fragmented across the Court with different organs and programmes pursuing different forms of outreach. While some fragmentation may be necessary, at some point the Court will require guidance as to the level and type of outreach that is appropriate within the regular budget for this stage of the Court's development. Can outreach to affected communities be consolidated in a general victims unit? Should the Court rely on other media sources to publicize information on trials and focus more on other activities?

## **6. Alternative financing and service delivery**

25. When considering the proposed programme budget, the main focus is on reviewing the resource request against anticipated activities and past use. However, the Assembly may wish to consider whether alternative mechanisms both for financing and for delivering certain services may also be an avenue to accommodate increased desirable activity. For example, in this report, the Committee recommended that the Secretariat for the Trust Fund for Victims undertake a review of the possibility of using some percentage of voluntary contributions to cover costs for the delivery of programmes and projects in the field. There may well be other areas of current Court activity that could benefit from a mixed financing system of assessed and voluntary contributions, such as outreach and public information.

26. The Committee also noted that the Court often conducts its activities in the field within a broader context of the United Nations and other partners who are working on assisting countries to reinforce rule of law institutions and deal with transitional justice issues. Can the Court and the Trust fund for Victims find better ways to situate themselves within these broader efforts and increase synergies with these other actors? Can the Court make better use of international rosters such as Justice Rapid Response, as well as the United Nations and other efforts to promote civilian capacity which could also attract voluntary contributions from States?

## **B. Review of financial issues**

### **1. Status of contributions**

27. The Committee reviewed the status of contributions as at 31 August 2011 (annex II). The Committee noted that a total €80,406,216 had been received for the 2011 financial period, that was 77.6 per cent of the assessed 2011 contributions, and that €23,793,476 was outstanding from current and previous financial periods. Although this rate was slightly better than at the same point in 2010,<sup>12</sup> the Committee expressed concern over the level of the arrears and the fact that only 61 States were fully paid up for all their outstanding contributions at this point in the fiscal year. The Committee noted that the Court could risk facing a problem of cash flow, and therefore encouraged all States Parties to make their best efforts to ensure that the Court had sufficient funds throughout the year, in accordance with regulation 5.6 of the Financial Regulations and Rules.

<sup>12</sup> A total €71,183,574 had been received for the 2010 financial period, that is 68.7 per cent of the assessed 2010 contributions, and that €32,987,169 was outstanding from current and previous financial periods. Only 45 States were fully paid up for all their outstanding contributions at this point in that fiscal year.

## 2. States in arrears

28. According to article 112, paragraph 8, of the Rome Statute: "A State Party which is in arrears in the payment of its financial contributions towards 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." The Committee noted that on 1 February and 13 May 2011 the Secretariat had communicated with States in arrears, informing them of their outstanding contributions and advising them of the minimum payment required to avoid the application of article 112, paragraph 8. The Committee was informed that as at 31 August 2011, 10 States Parties remained in arrears and were ineligible to vote. These States had not responded.

29. The Committee requested the Secretariat to again advise States in arrears of the minimum payment required before the tenth session of the Assembly.

## 3. Surpluses

30. In accordance with regulation 4.6 of the Financial Regulations and Rules, the estimated cash surplus to be returned to States Parties on 1 January 2012 would amount to €1,589,942. It would comprise the provisional cash surplus for 2010 and assessed contributions in respect of prior periods that were received from States Parties in 2011.

## C. Audit matters

### 1. Audit reports

#### (a) Financial statements of the Court for the period 1 January to 31 December 2010

#### (b) Financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2010

31. Introducing his reports on the financial statements of the Court<sup>13</sup> and of the Trust Fund for Victims,<sup>14</sup> the External Auditor informed the Committee that the statements were free of material misstatement and presented fairly the financial position of the Court and of the Trust Fund and that he was able to offer an unqualified audit opinion. The Committee noted that total expenditure in 2010 amounted to €104,499,000 compared to the approved budget of €103,623,300. This amount included an expenditure of €412,000 on the basis of a notification to access the Contingency Fund and €1,468,500 for the Review Conference. The Committee noted that interest income in the amount of €343,042 represented interest accrued on the Court's bank accounts for the General Fund, the Working Capital Fund and the Contingency Fund.

32. The Committee welcomed the presentation by the External Auditor and endorsed the recommendations as a whole and urged the Court to accelerate implementation thereof.

33. The Committee noted that since 2007, a total of €270,941 had been paid to former staff members,<sup>15</sup> and an additional €34,947<sup>16</sup> in administrative costs to the International Labour Organization Administrative Tribunal (ILOAT).<sup>17</sup> Furthermore €330,690 had been provided for in the 2010 budget for five cases pending before ILOAT.<sup>18</sup> The Committee expressed its concern that such cases may demonstrate weaknesses in management practices of the Court. The Committee recommended that the Court ensure that it has policies in place to reinforce managerial accountability and reduce the risk of increased liabilities resulting from staff grievances. The Committee requested the Court to report on the matter at its eighteenth session.

<sup>13</sup> ICC-ASP/10/12.

<sup>14</sup> ICC-ASP/10/13.

<sup>15</sup> *Official Records ... Seventh session ... 2006* (ICC-ASP/7/20), vol. II, part C; and *Official Records ... Eighth session ... 2007* (ICC-ASP/8/20), vol. II, part C.

<sup>16</sup> *Official Records ... Eighth session ... 2007* (ICC-ASP/8/20), vol. II, part C.

<sup>17</sup> Three complaints were filed in 2006, one in 2007 and five in 2010.

<sup>18</sup> Financial statements for the period 1 January to 31 December 2010, (ICC-ASP/10/12).

34. With respect to the Trust Fund for Victims, the Committee endorsed the External Auditor's recommendations as a whole.

#### *Appointment of the External Auditor*

35. At its ninth session, the Assembly requested the Court to undertake a bidding exercise to select a new External Auditor for the quadriennium 2011-2015. A technical evaluation panel was duly established by the Court.<sup>19</sup> The Committee was informed that proposals from six bidders had been received, and that the technical evaluation by the panel should be finalized by the end of September 2011. The report of the technical evaluation panel would be considered by the Audit Committee. Subsequently, the Audit Committee would submit its report to the Committee, which, following an informal consultation process would provide its comments to the Assembly, for decision at its tenth session in December 2011.

#### **(c) Report of the Office of Internal Audit**

36. Pursuant to rule 110.1 of the Financial Regulations and Rules, the Office of Internal Audit submitted its annual activity<sup>20</sup> report to the Committee, outlining the activities of the Office of Internal Audit in the second half of 2010 and the first half of 2011, as well as its report on the status of audit recommendations.<sup>21</sup>

37. The Committee considered the two reports. It discussed the specific findings and recommendations with the Director of the Office of Internal Audit and Court officials. The Committee noted that the Director had indicated that the Court lacked a standard operating procedure for personnel security clearance in relation to the recruitment of staff and, in this regard, requested the Court to implement a full pre-employment security clearance procedure.

38. The Committee expressed its concern at the level of follow-up to the recommendations of both the External and Internal Auditors and requested the Court to implement them as a priority.

#### **(d) Report of the Audit Committee**

39. The Committee took note of the first report of the Audit Committee.<sup>22</sup>

### **D. Administrative matters**

#### **1. Procurement**

40. The Committee considered the report of the Court on procurement<sup>23</sup> and noted with concern that the Court had not implemented its previous recommendation from the fourteenth session,<sup>24</sup> accepted by the Assembly, that the Court implement on an urgent basis the personal declaration of assets for all staff in the Procurement Unit and in the Permanent Premises Project. The Committee strongly recommended that the Court implement the personal declaration of assets for all staff in the Procurement Unit and in the Permanent Premises Project as a matter of priority, especially in light of the ongoing Permanent Premises Project.

41. As noted in paragraph 40 above, the Committee further recommended that the Court develop an anti-fraud policy, including whistle-blowing provisions, as a matter of priority, with a particular focus on procurement.

<sup>19</sup> The Panel would be composed of a member of the Audit Committee, the Internal Auditor, the Senior Administrative Manager in the Office of the Prosecutor, the Chef de Cabinet to the Presidency and the Chief of the Budget and Finance Section in the Registry.

<sup>20</sup> CBF/17/6.

<sup>21</sup> CBF/17/7.

<sup>22</sup> CBF/17/11.

<sup>23</sup> CBF/17/3.

<sup>24</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B, para. 44.

## **2. Health scheme subsidy**

42. The Committee considered the proposal of the Court for a retiree health insurance subsidy scheme<sup>25</sup> and noted that the proposal had not contained sufficient information, especially in respect of the practice of other international organizations that had introduced the 50 per cent subsidy scheme. The Committee reiterated its request that the Court revise its proposal and provide additional information, in particular on the organizations using the 50 per cent subsidy scheme, at its eighteenth session.

## **3. Rejustification of senior positions**

43. The Committee considered the report on the justification for senior positions<sup>26</sup> and noted that the Court had not taken the opportunity to conduct a thorough study of the current and future needs of the Court and how its structure could be modified in order to adequately discharge its mandate.

44. The justifications given by the Court did not provide an in-depth analysis of the core purpose and/or added value of each position at the present time and how the need for each position has changed since their establishment as the Committee had envisaged when requesting the rejustification of post in its fourteenth session. For example, in some cases the justifications provided for the positions could equally be used for lower-level positions.

45. The Committee also expressed general concern that the report did not provide evidence of re-thinking of organizational structures. For example, the Committee was concerned with the organizational structure of the Registry, where there appeared to be a proliferation of senior positions that reported directly to the Registrar (10).

46. The Committee recommended that the Court undertake a thorough evaluation/review of its organizational structure with a view to streamline functions, processes and corresponding structures, reduce span of control where necessary, identify responsibilities that could be delegated and rationalize lines of reporting.

47. Furthermore, the Committee recommended that the Court present a report on the complete structure of the Court, and not at the position level, for its eighteenth session, with a view to identifying clear managerial and reporting lines, as well as any needs, current or future, to modify the Court's structure and post requirements.

## **4. Efficiency measures**

48. The Committee welcomed the status report of the Court on its progress regarding efficiency measures<sup>27</sup> and observed that the Court had made considerable progress in its efforts to find and quantify possible efficiency savings. The Committee recommended that the Court continue in its efforts and present a status report on its progress regarding efficiency measures at its eighteenth session.

## **E. Budgetary matters**

### **1. Financial performance data of the 2011 approved budget as at 30 June 2011**

49. The Committee had before it the report of the Court on the budget performance as at 30 June 2011.<sup>28</sup> It noted that the implementation rate for 2011 as at 30 June was 53.8 per cent, representing an expenditure of €55,731,000 and was thus slightly higher than in 2010. The projected implementation rate to 31 December 2011 was 99.8 per cent based on a projected expenditure of €103,404,000.

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<sup>25</sup> CBF/17/4.

<sup>26</sup> CBF/17/8.

<sup>27</sup> CBF/17/5.

<sup>28</sup> ICC-ASP/10/11.

**(a) Contingency Fund<sup>29</sup>**

50. The opening balance of the Contingency Fund in 2011 was €8,757,000.

51. The Court reported that it had made notifications<sup>30</sup> to the Committee that it would need to access the Contingency Fund in order to cover the cost of transferring detained witnesses from the Democratic Republic of the Congo (DRC) to The Netherlands; legal aid costs; the cost of the new situation in Libya; the cost of the Kenya situation; and costs arising from trial activities during the second half of the year. The total notional cost of these unforeseen activities was €8,416,200.

52. Given a forecast budget implementation rate of 99.8 per cent for the regular budget, and a forecast implementation rate of 95.7 per cent for the Contingency Fund notifications, the Court estimated that its actual access to the Contingency Fund would be approximately €8,053,000 in 2011. Such expenditure would bring the Contingency Fund below the €7 million replenishment threshold.

53. The Committee recalled its advice to the Court “to exercise utmost caution and restraint when preparing its supplementary budgets for accessing the Contingency Fund,”<sup>31</sup> especially concerning the inclusion of costs for equipment and funds for training in the Contingency Fund notifications. The Committee reiterated that the Contingency Fund was an important tool for the Court but that it should not be used in a way that would undermine budgetary integrity. The Committee recommended that the Court set out clear criteria and prioritization for what may and what may not be included in the Contingency Fund notifications and requested the Court to prepare a report on this issue for its eighteenth session.

54. The Committee also recalled that it had requested that the Court indicate in its notifications the resources that would be of a temporary or one time nature and those that would likely be required over a longer period of time. This was particularly important for general temporary assistance (GTA) resources. The Committee recommended that the Court improve how it identifies and reports on the use of additional GTA resources in each major programme in order to provide a clearer understanding and tracking of these resources.

55. With respect to replenishment of the Contingency Fund, on the basis of forecast expenditure, the Contingency Fund would be at €704,000. However, it was unclear at the time of this session that the rate of expenditure would materialize. The Committee recommended that the Court review its proposed activities notified under the Contingency Fund to determine whether all resources were still required. The Committee also requested the Court to provide<sup>32</sup> an updated forecast to the Assembly that would include actual expenditure of both the regular budget and the Contingency Fund notifications up to the end of November 2011. On the basis of this report, the Assembly would be in a position to determine with reasonable accuracy the forecasted expenditure from the Contingency Fund and hence the amount required to replenish the Contingency Fund to the required minimum of €7 million.

<sup>29</sup> In 2010, there was a charge of €412,000 against the Contingency Fund. This was due to additional expenditures that the Court could not absorb in its regular budget.

<sup>30</sup> In 2011, the Court provided supplementary budget notifications to the Committee in the following instances:

- (a) By letter dated 28 February 2011, the Registrar submitted a notification for the sum of €229,295 in respect of transferring detained witnesses from the Democratic Republic of the Congo (DRC) to the Netherlands;
- (b) By letter dated 1 March 2011, the Registrar submitted a notification for the sum of €400,263 to cover costs of legal aid;
- (c) By letter dated 4 May 2011, the Registrar submitted a notification for the sum of €4,072,600 to cover costs of new situation in Libya;
- (d) By letter dated 8 June 2011, the Registrar submitted a notification for the sum of €2,616,000 to cover costs of the Kenya situation; and
- (e) By letter dated 15 June 2011, the Registrar submitted a notification for the sum of €1,098,000 to cover costs of trial activities during the second half of the year.

<sup>31</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 41.

<sup>32</sup> Through the Committee pursuant to Regulation 6.7 and 6.8 of the Financial Regulations and Rules.

**(b) Working Capital Fund**

56. The Committee took note that the Court had maintained the level of the Working Capital Fund at its 2007 level of €7.4 million for the 2012 proposed programme budget. Given the positive cash position of the Court, the Committee recommended that the Assembly maintain the Working Capital Fund at its present level.

**2. Consideration of the 2012 proposed programme budget****(a) Assumptions and activities for 2012**

57. The Prosecutor informed the Committee that he would conduct seven investigations in six situations countries, would maintain the current case-load of nine residual investigations and would continue monitoring at least eight other potential situations.<sup>33</sup>

58. The Court informed the Committee that it expected to conduct up to three trials and up to three pre-trials.

59. Furthermore, the Court informed the Committee that the 2012 proposed programme budget was based on the assumption that, while a number of cases would proceed simultaneously, trial hearings would be scheduled consecutively, obviating the need for a second team of courtroom staff.

60. The Committee was further informed that, depending on the outcome of the trial, the Court's first reparations phase in the Lubanga case might be conducted in the first quarter of 2012. The *Katanga/Ngudjolo Chui* case would require an extension of the term of two judges for five months while the *Bemba* case would require an extension of one judge for 9.5 months.

**(b) Presentation and macro analysis**

61. The Court informed the Committee that it had proposed a budget of €117.73 million for 2012, representing an increase of €14,125,100, or 13.6 per cent, over the approved budget level for 2011. The Court identified the major causes of the increase as the new situation in Libya, amounting to an additional €7.2 million, and a substantive increase in legal aid amounting to €4.9 million. Other cost drivers included increases resulting from the common system costs and certain capital expenditures.

62. As noted above, a number of other potential costs were not included in the budget such as the interim premises rent, Contingency Fund replenishment and funds for 2gv costs of the permanent premises as illustrated in Table 1 above.<sup>34</sup> Depending on the size of Contingency Fund replenishment, the total 2012 proposed programme budget could potentially reach €128 million. This figure does not include costs for any potential new situations such as Côte d'Ivoire or any requirement to call more of the six judges to be elected in December 2011 to full-time service. These costs could potentially increase the 2012 proposed programme budget to €130 million.

63. The Committee recommended the Court to include in the annual proposed programme budget a table with a full budgetary impact for the following year that would comprise the potential additional expenses contained in the annexes to the proposed programme budget, as well as other expenses, which States Parties may be assessed for, such as contributions to the permanent premises project, replenishment of the Contingency Fund, calling judges into full-time service and any other proposal, which is subject to the approval of the Assembly.

64. The Committee also recommended that the reports of the Oversight Committee on permanent premises to the Assembly contain a table, which reflects the total costs invested in the project since the beginning of the project, including those contained in the regular budget so that the total cost of the permanent premises project is available.

<sup>33</sup> The Committee was informed that €3.12 million had been spent on preliminary examinations since 2003. In 2010, €466,834 had been spent.

<sup>34</sup> See section G.1 of this report, paras. 134-140.

65. The Committee stressed that all organs of the Court must provide detailed justification for any request for resources and emphasized the need for improvement in the presentation of their budgets, particularly the justifications of the requests for resources as this would impact on the ability of the Committee to make recommendations.

66. The Committee noted several examples of insufficient justification for the requested resources, especially in respect of travel, general contractual services, consultants and training.<sup>35</sup> The Committee also noted several examples of good justification for the requests.<sup>36</sup>

67. The Committee welcomed the improvement in the presentation of the performance indicators by the Court. However, it recommended further improvement in the performance indicators provided by Chambers in Major Programme I, especially in respect of judicial performance and looked forward to receiving reviewed performance indicators as had been requested by the Committee at its sixteenth session.<sup>37</sup>

**(c) Supplementary budgets**

68. The Court informed the Committee that a decision of the Pre-Trial Chamber on the authorization of an investigation in Côte d'Ivoire was pending; should the decision be positive, warrants of arrests could be requested by the Prosecutor before the end of the year. If an investigation were to be authorized, a request for further funds for 2012 could be necessary. The Committee recalled that under rule 103.4 of the Financial Regulations and Rules, should such a judicial decision triggering a request for additional funds be handed down before the tenth session of the Assembly, the funding request should take the form of a supplementary budget proposal instead of resorting to the Contingency Fund.

*Medium-term budgeting forecast*

69. The Committee considered the report of the Court on capital investment replacements.<sup>38</sup> The Committee took note of the Court's approach to postpone, as far as possible, capital acquisitions until after the move into permanent premises and the reductions in its spending forecasts until 2014 resulting from this approach. The Committee emphasized that all equipment bought with resources from the Contingency Fund should be brought into the Court's inventory and taken into account in capital replacement plans. The Committee recommended that, notwithstanding the immediate cost drivers in the present report, the Court should analyze cost-drivers in the medium term, with a view to allowing for a more accurate and comprehensive forecast of spending requirements in the medium term.

*Replacement of capital investments*

70. As noted in paragraph 69 above, the Committee recommended that the Court produce a medium term (i.e. at least up to 2015) expenditure forecast including its capital investment and replacement requirements and plans as an annex to the 2012 proposed programme budget document and for each annual budget thereafter.

*IPSAS*

71. The Committee was informed that the Court had already commenced the International Public Sector Accounting Standards (IPSAS) implementation with effect from 1 July 2011. The IPSAS Project Coordinator had been recruited and assumed her post as of 1 July; IPSAS introductory training for finance professionals and general service staff across the organs and sections of the Court had been held in July. Furthermore, the development of a detailed project plan was underway. The Committee recommended that implementation of the IPSAS project be rigorously monitored, and that a detailed project plan and a draft proposal of all required changes to the Financial Regulations and Rules be submitted to the Committee at its eighteenth session.

<sup>35</sup> The Committee noted in particular that the Presidency had not provided sufficient justification for consultants in the 2012 proposed programme budget, para. 48 and for training in paras. 50 and 78; the Office of the Prosecutor had failed to provide sufficient justification for the substantial increases in the Investigation Division in paras. 131 and 132; and the Registry had provided very poor justification for the resources requested in paras. 188-190.

<sup>36</sup> In respect of a request for training resources, the Committee noted the logical justification provided by the Victims and Witness Unit in the 2012 proposed programme budget, paras. 409-416.

<sup>37</sup> ICC-ASP/10/5, para. 41.

<sup>38</sup> ICC-ASP/10/6.

### 3. Recommendations of general application on the 2012 proposed programme budget

72. The Committee found a number of areas where, based on actual and forecasted expenditure, as well as actual experience, a number of savings could be made. The recommendations of the Committee were divided into those of a general application, as well as specific items in the major programmes.

#### (a) Common system

73. The Committee observed that there was an overall proposed increase in staff costs of €2.96 million. A total amount of that increase was due to a proposal for funding of two positions for which funding had not been provided in 2011, in addition to a proposal for three new posts. These positions have been identified and are subject to specific recommendations under the relevant major programmes.

74. The majority of the increase was due to increments of salaries and a portion was attributed to the decision to enhance the conditions of the services for professional staff serving in the field that was not submitted to the Assembly for its approval.<sup>39</sup>

75. In this connection, the Committee recalled its concern about the decision of the Registrar to enhance conditions in the field through budget surpluses without obtaining prior approval of the Assembly.<sup>40</sup> An important part of this increase was indeed a proof of the multi-year budgetary impacts of such a decision.

76. At a prior session, the Committee had also requested a further explanation on the use by the Court of the United Nations common system and had requested that the Court enter into contact with the International Civil Service Commission to better explain how and on what terms the United Nations common system had been implemented in the Court.<sup>41</sup> In the absence of a clear explanation, the Committee recommended that the increases for staff salary and enhanced conditions of service in the field be absorbed within each major programme, except as indicated in Section F below.

77. This recommendation would also apply to GTA staff, especially considering that there were no clear guidelines for the use of GTA, except as indicated in Section F below.<sup>42</sup>

#### (b) Travel

78. The Committee noted the 19.2 per cent overall increase in travel for the Court. Some of this increase was clearly situation-related resulting from new cases. However, the Committee observed that there was also a level of travel for routine or discretionary business. The Committee recommended that each major programme cut its travel budget by 10 per cent against the 2012 proposed programme budget, except as otherwise indicated in Section F below.

#### (c) Training

79. The Committee reviewed the 2012 proposed training budget and noted that in a number of cases the training appeared to be recurrent or routine and without a clear training plan. In order to promote greater prioritization, the Committee recommended that training be frozen at the 2011 approved budget level, except as otherwise indicated in Section F below.

#### (d) Consultants

80. The Committee noted with concern the considerable increase in the projected use of consultants with large increases in almost all major programmes. While the use of consultants was certainly justified in some cases, the Committee was particularly concerned that excessive use of consultants could undermine budgetary discipline and relieve the Court of making best use of established and GTA staff. For that reason the Committee recommended that the budget for consultancy be reduced by 10 per cent in all major programmes against the 2012 proposed programme budget except as otherwise indicated in Section F below.

<sup>39</sup> The breakdown for the total increase of €2,964,300:

- Salary increases.....	€2,030,000;
- Enhance the conditions of the services for professional staff serving in the field.....	€440,700;
- Two un-funded posts in 2011 .....	€265,400; and
- Three new proposed posts .....	€228,200.

<sup>40</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.1, para. 34.

<sup>41</sup> *Official Records ... Sixth session ... 2007* (ICC-ASP/6/20), vol. II, part B.1, para. 44.

<sup>42</sup> Staff Rules of the International Criminal Court (ICC-ASP/4/3), page 9, "Scope and purpose".

81. The Committee further recommended that the Court provide evaluation plans and criteria for the use of consultants and contractual service providers and submit a report to the Committee at its eighteenth session.

**(e) Supplies and materials**

82. The Committee reviewed a number of requests for increases for supplies and materials in the 2012 proposed programme budget. In light of the large increase in the 2011 budget, and the forecast implementation rate of 95 per cent for 2011, the Committee recommended that the level for supplies and materials be maintained at the 2011 approved budget level, except as otherwise indicated in Section F below.

**(f) Vacancy rates and staff levels**

83. The Committee concurred with the Court that the vacancy rate for established posts should be maintained at eight per cent for Major Programme II and 10 per cent for the other major programmes except as otherwise indicated in Section F below. Given the large level of increased staffing for GTA, the Committee recommended that the Court continue to apply the above mentioned vacancy rates for unfilled established posts, and the Committee further recommended that a general vacancy rate of eight per cent on the 2012 proposed budget increase of GTA staff be applied except as indicated in Section F below.

**(g) Libya**

84. As noted in paragraph 51 above, the Court had made a notification to access the Contingency Fund for the amount of €4 million in 2011 for the Libya referral. In the 2012 proposed programme budget, the Court had identified a need for €7.2 million to cover the Libya situation in 2012 with €5.2 million apportioned to the Office of the Prosecutor and €1.9 million apportioned to the Registry.

85. The Committee held in-depth discussions with the Court on the needs for the Libya situation. It was clear at the time of this session of the Committee that there were still many uncertainties given the rapidly unfolding events and fluid situation on the ground, including the possible decision by the Libyan authorities to undertake domestic proceedings. It was also noted that the United Nations Human Right Council had established a Commission of Inquiry to examine the issue of the commission of war crimes in Libya.<sup>43</sup>

86. Given the uncertainties at this moment, the Committee proposed that the Assembly take a step approach to the funding for Libya. In that regard, the Committee recommended that, the Prosecutor assess events on the ground and re-evaluate the needs of the Office of the Prosecutor (the Registrar would also, by consequence, re-evaluate requirements in the Registry) prior to the tenth session of the Assembly to determine if the requested resources are still required at the same level or whether further reductions on the 2012 proposed budget for the Libya situation can be made.

## **F. Major programmes**

### **1. Major Programme I: Judiciary**

87. The Committee welcomed the slight overall decrease in this programme. Noting that significant resources had been made available to the Court to run parallel trials in 2011, the Committee was pleased to see that the Court had made more efficient use of courtroom resources and the judicial calendar to run, at times, three or four parallel trials.

88. However, the Committee also observed that the major decreases in this programme were due to a decrease in the provision for judges' salaries on the assumption that most of the six new judges would not be required to be called to full-time service immediately in 2012.

89. The Committee was informed that there was no assurance that this scenario would be maintained.

<sup>43</sup> United Nations Human Rights Council: fifteenth special session, *Situation of human rights in the Libyan Arab Jamahiriya* (A/HRC/RES/S-15/1), para. 11.

90. The Committee was further informed that the need for parallel trials could not be ruled out. The Committee urged the Court to continue to enhance cooperation between the judiciary and the Court's management services to maximize use of existing capacity.

91. With respect to the 2012 proposed travel budget, as this programme had already reduced travel by 1.8 per cent, the Committee recommended that the 2012 proposed travel budget be reduced by a further 8.2 per cent.

92. The Committee reviewed the provision for the P-2 Associate Legal Officer GTA in programme 1300 (Liaison Offices), and recommended that the P-2 Associate Legal Officer not be approved and that the 2012 proposed GTA budget be reduced.

93. The Court had produced an overview of all the costs related to judges' salaries and entitlements as an annex to the 2012 proposed programme budget. However, the Committee observed that under the heading Judges' pension the Court had also included Relocation allowance for all judges, as an accrued liability. The Committee recommended that this provision, education grant, as well as other benefits be identified as discrete budget line in the annex and that the Court issue a corrigendum of annex V(e).

94. Consultants' services and training requested by the Presidency in the 2012 proposed programme budget were not approved by the Committee due to lack of sufficient justification.

## **2. Major Programme II: Office of the Prosecutor**

95. The Committee heard a presentation by the Prosecutor on the status of the investigations and cases being conducted by his Office, and noted the efforts to increase efficiencies through, inter alia, the redeployment of resources, including staff, and the presentation of evidence in person as opposed to documentary evidence. The Prosecutor informed the Committee that additional resources had been requested in Major Programme II only in relation to the situation in Libya.

96. Noting that the Office of the Prosecutor will require enhanced investigation capacity for Libya, the Committee recommended that the 2012 proposed travel budget be decreased by 7 per cent rather than the general recommendation reduction of 10 per cent.

97. With respect to the request for two additional GS-OL positions (Immediate Office of the Prosecutor/Legal Advisory Section), as these positions related more to an expected increase in workload at headquarters administration, the Committee recommended that these positions not be approved.

98. Coupled with the recommendations of general application, the specific recommendations for this programme would result in an absolute decrease of €2 million. The Committee recognized that this constituted a significant reduction on the requested resources and took note of the views of the Office of the Prosecutor that further reductions would have an impact on its capacity to deliver core activities.

## **3. Major Programme III: Registry**

### **(a) Sub-programme 3110: Immediate Office of the Registrar**

99. With respect to the P-5 Senior Executive Officer, the Committee recommended that this position be fully funded subject to the condition that the position provide on a priority basis, financial advisory assistance to the Secretariat for the Trust Fund for Victims (see paragraph 129 below).

100. With respect to the 2012 proposed travel budget, the Committee was concerned with the proposed 236 per cent increase. The Committee did not find the justification for this higher amount of travel warranted and considered that there was clearly a need for greater prioritization. The Committee therefore recommended that the 2012 proposed travel budget be approved at its 2011 approved budget level.

### **(b) Sub-programme 3120: Office of Internal Audit**

101. Given the significant increase in the workload and the increasing need for assistance from internal auditors in the Court, the Committee recommended that this sub-programme be exempt from the recommendations of general application.

**(c) Sub-programme 3130: Legal Advisory Services Section**

102. The Committee noted that there was a request in the 2012 proposed programme budget for travel and training without sufficient explanatory justification. Therefore, travel and training requested by Sub-programme 3130 (Legal Advisory Services Section) in the 2012 proposed programme budget was not approved by the Committee due to lack of sufficient explanatory justification.

**(d) Sub-programme 3140: Security and Safety Section**

103. The Committee noted that several positions in field offices had been redeployed following the downsizing of the Kampala office and the closing of the two offices in Chad.

104. The Committee commended the Court for redeploying field positions to other field offices requiring similar positions, rather than seeking new resources. However, the Committee had concerns about the redeployment of field positions to headquarters on account of the impact on the organizational structure and the risk of work duplication. This could also result in an increase in field office managers at headquarters at a time when the Court presence in the field was being reduced. Furthermore, the Committee noted that such redeployments were made without a justification for the need for the resources at headquarters.

105. Therefore, the Committee recommended that the funding for the P-2 Security Analyst and the other two positions that had been redeployed from the Chad office not be provided in the 2012 proposed programme budget and that the Court submit a full explanation in the 2013 proposed programme budget if it wished to keep these positions in The Hague that year.

106. Furthermore, the Committee noted that there was a large increase in the 2012 proposed programme budget for equipment including furniture (€74,000) without sufficient explanatory justification. In keeping with its established practice, the Committee recommended that the sum of €74,000 not be approved.

**(e) Sub-programme 3180: Field Operations Section**

107. While commending the Court for redeploying existing field resources to new situations in the field, the Committee was concerned that redeployment from the field to headquarters could artificially enlarge sub-programmes without proper oversight and authorization of the Assembly.

108. The Committee was informed that the Registry had closed its field offices in Abéché and N'Djamena, thereby reducing its field presences from seven to five. The Committee welcomed this approach adopted by the Court with respect to its field presence and encouraged the Court to continue to refine its approach. In that regard, the Committee noted that the Court had not yet completed its consideration of exit strategies, which would be an important element in dealing with residual issues, equipment placement and storage, as well as possible redeployments.

109. With respect to paragraph 230 of the 2012 proposed programme budget, for the same reasons set out in paragraphs 107 and 108 above, the Committee expressed some concern that a number of positions had been redeployed from field offices to headquarters without re-evaluation, re-advertisement or recruitment of the posts. Furthermore, such a practice could engender duplication of work. As significant resources had already been allocated to the field office programme over the last few years, the Committee was not convinced that a further P-3 Field Office Manager position was required at headquarters to provide administrative oversight. The Committee recommended that funding for this position not be provided in the 2012 proposed programme budget and that the Court provide a full explanation in the 2013 proposed programme budget if it wished to keep the position in The Hague.

**(f) Sub-programme 3192: Office of Public Counsel for Victims**

110. The Committee took note that the support provided by the Office of Public Counsel for Victims had increased from assistance to 35 legal representatives and approximately 1,000 victims in April 2011, to assistance to 39 legal representatives and more than 2,000 victims in August 2011. It noted that the workload of the Office was susceptible to sudden

change, for example as a result of a decision of Chambers to grant applications of victims to participate in proceedings. The Office guaranteed that the lawyers appointed were in the best possible position to carry out their functions.

**(g) Sub-programme 3220: Human Resources Section**

111. The Committee noted that there was a big increase in the 2012 proposed programme budget for consultants' services, which was mainly for hiring a consultant to write a human resources manual for the Court. The Committee was not convinced that an external consultant should be needed to carry out this work. Therefore, the increase of €120,000 in consultants' services in Sub-programme 3220 (Human Resources Section) in the 2012 proposed programme budget was not approved by the Committee.

112. With respect to the P-4 Head Staffing Unit in the Human Resources Section, the Committee recommended that this position be fully funded.

**(h) Sub-programme 3240: Budget and Finance Section**

113. The Committee noted that provision had been made for two GS-OL Finance Assistants for 12 months (one continued, one new) to support work volumes and transaction processing in the Disbursements Unit and Payroll Unit in the Budget and Finance Section. The Committee was not convinced of the need for an additional Finance Assistant and therefore recommended that the 2012 proposed programme budget for GTA in the Budget and Finance Section be reduced by one GTA.

**(i) Sub-programme 3260: Information and Communication Technologies Section**

114. The Committee noted that €200,000 had been requested in the Information and Communication Technologies Section to upgrade the Court's analogue courtroom components to a fully digital environment. The Committee was not convinced of the necessity of this investment at this time, given the existence of serviceable analogue courtroom components, and expressed doubts about its transferability to the permanent premises. The Committee therefore recommended that the 2012 proposed programme budget for capital investments in the Information and Communication Technologies Section be reduced by €200,000.

**(j) Sub-programme 3330: Detention Section**

115. The Committee welcomed information that the Agreement on Detention Facilities and Services between the Court and The Netherlands had been signed on 18 February 2011 and that the conditions of use of the detention facilities had been regularized.

116. The Committee noted that the provision for general operating expenses pertaining to the rental of detention costs assumed an inflation rate of four per cent. According to the Court, as at 4 August 2011 the rate of inflation was estimated to be 2.6 per cent. Consequently, the recalculation of the detention costs and expenditures for three DJI<sup>44</sup> staff costs resulted in reduction of general operating expenses by €86,000.

**(k) Programme 3400: Public Information and Documentation Section**

117. The Committee highlighted the importance of ensuring synergies within the Court in relation to coordination and cooperation with other actors in the international arena, in order to enhance its outreach efforts.

**4. Major Programme IV: Secretariat of the Assembly of States Parties**

118. The Committee was informed that since the submission of the 2012 proposed programme budget in March 2011 for this major programme the Bureau had made a recommendation to the Assembly in July 2011 on the election of the incoming President of the Assembly for the triennium that would start in December 2011. The person nominated had indicated that she would be assuming such functions on a full-time basis, with the cost

<sup>44</sup> Dienst Justitiële Inrichtingen (Custodial Institutions Agency).

to be assumed by her Government. This development would thus constitute an additional factor in justifying the need for a post in New York.

119. The specifications of the post would be detailed once consultations had been held with the incoming President of the Assembly in the course of September 2011. In addition to assisting the incoming President, the incumbent of the post could provide substantive servicing to the Assembly when it meets at the United Nations Headquarters, to the Bureau and the New York Working Group.

120. With respect to the request to convert the P-2 Associate Legal Officer from GTA to an established post, the request for a new P-2 Special Assistant to the President, and the request for a new GS-OL Web Developer Assistant, in light of the general embargo on the creation of new established posts, the Committee recommended that these posts be approved on a GTA basis. This would be particularly important for the position of the P-2 level Special Assistant to the President as the incoming President might need time to evaluate her requirements in terms of support.

121. The Committee noted that the Secretariat had continued to identify cost-saving and efficiency measures that could potentially save the Assembly of up to €517,000. This would include a page-limit on reports; the continuation of a paper-light approach; the limit of interpretation service for meetings of the Assembly and its subsidiary bodies to languages of the Assembly, which are also the official languages of at least one State Party to the Rome Statute; consideration of more frequent holding of sessions of the Assembly at the United Nations Headquarters, in order to benefit from the different cost structure for sessions held at the United Nations Headquarters and in The Hague.<sup>45</sup>

122. In order to provide more strategic advice to the Assembly, the Committee considered different options, inter alia, increasing the frequency of sessions or having a more permanent presence of its Chairperson in The Hague. At this stage the most efficient way to ensure this objective is to recommend that the P-4 Finance and Administration Officer position in Major Programme IV be reclassified as a P-5 Executive Secretary to the Committee. A job description, work survey and classification exercise was conducted and confirmed by the Registry at the P-5 level. This position will report directly to the Committee through its Chairperson.

123. The Committee advised that the functions of this post would entail follow up on the Committee's recommendations, analysis of detailed data on resources requested by the Court and other key functions that are not possible under current circumstances of the meetings of the Committee. Administratively, the post would be located within Major Programme IV. The minor budgetary implications for the 2012 proposed programme budget can be absorbed by Major Programme IV.

## 5. Major Programme VI: Secretariat of the Trust Fund for Victims

124. The Committee considered the financial statements for the Trust Fund for Victims for the period 1 January to 31 December 2010<sup>46</sup> and the report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2010 to 30 June 2011.<sup>47</sup>

125. The Committee also heard a presentation by the Chair of the Board of Directors of the Trust Fund for Victims, Ms. Elisabeth Rehn, and by the Executive Director of the Secretariat of the Trust Fund for Victims.

126. The Committee welcomed the presentations and the progress made by the Trust Fund in raising additional contributions, as well as in implementing its work plan in the field.

<sup>45</sup> (a) Replacing the reproduction and shipment of pre-session documentation with digital versions: €62,000;  
 (b) Omitting interpretation in Chinese and Russian: €42,000; and  
 (c) An eight-day Assembly session in The Hague incurs the following costs not incurred at UNHQ:  
 - Security:.....€84,000;  
 - Badges: .....€25,000;  
 - Venue rental: .....€204,000;  
 - IT and technical facilities:.....€100,000.

<sup>46</sup> ICC-ASP/10/13.

<sup>47</sup> ICC-ASP/10/14.

127. The Committee noted the 45 per cent increase in 2012 proposed Major Programme VI budget, including the increased costs for proposed additional staff.

128. While accepting the Secretariat of the Trust Fund for Victims' need for legal and financial expertise, the Committee was of the view that sufficient financial expertise was already available within the Registry to provide the required services pursuant to regulation 19 of the Regulations of the Trust Fund for Victims.

