

Annexes

Annex I

Report of the Credentials Committee

Chairperson: Mr. Gonzalo Bonifaz (Peru)

1. At its first plenary meeting, on 12 December 2011, the Assembly of States Parties to the Rome Statute of the International Criminal Court, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, appointed a Credentials Committee for its tenth session, consisting of the following States Parties: Belgium, the Cook Islands, Czech Republic, Finland, Gabon, Hungary, Kenya, Panama and Peru.

2. The Credentials Committee held three meetings, on 12, 20 and 21 December 2011.

3. At its meeting on 21 December 2011, the Committee had before it a memorandum by the Secretariat, dated 21 December 2011, concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the tenth session of the Assembly of States Parties. The Chairman of the Committee updated the information contained therein.

4. As noted in paragraph 1 of the memorandum and the statement relating thereto, formal credentials of representatives to the tenth session of the Assembly of States Parties, in the form required by rule 24 of the Rules of Procedure, had been received as at the time of the meeting of the Credentials Committee from the following 67 States Parties:

Argentina, Australia, Austria, Barbados, Benin, Bolivia (Plurinational State of), Botswana, Bulgaria, Chile, Colombia, Cook Islands, Costa Rica, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Estonia, Fiji, Finland, France, Gambia, Germany, Greece, Guyana, Hungary, Iceland, Ireland, Italy, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mexico, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of).

5. As noted in paragraph 2 of the memorandum, information concerning the appointment of the representatives of States Parties to the tenth session of the Assembly of States Parties had been communicated electronically to the Secretariat, as at the time of the meeting of the Credentials Committee, from the Head of State or Government or the Minister for Foreign Affairs, by the following 44 States Parties:

Afghanistan, Albania, Antigua and Barbuda, Bangladesh, Belgium, Belize, Brazil, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chad, Congo, Croatia, Djibouti, Dominican Republic, Ecuador, Gabon, Georgia, Ghana, Grenada, Honduras, Japan, Jordan, Lesotho, Madagascar, Marshall Islands, Mauritius, Montenegro, Namibia, Nauru, Niger, Republic of Korea, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Senegal, Seychelles, Suriname, Tajikistan, Tunisia, United Republic of Tanzania and Zambia.

6. The Chairperson recommended that the Committee accept the credentials of the representatives of all States Parties mentioned in the Secretariat's memorandum, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report would be communicated to the Secretariat as soon as possible.

7. On the proposal of the Chairperson, the Committee adopted the following draft resolution:

“The Credentials Committee,

Having examined the credentials of the representatives to the tenth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, referred to in paragraphs 4 and 5 of the present report;

Accepts the credentials of the representatives of the States Parties concerned.”

8. The draft resolution proposed by the Chairperson was adopted without a vote.

9. The Chairperson then proposed that the Committee recommend to the Assembly of States Parties the adoption of a draft resolution (see paragraph 11 below). The proposal was adopted without a vote.

10. In the light of the foregoing, the present report is submitted to the Assembly of States Parties.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the Assembly of States Parties to the Rome Statute of the International Criminal Court the adoption of the following draft resolution:

“Credentials of representatives to the tenth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Having considered the report of the Credentials Committee on the credentials of representatives to the tenth session of the Assembly and the recommendation contained therein,

Approves the report of the Credentials Committee.”

Annex II

Other budget related documents

A. Proposed supplementary budget of the International Criminal Court for 2012*

I. Proposed supplementary budget

1. The budget assumptions for 2012 were established by the International Criminal Court (“the Court”) in January 2011 and the Court’s proposed programme budget was submitted on 8 July 2011. As a consequence, the Court was not in a position to include in its budget proposal the additional requirements for developments that occurred after the submission of its proposed programme budget, namely the situation in Côte d’Ivoire and costs related to the 2gv elements of the permanent premises project.

2. The 2gv elements for the permanent premises do not fall within the Court’s core activities. However, they have been included in the present proposed supplementary budget following the recommendation of the Committee on Budget and Finance (“the Committee”).¹

3. In response to the developments mentioned above, and in accordance with Regulations 3.6 and 3.7 of the Financial Regulations and Rules of the Court,² the Court hereby submits a supplementary budget proposal setting out the budgetary consequences of the two new developments and the appropriate budgetary requirements which amount to a total of €5,332,300 and are distributed as follows:

(a) €4,428,200 for the situation in Côte d’Ivoire distributed as follows:

- (i) €415,400 for the Judiciary;
- (ii) €1,762,100 for the Office of the Prosecutor; and
- (iii) €2,250,700 for the Registry.

(b) €904,100 for the Project Director’s Office (permanent premises project) for 2gv costs.

Table 1. Proposed supplementary budget (thousands of euros)

<i>Supplementary Budget 2012</i>	<i>Total Côte d’Ivoire</i>	<i>Total Permanent Premises</i>	<i>Total Proposed Supplementary Budget</i>
<i>Judges</i>	0.0	0.0	0.0
<i>Professional staff</i>	99.8	0.0	99.8
<i>General Service staff</i>	126.0	0.0	126.0
<i>Subtotal staff</i>	225.8	0.0	225.8
<i>General temporary assistance</i>	2,302.4	456.3	2,758.7
<i>Temporary assistance for meetings</i>	33.2	0.0	33.2
<i>Overtime</i>	0.0	0.0	0.0
<i>Consultants</i>	65.1	0.0	65.1
<i>Subtotal other staff</i>	2,400.7	456.3	2,857.0

* Previously issued as ICC-ASP/10/10/Add.2

¹ Report of the Committee on Budget and Finance on the work of its seventeenth session (ICC-ASP/10/15), para. 140.

² See Financial Regulations and Rules of the International Criminal Court.

<i>Supplementary Budget 2012</i>	<i>Total Côte d'Ivoire</i>	<i>Total Permanent Premises</i>	<i>Total Proposed Supplementary Budget</i>
Travel	609.0	0.0	609.0
Hospitality	0.0	0.0	0.0
Contractual services	159.6	447.8	607.4
Training	0.0	0.0	0.0
Counsel for Defence	27.6	0.0	27.6
Counsel for Victims	576.9	0.0	576.9
General operating expenses	396.4	0.0	396.4
Supplies and materials	32.2	0.0	32.2
Furniture and equipment	0.0	0.0	0.0
<i>Subtotal non-staff</i>	<i>1,801.7</i>	<i>447.8</i>	<i>2,249.5</i>
Total	4,428.2	904.1	5,332.3

4. The draft resolution of the Assembly of States Parties on the proposed programme budget for 2012, the proposed supplementary budget for 2012, the Working Capital Fund for 2012, the scales of assessments for the apportionment of expenses of the Court, the financing appropriations for 2012 and the Contingency Fund is provided in appendix I.

II. Proposed supplementary budget - situation in Côte d'Ivoire

A. Introduction

5. Following the Prosecutor's letter of 19 May 2011 informing the President of the Court of his intention to submit a request to the Pre-Trial Chamber for authorization to open an investigation into the situation in Côte d'Ivoire for crimes committed since 28 November 2010, the Presidency of the Court assigned the situation in Côte d'Ivoire to Pre-Trial Chamber II on 20 May 2011.

6. After a preliminary examination, the Prosecutor concluded that there was a reasonable basis to believe that crimes within the jurisdiction of the Court had been committed in Côte d'Ivoire since 28 November 2010.

7. On 17 June 2011, the Prosecutor informed victims of war crimes and crimes against humanity allegedly committed in Côte d'Ivoire by any party following the presidential election of 28 November 2010 that he would request authorization from the Pre-Trial Chamber II to open an investigation into such crimes.³ The victims or their legal representatives had 30 days from this notice to make representations to the Pre-Trial Chamber.

