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THE ROME STATUTE OF THE  
INTERNATIONAL CRIMINAL COURT**

**ELEVENTH SESSION  
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*Note*

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## Part A

### Proposed Programme Budget for 2013 of the International Criminal Court\*

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*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
Box 4	Related to the permanent premises project, but not directly related to the construction
CAR	Central African Republic
CASD	Common Administrative Services Division
CBF	Committee on Budget and Finance
CIV	Côte d'Ivoire
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
2gv	Non-integrated user equipment
3gv	Integrated user equipment

## I. Introduction

1. This proposed programme budget for 2013 is submitted on 9 August 2012 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 eleventh session.
2. The budget proposed is for a total of €118.40 million. Of this total:
  - (a) €115.42 million (97.48 per cent) is for the Court;<sup>1</sup> and
  - (b) €2.98 million (2.52 per cent) is for the Secretariat of the Assembly of States Parties.
3. Within the Court, the budget is apportioned as follows:
  - (a) €11.08 million (9.36 per cent) for the Judiciary;
  - (b) €28.67 million (24.21 per cent) for the Office of the Prosecutor;
  - (c) €66.47 million (56.14 per cent) for the Registry;
  - (d) €6.02 million (5.09 per cent) for the Interim premises;
  - (e) €1.66 million (1.40 per cent) for the Secretariat of the Trust Fund for Victims;
  - (f) €1.23 million (1.04 per cent) for the Project Director’s Office (permanent premises); and
  - (g) €0.29 million (0.24 per cent) for the Independent Oversight Mechanism.
4. This reflects an increase of €9.60 million, or 8.82 per cent, over the 2012 approved budget. This is mainly due to the rent and maintenance of the interim premises of the Court, forward commitments and common system costs, and the operation of the legal aid system. In addition, increased resources are requested for the reparations anticipated by the Court and to carry out the investigative mandate of the Independent Oversight Mechanism.

### A. The Court today

5. The Court anticipates that in 2013 it will be dealing with seven cases in seven situations at different stages of proceedings, where suspects are either in custody or have voluntarily appeared before the Court. In addition to its investigations and judicial proceedings in Uganda, the Democratic Republic of the Congo, the Central African Republic, Darfur (Sudan), Kenya, Libya, and more recently Côte d’Ivoire, 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 Mali.
6. In the context of its active situations, the Court has issued twenty<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 either remain at large or have the execution of their arrest warrants pending. 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, one verdict has been delivered, five are at the trial preparation or trial stage, and in one case a confirmation of charges hearing will be held in the autumn of 2012. Six cases remain in abeyance, owing to failure to arrest the respective suspects.
7. The situation in the Democratic Republic of the Congo continues. Following the delivery of the Court’s first judgment earlier this year, in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, on 10 July 2012 Trial Chamber I issued its *Decision on Sentence*

<sup>1</sup> This figure includes resources for the Secretariat of the Trust Fund for Victims, the Permanent Premises Project Directors’ Office and the Independent Oversight Mechanism.

<sup>2</sup> Proceedings against Mr. Raska Lukwiya in the situation in Uganda were terminated by Pre-Trial Chamber II on 11 July 2007 following his death. Likewise, proceedings against Muammar Gaddafi in the situation in Libya were terminated by Pre-Trial Chamber I on 22 November 2011 following his death.

pursuant to Article 76 of the Statute<sup>3</sup> and, on 7 August 2012, its *Decision establishing the principles and procedures to be applied to reparations*. As regards the case of *The Prosecutor v. Germain Katanga and Mathieu Ngujolo Chui*, closing statements were delivered from 15 to 23 May 2012, with Trial Chamber II set to deliver a verdict in the autumn of the current year. In *The Prosecutor v. Callixte Mbarushimana*, on 16 December 2011 Pre-Trial Chamber I decided by majority to decline to confirm the charges against Mr. Mbarushimana and to release him from the custody of the Court, on the completion of the necessary arrangements. Upon the Office of the Prosecutor's appeal, on 30 May 2012 the Appeals Chamber confirmed Pre-Trial Chamber I's decision of 16 December 2011. In the case of *The Prosecutor v. Bosco Ntaganda*, the Pre-Trial Chamber accepted additional charges in a second arrest warrant issued on 13 July 2012, following the Prosecutor's application of 14 May 2012 to add charges. Also, on 13 July 2012 Pre-Trial Chamber II issued a warrant of arrest for Sylvestre Mudacumura, following a request from the Prosecutor. Both suspects remain at large.

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. The Prosecution completed its presentation of evidence to the Chamber in March 2012. The Defence is scheduled to commence its presentation of evidence on 14 August 2012.

9. In the situation in Darfur, Sudan, which was referred to the Court by the United Nations Security Council by 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* (hereinafter "*Banda/Jerbo*"), 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 to hear the case, which is currently, in trial preparation. Messrs. Abdallah Banda and Saleh Jerbo are not in the custody of the Court. In addition, an arrest warrant issued on 1 March 2012 is pending for Mr. Abdel Raheem Muhammad Hussein. On 15 March 2012, the Presidency assigned the case against Mr. Hussein to Pre-Trial Chamber I.

10. In the Kenya situation, on 23 January 2012 Pre-Trial Chamber II confirmed the charges against Mr. William Samoei Ruto, Mr. Joshua Arap Song, Mr. Francis Kirimi Muthaura, and Mr. Uhuru Muigai Kenyatta and declined to confirm the charges against Mr. Henry Kiprono Kosgey and Mr. Mohammed Hussein Ali. On 29 March 2012 the Presidency constituted Trial Chamber V to hear the cases of *The Prosecutor v. William Samoei Ruto and Joshua Arap Song* and *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta* (the "*Kenya cases*"). There is an admissibility challenge by the suspects pending before the Appeals Chamber.<sup>4</sup> Currently, both cases are in trial preparation, and trials are set to start on 10 and 11 April 2013 respectively.<sup>5</sup> 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 into 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 Mr. Muammar Abu Minyar Gaddafi, Mr. Saif Al Islam Gaddafi, and Mr. Abdullah Al-Senussi. The warrant of arrest against Mr. Muammar Abu Minya Gaddafi was terminated by the Pre-Trial Chamber I on 22 November 2011, following his death. Mr. Saif Al Islam Gaddafi was arrested in Libya on 19 November 2011 and remains in the custody of militias in Zintan. On 1 May, the Government of Libya filed its challenge to the admissibility of the case against Mr. Saif Al Islam Gaddafi pursuant to article 19(2)(b) of the Rome Statute, arguing that it is investigating the same and additional crimes and the same underlying conduct as the Office of the Prosecutor. Pending the decision of the

<sup>3</sup> Case No.: ICC-01/04-01/06, 10 July 2012.

<sup>4</sup> At the time of budget preparation, no decision had been issued.

<sup>5</sup> Trial Chamber V, *Decision on the schedule leading up to trial*, *supra*, fn. 1.

Chamber on the application, investigations into Mr. Saif Al Islam Gaddafi have been suspended pursuant to article 19(7) of the Rome Statute. In March 2012, Mr. Abdullah Al-Senussi was arrested in Mauritania and a request for his surrender to the Court was transmitted to the Mauritanian authorities on 17 March 2012. The Prosecution continues to gather evidence against Mr. Abdullah Al-Senussi. The Prosecution also continues to collect evidence on allegations of gender crimes and will consider requesting arrest warrants in the near future if the evidence collected reaches the threshold established by the Statute.

12. Côte d'Ivoire, which is not party to the Rome Statute, accepted the jurisdiction of the Court on 18 April 2003. On 14 December 2010, and again on 3 May 2011, the Presidency of Côte d'Ivoire reconfirmed the country's acceptance of the Court's jurisdiction. On 3 October 2011, Pre-Trial Chamber III granted the Prosecutor's request for authorisation to open investigations *proprio motu* into the situation in Côte d'Ivoire with respect to alleged crimes within the jurisdiction of the Court committed since 28 November 2010, as well as with regard to crimes that may be committed in the future in the context of this situation. On 23 November 2011, Pre-Trial Chamber III issued a warrant of arrest under seal in the case of *The Prosecutor v. Laurent Gbagbo* for four counts of crimes against humanity. The arrest warrant against Mr. Laurent Gbagbo was unsealed on 30 November 2011, and Mr. Gbagbo was transferred to the Court's detention centre in The Hague by the Ivorian authorities. On 5 December 2011, Pre-Trial Chamber III held an initial appearance hearing. The hearing on the confirmation of charges is scheduled to commence in autumn of 2012. The Prosecution continues with its investigations of other crimes and will consider requesting arrest warrants in the near future, once the evidence collected reaches the threshold established by the Statute.

13. On 18 July 2012, a delegation from the Government of Mali led by the Minister of Justice, H.E. Malick Coulibaly transmitted a letter by which the Government of Mali, as a State Party to the Court, refers "the situation in Mali since January 2012" to the Office of the Prosecutor and requests an investigation to determine whether one or more persons should be charged for crimes committed. The Government of Mali submits that the Malian courts are unable to prosecute or try the perpetrators. The Malian delegation also provided documentation in support of the referral. The referral by the Government of Mali, which is the fourth referral by a State Party, follows the 30 May 2012 decision by the Malian Cabinet to refer the situation to the Court. It is in line with the 7 July 2012 request to the ICC by the ECOWAS Contact Group of Mali (composed of Benin, Burkina Faso, Côte d'Ivoire, Liberia, Niger, Nigeria and Togo) to "launch the necessary enquiries in order to identify the perpetrators of these war crimes and to initiate the necessary legal proceedings against them.". The Prosecutor has instructed her Office to immediately proceed with a preliminary examination of the situation in order to assess whether the Rome Statute criteria stipulated under article 53(1) for opening an investigation are fulfilled.

14. In the situation in Uganda, which was opened in 2004, five warrants of arrest have been issued against top members of the Lord's Resistance Army. Following the confirmation of the death of Mr Lukwiya, the proceedings against him have been terminated. The four remaining suspects are still at large. The case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* remains pending before Pre-Trial Chamber II.

## 1. Assumptions 2013

15. The proposed budget of the Court is based on assumptions that can be accurately estimated at the time when they are agreed upon by the Organs of the Court. However, the unpredictable nature of the Court's judicial work makes it difficult to produce fully reliable assumptions well in advance of the financial period for which the Court is budgeting. The Assembly recognized that such unpredictability was inherent to the nature of the Court's operations and decided to task its Study Group on Governance, in consultation with The Hague Working Group, to engage with the Court and the Committee on Budget and Finance ("the Committee") with a view to enhancing the predictability of the budgetary process.<sup>6</sup> In order to address the unpredictability of judicial activities and the necessity to

<sup>6</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Tenth session, New York, 12-21 December 2011* (ICC-ASP/10/20), vol. I, Part III, ICC-ASP/10/Res.4, section H.

budget only for adequately assumed activities, the Court also decided to add elements of possible scenarios to its assumptions which are not yet reasonably certain to occur but for which a certain level of predictability can be assumed. The preliminary exercise to establish budget scenarios will allow the Court to react quickly to any new developments taking place during the year and to submit to the Assembly, in good time and through the proper channels, supplementary budgets or contingency fund notifications, depending on the timing of the events.

16. While awaiting the results of the consultation exercise, the Court decided that it would itself review the assumptions traditionally used in its budgetary exercise. As a consequence, several assumptions were added to previous years' assumptions in order to capture more elements with significant budgetary impact.<sup>7</sup> With more detailed assumptions, the Court maintains its policy of budgeting only for events which it is reasonably certain will occur in 2013. An illustrative example of this practice is that, in the absence of certainty regarding the outcome of the confirmation of charges proceedings in the case of *The Prosecutor v. Laurent Gbagbo*, the Court has not budgeted for any trial activities, since it cannot be assumed that the charges against Mr. Gbagbo will be confirmed. Budgeting for such trial activities would be tantamount to prejudging the Pre-Trial Chamber's decision, which could be considered as a breach of the judicial independence of the Chamber. However, the Court will submit to the Committee in due course an estimated approximate costing of the trial preparation phase in this case.

17. Similarly, the Judiciary has made no provision for trial hearings in *Banda/Jerbo* in this budget, since the Trial Chamber has not yet set a trial date. Due to the specific judicial circumstances, an estimated approximate costing of the trial preparation phase has not been possible. Further, the decisions of Trial Chamber V of 9 July 2012 to commence trials in the two *Kenya* cases on 10 and 11 April 2013 respectively, following the Spring Judicial Recess, has triggered a need for additional resources in Major Programmes I and III which have been included in this budget.

18. As the Committee has indicated, the Court has reached the point when the expectations on the type and level of activities and on the level of resources are diverging.<sup>8</sup> If faced with substantial budget reductions, the Court runs the risk that budgetary constraints will adversely affect the performance of its judicial and other duties under the Rome Statute.

19. The Office of the Prosecutor projects that in 2013 it will conduct seven investigations in seven situation countries, including the recent situation in Côte d'Ivoire. 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.

20. The Registry will continue to support the operations of the Judiciary and to provide services to all parties and participants to the proceedings, including the Office of the Prosecutor in accordance with OTP service requests. In particular, the Registry will ensure protection, counselling and other appropriate support to witnesses; assistance to victims in participating in the different phases of the proceedings and seeking reparations; and ensure adequate information about the Court and its proceedings, both at Headquarters as well as in the field. The Registry will contribute to the smooth conduct of hearings by providing essential in-court services, such as security, interpretation and court management and by maintaining secure detention facilities. Furthermore, as the administrative backbone of the entire Organisation, Registry will seek to maximize efficiency and effectiveness by ensuring proper coordination of its activities in all locations of its operations, and will continue to maintain crucial contact with its external stakeholders.

21. The Registry anticipates that seven defence teams and twelve victims' representative teams will continue to receive legal aid during 2013 in accordance with the current legal aid scheme.<sup>9</sup>

<sup>7</sup> Annex III.

<sup>8</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 14.

<sup>9</sup> See below, in the introduction to MP III, paras. 204-205, regarding proposed changes to the legal aid scheme.

## 2. Strategic Planning and the 2013 Budget

22. The Court is currently in the final stages of preparing its new strategic plan for the years 2013 to 2017.<sup>10</sup> The Court considers 2013 to be a year of transition from the old to the new strategic plan; accordingly, while this budget still follows the logic of its previous strategic plan, elements of the new strategic plan are incorporated. One of the Court's main objectives for the ensuing budget for 2014 is the implementation of the new strategic plan, including in particular an improved link between the Court's budget and its new strategic plan.

23. The new Court strategy remains sub-divided into major goals, which are further defined in operational terms as objectives for the years 2013 and 2014 and expected results to be attained through the implementation of the objectives. The Court constantly monitors its strategic plan in order to be able to adjust and update it if and where required.

**Table 1: Strategic planning and the 2013 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.

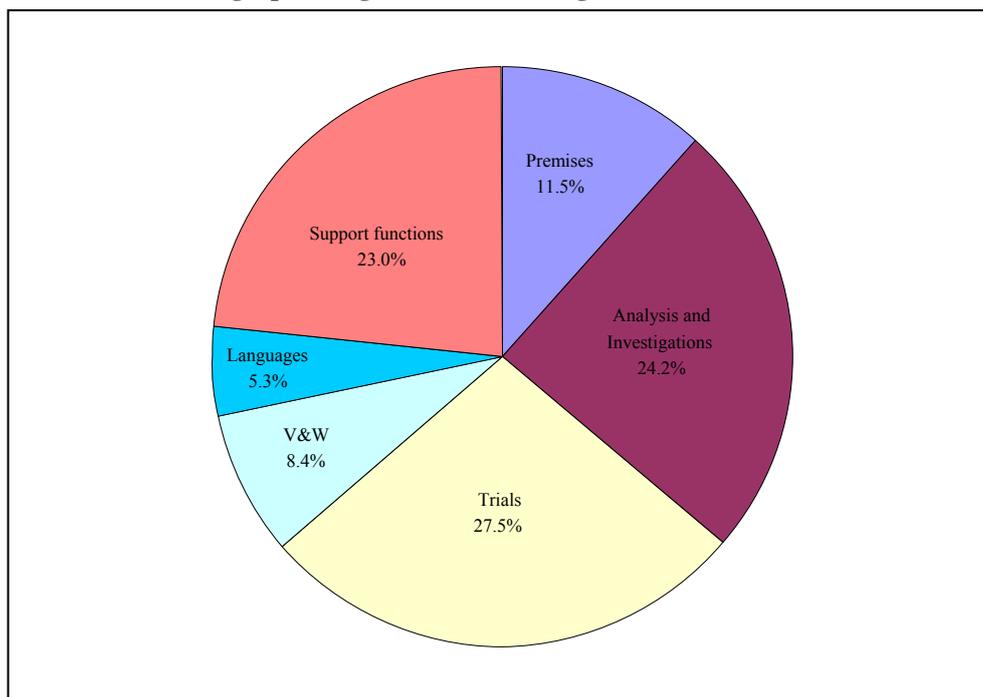
## B. Macroanalysis

24. The following graphic, which presents the Court's budget by activities rather than by major programmes, provides a clear picture of the Court's main focus on judicial and prosecutorial activities. Such activities, including support to victims and witnesses, amount to 60.3 per cent of the Court's budget. Language support in the form of interpretation and translation services represents 5.3 per cent of the budget, while the non-judicial support functions to the Court and infrastructure amount to 23.0 per cent. Finally, "premises" represents 11.4 per cent of the budget and reflects only the requirements for the rent and

<sup>10</sup> Annex IV.

maintenance of the interim premises, over which the Court has no control. It excludes the requirements of the Project Director's Office for the permanent premises project.