129. Therefore, in relation to the proposed GTA P-3 Financial Officer (paragraph 483 of the 2012 proposed programme budget), the Committee recommended that this position not be approved but that assistance to the Trust Fund for Victims on financial matters be made a priority task for the P-5 Senior Executive Officer in the Immediate Office of the Registrar.

130. Should the Assembly approve this recommendation, the Committee would follow-up with the Secretariat of the Trust Fund for Victims on the adequacy of implementation and would make further recommendations if the situation warranted in the following year.

131. In terms of the financial statements and budget presentation, the Committee recalled that the External Auditor had previously recommended that the financial statements should include in the primary statements the full income and expenditure of the Fund. The Committee endorsed this recommendation and recommended that the Secretariat of the Trust Fund for Victims endeavour to further quantify the distributed administrative costs of services provided by the Registry, in order to obtain an overview of the administrative costs of the Fund.

132. Noting the potential for significant cost drivers, the Committee also recommended that the Secretariat of the Trust Fund for Victims consider alternative funding mechanisms for new activities in the field that would provide for more flexibility and reduce pressure on the regular budget. In that regard, the Committee recommended that the Trust Fund prepare a report on the possibilities of allocating a percentage of voluntary contributions to project-related costs, including any amendments to the Regulations that may be required and to report thereon to the Committee at its eighteenth session.

## **6. Major Programme VII-5: Independent Oversight Mechanism**

133. The Committee was informed that a new substantive Head of the Independent Oversight Mechanism office would likely not be in place before the first quarter of 2012. The Bureau of the Assembly should fill this vacancy temporarily. As the Head would be in charge of recruiting the P-2 post based on the needs yet to be fully determined and the recruitment of such person would in the best of circumstances take at least three months, therefore, the Committee recommended that for the 2012 proposed programme budget, the P-2 post be funded for only six months. The full costing of the P-2 could be reflected in the 2013 proposed programme budget. The Committee further recommended that the travel allocation remain at its 2011 approved budget level.

## **G. Premises of the Court**

### **1. Permanent premises**

134. The Committee had before it the second interim report on the activities of the Oversight Committee<sup>48</sup> together with the 2012 proposed programme budget for the permanent premises.<sup>49</sup>

135. The Committee heard a presentation by the Chairperson of the Oversight Committee, Mr. Roberto Bellelli, and, the Project Director. The Chairperson of the Oversight Committee requested the Committee to address three specific issues: the 2012 proposed programme budget for 2gv elements, the financing options for 2gv elements and the targets for the review of the Box 4 currently undertaken by the Project Director.

<sup>48</sup> CBF/17/10.

<sup>49</sup> ICC-ASP/10/10/Add.1/Rev.1.

136. The Committee was informed that the Oversight Committee was of the opinion that 3gv and 2gv budgets should be kept separate and that both budgets should be clearly differentiated from the Court's regular expenditures since they refer to one-time events that should not be integrated into regular running costs of the Court. While 2gv costs would be part of the Court's regular budget, where they would have to be clearly recognizable and kept separate from other costs, 3gv costs would be approved separately from the regular budget of the permanent premises project.

137. The Committee welcomed the effort of the Oversight Committee to enhance the financial security of the project by undertaking a further review of user requirements, including those relating to Box 4 costs.<sup>50</sup>

138. The Committee noted that the 2gv elements were not currently included in the 2012 proposed programme budget, as the Oversight Committee, the Project Director and the Court were continuing to finalize the requirements. Therefore, the Committee was not able to review or make specific recommendations on those elements in this report.

139. However, the Committee did note, on the basis of proposed elements within the initial 2gv estimates, that some elements might properly be considered as part of the construction, such as additional staff and consultancy, and management costs rather than other costs not related to construction. The Committee recommended that the Oversight Committee examine this issue carefully to ensure that costs that should normally fall within the €190 million envelope for the construction project were not contained within the regular budget of the Court. Not only would this create further pressure on the regular budget, but it would also run the risk of masking the true costs of the construction project.

140. The Committee considered two financing options for the 2gv costs proposed by the Oversight Committee.<sup>51</sup> The Committee was of the view that, to maintain the principle of budgetary integrity, the 2gv costs should normally be contained within the regular budget of the Court. However, the Committee recommended that, if the decision is not to create a Major Programme VIII, but rather to distribute these costs through different sub-programmes, then the Court should prepare an indicative annex in each annual proposed programme budget to ensure that all 2gv costs were clearly identified and quantified.

## **2. Interim premises**

141. Pursuant to the Bureau minutes of 25 July 2011, the Committee considered reports on the option of purchasing the Arc building. The Committee heard a presentation by the Court, which presented the preliminary results of the assessment undertaken by an independent consultant and by the facilitators<sup>52</sup> that had been designated by the Bureau.

142. As all the information provided was of a preliminary nature and further details were still to be compiled by the Court, the Committee was not in a position to make an analysis of the situation or provide specific recommendations.

143. The Committee also took note of the facilitators' oral report.

## **H. Other matters**

### **1. Future meetings**

144. The Committee decided, tentatively, to hold its eighteenth and nineteenth sessions in The Hague, from 23 to 27 April 2012, and from 24 September to 3 October 2012, respectively.

<sup>50</sup> CBF/17/10, para. 17.

<sup>51</sup> ICC-ASP/10/10/Add.1/Rev.1, para. 14.

<sup>52</sup> Australia, Germany and Nigeria.

## Annex I

### List of documents

CBF/17/1	Provisional agenda
CBF/17/1/Add.1/Rev.1	Annotated list of items included in the provisional agenda
ICC-ASP/10/5	Report of the Committee on Budget and Finance on the work of its sixteenth session
ICC-ASP/10/10	Proposed Programme Budget for 2012 of the International Criminal Court
ICC-ASP/10/10/Corr.1	Proposed Programme Budget for 2012 of the International Criminal Court – Corrigendum
ICC-ASP/10/10/Corr.2	Proposed Programme Budget for 2012 of the International Criminal Court – Corrigendum
ICC-ASP/10/10/Corr.3	Proposed Programme Budget for 2012 of the International Criminal Court – Corrigendum
ICC-ASP/10/10/Add.1/Rev.1	Proposed programme budget for 2012 of the International Criminal Court: permanent premises
ICC-ASP/10/11	Report on budget performance of the International Criminal Court as at 30 June 2011
ICC-ASP/10/12	Financial statements for the period 1 January to 31 December 2010
ICC-ASP/10/13	Trust Fund for Victims financial statements for the period 1 January to 31 December 2010
ICC-ASP/10/14	Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2010 to 30 June 2011
ICC-ASP/10/16	Report on programme performance of the International Criminal Court for the year 2010
CBF/17/2	Additional report of the Court on legal aid thresholds
CBF/17/3	Report of the Court on procurement
CBF/17/4	Proposal of the Court for a retiree health insurance subsidy scheme
CBF/17/5	Sixth status report of the Court on its progress regarding efficiency measures
CBF/17/6	Annual Report of the Office of Internal Audit
CBF/17/7	Annual Report of the Office of Internal Audit Implementation of audit recommendations: status as at 30/06/11
CBF/17/8	Report of the Court on justifications for senior positions
CBF/17/8/Corr.1	Report of the Court on justifications for senior positions – Corrigendum
CBF/17/9	Report on the revision of the terms of reference of the Audit Committee
CBF/17/10	Second interim report on the activities of the Oversight Committee
CBF/17/11	Audit Committee: Annual Report to the Committee on Budget and Finance and the Assembly of States Parties for the period July 2010 to June 2011
CBF/17/11/Corr.1	Audit Committee: Annual Report to the Committee on Budget and Finance and the Assembly of States Parties for the period July 2010 to June 2011 – Corrigendum

## Annex II

## Status of contributions as at 31 August 2011 (in euros)

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2011 Assessed Contributions</i>	<i>2011 Contributions Received</i>	<i>2011 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
1. Afghanistan	18,996	18,996	-	6,153	6,153	-	-
2. Albania	63,084	63,084	-	15,382	15,382	-	-
3. Andorra	68,662	68,662	-	10,767	10,767	-	-
4. Antigua and Barbuda	25,307	22,885	2,422	3,076	-	3,076	5,498
5. Argentina	6,393,177	6,393,177	-	441,458	441,458	-	-
6. Australia	18,299,016	18,299,016	-	2,973,304	2,973,304	-	-
7. Austria	9,282,915	9,282,915	-	1,308,992	1,308,992	-	-
8. Bangladesh	8,975	-	8,975	15,382	1	15,381	24,356
9. Barbados	95,949	95,949	-	12,305	12,305	-	-
10. Belgium	11,538,239	11,538,239	-	1,653,545	1,653,545	-	-
11. Belize	10,614	10,614	-	1,538	1,538	-	-
12. Benin	18,388	18,388	-	4,615	626	3,989	3,989
13. Bolivia (Plurinational State of)	78,695	78,695	-	10,767	252	10,515	10,515
14. Bosnia & Herzegovina	62,518	62,518	-	21,535	21,535	-	-
15. Botswana	144,117	144,117	-	27,687	27,687	-	-
16. Brazil	13,956,308	13,956,308	-	2,478,010	36,698	2,441,312	2,441,312
17. Bulgaria	223,404	223,404	-	58,451	58,451	-	-
18. Burkina Faso	20,432	20,432	-	4,615	133	4,482	4,482
19. Burundi	8,990	8,466	524	1,538	-	1,538	2,062
20. Cambodia	18,388	18,388	-	4,615	41	4,574	4,574
21. Canada	31,026,274	31,026,274	-	4,932,947	4,932,947	-	-
22. Central African Republic	10,614	2,915	7,699	1,538	-	1,538	9,237
23. Chad	7,455	1,646	5,809	3,076	-	3,076	8,885
24. Chile	439,812	439,812	-	363,011	350,084	12,927	12,927
25. Colombia	1,419,433	1,419,433	-	221,498	5,053	216,445	216,445
26. Comoros	6,183	557	5,626	1,538	-	1,538	7,164
27. Congo	12,433	12,433	-	4,615	4,615	-	-
28. Cook Islands	3,305	1	3,304	1,538	-	1,538	4,842
29. Costa Rica	327,142	327,142	-	52,298	40,148	12,150	12,150
30. Croatia	543,169	543,169	-	149,204	149,204	-	-
31. Cyprus	445,974	445,974	-	70,756	70,756	-	-
32. Czech Republic	637,375	637,375	-	536,825	536,825	-	-
33. Democratic Republic of the Congo	32,460	32,460	-	4,615	4,615	-	-
34. Denmark	7,760,368	7,760,368	-	1,132,101	1,132,101	-	-
35. Djibouti	10,418	5,199	5,219	1,538	-	1,538	6,757

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2011 Assessed Contributions</i>	<i>2011 Contributions Received</i>	<i>2011 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
36. Dominica	10,614	9,320	1,294	1,538	-	1,538	2,832
37. Dominican Republic	245,825	146,509	99,316	64,604	-	64,604	163,920
38. Ecuador	246,434	246,434	-	61,527	61,527	-	-
39. Estonia	186,722	186,722	-	61,527	61,527	-	-
40. Fiji	38,077	38,077	-	6,153	4,876	1,277	1,277
41. Finland	5,837,422	5,837,422	-	870,610	870,610	-	-
42. France	65,607,369	65,607,369	-	9,418,282	5,264,557	4,153,725	4,153,725
43. Gabon	101,927	50,943	50,984	21,535	-	21,535	72,519
44. Gambia	10,614	9,324	1,290	1,538	-	1,538	2,828
45. Georgia	34,795	34,795	-	9,229	9,229	-	-
46. Germany	91,268,907	91,268,907	-	12,333,135	12,333,135	-	-
47. Ghana	46,150	40,488	5,662	9,229	-	9,229	14,891
48. Greece	6,168,101	6,168,101	-	1,062,883	25,130	1,037,753	1,037,753
49. Grenada	-	-	-	641	-	641	641
50. Guinea	20,841	4,349	16,492	3,076	-	3,076	19,568
51. Guyana	8,990	8,990	-	1,538	1,538	-	-
52. Honduras	57,527	40,519	17,008	12,306	-	12,306	29,314
53. Hungary	2,104,218	2,104,218	-	447,611	447,611	-	-
54. Iceland	385,690	385,690	-	64,604	64,604	-	-
55. Ireland	4,324,266	4,324,266	-	766,014	766,014	-	-
56. Italy	52,989,882	52,989,882	-	7,689,367	7,689,367	-	-
57. Japan	65,221,461	65,221,461	-	19,273,408	8,564,887	10,708,521	10,708,521
58. Jordan	123,891	123,891	-	21,535	21,535	-	-
59. Kenya	83,892	83,892	-	18,458	18,458	-	-
60. Latvia	204,638	204,638	-	58,451	58,451	-	-
61. Lesotho	10,614	7,620	2,994	1,538	-	1,538	4,532
62. Liberia	8,990	5,730	3,260	1,538	-	1,538	4,798
63. Liechtenstein	81,730	81,730	-	13,844	13,844	-	-
64. Lithuania	336,881	336,881	-	99,982	99,982	-	-
65. Luxembourg	874,133	874,133	-	138,436	138,436	-	-
66. Madagascar	9,044	9,044	-	4,615	1,979	2,636	2,636
67. Malawi	10,995	9,400	1,595	1,538	-	1,538	3,133
68. Mali	18,388	18,388	-	4,615	1,999	2,616	2,616
69. Malta	164,007	164,007	-	26,149	26,149	-	-
70. Marshall Islands	10,614	8,398	2,216	1,538	-	1,538	3,754
71. Mauritius	116,751	116,751	-	16,920	16,920	-	-
72. Mexico	16,516,789	16,516,789	-	3,623,954	2,532,265	1,091,689	1,091,689
73. Mongolia	12,152	12,152	-	3,076	3,076	-	-
74. Montenegro	11,465	11,465	-	6,153	6,135	18	18
75. Namibia	67,377	67,377	-	12,305	12,305	-	-
76. Nauru	10,614	10,614	-	1,538	1,538	-	-
77. Netherlands	19,023,861	19,023,861	-	2,853,326	2,853,326	-	-
78. New Zealand	2,591,529	2,591,529	-	419,923	419,923	-	-

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2011 Assessed Contributions</i>	<i>2011 Contributions Received</i>	<i>2011 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
79. Niger	12,152	7,943	4,209	3,076	-	3,076	7,285
80. Nigeria	541,594	430,247	111,347	119,978	-	119,978	231,325
81. Norway	7,933,582	7,933,582	-	1,339,756	1,339,756	-	-
82. Panama	223,170	223,170	-	33,840	33,840	-	-
83. Paraguay	91,498	91,498	-	10,767	204	10,563	10,563
84. Peru	928,319	710,831	217,488	138,436	1	138,435	355,923
85. Poland	5,572,065	5,572,065	-	1,273,614	1,273,614	-	-
86. Portugal	5,296,742	5,296,742	-	786,011	786,011	-	-
87. Republic of Korea	21,096,329	21,096,329	-	3,476,289	2,421,208	1,055,081	1,055,081
88. Republic of Moldova	-	-	-	3,076	-	3,076	3,076
89. Romania	859,540	859,540	-	272,258	272,258	-	-
90. Saint Kitts and Nevis	6,183	6,183	-	1,538	40	1,498	1,498
91. Saint Lucia	256	-	256	1,538	-	1,538	1,794
92. Saint Vincent and the Grenadines	10,418	10,418	-	1,538	1,526	12	12
93. Samoa	10,496	10,496	-	1,538	1,538	-	-
94. San Marino	31,223	31,223	-	4,615	4,615	-	-
95. Senegal	50,230	50,230	-	9,229	9,229	-	-
96. Serbia	238,729	238,729	-	56,913	10,447	46,466	46,466
97. Seychelles	513	513	-	3,076	3,076	-	-
98. Sierra Leone	10,614	9,318	1,296	1,538	-	1,538	2,834
99. Slovakia	728,902	728,902	-	218,422	218,422	-	-
100. Slovenia	963,305	963,305	-	158,433	158,433	-	-
101. South Africa	3,305,684	3,305,684	-	592,200	592,200	-	-
102. Spain	29,721,044	29,721,044	-	4,886,801	3,461,952	1,424,849	1,424,849
103. Suriname	6,382	6,382	-	4,615	4,615	-	-
104. Sweden	11,032,664	11,032,664	-	1,636,625	1,636,625	-	-
105. Switzerland	12,732,263	12,732,263	-	1,738,145	1,738,145	-	-
106. Tajikistan	12,152	12,152	-	3,076	3,076	-	-
107. The Former Yugoslav Rep. of Macedonia	60,842	51,489	9,353	10,767	-	10,767	20,120
108. Timor-Leste	10,496	10,496	-	1,538	1,538	-	-
109. Trinidad and Tobago	285,532	285,532	-	67,680	67,680	-	-
110. Uganda	49,931	49,931	-	9,229	9,103	126	126
111. United Kingdom	67,660,246	67,660,246	-	10,158,147	10,158,147	-	-
112. United Republic of Tanzania	65,207	65,207	-	12,305	174	12,131	12,131
113. Uruguay	405,145	405,145	-	41,531	1,133	40,398	40,398
114. Venezuela (Bolivarian Republic of)	2,185,095	2,185,095	-	482,989	11,461	471,528	471,528
115. Zambia	19,532	13,378	6,154	6,153	-	6,153	12,307
<b>Total</b>	<b>€610,380,846</b>	<b>€609,789,054</b>	<b>€591,792</b>	<b>€103,607,900</b>	<b>€80,406,216</b>	<b>€23,201,684</b>	<b>€23,793,476</b>

## Annex III

### Legal aid

1. The Committee on Budget and Finance (“the Committee”) gave careful consideration to the issue of the funding of legal aid. The Committee observed that notwithstanding an increase of almost €5 million in the funds allocated in the 2012 proposed programme budget to fund legal aid for the defence and for victims<sup>1</sup> it had not received a special report on the issue. The Court’s request for 2012 was for €7,573,700 in legal aid.

2. According to the explanations heard by the Committee, this amount had been calculated by the Court taking into account the current scales of the legal aid system and future situations. The Committee had before it an informal paper by the Registrar entitled “Overview of the Legal Aid System of the Court” dated 27 June 2011. According to this paper, the composition of a basic defence team – of an accused person or victims – depends on two variables:

- (a) The phases of the trial; and
- (b) The composition of the defence team.

3. With one Counsel, one Legal Assistant and one Case Manager, the cost of this team in the pre-trial and appeals phases is €21,817 per month. Under the current rules of the Court, it is possible to add one Associate Counsel for the trial phase of the proceedings, bringing the monthly cost to €30,782. To this must be added a further amount of €13,012, representing the monthly salary of one Investigator (P-4 level) and one resource person (GS-OL). In total, the monthly sum paid to the defence team can be as high as €43,794.<sup>2</sup>

4. The Committee further noted that these payments made by the Registrar on the basis of supporting evidence submitted by counsel do not exclude other expenses. The current system provides for:

- (a) The reimbursement of expenses up to a flat-rate monthly allocation of €4,000;
- (b) Compensation, under certain conditions, of professional charges when counsel is present at the seat of the Court for a period of more than 15 days. Monthly compensation for professional charges may not exceed 40 per cent of the total monthly remuneration of the relevant team member’s fees; and
- (c) If the need arises, a request for additional resources may be made by the person entitled to receive legal assistance paid by the Court or his/her counsel.

5. To begin with, the Committee was surprised that it had not been consulted by the Registrar either about the tariff increases, which do not correspond to the financial data contained in the Court’s report from 2008,<sup>3</sup> or about a possible reclassification of the Case Manager from G-5 to P-1. Given the financial impact of these decisions, it was incumbent on the Registrar to inform the Committee of these plans.

6. The first figures supplied to the Committee relating to legal aid for the defence and for victims in the *Lubanga* and *Katanga/Ngudjolo Chui* trials were as follows:

- (a) Costs incurred for the defence between 2005 and 23 August 2011: €6,638,500; and
- (b) Costs incurred for victims during the same period: €2,802,400.

7. This amount, which did not take into account the costs incurred by the Court under the first two cases in the Democratic Republic of the Congo (*Lubanga and Katanga/Ngudjolo Chui*), namely €41,585,800, is likely to increase further with the possible appeals and reparations phases.

<sup>1</sup> ICC-ASP/10/10, sub-programme 3190, table 52, version F.

<sup>2</sup> Calculation is made on a monthly basis.

<sup>3</sup> ICC-ASP/7/23.

8. The Committee has already drawn attention in the past to the growing financial impact of the current legal aid system on the Court's finances.<sup>4</sup> The search for efficiency gains and savings inevitably raises questions about what this system should be expected to deliver. In light of the significant increase in the cases before the Court, striking a balance between the right of individuals to defend themselves must take account not only of the obligations arising from the Court's basic documents, but also of choices lying within the sole remit of the Assembly of States Parties (the "Assembly").

9. First, one can decide to maintain the current system and provide legal aid without pre-determining the financial framework. This system has the advantage of not limiting the conditions of access of the defence and victims to the proceedings before the Court. However, it carries the clear risk of an automatic increase each year in funds requested. Thus, in the 2012 proposed programme budget, almost €5 million more will be necessary for legal aid.

10. Second, the Committee believes it should be possible through a number of criteria to introduce greater flexibility into the system while at the same time respecting the obligations of the Court. On the one hand, it is possible to modify the present system of compensation of counsel by limiting, per budget year, the total amount allotted to teams, taking care to distinguish between the defence of the accused and the defence of victims. Taking into account the amounts agreed in the Lubanga and Katanga/Ngudjolo Chui cases, the Committee suggests that the Assembly should set an overall ceiling of €500,000 per accused per year. This amount would make possible a 45 per cent reduction over the annual average cost given for the trial phases of the first two cases between 2009 and 2010. Moreover, it is possible to envisage dropping the compensation of professional charges since, by definition, the main remuneration is intended precisely to compensate counsel for the case file. Furthermore, while acknowledging the benefits of using external counsel, the Committee had already made the point that a system in which victims would be represented only by the Office of Public Counsel for Victims (OPCV) would be more cost efficient.<sup>5</sup> In any case, the OPCV already provided sizeable support to external counsel, having assisted 39 legal representatives and more than 2,300 victims. To the extent that the Court is the only international criminal court to accept the participation of victims, all comparisons with other international courts are not based on the same situations. Such a system should not rule out the possibility of obtaining external counsel in the event of conflicting interests between the groups of victims. In that case, and applying the above-mentioned threshold reduction of 45 per cent, an amount of €223,000 per group of victims requiring, exceptionally, recourse to external counsel, could be allocated to external counsel.

11. The Committee stresses that it is up to the Assembly to define the general direction it believes the legal aid system should take and that, in light of the cases now before the Court, the number of people seeking funding under this budget item is likely to continue increasing.

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<sup>4</sup> Interim report on different legal aid mechanisms before international criminal jurisdictions (ICC-ASP/7/12), and *Official Records ... Seventh session ... 2006* (ICC-ASP/7/20), vol. II, part B.2, paras. 123-127.

<sup>5</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.1, para. 77.

**Table 1: Actual costs per case, including Contingency Funds; SAP data per 23 August 2011 (in thousands of euros)**

		2005	2006	2007	2008	2009	2010	2011	Total
<b>Field</b>	Support		5,868.00	8,927.20	8,215.90	8,328.00	9,885.40	6,183.60	47,408.10
	Uganda	2,415.70	3,413.80	3,230.70	2,833.40	2,277.10	2,080.90	1,178.50	17,430.10
	DRC	2,213.00	4,776.30	4,853.00	6,242.50	7,147.10	7,613.40	4,662.70	37,508.00
	Darfur	1,740.90	3,510.30	4,814.70	5,541.80	5,385.10	3,738.00	1,951.70	26,682.50
	CAR			1,206.80	2,996.90	3,792.00	1,813.30	1,333.30	11,142.30
	Kenya						3,366.00	2,846.60	6,212.60
	Libya							1,108.70	1,108.70
	<i>Subtotal</i>	<i>6,369.60</i>	<i>17,568.40</i>	<i>23,032.40</i>	<i>25,830.50</i>	<i>26,929.30</i>	<i>28,497</i>	<i>19,265.10</i>	<i>147,492.30</i>
<b>Court in session</b>	Support	339.40	3,667.80	6,264.60	7,075.00	8,929.10	10,971.10	6,312.60	
	Trial 1 and 2 in DRC	239.40	2,399.00	3,887.70	5,850.90	9,100.30	13,445.40	6,663.00	
	Trial 3/appeal Bemba			77.10	403.80	1,093.80	2,482.20	1,573.20	
	CIS Kenya							434.00	
	CIS Libya							69.20	
	<i>Subtotal</i>	<i>578.80</i>	<i>6,066.80</i>	<i>10,229.40</i>	<i>13,329.70</i>	<i>19,123.20</i>	<i>26,898.70</i>	<i>15,052.00</i>	<i>91,278.60</i>
<b>Total</b>	<b>€6,948.40</b>	<b>€23,635.20</b>	<b>€33,261.80</b>	<b>€39,160.20</b>	<b>€46,052.50</b>	<b>€55,395.70</b>	<b>€34,317.10</b>	<b>€238,770.90</b>	

**Table 2: Summary of costs paid for Legal aid for defence and victims per situation/case \* 2005-2011 as at 23 August 2011 (in thousands of euros)****Legal aid for Counsel for defence**

	CIS DRC	CIS SUD	CIS UGA	CIS CAR	FOP OPS	FOP UGA	FOP DRC	FOP SUD	FOP CAR	ICC GEN	Total
2005	66.80										66.80
2006	597.40	49.60	63.10		1.00					13.60	724.70
2007	582.10	51.20	79.40			0.60	2.90				716.20
2008	660.60	2.80				70.00	20.20	36.50	22.70		812.80
2009	1,731.20			4.70		22.60	35.90	24.80			1,819.20
2010	1,874.80	410.10		511.80			44.90	54.30			2,895.90
2011**	1,125.60	382.20					66.50	4.50			1,578.80
<b>Total</b>	<b>€6,638.50</b>	<b>€895.90</b>	<b>€142.50</b>	<b>€516.50</b>	<b>€1.00</b>	<b>€93.20</b>	<b>€170.40</b>	<b>€120.10</b>	<b>€22.70</b>	<b>€13.60</b>	<b>€8,614.40</b>

**Legal aid for Counsel for victims**

	CIS DRC	CIS SUD	CIS UGA	CIS CAR	FOP OPS	FOP UGA	FOP DRC	FOP SUD	FOP CAR	ICC GEN	Total
2005											0.00
2006	20.30										20.30
2007	54.10										54.10
2008	149.40						9.10	1.40			159.90
2009	880.20	83.40		30.10			3.90		158.20		1,155.80
2010	1,106.40	43.70		85.00							1,235.10
2011**	592.00	47.40		288.40							927.80
<b>Total</b>	<b>€2,802.40</b>	<b>€174.50</b>		<b>€403.50</b>			<b>€13.00</b>	<b>€1.40</b>	<b>€158.20</b>		<b>€3,553.00</b>

\* CIS stands for Court in Session which is directly related to trials while FOS stands for Field Operations which is related to investigations and field operations.

\*\* Expenditure as at 23 August 2011.

**Table 3: Breakdown of Legal Aid expenditure per case (Lubanga – Katanga-Ngudjolo) (in euros)****Legal aid for defence**

<b>Lubanga</b>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>Total case</i>
Counsel	114,213.00	96,263.00	175,478.00	175,478.00	175,478.00	102,362.00	
Associate Counsel		35,238.00	145,233.00	145,233.00	145,233.00	84,719.00	
Legal Assistants	32,767.00	73,003.00	146,712.00	140,599.00	146,712.00	85,582.00	
Case-Managers	12,665.00	38,793.00	58,464.00	58,464.00	58,464.00	34,104.00	
Expenses (incl. travel)	37,669.00	37,158.00	13,521.00	63,852.00	83,409.00	53,294.00	
Investigations	53,332.00	25,973.00	39,653.00	61,679.00	32,730.00	23,678.00	
<b>Total</b>	<b>€250,646.00</b>	<b>€306,428.00</b>	<b>€579,061.00</b>	<b>€645,306.00</b>	<b>€642,026.00</b>	<b>€383,740.00</b>	<b>€2,807,206.00</b>
<b>Katanga</b>		<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	
Counsel		14,899.00	129,984.00	174,574.00	168,212.00	84,106.00	
Associate Counsel				92,531.00	107,580.00	62,755.00	
Legal Assistants		4,705.00	73,356.00	110,034.00	127,356.00	74,291.00	
Case-Managers		134.00	58,464.00	58,464.00	58,464.00	34,104.00	
Expenses (incl. travel)		3,528.00	33,105.00	64,518.00	70,159.00	31,350.00	
Investigations			33,198.00	51,943.00	38,007.00	45,226.00	
<b>Total</b>		<b>€23,266.00</b>	<b>€328,107.00</b>	<b>€552,064.00</b>	<b>€569,778.00</b>	<b>€331,832.00</b>	<b>€1,805,047.00</b>
<b>Ngudjolo</b>			<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	
Counsel			99,418.00	129,984.00	129,984.00	75,824.00	
Associate Counsel			17,930.00	107,580.00	107,580.00	62,755.00	
Legal Assistants			56,397.00	98,859.00	146,712.00	85,582.00	
Case-Managers			48,720.00	58,464.00	58,464.00	32,480.00	
Expenses (incl. travel)			20,657.00	81,916.00	134,547.00	64,610.00	
Investigations			4,735.00	27,419.00	38,301.00	48,761.00	
<b>Total</b>			<b>€247,857.00</b>	<b>€504,222.00</b>	<b>€615,588.00</b>	<b>€370,012.00</b>	<b>€1,737,679.00</b>

**Legal aid for victims**

<b>Lubanga V02</b>	2006	2007	2008	2009	2010	2011	Total case
Counsel	13,364	21,164	60,455	113,946	97,391	71,420	
Associate counsel					-	-	
Legal Assistants					-	-	
Case-Managers			4,744	50,070	48,720	34,104	
Expenses (incl. travel)	5,760	21,188	37,150	58,452	70,533	20,213	
Investigations				4,506	-	-	
<b>Total</b>	<b>19,124</b>	<b>42,352</b>	<b>102,348</b>	<b>226,974</b>	<b>216,644</b>	<b>125,737</b>	<b>733,180</b>

<b>Lubanga V01</b>	2006	2007	2008	2009	2010	2011	
Counsel			29,332	142,932	78,952	33,805	
Associate Counsel					-	-	
Legal Assistants					-	-	
Case-Managers			3,000	54,467	48,395	34,104	
Expenses (incl. travel)		467	24,848	60,547	57,955	14,152	
Investigations					-	-	
<b>Total</b>	<b>-</b>	<b>467</b>	<b>57,180</b>	<b>257,945</b>	<b>185,302</b>	<b>82,061</b>	<b>582,955</b>

<b>Katanga/Ngudjolo</b>	2006	2007	2008	2009	2010	2011	
Counsel			19,316	54,769	95,765	21,664	
Associate Counsel					-	-	
Legal Assistants					-	-	
Case-Managers				16,156	48,720	29,232	
Expenses (incl. travel)			12,541	3,372	35,800	13,927	
Investigations					-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>31,857</b>	<b>74,297</b>	<b>180,285</b>	<b>64,823</b>	<b>351,262</b>

<b>Katanga/Ngudjolo</b>	2006	2007	2008	2009	2010	2011	
Counsel				65,532	108,320	54,160	
Associate Counsel					-	-	
Legal Assistants				25,325	56,200	36,678	
Case-Managers				9,744	48,720	29,232	
Expenses (incl. travel)			9,848	13,011	49,851	30,663	
Investigations					48,796	39,278	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>9,848</b>	<b>113,611</b>	<b>311,887</b>	<b>190,011</b>	<b>625,357</b>

## Annex IV

### Summary of recommendations

1. This section introduces an overall summary of the Committee's recommendations raised in this report together with their financial effects on the submitted 2012 proposed programme budget. In addition, there are specific recommendations under each major programme.

#### A. Common system and vacancy rates

2. The Committee recommended that the increases for staff salary and enhanced conditions of service in the field be absorbed within each major programme except as indicated in Section F.

#### B. General temporary assistance

3. Specific GTA posts were not recommended by the Committee or not to be funded as is the case for Major Programme I, II, III and VI.

4. The Committee recommended that a general vacancy rate of 8 per cent on the proposed budget increase of GTA staff be applied, except as indicated in Section F.

#### C. Consultants

5. A specific reduction was recommended by the Committee where insufficient justifications were provided and where the Committee was not convinced with the request for consultants in the 2012 proposed programme budget as is the case for Major Programmes I and III.

6. The proposed budget for consultants be reduced by an additional 10 per cent for all major programmes after deducting the specific reductions in the previous paragraph, except as indicated in Section F.

#### D. Travel

7. A specific reduction where insufficient justifications provided in the 2012 proposed programme budget for travel as is the case for Major Programme III and VII-5.

8. The 2012 proposed travel budget be reduced by 8.2 per cent for Major Programme I, by 7 per cent for Major Programme II and by 10 per cent for the rest after deducting the specific reductions in the previous paragraph, except as indicated in Section F.

#### E. Training

9. The proposed training budget remains at the level of the 2011 approved budget for all major programmes, except as indicated in Section F.

10. Further specific reductions where insufficient justifications were provided in the 2012 proposed programme budget for training as is the case for Major Programmes I and III.

#### F. Supplies and materials

11. Supplies and materials remain at the level of the 2011 approved budget for all major programmes, except as indicated in Section F.