8. On 3 October 2011, Pre-Trial Chamber III granted the Prosecutor's request to commence an investigation in Côte d'Ivoire with respect to alleged crimes within the jurisdiction of the Court committed since 28 November 2010 and continuing crimes that may be committed in the future in the context of this situation. Subsequent to the Prosecutor's *Application Pursuant to Article 58 as to Laurent Koudou Gbagbo* of 25 October 2011, Pre-Trial Chamber III issued its *Warrant of Arrest for Laurent Koudou Gbagbo* on 23 November 2011.⁴ On 30 November 2011 the suspect arrived in the ICC Detention Centre in The Hague.

9. Côte d'Ivoire, which is not party to the Rome Statute, had accepted the jurisdiction of the Court on 18 April 2003, pursuant to article 12(3) of the Statute of the Court. Furthermore, on both 14 December 2010 and 3 May 2011, the Presidency of Côte d'Ivoire reaffirmed that State's acceptance of jurisdiction.

³ Article 15(3) of the Rome Statute and rule 50 of the Rules of Procedure and Evidence.

⁴ ICC-02/11, issued under seal, *ex parte* Prosecution and Registry on 23 November 2011, reclassified on 30 November 2011 following the transfer of the suspect to the ICC Detention Centre in The Hague.

10. This is the first time the Court has initiated a case concerning a State which, although not party to the Rome Statute, has accepted the jurisdiction of the Court.

B. Financial implications

11. This budget is based on the assumption that the present investigations will continue and that a confirmation hearing in the case against Laurent Koudou Gbagbo will commence on or around the tentative date of 18 June 2012,⁵ with a decision on the confirmation of charges to follow later in the year. In light of Mr Gbagbo's transfer to the Court on 30 November 2011, the Court requests the necessary resources for continued investigations and pre-trial activities in the case against Mr Gbagbo by way of this supplementary budget. Further assumptions are provided in appendix II to this document.

12. It must be noted that this budget document only accounts for those financial implications of the situation in Côte d'Ivoire that are currently foreseeable. Since the outcome of a decision on the confirmation of charges cannot be anticipated, any resources for preparation of a trial will, if incurred in 2012, be subject to a notification to the Contingency Fund.

13. As indicated in the table below, the major additional costs relate to general temporary assistance, temporary assistance for meetings (translation and interpretation), travel, contractual services (including data processing services and public information production costs), anticipated legal aid and general operating expenses (including witness relocation, resettlement, protective measures and communications).

C. Resource requirements

14. Table 2 provides the proposed financial requirements for the situation in Côte d'Ivoire.

Table 2. Proposed supplementary budget - Côte d'Ivoire (thousands of euros)

<i>Supplementary Budget 2012 Côte d'Ivoire (CIV)</i>	<i>Total suppl. CIV by Major Programme</i>	<i>Major Programme I</i>	<i>Major Programme II</i>	<i>Major Programme III</i>
<i>Judges</i>	0.0	0.0	0.0	0.0
Professional staff	99.8	0.0	0.0	99.8
General Service staff	126.0	0.0	0.0	126.0
<i>Subtotal staff</i>	225.8	0.0	0.0	225.8
General temporary assistance	2,302.4	415.4	1,442.6	444.4
Temporary assistance for meetings	33.2	0.0	0.0	33.2
Overtime	0.0	0.0	0.0	0.0
Consultants	65.1	0.0	20.1	45.0
<i>Subtotal other staff</i>	2,400.7	415.4	1,462.7	522.6

⁵ The tentative date of commencement of the confirmation hearing was set by the Presiding Judge of Pre-Trial Chamber III during the suspect's Initial Appearance Hearing on 5 December 2011.

<i>Supplementary Budget 2012 Côte d'Ivoire (CIV)</i>	<i>Total suppl. CIV by Major Programme</i>	<i>Major Programme I</i>	<i>Major Programme II</i>	<i>Major Programme III</i>
Travel	609.0	0.0	284.4	324.6
Hospitality	0.0	0.0	0.0	0.0
Contractual services	159.6	0.0	15.0	144.6
Training	0.0	0.0	0.0	0.0
Counsel for Defence	27.6	0.0	0.0	27.6
Counsel for Victims	576.9	0.0	0.0	576.9
General operating expenses	396.4	0.0	0.0	396.4
Supplies and materials	32.2	0.0	0.0	32.2
Furniture and equipment	0.0	0.0	0.0	0.0
<i>Subtotal non-staff</i>	<i>1,801.7</i>	<i>0.0</i>	<i>299.4</i>	<i>1,502.3</i>
Total	4,428.2	415.4	1,762.1	2,250.7

D. Resources description

1. Major Programme I - Judiciary

15. The resource description for the Judiciary is based on the Prosecutor's assumptions that a confirmation of charges hearing will commence on or around the tentative date of 18 June 2012. The initial pre-trial activities of the Chamber (preparation for proceedings, the first appearance of the suspect before the Pre-Trial Chamber, redactions to evidence and applications for participation from victims) will commence in December 2011. In view of the expected workload in preparation for the entire pre-trial phase in 2012, including the Pre-Trial Chamber's decision on the confirmation of charges, the following staff will be required.

16. *Staff costs:* An amount of €415,400 is requested for 36 months of GTA resources at P-2 level and 24 months at General Service level (GS-OL) to provide the necessary pre-trial support for this case. Consistent with the pre-trial related allocation of Judiciary staff in previous cases of a similar size, the requested resources at P-2 level will be mainly used for: the analysis of filings submitted and evidence disclosed by the Office of the Prosecutor (OTP) and the defence; the preparation of summaries to support the work of existing P-3 Legal Officers and the Judges; the assessment of the need for redactions to the evidence tendered by the parties; assistance with the drafting of decisions and orders of the Pre-Trial Chamber (including the decision on the confirmation of charges), as directed by the P-3 Legal Officers and the Judges; specific legal research; and the preparation for hearings and status conferences. The GTA General Services resources (GS-OL) are required to process victims' applications for participation in the proceedings and to assist with the redaction of evidence, general legal research and any other administrative or case management tasks.

Table 3. GTA requirements for the Judiciary (thousands of euros)

<i>Title</i>	<i>No. of months</i>	<i>Section</i>	<i>Type</i>	<i>Grade</i>	<i>Total</i>
Chambers (1200)					
Associate /Assistant Legal Officer	36	1200	GTA	P-2	275.4
Legal Assistant	24	1200	GTA	GS-OL	140.0

17. It is envisaged that any additional legal support staff who may be required depending on developments in the pre-trial phase in this case will be redeployed from other areas within the Judiciary as necessary, depending on their availability and in the light of future developments in other cases before the Court. No further costs are foreseen at this stage. Initial Pre-Trial activity in December 2011 will be absorbed on an interim basis by existing Judiciary resources.

18. *Non-staff costs*: Additional costs in the pre-trial phase not related to staff costs will be absorbed by the regular budget.

2. Major Programme II - Office of the Prosecutor

19. The supplementary budget for Major Programme II is required for pre-trial activities before, during and after the confirmation of charges. The total amount requested for the aforementioned activities for 2012 is €1,762,100.

20. *Staff costs*: Table 4 sets out the GTA requirements of the Office of the Prosecutor.