**Table 2: Strategic planning and the 2013 budget**



25. 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 that are 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**

Budget in thousands euros and (#cases)	Operational Support	Uganda	DRC	Darfur	CAR	Kenya	Libya	Côte D'Ivoire
2009 approved	16,198.90 (9 cases)	3,233.40 (1 case)	17,475.40 (4 cases)	7,575.60 (3 cases)	7,390.50 (1 case)	N/A	N/A	N/A
2010 approved	18,158.30 (11 cases)	3,057.80 (1 case)	17,506.10 (5-6 cases)	6,719.10 (3 cases)	7,485.90 (1-2 cases)	N/A	N/A	N/A
2011 approved	21,927.00 (13 cases + 2)	2,269.70 (1 case)	13,499.60 (5 cases)	4,728.90 (4 cases)	5,653.30 (1 case)	7740.8 <sup>(1)</sup> (2 cases)	4,072.6 <sup>(2)</sup> (2 cases)	N/A
2012 approved	19,940.08 (17 cases)	1,496.87 (1 case)	9,728.31 (6 cases)	3,175.03 (4 cases)	2,985.81 (1 case)	7,412.13 (2 cases)	2,322.57 (2 cases)	3,165.92 (1 case)
2013 proposed	27,073.30 (18 cases)	970.70 (1 case)	7,779.00 (6 cases)	1,777.30 (4 cases)	3,412.50 (1 case)	5,823.90 (2 cases)	1,710.50 (2 cases)	4,583.70 (2 cases)

<sup>(1)</sup> Includes 2,616 contingency fund notification for possible use of extra resource for Kenya situation for period June to December 2011.

<sup>(2)</sup> Contingency Fund notification for possible use of extra resource for Libya situation for period May to December 2011.

Note: the term "case" is used in the present table in a generic sense and encompasses not only all cases that are in the Pre-Trial, Trial or Appeals stage but also cases that are being investigated by the OTP where no application for an arrest warrant/or summons to appear has been made.

26. Regarding the situations in Uganda and Sudan, after the initial stages, where more resources were required for conducting investigations, presenting and opening cases and establishing the required support structures, the level of expenditure has decreased, since judicial activities are not moving 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.

27. 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 DRC. It is important to note that the different stages of the judicial proceedings also require different levels of support from the Registry on a number of the essential services that 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.

28. The situation-related budget components are subdivided into operations and activities related to the field and court-in-session activities, as summarised in the table below.

**Table 4: Budget for court-in-session and field activities situations (in €million)**

<i>Item</i>	<i>Proposed budget 2013</i>
<b>Court-in-session</b>	
Operational support	15.41
Trial 1 (Lubanga)	1.07
Trial 2 (Katanga/Ngudjolo)	1.71
Trial 3 (Bemba)	1.84
Trials (Ken 1 & 2)	1.21
<i>Subtotal court-in-session</i>	<i>21.24</i>
<b>Field operations and activities</b>	
Operational support	11.66
Situation 1 – Uganda	0.97
Situation 2 – DRC	7.78
Situation 3 – Darfur	1.78
Situation 4 – CAR	3.41
Situation 5 – Kenya	5.82
Situation 6 – Libya	1.71
Situation 7 - Côte D' Ivoire	4.58
<i>Subtotal field operations</i>	<i>37.72</i>
<b>Total</b>	<b>58.96</b>

#### 1. Growth analysis: main cost-drivers for 2013

29. In its 2013 budget proposal, the Court requests additional funds of €9.60 million, or 9.1 per cent. This increase has four major components: common system costs, rent and maintenance of its interim premises, legal aid and hearings for the Kenya situation.

**Table 5: Budget 2013 increase – main cost drivers**

<i>Item</i>	<i>Increase in € million</i>
Common system cost	3.88
Rent/maintenance interim premises	6.02
Legal Aid	0.90
Kenya hearings	2.04
Reductions	(3.24)
<b>Total</b>	<b>9.60</b>

**Table 6: Budget 2013 resource growth by Major Programme**

Comparative resource growth Total ICC	Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Situation- related		Total	Situation- related		Total	Basic	Situation- related
	Basic			Basic				
MP I: Judiciary	9,041.3	1,242.7	10,284.0	9,041.3	1,242.7	10,284.0	9,041.3	1,242.7
MP II: Office of the Prosecutor	5,034.7	2,268.9	27,723.7	5,034.7	2,268.9	27,723.7	5,034.7	2,268.9
MP III: Registry	32,166.8	32,874.9	65,041.7	32,166.8	32,874.9	65,041.7	32,166.8	32,874.9
MP IV: Secretariat of the Assembly of States Parties	2,777.3	0	2,777.3	2,777.3	0	2,777.3	2,777.3	0
MP V: Rent and maintenance (Interim premises)	0	0	0.0	0	0	0.0	0	0
MP VI: Secretariat of the Trust Fund for Victims	563.5	887.1	1,450.6	563.5	887.1	1,450.6	563.5	887.1
MP VII-1: Project Director's Office (Permanent Premises)	1,337.2	0	1,337.2	1,337.2	0	1,337.2	1,337.2	0
MP VII-5: Independent Oversight Mechanism	185.5	0	185.5	185.5	0	185.5	185.5	0
<b>Total</b>	<b>51,106.3</b>	<b>57,693.7</b>	<b>108,800.0</b>	<b>51,106.3</b>	<b>57,693.7</b>	<b>108,800.0</b>	<b>51,106.3</b>	<b>57,693.7</b>

## 2. Growth analysis: multi-year cost drivers, 2014 - 2016

30. The table below presents a mid-term plan for the knowable significant multi-year costs drivers of the Court as requested by the Committee: “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”.<sup>11</sup>

<sup>11</sup> Official Records ... Tenth session ... 2011 (ICC-ASP/10/20), vol. II, part B.2, para. 37.

**Table 7: Analysis of cost drivers**

	2014	2015	2016
<b>Staff costs</b>			
<i>Total staff costs</i> <sup>12</sup>	66,939,000	69,102,300	71,313,574
<b>Capital investment replacements</b> <sup>13</sup>			
Vehicles	768,303	579,624	110,328
Equipment	500,000	1,036,359	535,575
<i>Total capital investment replacements</i>	1,268,303	1,615,983	645,903
<b>Premises</b>			
Rent and maintenance of interim premises <sup>14</sup>	6,021,400	6,021,400	1,550,875
2 gv (non-integrated user equipment) <sup>15</sup>	3,300,000	13,500,000	100,000
Staff Budget for Permanent Premises	400,000	400,000	100,000
Estimated interest payment on host State loan <sup>16</sup>	1,659,706	3,627,525	6,970,132
Total cost of ownership permanent premises <sup>17</sup>	0	0	5,745,297
<i>Total premises</i>	11,381,106	23,548,925	14,466,304
<b>Special programmes/projects</b>			
African Union Liaison Office (AULO) <sup>18</sup>	393,000	393,000	393,000
IPSAS implementation <sup>19</sup>	285,200	64,350	0
<i>Total special programmes/projects</i>	678,200	457,350	393,000
<b>Grand total</b>	<b>80,266,609</b>	<b>94,724,558</b>	<b>86,818,781</b>

**(a) Common System Costs**

31. The common system staff costs encompass salaries, allowances and benefits. They are described in the booklet entitled “United Nations Common System of Salaries, Allowances and Benefits”, which is available on the website of the ICSC. Other aspects of terms and conditions of service, such as contract durations, etc., do not form part of this common system of salaries, allowances and benefits, although frameworks for such policy matters may be provided by the ICSC. Within the common system, salary scales, as well as certain allowances and benefits, are different for Professional and General Service staff. There are close to 50 organizations that follow the United Nations common system, including the Court.

32. The salary calculation methodology used to prepare the 2013 proposed salary scale is consistent with the past and is based on United Nations salary scales. This calculation has resulted in an increase in salary costs, including a minor increase in the post adjustment rate

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> Assume ICC vacates Interim Premises after Q1 2016, based on current lease agreement.

<sup>15</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. I, annex II.A. Costs for Box 4 (3 gv) will be part of the construction project budget.

<sup>16</sup> Different scales of assessment will have to be applied to States Parties depending on whether or not they use the one-time payment.

<sup>17</sup> Based on Long-Term Approach (LTA) with Medium Risk. Total Cost of Ownership comprises maintenance costs, but excludes many of the operational costs (e.g. utilities and cleaning). The additional amount requested cannot be evaluated at this stage of the project, but will be clarified in the 2014 proposed programme budget.

<sup>18</sup> Dependent on agreement of the African Union and of the government of Ethiopia, and assuming the AULO is set up in 2013.

<sup>19</sup> ICC-ASP/10/3. IPSAS projections are based on the plan as approved by CBF on the premise that the IPSAS project will be live in 2014 and will be completed by June 2015 upon audit of first IPSAS compliance statement. However, if the FRR changes are not approved by end of 2012, the project will be delayed, with a resultant increase in the staff cost requirement.

and in the salary scheme implemented for Professional staff in the field. The Court has to conform with the United Nations Common System in order to be part of the United Nations Joint Staff Pension Fund (UNJSPF).

33. There are also other common system costs which are shared by the Court on a pro-rata basis as established by the UN. Such costs include items such as UN/ICC Global shared security operating costs (the membership fee for the United Nations security management system), UN Local shared security operating costs, UN System Electronic Information Acquisitions Consortium (UNSEIAC) costs for sharing the UN databases.

**(b) Vacancy rate**

34. In light of the past vacancy rate and current trends, the following vacancy rates have been applied to this proposed budget: 5 per cent for Major Programme I, 8 per cent for Major Programme II and 10 per cent for the Registry and all other Major Programmes of the Court. The trend in vacancy rate over the past three years is shown in the table below.

**Table 8: Trend in vacancy rate over past three years**

<i>MP</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
I	11.6%	8.0%	2.1%
II	3.7%	6.5%	7.9%
III	11.3%	9.4%	8.2%
IV	66.7%	33.3%	33.3%
VI	37.5%	28.6%	14.3%
VII.1	33.3%	0.0%	0.0%
VII.5		100.0%	100.0%

35. As is normal practice in the Court and in organizations following the common system, no vacancy rate has been applied to General Temporary Assistance (GTA), as GTA contracts reflect the foreseen number of staff work-months needed to perform certain activities; and the number of work-months can be used in a flexible and more efficient way to perform tasks within a reduced timeframe (e.g. two staff for six months instead of one for twelve months). Any reductions through the application of a vacancy rate would inevitably result in a shortfall in capacity.

**(c) Rent on interim premises**

36. With the extension of the lease agreement for the Court's interim premises until 2016, the need arises to provide stakeholders with a clear overview of the interim premises resource requirements (the Arc and Haagse Veste buildings). The new costs of the leases and of maintenance formerly paid by the host State will be a recurrent one, until the Court moves to its permanent premises. The Court proposes to reinstate Major Programme V in order to ensure a transparent disclosure of such costs from 2013 onwards. Major Programme V had originally been introduced in the 2005 proposed programme budget<sup>20</sup> in order to provide stakeholders with a clear overview of the resources required by the Court to set up adequate premises for its operations, but was discontinued in 2009.

**(d) Capital investments**

37. The Court has been continually refining its requirements for capital investment acquisitions and replacements until 2015 in light of the move to its permanent premises, which is scheduled for 2016. As a result, the Court has managed to maximize the efficiency in the use of its available resources and extended investment cycles whenever possible.

<sup>20</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part II.A.2, paras. 22-24.

38. Following past practice, the requirements for capital investment replacements in the Court's proposed programme budget have been prioritized and reduced to the minimum.

**(e) Risk Management**

39. At the December 2011 meeting of the Court's Coordination Council, the Heads of Organs approved a strategy for improving the risk management system of the Court. The strategy consists of two main parts:

(a) Keep updating the risks and control measures identified during the assurance mapping by the United Nations Office of Internal Oversight Services ("OIOS") in 2011 at the request of the State Parties; and

(b) Develop an improved system in line with the standard practices in the field of risk management.

40. Part of the plan included engaging external expertise for 18 months to cover the period for the development of the improved system. However, the budgetary situation for 2012 did not allow the Court to proceed as planned. At its March 2012 meeting, the Coordination Council therefore adopted an approach adapted to the Court's budgetary reality: a minimalist risk register based on the OIOS report and focusing on the major strategic risks is in the process of being established, while a more elaborated development will take place if and when funds are made available in future budgets. This approach at least ensures that the major strategic risks are being managed to the extent possible, bridging the gap to a more comprehensive risk management system in the future.

**(f) Efficiency measures**

41. In addition to its efforts to achieve efficiencies through cooperation with States, the Court has developed a strategy focused on coordinated internal efforts to achieve greater efficiency. The Court's strategy is developed around the following major areas: managing efficiency and fairness of judicial activities, as well as other activities, including streamlining coordination mechanisms in order to avoid inefficiencies and assess the impact of the current relationships between the Court and its external stakeholders. However, it has become increasingly difficult for the Court to achieve efficiency gains as a result of the current budgetary constraints. It needs to be borne in mind that excessive reductions in resources can themselves create inefficiencies and impair performance.

## II. Proposed Programme Budget for 2013

### A. Major Programme I: Judiciary

#### Introduction

42. The activities of the Judiciary, comprised of the Chambers and the Presidency, have a profound impact on the perception of the Court as an institution and on the development of international criminal law. Ensuring the ability both of Chambers and of the Presidency to carry out their functions to the highest judicial and professional standards, and with maximum efficiency and effectiveness, is in the fundamental interest of the Rome Statute system.

43. In 2013, there will be extensive activity in all divisions of the Judiciary. A minimum of four cases will be in the trial or trial preparation stage. Activities in the Pre-Trial Division will continue. The Appeals Chamber will be hearing up to two final appeals, while judicial activities with regard to reparations, which commenced in 2012, are expected to continue. The aggregate workload of the Pre-Trial Chambers, Trial Chambers and the Appeals Chamber is expected to see a further increase in 2013 compared to 2012.

44. 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 2013 as agreed in April 2012 between the Presidency, the Office of the Prosecutor and the Registry, and amended in July due to recent developments in the *Kenya* situation.

45. Pre-trial activity in the situations in Libya, Sudan (Darfur) and the Democratic Republic of the Congo (DRC) will continue. In the situation in Côte d'Ivoire, no budgetary provision has been made regarding the case of *The Prosecutor v. Laurent Gbagbo* ("*Gbagbo*"), since the confirmation of charges phase before Pre-Trial Chamber III is not expected to reach a conclusion until late 2012. However, as stated in paragraph 16 above, a cost estimate for trial preparation will be provided in due course.

46. As regards trial activity, in the case of *The Prosecutor v. Thomas Lubanga Dyilo* ("*Lubanga*") the defendant was convicted in March of this year and sentenced on 10 July 2012, and the Court issued its decision on the principles applicable to reparations on 7 August. It is anticipated that final decisions in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* ("*Katanga/Ngudjolo*") (decision pursuant to article 74 of the Statute and, as the case may be, sentencing and reparations) will be rendered towards the end of the current year. Provision has also been made for the continuation of the trial of *The Prosecutor v. Jean-Pierre Bemba Gombo* ("*Bemba*"), including the extension of the presiding judge's term necessary to complete the proceedings.