**Table 3: Programme 1100: The Presidency**

	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total
			Total	Basic	Situation-related	Total
<i>Judges</i>	28.0		28.0	28.0		28.0
Professional staff	730.0		730.0	707.8		707.8
General Service staff	268.1		268.1	258.9		258.9
<i>Subtotal staff</i>	998.1		998.1	966.7		966.7
General temporary assistance	110.4		110.4	99.4		99.4
Temporary assistance for meetings						
Overtime						
Consultants	15.4		15.4			-15.4
<i>Subtotal other staff</i>	125.8		125.8	99.4		99.4
Travel	210.0		210.0	192.8		192.8
Hospitality	15.0		15.0	15.0		15.0
Contractual services						
Training	5.5		5.5			-5.5
General operating expenses						
Supplies and materials						
Equipment including furniture						
<i>Subtotal non-staff</i>	230.5		230.5	207.8		207.8
<b>Total</b>	<b>1,382.4</b>		<b>1,382.4</b>	<b>1,301.8</b>		<b>1,301.8</b>
						<b>-80.6</b>
						<b>-22.7</b>

**Table 4: Programme 1200: Chambers**

Chambers	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total
<i>Judges</i>	5,083.9		5,083.9	5,083.9		5,083.9
Professional staff	1,961.6	468.7	2,430.3	1,908.4	452.0	2,360.4
General Service staff	504.0	189.0	693.0	484.8	181.8	666.6
<i>Subtotal staff</i>	2,465.6	657.7	3,123.3	2,393.2	633.8	3,027.0
General temporary assistance		295.2	295.2		262.8	262.8
Temporary assistance for meetings						
Overtime						
Consultants	16.0		16.0	14.4		14.4
<i>Subtotal other staff</i>	16.0	295.2	311.2	14.4	262.8	277.2
Travel						
Hospitality	1.0		1.0	1.0		1.0
Contractual services						
Training	15.8		15.8	15.8		15.8
General operating expenses						
Supplies and materials						
Equipment including furniture						
<i>Subtotal non-staff</i>	16.8		16.8	16.8		16.8
<b>Total</b>	<b>7,582.3</b>	<b>952.9</b>	<b>8,535.2</b>	<b>7,508.3</b>	<b>896.6</b>	<b>8,404.9</b>
						<b>-74.0</b>
						<b>-56.3</b>
						<b>-130.3</b>

**Table 5: Sub-programme 1310: New York Liaison Office**

	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related
	Total	Total	Total	Total	Total	Total
<i>Judges</i>						
<b>1310</b>						
<b>New York Liaison Office</b>						
Professional staff	153.4		140.1	140.1	-13.3	
General Service staff	63.0		60.6	60.6	-2.4	
<i>Subtotal staff</i>	<i>216.4</i>		<i>200.7</i>	<i>200.7</i>	<i>-15.7</i>	
General temporary assistance	87.6				-87.6	
Temporary assistance for meetings						
Overtime						
Consultants						
<i>Subtotal other staff</i>	<i>87.6</i>				<i>-87.6</i>	
Travel	12.4		11.4	11.4	-1.0	
Hospitality	1.0		1.0	1.0		
Contractual services	5.0		5.0	5.0		
Training						
General operating expenses	63.3		63.3	63.3		
Supplies and materials	5.0		4.8	4.8	-0.2	
Equipment including furniture						
<i>Subtotal non-staff</i>	<i>86.7</i>		<i>85.5</i>	<i>85.5</i>	<i>-1.2</i>	
<b>Total</b>	<b>390.7</b>		<b>286.2</b>	<b>286.2</b>	<b>-104.5</b>	

**Table 6: Major Programme II: Office of the Prosecutor**

	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
Professional staff	3,808.7	12,201.8	16,010.5	3,694.2	11,778.3	15,472.5	-114.5	-423.5
General Service staff	1,046.8	3,091.2	4,138.0	997.2	2,937.6	3,934.8	-49.6	-153.6
<i>Subtotal staff</i>	4,855.5	15,293.0	20,148.5	4,691.4	14,715.9	19,407.3	-164.1	-577.1
General temporary assistance	38.3	7,869.4	7,907.7	34.0	6,821.4	6,855.4	-4.3	-1,048.0
Temporary assistance for meetings								
Overtime	15.0		15.0	15.0		15.0		
Consultants		170.8	170.8		153.7	153.7		-17.1
<i>Subtotal other staff</i>	53.3	8,040.2	8,093.5	49.0	6,975.1	7,024.2	-4.3	-1,065.1
Travel	235.5	2,402.4	2,637.9	231.5	2,221.5	2,453.0	-4.0	-180.8
Hospitality	10.0		10.0	10.0		10.0		
Contractual services	25.0	282.4	307.4	25.0	282.4	307.4		
Training	23.9	55.5	79.4	23.9	55.5	79.4		
General operating expenses		395.0	395.0		395.0	395.0		
Supplies and materials	53.0	48.0	101.0	50.4	45.5	95.9	-2.7	-2.5
Equipment including furniture		30.0	30.0		30.0	30.0		
<i>Subtotal non-staff</i>	347.4	3,213.3	3,560.7	340.8	3,029.9	3,370.7	-6.6	-183.3
<b>Total</b>	<b>5,256.2</b>	<b>26,546.5</b>	<b>31,802.7</b>	<b>5,081.2</b>	<b>24,721.0</b>	<b>29,802.2</b>	<b>-175.0</b>	<b>-1,825.5</b>
								<b>-190.0</b>
								<b>-2,000.5</b>

**Table 7: Programme 2100: The Prosecutor**

	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
<b>2100 The Prosecutor</b>								
Professional staff	2,121.0	439.1	2,560.1	2,058.0	424.6	2,482.6	-63.0	-14.5
General Service staff	660.4	708.4	1,368.8	630.0	673.2	1,303.2	-30.4	-35.2
<i>Subtotal staff</i>	<i>2,781.4</i>	<i>1,147.5</i>	<i>3,928.9</i>	<i>2,688.0</i>	<i>1,097.8</i>	<i>3,785.8</i>	<i>-93.4</i>	<i>-49.7</i>
General temporary assistance	38.3	2,559.7	2,598.0	34.0	2,121.2	2,155.2	-4.3	-438.5
Temporary assistance for meetings								
Overtime	15.0		15.0	15.0		15.0		
Consultants		170.8	170.8		153.7	153.7		-17.1
<i>Subtotal other staff</i>	<i>53.3</i>	<i>2,730.5</i>	<i>2,783.8</i>	<i>49.0</i>	<i>2,274.9</i>	<i>2,323.9</i>	<i>-4.3</i>	<i>-455.6</i>
Travel	73.4	583.5	656.9	70.6	540.7	611.3	-2.8	-42.8
Hospitality	10.0		10.0	10.0		10.0		
Contractual services	25.0	202.4	227.4	25.0	202.4	227.4		
Training	23.9	55.5	79.4	23.9	55.5	79.4		
General operating expenses		10.0	10.0		10.0	10.0		
Supplies and materials	53.0	28.0	81.0	50.4	26.5	76.9	-2.7	-1.5
Equipment including furniture		30.0	30.0		30.0	30.0		
<i>Subtotal non-staff</i>	<i>185.3</i>	<i>909.4</i>	<i>1,094.7</i>	<i>179.9</i>	<i>865.2</i>	<i>1,045.0</i>	<i>-5.5</i>	<i>-44.3</i>
<b>Total</b>	<b>3,020.0</b>	<b>4,787.4</b>	<b>7,807.4</b>	<b>2,916.9</b>	<b>4,237.8</b>	<b>7,154.7</b>	<b>-103.1</b>	<b>-549.6</b>
								<b>-652.7</b>

**Table 8: Sub-programme 2110: Immediate Office of the Prosecutor/Legal Advisory Section**

	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related
	Total	Total	Total	Total	Total	Total
<b>2110 Immediate Office of the Prosecutor / Legal Advisory Section</b>						
Professional staff	1,022.3	1,022.3	994.6	994.6	-27.7	-27.7
General Service staff	338.4	338.4	324.0	324.0	-14.4	-14.4
<i>Subtotal staff</i>	<i>1,360.7</i>	<i>1,360.7</i>	<i>1,318.6</i>	<i>1,318.6</i>	<i>-42.1</i>	<i>-42.1</i>
General temporary assistance	38.3	140.0	34.0	61.4	-4.3	-78.6
Temporary assistance for meetings						
Overtime	15.0	15.0	15.0	15.0		
Consultants		170.8		153.7		-17.1
<i>Subtotal other staff</i>	<i>53.3</i>	<i>310.8</i>	<i>49.0</i>	<i>215.1</i>	<i>-4.3</i>	<i>-95.7</i>
Travel	57.8	128.1	57.8	115.5		-12.6
Hospitality	10.0	10.0	10.0	10.0		
Contractual services		25.0		25.0		
Training	23.9	55.5	23.9	55.5		
General operating expenses						
Supplies and materials						
Equipment including furniture						
<i>Subtotal non-staff</i>	<i>91.7</i>	<i>208.6</i>	<i>91.7</i>	<i>196.0</i>		<i>-12.6</i>
<b>Total</b>	<b>1,505.7</b>	<b>519.4</b>	<b>1,459.3</b>	<b>411.1</b>	<b>-46.4</b>	<b>-154.7</b>

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

Services Section	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
Professional staff	1,098.7	439.1	1,537.8	1,063.4	424.6	1,488.0	-35.3	-14.5
General Service staff	322.0	708.4	1,030.4	306.0	673.2	979.2	-16.0	-35.2
<i>Subtotal staff</i>	<i>1,420.7</i>	<i>1,147.5</i>	<i>2,568.2</i>	<i>1,369.4</i>	<i>1,097.8</i>	<i>2,467.2</i>	<i>-51.3</i>	<i>-49.7</i>
General temporary assistance		2,419.7	2,419.7		2,059.8	2,059.8		-359.9
Temporary assistance for meetings								
Overtime								
Consultants								
<i>Subtotal other staff</i>		<i>2,419.7</i>	<i>2,419.7</i>		<i>2,059.8</i>	<i>2,059.8</i>		<i>-359.9</i>
Travel	15.6	455.4	471.0	12.8	425.2	438.0	-2.8	-30.2
Hospitality								
Contractual services	25.0	177.4	202.4	25.0	177.4	202.4		
Training								
General operating expenses		10.0	10.0		10.0	10.0		
Supplies and materials	53.0	28.0	81.0	50.4	26.5	76.9	-2.7	-1.5
Equipment including furniture		30.0	30.0		30.0	30.0		
<i>Subtotal non-staff</i>	<i>93.6</i>	<i>700.8</i>	<i>794.4</i>	<i>88.2</i>	<i>669.1</i>	<i>757.3</i>	<i>-5.4</i>	<i>-31.7</i>
<b>Total</b>	<b>1,514.3</b>	<b>4,268.0</b>	<b>5,782.3</b>	<b>1,457.6</b>	<b>3,826.7</b>	<b>5,284.3</b>	<b>-56.8</b>	<b>-441.3</b>

Table 10: Programme 2200: Jurisdiction, Complementarity and Cooperation Division (JCCD)

Jurisdiction, Complementarity and Cooperation Division	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
Professional staff	752.0	912.2	1,664.2	727.2	882.9	1,610.1	-24.8	-29.3
General Service staff	128.8		128.8	122.4		122.4	-6.4	
<i>Subtotal staff</i>	880.8	912.2	1,793.0	849.6	882.9	1,732.5	-31.2	-29.3
General temporary assistance								
Temporary assistance for meetings		256.3	256.3		228.1	228.1		-28.2
Overtime								
Consultants								
<i>Subtotal other staff</i>		256.3	256.3		228.1	228.1		-28.2
Travel	131.1	363.9	495.0	129.9	330.1	460.0	-1.2	-33.8
Hospitality								
Contractual services								
Training								
General operating expenses								
Supplies and materials								
Equipment including furniture								
<i>Subtotal non-staff</i>	131.1	363.9	495.0	129.9	330.1	460.0	-1.2	-33.8
<b>Total</b>	<b>1,011.9</b>	<b>1,532.4</b>	<b>2,544.3</b>	<b>979.5</b>	<b>1,441.1</b>	<b>2,420.6</b>	<b>-32.4</b>	<b>-91.3</b>
								<b>-123.7</b>

**Table 11: Programme 2300: Investigation Division**

Investigation Division	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF				
	Basic	Situation-related	Total	Basic	Situation-related	Total			
Professional staff	294.2	7,362.1	7,656.3	285.1	7,095.8	7,380.9	-9.1	-266.3	-275.4
General Service staff	128.8	1,932.0	2,060.8	122.4	1,836.0	1,958.4	-6.4	-96.0	-102.4
<i>Subtotal staff</i>	<i>423.0</i>	<i>9,294.1</i>	<i>9,717.1</i>	<i>407.5</i>	<i>8,931.8</i>	<i>9,339.3</i>	<i>-15.5</i>	<i>-362.3</i>	<i>-377.8</i>
General temporary assistance		3,671.7	3,671.7		3,238.8	3,238.8		-432.9	-432.9
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>3,671.7</i>	<i>3,671.7</i>		<i>3,238.8</i>	<i>3,238.8</i>		<i>-432.9</i>	<i>-432.9</i>
Travel		1,236.1	1,236.1		1,149.1	1,149.1		-87.1	-87.1
Hospitality									
Contractual services		80.0	80.0		80.0	80.0			
Training									
General operating expenses		385.0	385.0		385.0	385.0			
Supplies and materials		20.0	20.0		19.0	19.0		-1.0	-1.0
Equipment including furniture									
<i>Subtotal non-staff</i>		<i>1,721.1</i>	<i>1,721.1</i>		<i>1,633.1</i>	<i>1,633.1</i>		<i>-88.1</i>	<i>-88.1</i>
<b>Total</b>	<b>423.0</b>	<b>14,686.9</b>	<b>15,109.9</b>	<b>407.5</b>	<b>13,803.7</b>	<b>14,211.2</b>	<b>-15.5</b>	<b>-883.3</b>	<b>-898.8</b>

Table 12: Sub-programme 2320: Planning and Operations Section

2320 Planning and Operations Section	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF				
	Basic	Situation-related	Total	Basic	Situation-related	Total			
Professional staff	294.2	3,136.1	3,430.3	285.1	3,009.6	3,294.7	-9.1	-126.5	-135.6
General Service staff	128.8	1,610.0	1,738.8	122.4	1,530.0	1,652.4	-6.4	-80.0	-86.4
<i>Subtotal staff</i>	423.0	4,746.1	5,169.1	407.5	4,539.6	4,947.1	-15.5	-206.5	-222.0
General temporary assistance					2,130.5	2,130.5			-296.8
Temporary assistance for meetings			2,427.3						
Overtime									
Consultants									
<i>Subtotal other staff</i>		2,427.3	2,427.3		2,130.5	2,130.5		-296.8	-296.8
Travel		388.5	388.5		361.1	361.1		-27.5	-27.5
Hospitality									
Contractual services		80.0	80.0		80.0	80.0			
Training									
General operating expenses									
Supplies and materials									
Equipment including furniture									
<i>Subtotal non-staff</i>		468.5	468.5		441.1	441.1		-27.5	-27.5
<b>Total</b>	<b>423.0</b>	<b>7,641.9</b>	<b>8,064.9</b>	<b>407.5</b>	<b>7,111.2</b>	<b>7,518.7</b>	<b>-15.5</b>	<b>-530.7</b>	<b>-546.2</b>

Table 13: Sub-programme 2330: Investigation Teams

Investigation Teams	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
Professional staff	4,226.0		4,226.0	4,086.2		4,086.2	-139.8	
General Service staff	322.0		322.0	306.0		306.0	-16.0	
<i>Subtotal staff</i>	4,548.0		4,548.0	4,392.2		4,392.2	-155.8	
General temporary assistance	1,244.4		1,244.4	1,108.2		1,108.2	-136.2	
Temporary assistance for meetings								
Overtime								
Consultants								
<i>Subtotal other staff</i>	1,244.4		1,244.4	1,108.2		1,108.2	-136.2	
Travel	847.6		847.6	788.0		788.0	-59.6	
Hospitality								
Contractual services								
Training								
General operating expenses	385.0		385.0	385.0		385.0		
Supplies and materials	20.0		20.0	19.0		19.0	-1.0	
Equipment including furniture								
<i>Subtotal non-staff</i>	1,252.6		1,252.6	1,192.0		1,192.0	-60.6	
<b>Total</b>	<b>7,045.0</b>		<b>7,045.0</b>	<b>6,692.5</b>		<b>6,692.5</b>	<b>-352.5</b>	

Table 14: Programme 2400: Prosecution Division

Prosecution Division	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	
Professional staff	641.5	3,488.4	4,129.9	623.9	3,375.0	3,998.9	-17.6	-113.4	-131.0
General Service staff	128.8	450.8	579.6	122.4	428.4	550.8	-6.4	-22.4	-28.8
<i>Subtotal staff</i>	770.3	3,939.2	4,709.5	746.3	3,803.4	4,549.7	-24.0	-135.8	-159.8
General temporary assistance		1,381.7	1,381.7		1,233.4	1,233.4		-148.3	-148.3
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		1,381.7	1,381.7		1,233.4	1,233.4		-148.3	-148.3
Travel	31.0	218.8	249.8	31.0	201.6	232.6		-17.2	-17.2
Hospitality									
Contractual services									
Training									
General operating expenses									
Supplies and materials									
Equipment including furniture									
<i>Subtotal non-staff</i>	31.0	218.8	249.8	31.0	201.6	232.6		-17.2	-17.2
<b>Total</b>	<b>801.3</b>	<b>5,539.7</b>	<b>6,341.0</b>	<b>777.3</b>	<b>5,238.4</b>	<b>6,015.7</b>	<b>-24.0</b>	<b>-301.3</b>	<b>-325.3</b>

**Table 15: Major Programme III: Registry**

Major Programme III Registry	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	
Professional staff	11,824.8	8,785.6	20,610.4	11,430.0	7,976.1	19,406.1	-394.8	-809.5	-1,204.3
General Service staff	8,900.5	6,399.2	15,299.7	8,497.2	6,190.2	14,687.4	-403.3	-209.0	-612.3
<i>Subtotal staff</i>	<i>20,725.3</i>	<i>15,184.8</i>	<i>35,910.1</i>	<i>19,927.2</i>	<i>14,166.2</i>	<i>34,093.4</i>	<i>-798.1</i>	<i>-1,018.5</i>	<i>-1,816.6</i>
General temporary assistance	1,729.2	2,667.8	4,397.0	2,020.8	2,380.0	4,400.9	291.6	-287.8	3.9
Temporary assistance for meetings	32.0	429.9	461.9	32.0	429.9	461.9			
Overtime	244.4	120.8	365.2	244.4	120.8	365.2			
Consultants	343.9	160.4	504.3	210.5	144.4	354.9	-133.4	-16.0	-149.4
<i>Subtotal other staff</i>	<i>2,349.5</i>	<i>3,378.9</i>	<i>5,728.4</i>	<i>2,507.8</i>	<i>3,075.1</i>	<i>5,582.9</i>	<i>158.3</i>	<i>-303.8</i>	<i>-145.5</i>
Travel	387.5	1,676.3	2,063.8	287.3	1,468.2	1,755.5	-100.2	-208.2	-308.3
Hospitality	10.0		10.0	10.0		10.0			
Contractual services	1,486.4	1,368.4	2,854.8	1,486.4	1,368.4	2,854.8			
Training	607.6	235.7	843.3	550.9	212.2	763.1	-56.7	-23.5	-80.2
Counsel for Defence		3,583.2	3,583.2		3,583.2	3,583.2			
Counsel for Victims		3,990.5	3,990.5		3,990.5	3,990.5			
General operating expenses	6,099.0	5,973.4	12,072.4	6,013.0	5,973.4	11,986.4	-86.0		-86.0
Supplies and materials	793.1	386.5	1,179.6	735.7	302.7	1,038.4	-57.4	-83.8	-141.2
Equipment including furniture	1,680.0		1,680.0	1,406.0		1,406.0	-274.0		-274.0
<i>Subtotal non-staff</i>	<i>11,063.6</i>	<i>17,214.0</i>	<i>28,277.6</i>	<i>10,489.3</i>	<i>16,898.5</i>	<i>27,387.8</i>	<i>-574.3</i>	<i>-315.5</i>	<i>-889.8</i>
<b>Total</b>	<b>34,138.4</b>	<b>35,777.7</b>	<b>69,916.1</b>	<b>32,924.2</b>	<b>34,139.9</b>	<b>67,064.1</b>	<b>-1,214.1</b>	<b>-1,637.9</b>	<b>-2,852.0</b>

**Table 16: Programme 3100: Office of the Registrar**

	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	
Professional staff	3,486.7	2,657.0	6,143.7	3,385.9	2,272.8	5,658.7	-100.8	-384.2	-485.0
General Service staff	2,804.2	1,973.9	4,778.1	2,701.8	1,939.1	4,640.9	-102.4	-34.8	-137.2
<i>Subtotal staff</i>	<i>6,290.9</i>	<i>4,630.9</i>	<i>10,921.8</i>	<i>6,087.7</i>	<i>4,211.8</i>	<i>10,299.5</i>	<i>-203.2</i>	<i>-419.0</i>	<i>-622.2</i>
General temporary assistance	1,029.6	372.9	1,402.5	1,360.1	344.1	1,704.2	330.5	-28.8	301.7
Temporary assistance for meetings									
Overtime	124.4	57.6	182.0	124.4	57.6	182.0			
Consultants	160.0		160.0	153.0		153.0	-7.0		-7.0
<i>Subtotal other staff</i>	<i>1,314.0</i>	<i>430.5</i>	<i>1,744.5</i>	<i>1,637.5</i>	<i>401.7</i>	<i>2,039.2</i>	<i>323.5</i>	<i>-28.8</i>	<i>294.7</i>
Travel	139.1	534.1	673.2	63.8	440.1	503.9	-75.3	-94.0	-169.3
Hospitality	10.0		10.0	10.0		10.0			
Contractual services	332.5	342.3	674.8	332.5	342.3	674.8			
Training	143.8	155.9	299.7	124.8	145.9	270.7	-19.0	-10.0	-29.0
Counsel for Defence		3,583.2	3,583.2		3,583.2	3,583.2			
Counsel for Victims		3,990.5	3,990.5		3,990.5	3,990.5			
General operating expenses	195.0	627.0	822.0	195.0	627.0	822.0			
Supplies and materials	76.7	170.0	246.7	74.0	170.0	244.0	-2.7		-2.7
Equipment including furniture	75.0		75.0	1.0		1.0	-74.0		-74.0
<i>Subtotal non-staff</i>	<i>972.1</i>	<i>9,403.0</i>	<i>10,375.1</i>	<i>801.1</i>	<i>9,299.0</i>	<i>10,100.1</i>	<i>-171.0</i>	<i>-104.0</i>	<i>-275.0</i>
<b>Total</b>	<b>8,577.0</b>	<b>14,464.4</b>	<b>23,041.4</b>	<b>8,526.3</b>	<b>13,912.5</b>	<b>22,438.8</b>	<b>-50.7</b>	<b>-551.8</b>	<b>-602.5</b>

Table 17: Sub-programme 3110: Immediate Office of the Registrar

3110 Immediate Office of the Registrar	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF			
	Basic	Situation-related	Total	Basic	Situation-related	Total		
Professional staff	932.2		932.2	902.7		902.7	-29.5	-29.5
General Service staff	205.1		205.1	198.3		198.3	-6.8	-6.8
<i>Subtotal staff</i>	<i>1,137.3</i>		<i>1,137.3</i>	<i>1,101.0</i>		<i>1,101.0</i>	<i>-36.3</i>	<i>-36.3</i>
General temporary assistance								
Temporary assistance for meetings								
Overtime								
Consultants	20.0		20.0	18.0		18.0	-2.0	-2.0
<i>Subtotal other staff</i>	<i>20.0</i>		<i>20.0</i>	<i>18.0</i>		<i>18.0</i>	<i>-2.0</i>	<i>-2.0</i>
Travel	95.8	48.0	143.8	25.7	12.9	38.6	-70.1	-35.1
Hospitality	10.0		10.0	10.0		10.0		-105.2
Contractual services								
Training	4.4		4.4				-4.4	-4.4
General operating expenses								
Supplies and materials								
Equipment including furniture								
<i>Subtotal non-staff</i>	<i>110.2</i>	<i>48.0</i>	<i>158.2</i>	<i>35.7</i>	<i>12.9</i>	<i>48.6</i>	<i>-74.5</i>	<i>-109.6</i>
<b>Total</b>	<b>1,267.5</b>	<b>48.0</b>	<b>1,315.5</b>	<b>1,154.7</b>	<b>12.9</b>	<b>1,167.6</b>	<b>-112.8</b>	<b>-147.9</b>

**Table 18: Sub-programme 3120: Office of Internal Audit**

	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	387.6		387.6	387.6		387.6
General Service staff	63.0		63.0	63.0		63.0
<i>Subtotal staff</i>	450.6		450.6	450.6		450.6
General temporary assistance						
Temporary assistance for meetings						
Overtime						
Consultants	90.0		90.0	90.0		90.0
<i>Subtotal other staff</i>	90.0		90.0	90.0		90.0
Travel	2.6	26.5	29.1	2.6	26.5	29.1
Hospitality						
Contractual services	20.0		20.0	20.0		20.0
Training	21.6		21.6	21.6		21.6
General operating expenses						
Supplies and materials						
Equipment including furniture						
<i>Subtotal non-staff</i>	44.2	26.5	70.7	44.2	26.5	70.7
<b>Total</b>	<b>584.8</b>	<b>26.5</b>	<b>611.3</b>	<b>584.8</b>	<b>26.5</b>	<b>611.3</b>

Table 19: Sub-programme 3130: Legal Advisory Services Section

3130 Legal Advisory Services Section	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	568.5		568.5	549.1		-19.4
General Service staff	126.0		126.0	121.2		-4.8
<i>Subtotal staff</i>	694.5		694.5	670.3		-24.2
General temporary assistance						
Temporary assistance for meetings						
Overtime						
Consultants						
<i>Subtotal other staff</i>						
Travel	1.3	14.3	15.6			-1.3
Hospitality						-14.3
Contractual services	18.0		18.0	18.0		
Training	10.3		10.3			-10.3
General operating expenses						
Supplies and materials	2.7		2.7			-2.7
Equipment including furniture						
<i>Subtotal non-staff</i>	32.3	14.3	46.6	18.0		-14.3
<b>Total</b>	<b>726.8</b>	<b>14.3</b>	<b>741.1</b>	<b>688.3</b>		<b>-38.5</b>
						<b>-14.3</b>
						<b>-52.8</b>

**Table 20: Sub-programme 3140: Security and Safety Section**

3140 Security and Safety Section	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	568.5	605.1	1,173.6	549.1	436.6	985.7	-19.4	-168.4	-187.8
General Service staff	2,158.1	1,372.3	3,530.4	2,076.9	1,341.2	3,418.1	-81.2	-31.1	-112.3
<i>Subtotal staff</i>	<i>2,726.6</i>	<i>1,977.4</i>	<i>4,704.0</i>	<i>2,626.0</i>	<i>1,777.8</i>	<i>4,403.8</i>	<i>-100.6</i>	<i>-199.5</i>	<i>-300.1</i>
General temporary assistance	1,029.6		1,029.6	1,360.1		1,360.1	330.5		330.5
Temporary assistance for meetings									
Overtime	124.4	57.6	182.0	124.4	57.6	182.0			
Consultants									
<i>Subtotal other staff</i>	<i>1,154.0</i>	<i>57.6</i>	<i>1,211.6</i>	<i>1,484.5</i>	<i>57.6</i>	<i>1,542.1</i>	<i>330.5</i>	<i>-1.2</i>	<i>330.5</i>
Travel	12.3	256.1	268.4	11.1	230.5	241.6	-1.2	-25.6	-26.8
Hospitality									
Contractual services	94.5	235.2	329.7	94.5	235.2	329.7			
Training	98.5	98.7	197.2	98.5	98.7	197.2			
General operating expenses	190.0	110.0	300.0	190.0	110.0	300.0			
Supplies and materials	74.0	30.0	104.0	74.0	30.0	104.0			
Equipment including furniture	75.0		75.0	1.0		1.0	-74.0		-74.0
<i>Subtotal non-staff</i>	<i>544.3</i>	<i>730.0</i>	<i>1,274.3</i>	<i>469.1</i>	<i>704.4</i>	<i>1,173.5</i>	<i>-75.2</i>	<i>-25.6</i>	<i>-100.8</i>
<b>Total</b>	<b>4,424.9</b>	<b>2,765.0</b>	<b>7,189.9</b>	<b>4,579.6</b>	<b>2,539.8</b>	<b>7,119.4</b>	<b>154.7</b>	<b>-225.1</b>	<b>-70.4</b>

Table 21: Sub-programme 3160: Registry Permanent Premises Office

	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related
<b>Registry Permanent Premises Office</b>	<b>Total</b>	<b>Total</b>	<b>Basic</b>	<b>Situation-related</b>	<b>Total</b>	<b>Total</b>
Professional staff	227.3	227.3	220.4		220.4	-6.9
General Service staff						
<i>Subtotal staff</i>	227.3	227.3	220.4		220.4	-6.9
General temporary assistance						
Temporary assistance for meetings						
Overtime						
Consultants						
<i>Subtotal other staff</i>						
Travel	12.7	12.7	11.4		11.4	-1.3
Hospitality						
Contractual services	200.0	200.0	200.0		200.0	
Training	4.3	4.3				-4.3
General operating expenses	5.0	5.0	5.0		5.0	
Supplies and materials						
Equipment including furniture						
<i>Subtotal non-staff</i>	222.0	222.0	216.4		216.4	-5.6
<b>Total</b>	<b>449.3</b>	<b>449.3</b>	<b>436.8</b>		<b>436.8</b>	<b>-12.5</b>

Table 22: Sub-programme 3180: Field Operations Section

3180 Field Operations Section	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	874.0		874.0	696.9	-177.0	-177.0
General Service staff	538.5		538.5	537.3	-1.2	-1.2
<i>Subtotal staff</i>	<i>1,412.5</i>		<i>1,412.5</i>	<i>1,234.2</i>	<i>-178.3</i>	<i>-178.3</i>
General temporary assistance	248.1		248.1	232.6	-15.5	-15.5
Temporary assistance for meetings						
Overtime						
Consultants						
<i>Subtotal other staff</i>	<i>248.1</i>		<i>248.1</i>	<i>232.6</i>	<i>-15.5</i>	<i>-15.5</i>
Travel	99.1		99.1	89.2	-9.9	-9.9
Hospitality						
Contractual services	47.1		47.1	47.1		
Training	47.2		47.2	47.2		
General operating expenses	508.0		508.0	508.0		
Supplies and materials	140.0		140.0	140.0		
Equipment including furniture						
<i>Subtotal non-staff</i>	<i>841.4</i>		<i>841.4</i>	<i>831.5</i>	<i>-9.9</i>	<i>-9.9</i>
<b>Total</b>	<b>2,502.0</b>		<b>2,502.0</b>	<b>2,298.3</b>	<b>-203.7</b>	<b>-203.7</b>

Table 23: Sub-programme 3190: Counsel Support Section

3190 Counsel Support Section	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF				
	Basic	Situation-related	Total	Basic	Situation-related	Total			
Professional staff	430.6	203.3	633.9	416.5	196.1	612.6	-14.1	-7.2	-21.3
General Service staff	126.0	63.0	189.0	121.2	60.6	181.8	-4.8	-2.4	-7.2
<i>Subtotal staff</i>	<i>556.6</i>	<i>266.3</i>	<i>822.9</i>	<i>537.7</i>	<i>256.7</i>	<i>794.4</i>	<i>-18.9</i>	<i>-9.6</i>	<i>-28.5</i>
General temporary assistance		69.6	69.6		61.8	61.8		-7.8	-7.8
Temporary assistance for meetings									
Overtime									
Consultants	50.0		50.0	45.0		45.0	-5.0		-5.0
<i>Subtotal other staff</i>	<i>50.0</i>	<i>69.6</i>	<i>119.6</i>	<i>45.0</i>	<i>61.8</i>	<i>106.8</i>	<i>-5.0</i>	<i>-7.8</i>	<i>-12.8</i>
Travel	8.1		8.1	7.3		7.3	-0.8		-0.8
Hospitality									
Contractual services									
Training		10.0	10.0						-10.0
Counsel for Defence		3,583.2	3,583.2		3,583.2	3,583.2			
Counsel for Victims		3,990.5	3,990.5		3,990.5	3,990.5			
General operating expenses									
Supplies and materials									
Equipment including furniture									
<i>Subtotal non-staff</i>	<i>8.1</i>	<i>7,583.7</i>	<i>7,591.8</i>	<i>7.3</i>	<i>7,573.7</i>	<i>7,581.0</i>	<i>-0.8</i>	<i>-10.0</i>	<i>-10.8</i>
<b>Total</b>	<b>614.7</b>	<b>7,919.6</b>	<b>8,534.3</b>	<b>590.0</b>	<b>7,892.2</b>	<b>8,482.2</b>	<b>-24.7</b>	<b>-27.4</b>	<b>-52.1</b>



**Table 25: Sub-programme 3192: Office of Public Counsel for Victims**

	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related
	Total	Total	Total	Total	Total	Total
Professional staff	227.3	688.8	220.4	666.7	887.1	-29.0
General Service staff	63.0		60.6		60.6	-2.4
<i>Subtotal staff</i>	290.3	688.8	281.0	666.7	947.7	-31.4
General temporary assistance		55.2		49.7	49.7	-5.5
Temporary assistance for meetings						
Overtime						
Consultants						
<i>Subtotal other staff</i>		55.2		49.7	49.7	-5.5
Travel	4.0	75.9	3.6	68.3	71.9	-8.0
Hospitality						
Contractual services		40.0		40.0	40.0	
Training						
General operating expenses		6.0		6.0	6.0	
Supplies and materials						
Equipment including furniture						
<i>Subtotal non-staff</i>	4.0	121.9	3.6	114.3	117.9	-8.0
<b>Total</b>	<b>294.3</b>	<b>865.9</b>	<b>284.6</b>	<b>830.7</b>	<b>1,115.3</b>	<b>-44.9</b>

**Table 26: Programme 3200: Common Administrative Services Division**

	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	
	Common Administrative Services Division			Common Administrative Services Division					
Professional staff	3,507.2	540.8	4,048.0	3,397.3	522.9	3,920.2	-109.9	-17.9	-127.8
General Service staff	4,962.3	1,829.1	6,791.4	4,704.6	1,759.9	6,464.5	-257.7	-69.1	-326.8
<i>Subtotal staff</i>	8,469.5	2,369.9	10,839.4	8,101.9	2,282.8	10,384.7	-367.6	-87.0	-454.6
General temporary assistance	699.6	208.8	908.4	660.7	123.6	784.4	-38.9	-85.2	-124.0
Temporary assistance for meetings	20.0		20.0	20.0		20.0			
Overtime	120.0		120.0	120.0		120.0			
Consultants	140.0		140.0	18.0		18.0	-122.0		-122.0
<i>Subtotal other staff</i>	979.6	208.8	1,188.4	818.7	123.6	942.4	-160.9	-85.2	-246.0
Travel	114.1	71.4	185.5	102.7	64.4	167.0	-11.4	-7.1	-18.5
Hospitality									
Contractual services	646.5	60.0	706.5	646.5	60.0	706.5			
Training	423.3		423.3	387.4		387.4	-35.9		-35.9
General operating expenses	4,325.8	2,870.6	7,196.4	4,325.8	2,870.6	7,196.4			
Supplies and materials	535.9	9.5	545.4	525.3	9.5	534.8	-10.6		-10.6
Equipment including furniture	1,605.0		1,605.0	1,405.0		1,405.0	-200.0		-200.0
<i>Subtotal non-staff</i>	7,650.6	3,011.5	10,662.2	7,392.7	3,004.4	10,397.1	-257.9	-7.1	-265.0
<b>Total</b>	<b>17,099.7</b>	<b>5,590.2</b>	<b>22,689.9</b>	<b>16,313.4</b>	<b>5,410.9</b>	<b>21,724.2</b>	<b>-786.4</b>	<b>-179.3</b>	<b>-965.7</b>





**Table 29: Sub-programme 3240: Budget and Finance Section**

3240 Budget and Finance Section	Proposed Budget 2012 Before CBF recommendations				Proposed Budget 2012 After CBF recommendations				Difference Before CBF vs. after CBF			
	Basic	Situation- related	IPSAS	Total	Basic	Situation- related	IPSAS	Total	Basic	Situation- related	IPSAS	Total
Professional staff	730.0			730.0	707.8			707.8	-22.2			-22.2
General Service staff	770.7	331.1		1,101.8	727.2	319.5		1,046.7	-43.5	-11.6		-55.1
<i>Subtotal staff</i>	<i>1,500.7</i>	<i>331.1</i>		<i>1,831.8</i>	<i>1,435.0</i>	<i>319.5</i>		<i>1,754.5</i>	<i>-65.7</i>	<i>-11.6</i>		<i>-77.3</i>
General temporary assistance	69.6	69.6	351.6	490.8	61.8		351.6	413.4	-7.8	-69.6		-77.4
Temporary assistance for meetings												
Overtime	5.0			5.0	5.0			5.0				
Consultants												
<i>Subtotal other staff</i>	<i>74.6</i>	<i>69.6</i>	<i>351.6</i>	<i>495.8</i>	<i>66.8</i>		<i>351.6</i>	<i>418.4</i>	<i>-7.8</i>	<i>-69.6</i>		<i>-77.4</i>
Travel	23.9		15.9	39.8	19.9		15.9	35.8	-4.0			-4.0
Hospitality												
Contractual services	64.0		237.7	301.7	64.0		237.7	301.7				
Training	12.5		30.0	42.5	-17.5		30.0	12.5	-30.0			-30.0
General operating expenses	100.0			100.0	100.0			100.0				
Supplies and materials												
Equipment including furniture												
<i>Subtotal non-staff</i>	<i>200.4</i>		<i>283.6</i>	<i>484.0</i>	<i>166.4</i>		<i>283.6</i>	<i>450.0</i>	<i>-34.0</i>			<i>-34.0</i>
<b>Total</b>	<b>1,775.7</b>	<b>400.7</b>	<b>635.2</b>	<b>2,811.6</b>	<b>1,668.2</b>	<b>319.5</b>	<b>635.2</b>	<b>2,622.9</b>	<b>-107.5</b>	<b>-81.2</b>		<b>-188.7</b>



Table 31: Sub-programme 3260: Information and Communication Technologies Section

Information and Communication Technologies Section	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
Professional staff	1,094.8	540.8	1,635.6	1,062.6	522.9	1,585.5	-32.2	-17.9
General Service staff	1,276.1	994.0	2,270.1	1,228.5	955.6	2,184.1	-47.6	-38.3
<i>Subtotal staff</i>	<i>2,370.9</i>	<i>1,534.8</i>	<i>3,905.7</i>	<i>2,291.1</i>	<i>1,478.5</i>	<i>3,769.6</i>	<i>-79.8</i>	<i>-56.2</i>
General temporary assistance		139.2	139.2		123.6	123.6		-15.6
Temporary assistance for meetings	20.0		20.0	20.0		20.0		
Overtime	30.0		30.0	30.0		30.0		
Consultants								
<i>Subtotal other staff</i>	<i>50.0</i>	<i>139.2</i>	<i>189.2</i>	<i>50.0</i>	<i>123.6</i>	<i>173.6</i>	<i>-15.6</i>	<i>-15.6</i>
Travel	24.6	55.6	80.2	22.1	50.1	72.3	-2.5	-5.5
Hospitality								
Contractual services	269.0	60.0	329.0	269.0	60.0	329.0		
Training	40.9		40.9	40.9		40.9		
General operating expenses	1,680.4	2,776.6	4,457.0	1,680.4	2,776.6	4,457.0		
Supplies and materials	199.5	9.5	209.0	199.5	9.5	209.0		
Equipment including furniture	1,400.0		1,400.0	1,200.0		1,200.0	-200.0	
<i>Subtotal non-staff</i>	<i>3,614.4</i>	<i>2,901.7</i>	<i>6,516.1</i>	<i>3,411.9</i>	<i>2,896.2</i>	<i>6,308.1</i>	<i>-202.5</i>	<i>-5.6</i>
<b>Total</b>	<b>6,035.3</b>	<b>4,575.7</b>	<b>10,611.0</b>	<b>5,753.0</b>	<b>4,498.3</b>	<b>10,251.4</b>	<b>-282.3</b>	<b>-77.4</b>
								<b>-359.6</b>

**Table 32: Programme 3300: Division of Court Services**

Division of Court Services	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
Professional staff	3,893.9	5,023.4	8,917.3	3,741.0	4,677.6	8,418.6	-152.9	-345.8
General Service staff	630.0	2,359.8	2,989.8	606.0	2,281.8	2,887.8	-24.0	-78.0
<i>Subtotal staff</i>	<i>4,523.9</i>	<i>7,383.2</i>	<i>11,907.1</i>	<i>4,347.0</i>	<i>6,959.4</i>	<i>11,306.4</i>	<i>-176.9</i>	<i>-423.8</i>
General temporary assistance	1,784.9	1,784.9	1,784.9	1,645.1	1,645.1	1,645.1	-139.8	-139.8
Temporary assistance for meetings	12.0	429.9	441.9	12.0	429.9	441.9		
Overtime		63.2	63.2		63.2	63.2		
Consultants	43.9	160.4	204.3	39.5	144.4	183.9	-4.4	-16.0
<i>Subtotal other staff</i>	<i>55.9</i>	<i>2,438.4</i>	<i>2,494.3</i>	<i>51.5</i>	<i>2,282.6</i>	<i>2,334.1</i>	<i>-4.4</i>	<i>-155.8</i>
Travel	89.6	990.9	1,080.5	80.6	891.8	972.4	-9.0	-99.1
Hospitality								
Contractual services	113.4	286.3	399.7	113.4	286.3	399.7		
Training	34.9	79.8	114.7	34.9	66.3	101.2		-13.5
General operating expenses	1,481.2	2,462.3	3,943.5	1,395.2	2,462.3	3,857.5	-86.0	-86.0
Supplies and materials	30.0	187.0	217.0	27.3	108.7	135.9	-2.7	-78.3
Equipment including furniture								
<i>Subtotal non-staff</i>	<i>1,749.1</i>	<i>4,006.3</i>	<i>5,755.4</i>	<i>1,651.4</i>	<i>3,815.4</i>	<i>5,466.7</i>	<i>-97.7</i>	<i>-190.9</i>
<b>Total</b>	<b>6,328.9</b>	<b>13,827.9</b>	<b>20,156.8</b>	<b>6,049.9</b>	<b>13,057.4</b>	<b>19,107.3</b>	<b>-279.0</b>	<b>-770.5</b>

Table 33: Sub-programme 3310: Office of the Director DCS

	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF				
	Basic	Situation-related	Total	Basic	Situation-related	Total			
Professional staff	167.1	282.2	449.3	159.0	274.5	433.5	-8.1	-7.7	-15.8
General Service staff	63.0		63.0	60.6		60.6	-2.4		-2.4
<i>Subtotal staff</i>	<i>230.1</i>	<i>282.2</i>	<i>512.3</i>	<i>219.6</i>	<i>274.5</i>	<i>494.1</i>	<i>-10.5</i>	<i>-7.7</i>	<i>-18.2</i>
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants	13.9	68.0	81.9	12.5	61.2	73.7	-1.4	-6.8	-8.2
<i>Subtotal other staff</i>	<i>13.9</i>	<i>195.2</i>	<i>209.1</i>	<i>12.5</i>	<i>173.8</i>	<i>186.3</i>	<i>-1.4</i>	<i>-21.4</i>	<i>-22.8</i>
Travel	13.7	37.2	50.9	12.3	33.5	45.8	-1.4	-3.7	-5.1
Hospitality									
Contractual services									
Training	18.4		18.4	18.4		18.4			
General operating expenses		5.0	5.0		5.0	5.0			
Supplies and materials									
Equipment including furniture									
<i>Subtotal non-staff</i>	<i>32.1</i>	<i>42.2</i>	<i>74.3</i>	<i>30.7</i>	<i>38.5</i>	<i>69.2</i>	<i>-1.4</i>	<i>-3.7</i>	<i>-5.1</i>
<b>Total</b>	<b>276.1</b>	<b>519.6</b>	<b>795.7</b>	<b>262.8</b>	<b>486.8</b>	<b>749.6</b>	<b>-13.3</b>	<b>-32.8</b>	<b>-46.1</b>