Table 4. GTA requirements for the Office of the Prosecutor (thousands of euros)

<i>Title</i>	<i>Section</i>	<i>Type</i>	<i>Grade</i>	<i>Total</i>
Immediate Office of the Prosecutor (2100)				
Translator	2120	GTA	P-3	110.9
Language Assistant (NWL)	2120	GTA	GS-OL	70.0
Field Interpreters (ad hoc SSA 2 work months)	2120	GTA	GS-OL	11.7
Database Coordinator	2120	GTA	P-1	91.5
Investigation Division (2300)				
Investigator	2330	GTA	P-3	110.9
Associate Investigator	2330	GTA	P-2	91.8
Associate Analyst	2320	GTA	P-2	91.8
DPA/Legal Review	2320	GTA	GS-OL	70.0
DPA/Legal Review	2320	GTA	GS-OL	70.0
DPA/Legal Review	2320	GTA	GS-OL	70.0
Prosecution Division (2400)				
Trial Lawyer	2410	GTA	P-4	134.1
Trial Lawyer	2410	GTA	P-4	134.1
Trial Lawyer	2410	GTA	P-3	110.9
Case Manager	2410	GTA	P-1	91.5
Associate Trial Lawyer	2410	GTA	P-2	91.8
Associate Trial Lawyer	2410	GTA	P-1	91.5

21. Consistent with previous requests arising from the transfer of accused persons to the Court and pertaining to pre-trial activities for the confirmation of charges, a pre-trial capacity Joint Team will be established, comprising not only prosecution staff but also one cooperation/analysis expert from the Jurisdiction, Complementarity and Cooperation Division (JCCD)) and three Investigation Division staff to support investigative, admissibility and cooperation issues relevant to the case.

22. No new established posts are requested.

23. A total amount of €1,442,600 is required for GTA contracts. This amount represents a total of 11 GTA professional posts and five GTA GS-OL posts, most of which are for a period of 12 work months.

24. As regards the Investigation Division, there is the need to replace three investigation division staff (one P-3 Investigator, one P-2 Associate Investigator and one P-2 Associate Analyst) in order to free up the corresponding capacity to support the pre-trial capacity Joint Team in the preparation for the confirmation of charges. In addition three GS-OL Legal Reviewers/Data Processing Assistants are required for the accelerated pace of evidence review which a confirmation hearing demands.

25. JCCD staff requirements to support the confirmation of charges will be accommodated by existing established posts and GTA resources provided for by the regular budget.

26. As regards the Prosecution Division, there is a need to expand pre-trial capacity for the filing of submissions with the Pre-Trial Chamber and the ongoing preparation of the case for trial. The supplementary budget requirement for GTA in this regard comprises two P-4 Trial Lawyers, one P-3 Trial Lawyer, one P-2 Associate Trial Lawyer and one P-1 Assistant Trial Lawyer.

27. In addition, one P-1 Case Manager (GTA) will be required for the situation in Côte d'Ivoire in order to provide adequate support for the case as it progresses towards the confirmation of charges stage.

28. With regard to the Services Section, a P-3 Translator is requested to support the accelerated pace of the translation of evidence and to ensure trial readiness. For interpretation and language assistance in non-working languages, two and twelve months of GTA and GS-OL level respectively are requested to support the further investigative and witness follow-up activities necessary to prepare for the confirmation of charges.

29. Additionally, a P-1 Database Coordinator is requested to support disclosure and specific evidence repository searches that will be necessary for the confirmation of charges.

30. An amount of €20,100 is requested for consultancy, in order to cover the costs of expert witnesses in the case. This amount represents the equivalent of approximately 1.5 months of expert assistance, reports and/or testimony at P-5 level, including travel costs.

31. *Non-staff costs:* Additional funds in an amount of €284,400 are required to cover the costs of missions for Investigators, Trial Lawyers and support staff, such as Field Interpreters, to contact witnesses and the continued collection of evidence for the confirmation of the charges/trial phase of the case in addition to missions related to public information, cooperation associated with the case. This amount provides for 92 individual missions, 76 of which would be to Côte d'Ivoire or the region.

32. An amount of €10,000 is requested for the outsourcing of translations related to evidence review and disclosure. A further €5,000 is required for OTP-specific public information activities directly linked to the case.

3. Major Programme III - Registry

33. As the Organ responsible for the non-judicial aspects of the administration and servicing of the Court, the Registry's budget is largely driven by the level of support required of it by its clients.

34. *Staff costs:* The Registry has made every effort to ensure that its services concerning the situation in Côte d'Ivoire, which are based on the assumptions underpinning the supplementary budget, are provided by existing resources. Limited funds are requested for staff redeployment and GTA contracts.

35. An amount of €99,800 is requested for the redeployment of one P-3 Field Operations Section post from Sudan to Headquarters to address field requirements arising from the new situation.

36. An additional amount of €63,000 is requested for the redeployment of one GS-OL Security and Safety Section post from Sudan to Headquarters, corresponding to one Associate Field Security Officer (Security Lieutenant). Similarly, an amount of €63,000 is requested for the redeployment of one GS-OL post from the Security and Safety Section in Sudan to the Budget and Finance Section at Headquarters in order to respond to the significant increase in workload. In the proposed programme budget for 2012, a request was made for this redeployment mainly to meet the increased workload arising from the new situations of Libya, and now Côte d'Ivoire, which has resulted in a substantial increase in the processing of transactions due to increased staff numbers, new contingency staff recruitments and work associated with arranging staff entitlements, payment, disbursement, payroll, accounting and budget documents. However, the Committee expressed concerns about the redeployment

of field positions to Headquarters, making a recommendation that no funds be provided in the 2012 proposed programme budget to the Security and Safety Section for this post.

37. An amount of €83,200 is requested for one GTA P-3 Field Security Officer in the Security and Safety Section for nine months as a basic requirement for the situation in Côte d'Ivoire.

38. As concerns the Office of the Public Counsel for Victims, an amount of €55,500 is requested for one GTA P-3 Legal Officer for six months to provide assistance to external legal representatives, to assist victims in accordance with regulation 81 of the Regulations of the Court and/or to provide legal representation for victims.

39. Additional funds in an amount of €70,000 are required for one GTA GS-OL post for twelve months in the Human Resources Section. In the proposed programme budget for 2012, a request was made for the redeployment of one GS-OL post from the Security and Safety Section to the Staff Administration Unit in order to accommodate the staffing needs arising not only from of the increase in and changes to staff duties but also the increased administrative workload resulting from higher numbers of staff members and their dependents. The incumbent would be responsible for establishing clear conditions of service and applying them consistently to all organs, developing and implementing clear guidelines on contract extension, by linking contract extension to the performance appraisal system, further developing the generic appraisal criteria and reinforcing systems to ensure consistency and the uniform application of the appraisal system throughout the Court.

40. An amount of €73,900 is needed for one GTA P-3 Operations Coordinator and Protection Advisor for eight months in the Victims and Witnesses Unit to manage the Initial Response Systems (IRS) and other local protective measures, and to coordinate the overall activities in the areas of responsibility.

41. As regards the Victims Participation and Reparations Section, an amount of €161,800 is requested for one GTA P-2 Associate Legal Officer for 12 months to act as legal focal point for the legal analysis of victims' applications for participation in the proceedings, draft filings, respond to orders of the Chambers, process and analyse said applications, prepare for the filing of submissions, organize redactions and to establish the framework for organizing the common legal representation of participating victims. One GS-OL Data Processing Assistant is also required to process applications for participation received by the Court (scanning, registration and data entry).

Table 5. GTA requirements for the Registry (thousands of euros)

<i>Title</i>	<i>Section</i>	<i>Type</i>	<i>Grade</i>	<i>Total</i>
Office of the Registrar (3100)				
Field Security Officer	3140	GTA	P-3	83.2
Legal Officer	3192	GTA	P-3	55.5
Common Administrative Services Division (3200)				
Human Resources Assistant	3220	GTA	GS-OL	70.0
Division of Court Services (3300)				
Operations Coordinator and Protection Advisor	3350	GTA	P-3	73.9
Associate Legal Officer	3360	GTA	P-2	91.8
Data Processing Assistant	3360	GTA	GS-OL	70.0

42. An amount of €33,200 is requested for temporary assistance in respect of the services provided by the Court Interpretation and Translation Section at meetings, for the translation and revision of texts concerning victims' applications for participation and the confirmation of charges and interpretation provided during the confirmation hearing.

43. Consultants are required by the Victims Participation and Reparations Section to conduct a detailed mapping of victims' communities, to assess potential intermediaries,

including in the diaspora, and to research identification documents submitted by applicants. The amount requested is €45,000.