47. Further, provision has been made for trial proceedings in the cases of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* ("*Ruto and Sang*") and *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta* ("*Muthaura and Kenyatta*"),<sup>21</sup> following Trial Chamber V's scheduling orders of 9 July 2012 setting the dates for the commencement of the trials on 10 and 11 April 2013, respectively. Also in *The Prosecutor v. Abdallah Banda Abakaer and Saleh Mohammed Jerbo Jamus* ("*Banda and Jerbo*"), provision has been made for a continued trial preparation phase, since it is not currently possible to foresee when the case might move to trial hearings, and therefore to quantify the possible cost.

48. Increased judicial activity is foreseen in the Appeals Chamber. In addition to interlocutory appeals and similar proceedings as in previous years, it is anticipated that there will be final appeals against the trial judgment and other decisions in *Lubanga* and *Katanga/Ngudjolo*.<sup>22</sup>

49. In order to staff the two chambers required for the *Kenya* trials (one for *Ruto and Sang* and one for *Muthaura and Kenyatta*), it is currently foreseen that three of the new judges elected on 11 March 2012 will need to be called to full-time service by the Presidency in the first semester of 2013. The judges will need to be called sufficiently in

<sup>21</sup> The "*Kenya cases*": ICC-01/09-01/11 and ICC-01/09-02/11.

<sup>22</sup> See further paras. 83-88 below.

advance to be able to familiarize themselves with the case file and to undertake the necessary preparatory steps for the commencement of trial proceedings.

50. On the information currently available the budget is based on the assumption that hearings in the two trials could initially run consecutively until the end of 2013.<sup>23</sup> However, the need for parallel trial hearings may arise in the course of the year due to case-specific circumstances and developments in the *Kenya* cases as well as other judicial developments impacting upon the Trial Division's workload that cannot presently be accurately determined.

51. It is not possible at this stage to predict if and when the last two of the newly elected judges will need in practice to be called to full-time service by the Presidency. The emerging case-load in 2013, combined with the precise timing of possible trials in *Banda and Jerbo* and *Gbagbo*, may well require additional judges to be called. However, this possibility cannot yet be accurately estimated, 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 current estimated budgetary requirements.

52. 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 in place provide a degree of flexibility allowing the Judiciary to address changing circumstances, although the need for temporary additional resources to cover specific case-related judicial requirements during 2013 cannot be excluded.

53. The proposed programme budget for Major Programme I is divided into the Presidency, Chambers and the Liaison Offices. Presidency and Chambers are organs of the Court pursuant to article 34 of the Rome Statute. The New York Liaison Office ("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 for administrative purposes within the Presidency's budget.

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<sup>23</sup> Possible judicial developments make it likely that in 2014 provision will have to be made for parallel trial hearings to avoid substantial delays in particular cases.

**Table 9 Major Programme I: Proposed budget for 2013**

Programme I Judiciary	Expenditure Budget 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Judges	5,789.1		5,789.1		5,789.1	5,111.9		5,111.9	4,764.4		4,764.4	-347.5	-6.8
Professional staff	3,369.3	512.0	3,881.3		3,881.3	2,756.3	452.0	3,208.3	3,086.8	509.2	3,596.0	387.7	12.1
General Service staff						804.3	181.8	986.1	901.5	200.2	1,101.7	115.6	11.7
<i>Subtotal staff</i>	<i>3,369.3</i>	<i>512.0</i>	<i>3,881.3</i>		<i>3,881.3</i>	<i>3,560.6</i>	<i>633.8</i>	<i>4,194.4</i>	<i>3,988.3</i>	<i>709.4</i>	<i>4,697.7</i>	<i>503.3</i>	<i>12.0</i>
General temporary assistance	621.2	304.5	925.7	484.1	1,409.8	99.3	608.9	708.2	114.7	1,172.6	1,287.3	579.1	81.8
Temporary assistance for meetings													
Overtime													
Consultants	17.9		17.9		17.9	14.4		14.4	25.0		25.0	10.6	73.6
<i>Subtotal other staff</i>	<i>639.1</i>	<i>304.5</i>	<i>943.6</i>	<i>484.1</i>	<i>1,427.7</i>	<i>113.7</i>	<i>608.9</i>	<i>722.6</i>	<i>139.7</i>	<i>1,172.6</i>	<i>1,312.3</i>	<i>589.7</i>	<i>81.6</i>
Travel	142.7		142.7		142.7	159.2		159.2	151.9	39.3	191.2	32.0	20.1
Hospitality	14.1		14.1		14.1	12.0		12.0	17.0		17.0	5.0	41.7
Contractual services						5.0		5.0	5.0		5.0		
Training	10.4		10.4		10.4	10.8		10.8	24.0		24.0	13.2	122.2
General operating expenses	34.4		34.4		34.4	63.3		63.3	63.3		63.3		
Supplies and materials	2.3		2.3		2.3	4.8		4.8	5.0		5.0	0.2	4.2
Furniture and equipment	1.6		1.6		1.6								
<i>Subtotal non-staff</i>	<i>205.5</i>		<i>205.5</i>		<i>205.5</i>	<i>255.1</i>		<i>255.1</i>	<i>266.2</i>	<i>39.3</i>	<i>305.5</i>	<i>50.4</i>	<i>19.8</i>
<b>Total</b>	<b>10,003.0</b>	<b>816.5</b>	<b>10,819.5</b>	<b>484.1</b>	<b>11,303.6</b>	<b>9,041.3</b>	<b>1,242.7</b>	<b>10,284.0</b>	<b>9,158.6</b>	<b>1,921.3</b>	<b>11,079.9</b>	<b>795.9</b>	<b>7.7</b>
Distributed maintenance	113.1	28.8	141.9		141.9	124.0	28.0	152.0	116.8	27.0	143.8	10.1	7.1

**Table 10: Major Programme I: Proposed staffing for 2013**

Judiciary	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				2	1	21	4		28	1	12	13	41
	Situation-related				1	2		1		4		3	3	7
	<i>Subtotal</i>				<i>3</i>	<i>3</i>	<i>21</i>	<i>5</i>		<i>32</i>	<i>1</i>	<i>15</i>	<i>16</i>	<i>48</i>
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

54. The Presidency has three strategic priorities for 2013, which reflect its primary areas of responsibility:

(a) Legal: to carry out its legal and 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 render efficient and transparent administrative and management support to the Judiciary, and 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 international support for and cooperation with the Court, to encourage full implementation and global ratification of the Rome Statute, and to enhance the coordination of external relations activities within the Court.

55. In 2012, the Presidency's achievements under these three functions have included the signing of a number of enforcement and other agreements with States Parties and international organisations, as well as expanding the universality of the Rome Statute. Further, the Presidency has continued to foster the President's administrative oversight of the Court as a whole.<sup>24</sup>

(a) In the first months of 2012, the legal team of the Presidency negotiated a number of cooperation agreements, including on the enforcement of sentences, with States and international organizations, of which two have been concluded to date. More are expected to be concluded by the end of the year. Since the beginning of the year, the team has also provided logistical and legal support for four meetings and four plenary sessions of the judges and supported the rendering of six judicial decisions, mostly confidential in nature. These figures are expected to rise further in the course of the year;

(b) On administrative issues, the Presidency has facilitated the smooth induction of five new judges and their assignment to the judicial divisions. The sixth judge was unfortunately unavailable and will have to be sworn in at a later date. Further, the Presidency continues its efforts to improve the operational and strategic management of the Court, in cooperation with the Registry and the Office of the Prosecutor; and

(c) In the area of external relations, the President and Vice-Presidents have raised awareness of the Court among senior decision-makers, legal communities and civil society. The Presidency has taken the lead in enhancing coordination of efforts among key actors to promote universality of the Rome Statute.

56. The legal work of the Presidency includes judicial review of administrative decisions, as well as facilitating the ongoing judicial operations of the Court. In 2013, the Presidency, through its legal function, will continue to support Chambers in their conduct of fair, effective, and expeditious proceedings (Strategic Goal I). Through its legal team, the Presidency assigns judges to divisions, 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. Anticipating the issuance of two final judgments and possible prison sentences being imposed in 2013, the legal team must continue to 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.

<sup>24</sup> With the exception of the Office of the Prosecutor (article 38(3)(a) of the Statute).

57. The external relations team supports the Presidency in its external relations capacity. As the external face of the Court,<sup>25</sup> the President liaises with States, international organizations and civil society, ensuring that the Court is a well-recognised and supported institution (Strategic Goal 2). The President raises awareness globally about the Court, drawing attention to the Court's mandate and the goals of the Rome Statute, urging States to respect their obligations toward the Court, and encouraging more States to join the Rome Statute. The external relations team further supports the Presidency in its task of coordinating and consulting with the Prosecutor on external relations issues and providing strategic guidance to the Registry and overseeing its external relations and public information activities.

58. In his administrative function pursuant to articles 38 and 43 of the Rome Statute, the President exercises strategic oversight of 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. It cooperates with the legal department in the area of policy development for the Court as a whole. The administrative team of the Presidency also facilitates the Judiciary's interaction with States Parties in the context of the Study Group on Governance of the Assembly.

### Objectives

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</i>
<b>Objective 1</b> 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.	<ul style="list-style-type: none"> <li>– Provide administrative and legal support to the plenary of the judges</li> <li>– Progress in the field of international cooperation and enforcement of sentences</li> <li>– Manage efficiently applications to the Presidency</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> <li>Negotiate two Agreements</li> <li>All decisions issued within agreed timeline</li> </ul>
<b>Objective 2</b> Maintain and increase support for the Court	<ul style="list-style-type: none"> <li>– Conduct high-level meetings with States, international organisations and civil society</li> <li>– Deliver speeches at major conferences</li> <li>– Participate in diplomatic and NGO briefings</li> <li>– Grant interviews and participate in press conferences</li> </ul>	<ul style="list-style-type: none"> <li>100</li> <li>10</li> <li>2 + 2</li> <li>15 + 2</li> </ul>
<b>Objective 3</b> Render efficient and transparent administrative and management support to the Judiciary; optimize internal and external governance structure and strengthen Presidency's strategic leadership within that framework	<ul style="list-style-type: none"> <li>– Manage staffing structure of Judiciary under present budgetary constraints</li> <li>– Facilitate communication and information exchange between Judiciary and Working Groups of the Assembly</li> <li>– Strengthen Presidency's strategic leadership and oversight of the Registry</li> <li>– Optimise internal governance structure</li> <li>– Assist and advise the President and Vice-Presidents comprehensively and effectively</li> <li>– Improve consistent external governance structure</li> <li>– Oversee finalization of the Management Control System</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> </ul>

<sup>25</sup> ICC-ASP/9/34, p. 12.

## Staff resources

### *Presidency allowances*

59. The proposed programme budget for 2013 makes a provision of €28,000 for funds to cover special allowances for the President,<sup>26</sup> and for the First or Second Vice-President if acting as President.<sup>27</sup> The salaries of the three members of the Presidency have been included in Sub-programme 1200.

### *Current staffing*

60. 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 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 strategic oversight of the administrative functions of the Registrar and coordination with the Office of the Prosecutor. The Special Assistant is responsible for the preparation and coordination of the President's interaction with the other organs, as well as with the Assembly and its subordinate bodies. The Special Assistant also coordinates the preparation of the Judiciary's budget under the supervision of the Chef de Cabinet. The Associate Administrative Officer (P-2) is responsible for the technical and accounting details of the budget preparation, monitors its implementation and provides financial reporting for Major Programme I. The Associate Administrative Officer also coordinates staffing resources within 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 within 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.

61. 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 supervision of enforcement of sentences, forfeitures and other orders. In order to efficiently prepare for the eventuality of final sentences being imposed in 2012-2013 and ensuring that monitoring mechanisms will be in place, a Legal and Enforcement Unit was set up within the Presidency pursuant to regulation 113 of the Regulations of the Court. It is staffed by the legal team, and headed by the Legal Adviser (P4). In addition to the other legal functions of the Presidency, the Legal and Enforcement Unit will continue to prepare for the enforcement of sentences, and to negotiate and prepare the conclusion of cooperation and enforcement agreements in 2013.

### *General temporary assistance*

62. In light of the above, and given that the workload in this area is expected to further increase in the near future as the Presidency implements its functions of enforcement of sentences and other orders, it is vital for the efficient and expeditious discharge of the Presidency's legal and judicial functions that the Legal and Enforcement Unit retains the continued support of the GTA P-3 Legal Officer. Mindful of the Committee's recommendation that the number of permanent posts be frozen at its approved 2010 level until a comprehensive review of the Court's structure including a re-justification of all posts has been conducted,<sup>28</sup> the Presidency will not seek the conversion of the GTA position into a permanent post in the 2013 budget, but will return to this at a future time.

<sup>26</sup> *Official Records ... Second session ... 2003* (ICC-ASP/2/10), part III.A.I.B.

<sup>27</sup> *Ibid.*, part III.A.I.C.

<sup>28</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 81, and *Report of the Committee on Budget and Finance dated 22 May 2012 on the work of its eighteenth session* (ICC-ASP/11/15), para. 25.

*Strategic Planning Coordinator*

63. 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 assisting in the creation of a comprehensive risk register for the Court and driving the strategic planning and implementation process forward, and as such is regarded as formally distinct from the general Presidency staff.

*Consultants*

64. 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. In particular, expert advice may be required on specific items related to the Court's arrangements for the enforcement of sentences. The Legal and Enforcement Unit is expected to require specific expert advice on the issues of divergent national practice as regards conditions and eligibility for early release and any other conditions regarding the length of convicted prisoners' sentence; and on the review practices of prison conditions by international organisations such as the International Committee of the Red Cross.

**Non-staff resources***Travel*

65. Recurrent. A provision of €180,100 has been included in the Presidency's budget to cover all judges' travel.<sup>29</sup> Of this figure, an estimated €62,700 is assigned to the Presidency, reflecting 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 these functions and any travel of the Vice-Presidents associated with the President's external relations functions.

*Training*

66. Recognising that training provided with a view to enhancing the specialist expertise of its staff will directly contribute to the achievement of its strategic goals, the Presidency provides funding for specialised training opportunities for its staff. In particular, the present budget includes a provision for specific training for the Legal and Enforcement Unit on matters concerning international provisions and standards on the enforcement of prison sentences, including international treaty instruments on the conditions of detention and the monitoring of those conditions. Such training is essential in light of the Presidency's anticipated activities in 2013 in relation to the enforcement of sentences as a result of judicial developments at the Court. A provision for sufficient training in this regard will have a direct impact on the efficiency and quality with which the Presidency can fulfil its enforcement tasks, thus avoiding, as far as possible, any need for further strengthening of staff resources in this area.

*Hospitality*

67. Recurrent. A provision of €15,000 has been included in the Presidency's budget to cover necessary hospitality costs associated with visits of Heads of States, ministers and diplomats to the President or the Vice-Presidents. In 2011 the President received a total of approximately 91 separate official visits. This number is likely to remain at a comparable level in 2012 and 2013. Further, the hospitality budget is used to cater for any judiciary-related ceremony such as, in 2012, the reception associated with the swearing-in of judges and the giving of their solemn undertaking. The Presidency also contributes to Court events jointly funded by all three organs.

<sup>29</sup> The figure reflects the Assembly's endorsement of the recommendation of the Committee that the allocation previously reserved for judges' travel in Sub-programme 1200 (Chambers) be included in the Presidency's budget. (*Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II.E. and vol. II, part B.2.D.1, para. 83.) There is no provision for any site visit in 2013.