**Table 34: Sub-programme 3320: Court Management Section**

3320 Court Management Section	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF				
	Basic	Situation-related	Total	Basic	Situation-related	Total			
Professional staff	409.7	760.6	1,170.3	397.8	739.5	1,137.3	-11.9	-21.1	-33.0
General Service staff	126.0	709.1	835.1	121.2	683.1	804.3	-4.8	-26.0	-30.8
<i>Subtotal staff</i>	535.7	1,469.7	2,005.4	519.0	1,422.6	1,941.6	-16.7	-47.1	-63.8
General temporary assistance		254.4	254.4		225.2	225.2		-29.2	-29.2
Temporary assistance for meetings									
Overtime		20.0	20.0		20.0	20.0			
Consultants	20.0	10.0	30.0	18.0	9.0	27.0	-2.0	-1.0	-3.0
<i>Subtotal other staff</i>	20.0	284.4	304.4	18.0	254.2	272.2	-2.0	-30.2	-32.2
Travel		33.6	33.6		30.2	30.2		-3.4	-3.4
Hospitality									
Contractual services		100.0	100.0		100.0	100.0			
Training	15.0	10.8	25.8	15.0	10.8	25.8			
General operating expenses	7.8		7.8	7.8		7.8			
Supplies and materials	13.0	112.8	125.8	10.7	92.8	103.5	-2.3	-20.0	-22.3
Equipment including furniture									
<i>Subtotal non-staff</i>	35.8	257.2	293.0	33.5	233.8	267.3	-2.3	-23.4	-25.7
<b>Total</b>	<b>591.5</b>	<b>2,011.3</b>	<b>2,602.8</b>	<b>570.5</b>	<b>1,910.7</b>	<b>2,481.1</b>	<b>-21.0</b>	<b>-100.6</b>	<b>-121.7</b>

**Table 35: Sub-programme 3330: Detention Section**

3300 Detention Section	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
	Professional staff	203.3	82.6	285.9	196.1	80.3	276.4	-7.2	-2.3
General Service staff	63.0	63.0	126.0	60.6	60.6	121.2	-2.4	-2.4	-4.8
<i>Subtotal staff</i>	<i>266.3</i>	<i>145.6</i>	<i>411.9</i>	<i>256.7</i>	<i>140.9</i>	<i>397.6</i>	<i>-9.6</i>	<i>-4.7</i>	<i>-14.3</i>
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants		6.0	6.0		5.4	5.4		-0.6	-0.6
<i>Subtotal other staff</i>		<i>6.0</i>	<i>6.0</i>		<i>5.4</i>	<i>5.4</i>		<i>-0.6</i>	<i>-0.6</i>
Travel	3.8		3.8	3.4		3.4		-0.4	-0.4
Hospitality									
Contractual services		2.1	2.1		2.1	2.1			
Training	1.5	17.0	18.5	1.5	17.0	18.5			
General operating expenses	1,473.4	118.4	1,591.8	1,387.4	118.4	1,505.8	-86.0		-86.0
Supplies and materials	7.5		7.5	7.1		7.1		-0.4	-0.4
Equipment including furniture									
<i>Subtotal non-staff</i>	<i>1,486.2</i>	<i>137.5</i>	<i>1,623.7</i>	<i>1,399.4</i>	<i>137.5</i>	<i>1,536.9</i>	<i>-86.8</i>		<i>-86.8</i>
<b>Total</b>	<b>1,752.5</b>	<b>289.1</b>	<b>2,041.6</b>	<b>1,656.1</b>	<b>283.8</b>	<b>1,939.9</b>	<b>-96.4</b>	<b>-5.3</b>	<b>-101.7</b>

**Table 36: Sub-programme 3340: Court Interpretation and Translation Section**

Court Interpretation and Translation Section	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	
Professional staff	1,770.8	2,461.9	4,232.7	1,710.7	2,386.6	4,097.3	-60.1	-75.3	-135.4
General Service staff	252.0	268.1	520.1	242.4	258.9	501.3	-9.6	-9.2	-18.8
<i>Subtotal staff</i>	<i>2,022.8</i>	<i>2,730.0</i>	<i>4,752.8</i>	<i>1,953.1</i>	<i>2,645.5</i>	<i>4,598.6</i>	<i>-69.7</i>	<i>-84.5</i>	<i>-154.2</i>
General temporary assistance		897.9	897.9		858.2	858.2		-39.7	-39.7
Temporary assistance for meetings	12.0	429.9	441.9	12.0	429.9	441.9			
Overtime									
Consultants		37.6	37.6		33.8	33.8		-3.8	-3.8
<i>Subtotal other staff</i>	<i>12.0</i>	<i>1,365.4</i>	<i>1,377.4</i>	<i>12.0</i>	<i>1,321.9</i>	<i>1,333.9</i>		<i>-43.5</i>	<i>-43.5</i>
Travel	7.4	197.0	204.4	6.7	177.3	184.0	-0.7	-19.7	-20.4
Hospitality									
Contractual services	61.4	79.0	140.4	61.4	79.0	140.4			
Training		8.9	8.9		8.9	8.9			
General operating expenses									
Supplies and materials	9.5	9.5	19.0	9.5	9.5	19.0			
Equipment including furniture									
<i>Subtotal non-staff</i>	<i>78.3</i>	<i>294.4</i>	<i>372.7</i>	<i>77.6</i>	<i>274.7</i>	<i>352.3</i>	<i>-0.7</i>	<i>-19.7</i>	<i>-20.4</i>
<b>Total</b>	<b>2,113.1</b>	<b>4,389.8</b>	<b>6,502.9</b>	<b>2,042.7</b>	<b>4,242.1</b>	<b>6,284.8</b>	<b>-70.4</b>	<b>-147.7</b>	<b>-218.1</b>

**Table 37: Sub-programme 3350: Victims and Witnesses Unit**

3350 Victims and Witnesses Unit	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
	Professional staff	668.3	1,221.1	1,889.4	646.2	1,025.9	1,672.1	-22.1	-195.3
General Service staff	63.0	1,142.9	1,205.9	60.6	1,105.8	1,166.4	-2.4	-37.1	-39.5
<i>Subtotal staff</i>	<i>731.3</i>	<i>2,364.0</i>	<i>3,095.3</i>	<i>706.8</i>	<i>2,131.7</i>	<i>2,838.5</i>	<i>-24.5</i>	<i>-232.4</i>	<i>-256.9</i>
General temporary assistance		174.2	174.2		156.0	156.0		-18.2	-18.2
Temporary assistance for meetings									
Overtime		43.2	43.2		43.2	43.2			
Consultants		21.3	21.3		19.2	19.2		-2.1	-2.1
<i>Subtotal other staff</i>		<i>238.7</i>	<i>238.7</i>		<i>218.4</i>	<i>218.4</i>		<i>-20.3</i>	<i>-20.3</i>
Travel	31.8	606.9	638.7	28.6	546.2	574.8	-3.2	-60.7	-63.9
Hospitality									
Contractual services									
Training		24.6	24.6		24.6	24.6			
General operating expenses		2,338.9	2,338.9		2,338.9	2,338.9			
Supplies and materials		4.7	4.7		4.7	4.7			
Equipment including furniture									
<i>Subtotal non-staff</i>	<i>31.8</i>	<i>2,975.1</i>	<i>3,006.9</i>	<i>28.6</i>	<i>2,914.4</i>	<i>2,943.0</i>	<i>-3.2</i>	<i>-60.7</i>	<i>-63.9</i>
<b>Total</b>	<b>763.1</b>	<b>5,577.8</b>	<b>6,340.9</b>	<b>735.4</b>	<b>5,264.5</b>	<b>5,999.9</b>	<b>-27.7</b>	<b>-313.3</b>	<b>-341.0</b>

**Table 38: Sub-programme 3360: Victims Participation and Reparations Section**

	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
<b>3360 Victims Participation and Reparations Section</b>								
Professional staff	674.7	215.0	889.7	631.2	170.8	802.0	-43.5	-44.2
General Service staff	63.0	176.8	239.8	60.6	173.4	234.0	-2.4	-3.4
<i>Subtotal staff</i>	<i>737.7</i>	<i>391.8</i>	<i>1,129.5</i>	<i>691.8</i>	<i>344.2</i>	<i>1,036.0</i>	<i>-45.9</i>	<i>-47.6</i>
General temporary assistance		331.2	331.2		293.1	293.1		-38.1
Temporary assistance for meetings								
Overtime								
Consultants	10.0	17.5	27.5	9.0	15.8	24.8	-1.0	-1.8
<i>Subtotal other staff</i>	<i>10.0</i>	<i>348.7</i>	<i>358.7</i>	<i>9.0</i>	<i>308.9</i>	<i>317.9</i>	<i>-1.0</i>	<i>-39.8</i>
Travel	32.9	116.2	149.1	29.6	104.6	134.2	-3.3	-11.6
Hospitality								
Contractual services	52.0	105.2	157.2	52.0	105.2	157.2		
Training		18.5	18.5		5.0	5.0		-13.5
General operating expenses								
Supplies and materials		60.0	60.0		1.7	1.7		-58.4
Equipment including furniture								
<i>Subtotal non-staff</i>	<i>84.9</i>	<i>299.9</i>	<i>384.8</i>	<i>81.6</i>	<i>216.4</i>	<i>298.0</i>	<i>-3.3</i>	<i>-83.5</i>
<b>Total</b>	<b>832.6</b>	<b>1,040.4</b>	<b>1,873.0</b>	<b>782.4</b>	<b>869.5</b>	<b>1,651.9</b>	<b>-50.2</b>	<b>-170.9</b>
								<b>-221.1</b>

**Table 39: Programme 3400: Public Information and Documentation Section**

Section	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF	
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related
Professional staff	937.0	564.3	1,501.3	905.8	502.8	1,408.6	-31.2	-61.5
General Service staff	504.0	236.4	740.4	484.8	209.4	694.2	-19.2	-27.0
<i>Subtotal staff</i>	<i>1,441.0</i>	<i>800.7</i>	<i>2,241.7</i>	<i>1,390.6</i>	<i>712.2</i>	<i>2,102.8</i>	<i>-50.4</i>	<i>-88.5</i>
General temporary assistance	301.2		301.2		267.2	267.2		-34.0
Temporary assistance for meetings								
Overtime								
Consultants								
<i>Subtotal other staff</i>	<i>301.2</i>	<i>301.2</i>	<i>301.2</i>	<i>267.2</i>	<i>267.2</i>	<i>267.2</i>	<i>-34.0</i>	<i>-34.0</i>
Travel	44.7	79.9	124.6	40.2	71.9	112.1	-4.5	-8.0
Hospitality								
Contractual services	394.0	679.8	1,073.8	394.0	679.8	1,073.8		
Training	5.6		5.6	3.8		3.8	-1.8	
General operating expenses	97.0	13.5	110.5	97.0	13.5	110.5		
Supplies and materials	150.5	20.0	170.5	109.1	14.5	123.6	-41.5	-5.5
Equipment including furniture								
<i>Subtotal non-staff</i>	<i>691.8</i>	<i>793.2</i>	<i>1,485.0</i>	<i>644.1</i>	<i>779.8</i>	<i>1,423.8</i>	<i>-47.7</i>	<i>-13.5</i>
<b>Total</b>	<b>2,132.8</b>	<b>1,895.1</b>	<b>4,027.9</b>	<b>2,034.7</b>	<b>1,759.1</b>	<b>3,793.8</b>	<b>-98.1</b>	<b>-136.0</b>



**Table 41: Programme 4100: Conference**

4100 Conference	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation- related	Total	Basic	Situation-related	Total
Professional staff						
General Service staff						
<i>Subtotal staff</i>						
General temporary assistance	376.4		376.4	334.1	-42.3	-42.3
Temporary assistance for meetings	557.2		557.2	557.2		
Overtime	20.0		20.0	20.0		
Consultants						
<i>Subtotal other staff</i>	953.6		953.6	911.3	-42.3	-42.3
Travel	144.6		144.6	130.1	-14.5	-14.5
Hospitality						
Contractual services	681.0		681.0	681.0		
Training						
General operating expenses	24.4		24.4	24.4		
Supplies and materials	10.0		10.0	10.0		
Equipment including furniture						
<i>Subtotal non-staff</i>	860.0		860.0	845.5	-14.5	-14.5
<b>Total</b>	<b>1,813.6</b>		<b>1,813.6</b>	<b>1,756.8</b>	<b>-56.8</b>	<b>-56.8</b>

**Table 42: Programme 4200: Secretariat of the Assembly of States Parties**

Secretariat of the Assembly of States Parties	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation- related	Basic	Situation-related	Basic	Situation-related
Professional staff	775.3		568.0		-207.3	
General Service staff	354.2		275.4		-78.8	
<i>Subtotal staff</i>	<i>1,129.5</i>		<i>843.4</i>		<i>-286.1</i>	
General temporary assistance			225.2		225.2	
Temporary assistance for meetings						
Overtime	18.0		18.0			
Consultants						
<i>Subtotal other staff</i>	<i>18.0</i>		<i>243.2</i>		<i>225.2</i>	
Travel	81.1		73.0		-8.1	
Hospitality	10.0		10.0			
Contractual services	12.0		12.0			
Training	9.0		9.0			
General operating expenses						
Supplies and materials	4.7		4.7			
Equipment including furniture	5.0		5.0			
<i>Subtotal non-staff</i>	<i>121.8</i>		<i>113.7</i>		<i>-8.1</i>	
<b>Total</b>	<b>1,269.3</b>		<b>1,200.3</b>		<b>-69.0</b>	

**Table 43: Major Programme VI: Secretariat of the Trust Fund for Victims**

Major Programme VI Secretariat of the Trust Fund for Victims	Proposed Budget 2012 Before CBF recommendations			Proposed Budget 2012 After CBF recommendations			Difference Before CBF vs. after CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	
Professional staff	167.1	440.3	607.4	159.0	422.6	581.6	-8.1	-17.7	-25.8
General Service staff	63.0	63.0	126.0	60.6	60.6	121.2	-2.4	-2.4	-4.8
<i>Subtotal staff</i>	<i>230.1</i>	<i>503.3</i>	<i>733.4</i>	<i>219.6</i>	<i>483.2</i>	<i>702.8</i>	<i>-10.5</i>	<i>-20.1</i>	<i>-30.6</i>
General temporary assistance	244.8	75.6	320.4	118.1	71.8	189.9	-126.7	-3.8	-130.5
Temporary assistance for meetings									
Overtime									
Consultants	40.0	90.0	130.0	36.0	81.0	117.0	-4.0	-9.0	-13.0
<i>Subtotal other staff</i>	<i>284.8</i>	<i>165.6</i>	<i>450.4</i>	<i>154.1</i>	<i>152.8</i>	<i>306.9</i>	<i>-130.7</i>	<i>-12.8</i>	<i>-143.5</i>
Travel	56.5	230.9	287.4	50.9	207.8	258.7	-5.7	-23.1	-28.7
Hospitality	5.0		5.0	5.0		5.0			
Contractual services	116.0	82.0	198.0	116.0	82.0	198.0			
Training	4.6	42.0	46.6	2.7	24.3	27.0	-1.9	-17.7	-19.6
General operating expenses	5.0	17.0	22.0	5.0	17.0	22.0			
Supplies and materials	3.0		3.0	2.8		2.8	-0.2		-0.2
Equipment including furniture	10.0		10.0	10.0		10.0			
<i>Subtotal non-staff</i>	<i>200.1</i>	<i>371.9</i>	<i>572.0</i>	<i>192.3</i>	<i>331.1</i>	<i>523.4</i>	<i>-7.8</i>	<i>-40.8</i>	<i>-48.6</i>
<b>Total</b>	<b>715.0</b>	<b>1,040.8</b>	<b>1,755.8</b>	<b>566.0</b>	<b>967.1</b>	<b>1,533.1</b>	<b>-149.0</b>	<b>-73.8</b>	<b>-222.7</b>

**Table 44: Major Programme VII - 1: Project Director's Office (permanent premises)**

	Proposed Budget 2012 Before CBF recommendations		Proposed Budget 2012 After CBF recommendations		Difference Before CBF vs. after CBF	
	Basic	Situation- related	Total	Basic	Situation-related	Total
<b>Major Programme VII-1 Project Director's Office (permanent premises)</b>						
Professional staff	287.8		287.8	274.8		274.8
General Service staff	63.0		63.0	60.6		60.6
<b>Subtotal staff</b>	<b>350.8</b>		<b>350.8</b>	<b>335.4</b>		<b>335.4</b>
General temporary assistance	17.4		17.4	15.5		15.5
Temporary assistance for meetings						
Overtime						
Consultants						
<b>Subtotal other staff</b>	<b>17.4</b>		<b>17.4</b>	<b>15.5</b>		<b>15.5</b>
Travel	27.8		27.8	25.0		25.0
Hospitality	5.0		5.0	5.0		5.0
Contractual services	110.0		110.0	110.0		110.0
Training	11.9		11.9	6.2		6.2
General operating expenses	10.0		10.0	10.0		10.0
Supplies and materials	3.5		3.5	1.9		1.9
Equipment including furniture	10.0		10.0	10.0		10.0
<b>Subtotal non-staff</b>	<b>178.2</b>		<b>178.2</b>	<b>168.2</b>		<b>168.2</b>
<b>Total</b>	<b>546.4</b>		<b>546.4</b>	<b>519.0</b>		<b>519.0</b>
						<b>-27.4</b>
						<b>-10.0</b>
						<b>-1.9</b>
						<b>-13.0</b>
						<b>-2.4</b>
						<b>-15.4</b>
						<b>-1.6</b>
						<b>-5.7</b>
						<b>-2.8</b>
						<b>-1.9</b>



## Part C

### Related documents

#### 1. Financial statements for the period 1 January to 31 December 2010\*

##### Contents

Letter of transmittal .....	270
Statement on internal financial control.....	270
Independent auditor's opinion and report to the Assembly of States Parties.....	272
Report on the 2010 financial statements audit.....	274
Statement I: Income and expenditure and changes in fund balances for the period ending 31 December 2010 .....	294
Statement II: Assets, liabilities, reserves and fund balances as at 31 December 2010 .....	295
Statement III: Cash flow as at 31 December 2010 .....	296
Statement IV: Appropriations for the period 1 January to 31 December 2010 .....	297
Schedule 1: Status of contributions as at 31 December 2010 .....	297
Schedule 2: Status of Working Capital Fund as at 31 December 2010 .....	278
Schedule 3: Status of advances to the Working Capital Fund as at 31 December 2010 .....	300
Schedule 4: Status of cash surplus as at 31 December 2010.....	303
Schedule 5: Shares of States Parties in the 2009 cash surplus .....	304
Schedule 6: Status of voluntary contributions as at 31 December 2010 .....	306
Schedule 7: Status of Trust Funds as at 31 December 2010 .....	307
Notes to the financial statements .....	307
1. The International Criminal Court and its objectives.....	307
2. Summary of significant accounting and financial reporting policies .....	309
3. The International Criminal Court (statements I-IV).....	313
4. General Fund, Working Capital Fund and Contingency Fund .....	314
Table 1: Details of miscellaneous income .....	314
Table 2: Details of expenditures .....	314
Table 3: Details of other accounts receivable.....	316
Table 4: Details of other accounts payable.....	317
5. Trust Funds.....	317
6. Non-expendable property .....	318
Table 5: Summary of non-expendable property .....	319
Table 6: Summary of non-expendable property funded by other sources .....	319
7. Write-off losses of cash, receivables and property .....	319
8. Ex gratia payments .....	319
9. Gratis personnel.....	319
10. Contingent liabilities .....	319
11. Service-incurred injury.....	320
12. Contributions in kind.....	320
13. Contributions to the Trust Fund for Victims .....	320
14. The Permanent Premises Project: General description.....	320
15. The Permanent Premises Project: Notes to statements I-III .....	321

\* Previously issued as ICC-ASP/10/12.

## Letter of transmittal

31 March, 2011

In accordance with Financial Regulation 11.1, I have the honour to submit the financial statements of the International Criminal Court for the financial period 1 January to 31 December 2010.

(Signed) Silvana Arbia  
Registrar

Ms. Helen Feetenby  
Director  
National Audit Office  
157-197 Buckingham Palace Road  
London SW1W 9SP  
United Kingdom

## Statement on internal financial control

### Scope of responsibilities

In accordance with Financial Rule 101.1, the Registrar in her capacity as principal administrative officer of the Court is responsible and accountable for ensuring that the Financial Rules and Regulations are administered in a coherent manner by all organs of the Court, including through appropriate institutional arrangements with the Office of the Prosecutor and without prejudice to the functions and powers of the Prosecutor by virtue of article 42, paragraph 2, of the Rome Statute. Under Rule 111.1 responsibility for the financial statements is assigned to me and I have prescribed and maintained financial and subsidiary records; established appropriate accounting procedures of the Court; and designated the officials responsible for performing accounting functions.

Under the Court's Financial Regulations and Rules, including Regulation 1.4 and Regulation 10, as Registrar I have responsibility for maintaining a sound system of internal financial control. The system of internal financial control provides for effective examination and/or review of financial transactions in order to ensure:

- (a) The regularity of the receipt, custody and disposal of all funds and other financial resources of the Court;
- (b) The conformity of obligations and expenditures with the appropriations or other financial provisions voted by the Assembly of States Parties, or with the purposes and rules relating to trust funds and special accounts; and
- (c) The economic use of resources of the Court.

In accordance with Financial Rule 101.1 c), in the application of the Financial Regulations and Rules, officials shall be guided by the principles of effective financial administration and the exercise of economy.

I am satisfied that appropriate systems of internal financial control have been in place throughout the period.

## Review of effectiveness of the system of internal financial control

The effectiveness of the system of internal financial control and of compliance with the Court's Financial Rules and Regulations is informed by a process whereby operational managers (Certifying Officers) within the Court provide a Statement of Assurance to confirm that they have established processes to ensure compliance with the relevant rules and regulations. These assurances confirm that Certifying Officers have complied with financial rules and regulations for their operational areas, and draw attention to any weaknesses or irregularities.<sup>1</sup>

Furthermore, in 2010 the Office of Internal Audit performed audits of the Procurement Review Committee; the management of petty cash and miscellaneous obligating documents (MODs); and the administration of the Permanent Premises Project, reviewing the financial and operational control frameworks, risk management and governance of these activities.

As a result of its review, Internal Audit provided me with assurance on the effectiveness of controls for the Procurement Review Committee and the management of petty cash and MODs.

However some control weaknesses were noted in the audit of the administration of the Permanent Premises Project. OIA found that:

- (a) The design of the governance structure generally followed good practice. However, implementation of the structure has been problematic in several areas including the definition of the project approach which is not consistent with the ASP's original policy;
- (b) The quality and effectiveness of the risk assessment process should be improved in several areas; and
- (c) The project's financial processes and controls need to be clarified and adequately documented.

Recognising the above issues, action plans are being set up to resolve them and to further enhance financial control systems and improve practices.

In accordance with Financial Rule 110.1, the Committee on Budget and Finance will receive a report of the Internal Auditor on its activities through the Chair of the Audit Committee.

Although the audit activities undertaken showed some scope for improvement in controls, the overall conclusion from the results of these reviews is that the Court has maintained an adequate framework of internal financial control during the period and that no significant weaknesses have been identified which would impact on the operation of the internal control framework during this period. I am satisfied that I have received the necessary assurances to confirm that an adequate framework of internal financial control was in place during the year and up to the date of signature of this Statement.

Ms. Silvana Arbia  
Registrar

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<sup>1</sup> It is noted that the Statements of Assurance for the period which ended on 31 December 2010 have been signed *ex post facto*.

## **Independent auditor's opinion and report to the Assembly of States Parties**

I have audited the financial statements of the International Criminal Court for the year ended 31 December 2010. These comprise Statement I, Income and Expenditure and Changes in Fund Balances; Statement II, Assets, Liabilities, Reserves and Fund Balances; Statement III, Cash Flow; Statement IV, Appropriations; Schedules 1 to 7 and the related notes. These financial statements have been prepared under the accounting policies set out within them.

### **The Registrar's responsibility for the financial statements**

The Registrar is responsible for the preparation and fair presentation of the financial statements in accordance with United Nations System Accounting Standards and the requirements of the Financial Regulations as authorised by the Assembly of States Parties. The Registrar is also responsible for such internal control as she determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's responsibility**

My responsibility is to express an opinion on the financial statements based on my audit in accordance with Regulation 12 of the Financial Regulations. I conducted my audit in accordance with International Standards on Auditing issued by the International Auditing and Assurance Standards Board. Those standards require me and my staff to comply with ethical requirements and to plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the International Criminal Court's preparation and fair presentation of the financial statements, in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Registrar, as well as the overall presentation of the financial statements.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the revenue and expenditure reported in the financial statements have been applied to the purposes intended by the Assembly of States Parties and the financial transactions are in accordance with the Financial Regulations.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinions.

### **Opinion on financial statements**

In my opinion:

(a) The financial statements present fairly, in all material respects, the financial position of the International Criminal Court as at 31 December 2010 and the results for the year then ended; and

(b) The financial statements have been properly prepared in accordance with United Nations System Accounting Standards and the Financial Regulations authorised by the Assembly of States Parties.

## **Opinion on regularity**

In my opinion, in all material respects, the revenue and expenditure have been applied to the purposes intended by the Assembly of States Parties and the financial transactions conform to the Financial Regulations.

## **Matters on which I report by exception**

I have nothing to report in respect of the following:

Under the letter of engagement, I am required to report to you if, in my opinion:

- (a) Proper accounting records have not been kept; or
- (b) I have not received all of the information and explanations I require for my audit; or
- (c) Effective systems of internal control are not in place.

## **External Auditor's Report**

In accordance with Regulation 12 of the Financial Regulations, I have also issued an External Auditor's Report on my audit of the International Criminal Court's financial statements.

Amyas C E Morse  
Comptroller and Auditor General  
United Kingdom  
External Auditor

National Audit Office  
157-197 Buckingham Palace Road  
Victoria  
London  
SW1W 9SP

July 2011

## Report on the 2010 financial statements audit

The aim of the audit is to provide independent assurance to States Parties; to add value to the Organisation's financial management and governance; and to support the objectives of the Organisation's work through the external audit process.

The Comptroller and Auditor General is the head of the National Audit Office (NAO), the United Kingdom's Supreme Audit Institution. The Comptroller and Auditor General and the NAO are independent of the United Kingdom Government and ensure the proper and efficient spending of public funds and accountability to the United Kingdom's Parliament. We audit the accounts of all central public sector bodies as well as a number of international organisations. The NAO provides external audit services to a number of international organisations, working independently of its role as the Supreme Audit Institution of the United Kingdom.

July 2011

### Contents

Executive summary .....	275
Overall conclusion .....	275
Audit Findings .....	275
Overall results of the audit .....	275
Financial review of the General Fund .....	276
Overall financial performance .....	276
Permanent Premises Project .....	278
Current status .....	278
Governance structure .....	279
Effectiveness of communications .....	280
Budget and risk management .....	281
First time adoption of IPSAS .....	282
Compendium - progress against previous audit recommendations .....	284
Overview .....	284
Audit Committee .....	284
Risk Management .....	285
Statement on Internal Control .....	285
Office of Internal Audit .....	286
Information technology issues .....	287
Business continuity and disaster recovery .....	287
Ethical Conduct .....	288
Management response to audit recommendations for 2009 .....	288
Acknowledgement .....	288
Annex A: Summary of recommendations for 2010 .....	289
Annex B: Follow-up on prior year recommendations .....	291

## Executive summary

### Overall conclusion

1. We will be recommending that the External Auditor provides an **unqualified audit opinion** on the 2010 financial statements which present fairly, in all material respects, the financial position of the International Criminal Court (“the Court”), as at 31 December 2010 and the results for the year then ended; and that the financial statements have been properly prepared in accordance with United Nations System Accounting Standards and the Financial Regulations authorised by the Assembly of States Parties.

### Audit findings

2. In addition to our comments on the Court’s financial performance, our 2010 audit report to the Assembly of States Parties focuses on the Court’s progress in respect of the Permanent Premises Project, the plans for the implementation of International Public Sector Accounting Standards, and we have also presented a compendium report on our previous recommendations and the Court’s progress in implementing our recurring recommendations.

3. On the Permanent Premises Project, we found that little progress had been made in implementing our 2009 recommendations and further delays in the early stages of the project will present significant risks to the delivery of the project to time and to budget. On the project governance, we have recommended that the Oversight Committee accelerate the implementation of a more effective governance structure to mitigate the risk of the project failing to meet its objectives.

4. On the implementation of IPSAS, we have recommended that the Court accelerate its implementation timetable and in particular, conclude on its accounting policies for property, plant and equipment in 2011 to ensure it captures relevant and timely cost information on the Permanent Premises project and makes appropriate investment decisions on accounting software enhancements.

5. Over a number of years, we have made recommendations in key areas of corporate governance which we consider to be important to protect the reputation of the Court and enhance internal control. A significant number of long standing recommendations remain unaddressed. It is critical that management develop a realistic timetable for the implementation of all previous recommendations and for this to be endorsed and monitored by the Audit Committee.

### Overall results of the audit

6. We have audited the financial statements of the Court in accordance with the Financial Regulations and in compliance with International Standards on Auditing.

7. The audit revealed no weaknesses or errors which we consider material to the accuracy, completeness and validity of the financial statements. The audit opinion confirms that these financial statements present fairly, in all material respects, the financial position of the International Criminal Court as at 31 December 2010 and the results for the year then ended; and that the financial statements have been properly prepared in accordance with United Nations System Accounting Standards and the Financial Regulations authorised by the Assembly of States Parties.

8. The audit confirms that, in all material respects, the transactions underlying the financial statements have been made in accordance with the Financial Rules and Regulations and applied to the purposes intended by the Assembly of States Parties.

9. The audit included a general review of the Court’s accounting procedures, an assessment of internal controls that impact on our audit opinion; and such tests of accounting records and other supporting evidence as we considered necessary in the circumstances. Our audit procedures are designed primarily for the purpose of forming an audit opinion.

10. The audit work did not involve a detailed review of all aspects of the Court's budgetary and financial information systems, and the results should not be regarded as a comprehensive statement on them. Finally, an examination was carried out to ensure that the financial statements accurately reflected the Court's accounting records and were fairly presented.

11. The main observations and recommendations from our audit are set out below. Our recommendations are summarised in **Annex A**. Action taken by management in response to our 2009 recommendations is set out at **Annex B**.

## Financial review of the General Fund

### Overall financial performance

12. For the first time the Court is reporting a shortfall of income compared with expenditure in its General and Working Capital Funds. The Statement of appropriations (Statement IV) shows total expenditures of €104.5 million against the approved budget of €103.6 million, resulting in a budget deficit of €876,000. This deficit has been partially reduced through interest income of €343,000 and other income totalling €121,000, resulting in a retained deficit of €412,000 (2009: surplus €827,000).

#### Income

13. Assessed contributions increased by €7.3 million (7.7%). The increase was intended to support the growth of the Court with three trials being envisaged for 2010. The increased contributions were also to support the creation of the African Union Liaison Office, the Independent Oversight Mechanism, and the costs associated with the Court's Review Conference.

#### Interest income

14. The Court received interest income of €343,000 in 2010 (2009: €1.3 million) representing a decrease of 73 per cent. This low return was due to reduced cash balances and a continued low interest rate.

#### Contributions in kind

15. Significant contributions-in-kind during the period included free rental of the Court's headquarters in The Hague. No value has been attributed to this in kind contribution in the financial statements. As reported in Note 12, the rent free period granted by the host state ends in 2012 and the annual additional future cost of maintaining the current premises, until the permanent premises are finalised will be approximately €6.3 million.

#### Expenditure

16. Expenditure increased by 11.4 per cent to €104.5 million (2009: €93.8 million). Table 2 in the financial statements provides details of the categories of expenditure against the budget. While salaries and other staff related costs of €75.9 million were broadly in line with budget of €76.3 million, there was a significant overspend (€1.8 million) on contractual services which was partially offset by an under spend of €905,000 in the Court's operating expenses. The increased expenditure is predominately related to a new situation in Kenya which has resulted in additional costs and the parallel trials of Lubanaga and Katanga which have increased the Court's operating overheads which were not foreseen when the budget was set.

17. The staff related costs include €568,000 for the increase in the Annual Leave Accrual. In 2010, the Court changed its accounting policy and recognised the liability it has to its staff for their accrued annual leave. This has resulted in a restatement of the prior year financial statements and the recording of the full liability which at 31 December 2010 was €4.1 million (2009: €3.5 million [*restated*]).

18. The staff related costs also include a charge for the increase in the provision for ILO cases (€330,000) and a new provision for doubtful debt of €510,000. In 2010, five cases were brought before the International Labour Organisation Tribunal by former Court staff members. The Court's legal department have assessed that it is probable that the Tribunal will award damages.

***Recommendation 1:***

19. We recommend that the Court closely reviews all Tribunal cases to identify any common themes and lessons to be learned in respect of its Human Resources policies.

20. The provision for doubtful debt relates to balances advanced to an accused person whose assets were frozen by the Court to cover the costs of legal representation. Management have reached the decision that recovery is unlikely and the Court will continue to pay these legal fees for the foreseeable future.

**Assets and liabilities**

21. At 31 December 2010, total reserves and fund balances were €19.5 million (2009: €31.4 million). This reduction retained reserves is mainly attributable an increase in contributions receivable and a decrease in contributions received in advance. This resulted in a negative cash flow of €8.7 million in 2010 which broadly explains the Court's net cash outflow from its operating activities of €8.7 million (2009: €4.5 million [outflow]).

22. The assessed contributions receivable from States Parties increased by €5.2 million to €6.2 million and the contributions received in advance decreased by €3.6 million to €41,000. The Court should consider whether these movements represent increased pressure on States Parties' own national budgets and the impact this may have on future funding of the Court. In addition, the reducing reserves and increased monthly expenditure presents a real risk that the Court will not have sufficient accessible resources to meet its expenses as they fall due.

23. The Court has reported a reduction in unliquidated obligations at 31 December 2010 reducing by €2.0 million to €5.7 million (2009: €7.7 million). We have continued to carry out a detailed examination to ensure that funds are being properly obligated for the purposes intended and are supported by valid legal commitments at the year end.

24. The Working Capital Fund remained at €7.4 million. In 2010, there was a charge of €412,000 against the Contingency Fund. This was due to additional expenditures that the Court could not absorb in its Regular Budget.

## **Cases of fraud or presumptive fraud**

25. Primary responsibility for the prevention and detection of fraud rests with the Registrar. International Standards on Auditing require us to consider the risk of fraud or presumptive fraud as part of our audit procedures, and our audit provides reasonable assurance in respect of material fraud and error.

26. The ICC does not maintain a centralised register of reported fraud cases. As part of our audit procedures, we have sought individually, for those charged with governance and internal audit, whether they have any knowledge of frauds impacting the Court. The Registrar has confirmed that there were no cases of fraud in the Court for 2010. The Director of the Office of Internal Audit informed us that there was one case of theft of petty cash in the field office identified through audit of petty cash. Our audit did not identify any instances of fraud.

27. There is still no anti-fraud policy at the Court. Court employees do not have a defined procedure for reporting instances or suspicions of fraudulent activities. Within our Ethical Conduct section we have reviewed the progress the Court has made against our previous audit recommendations.

## Losses, write-offs and ex-gratia payments

28. In accordance with the Financial Rules and Regulations, the Registrar has notified us of write-offs of the amount €13,000 in respect of irrecoverable receivables and a further €217,000 related to irrecoverable Ugandan VAT. Non-expendable property totalling €505,000, at original cost, was written off in year. This related primarily to the write off of a large number of desktop computers.

29. In 2010, damages and costs relating to awards to former employees through the International Labour Organisation Administrative Tribunal amounted to €241,000 and the Permanent Premises project expenditure includes an amount of €1.65 million which was paid as a settlement, following a dispute with an architect, in relation to the design phase of the Permanent Premise construction.

## Permanent Premises Project

### Background

30. The Court is accommodated in interim premises provided as a contribution-in-kind by the host State, The Netherlands. In December 2007, the Assembly of States Parties approved the construction of newly built permanent premises for the ICC in The Hague. The new premises will consist of six connected buildings, to include three courtrooms and approximately 1,200 workstations within a total gross floor area of 50,560 square metres. The permanent premises are expected to be fully operational by December 2015 and will cost €190 million.

31. The aim of the Permanent Premises project is to construct permanent premises for the ICC that will:

- (a) Reflect the character of the Court;
- (b) Accommodate all organs of the Court in one place for at least the next 50 years; and
- (c) Be in full conformity with its general functional, organisational, security and other needs.

### Scope of our audit

32. In our 2009 report, we identified the following issues:

- (a) The reporting and accountability arrangements resulting from the split between the division of responsibilities between the ASP Project Office and the Registry Project Office;
- (b) The level of contingency. Some 10 per cent of the Project's contingency had been utilised by April 2010, despite the project not yet having completed the design stage; and
- (c) The Project did not have a benefits realisation plan, which will make it harder for States Parties to measure the success of the project and its value for money.

33. We have considered the progress that the Court has made against our 2009 audit findings. It is early for us to form a view on the progress of the project as the project remains at an early stage, activity to date has focused on the finalisation of the Preliminary Design and €6.4 million had been spent by the end of 2010. In particular, we have reviewed progress on: the governance structure; the effectiveness of communications; the budget; and risk management and have highlighted a number of potential risks which could impact on the delivery of the project.

### Current status

34. The project is expected to be delivered on schedule and within budget, despite delays and changes in requirements over the Preliminary Design stage (Figure 1).

**Figure 1: The status of the Permanent Premises Project**

	<i>December 2007 (Original budget)</i>	<i>Current forecast</i>
Total size of buildings	45,552 M <sup>2</sup>	50,560 M <sup>2</sup>
Fully operational date	2014	2015
Total construction cost (Euro million at 2014 prices)	190	190

Figure Source: International Criminal Court documents

35. Preliminary Design was approved a month later than planned and under conditions. The delay occurred due to lack of resources in the Court Organisation and changes in requirements which generated €3.3 million additional cost. To offset the additional costs, the Oversight Committee considered a list of items where savings could be found. These included:

- (a) The reduction of scenic lifts from four to two;
- (b) Lower ceilings for the top three floors of the Court room tower; and
- (c) Further optimization of the parking and warehousing space.

36. In November 2010, the Oversight Committee approved the Preliminary Design stage under the condition that the Court and Assembly of States Parties Project Director would jointly review the layout of the court room, the capacity of the conference centre and the need for a second main equipment room and the associated energy requirements.

37. The Final Design stage was originally scheduled to start in November 2010, but did not commence until March 2011. The Court should consider the impact of these delays on the completion of the project as we understand that overruns could cost approximately €1 million per month. This consists of €0.5 million for operational costs, including fees and extra work plus a further €0.5 million for the monthly rent for the interim premises.

38. The total gross area for the premises has increased by approximately 5,000 square metres since December 2007 as a result of additional requirements in court rooms and logistics areas. The Assembly of States Parties Project Director considers this is cost neutral, as the design has achieved an efficient ratio between façade and floor space. Although some changes may be inevitable as the project develops, the ASP and the Court must ensure that any changes are kept to a minimum as they can be costly and disruptive to delivery schedules. Significant changes may indicate inadequate definition of the project scope at the outset.