44. *Non-staff costs*: Additional funds of €324,600 are needed to cover the travel costs of Registry missions concerning:

- (a) The negotiation of agreements with governments and private companies;
- (b) Coordination, assessment and inspection activities related to security and safety;
- (c) Missions related to field operations;
- (d) Meetings with victims represented by the Office of Public Counsel for Victims;
- (e) Escorting witnesses appearing before the Court;
- (f) Internal support activities related to victim participation; and
- (g) The briefing of outreach staff.

45. An amount of €144,600 is required for contractual services to guarantee effective communication between Côte d'Ivoire and Headquarters, provide transport during inspection/assessment missions, arrange meetings with victims and intermediaries (related to meeting venues, accommodation and local travel) and cover costs associated with public information and outreach meetings in the field, the printing of information material, the production of TV and radio broadcasts and the need for increased storage space for evidentiary material collected by the OTP.

46. Duty counsel missions are planned to Côte d'Ivoire and the need for two defence teams for victims is envisaged for 2012. The required amount for legal aid is €604,500.

47. General operating expenses for €396,400 mainly include costs related to the provision of support services such as cost-sharing for the UN Security Management System, increased mobile phone roaming and data coverage, extra custody officers for detention, vehicle rental, witness relocation, resettlement and other protective measures, as well as referrals of witnesses for support and the establishment of the IRS in two areas of operation.

48. €32,200 is required for supplies and materials, including uniforms for security and detention staff, fuel and equipment to protect confidential information.

III. Proposed supplementary budget - permanent premises

A. Introduction

49. The 2gv elements for the permanent premises have been included in the present proposed supplementary budget following the recommendation of the Committee that “to maintain the principle of budgetary integrity, the 2gv costs should normally be contained within the regular budget of the Court.”⁶ The inclusion of the 2gv elements in the regular budget of the Court accords with the views of the Oversight Committee.⁷

50. In order to capture in a clear and transparent way all of those costs which are unrelated to the construction of the permanent premises in Major Programme VII-1 (Project Director's Office (PDO) (permanent premises)), three programmes have been established in Major Programme VII-1 under the control of the Project Director. The amounts budgeted under each programme shall be approved on a yearly basis subject to the needs of the project until its completion.

51. Programme 7110 (formerly Major Programme VII-1) comprises the Project Director's Office and will focus during 2012 on the continuation and conclusion of the tender for the general contractor and the contract award. Subsequently, the project will

⁶ Report of the Committee on Budget and Finance on the work of its seventeenth session (ICC-ASP/10/15), para. 140.

⁷ The Hague Working Group, informal consultations on the 2012 budget, 25 October 2011, oral report on the 2012 budget proposal for Major Programme VII-1 by the Chair of the Committee, Mr. Roberto Bellelli (Italy), 24 October 2011, 11:30.

move into the construction phase. The resource requirements of the Project Director's Office are contained in the Court's proposed programme budget for 2012.

52. Programme 7120 relates to crucial support provided to the project by the sections of the Court. In order for the sections to be able to provide the necessary support, the Project Director will make funds available for general temporary assistance by concluding service level agreements. Following recommendations by the Committee,⁸ these amounts have been removed from the 2gv budget, since the temporary assistance required does not relate exclusively to 2gv budgets but to the project as a whole.

53. Programme 7130 focuses on the 2gv elements which are not part of the construction budget, i.e. costs related to the project but not construction. In accordance with the decision of the Oversight Committee at its eighth meeting on 6 July 2011, these costs will be submitted to the Assembly of States Parties ("the Assembly") every year for the duration of the project, through the Committee.

54. The total proposed budget for Major Programme VII-1, including programmes 7110, 7120 and 7130, stands at 1,450.5 thousand euros.

B. Programme 7120: Staff resources and management support

1. Introduction

55. Programme 7120 relates to crucial support provided to the project by the sections of the Court. In 2012 such support will entail procuring a general contractor for the largest and most complex contract ever purchased by the Court. It is essential that the process is handled correctly. Ongoing support will be required for this contract over the lifespan of the project.

56. Service level agreements with the key sections of the Court involved will be formalized by the Project Director's Office and will outline their expected input. The service level agreements will be funded by this programme, leaving the sections involved free to establish temporary support posts to cover the staff time required.

57. Court staff will be required for the duration of the permanent premises project. The current estimated cash flow for the next five years is as follows:

<i>€ million</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	Total
Programme 7120	0.4	0.5	0.6	0.6	0.1	2.2

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
Objective 1		
- To provide the permanent premises project with the necessary crucial support functions to meet the project's strategic goals and objectives.	- Permanent premises project receives from the Court high quality input in a timely manner.	100%
	- The permanent premises project benefits to the greatest extent possible from expertise and experience existing within the Court.	100%

2. Staff resources

Basic resources

General temporary assistance

58. The financial equivalent of one P-3 position for other support functions (e.g. procurement, legal, translation, budget and finance, audit and General Services Section (GSS)).

⁸ Report of the Committee on Budget and Finance on the work of its seventeenth session (ICC-ASP/10/15).

59. The financial equivalent of one GS-OL position for other support functions (e.g. procurement, legal, translation, budget and finance, audit and GSS).

60. The financial equivalent of one Project Manager Officer (P-2) in the Facilities Management Unit.

61. The financial equivalent of one Project Manager Officer (P-2) in the Security and Safety Section.

62. The financial equivalent of one Project Manager Officer (P-2) in the Information and Communication Technology Section.

63. The specific budgeted costs for 2012 for each of the above GTA positions are detailed in the table below.

<i>Elements</i>	<i>2012 budget requested</i>
Financial equivalent of one P-3 position for other support functions (e.g. procurement, legal, translation, budget and finance, audit and GSS)	€110,900
Financial equivalent of one GS-OL position for other support functions (e.g. procurement, legal, translation, budget and finance, audit and GSS)	€70,000
Financial equivalent of one Project Manager Officer FMU (P-2)	€91,800
Financial equivalent of one Project Manager Officer SSS (P-2)	€91,800
Financial equivalent of one Project Manager Officer ICTS (P-2)	€91,800
ICC staff total	€456,300

C. Programme 7130: 2gv elements (non-integrated user equipment)

1. Introduction

64. Resolution ICC-ASP/9/Res.1 requires the Court, in consultation with the Project Director, to identify and quantify other costs related to the project which are not directly related to construction ("Box 4 costs") before 1 March 2011.

65. Box 4 consists of two components: (i) the integrated user equipment or 3gv elements, belonging to the construction budget; and (ii) the non-integrated user equipment or 2gv elements, currently estimated at €17.6 million. Programme 7130 focuses only on the 2gv elements which are part of Box 4.

66. The Oversight Committee decided at its eighth meeting on 6 July 2011 that 2gv costs be submitted to the Assembly every year for the duration of the project, through the Committee.

67. Budget for the 2gv elements will be required for the duration of the permanent premises project. The current estimated cash flow for the next five years is as follows:

<i>€ million</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	Total
Programme 7130	0.4	0.2	3.3	13.5	0.1	17.5

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>
Objective 1		
- To provide the permanent premises project with the necessary 2gv elements (non-integrated equipment) to meet the project's strategic goals and objectives.	- Timely input and support to meet the project's timeline.	100%
Objective 2		
- To manage the resources and support in an effective and efficient way by continuously striving for synergies.	- To reduce the overall budget for 2gv elements by at least 10% by 2016.	100%

2. Staff resources

Basic resources

Contractual services

68. The required consultancy services are set out below.

(a) ICT: assistance in defining and monitoring requirements related to the design, technical assistance related to patching, labelling and administration of Main Equipment Rooms and Satellite Equipment Rooms.

(b) security: assistance in defining and monitoring requirements related to design, technical assistance related to programming the security and safety systems and key plan.

(c) *Arbo* (verification of the compliance of conditions in the workplace with the law).

(d) mobility management: implementation of mobility policy and coordination of the commuting plan.