**Table 11: Programme 1100: Proposed budget for 2013**

1100 The Presidency	Expenditure Budget 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Judges	954.8		954.8		954.8	28.0		28.0	28.0		28.0		
Professional staff	846.5		846.5		846.5	707.8		707.8	793.1		793.1	85.3	12.1
General Service staff						258.9		258.9	283.9		283.9	25.0	9.7
<i>Subtotal staff</i>	<i>846.5</i>		<i>846.5</i>		<i>846.5</i>	<i>966.7</i>		<i>966.7</i>	<i>1,077.0</i>		<i>1,077.0</i>	<i>110.3</i>	<i>11.4</i>
General temporary assistance	295.8	-1.8	294.0		294.0	99.3		99.3	114.7		114.7	15.4	15.5
Temporary assistance for meetings													
Overtime													
Consultants									15.0		15.0	15.0	
<i>Subtotal other staff</i>	<i>295.8</i>	<i>-1.8</i>	<i>294.0</i>		<i>294.0</i>	<i>99.3</i>		<i>99.3</i>	<i>129.7</i>		<i>129.7</i>	<i>30.4</i>	<i>30.6</i>
Travel	121.6		121.6		121.6	150.3		150.3	140.8	39.3	180.1	29.8	19.8
Hospitality	13.4		13.4		13.4	10.0		10.0	15.0		15.0	5.0	50.0
Contractual services													
Training	7.8		7.8		7.8				6.0		6.0	6.0	
General operating expenses													
Supplies and materials													
Furniture and equipment	1.6		1.6		1.6								
<i>Subtotal non-staff</i>	<i>144.4</i>		<i>144.4</i>		<i>144.4</i>	<i>160.3</i>		<i>160.3</i>	<i>161.8</i>	<i>39.3</i>	<i>201.1</i>	<i>40.8</i>	<i>25.5</i>
<b>Total</b>	<b>2,241.5</b>	<b>-1.8</b>	<b>2,239.7</b>		<b>2,239.7</b>	<b>1,254.3</b>		<b>1,254.3</b>	<b>1,396.5</b>	<b>39.3</b>	<b>1,435.8</b>	<b>181.5</b>	<b>14.5</b>
Distributed maintenance	30.3		30.3		30.3	33.3		33.3	33.4		33.4	3.0	9.9

**Table 12: Programme 1100: Proposed staffing for 2013**

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>					<i>1</i>	<i>1</i>	<i>3</i>	<i>2</i>		<i>7</i>	<i>1</i>	<i>3</i>	<i>4</i>	<i>11</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>2</b>		<b>7</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>11</b>	

## 2. Programme 1200: Chambers

68. Pursuant to article 34(b) of the Rome Statute, Chambers consist of three Divisions: Pre-Trial, Trial and Appeals. The Presidency decides on the assignment of judges to all judicial divisions<sup>30</sup> and assigns situations and cases to the Pre-Trial and Trial Divisions. The Appeals Division deals with interlocutory and final appeals against decisions taken in the other divisions.

### Pre-Trial Division

69. Following the decision by Pre-Trial Chamber III on 3 October 2011 authorizing the Prosecutor to open an investigation pursuant to article 15 of the Rome Statute in Côte d'Ivoire, the Pre-Trial Chambers are currently seized of seven situations, namely Central African Republic, Sudan (Darfur), Democratic Republic of the Congo, Kenya, Uganda, Libya, and now Côte d'Ivoire. In March 2012 the number of Pre-Trial Chambers was reduced by the Presidency from three to two, and the assignment of situations to the Chambers was adjusted accordingly.

70. A minimum of six judges are to be assigned to the Pre-Trial Division at all times.<sup>31</sup> Four of the judges currently assigned to the Division are each assigned to one of the two Chambers. Two of these judges are also assigned to Trial Chambers. One further judge has been assigned to both Pre-Trial Chambers. The sixth judge in the Division has not yet been called to full-time service.<sup>32</sup> Since 2009, some judges of the Pre-Trial Division have also been temporarily assigned to the Appeals Division for the purpose of hearing interlocutory appeals.

71. Division staff currently consists of twelve posts, namely one P-5 Senior Legal Adviser, six P-3 Legal Officers,<sup>33</sup> one P-2 Associate Legal Officer, one GS-OL Research Assistant and three GS-OL Administrative Assistants.

72. The seven situations of which the Pre-Trial Chambers are seized in 2012 may result in further applications being presented to the Pre-Trial Chambers by parties and participants in the various proceedings in 2013.

73. The nature of proceedings before the Pre-Trial Chambers is such that initial appearances, new applications and other requests cannot be foreseen 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 2013. Experience having shown 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, so as to provide it with an adequate surge capacity to address efficiently periods of peak activity which do not yet warrant access to the Contingency Fund.

74. Compared to the Court's 2012 budget, taken together with the 2012 supplementary budget for the situation in Côte d'Ivoire, the total resources requested for the Pre-Trial Division in the current budget proposal are lower than in last year's request.

### Trial Division

75. The Trial Division is currently composed of six judges, three of whom have not yet been called to full-time service.<sup>34</sup> Further, in accordance with articles 36(10) and 39(3)(a) of the Rome Statute, the mandates of six judges have been extended so as to enable them to complete trials in respect of which hearings had already commenced when their original mandates expired. Since the constitution of Trial Chamber V on 29 March 2012 and the referral to it of the *Kenya* cases,<sup>35</sup> the judges have been assigned to five Chambers,

<sup>30</sup> Such decision follows consultation with the judges. See Rule 4bis of the Rules of Procedure and Evidence.

<sup>31</sup> See article 39 of the Rome Statute.

<sup>32</sup> As one of the newly elected judges has not yet been sworn in, the Presidency has not yet been in a position to assign that judge to either the Pre-Trial or the Trial Division.

<sup>33</sup> In the interests of efficiency, legal officers are assigned to work on more than one case at the same time, or are even deployed across divisions.

<sup>34</sup> One of the newly elected judges has yet to be assigned to a division. See footnote 32 *supra*.

<sup>35</sup> *Decision constituting Trial Chamber V and referring to it the case of The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, 29 March 2012, ICC-01/09-02/11-406, and *Decision referring the case of The Prosecutor*

currently hearing the *Lubanga*, *Katanga/Ngudjolo* and *Bemba* cases, and preparing the *Banda/Jerbo* and both *Kenya* cases.<sup>36</sup>

76. The staffing of the Trial Division comprises the posts of one P-4 Legal Adviser, seven P-3 Legal Officers assigned to assist the judges,<sup>37</sup> one P-2 Associate Legal Officer and one GS-OL Research Assistant, as well as three GS-OL Administrative Assistants.

77. The division currently has three ongoing trials, namely *Lubanga*, *Katanga/Ngudjolo* and *Bemba*, and limited supplemental GTA funds approved in the 2012 programme budget have been used to address the additional workload resulting from these proceedings.

78. Judgments in *Lubanga* on conviction and sentencing have already been rendered, as has the decision on the principles applicable to reparations. Trial proceedings in *Katanga/Ngudjolo* are expected to conclude in the autumn of 2012, with a judgment under article 74 of the Rome Statute issued in the third quarter of 2012, and followed as appropriate by any decisions on sentencing and reparations.

79. In the *Bemba* case, Trial Chamber III is expected to continue hearing the Defence evidence in the first half of 2013. The large number of victims participating in the trial may have an impact on the course of the proceedings, in particular on possible reparations proceedings in the event that the accused is convicted. At this stage, it is expected that the presentation of evidence will conclude towards the middle of 2013, and that the Chamber will issue an article 74 judgment in the fourth quarter of 2013, with possible sentencing and reparations proceedings following thereafter.

80. Following the confirmation of charges decision, in March 2011 Trial Chamber IV was constituted and assigned the *Banda/Jerbo* case. Because of complex issues arising during preparations for the trial hearing, it is not possible at present to predict when the hearing will commence.

81. On 23 January 2012, Pre-Trial Chamber II issued its decisions on the confirmation of charges in both *Kenya* cases.<sup>38</sup> While the Chamber declined to confirm the charges against Mr. Kosgey and Mr. Ali, it confirmed the charges against Mr. Ruto, Mr. Sang, Mr. Muthaura and Mr. Kenyatta and committed them to trial. Given the number of persons committed to trial in the two cases, as well as the overall complexity of the cases, it became clear that Trial Chamber V would require additional resources in order to prepare the cases for trial in an adequate and expeditious manner. These additional requirements were the subject of a Contingency Fund notification submitted to the Committee on Budget and Finance on 1 June 2012. They will continue to be needed in 2013 in order to finalize the trial preparation phase and to continue to assist the two *Kenya* trial chambers during the trial proceedings. These resources have therefore been included in the Chambers' GTA provision.

82. While the Trial Division remains mindful of the fact that some resources will be released through the termination of the *Lubanga* and *Katanga/Ngudjolo* trials in 2012, and that these will be available for redeployment to other cases, it is nonetheless clear from experience in 2012 that, in order to avoid procedural delays in cases with multiple accused, large volumes of evidence or large numbers of victims' applications, there will be a recurring need for additional staff resources, and that the Trial Division will require the flexibility of GTA funding over and above the level of additional resources approved for 2012.

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v. *Francis Kiriimi Muthaura and Uhuru Muigai Kenyatta to Trial Chamber V*, 29 March 2012, ICC-01/09-02/11-414.

<sup>36</sup> The Court notes that the creation of only one Trial Chamber for the preparatory stage of the two *Kenya* cases (Trial Chamber V) serves as an interim solution, allowing the Court to carry out the initial stage of the necessary trial preparation in both cases with the absolute minimum of additional resources, in particular regarding the number of newly elected judges that will need to be called to full-time service in the first semester of 2013.

<sup>37</sup> The post of the seventh P-3 legal officer would be assigned to the judge whose swearing-in and assignment to a division is still outstanding. The placement of this resource in the Trial Division reflects the current heavy workload of the division.

<sup>38</sup> *Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute*, ICC-01/09-01/11-373; *Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute*, ICC-01/09-02/11-382-Red.

## Appeals Division

83. 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 reparations at the end of a trial. Final appeals involve a substantially greater workload than interlocutory appeals, as the entirety of the trial proceedings may have to be reviewed, and additional evidence may have to be assessed.

84. 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.

85. In 2011, the Appeals Chamber decided 19 interlocutory appeals and similar proceedings, arising from the cases of *The Prosecutor v. Lubanga Dyilo*, *The Prosecutor v. Katanga and Ngudjolo Chui*, *The Prosecutor v. Bemba*, *The Prosecutor v. Mbarushimana*, *The Prosecutor v. Ruto et al.*, *The Prosecutor v. Muthaura et al.* and *The Prosecutor v. Banda and Jerbo*. Between 1 January and 25 May 2012, eight interlocutory appeals and similar proceedings were lodged before the Appeals Chamber. It is anticipated that in 2013 the overall number of interlocutory appeals will remain at approximately the same level as in recent years. It may rise if there are additional situations and cases before the Court.

86. In addition, it is expected that during 2013 the Appeals Chamber will hear appeals against the decisions on conviction, sentence and reparations in *The Prosecutor v. Lubanga Dyilo* and the final decisions of the Trial Chamber in *The Prosecutor v. Katanga and Ngudjolo Chui*. The decisions on conviction and sentence in *Lubanga* having been rendered on 14 March and 10 July 2012 respectively, the decision on reparations is expected in early August 2012. It is also anticipated that the final decisions in the *Katanga and Ngudjolo* case will be rendered in the third/fourth quarter of 2012. Any appeal against those decisions will have to be filed within 30 days of notification of the impugned decision or, in the case of *Lubanga*, the notification of the French translation of the decision.

87. In light of the anticipated timing of the various decisions of the Trial Chambers in the *Lubanga* and *Katanga and Ngudjolo Chui* cases, it is expected that proceedings in the final appeals will in practice need to proceed in parallel and require two additional GTA resources. The length of these proceedings is difficult to predict. However, it may be noted that, on average, it takes the Appeals Chambers of the ICTY and ICTR – which have a developed practice on final appeals, and where many legal issues have been settled through jurisprudence – 79 weeks from the filing of the appeal brief (the equivalent of the document in support of the appeal at the ICC) and the delivery of the judgment on appeal. Accordingly, based on the experience at the ICTY and ICTR, and given also that these will be the first final appeals to be heard by the ICC Appeals Chamber, it is assumed that the Appeals Chamber will be hearing final appeals from the *Lubanga* and *Katanga and Ngudjolo* cases throughout 2013 at least.

88. While other cases before the Court are at the trial stage, it is not currently anticipated that the timing of those cases will generate final appeals leading to additional workload in the Appeals Chamber before 2014.

## 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)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</i>
Objective Pre-Trial Division	<ul style="list-style-type: none"> <li>– Shorten time lines between the first appearance of a suspect and the confirmation of charges hearing through: <ul style="list-style-type: none"> <li>- close monitoring of the disclosure process and imposing strict deadlines especially on the Office of the Prosecutor;</li> <li>- ensuring that requests for redactions are presented in a timely and orderly manner by the Office of the Prosecutor to ensure expeditious treatment by the Chamber;</li> <li>- streamlining the handling of victim applications for participation including through the implementation of a collective application process.</li> </ul> </li> <li>– Prepare cases for trial in the most efficient way and, to this end, <ul style="list-style-type: none"> <li>- define precisely the scope of the cases to be sent to trial so that charges not supported by sufficient evidence are not confirmed;</li> <li>- ensure case file is assembled in the best form to meet the needs of Trial Chambers;</li> <li>- shorten timelines between confirmation of charges decision and transfer of case file to the Trial Chamber.</li> </ul> </li> <li>– Enhance the sharing of information between the Pre-Trial Chambers in order to develop more efficient practices and common standards;</li> <li>– Positively affect proceedings at the trial stage by, where possible, resolving issues 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> <li>– Support Court “lessons-learned” exercise based on pre-trial experience.</li> </ul>	Full implementation
Objective Trial Division	<ul style="list-style-type: none"> <li>– Related to the proceedings: <ul style="list-style-type: none"> <li>- Issue decisions within agreed time-frame;</li> <li>- Streamline handling of victim applications for participation in cooperation with the Registry;</li> <li>- Support “lessons-learned” exercise based on trial experience (particularly those trials that have concluded) with a view to establishing what practices or procedures of the Trial Division may be amended in order to promote more efficient proceedings.</li> </ul> </li> <li>– Related to the internal structure: <ul style="list-style-type: none"> <li>- Maintain, as far as possible, flexible work patterns through multiple assignment of legal officers and other legal staff to different cases;</li> <li>- In consultation with the Registry, 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>- Enhance sharing of practices between the Trial Chambers;</li> <li>- Ensure that the lines of communication with the relevant sections of the Registry are maintained;</li> </ul> </li> <li>– Further enhance cooperation and communication with Pre-Trial Division in matters of mutual concern, in particular regarding the transfer of case files from the Pre-Trial Chambers.</li> </ul>	Full implementation
Objective Appeals Division Conduct fair, effective, and expeditious interlocutory and final appeals in accordance with the Rome Statute and high legal standards, ensuring full exercise of the rights of all participants	<ul style="list-style-type: none"> <li>– Issue decisions and judgments on interlocutory appeals within agreed time frame</li> <li>– Progress on work on final appeals within agreed time frame</li> <li>– Application and, where necessary, adaption of working methods for the disposal of the first final appeals;</li> <li>– Preparation and anticipation of procedural and administrative issues in order to guarantee time-efficiency while respecting the rights of the parties</li> <li>– Monitor working methods for interlocutory appeals and revise, if necessary, in particular in light of experience with hearing interlocutory appeals at the same time as final appeals;</li> <li>– Use of internal standard operating guidelines to ensure (time-)efficient disposal of interlocutory and final appeals</li> <li>– Use of internal data bases to establish coherent Appeals Chamber jurisprudence on recurrent issues</li> </ul>	<ul style="list-style-type: none"> <li>- Decisions and judgments issued on time</li> <li>- Work progressed on time</li> <li>- Working methods for appeals monitored throughout the year.</li> </ul>

## Judges' salaries and entitlements

89. The proposed programme budget for 2013 makes provision for the remuneration of 16 full-time judges, as well as their allowances such as pension contributions and education grants, as detailed in Annex V(c). The Annex also includes the additional costs of one judge's relocation.<sup>39</sup>

90. The terms of office of six judges of the Court expired on 10 March 2012. The terms of certain judges have been extended during 2012 in order to complete current trials. The current assumptions for 2013 foresee the extension of the term of office for one judge pursuant to articles 36(10) and 39(3) of the Rome Statute for nine months in the Trial Division hearing the *Bemba* case. Additional costs will be incurred in 2013 in relation to the relocation of the judge at the expiration of her mandate following the termination of the *Bemba* case.

91. Acting pursuant to article 35(3) of the Rome Statute, the Presidency will decide when to call other newly elected judges to full-time service during 2013. On the basis of the current limited assumptions, of the judges elected on 11 March 2012, only one has so far been called to serve on a full-time basis. A further three judges will need to be called in the first semester of 2013. However, as outlined previously (see paras. 16, 17, 45 and 47 above), these assumptions do not take into account possible future developments in the proceedings in *Banda/Jerbo* and Côte d'Ivoire, which may necessitate calling one or more newly elected judges to full-time service in the course of 2013.

## Staff resources

### *Current staffing*

92. The Judiciary has continued to develop its efforts to maximise operational flexibility within its established staffing structure so as to address changing workload distribution and to enhance efficiency within and between divisions. Operational staff shortages are addressed wherever possible 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, thereby leading to overall efficiency gains.