## **Governance structure**

39. To be effective, the project's governance structure should clearly set-out the functions, processes, procedures and responsibilities that define how the project is to be setup, managed and controlled. The governance structure provides the basis for all activities of managing the project and achieving the anticipated outcomes.

40. The Permanent Premises project consists of three main stakeholders:

- (a) The Assembly of States Parties is the project sponsor and developer;
- (b) The Court is the user organisation; and
- (c) The Host state delivers the construction project, provides financing and advice on legal building procedures.

41. In approving the project, the Assembly established the following governance arrangements:

- (a) The Oversight Committee on Permanent Premises is a standing subsidiary body of the Assembly of States Parties and provides strategic oversight to the project;
- (b) The Assembly of States Parties Project Director has final responsibility for the overall management of the project and reports to the Assembly of States Parties through the Oversight Committee. The Project Director's office is responsible for the day-to-day management of the project;

(c) The Court's Project Director is heading the Project Office Permanent Premises and is member of the Project Board. As the key interface between the project and the Court and the focal point for the project;

(d) The Registrar is the principal administrative officer of the Court and therefore responsible for the project within the mandate of the Court and without prejudice to the overall responsibility of the Assembly of States Parties Project Director. The Registrar is directly responsible for administrative and financial aspects of the management of the Assembly of States Parties Project Director's office; and

(e) The Project Board has the mandate to provide a cooperative and consultative structure for the overall management of the project, bringing together the key stakeholders. The Board is chaired by the Assembly of States Parties Project Director and includes representatives of the Court and the Dutch Government as host state.

42. In our 2009 report, we recommended that *"following the initial period of operation, the Oversight Committee should review the governance arrangements relating to the Project, to confirm they are fit for purpose, and provide for full and clear accountability"*. In response to that recommendation, and similar internal audit findings, the Oversight Committee commissioned independent experts to review the existing governance arrangements and recommend a new structure which is due to be finalised and approved by the Assembly in 2011-2012. The ICC should consider whether this is too late to make a real difference to the effective delivery of the project and consider accelerating the implementation of the new structure.

#### ***Recommendation 2:***

43. We continue to recommend the need for clear accountability structures to be established as soon as possible to ensure adequate project oversight, control and risk management.

44. Successful projects must have common goals and objectives, together with a clear understanding of design, cost and time to completion. Although both the Assembly of States Parties and the Court project teams appreciate the scope of the Permanent Premises project, they have different understanding of how project value is defined in terms of maximizing the value of resources invested. Our audit continues to evidence that there is limited congruence between the Court and Assembly of States Parties teams. Unless addressed, these challenges will put the effectiveness of any governance structure at risk. It is therefore important that the different stakeholder views on the cost, time and quality trade-offs are reconciled. Equally, a one-team mentality should be established to ensure that both teams follow the same approach in delivering the project outcomes. The Project Board should honestly appraise the barriers to effective working and develop a strategy to overcome these.

#### ***Recommendation 3:***

45. We recommend that a common set of project objectives and outcomes are agreed, together with a clear view on cost, time and quality.

46. We noted that there is still no clarity over the roles and responsibilities of the Assembly of States Parties Project Director and the Court in regards to their administrative parts in the project such as finance and procurement. The Assembly of States Parties should formally the administrative responsibilities and delegations of authority for the project.

### **Effectiveness of communications**

47. A successful project requires a well developed communications strategy which documents how information will be disseminated to, and received from, all stakeholders. Such a strategy is used to establish and manage on-going communications through the project. A communication strategy for the Permanent Premises project was drafted in August 2008 but it has not been updated since.

48. In early 2011, the Assembly of States Parties Project Director resigned from his post with effect on March 2011 and the Committee began a campaign to fill his post. The Committee also decided that in case of delay with the recruitment of the Assembly of States Parties Project Director, they would consider hiring a consultant as an interim solution. We identified, however, some deficiencies in the way which that information was communicated to the stakeholders. Key stakeholders did not feel fully informed about the time frame of the selection process and the implications that any delays might cause in the project timeline. In our discussions we identified concerns that communications between the key stakeholders were deficient and could threaten the achievement of objectives.

## Budget and risk management

49. The overall budget for the Permanent Premises project is €190 million at 2014 prices and expenditure to December 2010 was €6.4 million (Figure 2).

50. In February 2011, additional unplanned Design Stage costs of €1.65 million were incurred, against which the Court received a contribution of €150,000 from the Host State to finance legal advisory services related to architectural selection process, reducing the contingency expenditure to Euro 1.5 million. Without commencing the construction, the project has already consumed 10 per cent of its contingency.

51. Given the delays noted above and the planned changes to the project governance structure, the contingency must be closely monitored to ensure that the overall project costs do not continue to escalate. There remains no guidance on the parameters for the use of the contingency and there remains a difference of views on how this can be used.

52. The project's budget does not include the full project costs. In particular, loose furniture, user equipment, together with operational costs (i.e. cost of moving) are excluded from the total project cost. The separation of these costs from the main project budget can make the identification of the aggregate costs hard. We would encourage a full cost budget for the project to be developed for Assembly of States Parties' approval.

### *Recommendation 4:*

53. We recommend that as a matter of priority a full appraisal of non structural costs is undertaken to identify any previously unrecognised overheads. Additional costs identified, not budgeted for, should be presented to the Assembly of States Parties for approval.

**Figure 2: Cost of the Permanent Premises project**

<i>Costs</i>	<i>Actual expenditure (2008-2010) (Euro million at 2014 prices)</i>	<i>Total budget approved (Euro million at 2014 prices)</i>
Construction costs	0	114.9
Other costs:		
Escalation (cost increases)	0 <sup>(b)</sup>	29.4
Fees (designers, engineers, consultants)	3.3	18.5
Project Management fees	1.6	5.3
Permits and dues (including consultancy permits)	0.0	3.5
Integrated specialised features	0.0	1.1
Financial contingency	1.5 <sup>(a)</sup>	17.2
<b>Grand total</b>	<b>6.4</b>	<b>190</b>

<sup>(a)</sup> The Court received Euro 150,000 from the host State to finance legal advisory services related to architectural selection process. Therefore, the contingency expenditure reduced from Euro 1.65 million to Euro 1.5 million.

<sup>(b)</sup> This is yet to be finalised. The estimated escalation is Euro 0.5 million.

Figure Source: International Criminal Court documents.

54. A risk register is a key tool for analysing and managing risks. It lists all the identified risks and shows the likelihood of occurrence, severity of effect, counter measures and risk owners. The project makes use of a risk registers to manage risks, nevertheless, the registers lack the necessary detail to allow informed decisions. In addition, the registers used by the design and project teams differ in format and they do not quantify the impact if

risks materialize. Hence, contingency reserve has not been defined on the basis of quantified project risks. A more comprehensive risk assessment approach should be developed including the quantitative assessment of risks which enables the better understanding of potential impact in terms of cost, time and performance and reduces the likelihood of costs overruns.

***Recommendation 5:***

55. We recommend that a more comprehensive risk assessment should be developed including the quantification of risks and their potential impacts in terms of cost, time and performance.

## **First time adoption of IPSAS**

### **Background**

56. International Public Sector Accounting Standards (IPSAS) provides a comprehensive framework for financial reporting, ensuring greater transparency to financial statements and allowing effective comparisons with other entities.

57. Financial statements prepared under IPSAS provide a more complete picture of the financial position, matching income with expenditure and providing a more accurate measure of the consumption and valuation of longer term assets and liabilities. Much of this information is lacking under the current United Nations Systems Accounting Standards (UNSAS) accounting framework, and consequently prevents States Parties from obtaining a true understanding of the Court's underlying financial health.

58. We welcome that during its ninth session, in December 2010, the ASP approved the implementation of IPSAS. The Court has now prepared an implementation schedule together with a proposed budget; this was presented to the Committee on Budget and Finance in April 2011. The Court has proposed to present its first set of IPSAS compliant financial statements for 2014. The implementation is expected to cost €2 million.

59. We have reviewed the Court's implementation schedule against our previous IPSAS recommendations. Overall, we can confirm that the proposed project outline includes all the key aspects we would expect for a managed transition to the revised accounting framework.

### **Financial Rules and Regulations**

60. Management needs to undertake a thorough standard-by-standard review of the IPSAS to identify and document how they may impact the Court. While the requirements of many standards are not likely to be particularly onerous, for the purposes of completeness the impact of all IPSAS standards needs to be considered and the Court's judgement on their impact should be fully documented.

61. After completing a full impact analysis of the standards, the Court will need to assess the impact of the required IPSAS changes on the Financial Regulations. This should be done early due to the time it may take for the revised documents to be approved. The Court should prepare a clear analysis of each standard setting out the proposed accounting practice and policy and how it impacts the financial rules and regulations.

62. The current proposal is that changes to the Financial Rules and Regulations are approved by the Committee on Budget and Finance. We would urge the Court to present the revisions for Audit Committee scrutiny prior to the formal submission to the Committee on Budget and Finance.

***Recommendation 6:***

63. We recommend the Court perform an early IPSAS standard by standard impact analysis and consider the changes that will be required to the Financial Rules and Regulation. We recommend that changes to the Financial Rules and Regulations are approved by the Assembly of States Parties.

## Implementation timetable and budget

64. The Court plans to implement IPSAS in 2014 with a total proposed implementation budget of €2 million. The Court has approved two posts fully dedicated to the IPSAS implementation project with the more senior post filled in June 2011. The Court has allowed three years for transition and has estimated these staff costs at €600-700,000 for the transition period to 2014.

65. The implementation schedule reflects the work that will be required in the first half of 2015, when the first IPSAS financial statements are prepared and audited. In our experience, when organisations implement new accounting frameworks, and particularly with a “modified cash” to “accruals” conversion, the level of resources required should not be underestimated. A review of the current proposed timing and extent of resources should be undertaken.

66. The Court is well placed to make a quick and efficient transfer to IPSAS and we would encourage the Court to consider earlier adoption. In particular:

(a) The Court’s operations are relatively straight forward with only two main streams of revenue and expenses - assessed contributions for the regular budget and expenditure in relation to staff costs. There will be limited changes from the implementation of IPSAS to the accounting treatments for these transaction streams;

(b) The Court will have up-to-date and current detailed costing information around its major non-current assets (the permanent premises and its fittings);

(c) The Court will need to consider how it will value the liabilities associated with its employee benefits. Provided the employee data is readily available, this should not require significant timescales;

(d) The Court already operates a modern enterprise resource planning system which is suitable to support accruals accounting, SAP for which new modules, such as fixed assets (if it is deemed necessary) can be readily acquired; there is no requirement to migrate to a new accounting system;

(e) Its operations are centralised in The Netherlands, there is not a large number of regional offices with material transactions requiring training and development of local systems; and

(f) The Court has staff available to support the project.

67. In light of this and the appointment of two dedicated full time posts, the Court should review the timeframe for the production of the first set of financial statements. Earlier implementation will result in a significant reduction in costs relating to the project, and ensure that the benefits of improved financial reporting are realised earlier. The Court has informed us that it has already brought the timetable forward from its original planned 2015 implementation.

### *Recommendation 7:*

68. We recommend that the timetable for transition to IPSAS is reviewed, taking into consideration the complexity of transition and resources available to the Court, and be brought forward. In particular, the timetable should allow for at least one “dry run” exercise of preparing IPSAS accounts, either a restatement of the financial statements before the “live” year, or a month six account for the year in question. Opening balances for the first “live” year should be produced by the Court and reviewed by the External Auditors as soon as possible.

## Detailed planning

69. Following review of the timetable the key phases from the implementation schedule should be developed further into sub tasks and deadlines assigned. This will result in a useable detailed IPSAS project plan. Monitoring against this plan will ensure that resources are managed efficiently throughout the course of the project and the risks to delivery in terms of quality and time will be managed.

**Recommendation 8:**

70. We recommend that the Court ensure that a robust and detailed IPSAS project plan is set and progress against agreed deadlines should be monitored regularly by senior management and the Audit Committee.

**Property, plant and equipment (and intangible assets)**

71. The implementation schedule states that the capital assets implementation plan is to be considered in 2012. In our view this should be accelerated, the Court should evaluate the volume and values of assets held above differing capitalisation thresholds, (non expendable property reported in the 2010 Financial Statements was €15 million at cost) to determine an appropriate threshold for the capitalisation of assets. The Court can then determine the software needed to support the management of its assets, taking into consideration the cost compared with requirements and benefits.

72. The Court should also bring forward the development of its accounting policies for property, plant and equipment to establish this before the build phase of the permanent premises project. The Court is now incurring expenditure which may ultimately require capitalisation under IPSAS. It is important that the Court evaluate the IPSAS requirements and determine a suitable accounting policy so that the project costs are captured and recorded in a way suitable to determine the value of the asset and depreciation policies and fully comply with the revised accounting framework.

**Recommendation 9:**

73. We recommend earlier consideration of the accounting estimates and policies in relation to property plant and equipment to determine the appropriate software for management of assets and to ensure that the costs in relation to the Permanent Premises are suitably recorded in preparation for capitalisation under IPSAS.

**Compendium - progress against previous audit recommendations****Overview**

74. Over a number of years we have made recommendations regarding the Court's corporate governance arrangements. This section reviews the progress the Court has made in these areas.

**Audit Committee**

75. In previous years' reports we have outlined the benefits of an effective Audit Committee as an essential mechanism in improving corporate governance. The ICC has made progress on our previous recommendations and brought independent members in to the Committee, appointed through an external recruitment process. The first meeting to include the external members was held in April 2010.

76. The Audit Committee last met in February 2011 to consider a range of topics, including the Court's internal governance structure, the permanent premises construction and the work plans of internal and external audit. While the Committee has not had the opportunity yet to fully mature, it has made a very positive start. We have the following observations where we consider the effectiveness of the committee could be further enhanced:

(a) The Committee's agenda should be driven by the assurance needs of the ICC and its risk management processes;

(b) The cycle of Committee meetings should be reviewed to ensure that it reflects the work plans of the internal and external auditors;

(c) There should be a greater focus on accounting issues, including a detailed review of the financial statements. This should be a key part of the Committee's terms of reference; and

(d) The Audit Committee could operate on a more informal basis and be smaller to facilitate more effective operation with fewer executive attendees.

***Recommendation 10:***

77. We recommend that the Audit Committee and the Court continue to work together to maximise the effectiveness of the Committee and of the support provided to the Committee. The terms of Reference should be reviewed at least annually to ensure that the work of the Audit Committee is aligned with good practice and business needs.

**Risk management**

78. Since our earliest reports in 2003, we have outlined the benefits of systematic risk management and the importance of early consideration of risk. Given the complexity of the Court's structure, its high public profile and challenging cultural environment, effective risk management is essential for the effective operation of the Court.

79. In 2007, we reported that the Court was developing a risk identification process. Consultants had been appointed to undertake this exercise and we recommended that once completed these risks be promptly collated into a number of key risks for a useable risk register. The risk register should prioritise risks; and identify risk owners and actions to mitigate key risks. We anticipated that the risk register would be reviewed and updated regularly and used by senior management as an active diagnostic tool to manage risks. We also advised that an annual submission should be made to the Assembly of States Parties to bring key risks to their attention.

80. The high priority risks identified from the 2008 consultant report have been analysed and a range of mitigation strategies proposed. At the same time the Court has conducted a bottom up risk assessment whereby section heads were asked to develop their own risk registers. Based on Divisions' work each Organ developed an organ wide register and these were considered in the development of the Court wide register. The Court wide register is planned to combine this process with the risks and mitigation strategies identified in the consultants report. Six strategic risks areas have been identified and are now under consideration by the organs. These are Human Resources, Security, Permanent Premises, Compliance with Internal and External Rules, Governance and External Communications.

81. However, as at June 2011, the Court does not have a completed useable risk register to monitor and manage risks some **seven** years after we first recommended the need for this.

**Statement on Internal Control**

82. The Court first presented a Statement on Internal Control (SIC) with the Financial Statements in 2008. The purpose of such a Statement is to provide assurance that resources have been controlled and managed appropriately and is also a vehicle for highlighting any weaknesses which may exist in the internal control system. The SIC is therefore an important accountability document in communicating the state of internal control to States Parties.

83. While the Court has included a SIC with the financial statements since 2008, we have continued to recommend that the Court further develop the assurance framework which underpins the representations made in the SIC.

**The statements on internal control for 2010**

84. For 2010, the Court separated the statements on financial and non-financial control and presented a statement on internal financial control, signed by the Registrar as the principal administrative officer of the Court. It separately presented a statement of non-

financial control, which was jointly signed by the Register, the President and the Chief Prosecutor. As this development only occurred in June 2011, the External Auditor has not formed an opinion on the statements.

85. During 2011, the Court started to develop its assurance framework to support the representations in the statements by obtaining certifying officers confirmation on compliance with the Financial Regulations. The Court should continue these developments and now establish a comprehensive single Statement on Internal Control, supported by a complete assurance mechanism covering the management of all major risks for the successful operation of the Court. This single statement should be signed by the President of the Court, and by the Prosecutor, as well as by the Registrar, recognising their respective responsibilities for aspects of management of the Court and its resources.

***Recommendation 11:***

86. We recommend that for 2011 the Court should produce a single Statement on Internal Control which should describe the key elements of the Court's risk management strategy to reflect the Court's capacity to handle risk, setting out how the Court is equipped to manage changing risk profiles. It should, in our view, set out the differing responsibilities of the President, the Prosecutor and the Registrar, for overall management of the Court and use of resources, and be signed by all three.

**Absence of evidence to support the 2010 Statement on Internal Financial Control**

87. In relation to the evidence supporting the representations made in the 2010 Statement on Internal Financial Control, we found this to be lacking. Template statements of assurance to be signed by certifying officers were prepared but the exercise was not commissioned prior to production of the statement. We have therefore been unable to audit these assurance statements and as a result are unable to confirm whether the Statement is supported by confirmations on the operations of controls throughout the Court.

88. The statement has been signed and dated by the Registrar acknowledging the Organ's responsibility for maintaining a sound system of internal financial control. However, in the absence of an overarching piece of work by Internal Audit, looking at the system of controls across the Court, there has been limited assurance obtained to support the signature confirming the effectiveness of internal controls. Consequently, we have not been able to evaluate the assertions made in the statement by the Registrar, though we have seen no evidence to the contrary.

***Recommendation 12:***

89. We recommend that prior to preparation of the Statement on Internal Control written assurances are obtained from the divisions of the Court to properly conclude on the effectiveness of the control environment.

***Recommendation 13:***

90. We recommend that, prior to signature of the Statement on Internal Control and in line with best practice, internal audit provide an objective evaluation of, and opinion on, the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.

**Office of Internal Audit**

91. Internal audit should represent a key element of internal assurance and good governance. It should ensure that an effective control environment is maintained, and should provide advice to management on how it can be strengthened. Over several years, the Court has developed an in-house internal audit function.

## **Follow up of recommendations**

92. The Office of Internal Audit produces a number of reports each year containing recommendations to management. We have found that appropriate mechanisms were not established to ensure the systematic follow-up and implementation of internal audit recommendations, which resulted in a very low implementation rate and devaluing Internal Audit's work.

93. We are pleased to report some progress in this area. In 2010, a procedure was established and the ownership for the follow up of recommendations has been assigned. The Court has also developed a centralised database to track the status of recommendations. If properly managed, this new development should help ensure that identified improvements to procedures and internal controls will be implemented.

### ***Recommendation 14:***

94. We recommend that the Court continue its progress in following up internal audit recommendations and regularly report on implementation to both senior management and the Audit Committee.

## **Information technology issues**

### **Business continuity and disaster recovery**

95. In July 2007, the server that hosts the Court's accounting ledgers containing all the Court's financial information crashed. The system was not restored for a month later as the back up system had not been operating correctly and lost information had to be re-input into the restored system using supporting documentation on file.

96. Since 2007 we have recommended that the Court develop and implement an IT disaster recovery and business continuity plan. This is not just about the financial information, the Court's proceedings and evidence are also recorded electronically and such IT failures incidences could risk the judicial process. These essential recommendations have still not been fully implemented.

### **IT strategy**

97. An IT strategy provides a roadmap for how information technology will be used and implemented. The purpose is to ensure that there is a strong and clear relationship between IT investment decisions and an organisation's overall strategies, goals and objectives. There has been no update to the Court's IT strategy since 2006.

98. A recent e-Court Consultancy Report which reviewed the Court e-Court systems and processes made several recommendations regarding developing replacement strategies for strategic components, update of software and next generation equipment.

99. In 2014, it is expected that the new permanent premises for the Court will be completed and the operations will be moving to a newly designed building. IT forms a vital part of the Court's operations and it will be essential to plan for this move when considering any new acquisitions or upgrades.

100. An IT strategy is derived from the needs of an organisation. Without an IT strategy the Court runs the risk that significant organisational resources will be misdirected.

101. In this regard it is vital that an IT strategy should be prepared and reviewed by senior management as a matter of priority. This is to ensure that the strategy meets the current and future needs of the Court considering factors, amongst others, the e-Court review and the planned move to new premises. The production of an IT strategy and review for consistency with the medium to long term plans of the Court by senior management will provide assurance to Member States that funds are spent wisely to benefit the long term objectives of the Court.

***Recommendation 15:***

102. We reiterate our previous recommendation that an IT strategy be prepared and implemented as a matter of priority. The strategy be approved by senior management to ensure consistency with the long term objectives of the Court. The strategy should be annually reviewed and updated to ensure that it remains current and appropriate.

**Ethical conduct**

103. As a legal institution the Court has to operate to a very high standard of integrity to maintain its reputation. In our previous reports we have made recommendations to improve practice in relation to internal policies and procedures in this regard. There is still progress to be made.

**Fraud**

104. Our reports over a number of years have recommended that the Court develop an anti-fraud policy as part of the Court's response to developing and maintaining effective controls to prevent fraud. The key aspects of such a policy include:

- (a) Outlining the procedures to ensure a vigorous and prompt investigation would occur;
- (b) A zero-tolerance policy demonstrating that appropriate disciplinary and legal action would be taken in all cases;
- (c) Defining the procedures to examine review systems and procedures to prevent further frauds;
- (d) Investigate whether there has been a failure in supervision and take appropriate disciplinary action where supervisory failures occurred; and
- (e) Record and report all discovered cases of fraud.

105. Included within the anti fraud policy should be a defined whistle blowing policy which would allow the Court's employees to report any suspected cases of fraud and outline the protection that would be afforded to whistle-blowers. Without a defined procedure for reporting fraud the Court's staff may not report concerns due to fear of prejudice or harassment.

**Management response to audit recommendations for 2009**

106. In our 2009 External Audit Report we made a number of recommendations on financial matters and governance. As part of our work we have reviewed the progress the Court has made in implementing these recommendations. The detailed follow up, including both the response from the Court and our comments thereon, is set out in Annex B.

107. A number of these recommendations have not been implemented or they remain in progress. These have been discussed above in our compendium of previous audit recommendations.

**Acknowledgement**

108. We wish to record our appreciation for the co-operation and assistance provided by the Registrar and the staff of the Court during our audit.

Amyas C E Morse  
Comptroller and Auditor General, United Kingdom  
External Auditor

## Annex A

### Summary of recommendations for 2010

#### Recommendation 1:

We recommend that the ICC closely reviews all Tribunal cases to identify any common themes and lessons to be learned in respect of its Human Resources policies.

#### Recommendation 2:

We continue to recommend the need for clear accountability structures to be established as soon as possible to ensure adequate project oversight, control and risk management.

#### Recommendation 3:

We recommend that a common set of project objectives and outcomes are agreed, together with a clear view on cost, time and quality.

#### Recommendation 4:

We recommend that as a matter of priority a full appraisal of non structural costs is undertaken to identify any previously unrecognised overheads. Additional costs identified, not budgeted for, should be presented to the Assembly of States Parties for approval.

#### Recommendation 5:

We recommend that a more comprehensive risk assessment should be developed including the quantification of risks and their potential impacts in terms of cost, time and performance.

#### Recommendation 6:

We recommend the ICC perform an early IPSAS standard by standard impact analysis and consider the changes that will be required to the Financial Rules and Regulation. We recommend that changes to the Financial Rules and Regulations are approved by the Assembly of States Parties.

#### Recommendation 7:

We recommend that the timetable for transition to IPSAS is reviewed, taking into consideration the complexity of transition and resources available to the Court, and be brought forward. In particular, the timetable should allow for at least one “dry run” exercise of preparing IPSAS accounts, either a restatement of the financial statements before the “live” year, or a month six account for the year in question. Opening balances for the first “live” year should be produced by the Court and reviewed by the External Auditors as soon as possible.

#### Recommendation 8:

We recommend that the Court ensures that a robust and detailed IPSAS project plan is set and progress against agreed deadlines should be monitored regularly by senior management and the Audit Committee.

**Recommendation 9:**

We recommend earlier consideration of the accounting estimates and policies in relation to property plant and equipment to determine the appropriate software for management of assets and to ensure that the costs in relation to the Permanent Premises are suitably recorded in preparation for capitalisation under IPSAS.

**Recommendation 10:**

We recommend that the Audit Committee and the Court continue to work together to maximise the effectiveness of the Committee and of the support provided to the Committee. The terms of Reference should be reviewed at least annually to ensure that the work of the Audit Committee is aligned with good practice and business needs

**Recommendation 11:**

We recommend that for 2011 the Court should produce a Statement on Internal Control should describe the key elements of the Court's risk management strategy to reflect the Court's capacity to handle risk, setting out how the Court is equipped to manage changing risk profiles. It should, in our view, set out the differing responsibilities of the President, the Prosecutor and the Registrar, for overall management of the Court and use of resources, and be signed by all three.

**Recommendation 12:**

We recommend that prior to preparation of the Statement on Internal Control written assurances are obtained from the divisions of the Court to properly conclude on the effectiveness of the control environment.

**Recommendation 13:**

We recommend that, prior to signature of the Statement on Internal Control and in line with best practise, internal audit provide an objective evaluation of, and opinion on, the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.

**Recommendation 14:**

We recommend that the ICC continue its progress in following up internal audit recommendations and regularly report on implementation to both senior management and the Audit Committee.

**Recommendation 15:**

We reiterate our previous recommendation that an IT strategy be prepared and implemented as a matter of priority. The strategy be approved by senior management to ensure consistency with the long term objectives of the Court. The strategy should be annually reviewed and updated to ensure that it remains current and appropriate.

## Annex B

### Follow-up on prior year recommendations

<i>Recommendation</i>	<i>Management Response</i>	<i>External Auditors Comment</i>
<p><b>Recommendation 1:</b> We recommend that, following the initial period of operation, the Oversight Committee should review the governance arrangements relating to the Project, to confirm they are fit for purpose, and provide for full and clear accountability.</p>	<p>The Oversight Committee requested its independent experts to conduct a Peer Review. The Peer Review was finalised 4 November 2010. The examination of the governance structure is ongoing. Any adjustments that might be required will be implemented in the first half of 2011 on a provisional basis, until approved by the ASP.</p>	<p>In Progress.</p> <p>A revised governance structure has not been agreed at the time of our audit. Agreement is expected to be achieved prior to the new Project Director taking office.</p>
<p><b>Recommendation 2:</b> We recommend that delegations and authorities are set at an appropriate level and that authorising officers have sufficient information, authority and oversight to discharge their responsibilities. Authorisation should ultimately sit with the project sponsor.</p>	<p>The ASP PDO is mandated to lead the overall management including the tendering process for the permanent premises project.</p> <p>The Oversight Committee has been requested in ICC-ASP/9/Res.1 para 11 to review, in cooperation with the Court, the financial framework for the project; the resolution invites the Registrar to delegate authority to the Project Director where necessary and at an appropriate level, in accordance with the FRR, with respect to engaging funds for the permanent premises project. Already earlier, the Registrar had decided to increase the limit for awarding contracts without prior involvement of the Procurement Review Committee (PRC) from €50,000 to €250,000; to delegate the authority for awarding such contracts to the chief of procurement; and to increase the monetary value for a mandatory review by the PRC in case of modification of contracts to €500,000.</p>	<p>In Progress.</p>
<p><b>Recommendation 3:</b> We recommend that effective channels of communication should be developed between the Project Board, Oversight Committee and the Court's Co-Ordination Council to ensure that all relevant information is communicated freely and openly to all of the organs within the Court.</p>	<p>The Project Board is attended by the Registrar and the ICC Project Director who reports directly to the Registrar. The Registrar also attends the Oversight Committee and reports frequently in the Court's Co-ordination Council, where the information is shared with all organs of the Court.</p>	<p>In Progress. No changes have been made to establish formal communication channels. We encourage the Court to consider further work in this area.</p>
<p><b>Recommendation 4:</b> We recommend that the Court build on the development of communications between the project team and users to ensure that the project will meet their needs; manage their expectations and to communicate progress and that the Board might consider a survey of key users on whether they feel these are effective.</p>	<p>The meetings between the project team and the user groups are continued and intensified in the final design stage.</p>	<p>In Progress. Our 2010 audit enquires identified that differences in expectations remain between the user groups and the project team. We recommend that the Court further efforts in this area.</p>

<p><b>Recommendation 5:</b> We recommend that the project team develop a benefits realisation plan which is included in the project manual in order to demonstrate the achievement of agreed objectives and benefits to enable the assessment of value for money.</p>	<p>The benefits realisation plan is being produced.</p>	<p>In Progress. We encourage the Court to complete this against the target date of June 2011.</p>
<p><b>Recommendation 6:</b> We recommend that following appointment of an architect the process is reviewed to identify any lessons learned to inform future procurements in respect of the project.</p>	<p>PDO is, given the specific nature of the architect selection process (it was a one-off process for the Court and for the project), not envisioning conducting a detailed review of the process. PDO's intention is forward-looking and, for any of the future tenders, PDO will be carefully analyzing and developing the tender procedures with close involvement of LASS and the External Lawyer and with the expertise of the Project Management.</p>	<p>Closed. A formal review was not documented however we accept the Project Office's response and recommend that the necessary precautionary steps are taken for future procurements.</p>
<p><b>Recommendation 7:</b> We recommend that the budget and financial contingency set aside for the project should be re-appraised in the light of the current level of drawdown at the design stage, and to undertake an assessment of the risk of cost overruns.</p>	<p>After the Preliminary Design phase the contingency has been analyzed. The current contingency is deemed as sufficient. By applying a stringent financial management in the various project phases, the budget will be carefully managed and controlled.</p>	<p>Not implemented. We recommend that the Court address this recommendation as a matter of priority. Please refer to the section on the Permanent Premises and Recommendation 5.</p>
<p><b>Recommendation 8:</b> We recommend that the Court should develop a project plan for the adoption of IPSAS and make proposals to the Assembly of States Parties for their agreement.</p>	<p>The Court submitted a broad five-year plan to the fifteenth session of the CBF; based on the CBF recommendation, the ninth session of the ASP endorsed the IPSAS adoption and an additional appropriation of €332,600 for the first year of implementation (2011).</p>	<p>In Progress. The Court has produced a high level plan for IPSAS transition. However we have recommended that a more detailed plan be developed. Please see Recommendation 9 earlier in this report.</p>
<p><b>Recommendation 9:</b> We further recommend that the project plan should include an internal review of financial rules, regulations and accounting policies using the information presented in this report. This should consider whether the financial systems are sufficient to support IPSAS.</p>	<p>During the first year (2011), a GAP study will identify the change management requirements of the regulatory framework and the ERP customization requirements.</p>	<p>Not Implemented. We have made further recommendations in this report. Please see Recommendation 7 and Recommendation 10 earlier in this report.</p>
<p><b>Recommendation 10:</b> We recommend that, with input from the assurance functions and the new Audit Committee, the Registrar reviews the processes which underpin the Statement on Internal Control to ensure it is supported by appropriate evidence.</p>	<p>Based on recommendations of the Audit Committee, D/CASD will lead process and implement accordingly.</p>	<p>In Progress. The Court has now developed assurance returns which are to be completed by Certifying Officers to support the SIC. The exercise was not completed in time for our 2010 audit. We recommend that this exercise is commission earlier for 2011.</p> <p>The Court has removed the section on risk from the Statement on Internal Control. We have made further recommendations. Please see section on Statement on Internal Control.</p>

<p><b>Recommendation 11:</b> We recommend that the Registrar establishes a process to receive written representations on the risk and control environment from head of organs, and from senior managers in respect of compliance with rules and regulations.</p>	<p>IOR developed template (statements of assurances). Inter Organ consultations are ongoing with the view of producing final drafts to be further discussed and approved during the forthcoming audit committee on 28 February and 1 March 2011.</p>	<p>In Progress. This has been implemented for Procurement Section however should be extended to cover senior management. We recommend that further work is undertaken to develop this further</p>
<p><b>Recommendation 12:</b> We recommend that the Court should establish a clear timeline for the implementation of a full business continuity plan for all processes and areas identified as part of the business impact assessment, focusing resources on functions and systems deemed critical to the Court's operations.</p>	<p>The Business Continuity Framework consists of five stages: 1) Business Impact Analysis, 2) IT Risk Analysis, 3) IT Continuity Framework, 4) IT Continuity Planning and 5) Maintenance and Audit of Measures. The Business Impact Analysis and the IT Risk Analysis delivered the consolidated report, where all processes (business functions) and applications have been classified with regards to the Maximum Allowed Outage (MAO) and the impact of unavailability. Based on these findings, the Business Continuity Management (BCM) Framework was drafted with the set of objectives and controls to be implemented and measured in order to achieve the required Business Continuity. The IT Continuity Framework will provide a cost estimate for BIA scenarios based on the MAO, including technical and non-technical measures that need to be in place to move from the existing situation into the situation described in the scenario.</p>	<p>In Progress. Please see section on Information Technology Issues for update.</p>
<p><b>Recommendation 13:</b> We recommend that following the appointment of an Investigations Officer, the Court should develop and communicate a clear anti-fraud policy and that this should include an approved process to enable staff to report concerns.</p>	<p>Fraud is misconduct and requires disciplinary proceedings, up to dismissal. The Court has the process for disciplinary proceedings well described in Staff Rules and the respective AI. Although IOM is responsible for investigating fraudulent behaviour of staff members, elected officials and contractors/consultants, an anti-fraud policy is a matter which the Court will promulgate once a proper risk management framework has been set up.</p>	<p>Not Implemented. Work on an anti-fraud policy has not commenced. We have made further recommendations earlier in this report. Please see section on Ethical Conduct.</p>
<p><b>Recommendation 14:</b> We recommend that the Court establish a process to record and retain a register of interests for senior management and for those making procurement decisions. These declarations should be updated on an annual basis.</p>	<p>D/CASD will ask sections to establish a register based on the draft code of conduct which is currently being finalized. After the approval of the code of conduct, the requested detailed register of interests will be developed.</p>	<p>In Progress. This has been implemented for Procurement Section however should be extended to cover senior management. We recommend that further work is undertaken to develop this further.</p>

## Statement I

### International Criminal Court

### Statement of income and expenditure and changes in fund balances for the period ending 31 December 2010 (in thousands of euros)

	<i>General Fund &amp; Working Capital Fund</i>		<i>Notes</i>	<i>Trust Funds</i>		<i>Notes</i>	<i>Permanent Premises</i>		<i>Notes</i>	<i>Total</i>	
	<i>2010</i>	<i>2009 rest.</i>	<i>ref.</i>	<i>2010</i>	<i>2009</i>	<i>ref.</i>	<i>2010</i>	<i>2009 rest.</i>	<i>ref.</i>	<i>2010</i>	<i>2009 rest.</i>
<i>Income</i>											
Assessed contributions	103,623	96,230	4.1	-	-		15,548	2,092	15.4	119,171	98,322
Voluntary contributions	-	-		1,488	1,652	5.2	-	-		1,488	1,652
Interest income	343	1,292	4.2	4	4	5.3	50	1		397	1,297
Other/miscellaneous income	121	294	4.3	-	-		-	-		121	294
<b>Total income</b>	<b>104,087</b>	<b>97,816</b>		<b>1,492</b>	<b>1,656</b>		<b>15,598</b>	<b>2,093</b>		<b>121,177</b>	<b>101,565</b>
<i>Expenditure</i>											
Disbursed expenditures	95,808	84,399	4.4	1,452	1,292	5.4	4,813	1,274	15.5	102,073	86,965
Unliquidated obligations	5,723	7,714	4.4	125	172	5.4	321	5	15.5	6,169	7,891
Annual Leave Accrual	568	359	2.24 / 4.5	-	-		-	-		568	359
Provision for US tax liability	53	60	4.6	-	-		-	-		53	60
Provision for ILO cases	330	224	4.6	-	-		-	-		330	224
Provision for doubtful debt	510	-	4.6	-	-		-	-		510	-
Repatriation Grant Accrual	1,507	1,095	4.5	(1)	-	5.4	-	-		1,506	1,095
<b>Total expenditure</b>	<b>104,499</b>	<b>93,851</b>		<b>1,576</b>	<b>1,464</b>		<b>5,134</b>	<b>1,279</b>		<b>111,209</b>	<b>96,594</b>
<b>Excess/(shortfall) of income over expenditure</b>	<b>(412)</b>	<b>3,965</b>		<b>(84)</b>	<b>192</b>		<b>10,464</b>	<b>814</b>		<b>9,968</b>	<b>4,971</b>
Savings on, or cancellation of, prior periods' obligations	2,147	2,162	4.7	17	13		-	-	15.6	2,164	2,175
Credits to States Parties	(13,679)	(19,195)	4.8	-	-		-	-		(13,679)	(19,195)
Refund to donors	-	-		(20)	(19)	5.5	-	-		(20)	(19)
Net increase in Working Capital Fund	-	-	4.9	-	-		-	-		-	-
Fund balances at beginning of financial period	31,413	44,481		461	275		814	-		32,688	44,756
<b>Fund balances as at 31 December</b>	<b>19,469</b>	<b>31,413</b>		<b>374</b>	<b>461</b>		<b>11,278</b>	<b>814</b>		<b>31,121</b>	<b>32,688</b>

Date:

Signed: Chief of Budget and Finance Section.....