(e) logistics: feasibility study of move scenarios.

(f) communication events and liaising with the neighbourhood.

<i>Elements</i>	<i>2012 budget requested</i>
Contractual services	€447,800

Appendix 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 and the proposed supplementary budget for 2012 of the International Criminal Court and the related conclusions and recommendations on the proposed programme budget for the Court 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 €123,065,300 for the following appropriation sections:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	10,723.7
Major Programme II - Office of the Prosecutor	33,564.8
Major Programme III - Registry	72,166.8
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)	1,450.5
Major Programme VII-5 - Independent Oversight Mechanism	320.8
Total	123,065.3

2. *Further approves* the following staffing tables for each of the above appropriation sections:

	<i>Office of the 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>Office of the Judiciary 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>
Total	48	218	479	12	7	3	769

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,¹

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 €123,065,300 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,

Taking note that the Fund should be replenished up to an amount the Assembly deems appropriate, but no less than €7 million,

Taking note that the Fund will reach a level below €7 million by the end of 2011,

- Decides* to maintain the Contingency Fund at the level of €7 million for 2012;
- Decides* to replenish the Fund in the amount of €3.4 million in 2012;² and
- Requests* the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the Contingency Fund.

¹ Rome Statute of the International Criminal Court, article 117.

² The suggested exact amount of replenishment will be communicated by the Court at a later stage.

Appendix II

Assumptions for the supplementary budget (Côte d'Ivoire) for the proposed programme budget for 2012

<i>Function</i>	<i>Total</i>
1. Number of court days in 12 months	10
2. Number of witnesses (defence)	2
3. Number of expert witnesses	0
4. Number of support persons	1
5. Maximum duration of stay per witness	15
6. Number of accused in custody	1
7. Number of defence teams	0
8. Number of victims' representatives	2
9. Number of cells required	1
10. Number of site visits by judges	0
11. Field presence/field offices	0
12. Extension of judges (in months)	0

B. Proposed Programme Budget for 2012 of the International Criminal Court*

Corrigendum

1. Page 6, paragraph 27,
Insert new paragraph:

“27bis. A table showing the full budgetary impact of possible additional resources requirements to the 2012 proposed programme budget is shown in annex XIII.”

2. Page 183,
Insert new Annex XIII:

Annex XIII

Full budgetary impact of possible additional resources requirements to the 2012 proposed programme budget

1. The Court’s budgetary requirements as presented at the tenth session of the Assembly are described in two documents:

- (a) 2012 proposed programme budget¹ with a total of €117,733,000; and
- (b) Supplementary budget:

- (i) Under the current assumptions related to investigations in Côte d’Ivoire, as presented in the supplementary budget, the Court requires €4,428,200; and

- (ii) As recommended by the Committee on Budget and Finance, costs for the Permanent Premises Projects related to the 2gv elements have been included in the Court’s regular supplementary budget for a total of €904,100 in 2012. These costs will amount to an additional €17.5 million to the Court’s Regular Budget over the next five years of the Permanent Premises Project.

Total States Parties’ **appropriation** as proposed by the Court,² depending on the Assembly’s approval: €123,065,300

2. One-off payment for Contingency Fund replenishment: because the Contingency Fund is only accessed once the regular budget has been fully utilized, the exact requirements for replenishment of the fund will only be known after closing the Court’s accounts for the 2011 financial year. According to the last financial forecast as at 30 September, the Court foresees 99.5 per cent implementation of its regular budget.

* Previously issued as ICC-ASP/10/10/Corr.5.

¹ In line with resolution ICC-ASP/9/Res.4, section IX no resources have been allocated to the African Union Liaison Office in the 2012 proposed programme budget. In the event of a decision by the African Union in the first months of 2012 to 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 by an estimated amount of €283,200 (estimated for 6 months in 2012). The 2012 proposed programme budget includes an Annex describing the full costs for one year in details.

² The Committee on Budget and Finance suggested showing the cost of calling on five additional judges. This additional requirement is dependent upon developments in pre-trial proceedings and trial preparations currently taking place. The 2012 proposed programme budget is based on certain assumptions set at the time of budget preparations; these assumptions still stand at the time of submission of the present corrigendum. The Court is not in a position to assume how far additional judges may be required and is therefore not budgeting for this assumption. Because these costs can not be accurately estimated at the time of adoption of the budget, should judicial developments require calling a certain number of additional judges, the additional cost will be covered by the Contingency Fund.

3. The remaining expenditures pertaining to the Contingency Fund notifications that cannot be absorbed within Regular Budget utilization shall be drawn from the Contingency Fund. The Court estimates that the total Contingency Fund costs (€5,712,000) will correspond to the necessity to replenish the fund by €3,380,000 in order to maintain the €7,000,000 threshold recommended by the Assembly.

Total estimated **one-off payment** for the Contingency Fund replenishment:
€3,380,000

4. The full financial impact of possible resources requirements in 2012 can therefore be summarised as follows:

<i>Resources</i>	<i>Appropriations</i>	<i>One-off payment</i>
2012 proposed programme budget	€117,733,000	
Côte d'Ivoire (supplementary budget)	€4,428,200 ³	
Permanent premises 2gv elements (supplementary budget)	€904,100	
Contingency Fund replenishment		€3,380,000 ⁴
Total	€123,065,300	€3,380,000

3. Page 6, paragraph 27,

Insert new paragraph:

“27ter. A list of knowable significant multi-year cost drivers of the Court for the years 2013-2015 is provided in annex XIV.”

4. Page 183,

Insert new Annex XIV:

Annex XIV

Estimated knowable significant multi-year cost drivers 2013-2015⁵

1. The table below presents a mid-term planning for the knowable significant multi-year costs drivers of the Court as requested by the Committee on Budget and Finance: “The Committee has been encouraging the Court to identify known or knowable significant multi-year cost drivers including capital replacement, 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.”⁶

	<i>2013</i>	<i>2014</i>	<i>2015</i>
Staff costs			
<i>Subtotal</i> ⁷	<i>64,843,400</i>	<i>66,939,000</i>	<i>69,102,300</i>
Capital investment replacements⁸			
Vehicles	448,211	768,303	579,624
Equipment	780,000	500,000	1,036,359
<i>Subtotal</i>	<i>1,228,211</i>	<i>1,268,303</i>	<i>1,615,983</i>

³ In its last report (ICC-ASP/10/15, table 1), the Committee on Budget and Finance refers to an assumed amount of €1.5 million for the Côte d'Ivoire situation. New assumptions related to this situation at the time of publication of the present annex, yield a new proposed budget, as indicated in the Court's supplementary budget submitted to the Assembly.

⁴ The exact amount required for replenishment can only be calculated after the Court's official closing of accounts. The amount indicated in the table above could therefore be reduced significantly in the first quarter of 2012.

⁵ Annex XIII has been prepared assuming that the overall volume of activities will remain unchanged in the following three years.

⁶ ICC-ASP/10/15, para. 22.

⁷ A 3.2 per cent increase has been applied to staffing costs as a steady growth on a compounded basis. The projection does not include any potential change in the number of staff.

⁸ Figures have been updated based on CBF/16/5. Additional replacements resulting from the lease negotiation of the Arc building are still unknown and have not been included.