### *General temporary assistance*

93. *Pre-Trial Division*. Recurrent. The Pre-Trial Division has a generic recurring need for additional resources during periods of peak activity, which by the nature of pre-trial work can arise at very short notice. 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. In particular the increasing workload generated through the Court's victim participation mandate, as well as the division's objective of shortening time lines for labour-intensive disclosure and evidence assessment at particular stages in the pre-trial process, have made this need ever more pressing. Typical tasks of these GTA resources include, but are not limited to: the organization of disclosure of evidence for purposes of confirmation hearings; analysing and summarising the relevant evidence on witness protection issues; preliminary analysis of victims' applications for purposes of participation in the proceedings; legal analysis and preparation of draft decisions or bench memoranda on items such as redaction requests, cooperation issues and jurisdiction challenges, as well as for interlocutory appeals filed by parties in respect of a decision of a Chamber.

94. *Trial Division*. Recurrent. Twelve months of additional GTA resources at the P-3 level respectively will continue to be necessary in order to ensure the efficient and expeditious conclusion of cases before the Trial Chambers and to avoid a backlog of work, leading to unnecessary extension of proceedings. In addition, the Trial Division will face the commencement of two trials of unprecedented complexity in the *Kenya* situation, which

<sup>39</sup> The annex, however, makes no provision for the entitlements of the newly elected judge who has yet to be sworn in (see footnotes 32 and 34 *supra*).

will need to be heard before separate Chambers. Continuation of the resources already requested from the Contingency Fund in May 2012 for the two *Kenya* cases will be essential. Accordingly, two P-3 Legal Officers funded from GTA, three P-1/P-2 Assistant/Associate Legal Officers funded from GTA, and one GS-OL Administrative Assistant will be necessary in order to ensure the efficient and expeditious conduct of proceedings.<sup>40</sup> Further, given that the staff supporting two of the three judges in the *Bemba* case are working simultaneously on other cases, additional support amounting to nine months of GTA resources at P-3 and P-1/2 level respectively will be required to avoid several months' delay in concluding the trial stage of the case.

95. These resources will be required *inter alia* for the following specific activities: analysing and summarising the relevant evidence submitted by the parties; preliminary analysis of victims' applications for the purposes of participation in the proceedings; legal analysis and preparation of draft decisions or bench memoranda on any procedural issue emerging during the proceedings; extensive in-depth research on the law applicable to the crimes charged, as well as on procedural issues; attending trial hearings and preparing procedural minutes of the hearings; liaising with the Registry, parties and participants and drafting instructions for issue by the Chamber; and assisting the judges in drafting parts of the legal and factual sections of the final judgment.

96. *Appeals Division.* Twenty-four months of additional General Temporary Assistance at the P-3 level will be required to cover the additional workload arising from the hearing in parallel of the final appeals in the *Lubanga* and *Katanga and Ngudjolo Chui* cases, over and above the normal workload for interlocutory appeals. The Appeals Chamber organizes its legal staff on a team basis. The teams are coordinated by the Senior Legal Adviser. A team of at least three P-grade staff members will be assigned to each final appeal; in addition, a separate team for interlocutory appeals will have to be composed, which should comprise at least two P-grade staff members. Accordingly, given the assumptions for the workload in 2013, at least six P-grade staff are required to cover final appeals, and at least two to cover interlocutory appeals. Thus, two additional staff members at the P-3 level on a GTA basis are required to cover the additional workload. Typical tasks of these GTA resources are largely comparable to those in the Pre-Trial and Trial Chambers and include, but are not limited to: in-depth legal research on substantive and procedural issues raised on appeal; assessing and summarizing the parties' appeals submissions; assisting the judges in drafting parts of the appeals decisions; liaising as necessary with the Registry, parties and participants; participating in meetings of the judges; and preparing and rendering in-court support for appeals hearings.

97. It should be noted that the projected requirement of two additional staff members is a very conservative calculation, given that the expected number of interlocutory appeals is likely to remain the same as in previous years, when all current Appeals Chamber staff were available to work on interlocutory appeals. It is therefore likely that in 2013, with only two staff working on interlocutory appeals, the work on certain of such appeals may have to be delayed; in light of past experience, the need for further additional resources may have to be revisited. Nevertheless, in line with a cautious approach to requesting additional resources, the Appeals Chamber will attempt to meet the workload arising from interlocutory appeals with these limited resources.

#### *Consultants*

98. A provision of €10,000 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. More specifically, the provision is for so-called Short-Term Service Agreements ("SSA"), by which additional individual contractors can be hired for very short periods in order to carry out urgent work during peak periods of activity in the divisions and chambers.

<sup>40</sup> For the particular tasks carried out by the requested staff resources, reference is made to the Court's Contingency Fund notification in the situation in the Republic of Kenya of 1 June 2012.

99. While the Court is not in a position to predict precise particulars of SSA contracts to be issued in 2013, the provision of €10,000 is based on actual experience in recent years. Contractors hired on an SSA basis are usually used for short periods of a few weeks or months for the following tasks:

- (a) assessment of victim participation requests;
- (b) classifying of evidence;
- (c) assessment of redactions; and
- (d) drafting of witness statement summaries.

100. In particular, the increasing workload generated through the Court's victim participation mandate, as well as the Trial Chambers' efforts to achieve time efficiencies in the proceedings, generate brief periods of substantially increased workload, which can be met most efficiently through SSA resources.

101. Should any other unexpected need arise, every effort will be made to absorb related additional expenses within the 2013 budget before resorting to alternative funding.

### **Non-staff resources**

#### *Training*

102. 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 the Judiciary's strategic goals.

103. As in previous years, the Judiciary envisages training programmes aimed at the strengthening of capacities and expertise in relation to specialized legal matters for Chambers staff, specifically in the areas of international humanitarian law, international criminal law and human rights law. This is to ensure that Chambers staff are fully aware of any relevant developments in these areas. This will include organising specialized courses on matters such as command responsibility, humanitarian law and the jurisprudence of the various human rights mechanisms (ICCPR, EurConvHR, AmConvHR, AfrChHPR). These courses will be tailored to the specific needs of Chambers staff, with a view to making training as effective and efficient as possible. Chambers staff may also attend relevant training programmes on those subjects offered by research institutes etc. In addition to specialized legal training, Chambers staff may attend training aimed at improving their overall efficiency, such as speed reading, legal drafting and language courses.

#### *Travel*

104. In accordance with the recommendations of the Committee, as endorsed by the Assembly, the budgetary provision for judges' travel, has been included in the Presidency's budget.<sup>41</sup> The allotment assigned to the travel of the judges not part of the Presidency reflects the funds estimated for meeting the expenses associated with judges' travel to conferences, workshops or any other essential events on Court-related topics, as well as judges' home leave. There is no provision for any site visit in 2013.

#### *Hospitality*

105. Recurrent. A provision of €1,000 has been included in the Chambers budget to cover necessary hospitality costs associated with visits to judges by diplomatic and other important visitors, such as renowned legal scholars and personalities from the international legal community.

<sup>41</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I part II.E. and vol. II part B.2.D.1, para. 83.

**Table 13: Programme 1200: Proposed budget for 2013**

1200 Chambers	Expenditure Budget 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Judges	4,834.3		4,834.3		4,834.3	5,083.9		5,083.9	4,736.4		4,736.4	-347.5	-6.8
Professional staff	2,307.6	512.0	2,819.6		2,819.6	1,908.4	452.0	2,360.4	2,139.3	509.2	2,648.5	288.1	12.2
General Service staff						484.8	181.8	666.6	533.9	200.2	734.1	67.5	10.1
<i>Subtotal staff</i>	<i>2,307.6</i>	<i>512.0</i>	<i>2,819.6</i>		<i>2,819.6</i>	<i>2,393.2</i>	<i>633.8</i>	<i>3,027.0</i>	<i>2,673.2</i>	<i>709.4</i>	<i>3,382.6</i>	<i>355.6</i>	<i>11.7</i>
General temporary assistance	325.4	306.3	631.7	484.1	1,115.8		608.9	608.9		1,172.6	1,172.6	563.7	92.6
Temporary assistance for meetings													
Overtime													
Consultants	17.9		17.9		17.9	14.4		14.4	10.0		10.0	-4.4	-30.6
<i>Subtotal other staff</i>	<i>343.3</i>	<i>306.3</i>	<i>649.6</i>	<i>484.1</i>	<i>1,133.7</i>	<i>14.4</i>	<i>608.9</i>	<i>623.3</i>	<i>10.0</i>	<i>1,172.6</i>	<i>1,182.6</i>	<i>559.3</i>	<i>89.7</i>
Travel	13.4		13.4		13.4								
Hospitality	0.7		0.7		0.7	1.0		1.0	1.0		1.0		
Contractual services													
Training	2.6		2.6		2.6	10.8		10.8	18.0		18.0	7.2	66.7
General operating expenses													
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>16.7</i>		<i>16.7</i>		<i>16.7</i>	<i>11.8</i>		<i>11.8</i>	<i>19.0</i>		<i>19.0</i>	<i>7.2</i>	<i>61.0</i>
<b>Total</b>	<b>7,501.9</b>	<b>818.3</b>	<b>8,320.2</b>	<b>484.1</b>	<b>8,804.3</b>	<b>7,503.3</b>	<b>1,242.7</b>	<b>8,746.0</b>	<b>7,438.6</b>	<b>1,882.0</b>	<b>9,320.6</b>	<b>574.6</b>	<b>6.6</b>
Distributed maintenance	77.3	28.8	106.1		106.1	84.7	28.0	112.7	77.9	27.0	104.9	6.6	6.2

**Table 14: Programme 1200: Proposed staffing for 2013**

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	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ 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

106. 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.

107. As judicial, investigative and preliminary examination activities increase, the Court has gained increasing 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 Security Council and other bodies in diverse contexts, including under situation-specific and thematic agenda items. The 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 is respected. The NYLO is administratively supported by the Presidency, but serves and represents all other organs of the Court. It also provides logistical support to the meetings of the Assembly of States Parties, 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.

108. More specifically, NYLO has direct responsibility for the exchange of information between the Court and the United Nations Secretariat; for organizing and facilitating visits and meetings between Court officials and United Nations officials and representatives from Permanent Missions in New York; for maintaining close contact with Permanent Missions and other civil society organs based in New York; for monitoring discussions at relevant UN meetings; for analyzing UN reports relevant to the work of the Court; for disseminating relevant information on the Court to the Organization and to Permanent Missions in New York; for building networks through sustained and continuous personal contacts with key officials; and for relaying requests from the Court to the Organization and vice-versa, and making the necessary follow-up to ensure implementation. It is the first contact point for enquiries by States (both Parties and non-Parties) represented in New York. Further, the Head of Office attends meetings of the Bureau on behalf of 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 by 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 2013</i>
<b>Objectives 1 and 2</b>	– Pursue all requests of the Court for cooperation with relevant interlocutors at United Nations Headquarters until completion of requests.	100% implementation rate
Well-recognized and adequately supported institution	– 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 regular 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*

109. The 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. Because of the Office's 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 Organization, and servicing meetings of the Assembly and its subsidiary bodies.

**Non-staff resources**

110. Recurrent. A provision of €85,400 is made for NYLO running costs, including the rental of the office space, basic office supplies and other expendable materials required for the Office. This amount also covers travel, general operating expenses, supplies, hospitality and contractual services.

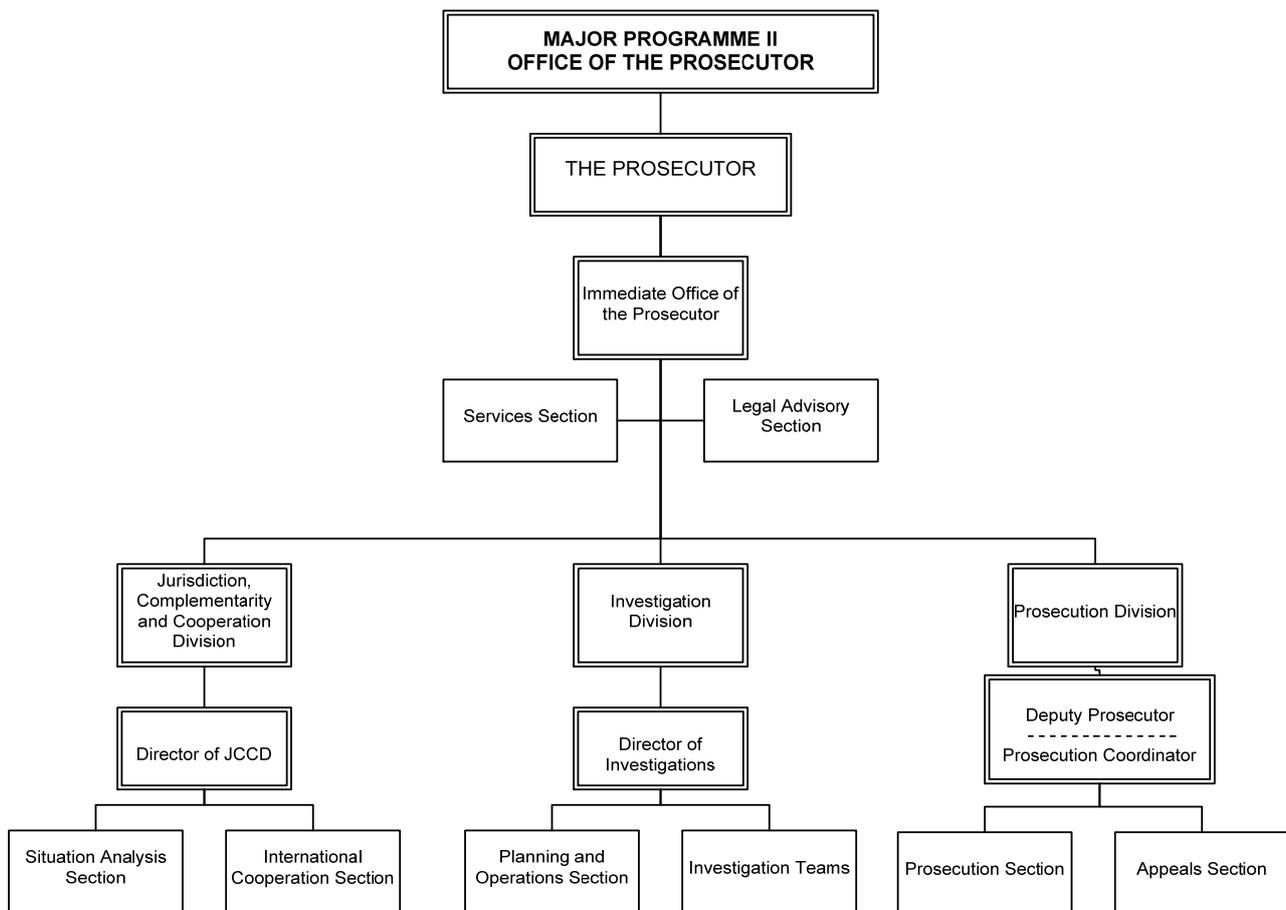
**Table 15: Programme 1300: Proposed budget for 2013**

1300 Liaison Offices	Expenditure Budget 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2012 vs 2013	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Judges													
Professional staff						140.1		140.1	154.4		154.4	14.3	10.2
General Service staff						60.6		60.6	83.7		83.7	23.1	38.1
<i>Subtotal staff</i>	215.2		215.2		215.2	200.7		200.7	238.1		238.1	37.4	18.6
General temporary assistance													
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>													
Travel	7.7		7.7		7.7	8.9		8.9	11.1		11.1	2.2	24.7
Hospitality						1.0		1.0	1.0		1.0		
Contractual services incl. training						5.0		5.0	5.0		5.0		
Training													
General operating expenses	34.4		34.4		34.4	63.3		63.3	63.3		63.3		
Supplies and materials	2.3		2.3		2.3	4.8		4.8	5.0		5.0	0.2	4.2
Furniture and equipment													
<i>Subtotal non-staff</i>	44.4		44.4		44.4	83.0		83.0	85.4		85.4	2.4	2.9
<b>Total</b>	<b>259.6</b>		<b>259.6</b>		<b>259.6</b>	<b>283.7</b>		<b>283.7</b>	<b>323.5</b>		<b>323.5</b>	<b>39.8</b>	<b>14.0</b>

**Table 16: Programme 1300: Proposed staffing for 2013**

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	2
	Situation-related														
	<i>Subtotal</i>					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

111. The proposed budget of the Office of the Prosecutor (OTP, or “the Office”) for 2013 of €28.66 million represents 3.4% growth over 2012. This increase is due to forward commitments for common system costs and inflation in travel costs that could not be fully offset by reductions and efficiencies. There are no structural changes envisaged for the Office in 2013. Policies and strategies will only be refined to the extent necessary to increase efficiencies in working practices as in previous years.