## Statement II

### International Criminal Court

#### Statement of assets, liabilities, reserves and fund balances as at 31 December 2010 (in thousands of euros)

	<i>General Fund &amp; Working Capital Fund</i>		<i>Trust Funds</i>		<i>Permanent Premises</i>		<i>Total</i>	
	<i>2010</i>	<i>2009 rest.</i>	<i>2010</i>	<i>2009</i>	<i>2010</i>	<i>2009 rest.</i>	<i>2010</i>	<i>2009 rest.</i>
<i>Assets</i>								
Cash and term deposits	26,867	46,760	1,764	2,005	11,547	3,144	40,178	51,909
Assessed contributions receivable	6,255	1,093 4.10	-	-	-	-	6,255	1,093
Voluntary contributions receivable	-	-	(30)	26	-	-	(30)	26
Other contributions receivable	20	- 4.11	-	-	-	-	20	-
Interfund balances receivable	219	140 4.12	-	-	-	-	219	140
Other accounts receivable	3,090	2,811 4.13	-	1 5.6	111	206 15.7	3,201	3,018
Prepaid expenses – education grants	987	688 4.14	-	-	-	-	987	688
<b>Total assets</b>	<b>37,438</b>	<b>51,492</b>	<b>1,734</b>	<b>2,032</b>	<b>11,658</b>	<b>3,350</b>	<b>50,830</b>	<b>56,874</b>
<i>Liabilities</i>								
Contributions received in advance	41	3,672 4.15	1,018	1,259 5.7	-	- 15.9	1,059	4,931
Unliquidated obligations	5,723	7,714	125	172	321	5 15.5	6,169	7,891
Other accounts payable	2,950	1,339 4.16	-	-	59	1,106 15.8	3,009	2,445
Interfund balances payable	100	40	219	140 5.8	-	-	319	180
Provision for US tax liability	53	60 4.6	-	-	-	-	53	60
Provision for ILO cases	378	245 4.6	-	-	-	-	378	245
Repatriation Grant Accrual	4,659	3,512 4.5	(2)	-	-	-	4,657	3,512
Annual Leave Accrual	4,065	3,497 2.24/ 4.5	-	-	-	-	4,065	3,497
Host State loan	-	-	-	-	-	1,425 15.10	-	1,425
<b>Total liabilities</b>	<b>17,969</b>	<b>20,079</b>	<b>1,360</b>	<b>1,571</b>	<b>380</b>	<b>2,536</b>	<b>19,709</b>	<b>24,186</b>
<i>Reserves and fund balances</i>								
Working Capital Fund	7,406	7,406 4.9	-	-	-	-	7,406	7,406
Contingency Fund	8,757	9,169 4.17	-	-	-	-	8,757	9,169
Temporary reserve Contingency Fund	412	- 4.17	-	-	-	-	412	-
Reserve for unpaid contributions	480	332 4.18	-	-	-	-	480	332
Cumulative surplus	2,414	14,506 5.4	374	461	11,278	814	14,066	15,781
<b>Total reserves and fund balances</b>	<b>19,469</b>	<b>31,413</b>	<b>374</b>	<b>461</b>	<b>11,278</b>	<b>814</b>	<b>31,121</b>	<b>32,688</b>
<b>Total liabilities, reserves and fund balances</b>	<b>37,438</b>	<b>51,492</b>	<b>1,734</b>	<b>2,032</b>	<b>11,658</b>	<b>3,350</b>	<b>50,830</b>	<b>56,874</b>

Date:

Signed: Chief of Budget and Finance Section.....

## Statement III

### International Criminal Court Cash flow as at 31 December 2010 (in thousands of euros)

	<i>General Fund &amp; Working Capital Fund</i>		<i>Trust Funds</i>		<i>Permanent Premises</i>		<i>Total</i>	
	<i>2010</i>	<i>2009 rest.</i>	<i>2010</i>	<i>2009</i>	<i>2010</i>	<i>2009 rest.</i>	<i>2010</i>	<i>2009 rest.</i>
<i>Cash flows from operating activities</i>								
Net excess/(shortfall) of income over expenditure (Statement I)	(412)	3,965	(84)	192	10,464	814	9,968	4,971
Contributions receivable (increase)/decrease	(5,182)	(535)	56	53	-	-	(5,126)	(482)
Interfund balances receivable (increase)/decrease	(79)	421	-	-	-	-	(79)	421
Other accounts receivable (increase)/decrease	(279)	1,773	1	7	95	(206)	(183)	1,574
Prepaid expenses (increase)/decrease	(299)	99	-	-	-	-	(299)	99
Contributions received in advance increase/(decrease)	(3,631)	(9,418)	(241)	960	-	-	(3,872)	(8,458)
Unliquidated obligations increase/(decrease)	(1,991)	(1,286)	(47)	(28)	316	5	(1,722)	(1,309)
Interfund balances payable increase/(decrease)	60	26	79	(8)	-	-	139	18
Host State loan	-	-	-	-	(1,425)	1,425	(1,425)	1,425
Annual Leave Accrual increase/(decrease)	568	359	-	-	-	-	568	359
Provision for US Tax liability increase/(decrease)	(7)	(14)	-	-	-	-	(7)	(14)
Provision for ILO cases increase/(decrease)	133	210	-	-	-	-	133	210
Repatriation Grant Accrual	1,147	668	(2)	-	-	-	1,145	668
Accounts payable increase/(decrease)	1,611	548	-	-	(1,047)	1,106	564	1,654
Less: interest income	(343)	(1,292)	(4)	(4)	(50)	(1)	(397)	(1,297)
<b>Net cash from operating activities</b>	<b>(8,704)</b>	<b>(4,476)</b>	<b>(242)</b>	<b>1,172</b>	<b>8,353</b>	<b>3,143</b>	<b>(593)</b>	<b>(161)</b>
<i>Cash flows from investing and financing activities</i>								
Plus: interest income	343	1,292	4	4	50	1	397	1,297
<b>Net cash from investing and financing activities</b>	<b>343</b>	<b>1,292</b>	<b>4</b>	<b>4</b>	<b>50</b>	<b>1</b>	<b>397</b>	<b>1,297</b>
<i>Cash flows from other sources</i>								
Net increase/(decrease) in Working Capital Fund	-	-	-	-	-	-	-	-
Savings on, or cancellation of, prior periods' obligations	2,147	2,162	17	13	-	-	2,164	2,175
Credits to States Parties	(13,679)	(19,195)	-	-	-	-	(13,679)	(19,195)
Refund to donors	-	-	(20)	(19)	-	-	(20)	(19)
<b>Net cash from other resources</b>	<b>(11,532)</b>	<b>(17,033)</b>	<b>(3)</b>	<b>(6)</b>	<b>-</b>	<b>-</b>	<b>(11,535)</b>	<b>(17,039)</b>
Net increase/(decrease) in cash and term deposits	(19,893)	(20,217)	(241)	1,170	8,403	3,144	(11,731)	(15,903)
Cash and term deposits at beginning of financial period	46,760	66,977	2,005	835	3,144	-	51,909	67,812
<b>Cash and term deposits at 31 December (Statement II)</b>	<b>26,867</b>	<b>46,760</b>	<b>1,764</b>	<b>2,005</b>	<b>11,547</b>	<b>3,144</b>	<b>40,178</b>	<b>51,909</b>

## Statement IV

### International Criminal Court

#### Statement of appropriations for the period 1 January to 31 December 2010 (in thousands of euros)

<i>Major Programme</i>	<i>Appropriation approved</i>	<i>Disbursements</i>	<i>Unliquidated obligations</i>	<i>Accruals, Provisions</i>	<i>Total expenditures</i>	<i>Unencumbered balance</i>
Judiciary	10,744	10,210	199	474	10,883	(139)
Office of the Prosecutor	26,828	23,517	962	780	25,259	1,569
Registry	59,631	57,651	4,055	1,619	63,325	(3,694)
Secretariat of the Assembly of States Parties	4,273	3,166	401	23	3,590	683
Secretariat of the Trust Fund for Victims	1,222	788	96	56	940	282
Permanent Premises Project Office	584	381	7	7	395	189
Independent Oversight Mechanism	341	95	3	9	107	234
<b>Total</b>	<b>103,623</b>	<b>95,808</b>	<b>5,723</b>	<b>2,968</b>	<b>104,499</b>	<b>(876)</b>

## Schedule 1

### International Criminal Court

#### Status of contributions as at 31 December 2010 (in euros)

<i>States Parties</i>	<i>Outstanding as at 1 January 2010</i>		<i>Collections a/Outstanding</i>	<i>Assessed</i>	<i>Credits from 2009</i>	<i>Collections b/</i>	<i>Outstanding 2010</i>	<i>Total outstanding</i>	<i>Credit on 2010 receipts</i>	<i>Receipts relating to 2011</i>
	<i>Prior years</i>	<i>2010</i>								
Afghanistan	2,625	2,625	-	6,154	-	6,154	-	-	-	-
Albania	-	-	-	15,386	488	14,889	9	9	-	-
Andorra	-	-	-	10,770	658	10,090	22	22	-	-
Antigua and Barbuda	-	-	-	3,077	165	406	2,506	2,506	-	-
Argentina	-	-	-	441,583	176,491	265,092	-	-	47	-
Australia	-	-	-	2,974,147	146,978	2,827,169	-	-	322	-
Austria	-	-	-	1,309,363	3,817	1,305,546	-	-	143	-
Bangladesh	-	-	-	8,975	-	-	8,975	8,975	-	-
Barbados	-	-	-	12,309	739	11,570	-	-	-	-
Belgium	-	-	-	1,654,013	90,637	1,563,376	-	-	182	-
Belize	621	621	-	1,539	-	1,539	-	-	-	-
Benin *)	-	-	-	4,616	4,616	-	-	-	584	-
Bolivia (Plurinational State of)	8,569	8,569	-	10,770	-	1,108	9,662	9,662	-	-
Bosnia & Herzegovina	-	-	-	21,541	493	21,048	-	-	4	-
Botswana	-	-	-	27,695	1,150	26,545	-	-	-	24,143
Brazil	-	-	-	2,478,712	3,769	1,752,459	722,484	722,484	-	-
Bulgaria	-	-	-	58,467	1,644	56,823	-	-	7	-
Burkina Faso	1,090	1,090	-	4,616	-	4,616	-	-	49	-
Burundi	5,617	203	5,414	1,539	-	-	1,539	6,953	-	-
Cambodia	-	-	-	4,616	82	4,533	1	1	-	-

States Parties	Outstanding as at 1 January 2010			Assessed	Credits from 2009	Collections b/	Outstanding	Total outstanding	Credit on 2010 receipts	Receipts relating to 2011
	Collections a/Outstanding	Prior years	2010							
Canada	-	-	-	4,934,344	244,854	4,689,490	-	-	534	-
Central African Republic	6,405	203	6,203	1,539	-	-	1,539	7,742	-	-
Chad	2,977	203	2,774	3,077	-	-	3,077	5,851	-	-
Chile	-	-	-	363,114	-	363,114	-	-	3	-
Colombia	41,376	41,376	-	221,561	-	221,561	-	-	647	-
Comoros	4,332	203	4,129	1,539	-	-	1,539	5,668	-	-
Congo	1,967	204	1,763	4,616	-	-	4,616	6,379	-	-
Cook Islands	1,766	1	1,765	1,539	-	-	1,539	3,304	-	-
Costa Rica	5,815	5,815	-	52,313	-	49,530	2,783	2,783	-	-
Croatia	-	-	-	149,246	4,111	145,135	-	-	17	-
Cyprus	-	-	-	70,776	190	70,586	-	-	7	-
Czech Republic	-	-	-	536,977	1	536,976	-	-	58	-
Democratic Republic of the Congo	-	-	-	4,616	-	4,616	-	-	993	-
Denmark	-	-	-	1,132,422	60,784	1,071,638	-	-	124	-
Djibouti	3,926	204	3,722	1,539	-	-	1,539	5,261	-	-
Dominica	-	-	-	1,539	-	203	1,336	1,336	-	-
Dominican Republic	96,472	60,771	35,701	64,622	-	-	64,622	100,323	-	-
Ecuador	22,722	22,722	-	61,545	-	61,545	-	-	-	-
Estonia	-	-	-	61,545	1,315	38,986	21,244	21,244	-	-
Fiji	9,549	9,549	-	6,154	-	6,154	-	-	-	-
Finland	-	-	-	870,857	2,426	868,431	-	-	94	-
France	-	-	-	9,420,952	518,247	8,902,705	-	-	100	-
Gabon	31,407	1,628	29,779	21,541	-	-	21,541	51,320	-	-
Gambia	-	-	-	1,539	4	203	1,332	1,332	-	-
Georgia	-	-	-	9,232	247	8,985	-	-	-	-
Germany	-	-	-	12,336,631	705,448	11,631,183	-	-	130	-
Ghana	-	-	-	9,232	2,809	593	5,830	5,830	-	-
Greece	-	-	-	1,063,184	49,019	1,014,165	-	-	114	-
Guinea	13,661	204	13,457	3,077	-	-	3,077	16,534	-	-
Guyana *)	-	-	-	1,539	1,539	-	-	-	4,610	-
Honduras	14,275	1,018	13,257	12,309	-	-	12,309	25,566	-	-
Hungary	205,825	205,825	-	447,738	-	246,078	201,660	201,660	-	-
Iceland	-	-	-	64,622	-	64,622	-	-	7	-
Ireland	-	-	-	766,231	36,599	729,632	-	-	83	-
Italy	-	-	-	7,691,546	417,741	7,273,805	-	-	831	-
Japan	-	-	-	19,278,872	63,925	19,214,947	-	-	2,078	-
Jordan	-	-	-	21,541	989	20,552	-	-	4	-
Kenya	-	-	-	18,463	3,505	14,958	-	-	5	-
Latvia	-	-	-	58,467	1,481	56,986	-	-	1	-
Lesotho	1,701	204	1,497	1,539	-	-	1,539	3,036	-	-
Liberia	1,967	204	1,763	1,539	-	-	1,539	3,302	-	-
Liechtenstein	-	-	-	13,848	821	13,027	-	-	-	-
Lithuania	-	-	-	100,010	2,550	97,460	-	-	1	-
Luxembourg	-	-	-	138,476	6,991	131,485	-	-	15	-
Madagascar	2,899	238	2,661	4,616	-	-	4,616	7,277	-	-
Malawi	302	204	98	1,539	-	-	1,539	1,637	-	-
Mali *)	-	-	-	4,616	4,616	-	-	-	1,957	-
Malta	-	-	-	26,156	1,400	24,756	-	-	4	-
Marshall Islands	3,973	3,254	719	1,539	-	-	1,539	2,258	-	-
Mauritius	-	-	-	16,925	905	16,020	-	-	-	-

States Parties	Outstanding as at 1 January 2010			Collections a/Outstanding	Assessed	Credits from 2009	Collections b/ Outstanding	Total outstanding	Credit on 2010 receipts	Receipts relating to 2011
	Prior years									
Mexico	-	-	-	3,624,982	-	447,328	3,177,654	3,177,654	-	-
Mongolia	-	-	-	3,077	82	2,995	-	-	-	-
Montenegro	-	-	-	6,154	82	6,072	-	-	1	-
Namibia	-	-	-	12,309	495	998	10,816	10,816	-	-
Nauru	4,013	204	3,809	1,539	-	-	1,539	5,348	-	-
Netherlands	-	-	-	2,854,135	8,059	2,846,076	-	-	311	-
New Zealand	-	-	-	420,042	21,053	398,989	-	-	45	-
Niger	1,378	204	1,174	3,077	-	-	3,077	4,251	-	-
Nigeria	60,455	60,455	-	120,012	-	6,651	113,361	113,361	-	-
Norway	-	-	-	1,340,136	64,317	1,275,819	-	-	144	-
Panama	-	-	-	33,850	3,832	4,779	25,239	25,239	-	-
Paraguay	5,828	5,828	-	10,770	-	10,764	6	6	-	-
Peru	308,322	122,983	185,339	138,476	-	-	138,476	323,815	-	-
Poland	-	-	-	1,273,975	2,155	1,251,672	20,148	20,148	-	-
Portugal	-	-	-	786,233	43,346	742,887	-	-	85	-
Rep. of Korea	-	-	-	3,477,275	9,349	2,806,300	661,626	661,626	-	-
Romania	-	-	-	272,335	5,757	266,578	-	-	3	-
Saint Kitts and Nevis	-	-	-	1,539	82	203	1,254	1,254	-	-
Saint Lucia	-	-	-	256	-	-	256	256	-	-
Saint Vincent and the Grenadines	1,097	1,097	-	1,539	-	1,526	13	13	-	-
Samoa	-	-	-	1,539	80	1,459	-	-	12	-
San Marino	-	-	-	4,616	247	4,369	-	-	-	-
Senegal	2,153	816	1,337	9,232	-	-	9,232	10,569	-	-
Serbia	-	-	-	56,929	1,727	55,202	-	-	6	-
Seychelles	-	-	-	513	-	-	513	513	-	-
Sierra Leone	5,983	5,983	-	1,539	-	201	1,338	1,338	-	-
Slovakia	-	-	-	218,484	5,183	213,301	-	-	22	-
Slovenia	-	-	-	158,478	7,896	150,582	-	-	17	-
South Africa	-	-	-	592,368	23,850	568,518	-	-	64	-
Spain	-	-	-	4,888,186	244,116	4,644,070	-	-	529	-
Suriname	-	-	-	4,616	4	4,611	1	1	-	-
Sweden	-	-	-	1,637,089	88,088	1,549,001	-	-	178	-
Switzerland	-	-	-	1,738,637	5,231	1,733,406	-	-	189	-
Tajikistan	440	440	-	3,077	-	1,623	1,454	1,454	-	-
The former Yugoslav Rep. of Macedonia	-	-	-	10,770	412	795	9,563	9,563	-	-
Timor-Leste	143	143	-	1,539	-	60	1,479	1,479	-	-
Trinidad and Tobago	-	-	-	67,699	2,220	65,479	-	-	7	-
Uganda	-	-	-	9,232	3,879	2,959	2,394	2,394	-	-
United Kingdom	-	-	-	10,161,027	546,298	9,614,729	-	-	1,095	-
United Republic of Tanzania	6,472	6,472	-	12,309	-	12,231	78	78	-	-
Uruguay	-	-	-	41,543	12,567	28,976	-	-	-	-
Venezuela (Bolivarian Rep. of)	204,889	40,730	164,159	483,126	-	-	483,126	647,285	-	-
Zambia *)	-	-	-	6,154	-	-	6,154	6,154	-	-
<b>Total (113 States Parties)</b>	<b>1,093,012</b>	<b>612,493</b>	<b>480,520</b>	<b>103,623,300</b>	<b>3,664,651</b>	<b>94,184,299</b>	<b>5,774,350</b>	<b>6,254,870</b>	<b>16,463</b>	<b>24,143</b>

\*) In 2010, credit on 2009 receipts reported for Benin, Guyana, Mali and Zambia were respectively €5,218, €5,946, €6,590 and €82. Only €4,616, €1,539, €4,616 and €0 were reported in 2010 as collections against 2010 assessed contributions. The remaining amounts of respectively €602, €4,407, €1,974 and €82 are used to settle the outstanding Working Capital Fund (WCF) or may be included in the amounts for credit on 2010 receipts to be applied against future years' contributions.

## Schedule 2

### International Criminal Court Status of Working Capital Fund as at 31 December 2010 (in euros)

	2010	2009
<b>Balance at beginning of financial period</b>	<b>7,405,713</b>	<b>7,405,382</b>
<i>Receipts/(refunds)</i>		
Receipts from States Parties	(19,319)	331
<i>Withdrawals</i>		
	-	-
<b>Balance as at 31 December</b>	<b>7,386,394</b>	<b>7,405,713</b>
<b>Established level</b>	<b>7,405,983</b>	<b>7,405,983</b>
Less: due from States Parties (Schedule 3)	19,589	270
<b>Balance as at 31 December</b>	<b>7,386,394</b>	<b>7,405,713</b>

## Schedule 3

### International Criminal Court Status of advances to the Working Capital Fund as at 31 December 2010 (in euros)

<i>States Parties</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>	<i>Receipts relating to 2011</i>
Afghanistan	440	440	-	-
Albania	1,100	1,100	-	-
Andorra	770	770	-	-
Antigua and Barbuda	220	220	-	-
Argentina	31,557	31,557	-	-
Australia	212,542	212,542	-	-
Austria	93,571	93,571	-	-
Bangladesh	1,099	1	1,098	-
Barbados	880	880	-	-
Belgium	118,201	118,201	-	-
Belize	110	110	-	-
Benin	330	330	-	-
Bolivia (Plurinational State of)	770	770	-	-
Bosnia & Herzegovina	1,539	1,539	-	-
Botswana	1,979	1,979	-	-
Brazil	177,137	177,137	-	-
Bulgaria	4,178	4,178	-	-
Burkina Faso	330	330	-	-
Burundi	110	109	1	-
Cambodia	330	330	-	-
Canada	352,624	352,624	-	-
Central African Republic	110	91	19	-
Chad	220	109	111	-
Chile	25,949	25,949	-	-
Colombia	15,833	15,833	-	-

<i>States Parties</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>	<i>Receipts relating to 2011</i>
Comoros	110	109	1	-
Congo	330	109	221	-
Cook Islands	110	49	61	-
Costa Rica	3,738	3,738	-	-
Croatia	10,666	10,666	-	-
Cyprus	5,058	5,058	-	-
Czech Republic	38,374	38,374	-	-
Democratic Republic of the Congo	330	330	-	-
Denmark	80,926	80,926	-	-
Djibouti	110	109	1	-
Dominica	110	110	-	-
Dominican Republic	4,617	2,624	1,993	-
Ecuador	4,398	4,398	-	-
Estonia	4,398	4,398	-	-
Fiji	440	440	-	-
Finland	62,234	62,234	-	-
France	673,251	673,251	-	-
Gabon	1,538	875	663	-
Gambia	110	110	-	-
Georgia	660	660	-	-
Germany	881,615	881,615	-	-
Ghana	660	660	-	-
Greece	75,979	75,979	-	-
Guinea*	220	(16)	236	-
Guyana	110	110	-	-
Honduras	880	547	333	-
Hungary	31,997	31,997	-	-
Iceland	4,618	4,618	-	-
Ireland	54,757	54,757	-	-
Italy	549,662	549,662	-	-
Japan	1,377,729	1,377,729	-	-
Jordan	1,539	1,539	-	-
Kenya	1,319	1,319	-	-
Latvia	4,178	4,178	-	-
Lesotho	110	109	1	-
Liberia	110	109	1	-
Liechtenstein	990	990	-	-
Lithuania	7,147	7,147	-	-
Luxembourg	9,896	9,896	-	-
Madagascar	330	219	111	-
Malawi	110	109	1	-
Mali	330	330	-	-
Malta	1,869	1,869	-	-
Marshall Islands	110	109	1	-
Mauritius	1,210	1,210	-	-

<i>States Parties</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>	<i>Receipts relating to 2011</i>
Mexico	259,053	259,053	-	-
Mongolia	220	220	-	-
Montenegro	440	440	-	-
Namibia	880	880	-	-
Nauru	110	109	1	-
Netherlands	203,966	203,966	-	-
New Zealand	30,018	30,018	-	-
Niger	220	109	111	-
Nigeria	8,576	8,576	-	-
Norway	95,770	95,770	-	-
Panama	2,419	2,419	-	-
Paraguay	770	770	-	-
Peru	9,895	8,528	1,367	-
Poland	91,042	91,042	-	-
Portugal	56,187	56,187	-	-
Republic of Korea	248,497	248,497	-	-
Romania	19,462	19,462	-	-
Saint Kitts and Nevis	110	110	-	-
Saint Lucia	110	-	110	-
Saint Vincent and the Grenadines	110	110	-	-
Samoa	110	110	-	-
San Marino	330	330	-	-
Senegal	660	437	223	-
Serbia	4,068	4,068	-	-
Seychelles	220	-	220	-
Sierra Leone	110	110	-	-
Slovakia	15,614	15,614	-	-
Slovenia	11,325	11,325	-	-
South Africa	42,332	42,332	-	-
Spain	349,325	349,325	-	-
Suriname	330	330	-	-
Sweden	116,992	116,992	-	-
Switzerland	124,249	124,249	-	-
Tajikistan	220	220	-	-
The former Yugoslav Rep. of Macedonia	770	770	-	-
Timor-Leste	110	110	-	-
Trinidad and Tobago	4,838	4,838	-	-
Uganda	660	660	-	-
United Kingdom	726,139	726,139	-	-
United Rep. of Tanzania	880	880	-	-
Uruguay	2,969	2,969	-	-
Venezuela (Bolivarian Republic of)	34,525	21,866	12,659	-
Zambia	440	395	45	-
<b>Total (113 States Parties)</b>	<b>7,405,983</b>	<b>7,386,394</b>	<b>19,589</b>	-

\*) The negative amount for the cumulative payments for Guinea is caused by the refund of the WCF portion of the cash surplus for 2005, being €290.

## Schedule 4

### International Criminal Court Status of cash surplus as at 31 December 2010 (in euros)

	2010	2009 restated
<i>Current year</i>		
<i>Credits</i>		
Receipts of assessed contributions	97,848,950	95,469,325
Miscellaneous income	464,255	1,586,097
	<b>98,313,205</b>	<b>97,055,422</b>
<i>Charges</i>		
Disbursed expenditures	95,807,577	84,398,821
Unliquidated obligations	5,722,544	7,714,050
Provision for US tax liability	53,156	60,161
Provision for doubtful debt	510,491	-
Provision for ILO cases	330,690	223,700
Annual Leave Accrual	567,850	358,754
Repatriation Grant Accrual	1,506,692	1,095,487
	<b>104,499,000</b>	<b>93,850,973</b>
<b>Provisional cash surplus/(deficit)</b>	<b>(6,185,795)</b>	<b>66,428</b>
Contributions receivable	5,774,350	760,575
<b>Excess/(shortfall) of income over expenditure (Statement I)</b>	<b>(411,445)</b>	<b>3,965,024</b>
Adjustment to opening reserve – note 4.5 b)	-	3,138,021
<b>Adjusted Excess/(shortfall) of income over expenditure</b>	<b>(411,445)</b>	<b>827,003</b>
<i>Disposition of prior year's provisional surplus/(deficit)</i>		
Prior year's provisional surplus/(deficit)	66,428	11,292,593
Plus: Receipt of prior periods' assessed contributions	612,492	225,024
Savings on, or cancellation of, prior periods' obligations	2,146,787	2,161,500
<b>Prior year's cash surplus/(deficit)</b>	<b>2,825,707</b>	<b>13,679,117</b>
<b>Total cash surplus (Statement II)</b>	<b>2,414,262</b>	<b>14,506,120</b>

## Schedule 5

### International Criminal Court Shares of States Parties in the 2009 cash surplus (in euros)

<i>States Parties</i>	<i>States Parties to the Rome Statute since</i>	<i>2009 scale of assessment</i>	<i>Surplus</i>
Afghanistan	May-03	0.00149	42
Albania	May-03	0.00891	252
Andorra	Jul-02	0.01188	336
Antigua and Barbuda	Jul-02	0.00297	84
Argentina	Jul-02	0.48267	13,639
Australia	Sep-02	2.65396	74,993
Austria	Jul-02	1.31733	37,224
Barbados	Mar-03	0.01337	378
Belgium	Jul-02	1.63664	46,247
Belize	Jul-02	0.00149	42
Benin	Jul-02	0.00149	42
Bolivia (Plurinational State of)	Sep-02	0.00891	252
Bosnia & Herzegovina	Jul-02	0.00891	252
Botswana	Jul-02	0.02079	587
Brazil	Sep-02	1.30099	36,762
Bulgaria	Jul-02	0.02970	839
Burkina Faso	Jul-04	0.00297	84
Burundi	Dec-04	0.00149	42
Cambodia	Jul-02	0.00149	42
Canada	Jul-02	4.42129	124,933
Central African Republic	Jul-02	0.00149	42
Chad	Jan-07	0.00149	42
Chile	Sep-09	0.07970	2,252
Colombia	Nov-02	0.15594	4,406
Comoros	Nov-06	0.00149	42
Congo	Aug-04	0.00149	42
Cook Islands	Oct-08	0.00149	42
Costa Rica	Jul-02	0.04752	1,343
Croatia	Jul-02	0.07426	2,098
Cyprus	Jul-02	0.06535	1,847
Czech Republic	Oct-09	0.10433	2,948
Democratic Republic of the Congo	Jul-02	0.00446	126
Denmark	Jul-02	1.09753	31,013
Djibouti	Feb-03	0.00149	42
Dominica	Jul-02	0.00149	42
Dominican Republic	Aug-05	0.03564	1,007
Ecuador	Jul-02	0.03119	881
Estonia	Jul-02	0.02376	671
Fiji	Jul-02	0.00446	126
Finland	Jul-02	0.83763	23,669
France	Jul-02	9.35794	264,427
Gabon	Jul-02	0.01188	336
Gambia	Sep-02	0.00149	42
Georgia	Dec-03	0.00446	126
Germany	Jul-02	12.73814	359,943
Ghana	Jul-02	0.00594	168
Greece	Aug-02	0.88515	25,012
Guinea	Oct-03	0.00149	42
Guyana	Dec-04	0.00149	42
Honduras	Sep-02	0.00743	210
Hungary	Jul-02	0.36238	10,240
Iceland	Jul-02	0.05495	1,553
Ireland	Jul-02	0.66089	18,675
Italy	Jul-02	7.54308	213,144
Japan	Oct-07	22.00000	621,656

<i>States Parties</i>	<i>States Parties to the Rome Statute since</i>	<i>2009 scale of assessment</i>	<i>Surplus</i>
Jordan	Jul-02	0.01782	504
Kenya	Jun-05	0.01485	420
Latvia	Sep-02	0.02673	755
Lesotho	Jul-02	0.00149	42
Liberia	Dec-04	0.00149	42
Liechtenstein	Jul-02	0.01485	420
Lithuania	Aug-03	0.04604	1,301
Luxembourg	Jul-02	0.12624	3,567
Madagascar	Jun-08	0.00297	84
Malawi	Dec-02	0.00149	42
Mali	Jul-02	0.00149	42
Malta	Feb-03	0.02525	713
Marshall Islands	Jul-02	0.00149	42
Mauritius	Jul-02	0.01634	462
Mexico	Jan-06	3.35199	94,717
Mongolia	Jul-02	0.00149	42
Montenegro	Jun-06	0.00149	42
Namibia	Sep-02	0.00891	252
Nauru	Jul-02	0.00149	42
Netherlands	Jul-02	2.78169	78,602
New Zealand	Jul-02	0.38020	10,743
Niger	Jul-02	0.00149	42
Nigeria	Jul-02	0.07129	2,014
Norway	Jul-02	1.16139	32,817
Panama	Jul-02	0.03416	965
Paraguay	Jul-02	0.00743	210
Peru	Jul-02	0.11584	3,273
Poland	Jul-02	0.74406	21,025
Portugal	Jul-02	0.78267	22,116
Republic of Korea	Feb-03	3.22723	91,192
Romania	Jul-02	0.10396	2,938
Saint Kitts and Nevis	Nov-06	0.00149	42
Saint Vincent and the Grenadines	Mar-03	0.00149	42
Samoa	Dec-02	0.00149	42
San Marino	Jul-02	0.00446	126
Senegal	Jul-02	0.00594	168
Serbia	Jul-02	0.03119	881
Sierra Leone	Jul-02	0.00149	42
Slovakia	Jul-02	0.09356	2,644
Slovenia	Jul-02	0.14257	4,029
South Africa	Jul-02	0.43069	12,170
Spain	Jul-02	4.40793	124,555
Suriname	Oct-08	0.00149	42
Sweden	Jul-02	1.59060	44,946
Switzerland	Jul-02	1.80594	51,031
Tajikistan	Jul-02	0.00149	42
The former Yugoslav Rep. of Macedonia	Jul-02	0.00743	210
Timor-Leste	Dec-02	0.00149	42
Trinidad and Tobago	Jul-02	0.04010	1,133
Uganda	Sep-02	0.00446	126
United Kingdom	Jul-02	9.86437	278,737
United Republic of Tanzania	Nov-02	0.00891	252
Uruguay	Sep-02	0.04010	1,133
Venezuela (Bolivarian Rep. of)	Jul-02	0.29703	8,393
Zambia	Feb-03	0.00149	42
<b>Total (110 States Parties)</b>		<b>100.00000</b>	<b>2,825,707</b>

## Schedule 6

### International Criminal Court

#### Status of voluntary contributions as at 31 December 2010 (in euros)

<i>Project</i>	<i>Contributor</i>	<i>Pledges</i>	<i>Received</i>	<i>Outstanding</i>	<i>Receipts for Refund to future periods</i>	<i>donors</i>
Internship and Visiting Professionals Programme*	European Commission	796,092	846,581	(50,489)	210,691	-
	Finland	27,300	27,300	-	9,100	1,231
	Norway	20,000	20,000	-	-	1,855
	Australia	12,500	12,500	-	-	-
	Netherlands	18,805	18,805	-	4,602	270
	Belgium	-	-	-	-	7,240
	Rep. of Korea	5,670	5,670	-	1,890	-
	Switzerland	17,063	17,063	-	5,688	4,566
<i>Sub-total</i>		<i>897,430</i>	<i>947,918</i>	<i>(50,489)</i>	<i>231,969</i>	<i>15,162</i>
Least Developed Countries	Australia	-	50,000	-	-	-
	Finland	-	46,638	-	-	-
	Ireland	-	25,000	-	-	-
	Luxembourg	-	20,000	-	-	-
	Poland	-	10,000	-	-	-
<i>Sub-total</i>		<i>-</i>	<i>151,638</i>	<i>-</i>	<i>-</i>	<i>-</i>
Regional Seminar in Yaoundé	France	15,000	15,000	-	-	-
	Organisation Internationale de la Francophonie	59,403	59,403	-	-	-
<i>Sub-total</i>		<i>74,403</i>	<i>74,403</i>			
Dakar Seminar	France	-	-	-	-	-
	Organisation Internationale de la Francophonie	3,580	3,580	-	-	-
<i>Sub-total</i>		<i>3,580</i>	<i>3,580</i>	<i>-</i>	<i>-</i>	<i>-</i>
Legal Tools Project	European Commission	56,236	49,987	6,249	69,982	-
	Finland	35,000	35,000	-	35,000	2,528
	Germany	44,500	44,500	-	-	-
	Netherlands	10,000	10,000	-	-	1,909
<i>Sub-total</i>		<i>145,736</i>	<i>139,487</i>	<i>6,249</i>	<i>104,982</i>	<i>4,437</i>
Defence Counsel Seminar	European Commission	78,734	64,930	13,805	21,643	-
	Rep. of Korea	17,744	17,744	-	5,915	-
	Finland	2,700	2,700	-	900	-
	Switzerland	2,250	1,688	-	563	-
	Netherlands	1,398	1,398	-	466	-
<i>Sub-total</i>		<i>102,827</i>	<i>88,459</i>	<i>13,805</i>	<i>29,486</i>	<i>-</i>
General trust fund	Austria	-	10,000	-	-	-
	Rep. of Korea	-	10,549	-	-	-
	Uganda	48,370	48,370	-	-	-
	Finland	8,850	8,850	-	-	-
	Belgium	-	35,475	-	-	-
<i>Sub-total</i>		<i>57,220</i>	<i>113,243</i>	<i>-</i>	<i>-</i>	<i>-</i>
Special Fund for Relocations of Witnesses	Denmark	-	-	-	131,881	-
	Germany	-	-	-	200,000	-
	United Kingdom	-	-	-	234,196	-
<i>Sub-total</i>				<i>566,077</i>		
Family visits for indigent detainees	Germany	-	-	-	85,000	-
<i>Sub-total</i>				<i>85,000</i>		
<b>Total voluntary contributions</b>		<b>1,281,194</b>	<b>1,518,728</b>	<b>(30,436)</b>	<b>1,017,514</b>	<b>19,599</b>

## Schedule 7

### International Criminal Court Status of Trust Funds as at 31 December 2010 (in euros)

<i>Trust Fund</i>	<i>Balances brought forward as at 1 January</i>	<i>Receipts</i>	<i>Disbursements</i>	<i>Unliquidated obligations</i>	<i>Provision Accruals</i>	<i>Total expenditures</i>	<i>Interest Earned</i>	<i>Savings on, or cancellation of, prior periods' obligations to donors</i>	<i>Refunds</i>	<i>Unencumbered balances</i>
General trust fund	-	113,243	57,544	-	-	57,544	63	-	-	55,762
Internship and Visiting Professionals Programme*	1,068	947,918	1,070,140	31,739	(1,622)	1,100,257	2,506	14,040	(15,162)	(149,887)
Least Developed Countries	161,347	151,638	9,889	84,615	-	94,504	546	1,935	-	220,962
Legal Tools Project	16,476	139,487	159,781	7,495	-	167,277	246	195	(4,437)	(15,309)
Judicial Capacity Strengthening Programme	2,680	-	-	-	-	-	14	-	-	2,694
Dakar seminar	(1,673)	3,580	-	-	-	-	3	448	-	2,358
Regional seminar in Yaoundé	-	74,403	40,782	-	-	40,782	48	-	-	33,669
Defence counsel seminar	11,518	88,459	114,471	1,313	-	115,784	125	-	-	(15,682)
Special Fund for Relocations	-	-	-	-	-	-	228	-	-	228
Family visits for indigent detainees	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>191,416</b>	<b>1,518,728</b>	<b>1,452,607</b>	<b>125,162</b>	<b>(1,622)</b>	<b>1,576,147</b>	<b>3,779</b>	<b>16,618</b>	<b>(19,599)</b>	<b>134,796</b>

\* As from 1 April 2010, the full name of the Internship and Visiting Professionals Programme is Strengthening the International Criminal Court - reinforcing the principle of complementarity and universality and building a high quality defence.

## Notes to the financial statements

### 1. The International Criminal Court and its objectives

1.1 The International Criminal Court (ICC) was established by the Rome Statute of the International Criminal Court on 17 July 1998, when 120 States participating in the "United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court" adopted the Statute. The Court is an independent permanent judicial institution with the power to exercise jurisdiction over perpetrators of the most serious crimes of international concern (genocide, crimes against humanity, war crimes and crimes of aggression once formally defined). The Court has four organs: the Presidency, Chambers (consisting of an Appeals Division, a Trial Division and a Pre-Trial Division), the Office of the Prosecutor and the Registry. In undertaking their tasks, the organs of the Court are guided by the framework set out in the Rome Statute, the Rules of Procedure and Evidence, and other relevant instruments.

The seat of the Court has been established at The Hague in the Netherlands in accordance with article 3 of the Rome Statute. The Court has also established seven field offices to enable it to conduct its field operations. These field offices are operational in Uganda, Democratic Republic of the Congo (2), Chad (2), Central African Republic and, since December 2010, Kenya.

For the purposes of the 2010 financial period, the appropriations were divided into seven Major Programmes: the Judiciary (Presidency and Chambers), the Office of the Prosecutor, the Registry, the Secretariat of the Assembly of States Parties, the Secretariat of the Trust Fund for Victims, the Permanent Premises Project Office and the Independent Oversight Mechanism. The composition and objectives pursued by each Major Programme of the Court are as follows:

(a) **Presidency**

- (i) The Presidency, comprising the President and the First and Second Vice-Presidents.
- (ii) To ensure the proper administration of the Court through means of managerial oversight, coordination and cooperation;
- (iii) To oversee and support the fair, open and effective conduct of proceedings and to fulfil all exclusive judicial functions assigned to the Presidency; and
- (iv) To broaden global understanding of and support for the work of the Court by representing it in the international arena.

(b) **Chambers**

- (i) The Chambers, comprising an Appeals Division, a Trial Division and a Pre-Trial Division; the Appeals Division is composed of the President and four other judges; the Trial Division is composed of not less than six judges, as is the Pre-Trial Division; and
- (ii) To ensure the conduct of fair, effective and open proceedings, safeguarding the rights of all parties.