	2013	2014	2015
Premises			
Rent and maintenance of interim premises ⁹	6,225,000	6,225,000	6,225,000
Box 4 (2 gv) ¹⁰	200,000	3,300,000	13,500,000
Staff Budget for Permanent Premises	500,000	600,000	600,000
Estimated interest payment on host State loan	100,000	1,000,000	2,600,000
<i>Subtotal</i>	<i>7,025,000</i>	<i>11,125,000</i>	<i>22,925,000</i>
Special programmes/projects			
African Union Liaison Office (AULO) ¹¹	433,000	393,000	393,000
IPSAS implementation ¹²	600,200	285,200	64,350
<i>Subtotal</i>	<i>1,033,200</i>	<i>678,200</i>	<i>457,350</i>
Total	74,129,811	80,010,503	94,100,633

5. Page 166, annex V(e),
Replace table with table below:

Salary and entitlements for 2012 - Judges (thousands of euros)

<i>Presidency:</i>	<i>Costs</i>
Special allowance President and Vice-Presidents	28.0
<i>Chambers: 18 Judges</i>	
Standard salary costs	2,930.0
Judges' pension (pending Allianz quotation)	1,497.2
After-service relocation allowance	227.1
Common Costs	
- Insurance - Service Incurred Injury (65.0)	
- Education grant ¹³ (20.0)	
- Home Leave Travel (40.0)	125.0
<i>Subtotal Chambers</i>	<i>4,779.3</i>
<i>Additional Requirements 2012</i>	
Provision for costs relating to end of term and newly elected judges	304.6
<i>Subtotal additional requirements</i>	<i>304.6</i>
Total Judiciary	5,111.9

⁹ Pending conclusion of current negotiations.

¹⁰ ICC-ASP/10/10/Add.1. Costs for Box 4 (3 gv) will be part of the construction project budget.

¹¹ Dependent on agreement of the African Union and of the government of Ethiopia. Assuming the AULO is set-up in 2013.

¹² ICC-ASP/10/3.

¹³ This is a cost estimate based on the average expenses of the last years; the final figure may vary.

Annex III

Statement of the Chair of the Committee on Budget and Finance, Mr. Santiago Wins¹

It is an honour to present the reports of the sixteenth and seventeenth sessions of the Committee on Budget and Finance. You will have noticed that the workload of the Committee has considerably increased, and that, within the time limits and with the resources available, we have proposed a series of recommendations that we hope will contribute to ensuring the approval of a balanced budget that guarantees the normal operation of the Court.

The proposal for 2012 budget has been particularly challenging, due to the increasing workload of the Court in the context of a difficult international financial context.

Furthermore the status of the contribution shows a trend of higher level of arrears which might significantly affect the cash flow of the Court and impact on the future use of the working capital fund.

One of the challenges States will have to decide whether they want a Court driven by demand or rather a Court driven by resources. This draws further attention to the need for the Assembly to provide strategic guidance to the Court on how to manage increase costs both from known cost drivers and new situations.

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.

There are also major cost drivers identified that require a reflection by the Assembly on how to be better addressed. In order to offer some guidance to address these major cost drivers, the Committee made the following strategic considerations:

1. Major cost drivers include legal aid and new situations, including Security Council referrals. Legal aid spending in the *Lubanga* case will likely exceed €3 million before the end of the trial. Under the current legal aid system, costs will continue to grow. The Committee notes with satisfaction that its recommendation to review the legal aid system is under consideration. As a contribution to this political discussion, the Committee has provided in its report an annex with further details and some possibilities for potential changes of the current legal aid system.
2. The new situations of Côte d'Ivoire and the United Nations Security Council referral for Libya represent additional financial impact on the 2012 proposed programme budget. In light of the unpredictability in Libya case, the Committee recommended that the Prosecutor assess events on the ground and re-evaluate the needs of the Office, to determine if the requested resources are required at the same level or whether further reductions on the 2012 proposed budget can be made. Due to the very late submission of this information, received only last Friday, I will make specific comments orally for this situation, as well as with respect to the supplementary budget for Côte d'Ivoire and 2gv costs. A table with adjustments proposed will be distributed.²
3. The Committee has been encouraging the Court to identify known or knowable significant multi-year cost drivers including capital replacement, premises and staff costs and to present them clearly to the Assembly in order to ensure clearly identifiable expense forecasting. In order to be able to forecast better cost increases for the future years, the Committee recommended that the Court produce a medium term expenditure forecast as an annex to the 2012 proposed programme budget and for each annual budget thereafter.

¹ At the fifth plenary meeting of the Assembly on 15 December 2011.

² *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. I, part II, annex.

4. 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. Another major cost driver is staff costs, which represents more than two-thirds of the annual budget. The Committee has continued to recommend that freeze on established posts remain in place until the Court makes a study on its staffing structure with adequate justifications.

6. Outreach is an important area to help build and maintain support for the Court internationally. 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.

A. Macroanalysis

7. The Court's 2012 proposed programme budget was €117.7 million, representing an increase of €14,125,100 or 13.6 per cent over the approved budget level for 2011. The Court identified the major cause for the increase as the Libya situation as a whole, budgeted at €7.2 million, and an increase in legal aid, amounting to €4.9 million.

8. Crucially, these figures do not include the supplementary budget that the Court has submitted last week to cover the costs for the situation in Côte d'Ivoire, and for the 2gv for the permanent premises amounting in total €5.3 million. Therefore, the total 2012 proposed programme budget was €123 million.

9. However, the Court's proposed budget excludes a number of expenses that States Parties may have to face, such as the African Union Liaison Office, budgeted at €432,400 and replenishment of the Contingency Fund of €2.2 million which might bring it up to the minimum level of €7 million. So, in fact, the worst-case budget scenario was a total of €125.6 million.

10. The Committee has made recommendations of its seventeenth session, where the total impact of such recommendations was calculated by the Court and resulted in a total amount of adjustments of €5.6 million.

11. This recommendation is based on specific analysis by major programme and on general cross-cutting recommendations as follow:

12. Given the significant increase in the workload, the Committee recommended that the Internal Audit Office's 2012 proposed budget would be exempted from all cross-cutting recommendations.

13. The Committee observed that there was an overall proposed increase in staff costs of €2.96 million. The majority of this increase was due to increments on salaries and a portion was attributed to the decision of the Court to enhance the conditions of service for professional staff serving in the field. In this respect, the Committee recalled its concern about this decision without the prior approval of the Assembly. The Committee recommended that the increases of staff salary and enhanced conditions of service in the field be absorbed within each major programme. This would also apply to GTA staff. The Committee also reiterated its previous recommendation to the Court to 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.

14. The Committee noted the 19 per cent overall increase in travel for the Court. While some of this was clearly situation-related, 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.

15. With regard to training, the Committee noted that in a number of cases the training appeared to be recurrent or routine. In order to promote greater prioritization, the Committee recommended that training be frozen at the 2011 approved budget level.

16. The Committee noted with concern the 74 per cent 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.

17. The Committee reviewed a number of requests for increases for supplies and materials. However, in light of the large increases in the 2011 approved 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.

18. The Committee agreed with the Court that the vacancy rate should be maintained at 8 per cent for Major Programme II and at 10 per cent for all other major programmes. The Committee recommended that the vacancy rates also be applied to GTA staff at 8 per cent.

1. Libya

19. 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 proposed regular budget the Court identified a need for €7.2 million to cover the Libya situation.

20. 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, 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.

21. The Committee proposed that the Assembly take a step approach to the funding for Libya and present revised estimates before the Assembly.

22. The Court submitted revised estimates for Libya for a total amount of €6.4 million.

23. The OTP proposed to put into a trigger two scenarios of €2.1 and €1.2 million. After consideration of different elements, the Committee agreed with its approach.

24. With respect to Major Programme III, the Registry proposed to put into a trigger €265,000 and requested €1.6 million. The Committee noted that activity is expected only for half of the year and therefore a reduction of 50 per cent was recommended. The Committee recommended to put into the trigger an amount of €798,600, and recommended an amount of €798,600 for the budget.

25. The total amount for scenario 1 in the trigger represents €3 million, which if materialized should be funded by the Contingency Fund.

26. With respect to scenario 2 for an amount of €1.2 million, given the uncertainties, the Committee is of the view that it should be brought forward in the 2013 budget and absorb any requirements for 2012. Therefore, this represents an overall reduction on the regular budget of €4.1 million.