112. Over the years, the Office has been increasing its productivity without a corresponding increase in its resource requirements. In 2012 the Office:

(a) absorbed investigations in Ivory Coast, as well as drastically reducing its resource requirements for Libya;

(b) further reduced its service requirements from the Registry for the third consecutive year, at the operational level;

(c) delivered year-on-year significant efficiency gains,<sup>42</sup> which have been recognised as having substantially contributed to avoiding increases in the annual budget, for example changing modalities of investigative missions, piloting outsourced transcription, cooperating with national law enforcement authorities, etc.; and

(d) continued to maximize use of its resources by applying the rotational model of staff across investigations and trials. This model, which is enshrined in the Office Regulations and further refined in the Operational Manual, allows the Office to rotate staff across its investigations and prosecutions in accordance with its needs. The number of

<sup>42</sup> *Seventh Status Report on the Court’s progress regarding efficiency measures* (ICC-ASP/11/9), and the previous reports referred to therein.

investigators, trial lawyers and cooperation advisers in each team evolves throughout the year in order to adapt to the requirements in each case. A regular 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 where optimal use is made of resources. If the Office were to maintain fully staffed separate joint teams for each of the seven situations, it would require an additional €3.4 million, representing a 16% increase in the budget.

113. In 2013, the Office will increase its level of activities by comparison with 2012, on the assumption that there will be 18 cases in 2013, compared to 17 the previous year. The Office will achieve this without any increase in the number of staff, thus further demonstrating efficiency gains that facilitate absorption as in previous years. Such absorption represents a compromise between the resources required to achieve maximum possible output (estimated in the region of €32.1 million) and, as presented here, those capable of providing an acceptable level of output (€28.66 million), without significant repercussions in terms of increasing costs for other aspects of the judicial process, or appearing to tolerate or prolonging impunity by reducing the Office's effectiveness,

114. With this 2013 proposal the Office has reached the limit of its absorptive capacity and any further reductions to the resources requested would greatly impact on the aforementioned efficiency/output balance and hamper the Office's capability to deliver on its assumptions. More specifically, further reductions would either result in an investigation being terminated, or further slow down all investigations to levels that would potentially increase costs in other related areas (witness protection; legal representation of victims and witnesses; length of proceedings). The absorption of the budget reductions in 2012 has already required the Office to postpone a number of key recruitments and to terminate a number of GTA positions, which has led to a slowdown in investigations and prosecutions, which can be expected to continue through 2013, given the additional caseload.

115. The Office will retain limited capacity for completed cases (*The Prosecutor v. Lubanga*, and *The Prosecutor v. Katanga/Ngudjolo Chui*), to cover appeals and/or implementation of an adequate exit strategy for the witnesses concerned, and will reassign resources to cover the needs for continued investigations, trial preparations and future trials in the two Kenya cases.

116. The number of established posts in the Office remains unchanged in 2013. There will be continued need for GTA capacity, albeit lower than 2012 for ongoing investigations in the seven situations. This GTA capacity will give the Office the flexibility it requires to undertake further investigations and support trial preparations for the cases in Kenya, Darfur and Côte d'Ivoire, as well as the ongoing litigation and appeals in the DRC and Central African Republic cases. In addition, the Office continues to preserve the evidence and galvanize efforts for arrest in residual cases where arrest warrants have not been executed.

117. The Office continues to base its activities and strategy on four principles:

- (a) Focused investigations and prosecutions;
- (b) Positive complementarity;
- (c) Interests of victims; and
- (d) Maximizing impact.

In this respect, the annual budget is maintained at a cost-effective level as a result of the policy of focused investigations and prosecutions in accordance with the Statute. Cost effectiveness is also aided by the Office's continuous efforts to maximize the Court's preventive impact by focusing on those who bear the greatest responsibility, as well as by encouraging national proceedings against lower-level perpetrators. In Uganda, the Office has cooperated and shared information with the national prosecutor in the investigation and prosecution of a lower-level LRA perpetrator. The office has also worked in close cooperation and coordination with the judicial authorities of the DRC, Rwanda, France and Germany in its investigation into the FDLR in the Kivus region of the DRC and has benefited from further assistance from the Norway and Netherlands War Crimes Units. Additionally, the Office has shared expertise, contributed to training and provided

assistance to the DRC judicial authorities in charge of investigating crimes under the Court's jurisdiction alleged to have been committed in North Kivu.

118. Building and maintaining support networks for cooperation with States, inter-governmental and non-governmental entities is another key aspect of the Office's activities, as it seeks to enhance cooperation by urging States to streamline national internal processes for handling requests for cooperation. Such enhanced cooperation greatly facilitates the Office's work and reduces costs.

119. The flexible use of resources is the third key element of the Office's work. Expanding or reducing joint teams and moving staff from one team to the other in accordance with needs enables the Office to rotate and thus efficiently use its resources. Integration and increased standardization of the Office has been achieved through the Office Operational Manual, which has codified all aspects of the Office's working methods and procedures.

**Table 17: 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>	<i>Côte d'Ivoire</i>
2009 approved	5,012,700 (9 cases)	898,900 (1 case)	6,124,300 (4 cases)	4,590,500 (3 cases)	4,206,300 (1 case)	N/A	N/A	N/A
2010 approved	5,539,200 (11 cases)	903,800 (1 case)	6,655,400 (5-6 cases)	4,121,400 (3 cases)	4,794,700 (1-2 cases)	N/A	N/A	N/A
2011 approved	6,245,900 (13 cases)	341,800 (1 case)	5,510,800 (5 cases)	2,288,200 (4 cases)	2,122,300 (1 case)	5,026,900 (2 cases)	Contingency Fund <sup>43</sup> 2,225,800 (2 cases)	N/A
2012 approved	5,101,400 (17 cases)	106,500 (1 case)	5,643,900 (6 cases)	2,300,000 (4 cases)	1,444,500 (1 case)	5,044,500 (2 cases)	1,523,900 (2 cases)	Suppl Budget 1,524,000 (1 case)
2013 proposed	7,614,500 (18 cases)	158,400 (1 case)	4,280,400 (6 cases)	1,550,900 (4 cases)	1,620,300 (1 case)	3,855,200 (2 cases)	1,455,000 (2 cases)	2,880,700 (2 cases)

<sup>43</sup> Contingency Fund request for Libya situation resources for period May to December 2011.

**Table 18: Major Programme II: Proposed budget for 2013**

Programme II Office of the Prosecutor	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						3,694.2	11,778.3	15,472.5	3,750.6	12,677.8	16,428.4	955.9	6.2
General Service staff						997.2	2,937.6	3,934.8	1,179.3	2,852.2	4,031.5	96.7	2.5
<i>Subtotal staff</i>	<i>4,377.6</i>	<i>13,890.0</i>	<i>18,267.6</i>		<i>18,267.6</i>	<i>4,691.4</i>	<i>14,715.9</i>	<i>19,407.3</i>	<i>4,929.9</i>	<i>15,530.0</i>	<i>20,459.9</i>	<i>1,052.6</i>	<i>5.4</i>
General temporary assistance	405.3	4,419.9	4,825.2	995.5	5,820.7	34.0	5,266.2	5,300.2	38.8	5,422.9	5,461.7	161.5	3.0
Temporary assistance for meetings	2.2	2.4	4.6		4.6								
Overtime													
Consultants		215.1	215.1	3.2	218.3		124.3	124.3		81.0	81.0	-43.3	-34.8
<i>Subtotal other staff</i>	<i>407.5</i>	<i>4,637.4</i>	<i>5,044.9</i>	<i>998.7</i>	<i>6,043.6</i>	<i>34.0</i>	<i>5,390.5</i>	<i>5,424.5</i>	<i>38.8</i>	<i>5,503.9</i>	<i>5,542.7</i>	<i>118.2</i>	<i>2.2</i>
Travel	293.8	1,419.5	1,713.3	160.3	1,873.6	206.3	1,901.8	2,108.1	187.0	1,697.1	1,884.1	-224.0	-10.6
Hospitality	8.8	141.7	150.5		150.5	5.0		5.0	5.0		5.0		
Contractual services	11.4	85.2	96.6	4.5	101.1	25.0	245.0	270.0	25.0	327.5	352.5	82.5	30.6
Training	11.0	50.2	61.2		61.2	23.9	31.9	55.8	23.9	32.0	55.9	0.1	0.2
General operating expenses		332.0	332.0	24.0	356.0		370.0	370.0		285.0	285.0	-85.0	-23.0
Supplies and materials	4.8	17.8	22.6		22.6	49.1	13.9	63.0	38.0	10.0	48.0	-15.0	-23.8
Furniture and equipment		46.2	46.2		46.2		20.0	20.0		30.0	30.0	10.0	50.0
<i>Subtotal non-staff</i>	<i>329.8</i>	<i>2,092.6</i>	<i>2,422.4</i>	<i>188.8</i>	<i>2,611.2</i>	<i>309.3</i>	<i>2,582.6</i>	<i>2,891.9</i>	<i>278.9</i>	<i>2,381.6</i>	<i>2,660.5</i>	<i>-231.4</i>	<i>-8.0</i>
<b>Total</b>	<b>5,114.9</b>	<b>20,620.0</b>	<b>25,734.9</b>	<b>1,187.5</b>	<b>26,922.4</b>	<b>5,034.7</b>	<b>22,689.0</b>	<b>27,723.7</b>	<b>5,247.6</b>	<b>23,415.5</b>	<b>28,663.1</b>	<b>939.4</b>	<b>3.4</b>
Distributed maintenance	132.5	698.8	831.3		831.3	145.2	680.1	825.3	133.5	656.3	789.8	-35.5	-4.3

**Table 19: Major Programme II: Proposed staffing for 2013**

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		47	47	169
	<i>Subtotal</i>	<i>1</i>	<i>2</i>		<i>2</i>	<i>12</i>	<i>29</i>	<i>44</i>	<i>47</i>	<i>17</i>	<i>154</i>	<i>1</i>	<i>62</i>	<i>63</i>	<i>217</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related												1	1	1
	<i>Subtotal</i>												<i>1</i>	<i>1</i>	<i>1</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

120. The programme of the Prosecutor comprises the Immediate Office, the Legal Advisory Section (LAS) (Sub-programme 2110) and the Services Section (Sub-programme 2120), 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.

121. 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.

122. 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.

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

124. 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 2013</i>
<b>Objective 1</b>		
– Provision of legal advice including with regard to disciplinary matters, development of the OTP's internal regulatory framework.	The level of satisfaction of OTP clients with legal advice	100% accuracy and satisfaction
– At least 3 strategic policies developed	Number of policies created	At least 3
– Operational Manual updated	Percentage of annual updates	> 70%
– Lessons Learned concept institutionalised and percentage of lessons implemented	Percentage of annual action points implemented	At least 90%
– In liaison with HR, delivery of the annual OTP training plan for staff.	Proportion of annual training plan implemented	At least 70%
<b>Objective 2</b>		
– All OTP-specific language, administrative, budgetary and technical development and improvement objectives for 2013 implemented	Actual proportion of improvements/ developments implemented.	>90%
– Implement strategies to further reduce costs of operations and administration of the Office	Level of efficiency gains	5% annual budget offset
– No security incident with witness or staff resultant from misprocessing of evidence or disclosure by the Services Section	Number of security breaches.	zero
– Increased compliance with all OTP regulations (Operations Manual) as result of training and compliance system	Level of compliance	Increasing year on year

**Table 20: Programme 2100: Proposed budget for 2013 (comprises combined figures for Sub-programmes 2110 and 2120)**

2100 The Prosecutor	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						2,058.0	424.6	2,482.6	2,173.8	448.3	2,622.1	139.5	5.6
General Service staff						630.0	673.2	1,303.2	727.1	646.0	1,373.1	69.9	5.4
<i>Subtotal staff</i>	<i>2,319.1</i>	<i>1,066.0</i>	<i>3,385.1</i>		<i>3,385.1</i>	<i>2,688.0</i>	<i>1,097.8</i>	<i>3,785.8</i>	<i>2,900.9</i>	<i>1,094.3</i>	<i>3,995.2</i>	<i>209.4</i>	<i>5.5</i>
General temporary assistance	287.1	1,313.6	1,600.7	193.1	1,793.8	34.0	1,723.4	1,757.4	38.8	2,090.1	2,128.9	371.5	21.1
Temporary assistance for meetings	2.2	2.4	4.6		4.6								
Overtime													
Consultants		215.1	215.1	3.2	218.3		124.3	124.3		81.0	81.0	-43.3	-34.8
<i>Subtotal other staff</i>	<i>289.3</i>	<i>1,531.1</i>	<i>1,820.4</i>	<i>196.3</i>	<i>2,016.7</i>	<i>34.0</i>	<i>1,847.7</i>	<i>1,881.7</i>	<i>38.8</i>	<i>2,171.1</i>	<i>2,209.9</i>	<i>328.2</i>	<i>17.4</i>
Travel	95.8	188.4	284.2	30.0	314.2	68.2	462.2	530.4	63.5	349.3	412.8	-117.6	-22.2
Hospitality	8.8	141.7	150.5		150.5	5.0		5.0	5.0		5.0		
Contractual services including training	11.4	8.0	19.4		19.4	25.0	190.0	215.0	25.0	217.5	242.5	27.5	12.8
Training	11.0	37.6	48.6		48.6	23.9	31.9	55.8	23.9	32.0	55.9	0.1	0.2
General operating expenses		5.7	5.7		5.7		10.0	10.0		10.0	10.0		
Supplies and materials	4.8	6.5	11.3		11.3	49.1	13.9	63.0	38.0	10.0	48.0	-15.0	-23.8
Furniture and equipment		38.7	38.7		38.7		20.0	20.0		30.0	30.0	10.0	50.0
<i>Subtotal non-staff</i>	<i>131.8</i>	<i>426.6</i>	<i>558.4</i>	<i>30.0</i>	<i>588.4</i>	<i>171.2</i>	<i>728.0</i>	<i>899.2</i>	<i>155.4</i>	<i>648.8</i>	<i>804.2</i>	<i>-95.0</i>	<i>-10.6</i>
<b>Total</b>	<b>2,740.2</b>	<b>3,023.7</b>	<b>5,763.9</b>	<b>226.3</b>	<b>5,990.2</b>	<b>2,893.2</b>	<b>3,673.5</b>	<b>6,566.7</b>	<b>3,095.1</b>	<b>3,914.2</b>	<b>7,009.3</b>	<b>442.6</b>	<b>6.7</b>
Distributed maintenance	80.0	65.8	145.8		145.8	87.7	64.0	151.8	80.7	61.8	142.4	-9.4	-6.2

**Table 21: Programme 2100: Proposed staffing for 2013**

The Prosecutor	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			2	5	3	6	2	19	1	9	10	29
	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**

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

*General temporary assistance*

126. 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; this capacity remains essential to ensure full implementation and necessary review of the OTP Operations Manual.

*Overtime*

127. Since the OTP does not use shift work and has managed to compensate the significant majority of necessary overtime through compensatory time off, the Office is of the view that any legitimate claims for paid overtime, which have been insignificant in the past, can be absorbed within the available staffing budget.

*Consultancy*

128. In 2013 the Office will continue to engage situation-related expert advisers and expert witnesses in support of investigations and trials. However, in an effort to reduce this budget line, such hirings will be strictly limited, and as far as possible recourse will be had to pro bono consultants for advisory functions. The Office has therefore reduced the request for consultancy by 34.8% compared to 2012. The reduced amount of €81,000 equates to 6.7 work-months at P-5 level, although the actual level of the consultants will be determined on the basis of the work required and respective consultants' experience. This allocation is foreseen for case developments in Côte d'Ivoire, Central African Republic, Libya and Kenya. The budget remains centralized in the Immediate Office to ensure coordination across the operational divisions.

129. 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*

130. 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 who are unable to fund the costs of such travel.

131. The amount of almost €136,000 for travel represents a decrease (23.5%) compared to 2012. This decrease includes absorption of the travel increases due to inflation and results from a reduction in the number of missions.

132. 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 37 missions (125 travel-days).

*Contractual services*

133. An amount of €30,000 is requested, as approved last year, to support the public information costs of independent and joint public information 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 of informational material.

### Training

134. The training budget remains centralized in the Immediate Office. The training budget has been retained at the level to which it was reduced by the Assembly for 2012. At €55,900 this represents only 0.03% of staff costs, substantially lower than typical organizational ratios, which are in the region of 0.5%. The funds will be utilised to deliver a training schedule in accordance with OTP specific training priorities related primarily to investigations, litigation, appeal, complementarity and cooperation. The Office will, where possible, work with other organizations and national authorities, to ensure maximum cost effectiveness, for example sharing annual advocacy and appellate training costs with the ad hoc tribunals.