(c) **Office of the Prosecutor**

- (i) The Office of the Prosecutor, which acts independently as a separate organ of the Court, is responsible for the investigation and prosecution of crimes within the jurisdiction of the Court;
- (ii) To promote national efforts and international cooperation to prevent and punish genocide, crimes against humanity and war crimes; and
- (iii) To build universal consensus on the principles and purposes of the Rome Statute.

(d) **Registry**

- (i) To provide efficient, effective and high-quality judicial and administrative support services to the Presidency and Chambers, the Office of the Prosecutor, the defence, and victims and witnesses;
- (ii) Management of the internal security of the Court; and
- (iii) The implementation of mechanisms to assist and safeguard the rights of victims, witnesses and defence.

(e) **Secretariat of the Assembly of States Parties**

In its resolution ICC-ASP/2/Res.3 adopted in September 2003, the Assembly of States Parties established the Secretariat of the Assembly of States Parties (the Secretariat), to begin its operations on 1 January 2004. The Secretariat, which provides the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance, the Special Group on the Crime of Aggression, as well as, upon explicit decision by the Assembly, any subsidiary body that may be established by the Assembly, with independent substantive servicing as well as administrative and technical assistance.

- (i) To organize conferences of the Assembly and meetings of the subsidiary bodies of the Assembly, including the Bureau and the Committee on Budget and Finance;

(ii) To assist the Assembly, including its Bureau and subsidiary bodies in all matters relating to their work, with particular emphasis on the effective scheduling and procedurally correct conduct of meetings as well as consultations; and

(iii) To enable the Assembly and its subsidiary bodies to carry out their mandate more effectively by providing them with high-quality substantive secretariat servicing and support, including technical secretariat services.

(f) **Secretariat of the Trust Fund for Victims**

The Secretariat of the Trust Fund for Victims administers the Trust Fund for Victims and offers administrative support to the Board and its meetings. For more information regarding the Trust Fund for Victims, please refer to the Financial Statements of 2010 for the Trust Fund for Victims which was established by the Assembly of States Parties in its resolution ICC-ASP/1/Res.6.

(g) **Permanent Premises Project Office**

In annex IV and V of resolution ICC-ASP/6/Res.1, the Assembly of States Parties decided to establish the Project Director's Office within the annual proposed programme budget of the Court to cover the staff costs and other operational costs related to the Permanent Premises Project. The Project Director's Office operates under the full authority of the Assembly of States Parties, it reports directly to and is accountable to the Assembly through the Oversight Committee. For more information regarding the Permanent Premises Project, please refer to note 14 of these financial statements.

(h) **Independent Oversight Mechanism**

By resolution ICC-ASP/8/Res.1 the Assembly of States Parties established the Independent Oversight Mechanism (IOM) as a new Major Programme. This Independent Oversight Mechanism shall be co-located with (but not integrated into or subordinated to) the Office of Internal Audit at the seat of the Court in The Hague. The scope of the Independent Oversight Mechanism, as envisaged under article 112, paragraph 4, of the Rome Statute includes investigation, evaluation and inspection.

## 2. Summary of significant accounting and financial reporting policies

2.1 The accounts of the International Criminal Court are maintained in accordance with the Financial Regulations and Rules of the Court, as adopted by the Assembly of States Parties at its first session in September 2002, and amendments thereto. The accounts of the Court are currently in conformity with the United Nations System Accounting Standards. These notes form an integral part of the Court's financial statements.

2.2 **Fund accounting:** The organization's accounts are maintained on a fund accounting basis. Separate funds for general or special purposes may be established by the Assembly of States Parties, Trust Funds and special accounts funded wholly by voluntary contributions may be established and closed by the Registrar.

2.3 **Financial period:** The financial period of the organization is one calendar year, unless otherwise decided by the Assembly of States Parties.

2.4 **Accrual basis:** With the exception of voluntary contributions, as defined in subparagraph 2.16(b) below, income, expenditure, assets and liabilities are recognized on an accrual basis.

2.5 **Historical cost basis:** The accounts are prepared on the historical cost basis of accounting and are not adjusted to reflect the effects of changing prices for goods and services.

2.6 **Currency of accounts and treatment of exchange rate movements:** The accounts of the organization are presented in euros. Accounting records kept in other currencies are converted into euros at the United Nations operational rate of exchange in effect at the date of the financial statement. Transactions in other currencies are converted into euros at the United Nations operational rate of exchange in effect at the date of transaction.

Exchange rate gains and losses are treated as follows:

- (a) Realized gains and losses resulting from the purchase of other currencies are recorded as miscellaneous income;
- (b) Realized losses on transactions are reflected in the expenditures of the main programme;
- (c) Unrealized gains and losses resulting from the revaluation of cash and other assets and liabilities are recorded as a provision in the balance sheet. At year-end, a cumulative net gain is left as a provision in the balance sheet, whereas a net loss is specifically provided for and recorded as expenditure; and
- (d) Unrealized gains and losses relating to the revaluation of unliquidated obligations are recorded as expenditure and adjusted in the corresponding programme budgets.

2.7 **The General Fund** was established for the purpose of accounting for the expenditures of the Court. The General Fund includes assessed contributions, funds provided by the United Nations, voluntary contributions, miscellaneous income and advances made from the Working Capital Fund to finance expenditures.

2.8 **The Working Capital Fund** is the fund established to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions. The amount of the Working Capital Fund is determined by the Assembly of States Parties for each financial period and is assessed in accordance with the scale of assessments used for the appropriations of the Court, in accordance with financial regulation 6.2.

2.9 **The Contingency Fund** in the maximum amount of €10,000,000 was established by the Assembly of States Parties in September 2004 to be effective 1 January 2005, to ensure that the Court can meet:

- (a) Costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation;
- (b) Unavoidable expenses for developments in existing situations that could not be foreseen or could not be accurately estimated at the time of adoption of the budget; or
- (c) Costs associated with an unforeseen meeting of the Assembly of States Parties.

The level of the Contingency Fund is determined by the Assembly of States Parties and is financed by assessed contributions or by applying cash surpluses, as determined by the Assembly of States Parties.

2.10 **The Trust Funds and special accounts** are established and closed by the Registrar, and are reported to the Presidency and, through the Committee on Budget and Finance, to the Assembly of States Parties. They are funded wholly by voluntary contributions in accordance with specific terms and agreements with the donors.

Reserve accounts and special accounts funded wholly or in part by assessed contributions may be established by the Assembly of States Parties.

2.11 **The Permanent Premises Project is funded by:**

- a) Ministry of Foreign Affairs of the host State Netherlands: through the provision to the Court of a loan of up to a maximum of €200 million, to be repaid over a period of 30 years at an interest rate of 2.5 per cent, on the basis of annex II to resolution ICC-ASP/7/Res.1. The interest is to be paid annually, as of the first utilization of the host State loan. Repayment of the loan, through regular annual instalments, will commence after expiration of the existing or future leases of the interim premises. In the event of the €200 million not being fully utilized at the end of the project, the host State will reduce the amount of the loan to be repaid by an amount that corresponds to 17.5 per cent;
- b) Assessed contributions based on the principles laid out in resolution ICC-ASP/7/Res.1, annex III for one-time payments of the assessed share;

c) Voluntary contributions from governments, international organizations, individuals, corporations and other entities, in accordance with annex VI of ICC-ASP/6/Res.1 adopted by the Assembly of States Parties on the establishment of a permanent premises construction trust fund; and

d) Alternative resources as the Assembly of States Parties may decide to allocate.

#### 2.12 Assessed contributions:

(a) In accordance with financial regulation 5.2, the appropriations are assessed to States Parties in accordance with the scale of assessments adopted by the United Nations for its regular budget, adjusted to reflect differences in membership between the United Nations and the Court;

(b) In accordance with financial regulation 5.8, payments made by a State Party are credited first to the Working Capital Fund and then to the contributions due to the General Fund, and then to the Contingency Fund, in the order in which the State Party was assessed;

(c) Contributions paid in other currencies are converted into euros at the rate of exchange in effect at the date of payment; and

(d) New States Parties to the Rome Statute are assessed for the year in which they became States Parties for the Working Capital Fund and the regular budget, in accordance with financial regulation 5.10.

#### 2.13 Surpluses due to States Parties for a given financial period are funds arising from:

- (a) Unencumbered balances of appropriations;
- (b) Savings on, or cancellation of, prior periods' obligations;
- (c) Contributions resulting from the assessment of new States Parties;
- (d) Revisions to the scale of assessments taking effect during the financial year; and
- (e) Miscellaneous income as defined in subparagraph 2.16(e) below.

Unless otherwise determined by the Assembly of States Parties, surpluses at the end of the financial period, after deducting therefrom any assessed contributions for that financial period which remain unpaid, are apportioned to the States Parties based on the scale of assessments applicable for the financial period to which the surplus relates. As of 1 January following the year in which the audit of the accounts of the financial period is completed, the amount of surplus apportioned to a State Party is surrendered if its contribution for that financial period has been paid in full. In such cases, the credit is used to offset, in whole or in part, contributions due to the Working Capital Fund and assessed contributions due for the calendar year following the financial period to which the surplus relates.

2.14 **Reserve for unpaid assessed contributions:** A reserve in the amount of assessed contributions remaining unpaid for prior financial periods is shown on the balance sheet as a deduction from the cumulative surplus.

2.15 **Contributions received in advance:** Contributions received in advance are shown on the balance sheet as a liability. Contributions received in advance are applied in the following financial period, first against any advances due to the Working Capital Fund and second, to the assessed contributions.

#### 2.16 **Income:** The organization's income consists of:

(a) Assessed contributions: For the purposes of the financial statements, income is recognized when the assessments to the States Parties in the proposed programme budget have been approved by the Assembly of States Parties;

(b) Voluntary contributions are recorded as income on the basis of a written commitment to pay monetary contributions during the current financial year, except where contributions are not preceded by a pledge. For these funds, income is recorded at the time that the actual contributions are received from the donors;

(c) Permanent Premises Project contributions received as one-time payments contributions are recorded as income at the time that the actual contributions are received from the States Parties;

(d) Funds provided by the United Nations in accordance with article 115, subparagraph (b), of the Rome Statute; and

(e) Miscellaneous income includes:

(i) Refunds of actual expenditures incurred in prior financial periods;

(ii) Interest income includes all interest earned on deposits in interest-bearing bank accounts and time deposits;

(iii) Income derived from investments of the General Fund, the Working Capital Fund and the Contingency Fund;

(iv) At the end of the financial period, a net positive balance of the account for loss or gain on exchange resulting from currency exchange, or revaluation and devaluation of currency is credited to miscellaneous income, a net negative balance is charged to the relevant expenditure account;

(v) Proceeds from the sale of property; and

(vi) Voluntary contributions for which no purpose is specified.

#### 2.17 Expenditure:

(a) Expenditures are incurred against authorized allotments in accordance with financial rule 104.1. Total expenditures reported include disbursement expenditures and unliquidated obligations;

(b) Expenditures incurred for non-expendable property are charged to the budget of the period when acquired and are not capitalized, inventory of such non-expendable property is maintained at the historical cost; and

(c) Obligations pertaining to future financial periods are recorded against a deferred charge account, in accordance with financial rule 111.7.

**2.18 Unliquidated obligations** are commitments entered into that have not been disbursed during the financial period. Obligations are based on a formal contract, agreement, purchase order or other form of undertaking, or on a liability recognized by the Court. Current period obligations remain valid for 12 months after the end of the financial year to which they relate.

#### 2.19 Provision for pension liabilities for judges:

During its seventh session, held from 9 to 13 October 2006, the Committee on Budget and Finance recommended that the Court should accept the tender of Allianz/NL to provide the judges' pension scheme. The CBF recommendation was accepted by the Assembly during its fifth session (see ICC-ASP/5/32, part II.D, paragraph 31). Allianz have been appointed as the Judges Pension Scheme Administrators and the commencement date for the contract is 31 December 2008.

In 2010, the Court pays Allianz an annual premium of €2,059,670. Based on the premium paid the scheme is a defined benefit scheme which provides the following benefits for scheme members: a defined retirement pension for judges after the completion of the nine-year term (pro-rated if nine-year term is not completed); the surviving spouse pension of 50 per cent of the judge's entitlement and a disability pension for judges aged 65 and under.

**2.20 Cash and term deposits** comprise funds held in interest-bearing bank accounts, time deposits and call accounts.

**2.21 Deferred income** includes pledged contributions for future financial periods and other income received but not yet earned.

**2.22 Prepaid expenses comprise** that portion of the education grant advance which is assumed to pertain to the scholastic year completed at the date of the financial statement is reported as prepaid expenses for the purposes of the balance sheet statement only. The full

amount of the advance is maintained in the accounts receivable of staff members and officials of the Court until the required evidence of entitlement is produced, at which time the budgetary account is charged and the advance settled.

The following methods of estimating the liability are in line with the International Accounting Standard on employee benefits, where the underlying principle is that the cost of providing employee benefits should be recognized in the period in which the benefit is earned by the employee, rather than when it is paid or payable.

**2.23 Repatriation grant liability:** internationally recruited staff members who separate become entitled to repatriation grants after one year of service. Similarly, judges become entitled to receive a relocation allowance after five years of service, upon termination of duty.

**2.24 Change in accounting policy for the annual leave accrual:** In 2010, the Court changed its accounting policy for the treatment of the untaken annual leave balance for Court staff members and elected officials. In previous periods this estimate was only disclosed in a note to the financial statements. The Court has now decided to recognize the costs of untaken annual leave by Court employees at 31 December 2010. Management judges that the new policy is preferable because it results in a more transparent treatment of the costs related to annual leave. The 2009 financial statements have been restated to reflect this change of accounting policy, resulting in an adjustment of the 2009 opening reserve by €3,138,021, which represents the accumulated annual leave accrual for all staff members of the Court since its start in 2002. The costs related to untaken annual leave of 2009 have been recognized as an expenditure of €358,754 in the income statement of 2009. This adjustment to the 2009 opening reserve has an impact on the calculation of the 2009 cash surplus, which has been restated in Schedule 4. The amount accrued for 2010 is recognized as an expenditure of €567,850 in the income statement of 2010.

**2.25 Contingent liabilities,** if any, are disclosed in the notes to the financial statements.

**2.26 United Nations Joint Staff Pension Fund (UNJSPF):** in accordance with decision ICC-ASP/1/Decision 3 of the Assembly of States Parties and United Nations General Assembly resolution 58/262 adopted on 23 December 2003, the Court became a member organization of the UNJSPF with effect from 1 January 2004. The UNJSPF provides retirement, death, disability and related benefits to Court staff.

The Pension Fund is a funded defined benefit plan. The financial obligation of the organization to the Fund consists of its mandated contribution at the rate established by the United Nations General Assembly of 15.8 per cent of pensionable remuneration, together with any share of any actuarial deficiency payments under article 26 of the Regulations of the Fund. Such deficiency payments are only payable if and when the United Nations General Assembly has invoked the provision of article 26, following determination that there is a requirement for deficiency payments based on an assessment of the actuarial sufficiency of the Fund as of the valuation date. At the time of this report, the United Nations General Assembly has not invoked this provision.

### **3. The International Criminal Court (statements I-IV)**

3.1 The financial period of the organization is one calendar year unless otherwise decided by the Assembly of States Parties.

3.2 Statement I reports the income and expenditure and changes in reserve and fund balances during the financial period. It includes the calculation of the excess or shortfall of income over expenditure for the current period and prior period adjustments of income or expenditure.

3.3 Statement II shows the assets, liabilities, reserves and fund balances as at 31 December 2010, the value of non-expendable property is excluded from the assets (see note 6).

3.4 Statement III is the cash flow summary statement prepared using the indirect method of International Accounting Standard 7.

3.5 Statement IV reports on expenditures against the appropriation approved for the financial period.

#### 4. General Fund, Working Capital Fund and Contingency Fund

4.1 **Assessed contributions:** The Assembly of States Parties, in its resolution ICC-ASP/8/Res.7, approved the funding of the appropriations of the Court for the financial period 1 January to 31 December 2010 in the total amount of €103,623,300. As at 31 December 2010, there were 113 States Parties to the Rome Statute.

4.2 **Interest income:** Interest in the amount of €343,042 represents interest accrued on the Court's bank accounts for the General Fund, the Working Capital Fund and the Contingency Fund.

4.3 **Miscellaneous income:** The total miscellaneous income of €121,214 represents the following:

**Table 1: Details of miscellaneous income (in euros)**

<i>Miscellaneous income</i>	<i>Amount (euros)</i>
Refund of expenditures incurred in prior financial periods	70,597
Miscellaneous income	50,617
<b>Total</b>	<b>121,214</b>

4.4 **Expenditures:** The total amount of expenditures, €104,499,000, comprises total disbursements of €95,807,577, outstanding obligations of €5,722,544 and accruals or provisions for liabilities of €2,968,879. The expenditures are detailed in table 2 below. The total disbursements include €2,004,677 accounts payable at 31 December 2010 as explained in note 4.16.

**Table 2: Details of expenditures (in euros)**

<i>Category of expenditure</i>	<i>Appropriation amount</i>	<i>Disbursed expenditures</i>	<i>Unliquidated obligations</i>	<i>Accruals, Provisions<sup>(a)</sup></i>	<i>Total expenditures</i>
Salaries & other staff costs	76,290,500	72,539,552	933,363	2,458,388	75,931,303
Travel & hospitality	5,309,100	4,178,658	1,061,976	-	5,240,634
Contractual services	7,787,200	7,063,464	2,023,309	510,491	9,597,264
Operating expenses	12,198,400	9,771,951	1,521,020	-	11,292,971
Acquisitions	2,038,100	2,253,952	182,876	-	2,436,828
<b>Total</b>	<b>103,623,300</b>	<b>95,807,577</b>	<b>5,722,544</b>	<b>2,968,879</b>	<b>104,499,000</b>

<sup>(a)</sup> The amount of €2,968,879 is recorded in the accounts as the sum of the following provisions: a provision for US tax liability for staff of €53,156; a provision for ILO cases of €330,690; a provision for doubtful debt of €510,491; an accrual for repatriation grant of €1,506,692 and an accrual for annual leave of €567,850 as stated in notes 4.5 and 4.6 below.

**Pension expenditures:** The pension scheme of the judges' pension changed in 2008 from an accrual basis system to the payment of an annual premium to Allianz. The accrual amount premium for 2010 was paid to Allianz and recorded as disbursed expenditure for €2,059,670.

#### 4.5 Accruals

(a) **Repatriation Grant Accrual:** The Repatriation Grant Liability has been subdivided into a Repatriation Grant Accrual of €4,660,418 and Repatriation Grant Liability of €367,979 under Other Accounts Payable. The distinction being that the Repatriation Grant Liability refers to amounts owed to staff as of 31 December 2010 who have already left the Court and the amounts are therefore due and payable. The Repatriation Grant Accrual refers to amounts earned by eligible employees as at 31 December 2010 but are not payable as at 31 December as the staff are still employed by the Court. The amount charged to the budget in 2010 for Repatriation Grant Accrual was €1,506,692, which was split between the different organs of the Court.

(b) **Annual Leave Accrual:** The 2009 financial statements have been restated to reflect this change of accounting policy, resulting in an adjustment in the 2009 opening reserve by €3,138,021, which represents the accumulated annual leave accrual for all staff members of the Court since its start in 2002. The costs related to untaken annual leave of 2009 has been recognized as an expenditure of €358,754 in the income statement of 2009. This adjustment to the 2009 opening reserve has an impact on the calculation of the 2009 cash surplus, which has been restated in Schedule 4. The amount accrued for 2010 is recognized as an expenditure of €567,850 in the income statement of 2010.

#### 4.6 Provisions

##### (a) Provisions for ILO cases:

During 2010 five cases (including three cases reported last year as contingent liability) were filed with the International Labour Organization Administrative Tribunal (ILOAT) by former staff members of the Court. The Court's Legal Department has assessed that it is probable that a payment will have to be made to those staff members and based upon the Court's experience of such cases an amount of €330,690 has been provided for in 2010.

##### (b) Provisions for US tax liability:

According to the practice and fundamental principles of the International Civil Service, as adjudicated upon by the International Labour Organization Administrative Tribunal (ILOAT), all employees of the Court are entitled to exemption from taxation on Court salaries, emoluments and allowances paid by the Court. The calculated tax liability has been estimated at €53,156 for the year 2010 for six United States taxpayers on the payroll of the Court during this period.

##### (c) Provision for doubtful debt:

**Under Other Accounts Receivable** an amount of €510,491 has been deducted and charged to the legal aid costs because recovery of this amount is uncertain. Based on a judicial decision dated 20 October 2009 (Trial Chamber III, number ICC-01/05-01/08-568), the Court advanced an amount of €510,491 for legal costs to cover the legal representation of an accused person in 2010 whose assets have been frozen.

4.7 **Savings on, or cancellation of, prior periods' obligations:** Actual disbursements of prior periods' obligations of €7,714,050 amounted to €5,567,263 due to savings on or cancellation of obligations in the amount of €2,146,787.

4.8 **Credits to States Parties:** Cash surplus credited to eligible States Parties amounted to €13,679,117. This comprises cash surpluses from 2008 and had been apportioned to States Parties in accordance with their respective assessments for that financial period. The sum of €0 of this cash surplus had been returned to States Parties and the full amount of €13,679,117 was credited towards assessed contributions due and is included in the total amount of collections during 2010 (Schedule 1).

4.9 **Working Capital Fund:** The Assembly of States Parties, in its resolution ICC-ASP/8/Res.7, established the Working Capital Fund for the financial period 1 January to 31 December 2010 in the amount of €7,405,983, at the same level as the previous financial period.

4.10 **Assessed contributions receivable:** The outstanding balance of contributions of €6,254,870 comprises €480,520 due for prior financial periods and €5,774,350 due for 2010 (Schedule 1). Contributions received from States Parties in excess of contributions due in the amount of €40,606 are reported as contributions received in advance (see note 4.15 below).

4.11 **Other contributions receivable** refer to the outstanding balance due to the Working Capital Fund. The outstanding balance as at 31 December 2010 was €19,589 (Schedules 2 and 3).

4.12 **Interfund balances receivable** to the General Fund as at 31 December 2010 amount to €219,792 from the Trust Funds, for which there are separate accounts.

4.13 **Other accounts receivable** in the total amount of €3,089,604 are detailed in table 3 below.

**Table 3: Details of other accounts receivable (in euros)**

<i>Accounts receivable</i>	<i>2010 amount</i>	<i>2009 amount</i>
Governments (value-added tax) <sup>(a)</sup>	924,005	1,127,297
Staff	384,967	277,681
Vendors	31,732	9,921
Interest accrued	111,754	97,439
Travel advances (other than cash advances) <sup>(b)</sup>	671,505	513,251
Advances to vendors for travel-related expenses <sup>(c)</sup>	766,427	565,848
Others <sup>(d)</sup>	102,048	219,810
Deferred payment from Special Court for Sierra Leone <sup>(e)</sup>	97,166	-
<b>Total</b>	<b>3,089,604</b>	<b>2,811,247</b>

<sup>(a)</sup> **Value-added tax:** The amount of €924,005 recorded in the accounts as receivable from governments for value-added tax (VAT) paid on goods and services does not include the amount of €216,745 representing VAT for purchases in Uganda during 2005, 2006, 2007, 2008 and 2009 any longer. This amount is still a receivable from the Ugandan Government, but the Court has not been able to retrieve the amount to date. The law granting VAT exemption status to the Court in Uganda was signed on 18 October 2008 and entered into force on 1 July 2008. Efforts were made for retroactive VAT reimbursement on the basis that the Court was entitled to VAT exemption status from the beginning of its operations in Uganda and that the delays in formally recognizing that status were not caused by the Court. The fact, though, that reimbursement has not been achieved to date led to the conclusion to no longer state it as an account receivable. In the case the money would be retrieved in the future, it will have a positive effect on the Income and Expenditure Statement.

<sup>(b)</sup> **Travel advances (other than cash advances)** represent the amount of travel advances for which the travellers had not submitted travel expense claims to be recorded in the accounts as expenditure in 2010. This is the amount of travel advances with the exception of those paid in the form of cash. Cash advances are recorded as receivables from the travellers and are included in the total amounts for “Staff”, “Vendors”, or “Others” receivables.

<sup>(c)</sup> **Advances to vendors for travel-related expenses** represent the amounts paid to vendors for travel-related expenses such as tickets and shipments for which the travel claims had not been submitted by the travellers to be recorded as expenditure in the accounts as at 31 December 2010.

<sup>(d)</sup> **Within the others accounts receivable** an amount of €510,491 is not included any longer as it is related to the Defence Counsel Costs of an accused. As a result of a judicial decision dated 20 October 2009 (Trial Chamber III, number ICC-01/05-01/08-568), the Court advanced an amount of €510,491 for legal costs to cover the legal representation of an accused person whose assets have been frozen. It is doubtful that a full recovery of the amount will be possible when the Court applies for all the assets to be released; therefore a provision for doubtful debt was booked in 2010.

<sup>(e)</sup> **Deferred payment from the Special Court for Sierra Leone:** On 29 March 2006, the Court received a request from the President of the Special Court for Sierra Leone (Special Court) to provide temporary assistance with regard to the provision of courtroom and detention services and facilities and support for the conduct of the trial of Charles Taylor. After consultations with the Bureau of the Assembly of States Parties, the Court agreed to provide the services and facilities on condition that full payment in advance would be made before services are rendered. Based on this decision, the Court and the Special Court signed a Memorandum of Understanding (MOU) on 13 April 2006 regarding the administrative arrangements between the two Courts. The amount of €97,166 is the balance of the advance payment which had not yet been received at 31 December 2010 from the Special Court less the expenditures incurred by the Special Court as at 31 December 2010. This amount was received in January 2011.

**4.14 Education grant advances:** Prepaid expenses contain the amount of €987,157 which is the portion of the education grant advance that is assumed to pertain to the scholastic years completed as at 31 December 2010 and 2011.

**4.15 Contributions or payments received in advance:** A total of €40,606 was received from States Parties to be applied to the next financial period. This comprises:

(a) €16,463 received from States Parties in advance for 2010 assessed contributions (Schedule 1); and

(b) €24,143 representing contributions received in excess of assessed contributions for 2010 resulting from assessment of new States Parties, overpayments or the distribution of 2008 cash surplus (Schedule 1).

4.16 **Other accounts payable** in the total amount of €2,950,229 are detailed in table 4 below.

**Table 4: Details of other accounts payable (in euros)**

<i>Accounts payable</i>	<i>2010</i>	<i>2009</i>
Staff	340,448	161,520
Vendors <sup>(c)</sup>	2,004,677	447,034
Deferred payment from Special Court for Sierra Leone	Refer to table 3 (e)	386,039
Repatriation Grant Liability <sup>(a)</sup>	368,914	283,544
Others <sup>(c)</sup>	218,817	50,745
Interest accrued (loan from MFA Netherlands) <sup>(b)</sup>	17,373	9,877
<b>Total</b>	<b>2,950,229</b>	<b>1,338,759</b>

<sup>(a)</sup> **Repatriation Grant Liability:** The accounting for repatriation grants has been adjusted in 2008 to increase financial statement transparency. The Repatriation Grant Liability has been subdivided into a Repatriation Grant Accrual of €4,660,418 and Repatriation Grant Liability of €368,914 under Other Accounts Payable. The distinction being that the Repatriation Grant Liability refers to amounts owed to staff as of 31 December 2010 who have already left the Court and the amounts are therefore due and payable. The Repatriation Grant Accrual refers to amounts earned by eligible employees as at 31 December 2010 but are not payable as at 31 December as the staff are still employed by the Court.

<sup>(b)</sup> **Interest Accrued:** The amount of €17,373 is the interest accrued on the utilization of the host State loan of €1,425,000 which was fully refunded to the host State on 28 June 2010.

This interest was paid to the Netherlands Ministry of Foreign Affairs (MFA) in January 2011 in accordance with annex II to resolution ICC-ASP/7/Res.1. The interest is to be paid annually, as of the first utilization of the host State loan. Repayment of the loan, through regular annual instalments, will commence after expiration of the existing or future leases of the interim premises. For more information regarding the Permanent Premises Project, please refer to note 14 of the present report.

<sup>(c)</sup> **Vendors and Other Accounts Payable:** Based on the principle of accrual based accounting, all invoices dated until 31 December 2010 represent an account payable of the Court and were booked in the accounting system in 2010, those invoices were paid in January and February 2011.

4.17 **Contingency Fund:** The amount of €9,168,567 representing the cash surplus for the 2002-2003 financial periods had been credited to establish the Contingency Fund in accordance with part B of resolution ICC-ASP/3/Res.4. In 2010, the total expenditure exceeds the approved budget by €876,000 (Statement IV). €464,000 recorded as interests and miscellaneous income offsets part of this. The remaining €412,000 for the Contingency Fund has been moved from the General Fund to a temporary reserve until it can be determined whether these funds actually need to be used. The final amount will be determined in the same way as the cash surplus, 12 months after the end of the year. At that time the temporary reserve will be adjusted accordingly.

4.18 **Reserve for unpaid assessed contributions:** An amount of €480,520, being the amount of outstanding assessed contributions for prior financial periods (Schedule 1), is deducted from the cumulative surplus to derive the cash surplus for 2009 for distribution to States Parties (Schedule 4).

## 5. Trust Funds

5.1 **General description and purpose** of the different Trust Funds disclosed in Schedules 6 and 7:

**Internship and Visiting Professionals Programme** supports interns and visiting professionals in Judiciary, Office of the Prosecutor and Registry at the Court. This programme runs from April through March of the period for two years. As from 1 April 2010, the full name of the Internship and Visiting Professionals Programme is Strengthening the International Criminal Court - reinforcing the principle of complementarity and universality and building a high-quality defence.

**Least Developed Countries programme** is run by the Secretariat of the Assembly of States Parties and covers travel costs related to the participation of representatives of least developed countries and other developing States at sessions of the Assembly of States Parties. This is an ongoing programme.

**Regional Seminar in Yaoundé** is run by the Registry to support the organization of local seminars for local experts (judges, lawyers, politicians, NGOs, etc...) to raise awareness and knowledge of the Court around the world. The first seminar took place in Senegal (Dakar) at the end of 2009.

**Legal Tools Project** is run by the Office of the Prosecutor to facilitate and coordinate the introduction, implementation and use of the Legal Tools Project, in particular the Case matrix, by users outside the Court.

**Defence Counsel Seminar** is run by the Registry to finance the consultations between the Court and the legal professionals represented by the counsels on the Court's list of counsel.

**General Trust Fund** is used for the Victims and Witnesses Unit to organize a one-day seminar on protection in November 2010.

**Special Fund for Relocations** is established to assist States which are willing but do not have the capacity to enter into relocation agreements with the Court with cost neutral solutions, aimed at increasing the number of effective relocations and building local capacity to protect witnesses. This Special Fund will be resourced by voluntary donations from willing States Parties.

**The system to fund family visits for indigent detainees** was established within the Registry by the Assembly of States Parties in its resolution ICC-ASP/8/Res.4. The purpose is to fund family visits for indigent detainees entirely through voluntary donations, with contributions from States Parties, other States, non-governmental organizations, civil society or individuals.

5.2 **Voluntary contributions:** Contributions in the amount of €1,488,292 have been pledged and/or received for 2010 projects.

5.3 **Interest income:** Interest in the amount of €3,779 represents interest earned on the Court's bank account for the Trust Funds.

5.4 **Expenditure:** The total amount of €1,576,147 comprises total disbursements of €1,452,607, outstanding obligations of €125,162 and repatriation grant accrual of €-1,622.

5.5 **Refund to donors:** The amount of €19,599 was refunded to donors, being the amount in excess of the requirements of the specific projects completed (Schedules 6 and 7).

5.6 **Other accounts receivable:** The amount of €513 is the interest earned but not received yet with regard to the bank account of the Trust Funds.

5.7 **Contributions or payments received in advance:** The Court received voluntary contributions in the total amount of €1,017,514 for projects starting after 31 December 2010 (Schedule 6).

5.8 **Interfund balances payable:** As at 31 December 2010, interfund balances between the Trust Fund and the General Fund amounted to a payable of €219,792.

## 6. Non-expendable property

6.1 A summary of non-expendable property, at historical cost, as at 31 December 2010 is provided in table 5 below. In accordance with the Court's current accounting policies, non-expendable property is not included in the fixed assets of the organization, but is directly charged to the budget upon acquisition.

**Table 5: Summary of non-expendable property (in euros)**

<i>Asset management category</i>	<i>Opening balance as at 1 January 2010</i>	<i>Acquisitions/ adjustments</i>	<i>Written-off items<sup>a/</sup></i>	<i>Closing balance as at 31 December 2010</i>
Information, technology and communications equipment	7,261,015	924,442	(410,981)	7,774,476
Security and safety equipment	821,911	(23,127)	-	798,784
General services equipment	1,075,832	63,426	(37,057)	1,102,201
Vehicles and transportation equipment	864,543	-	-	864,543
Office of the Prosecutor equipment	1,348,041	78,149	(3,717)	1,422,473
Other equipment	1,426,240	113,326	(682)	1,538,884
Courtrooms and Pre-Trial Chamber <sup>b/</sup>	1,362,918	-	-	1,362,918
<b>Total</b>	<b>14,160,500</b>	<b>1,156,216</b>	<b>(452,437)</b>	<b>14,864,279</b>

<sup>a/</sup> During 2010, items valued at a total amount of €505,175 were written off.

<sup>b/</sup> Courtrooms and Pre-Trial Chamber – courtroom elements constituting an integral part of the installation.

In addition to the above, the Court's records include the following non-expendable property acquired from voluntary contributions:

**Table 6: Summary of non-expendable property funded by other sources (in euros)**

<i>Asset management category</i>	<i>Opening balance as at 1 January 2010</i>	<i>Written-off items<sup>a/</sup></i>	<i>Closing balance as at 31 December 2010</i>
Advance team budget	17,560	(7,938)	9,622
Donations to the Court	328,175	(44,800)	283,375
<b>Total</b>	<b>345,735</b>	<b>(52,738)</b>	<b>292,997</b>

<sup>a/</sup> During 2010, items valued at a total amount of €505,175 were written off.

## 7. Write-off losses of cash, receivables and property

7.1 In addition to the items written off during 2010 as stated in 6.1 above, a total amount of €12,894 has been written off as irrecoverable accounts receivable since 2008. As stated in footnote (a) of table 3 above, the Uganda VAT receivable from 2005 to 2009 of €216,745 was also written off for transparency reasons even though this amount is still a receivable from the Ugandan Government, but the Court has not been able to retrieve the amount to date.

## 8. Ex gratia payments

8.1 No ex gratia payments were made by the Court during the financial period.

## 9. Gratis personnel

9.1 No services of gratis personnel were received during the financial period.

## 10. Contingent liabilities

10.1 No contingent liability was identified during the financial period.

10.2 During 2009 three potential cases were identified where a former staff member of the Court might consider filing actions with the International Labour Organization Administrative Tribunal (ILOAT). In 2010 those three cases were filed with ILOAT and the estimated claims have been booked as ILO provisions (see note 4.6 (a) above).

## **11. Service-incurred injury**

11.1 The Court entered into an agreement with an insurance company to offer coverage for service-incurred injuries for Court staff, judges, consultants and temporary assistants. The insurance premium, calculated as a percentage of the pensionable remuneration for the staff members and a comparable percentage for judges, consultants and temporary assistants, is charged to the organization's budget and is reflected in the accounts under expenditures. The total premium paid during 2010 for this insurance was €941,230.

## **12. Contributions in kind**

12.1 The following are the significant (higher than €25,000) contributions in kind received by the Court during the financial period:

(a) As reported in the financial statements for the prior financial periods, the Court continues to receive the following contributions from the host State:

(i) Premises to the Court free of rent for a period of 10 years, starting 1 July 2002; and

(ii) Costs associated with the interim premises of the Court to a maximum of €33 million, including the costs of building a courtroom.

## **13. Contributions to the Trust Fund for Victims**

13.1 In its resolution ICC-ASP/1/Res.6, the Assembly of States Parties established the Trust Fund for Victims for the benefit of victims of crimes within the jurisdiction of the Court, and the families of such victims.

In the annex to that resolution, the Assembly established a Board of Directors, which is responsible for the management of the Trust Fund, and decided that the Registrar of the Court should be responsible for providing such assistance as is necessary for the proper functioning of the Board in carrying out its tasks and should participate in the meetings of the Board in an advisory capacity.

In 2010, the Assembly approved an appropriation of €1,221,600 for the Secretariat of the Trust Fund for Victims which administers the Trust Fund and offers administrative support to the Board and its meetings. Expenditures recorded in the accounts for the Secretariat during the financial period are €939,827.

## **14. The Permanent Premises Project: General description**

14.1 The Permanent Premises Project was established by the Assembly of States Parties in its resolution ICC-ASP/4/Res.2, which emphasized that "the Court is a permanent judicial institution and as such requires functional permanent premises to enable the Court to discharge its duties effectively and to reflect the significance of the Court for the fight against impunity", and reiterating the importance of permanent premises to the future of the Court.

14.2 In its resolution ICC-ASP/6/Res.1, the Assembly further recalled that the overall construction costs, which include a contingency reserve, fees for the consultants and contractors, pre-tender and post-tender inflation, any fees for permits and dues and a fund for integrated, specialized representational features were estimated to be no more than €190 million at the 2014 price level. In annex II to resolution ICC-ASP/6/Res.1, the Assembly established an Oversight Committee of States Parties which is established as a subsidiary body of the Assembly of States Parties pursuant to article 112, paragraph 4, of the Rome Statute.

14.3 The mandate of the Oversight Committee is to provide a standing body to act on behalf of the Assembly in the construction of the permanent premises of the International Criminal Court. The role of the Oversight Committee will be strategic oversight, with routine management of the project resting with the Project Director. The Oversight

Committee is a body consisting of 10 States Parties, with at least one member from each regional group.

## 15. The Permanent Premises Project: Notes to statements I-III

15.1 **Statement I** reports the income and expenditure and changes in reserve and fund balances during the financial period. It includes the calculation of the excess of income over expenditure for the current period and prior-period adjustments of income or expenditure.

15.2 **Statement II** shows the assets, liabilities, reserves and fund balances as at 31 December 2010.

15.3 **Statement III** is the cash flow summary statement prepared using the indirect method of International Accounting Standard 7.

15.4 **Assessed contributions** in the total amount of €15,547,836 were received from States Parties as one-time payments and are detailed in table 7 below.