27. Regarding the proposed supplementary budget contained in document ICC-ASP/10/10/Add.2, the Committee considered the supplementary proposed budget for Cote d'Ivoire, and made recommendations by major programme.

28. As a coherence methodology with the rest of the budget, the Committee decided that cross-cutting measures should be applied in the case of consultants (10 per cent), travel (10 per cent), training (same level of 2011) and supplies and materials (same level as 2011). However, the Committee did not apply the 8 per cent vacancy rate on GTA but instead recommended deeper cuts for each major programme as well as similar approach for contractual services. In addition, the Committee recommended a 25 per cent reduction in general operating expenses.

2. Major Programme I

29. Regarding paragraph 16, there is a request of GTA for 36 months at the professional level and 24 months at the general service level. Given that after February resources that are currently being used for the Kenya situation should be able to be liberated and redeployed, the Committee was of the view that only 10 months of the requested resources would be required in order to ensure an expeditious process. It therefore recommended that a provision of €346,170 be approved with a total reduction of €69,000.

3. Major Programme II

30. With respect to Major Programme II, the Committee observed that in para. 24 there was a request for additional resources for the Investigation Division, representing one additional P-3 and two additional P-2 positions for a total amount of €202,700. The Committee noted that in paragraph 86(c) of the 2012 proposed programme budget document, “the Prosecutor is planning to absorb the additional resources required in the event that it is authorized by the Chambers to open an investigation into Côte d’Ivoire” and therefore this should be absorbed, representing a reduction of €202,700. Along with the cross-cutting recommendations on travel, consultants and contractual services, the Committee recommended an overall reduction of €233,150.

4. Major Programme III

31. Concerning paragraphs 35 and 36, the Committee has already made recommendations regarding the redeployment of staff from the field to headquarters in paragraphs 105 and 109 of its report and notes that these are the same resources contained in paragraphs 229 and 230 of the 2012 proposed programme budget document.

32. Furthermore, the justification provided in the proposed programme budget 2012 on why these positions are needed, did not convince the Committee. In conclusion, the Committee recommended that the requested professional and general services posts not be approved.

33. As for the GTA, Major Programme III requested a total amount of €440,400. The Committee recommended a 50 per cent reduction amounting to €220,200. The Committee has observed that similar requirements have been included in the 2012 proposed budget or are not directly related to the situation in Côte d’Ivoire, thus the Committee was of the opinion that the many of the requirements included in the supplementary budget could be met with the resources approved within the proposed budget.

34. As for the contractual services, an amount of €144,600 was requested. The Committee recommended 50 per cent reduction amounting to €72,300.

35. It was noted that the amount of €576,900 for Counsel for Victims is difficult to justify, taking into account the level of expenditure in the past, since the Court has never spent such a significant amount and the fact that the Court has stated that it would generally start with one victim legal team unless a demonstrated conflict appeared. Furthermore, the Committee noted that €55,500 was also requested for the OPCV for this situation. Therefore, we recommend a 50 per cent reduction amounting to €288,450.

36. The total reduction for Major Programme III would be €524,510.

5. 2gv

37. Regarding the 2gv costs presentation, the Committee noted with regret that the Court has not respected the 45 days period as stated by rule 3.4 of the Financial Regulations and Rules and we would expect this not to be repeated.

38. It was noted that the amount proposed for 2gv was €904,100 in the supplementary budget. After considering the information provided, where it was noted that the proposed budget was built in two parts: (1) GTA resources for an amount of €456,300 and part (2) with respect to contractual services representing an amount of €447,800.

39. The Committee noted that it is important to ensure that the process moves on expeditiously and it agreed with GTA resources requested.

40. Taking into consideration that some items included in the 2gv proposed budget, such as contractual services, could be adjusted to reach the initial total amount requested by the Oversight Committee of €847,000, the Committee recommended a round figure of €60,000 to be reduced.

6. Conclusion

41. The total reduction amount for the whole supplementary proposed budget would amount to €1.3 million.

B. Other issues

42. The Committee received the information on the selection process and tender procedure of the external auditor. According to its mandate, the Committee recommended to the Assembly the appointment of the proposed External Auditor and it confirmed that the procedure has been duly observed taking into account its previous recommendation on the importance of rotation of the External Auditor.

43. The Committee also noted with satisfaction the results of the consultations on interim premises whereby facilitators were able to lower the overall rent of the interim premises and clarify the responsibility for rehabilitation costs.

44. Before closing, I wish to offer my thanks on behalf of the Committee to the Court officials and all its staff with whom the Committee has worked this year. We appreciate the excellent dialogue we have had with the Court. I also wish to thank Mr. Renan Villacis and the staff of the Secretariat of Assembly who have worked very hard to service the Committee.

45. I wish to thank all my colleagues in the Committee on Budget and Finance for their valuable contribution to the Committee, and I would like to congratulate the incoming elected ones.

46. As this session would be my last one, I would like to express what a great honor was for me to serve on the Committee since its inception. I am particularly pleased to note that the Committee has become a valued part of the governance of the Court; where our dialogue with the Court is productive and based on trust; and the Assembly considers our advice carefully in making its decisions.

Annex IV

Statements by the President of the Assembly

A. Statement before the election of the Prosecutor¹

Before we proceed, I would like to make a brief statement regarding the process leading to this point. In preparing for this election, the President and Bureau of the Assembly were, at all times, guided by paragraph 33 of resolution ICC-ASP/3/Res.6, which states that “every effort shall be made to elect the Prosecutor by consensus.” In order to facilitate the fulfilment of this paragraph, the Bureau, in December 2010 created the Search Committee for the position of Prosecutor of the International Criminal Court. The purpose of the Committee was to receive nominations and expression of interest and to actively seek out the most qualified candidates for the position of Prosecutor with a view to arriving at a shortlist of at least three names, where possible, and in doing so assist the Assembly in fulfilling its mandate to arrive at a consensual election.

I would hereby like to acknowledge the valuable work of the Search Committee. Its report, publicly available, was presented to States Parties in an open meeting of the Bureau on 25 October. It contained a shortlist of four individuals with outstanding qualifications. The candidates presented themselves to States Parties in the framework of the New York Working Group. As a result of subsequent consultations among States Parties, a broad agreement was reached that Ms. Fatou B. Bensouda should be nominated as the sole candidate for the position of Prosecutor. Ms. Bensouda was subsequently nominated by 76 States on 9 December 2011.

I would hereby like to thank the members of the Search Committee, regional focal points for consultations among States Parties and all States Parties that engaged in the search of consensus to fill this important position.

B. Statement about the first Prosecutor²

Allow me now to say a few words about the first Prosecutor of the International Criminal Court, Luis Moreno-Ocampo, for whom this will have been his last session of the Assembly as he prepares to leave office next spring. When he was elected by States Parties to the Rome Statute in 2003, the Court was a very different institution. There was no building, only the barest skeleton staff. The Rome Statute was still a novel instrument, enjoying the support of only half the States Parties of today and facing active opposition from several major actors in international relations.

During his term of office to date, Prosecutor Ocampo significantly contributed to the establishment of the Court as the primary tool of the international community to investigate and prosecute the worst crimes under international law. Now, eight and a half years after he has taken office, his Office has become seized of cases in every way foreseen in the Rome Statute, including through the referral of States Parties, through a *proprio motu* and through a referral by the United Nations Security Council. It is especially noteworthy that the latest referral by the Security Council was done with the affirmative vote of all members of the Council.

The Prosecutor, more than any other single individual, sets the direction the Court will take. In deciding whether or not to open investigations, whether or not to seek indictments against certain people and how to proceed with trials, he invariably comes under tremendous political pressure from all sides. While it is natural that not everyone would agree with those decisions, I think it is clear that nobody would contest that they have been taken in an entirely independent manner, focusing on the facts and the law, and leaving political considerations aside.

¹ At the first meeting of the Assembly on 12 December 2011.

² At the ninth meeting of the Assembly on 21 December 2011.