**Table 22: Sub-programme 2110: Proposed budget for 2013**

2110 Immediate Office of the Prosecutor	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						994.6		994.6	1,043.3		1,043.3	48.7	4.9
General Service staff						324.0		324.0	339.5		339.5	15.5	4.8
<i>Subtotal staff</i>	<i>1,129.2</i>		<i>1,129.2</i>		<i>1,129.2</i>	<i>1,318.6</i>		<i>1,318.6</i>	<i>1,382.8</i>		<i>1,382.8</i>	<i>64.2</i>	<i>4.9</i>
General temporary assistance	216.4		216.4	50.4	266.8	34.0		34.0	38.8		38.8	4.8	14.1
Temporary assistance for meetings													
Overtime													
Consultants		215.1	215.1	3.2	218.3		124.3	124.3		81.0	81.0	-43.3	-34.8
<i>Subtotal other staff</i>	<i>216.4</i>	<i>215.1</i>	<i>431.5</i>	<i>53.6</i>	<i>485.1</i>	<i>34.0</i>	<i>124.3</i>	<i>158.3</i>	<i>38.8</i>	<i>81.0</i>	<i>119.8</i>	<i>-38.5</i>	<i>-24.3</i>
Travel	77.8	47.0	124.8	3.9	128.7	55.4	122.4	177.8	41.1	94.9	136.0	-41.8	-23.5
Hospitality	8.8		8.8		8.8	5.0		5.0	5.0		5.0		
Contractual services		6.7	6.7		6.7		25.0	25.0		30.0	30.0	5.0	20.0
Training	11.0	37.6	48.6		48.6	23.9	31.9	55.8	23.9	32.0	55.9	0.1	0.2
General operating expenses													
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>97.6</i>	<i>91.3</i>	<i>188.9</i>	<i>3.9</i>	<i>192.8</i>	<i>84.3</i>	<i>179.3</i>	<i>263.6</i>	<i>70.0</i>	<i>156.9</i>	<i>226.9</i>	<i>-36.7</i>	<i>-13.9</i>
<b>Total</b>	<b>1,443.2</b>	<b>306.4</b>	<b>1,749.6</b>	<b>57.5</b>	<b>1,807.1</b>	<b>1,436.9</b>	<b>303.6</b>	<b>1,740.5</b>	<b>1,491.6</b>	<b>237.9</b>	<b>1,729.5</b>	<b>-11.0</b>	<b>-0.6</b>
Distributed maintenance	38.6		38.6		38.6	42.4		42.4	38.9		38.9	-3.5	-8.2

**Table 23: Sub-programme 2110: Proposed staffing for 2013**

Immediate Office of the Prosecutor / Legal Advisory 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	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**

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

*General temporary assistance*

136. The Services Section continues to require GTA resources for translation, revision and field interpretation services in support of the Office's investigative missions. Resources are also required for the knowledge base support in respect of case management and disclosure.

137. As concerns the Language Services Unit, the GTA requirement remains necessary to service the many ethnic languages encountered in the collection of evidence, as well as providing working language services to the operational divisions. Provision is made in the amount of 20 FTE for translation and coordination of field interpretation. Of this request, three FTE are provided by established posts and the remaining 17 FTE through flexible GTA work-month provision in the amount of €1,798,000.

138. Whilst this resource is requested as GTA, a number of these positions have continued to be needed for several years and would ordinarily have been requested for conversion. Mindful of the Committee's recommendation to freeze the number of established posts at its approved 2010 level until a comprehensive review of the Court's structure including a re-justification of all posts has been conducted,<sup>44</sup> the Office of the Prosecutor will not seek the conversion of these GTA positions into established posts in the 2013 budget, but will return to this in the future.

139. To restrict increases to the minimum in this area, the Language Services Unit continues as previously to budget with some shortfall in resources, and thus has to manage a backlog. It has an estimated 1.57 FTE less than required (compared to 1.48 in 2012). This shortfall equates to 1,211 pages of translation that will need to be made good through efficiency gains and outsourcing where confidentiality allows. The wide range of languages serviced reduces the capacity for absorption compared to previous years.

**Functional distribution of translators (GTA and existing posts) and resultant translation capacity based on anticipated 2013 workloads**

Language	FTE distribution									Capacity vs demand			
	Translation/ Field Interpretation Management	Translation/ Field Interpretation Support (Testing/ Training)	Reviewing/ Proof-reading (e.g. external translations)	Field Interpretation (Missions)	Telephone Interpretation	Sight Translation	Documentation Summarizing	Transcription Support (QC)	Total FTE	Anticipated Translation Workload (pgs)	Capacity 2012 (pgs)	Excess/ Shortfall (pgs)	
English + French	3.4	1.4	0.2	0.8	0.1	0.1			6	3,624	2,618	-1,006.00	
DRC languages	3.3		0.2		1	0.8	0.4	0.2	6	2,742	2,541	-201.00	
KEN languages	0.4	0.5	0.2		0.5	0.4	0.2	0.2	2.5	262	308	46.00	
CAR languages	0.3		0.1	0.2	0.2	0.1	0.1		1	130	231	101.00	
CIV languages	0.2				0.1	0.1	0.1		0.5	95	154	59.00	
DAR / LBY languages	3			0.5	0.2	0.2	0.1		4	2,520	2,310	-210.00	
<b>Total FTE</b>	<b>10.6</b>	<b>1.9</b>	<b>0.7</b>	<b>1.5</b>	<b>2.1</b>	<b>1.6</b>	<b>1</b>	<b>0.4</b>	<b>0.2</b>	<b>20</b>	<b>9,373</b>	<b>8,162</b>	<b>-1,211.00</b>

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

<sup>44</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 81; and *Report of the Committee on Budget and Finance dated 22 May 2012 on the work of its eighteenth session* (ICC-ASP/11/15), para. 25.

140. In addition to the above, the Office requests 34 work-months at GS-OL level, to provide for individual contractor services of freelance field interpreters in support of the active and residual investigations. These personnel are contracted from the roster of field interpreters established by the Field Interpretation Coordinator of the Office for each of the situations, with a focus on ensuring ready availability for all possible language requirements of the given situation. Contractors are engaged for the duration of the missions only and accompany the investigation teams to provide interpretation from ethnic to working languages. The work-months requested have been reduced by 26% from 46 to 34 to cover evidence collection in all situations.

141. Twelve months of P-2 equivalent are requested to provide for an additional Database Coordinator in support of investigations and trials. A key function of this post is to assist Joint and Trial teams with evidence review and disclosure of information (including redacted information) to the defence, to victims and to Registry, in preparation for Court hearings. Detailed tasks include preparation of documents redacted by OTP teams, redacted OCR, redacted metadata, and compliance with the eCourt protocol, as well as preparation of system data reports and bulk updates to OTP work-products such as draft filings. Coordinators also prepare Ringtail and CaseMap databases to support evidence reviews and conduct software training and support for new team members. The work is very resource-intensive. While investigative review activities continue in the DRC situation, substantial volumes of evidence have been accumulated in the Côte d'Ivoire investigation. The resulting additional workload can no longer be absorbed by the two established posts for Database Coordination within the Knowledge Base Unit.

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

##### *Travel*

142. The section's basic travel budget again provides for eight missions for technical, language and administrative staff to participate in professional conferences.

143. The situation-related element of the travel budget shows a very substantial fall. It allows for investigation-related missions for technical support staff of the Information and Evidence Unit and field interpreters (local and international), which necessarily support the investigative missions for all cases at pre-trial and trial phases, and further includes a number of missions to situation countries for the assessment and recruitment of field interpreters. The total number of situation-related missions foreseen for 2013 is 96 (compared to 156 in 2012). Overall, the travel budget has fallen by €75,800, or 21.5%, compared with 2012.

##### *Contractual services*

144. Major costs for OTP-specific information management projects for 2013 relate to business-process optimization, particularly consultancy services for investigation and prosecution information-management systems: systems to improve efficiency of extracting, digesting and linking the analytical information extracted from team work products and filings (€12,000); implementation of standardized task management systems and practices (€44,000); preparation of requirements for management control systems for investigation teams (€12,000); capacity improvements for handling electronic evidence and data (€50,000). Overall, these costs have fallen slightly.

145. 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 languages other than working languages, or where in-house skills are not available. The cost of outsourcing has been steadily increasing year on year, requiring the redeployment of funds from other sources. The provision is thus increased by €30,000 to €85,000 to cover all situations. This increase is partly offset by the fall in the overall cost of OTP-specific projects, as mentioned in the previous paragraph, and by the reductions in the travel budget,

146. An amount of €10,000 is also required for the outsourcing of scanning, digitizing and printing of very large evidence items requiring specialized equipment not available or

economical to have in-house. This sum will also be used to outsource any large-scale electronic media processing.

*General operating expenses*

147. This remains at €10,000 to offset in part the costs of the projects outlined above and to cover freight and carriage costs associated with OTP-specific procurements.

*Supplies and materials*

148. This includes an amount of €38,000 to maintain annual subscriptions to OTP-specific databases/journals and professional subscriptions (e.g. International Association of Prosecutors), as well as the purchase of key reference books necessary to support the core activities of the Office. Overall, this budget line shows a reduction of €15,000, or 23.8%, compared with 2012.

*Equipment including furniture*

149. A provision of €20,000 is required for the Knowledge Base Unit to ensure OTP-specific software upgrades and new applications software to assist the cases, particularly electronic media extraction and more specifically CaseMap and Analysts' Notebook. This budget line also includes €10,000 for the Information and Evidence Unit in respect of the maintenance, replacement and upgrades of OTP-specific mission equipment (for audio-visual/data collection support to investigations).

**Table 24: Proposed budget for 2013**

2120 Services Section	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						1,063.4	424.6	1,488.0	1,130.5	448.3	1,578.8	90.8	6.1
General Service staff						306.0	673.2	979.2	387.6	646.0	1,033.6	54.4	5.6
<i>Subtotal staff</i>	<i>1,189.9</i>	<i>1,066.0</i>	<i>2,255.9</i>		<i>2,255.9</i>	<i>1,369.4</i>	<i>1,097.8</i>	<i>2,467.2</i>	<i>1,518.1</i>	<i>1,094.3</i>	<i>2,612.4</i>	<i>145.2</i>	<i>5.9</i>
General temporary assistance	70.7	1,313.6	1,384.3	142.7	1,527.0		1,723.4	1,723.4		2,090.1	2,090.1	366.7	21.3
Temporary assistance for meetings	2.2	2.4	4.6		4.6								
Overtime													
Consultants													
<i>Subtotal other staff</i>	<i>72.9</i>	<i>1,316.0</i>	<i>1,388.9</i>	<i>142.7</i>	<i>1,531.6</i>		<i>1,723.4</i>	<i>1,723.4</i>		<i>2,090.1</i>	<i>2,090.1</i>	<i>366.7</i>	<i>21.3</i>
Travel	18.0	141.4	159.4	26.1	185.5	12.8	339.8	352.6	22.4	254.4	276.8	-75.8	-21.5
Hospitality		141.7	141.7		141.7								
Contractual services	11.4	1.3	12.7		12.7	25.0	165.0	190.0	25.0	187.5	212.5	22.5	11.8
Training													
General operating expenses		5.7	5.7		5.7		10.0	10.0		10.0	10.0		
Supplies and materials	4.8	6.5	11.3		11.3	49.1	13.9	63.0	38.0	10.0	48.0	-15.0	-23.8
Furniture and equipment		38.7	38.7		38.7		20.0	20.0		30.0	30.0	10.0	50.0
<i>Subtotal non-staff</i>	<i>34.2</i>	<i>335.3</i>	<i>369.5</i>	<i>26.1</i>	<i>395.6</i>	<i>86.9</i>	<i>548.7</i>	<i>635.6</i>	<i>85.4</i>	<i>491.9</i>	<i>577.3</i>	<i>-58.3</i>	<i>-9.2</i>
<b>Total</b>	<b>1,297.0</b>	<b>2,717.3</b>	<b>4,014.3</b>	<b>168.8</b>	<b>4,183.1</b>	<b>1,462.3</b>	<b>3,216.0</b>	<b>4,826.2</b>	<b>1,603.5</b>	<b>3,676.3</b>	<b>5,279.8</b>	<b>453.6</b>	<b>9.4</b>
Distributed maintenance	41.4	65.8	107.2		107.2	45.4	64.0	109.4	41.7	61.8	103.5	-5.9	-5.4

**Table 25: Sub-programme 2120: Proposed staffing for 2013**

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					1	4	2	2	1	10		5	5	15
								1	1	3		5	11	16
					1	4	3	3	4	15		16	16	31
New/ Converted														
Redeployed/ Reclassified/ Returned														
<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

150. 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.

151. 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 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials subject to external cooperation. (SO 1)  
Annual OTP objective for 2013: Facilitate the conduct of seven full investigations and eight limited investigations; conduct at least seven Preliminary Examinations of Situations pursuant to Articles 15 and 53 of the Statute.
2. Develop mechanisms to provide for all necessary forms of cooperation, in particular in investigations, arrest and surrender of persons and witness protection. (SO 5)
3. Enhance communication and management of relations with States and other partners to facilitate better understanding of the Court, in particular its judicial mandate and independence, with a view to maximizing support for and cooperation with the Court. (SO 6)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</i>
<b>Objective 1</b> – 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%
– 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 analytical reports delivered on time and substantiated to the Executive Committee	100%
<b>Objective 3</b> – Adequate progress made in the implementation of cooperation and arrest strategies developed for each situation.	Actual implementation vs. planned implementation.	100%
<b>Objective 4</b> – Implementation of annual objectives contained within cooperation and external relations strategies directly involving the OTP.	Actual implementation rate of annual objectives.	100%

## Staff resources

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

### *General temporary assistance*

153. The division requests two P-2 Associate Cooperation Advisers and one P-2 Associate Situation Analyst to support the cases at investigation and trial (each for 12 work-months). It should be noted that there is less than 0.4 FTE and 0.27 FTE per case for cooperation and situation analysis respectively to support the cases foreseen for 2013. Thus these posts are not for any one case in particular, but to provide the necessary level of support to ensure adequate ongoing analysis and cooperation for the investigative missions and to galvanize efforts for arrest and surrender.

154. Provision is also made for twelve months of GS-OL as a Judicial Cooperation Assistant to support the Judicial Cooperation Adviser. The workload in relation to judicial cooperation has increased by almost 100% since 2008, from 150 to 290 requests per annum, all requiring internal coordination as well as follow up with external actors.

155. An additional twelve months of GS-OL is requested to provide for a second Administration Assistant to support administration and preparations for the division's missions, in particular relating to external relations and cooperation.

## Non-staff resources

### *Travel*

156. Overall, the travel budget shows a slight decrease from 2012 of 9.4%, including the absorption of increases due to inflation (higher flight costs and DSA rates<sup>45</sup>). The basic budget comprises missions by the Situation Analysis Section in relation to the 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 where necessary accompanied by cooperation advisers. The basic budget provides for an average of 2.75 missions per month (cf 4.5 missions in 2012).

157. 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 decreases to 79 (cf. 116 in 2012). This provision is for situation-specific analysts and cooperation advisers travelling in advance or in support of investigative missions.

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<sup>45</sup> DSA rates are determined by the UN International Civil Service Commission.

**Table 26: Programme 2200: Proposed budget for 2013**

2200 Jurisdiction, Complementarity and Cooperation Division	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						727.2	882.9	1,610.1	771.5	936.3	1,707.8	97.7	6.1
General Service staff						122.4		122.4	129.2		129.2	6.8	5.6
<i>Subtotal staff</i>	821.0	834.2	1,655.2		1,655.2	849.6	882.9	1,732.5	900.7	936.3	1,837.0	104.5	6.0
General temporary assistance		221.9	221.9	37.9	259.8		97.4	97.4		420.2	420.2	322.8	331.4
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>		221.9	221.9	37.9	259.8		97.4	97.4		420.2	420.2	322.8	331.4
Travel	139.8	217.4	357.2	17.7	374.9	119.9	312.1	432.0	108.6	282.9	391.5	-40.5	-9.4
Hospitality													
Contractual services													
Training													
General operating expenses													
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	139.8	217.4	357.2	17.7	374.9	119.9	312.1	432.0	108.6	282.9	391.5	-40.5	-9.4
<b>Total</b>	<b>960.8</b>	<b>1,273.5</b>	<b>2,234.3</b>	<b>55.6</b>	<b>2,289.9</b>	<b>969.5</b>	<b>1,292.4</b>	<b>2,261.9</b>	<b>1,009.3</b>	<b>1,639.4</b>	<b>2,648.7</b>	<b>386.8</b>	<b>17.1</b>
Distributed maintenance	22.1	37.0	59.1		59.1	24.2	36.0	60.2	22.3	34.7	57.0	-3.2	-5.3

**Table 27: Programme 2200: Proposed staffing for 2013**

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				1	1	2	1	1		6		2	2	8
						3	2	4		9				9
				1	1	5	3	5		15		2	2	17
New														
Redeployed / Returned														
<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

158. 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 also 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. It provides investigative expertise and support, and assists in the preparation and coordination of field deployment of Office staff.