**Table 7: One-time payments received from States Parties (in euros)**

<i>States Parties</i>	<i>2010</i>	<i>2009</i>	<i>Total</i>
Albania	-	-	-
Andorra	18,305	-	18,305
Australia	2,725,921	-	2,725,921
Benin	-	-	-
Bolivia (Pluri-national State of)	13,729	-	13,729
Burkina Faso	-	-	-
Cambodia	2,288	-	2,288
Canada	6,811,751	-	6,811,751
Czech Republic	-	-	-
Djibouti	-	-	-
Finland	1,290,503	-	1,290,503
Hungary	-	-	-
Iceland	-	-	-
Italy	1,781,707	2,092,090	3,873,797
Jordan	9,152	-	9,152
Liechtenstein	22,881	-	22,881
Lithuania	-	-	-
Mauritius	25,169	-	25,169
Mexico	1,721,434	-	1,721,434
Montenegro	2,288	-	2,268
Portugal	401,948	-	401,948
Samoa	2,288	-	2,288
San Marino	6,864	-	6,864
Serbia	48,051	-	48,051
South Africa	663,557	-	663,557
<b>Total one-time payments received</b>	<b>15,547,836</b>	<b>2,092,090</b>	<b>17,639,906</b>

15.5 **Expenditures:** The total amount of expenditures of €5,133,346 comprises disbursements of €4,812,824 and outstanding obligations of €320,522. The expenditures are related to the finalization of the preliminary design phase and include architectural costs, consultants, project management and legal fees. The construction itself had not yet started in 2010.

15.6 **Savings on, or cancellation of, prior periods' obligations:** Actual disbursements of prior periods' obligations of €5,389 amounted to €5,389 as all outstanding obligations of 2009 were disbursed in 2010.

15.7 **Other accounts receivable,** in the amount of €28,454 representing interest earned but not yet received as at 31 December 2010, and €82,694 representing value-added tax paid on goods and services to be received from the Dutch government.

15.8 **Other accounts payable,** in the amount of €59,830, representing invoices booked in the accounts but not yet paid as at 31 December 2010. Those invoices were paid in January and February 2011.

15.9 **Contributions received in advance:** All contributions received in 2010 for the Permanent Premises Project in relation to one-time payments option (as referred to in resolution ICC-ASP/7/Res.1) were recognized as income of 2010. As a restatement of 2009 financial statements, the contribution received from Italy in 2009 of €2,092,090 has been recognized as an income of 2009 instead of a contribution received in advance.

15.10 **Host State loan,** in the amount of €1,425,000, was fully refunded to the host State on 28 June 2010. The interests accrued on the utilization of the loan of €17,373 were included in the Court's programme budget for 2010 and paid to the Netherlands Ministry of Foreign Affairs (MFA) in January 2011. This is in line with paragraph 11 of resolution ICC-ASP/6/Res.1: "[the Assembly] decides to establish, within the ambit of the annual proposed programme budget, a permanent premises budget for the purpose of ...payment, as of the first utilization of the host State loan, of the accrued interest, which will be determined annually and will be included in the proposed programme budget of the following year."

15.11 **Project Director's Office:** In annexes IV and V of resolution ICC-ASP/6/Res.1, the Assembly of States Parties decided to establish the Project Director's Office within the annual proposed programme budget of the Court under Major Programme VII to cover the staff costs and other operational costs related to the premises project. The Project Director's Office operates under the full authority of the Assembly of States Parties and reports directly and is accountable to the Assembly through the Oversight Committee.

Without prejudice to the paragraph above, the Project Director's Office is an integral part of the International Criminal Court; for administrative and staff purposes, the Project Director's Office and its staff are attached to the Registry of the Court.

In 2010, the Assembly of States Parties approved an appropriation of €584,200 for the Project Director's Office, which is responsible for the management of the Permanent Premises Project; expenditures recorded in the accounts for the Project Director's Office during the financial period are €395,326.

#### 15.12 **Contributions in kind**

The following are the significant contributions in kind received by the Permanent Premises Project during the financial period:

(a) Administrative services are provided by Court sections mainly by the Budget and Finance Section (accounts preparation, bank reconciliations, recording and payment of invoices); Legal Advisory Services Section (contract negotiation and other legal matters); General Services Section (procurement services: preparation of purchase orders and facilities management services); Information Communication and Technologies Section (provision of ICT services).

(b) Host State contribution to architect selection.

## 2. Trust Fund for Victims financial statements for the period 1 January to 31 December 2010\*

### Contents

Letter of transmittal.....	323
External Auditor's report.....	326
Financial statements.....	326
Statement I: Income and expenditure and changes in fund balances for the period ending 31 December 2010.....	334
Statement II: Assets, liabilities, reserves and fund balances as at 31 December 2010.....	334
Statement III: Cash flow as at 31 December 2010.....	335
Notes to the financial statements.....	336
1. The Trust Fund and its objectives.....	336
2. Summary of significant accounting and financial reporting policies.....	336
3. The Trust Fund for Victims (Statements I-III).....	336

### Letter of transmittal

31 March 2011

In accordance with financial regulation 11.1, I have the honour to submit the financial statements of the Trust Fund for Victims for the financial period 1 January to 31 December 2010.

(Signed) Silvana Arbia  
Registrar

Ms. Helen Feetenby  
Director  
National Audit Office  
157 Buckingham Palace Road  
London SW1W 9SS  
United Kingdom

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\* Previously issued as ICC-ASP/10/13.

## **Independent auditor's opinion and report to the Board of Directors of the Trust Fund for Victims and the Assembly of States Parties**

I have audited the financial statements of the Trust Fund for Victims for the year ended 31 December 2010. These comprise of Statement I, Income and Expenditure and Changes in Fund Balances; Statement II, Statement of Assets, Liabilities, Reserves and Fund Balances; Statement III, Statement of Cash Flow and the related notes. These financial statements have been prepared under the accounting policies set out within them.

### **Registrar's responsibility for the financial statements**

The Registrar is responsible for the preparation and fair presentation of the financial statements in accordance with United Nations System Accounting Standards and the requirements of the Financial Regulations as authorised by the Assembly of States Parties. The Registrar is also responsible for such internal control as she determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's responsibility**

My responsibility is to express an opinion on the financial statements based on my audit in accordance with Regulation 12 of the Financial Regulations. I conducted my audit in accordance with International Standards on Auditing issued by the International Auditing and Assurance Standards Board. Those standards require me and my staff to comply with ethical requirements and to plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the Trust Fund for Victims' preparation and fair presentation of the financial statements, in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Registrar, as well as the overall presentation of the financial statements.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the revenue and expenditure reported in the financial statements have been applied to the purposes intended by the Board of Directors and the Assembly of States Parties and the financial transactions are in accordance with the Financial Regulations.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinions.

### **Opinion on financial statements**

In my opinion:

(a) the financial statements present fairly, in all material respects, the financial position of the Trust Fund for Victims as at 31 December 2010 and the results for the year then ended; and

(b) the financial statements have been properly prepared in accordance with United Nations System Accounting Standards and the Financial Regulations authorised by the Assembly of States Parties.

### **Opinion on regularity**

In my opinion, in all material respects, the revenue and expenditure have been applied to the purposes intended by the Board of Directors and Assembly of States Parties and the financial transactions conform to the Financial Regulations.

**Matters on which I report by exception**

I have nothing to report in respect of the following:

Under the letter of engagement, I am required to report to you if, in my opinion:

- (a) proper accounting records have not been kept;
- (b) I have not received all of the information and explanations I require for my audit; or
- (c) effective systems of internal control are not in place.

**External Auditor's report**

In accordance with Regulation 12 of the Financial Regulations, I have also issued an External Auditor's Report on my audit of the Trust Fund for Victims financial statements.

Amyas C E Morse  
Comptroller and Auditor General  
United Kingdom  
External Auditor

National Audit Office  
157-197 Buckingham Palace Road  
Victoria  
London  
SW1W 9SP

July 2011

## External Auditor’s report on the 2010 financial statement audit

The aim of the audit is to provide independent assurance to the Board of Directors; to add value to the Fund’s financial management and governance; and to support the objectives of the Fund’s work.

The Comptroller and Auditor General is the head of the National Audit Office (NAO), the United Kingdom's Supreme Audit Institution. The Comptroller and Auditor General and the NAO are independent of the United Kingdom Government and ensure the proper and efficient spending of public funds and accountability to the United Kingdom's Parliament. We audit the accounts of all central public sector bodies as well as a number of international organizations. The NAO provides external audit services to a number of international organizations, working independently of its role as the Supreme Audit Institution of the United Kingdom.

### Contents

Executive summary .....	304
Introduction .....	305
Financial overview .....	305
Audit findings .....	306
Governance issues .....	308
Follow up of previous audit recommendations .....	308
Annex A: Summary of audit recommendations .....	309
Annex B - Implementation of prior year recommendations .....	310

### Executive summary

1. We have provided an unqualified audit opinion on the 2010 financial statements – which present fairly in all material respects the financial position and the results of operations and cash flows for the period. Our audit revealed no weaknesses or errors which we considered to be material to the accuracy, completeness and validity of the financial statements.

2. As well as a commentary on the current financial position of the Trust Fund for Victims (“the Fund”) this report also documents our findings in the following areas:

(a) Objective setting for the Fund in regard to its budget. We have reviewed the objectives set by the Assembly of States Parties in the approval of the overall budget for the Fund and have made recommendations to improve the usefulness of these objectives for both the Fund and the Assembly of States Parties;

(b) The future sustainability of the Fund. We have reviewed the Fund’s reliance upon voluntary contributions and have made recommendations which build upon those of last year in regards to increasing donations through an online donations site. We have also considered the effects of the first International Criminal Court judgement which could oblige the Fund to make reparation payments;

(c) Open tendering for future contracts. With the Fund’s first open tendering for contracts now underway we have taken the opportunity to make recommendations to ensure that the Fund can extract the maximum benefit from an altered procurement approach; and

(d) Governance Issues. We have revisited all the recommendations in our last report. Progress has been made in many areas however some of the governance issues have been readdressed and further recommendations made.

## Introduction

3. We audited the 2010 financial statements of the Trust Fund for Victims in accordance with the Financial Rules and Regulations and in conformity with International Standards on Auditing. In our opinion, the financial statements present fairly, in all material respects, the financial position and the results of operations and cash flows for the period. They have been prepared in accordance with United Nations Systems Accounting Standards and the Trust Fund for Victims' stated accounting policies and, in all material respects, the transactions have been made in accordance with the financial regulations and applied to the purposes intended by the Rome Statute.
4. The audit included a review of the Fund's accounting procedures; an assessment of internal controls; and such tests of the accounting records and other supporting evidence as we considered necessary in the circumstances. Our audit procedures are designed primarily for the purpose of forming an audit opinion. Finally, an examination was carried out to ensure that the financial statements accurately reflected the Fund's accounting records and were fairly presented.
5. The main observations and recommendations from our audit are set out below and are summarised at **Annex A**. Action taken by management in response to our 2009 recommendations are set out at **Annex B**.
6. This report has been prepared for the sole use of the Trust Fund for Victims and the International Criminal Court. It must not be disclosed to any other third party, or quoted or referred to, without the written consent of the National Audit Office (NAO) and no responsibility is assumed by the NAO to any other person.

## Financial overview

7. The Trust Fund for Victims was created by the Rome Statute and fulfils two mandates for victims of crimes under jurisdiction of the ICC, and their families: **Reparations**: implementing Court-ordered reparations awards against a convicted person when directed by the Court to do so. While several cases are pending before the International Criminal Court (ICC), none has reached the reparation stage to date; and **General Assistance**: using voluntary contributions from donors to provide victims and their families in situations before the Court with physical rehabilitation, material support, and/or psychological rehabilitation.
8. In 2010 the ICC had yet to complete proceedings on the first trial being held and thus there was no expenditure under the first mandate. All expenditure of the Fund relates to the second mandate or to administration costs.
9. Income for the Trust Fund increased by 31 percent, with voluntary contributions increasing from €1.2 million to €1.6 million. Over €600,000 of voluntary contributions were received from Germany in this year, representing a large proportion of the total income for 2010.
10. Income from interest on cash deposits increased by 20 percent from €40,070 to €48,700. However this is still substantially lower than the interest received in 2008 which was €135,927. This is a result of a change in the ICC's investment policy in 2009 following the global financial crisis. In 2009 the Court used saving accounts as opposed to time deposits in order to keep funds liquid and this resulted in a significantly lower interest rate yields.
11. Appropriations from the Assembly of States Parties to pay for the running cost of the Fund in 2010 were €1,221,600, with matching expenditure of €939,827, this represents a decrease in the overall running costs of 25% from 2009 (€1,263,964).
12. Expenditure on delivering assistance to victims and affected communities increased by 43 percent from €1.4 million to €2.0 million which is a result of increased activities on projects within the Trust Fund, most notably those programs which received earmarked funds in 2009.
13. The overall fund balance decreased from €2,887,733 to €2,519,049. This is due to the Fund's expenditure exceeding income, primarily due to the reduction in interest income as already noted.

## Internal controls

14. From the work we have performed, we have not identified any significant weaknesses in the internal financial control during this financial period, and key controls we reviewed operated as expected.

## Cases of fraud and presumptive fraud

15. Primary responsibility for the prevention and detection of fraud rests with the Management of the Fund. During the audit of the 2010 financial statements management of the Fund has informed us of two cases of fraud.

16. During late 2009 a local tax office in the eastern Democratic Republic of Congo (DRC) misappropriated \$58,000 from a bank account held by a TFV implementing partner organisation. This money belonged to the Fund/ICC and was withdrawn for 'taxes unpaid'. Negotiations are underway between the TFV, ICC and DRC Government to have the money returned to the partner organisation or the Fund/ICC itself but at this point, despite a constructive response from the DRC Government no such agreement has been finalised. Management of the Fund have told us that the Implementing Partner is also pursuing the issue through the local courts in the DRC.

17. During the 2010 financial period there was an instance of a local partner organisation misappropriating funds while managing a project on behalf of the Fund. This was discovered by the management of the Fund and all costs and property were recovered. A new partner has subsequently been contracted to implement the project.

18. There were no other reported instances of fraud. We can also confirm that our audit has not identified any cases of fraud or presumptive fraud during the year.

## Audit findings

### Objectives of the Fund

19. The administrative appropriations for the Fund as decided upon by the Assembly of States are based on performance against three main objectives. These are to:

- (a) Pay reparations to victims when ordered by the court;
- (b) Improve communications to the Board of Directors and other stakeholders through timely reports and an increase in web traffic; and
- (c) Achieve greater efficiency and effectiveness for back office systems and staff.

20. When we reviewed the progress against these objectives in 2010 we found only one of the objectives issued to the Fund was measurable and achievable. The Fund has made good progress against this second objective by improving its communication with stakeholders and the Board of the Fund and by also increasing traffic to its website.

21. However the first objective issued to the Fund has not been applicable in the year 2010. It relates to the Fund's first mandate of paying reparations which has yet to begin and therefore no judgement on the performance of the fund can be reached.

22. The third objective for the Fund is to become more efficient and effective at internal administrative tasks and providing information to interested parties. Progress towards this has been made however the targets set are hard to measure against since the Fund relies on the Registry for administration and it is therefore difficult for the Fund or the Assembly of States to determine what has been achieved, this lessens the impact of the objectives

23. In the current economic climate donors will be looking to ensure that the money issued by the Assembly of States to the Fund is being used in an appropriate and efficient way. Clear and measurable objectives are important to the fund in order to be able to prove that contributions are being used effectively.

#### *Recommendation 1:*

24. The process of the setting the strategic objectives for the operation of the Fund must be examined. All objectives given should be measurable, specific and achievable over the period of each budget cycle.

## **Managing the future of the Fund**

25. The Fund is heavily dependent upon the voluntary contributions if it is to continue its work, specifically those projects which fall under the second mandate of the Fund. Increasing voluntary contributions from states and individuals must be a priority especially as there is a strong likelihood the Fund must begin redirecting resources to pay reparations in the coming financial period.

26. Progress towards the online donation system has been made during the year but further work is required by the Fund in order to bring this facility into operation. This should be carried out as soon as possible, ideally so that it is in place before the Court has determined reparations are to be paid. Once operational, publicity of this donation facility should form a core part of the overall fund raising strategy in order to increase the proportion of contributions not being received from states.

### ***Recommendation 2:***

27. The Fund and the Registry should continue with its efforts to complete the work on an online donation facility and publicise its availability in order to maximise donations and to capitalise on the coverage of the first ICC rulings expected this year.

28. The work being carried out by the Fund under its second mandate may become restricted, either due to monetary or staffing pressures, in the future as the Court issues verdicts on the cases being heard. This may result in the Fund having to focus its projects towards the victims of crime due to receive reparations as ordered by the Court. Additionally the Fund must ensure that the partner organisations administering the programmes started under the second mandate are not overly reliant on the continuation of support they receive. If in future the Fund's operations change the Fund should attempt to withdraw in such a way that the programmes can still continue without aid, maximising the benefits received by victims from the limited resources of the Fund.

29. We recognise the Fund's efforts to work with partner organisations to ensure project sustainability at a point when the Fund may no longer be involved in a particular project.

### ***Recommendation 3:***

30. The Fund must ensure that in dealing with smaller, local partner organisations contingencies are in place so that, in the event the Fund is no longer able to provide funds and support, the projects are able to continue or come to an end in a way that protects the reputation of the Fund and does not generate harm toward victims and affected communities.

## **Open tendering for new projects**

31. During the course of our audit work we became aware that all of programmes run by the Fund were not put out to tender but contracts were selected from unsolicited proposals. We fully understand the occasionally difficult supplier situations in the environments in which the Fund operates and that the specific nature of the tasks may limit the number of suppliers. However, the potential benefits both to the Fund and to the intended beneficiaries of aid of an open tendering process should not be underestimated.

32. We are aware that the Fund has placed its first open tender on the market and this represents good progress towards a more open procurement system. Encouragement and support should be given to all those who show an interest in bidding for the programmes and the Fund should use the process to increase their contacts amongst potential partner organisations.

### ***Recommendation 4:***

33. The Fund and the Registry should ensure that the bidding process for projects is as simple as possible to encourage participation. Guidance on the bidding process should be made available to all potential bidders, in order to help to make the process open to as many applicants as possible.

34. With the Fund's first attempt at open tendering now underway it is important that if this and future tenders are to be successful the Fund must be quick to learn lessons from the process and incorporate these going forwards.

### ***Recommendation 5:***

35. The Fund should look to review each stage of the tender process in depth in order to capture lessons that need to be learnt in order to improve the process for future tenders.

## Governance issues

36. In our audit report for 2009 we highlighted several areas in which governance of the Fund could be improved. Progress has been made on some of our recommendations however more work remains to be done.

### Preparation and submission of financial accounts

37. The financial accounts of the Fund are prepared by the Registrar of the ICC in accordance with the administrative arrangement between the two bodies. In our 2009 report we recommended that the Board of Directors review the procedure for the submission of financial accounts and that they be jointly signed by the Registrar and by the Chair of the Board in order to increase accountability. This recommendation has been followed through and these arrangements are now in place.

38. We also made a recommendation that the Fund should appoint a permanent member of administration staff with skills in financial management in order to allow the Fund to deal with the increasing volume of contributions being received. The management and Board of the Fund agree with our recommendation but as yet no progress has been made.

39. The benefits for the Fund in appointing such a professional, even in a part time capacity, would greatly assist the organisation in both operational and financial reporting matters and thus we reiterate our previous recommendation here.

#### *Recommendation 6:*

40. We recommend that the Trust Fund for Victims and the Assembly of States Parties should continue to consider and discuss the necessary resources required to support the administrative and financial requirements of the Fund as online donations and reparations become more significant over the coming financial periods.

### Management of risk

41. The management of risks facing the Fund still remains an issue. Our report last year recommended that the audit committee established by the ICC produces and manages a risk register for the Fund. We have noted the Board's objection to this recommendation (see Annex B) and accept that as there is no permanent representation of the Fund on the audit committee that this is not the appropriate body to create and manage the aforementioned risk register. However, this does not absolve the Fund of the need manage the risks facing their operations.

#### *Recommendation 7:*

42. The management and Board should engage in enterprise risk management. Ongoing processes for identifying, assessing and mitigating risks should be implemented as soon as possible in order to safeguard the resources which have been entrusted to the Fund.

## Follow up of previous audit recommendations

43. In our report for 2009, we made a number of recommendations on the implementation of an online donation system, and also on the reparation fund. As part of our work we have followed up the progress the Fund has made in implementing these. The detailed follow up, including both the response from the Board of the Fund and our comments thereon, is set out in Annex B.

### Acknowledgement

44. We wish to record our appreciation for the co-operation and assistance provided by the staff of the Fund during the course of our audit.

Amyas C E Morse  
Comptroller and Auditor General, United Kingdom  
External Auditor

## Annex A

### Summary of audit recommendations

#### Recommendation 1:

The process of the setting objectives for the Fund must be examined. All objectives given must be measurable, specific and achievable over the period of each budget cycle.

#### Recommendation 2:

The Fund should make all efforts to complete the work on an online donation facility and publicise its availability in order to maximise donations generated from coverage of the first ICC rulings expected this year.

#### Recommendation 3:

The Fund must ensure that in dealing with smaller, local partner organisations contingencies are in place so that, in the event the Fund is no longer able to provide funds and support, the projects are able to continue or come to an end in a way that protects the reputation of the Fund.

#### Recommendation 4:

The Fund should ensure that the bidding process for projects is as simple as possible to encourage participation. Clear guidance on preparing a bid should be provided by the Fund for those who are uncertain of the process; this will help in making the process open to as many applicants as possible.

#### Recommendation 5:

The Fund should look to review each stage of the tender process in depth in order to capture lessons that need to be learnt in order to improve the process for future tenders.

#### Recommendation 6:

We recommend that the Trust Fund for Victims should consider the necessary resources required to support the administrative and financial requirements of the Fund as online donations and reparations become more significant over the coming financial periods.

#### Recommendation 7:

The management and board should engage in enterprise risk management. Ongoing processes for identifying, assessing and mitigating risks should be implemented as soon as possible in order to safeguard the resources which have been entrusted to the Fund.

## Annex B

### Implementation of prior year recommendations

We reviewed management's implementation of recommendations made in our prior year report. We have summarised the response and provided our evaluation, based on the audit work we have undertaken.

#### Follow up on Prior Year Recommendations

<i>Recommendation</i>	<i>Management Response</i>	<i>External Auditors Comment</i>
<p><b>Recommendation 1:</b> We recommend that in finalizing the online donation mechanisms the Trust Fund considers the cost benefits of an outsourced web donation facility, and that this is actively promoted through a clear fundraising strategy.</p>	<p>The Board of Directors fully endorses this recommendation and will review the options for an online donation mechanism, bearing in mind a cost-benefit analysis of the various options and ability to comply with the Court's Financial Regulations and Rules. At its annual meeting, the Board mandated the Secretariat to develop a new fund-raising strategy. The new Director, who will start in September 2010, will have fund-raising as one of his main priorities.</p>	<p>Progress has been made towards this recommendation however there is still work to be done. This has been covered above as a part of this year's audit report.</p>
<p><b>Recommendation 2:</b> We recommend that once a new web facility is brought into use the Fund establishes clear procedures to ensure that that resources are subject to appropriate controls, in compliance with the Court's Financial Regulations and Rules.</p>	<p>The Board agrees with this recommendation and will develop appropriate procedures, e.g. for vetting, in line with the Court's Financial Regulations and Rules.</p>	<p>Progress against this recommendation has not been made as it is dependent on the resolution of recommendation 1 above.</p>
<p><b>Recommendation 3:</b> We recommend that the Trust Fund for Victims should consider the necessary resources required to support the administrative and financial requirements of the Fund as online donations and reparations become more significant over the coming financial periods.</p>	<p>The Board gives its full support to this recommendation. It agrees that adequate administrative and financial support is crucial for the proper functioning of the Fund. However, staffing is dependent on the provision of adequate resources within the regular programme budget, which is approved by the Assembly of States Parties. The Board encourages the Committee on Budget and Finance and the Assembly to take into consideration the recommendations of the external and internal auditors by ensuring that the appropriate level of administrative and financial support continue to be made available for the effective functioning of Fund.</p>	<p>We are pleased that the board supports this recommendation however the Fund is still without adequate internal support for its administrative and financial operation.</p> <p>We regard this recommendation to be significant enough that it has been reiterated in this audit report.</p>
<p><b>Recommendation 4:</b> We recommend that the reserve for reparations is subject to regular and evidenced review and scrutiny by the Board to ensure that the level of the reserve is sufficient to cover future anticipated Court ordered reparations.</p>	<p>The Board will review on a regular basis the level of resources set aside for any potential court orders for reparations; and the Secretariat will engage in a regular exchange with the Court (Chambers) to share information in this regard.</p>	<p>We have once again discussed this issue with the management of the Fund. We are pleased to see that this issue is being regularly considered.</p>
<p><b>Recommendation 5:</b> We further recommend that the Trust Fund develop simple management accounts including a cash flow forecast for review by the Board on regular basis. Information on financial resources for reparations should be shared with the Court on a regular basis. This would ensure that the financial position of the Fund is properly understood.</p>	<p>The Board supports this recommendation and will ensure that cash-flow forecasts are shared with the Court on a regular basis.</p>	<p>Annual forecasts are shared with the board on an annual basis for approval and bi-annual reports are publicly available.</p> <p>This is a good start but due to the less predictable nature of voluntary contributions on which the Fund is reliant it could be beneficial to increase the regularity of board involvement.</p>

<p><b>Recommendation 6:</b> We recommend that the Audit Committee mandate specifically includes consideration of the Trust Fund for Victims, and that a separate risk register is developed to consider the operational, financial and reputational risks which the Fund faces.</p>	<p>The Board notes that the regulations pertaining to the mandate of the audit committee have been promulgated by Presidential Directive ICC/PRES/D/G/2009/1. The Board has not been consulted in this process, and neither the Board nor the Secretariat is represented in the Audit Committee. Therefore, the Board does not agree with the recommendation as long as it has not been consulted on this matter, and has no representation in the audit committee.</p>	<p>This recommendation is discussed above; please see the governance issues section.</p>
<p><b>Recommendation 7:</b> We recommend that the Assembly considers approving the appropriations in respect of the Secretariat of the Trust Fund for Victims directly to the Fund, so that the full income and cost of operations are disclosed within its financial statements.</p>	<p>The Board of Directors notes that this recommendation is not addressed to the Board but to the Assembly. In addition, in the opinion of the Board and in accordance with resolution ICC-ASP/3/RES.7, paragraph 2, “for administrative purposes, the Secretariat and its staff shall be attached to the Registry of the Court”. Accordingly, it is impossible to approve appropriations in respect of the Secretariat of the Trust Fund directly to the Fund and not as part of the regular programme budget of the Court. However, the costs for the Secretariat may be fully disclosed in the Fund’s financial statements to enhance financial transparency.</p>	<p>The financial reporting situation for the administrative income and expenditure remains unchanged from the time of our last report. The reasons for this have been reiterated to us but we are still of the opinion that the financial statements would be better served if the full income and expenditure of the Fund were recognised through the primary statements.</p> <p>We draw attention to the fact that if the Fund elects to adopt IPSAS accounting at the same time as the ICC the full income and expenditure will have to be recognised in the primary financial statements.</p>
<p><b>Recommendation 8:</b> We recommend that the Board of Directors review the procedure for approval of the Fund’s financial statements following their preparation by ICC Budget and Finance Section. We also recommend that the Chair of the Board of Directors sign the financial statements to confirm their acceptance on behalf of the Board.</p>	<p>The Board endorses recommendation 8. It notes that recommendation 8 on the submission of financial statements appears to be in line with article 77 of the Regulations of the Trust Fund, according to which “the Board of Directors shall also submit: (... ) b) the accounts and financial statements of the Trust Fund for review by the External Auditor.” However, in practical terms there will be limits to oversight of the financial statements by the Board. In particular, the Board of Directors consists of eminent persons of “high moral character, impartiality and integrity with competence in the assistance to victims of serious crimes” (resolution ICC-ASP/1/Res.7). The Board works pro bono; and members have consisted of former politicians, former heads of State, Nobel laureates, royalty and other VIPs. The Board of Directors, which meets only once a year, points out that it does not consist of technical working-level staff with expertise in the day-to-day running of an administration, including budgetary and financial matters. Accordingly, the Board can through the signature of one of its members acknowledge the financial statements. However, it will continue to rely on the technical expertise of the Secretariat and Registry for the proper drafting and review of the financial statements.</p>	<p>We welcome the acceptance of this recommendation. Procedures have been put in place for the chair of the Board to accept the accounts on behalf of the Fund. This will give the Board of Directors chance to see and review the accounts before they are published in the name of the Fund.</p>

## Statement I

### Trust Fund for Victims

#### Statement of income and expenditure and changes in fund balances for the period ending 31 December 2010 (in euros)

	2010	Notes ref.	2009
<i>Income</i>			
Voluntary contributions	1,563,123	3.4	1,188,238
Interest income	48,700		40,070
Other/miscellaneous income	-		-
<b>Total income</b>	<b>1,611,823</b>		<b>1,228,308</b>
<i>Expenditure</i>			
Disbursements	1,228,986	3.5	945,723
Unliquidated obligations	833,984	3.5, 3.6	464,933
Repatriation grant accrual	2,836	3.11	-
<b>Total expenditure</b>	<b>2,065,806</b>		<b>1,410,656</b>
<b>Excess/(shortfall) of income over expenditure</b>	<b>(453,984)</b>		<b>(182,348)</b>
Savings on, or cancellation of, prior periods obligations	-	3.7	64,460
Refund to donors	-	3.8	(283)
Fund balances at beginning of financial period	2,887,733		3,005,904
<b>Fund balances as at 31 December</b>	<b>2,433,749</b>		<b>2,887,733</b>
Date:	Signed: Chair of the Board of Directors for the Trust Fund for Victims..... Chief of Budget and Finance Section.....		

## Statement II

### Trust Fund for Victims

#### Statement of assets, liabilities, reserves and fund balances as at 31 December 2010 (in euros)

	2010	Notes ref.	2009
<i>Assets</i>			
Cash and term deposits	3,211,189		3,459,860
Other accounts receivable	59,381	3.9	2,054
<b>Total assets</b>	<b>3,270,570</b>		<b>3,461,914</b>
<i>Liabilities</i>			
Unliquidated obligations	833,984		464,933
Interfund balances payable	-		-
Other accounts payable	-	3.10	109,248
Repatriation grant accrual	2,836	3.11	-
<b>Total liabilities</b>	<b>836,820</b>		<b>574,181</b>
<i>Reserves and fund balances</i>			
Cumulative surplus	2,433,749		2,887,733
<b>Total reserves and fund balances</b>	<b>2,433,749</b>		<b>2,887,733</b>
<b>Total liabilities, reserves and fund balances</b>	<b>3,270,570</b>		<b>3,461,914</b>
Date:	Signed: Chair of the Board of Directors for the Trust Fund for Victims..... Chief of Budget and Finance Section.....		

## Statement III

### Trust Fund for Victims Statement of cash flow as at 31 December 2010 (in euros)

	2010	2009
<i>Cash flows from operating activities</i>		
Net excess/(shortfall) of income over expenditure (Statement I)	(453,984)	(182,348)
Other accounts receivable (increase)/decrease	(57,327)	71,082
Unliquidated obligations increase/(decrease)	369,052	(199,057)
Interfund balances payable increase/(decrease)	-	(413,168)
Other accounts payable increase (decrease)	(109,248)	109,248
Repatriation grant accrual	2,836	-
Less: interest income	(48,700)	(40,070)
<b>Net cash from operating activities</b>	<b>(297,371)</b>	<b>(654,313)</b>
<i>Cash flows from investing and financing activities</i>		
Plus: interest income	48,700	40,070
<b>Net cash from investing and financing activities</b>	<b>48,700</b>	<b>40,070</b>
<i>Cash flows from other sources</i>		
Net increase/(decrease)	-	64,177
<b>Net cash from other sources</b>	<b>-</b>	<b>64,177</b>
Net increase/(decrease) in cash and term deposits	(248,671)	(550,066)
Cash and term deposits at beginning of period	3,459,860	4,009,926
<b>Cash and term deposits at 31 December (Statement II)</b>	<b>3,211,189</b>	<b>3,459,860</b>

## Notes to the financial statements of the Trust Fund for Victims

### 1. The Trust Fund for Victims and its objectives

1.1 The Trust Fund for Victims was established by the Assembly of States Parties, in its resolution ICC-ASP/1/Res.6, for the benefit of victims of crimes within the jurisdiction of the International Criminal Court (ICC), and the families of such victims.

In the annex to that resolution, the Assembly of States Parties established a Board of Directors, which is responsible for the management of the Trust Fund.

### 2. Summary of significant accounting and financial reporting policies

2.1 The accounts of the Trust Fund for Victims are maintained in accordance with the Financial Regulations and Rules of the Court, as established by the Assembly of States Parties in the annex to resolution ICC-ASP/1/Res.6. Therefore, the accounts of the Trust Fund are currently in conformity with the United Nations System Accounting Standards. These notes form an integral part of the Trust Fund's financial statements.

2.2 **Fund accounting:** the Trust Fund's accounts are maintained on a fund accounting basis.

2.3 **Financial period:** the financial period of the Trust Fund is one calendar year, unless otherwise decided by the Assembly of States Parties.

2.4 **Historical cost basis:** the accounts are prepared on the historical cost basis of accounting and are not adjusted to reflect the effects of changing prices for goods and services.

2.5 **Currency of accounts:** the accounts of the Trust Fund are presented in euros. Accounting records kept in other currencies are converted into euros at the United Nations operational rate of exchange in effect at the date of the financial statement. Transactions in other currencies are converted into euros at the United Nations operational rate of exchange in effect at the date of transaction.

2.6 **Funding:** the Trust Fund for Victims is funded by:

(a) Voluntary contributions from governments, international organizations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Assembly;

(b) Money and other property collected through fines or forfeiture transferred to the Trust Fund if ordered by the Court pursuant to article 79, paragraph 2, of the Statute;

(c) Resources collected through awards for reparations, if ordered by the Court pursuant to rule 98 of the Rules of Procedure and Evidence; and

(d) Resources as the Assembly may decide to allocate.

2.7 **Income:** voluntary contributions are recorded as income at the time that the actual contributions are received from the donors.

2.8 **Cash and term deposits** comprise funds held in interest-bearing bank accounts, time deposits, and call accounts.

### 3. The Trust Fund for Victims (statements I-III)

3.1 **Statement I** reports the income and expenditure and changes in reserve and fund balances during the financial period. It includes the calculation of the excess or shortfall of income over expenditure for the current period and prior-period adjustments of income or expenditure.

3.2 **Statement II** shows the assets, liabilities, reserves and fund balances as at 31 December 2010.

3.3 **Statement III** is the cash flow summary statement prepared using the indirect method of International Accounting Standard 7.

3.4 **Voluntary contributions** in the total amount of €1,563,123 were received from governments, individuals, organizations and other entities.

In 2010, almost 29 per cent or €447,752 of voluntary contributions accepted by the Trust Fund was earmarked for assistance to victims of gender crimes and sexual violence. Ten per cent, or €155,000, is an earmarked contribution received from Germany to fund a project supporting a legal adviser to assist in the legal preparations for implementing reparations. The table below on earmarked contributions has been restated as the figures disclosed in 2009 for expenditure included obligations and disbursements whereas the purpose of this table is to disclose disbursements only.

<i>Earmarked contributions</i>	<i>Countries</i>	<i>2010</i>	<i>2009 restated</i>
Contributions received	Denmark	-	497,160
	Andorra	-	12,000
	Norway	253,839	-
	Germany	155,000	-
	Netherlands	20,475	-
	Finland	170,000	-
	ICC staff/others	3,438	-
<b>Total (in euros)</b>		<b>602,752</b>	<b>509,160</b>
Disbursements	Denmark	301,541	195,619
	Andorra	-	11,114
	Norway	224,920	10,401
	Germany	106,141	-
	Netherlands	19,075	-
	Finland	78,738	-
<b>Total (in euros)</b>		<b>730,415</b>	<b>217,134</b>

3.5 **Expenditures:** the total amount of expenditures of €2,065,806 comprises disbursements of €1,228,986, unliquidated obligations of €833,984 and repatriation grant accrual of €2,836. Earmarked disbursements also grew significantly during 2010 to €730,415, spent on assistance to victims.

3.6 **Unliquidated obligations** have been recognized in accordance with regulation 4.5 of the Court's Financial Regulations and Rules: "Appropriations shall remain available for twelve months following the end of the financial period to which they relate to the extent that they are required to liquidate any outstanding legal obligations of the financial period." Due to the nature of the activities of the Fund, unliquidated obligations reported in the financial statements of the Trust Fund for Victims relate to ongoing contracts which were signed at the end of 2010 and as a result include activities relating to 2011. The Trust Fund for Victims reserves the right to cancel these obligations in exceptional circumstances, reducing the actual obligation at 31 December 2010.

3.7 **Savings on, or cancellation of, prior periods' obligations:** actual disbursements of prior periods' obligations of €464,933 amounted to €464,933 as all prior year obligations of 2009 were disbursed in 2010.

3.8 **Refund to donors:** no amounts were refunded to donors in 2010.

3.9 **Other accounts receivable,** in the amount of €59,381, represent interest earned of €13,007 but not yet received as at 31 December 2010, and €46,374, being the amount of an invoice to a supplier which will be offset by the next invoice to be received in 2011.

3.10 **Other accounts payable:** all invoices of 2010 were booked and paid before 31 December 2010.

3.11 **Repatriation grant accrual** in the amount of €2,836 represents the entitlement in case of separation of one internationally recruited staff member funded by the earmarked voluntary contribution of Germany who would be eligible to repatriation grants after one year of service.

3.12 **United Nations Joint Staff Pension Fund (UNJSPF):** in accordance with decision ICC-ASP/1/Decision 3 of the Assembly of States Parties and United Nations General Assembly resolution 58/262 adopted on 23 December 2003, the Court became a member organization of the UNJSPF with effect from 1 January 2004. The UNJSPF provides retirement, death, disability and related benefits to Court staff.

The Pension Fund is a funded defined benefit plan. The financial obligation of the organization to the Fund consists of its mandated contribution at the rate established by the United Nations General Assembly of 15.8 per cent of pensionable remuneration, together with any share of any actuarial deficiency payments under article 26 of the Regulations of the Fund. Such deficiency payments are only payable if and when the United Nations General Assembly has invoked the provision of article 26, following determination that there is a requirement for deficiency payments based on an assessment of the actuarial sufficiency of the Fund as of the valuation date. At the time of this report, the United Nations General Assembly has not invoked this provision.

3.13 **Contributions from the Court:** in annex 6 of resolution ICC-ASP/1/Res.6, the Assembly decided that the Registrar of the Court should be responsible for providing such assistance as is necessary for the proper functioning of the Board of Directors of the Trust Fund in carrying out its tasks, and should participate in the meetings of the Board in an advisory capacity.

In 2010, the Assembly approved an appropriation of €1,221,600 for the Secretariat of the Trust Fund for Victims, which administers the Trust Fund and offers administrative support to the Board and its meetings. Expenditures recorded in the accounts for the Secretariat during the financial period are €939,827.

#### 3.14 **Contributions in kind**

The following are the significant matching funding recorded by the Trust Fund for Victims during the financial period:

The Trust Fund for Victims recorded around €306,627 (31.12.2010 foreign exchange rate) as matching resources such as services, support provided to the victims by implementing partners in 2010.

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