I have been overwhelmed this week with the outpouring of support for Prosecutor Ocampo among States Parties. It is clear to me that his work is deeply appreciated among all those present in this room today. On behalf of all States Parties, I would like to wish him all the best of luck for his final months in office.

C. Closing statement³

We have had a productive tenth session of the Assembly. Despite having to work on a compressed schedule due to the unexpectedly long elections, we have indeed elected six judges to the Court as well as six members to the Committee on Budget and Finance and, of course, we have elected a new Prosecutor. Working late into the nights and evenings, we were able to find agreement on an omnibus resolution and a budget, both of which have just been adopted by consensus. I am aware that the budget we have just adopted is not perfect and does not represent a best-case scenario for any of the stakeholders involved. I therefore thank States Parties for their flexibility in finding a consensus under these difficult conditions, and the Court for making painful cuts. I nevertheless think that the totality of our achievements is justifiable cause for a bit of pride among States Parties.

This Assembly has also given us cause for reflection in a number of areas. Most immediately, the conduct of business at the sessions of the Assembly warrants review. The correct balance must be struck between the time taken up by necessary elements and by substantive discussions, especially in view of constraints posed by the availability of interpretation.

The discussions these past few days have also demonstrated that the entirety of the budget process deserves very close scrutiny. There is no lack of ideas as to how this must be done and I will seek to use the next year to consult widely and transparently with all involved stakeholders, but most especially with States Parties, in order to present concrete proposals for adoption at the next session of the Assembly. I will begin these consultations, which I hope to conduct on both sides of the Atlantic, immediately upon the end of the winter holidays.

I was heartened to hear expressions of support for the Court from all States Parties who took the floor during the general debate. Indeed, even during the tough budget negotiations, both sides underscored their deep commitment to the work of the Court. Our challenge now is to operationalize this political support when the Court most needs it: in preventing non-cooperation and in defending it from those who unfairly criticize it.

The coming year also brings with it the opportunity to take forward work on complementarity. If we have learned anything from these budget discussions, it is that the Court is not in a position to rapidly expand its docket either by expanding prosecutions beyond those most responsible or by opening investigations in many more situations. Therefore, the only way to prevent the emergence of an impunity gap is to do more to enable States to prosecute the most serious crimes under international law within their national jurisdictions. The Assembly and its Secretariat have a role to play in furthering the cause of complementarity, and I hope that, after two successful retreats in Greentree and several informative side events at this Assembly, the next year will bring with it concrete first steps towards the implementation of the Kampala mandate. I have also been informed that the focal points also wish to convene discussions on this topic on both sides of the Atlantic.

I now want to thank the two Vice-Presidents elected at this Assembly, Ambassador Kenneth Kanda of Ghana and Ambassador Markus Börlin of Switzerland, who have provided me with invaluable support and advice. I would also like to thank the other members of the Bureau for all their help.

³ At the ninth meeting of the Assembly on 21 December 2011.

Annex VI

List of documents

ICC-ASP/10/1	Provisional agenda
ICC-ASP/10/1/Add.1	Annotated list of items included in the provisional agenda
ICC-ASP/10/2	Report of the Secretariat on complementarity
ICC-ASP/10/3	Report of the Court on the implementation of International Public Sector Accounting Standards
ICC-ASP/10/4	Report of the Court regarding the desirability of absolute thresholds for the purposes of indigence calculation
ICC-ASP/10/5	Report of the Committee on Budget and Finance on the work of its sixteenth session
ICC-ASP/10/6	Report of the Court on capital investment replacements
ICC-ASP/10/7	Report of the Court on the implementation and operation of the governance arrangements
ICC-ASP/10/8	Report on the relevant components of common costs calculation for the judges of the International Criminal Court
ICC-ASP/10/9	Report of the Court on human resources management
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/Corr.4	Proposed Programme Budget for 2012 of the International Criminal Court - Corrigendum
ICC-ASP/10/10/Corr.5	Proposed Programme Budget for 2012 of the International Criminal Court - Corrigendum
ICC-ASP/10/10/Add.2	Proposed supplementary budget of the International Criminal Court for 2012
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/10/15	Report of the Committee on Budget and Finance on the work of its seventeenth session
ICC-ASP/10/16	Report on programme performance of the International Criminal Court for the year 2010
ICC-ASP/10/17	Report of the Court on the applicability of the former pension regime to Judges Cotte and Nsereko
ICC-ASP/10/18	Fourth election of judges of the International Criminal Court
ICC-ASP/10/18/Add.1	Fourth election of judges of the International Criminal Court - Addendum
ICC-ASP/10/18/Add.2	Fourth election of judges of the International Criminal Court - Addendum - Withdrawal of candidature
ICC-ASP/10/19	Election of the judges for the International Criminal Court: guide for the fourth election
ICC-ASP/10/21	Election of members of the Committee on Budget and Finance
ICC-ASP/10/22	Report on the activities of the Oversight Committee
ICC-ASP/10/23	Report of the Court on complementarity
ICC-ASP/10/24	Report of the Bureau on complementarity
ICC-ASP/10/25	Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court

ICC-ASP/10/26	Report of the Court on the Field Operations Strategy
ICC-ASP/10/27	Report of the Bureau on the Independent Oversight Mechanism
ICC-ASP/10/28	Report of the Bureau on cooperation
ICC-ASP/10/29	Report of the Bureau on the strategic planning process of the International Criminal Court
ICC-ASP/10/30	Report of the Bureau on the Study Group on Governance
ICC-ASP/10/31	Report of the Bureau on victims and affected communities and Trust Fund for Victims
ICC-ASP/10/32	Report on the Working Group on Amendments
ICC-ASP/10/33	Letter of the Chair of the Working Group on Amendments to the President of the Assembly of States Parties, dated 9 December 2011 - Proposed amendment to rule 4 of the Rules of Procedure and Evidence
ICC-ASP/10/34	Report of the Bureau on the arrears of States Parties
ICC-ASP/10/35	Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court
ICC-ASP/10/36	Report of the Bureau on the establishment of an Advisory Committee on nominations of judges of the International Criminal Court
ICC-ASP/10/37	Report of the Bureau on potential Assembly procedures relating to non-cooperation
ICC-ASP/10/38	Election of the Prosecutor of the International Criminal Court
ICC-ASP/10/38/Add.1	Election of the Prosecutor of the International Criminal Court - Addendum
ICC-ASP/10/39	Report on the activities of the Court
ICC-ASP/10/40	Report of the Court on cooperation
ICC-ASP/10/41	Report of the Court to the Bureau on the lease negotiations for the interim premises of the International Criminal Court
ICC-ASP/10/INF.2	Report of the Search Committee for the Position of the Prosecutor of the International Criminal Court
ICC-ASP/10/INF.2/Add.1	Report of the Search Committee for the Position of the Prosecutor of the International Criminal Court - Addendum -Alphabetical list of candidates
ICC-ASP/10/INF.3	Retreat on the Future of the International Criminal Court
ICC-ASP/10/INF.4	Study Group on Governance: Dialogue on institutional review of the governance framework of the Assembly of States Parties - Informal summary
ICC-ASP/10/L.1	Draft report of the Assembly of States Parties to the Rome Statute of the International Criminal Court
ICC-ASP/10/L.2	Draft report on the Credential Committee
ICC-ASP/10/L.3	Draft resolution. Strengthening the International Criminal Court and the Assembly of States Parties
ICC-ASP/10/L.4/Rev.4	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
ICC-ASP/10/L.5	Draft resolution on cooperation
ICC-ASP/10/L.6	Draft resolution on amendments to the rule 4 of the Rules of Procedure and Evidence
ICC-ASP/10/L.7	Draft resolution on reparations
ICC-ASP/10/L.8/Rev.1	Draft resolution on permanent premises
ICC-ASP/WGPB/CRP.1	Draft report of the Working Group on the 2012 proposed programme budget of the International Criminal Court