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

#### Objectives

1. Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation. (SO 1)

Annual OTP objective for 2013: Conduct at least seven full investigations and eight limited investigations.

2. Develop policies for implementing the quality standards specified in the Rome 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)

Annual OTP objective for 2013: Guarantee the consistent application of quality standards for the collection and analysis of evidence.

3. 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)

Annual OTP objective for 2013: Prevent or manage all foreseeable security risks for staff and other persons at risk on account of their interaction with the Court which fall under the OTP's responsibility. (SO 2)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</i>
<b>Objective 1</b> – Collection and analysis objectives set out in the investigation plan reached.	Planned versus actual collection/analysis	All investigation plans on track unless unforeseen circumstances
– Review and transcription of collected material in support of the case hypothesis and the disclosure performed as planned	Quality standards met Planned versus actual production of metadata, transcript and review. % of error	> 90% met > 90% on track Less than 10%
<b>Objective 2</b> – Implementation of quality control systems according to plan	Planned versus actual	Quality control systems fully defined & scheduled parts implemented
<b>Objective 3</b> – No security incident resultant from inadequate exposure or lack of OTP action	Number of security incidents caused by inadequate exposure or lack of OTP action.	Zero

**Table 28: Programme 2300: Proposed budget for 2013 (Combines budget figures for sub-programmes 2320 and 2330)**

2300 Investigation Division	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						285.1	7,095.8	7,380.9	300.4	7,661.5	7,961.9	581.0	7.9
General Service staff						122.4	1,836.0	1,958.4	129.2	1,818.6	1,947.8	-10.6	-0.5
<i>Subtotal staff</i>	<i>431.2</i>	<i>8,488.9</i>	<i>8,920.1</i>		<i>8,920.1</i>	<i>407.5</i>	<i>8,931.8</i>	<i>9,339.3</i>	<i>429.6</i>	<i>9,480.1</i>	<i>9,909.7</i>	<i>570.4</i>	<i>6.1</i>
General temporary assistance		1,551.4	1,551.4	578.0	2,129.4		2,022.1	2,022.1		706.1	706.1	-1,316.0	-65.1
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>		<i>1,551.4</i>	<i>1,551.4</i>	<i>578.0</i>	<i>2,129.4</i>		<i>2,022.1</i>	<i>2,022.1</i>		<i>706.1</i>	<i>706.1</i>	<i>-1,316.0</i>	<i>-65.1</i>
Travel		894.9	894.9	105.4	1,000.3		975.2	975.2		894.8	894.8	-80.4	-8.2
Hospitality													
Contractual services		77.2	77.2	4.5	81.7		55.0	55.0		110.0	110.0	55.0	100.0
Training		12.6	12.6		12.6								
General operating expenses		326.3	326.3	24.0	350.3		360.0	360.0		275.0	275.0	-85.0	-23.6
Supplies and materials		11.3	11.3		11.3								
Furniture and equipment		7.5	7.5		7.5								
<i>Subtotal non-staff</i>		<i>1,329.8</i>	<i>1,329.8</i>	<i>133.9</i>	<i>1,463.7</i>		<i>1,390.2</i>	<i>1,390.2</i>		<i>1,279.8</i>	<i>1,279.8</i>	<i>-110.4</i>	<i>-7.9</i>
<b>Total</b>	<b>431.2</b>	<b>11,370.1</b>	<b>11,801.3</b>	<b>711.9</b>	<b>12,513.2</b>	<b>407.5</b>	<b>12,344.1</b>	<b>12,751.6</b>	<b>429.6</b>	<b>11,466.0</b>	<b>11,895.6</b>	<b>-856.0</b>	<b>-6.7</b>
Distributed maintenance	13.8	448.1	461.9		461.9	15.1	420.1	435.2	13.9	405.4	419.3	-15.9	-3.7

**Table 29: Programme 2300: Proposed staffing for 2013**

Investigation 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		1		1		1				3		2	2	5
					3	8	31	28	6	76		29	29	105
		<i>1</i>		<i>1</i>	<i>3</i>	<i>9</i>	<i>31</i>	<i>28</i>	<i>6</i>	<i>79</i>		<i>31</i>	<i>31</i>	<i>110</i>
New														
Redeployed/ Returned												1	1	1
												1	1	1
<b>Total</b>		<b>1</b>		<b>1</b>	<b>3</b>	<b>9</b>	<b>31</b>	<b>28</b>	<b>6</b>	<b>79</b>		<b>32</b>	<b>32</b>	<b>111</b>

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

160. No new posts are requested for 2013; the staffing level remains as approved in 2012.

*General temporary assistance*

161. The GTA provision requested for 2013 has been significantly reduced to 9.3 FTE (60% less than 2012) in this sub-programme of the Investigation Division following the successful pilot of outsourcing transcriptions and also increased efficiency in legal review methods.

162. Of the above GTA provision, 9.1 FTE or 110 work-months is required for in-house transcription/data-processing. This represents a reduction of 62% compared to 2012, for which 24 FTE were approved, and amounts to a saving of €978,600. Some of this saving will be offset by an increase of €55,000 in contractual services for outsourcing, which is a significantly more cost-effective solution. There is also a saving of €300,000 as a result of the transfer of Legal Reviewers to the Prosecution Division (2400), where legal review is now principally centralised and coordinated (see para. 185 below).

163. The remaining capacity of 9.1FTE is due to the lack of (reliable) outsourcing possibilities for the transcription of witness statements and/or evidence obtained in ethnic languages. As indicated, this GTA capacity will also provide for the necessary meta-data processing and/or legal review of documents for the investigations.

164. In addition, provision for the equivalent of two work-months at the P-2 level is required for the contracting of Psycho-social Experts, from the roster maintained by the Children and Gender Unit, as individual contractors to support the investigators with the necessary pre-interview assessment of children and traumatised witnesses in the field.

**Non-staff resources***Travel*

165. Travel provision in the reduced amount of €242,652 (22.8% less than 2012) is requested for the representatives of the Investigative Planning and Operations Section, for the following purposes:

(a) Missions for advanced analysis and ongoing crime 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, protection strategies and ensuring the compliance and operational effectiveness of the systems in place and dealing with emergency situations thus ensuring the security of field personnel, witnesses and intermediaries;

(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 under investigation or at the trial phases.

166. Provision is made for a total of 79 missions.

*Contractual services*

167. The amount of €110,000 is required to support continued outsourcing of working and non-working language transcription in support of trial preparations, evidence collection and analysis, double the cost for the previous year. However, as explained in paragraph 163 above, this increase is a consequence of reducing the GTA capacity for the same services

and implementing the significantly more cost-effective outsourced transcription solution for case-specific languages wherever possible.

**Table 30: Sub-programme 2320: Proposed budget for 2013**

2320 Planning and Operations Section	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						285.1	3,009.6	3,294.7	300.4	3,111.3	3,411.7	117.0	3.6
General Service staff						122.4	1,530.0	1,652.4	129.2	1,495.6	1,624.8	-27.6	-1.7
<i>Subtotal staff</i>	<i>431.2</i>	<i>4,060.9</i>	<i>4,492.1</i>		<i>4,492.1</i>	<i>407.5</i>	<i>4,539.6</i>	<i>4,947.1</i>	<i>429.6</i>	<i>4,606.9</i>	<i>5,036.5</i>	<i>89.4</i>	<i>1.8</i>
General temporary assistance		1,263.0	1,263.0	405.2	1,668.2		1,638.1	1,638.1		659.5	659.5	-978.6	-59.7
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>		<i>1,263.0</i>	<i>1,263.0</i>	<i>405.2</i>	<i>1,668.2</i>		<i>1,638.1</i>	<i>1,638.1</i>		<i>659.5</i>	<i>659.5</i>	<i>-978.6</i>	<i>-59.7</i>
Travel		312.4	312.4	15.4	327.8		314.5	314.5		242.7	242.7	-71.8	-22.8
Hospitality													
Contractual services		75.1	75.1	4.5	79.6		55.0	55.0		110.0	110.0	55.0	100.0
Training		6.8	6.8		6.8								
General operating expenses													
Supplies and materials		6.5	6.5		6.5								
Furniture and equipment		1.0	1.0		1.0								
<i>Subtotal non-staff</i>		<i>401.8</i>	<i>401.8</i>	<i>19.9</i>	<i>421.7</i>		<i>369.5</i>	<i>369.5</i>		<i>352.7</i>	<i>352.7</i>	<i>-16.8</i>	<i>-4.5</i>
<b>Total</b>	<b>431.2</b>	<b>5,725.7</b>	<b>6,156.9</b>	<b>425.1</b>	<b>6,582.0</b>	<b>407.5</b>	<b>6,547.2</b>	<b>6,954.7</b>	<b>429.6</b>	<b>5,619.1</b>	<b>6,048.7</b>	<b>-906.0</b>	<b>-13.0</b>
Distributed maintenance	11.0	234.3	245.3		245.3	12.1	228.0	240.1	11.1	220.0	231.2	-8.9	-3.7

**Table 31: Sub-programme 2320: Proposed staffing for 2013**

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	15		31		24	24	55
	<i>Subtotal</i>				<i>1</i>	<i>2</i>	<i>3</i>	<i>12</i>	<i>15</i>		<i>33</i>		<i>26</i>	<i>26</i>	<i>59</i>
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related												1	1	1
	<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>12</b>	<b>15</b>		<b>33</b>		<b>27</b>	<b>27</b>	<b>60</b>	

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

168. There are no requests for new posts within this sub-programme.

169. The majority of resource needs are met through the rotation of investigation staff from other investigative cases moving to pre-trial and trial phases. This essentially involves the deployment of personnel from one case to another on both long- and short-term bases: as 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.

170. This modality is a compromise between a modular solution, which would provide maximum capacity and optimal pace for all cases in parallel and the more cost-effective rotation solution that provides a lesser capacity whilst maintaining an acceptable pace. It is estimated that this approach saves the Office in the region of €3.4 million.

171. Planning and control to implement this rotation model is key, and is overseen by the Investigations Coordinator. This also works across different programmes of the Office, with Investigators moving to the Prosecution Division to support litigation where necessary and returning to the Investigation Division as the trial proceeds to the defence and appeals phases. This model is supplemented by GTA resources where necessary, as in the case of the CAR and Libya situations in previous years.

172. In the context of the inter-programme rotation described above, in 2013 one established P-3 Investigator position returns from the Prosecution Division, to which it had been reassigned in 2012 to fulfil a Trial Lawyer function. This is reflected as redeployment in the staffing table, with an increase in sub-programme 2330 being offset by a reciprocal decrease in sub-programme 2410, the net effect being budget-neutral. In addition there is one P-3 Investigator (sub-programme 2330) created by the redeployment of the vacant Planning and Control Officer post from sub-programme 2320 early in 2012, the Planning and Control function now being shared between the P-5 Investigations' Coordinator (2330) and the P-5 Head of Planning and Operations (2320). This is also budget-neutral, reflecting a reciprocal transfer between 2320 and 2330.

*General temporary assistance*

173. The GTA request for this sub-programme is reduced significantly from €384,000 to €46,600.

174. With the redeployment of the two established P-3 posts outlined above, there are sufficient established post resources to support the rotation model for the case-load foreseen in 2013.

175. The retained amount of €46,600 is required in support of the of the continuing War Crimes Unit and law enforcement network exchanges. This is also 50% less than approved in previous years.

**Non-staff resources***Travel*

176. The provision for this budget line amounts to €652,143 (1.3% less than in 2012). Travel of investigators is essential to evidence collection and thus the timely advancement of the investigation and in order to preserve the evidence by way of witness management in 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 Office has in previous years managed to absorb inflation increases related to travel through adapting travel modalities to maintain the most effective balance between flight and DSA costs; thus this additional reduction for 2013 will present some implementation challenges.

*General operating expenses*

177. 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). With the Office successfully limiting the number of witnesses to the absolute minimum and reducing security risks by involving witnesses as late as possible in the investigation, there is an opportunity to reduce long-term costs. Thus provision is made for €275,000 in 2013, a reduction of €85,000, or 23.6%, over 2012.

*Supplies and materials*

178. The Office has ceased provision for field clothing and mission kits in 2013, although this does not preclude a request for replacement costs in subsequent budget proposals.

**Table 32: Sub-programme 2330: Proposed budget for 2013**

2330 Investigation Teams	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						4,086.2	4,086.2		4,550.2	4,550.2	464.0	11.4	
General Service staff						306.0	306.0		323.0	323.0	17.0	5.6	
<i>Subtotal staff</i>		4,428.0	4,428.0		4,428.0	4,392.2	4,392.2		4,873.2	4,873.2	481.0	11.0	
General temporary assistance		288.4	288.4	172.8	461.2	384.0	384.0		46.6	46.6	-337.4	-87.9	
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>		288.4	288.4	172.8	461.2	384.0	384.0		46.6	46.6	-337.4	-87.9	
Travel		582.5	582.5	90.0	672.5	660.7	660.7		652.1	652.1	-8.6	-1.3	
Hospitality													
Contractual services		2.1	2.1		2.1								
Training		5.8	5.8		5.8								
General operating expenses		326.3	326.3	24.0	350.3	360.0	360.0		275.0	275.0	-85.0	-23.6	
Supplies and materials		4.8	4.8		4.8								
Furniture and equipment		6.5	6.5		6.5								
<i>Subtotal non-staff</i>		928.0	928.0	114.0	1,042.0	1,020.7	1,020.7		927.1	927.1	-93.6	-9.2	
<b>Total</b>		<b>5,644.4</b>	<b>5,644.4</b>	<b>286.8</b>	<b>5,931.2</b>	<b>5,796.9</b>	<b>5,796.9</b>		<b>5,846.9</b>	<b>5,846.9</b>	<b>50.0</b>	<b>0.9</b>	
Distributed maintenance	2.8	213.8	216.6		216.6	3.0	192.0	195.1	2.8	185.3	188.1	-7.0	-3.6

**Table 33: Sub-programme 2330: Proposed staffing for 2013**

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	6	19	13	6	45		5	5	50
	<i>Subtotal</i>		1			1	6	19	13	6	46		5	5	51
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>6</b>	<b>19</b>	<b>13</b>	<b>6</b>	<b>46</b>		<b>5</b>	<b>5</b>	<b>51</b>	

#### 4. Programme 2400: Prosecution Division

##### Introduction

179. 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.

180. The Prosecution Division comprises the Prosecution Teams and the Appeals Teams, assisted by case managers and trial support staff. The effective deployment of resources and standardisation of case preparations and filings is overseen by the Prosecutions Coordinator

##### Objectives

1. Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials subject to external cooperation (SO 1)

Annual OTP objective for 2013: Conduct at least seven full investigations and eight limited investigations and at least five trials (including appeals)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</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. – Number of witnesses per case maintained at lowest levels to minimize exposure.	≤ 6 months Minimum possible - at least comparable to current trial average (30-35)

##### Staff resources

181. There are no new posts requested for the Prosecution Division in 2013.

182. In accordance with the inter-programme rotation model, to meet operational needs from existing resources, one P-3 post is returned to Investigation Division following completion of the litigation work and the need for more investigative capacity through personnel with the necessary experience and profile.

##### *General temporary assistance*

183. There is an increase in the GTA resources required by the Division owing to the move from advanced investigation to case and trial preparation phases. This is in addition to the requirements for the ongoing trial of *The Prosecutor v. Bemba* in 2013, as well as appeals foreseen in cases of *The Prosecutor v. Lubanga* and *The Prosecutor v. Katanga/Ngudjolo Chui*, which already exceed the capacity of the established post resources and require supplementary GTA resources for 2013. The GTA resources are requested as follows:

- (a) Kenya I & II Teams (advanced (pre-) trial preparations):
  - (i) One Senior Trial Lawyer (P-5) for 12 months;
  - (ii) One Trial Lawyer (P-4) for 12 months each;
  - (iii) Two Assistant Trial Lawyers (P-1) for 12 months each;
  - (iv) Two Legal Reviewers (GS-OL) for 12 months each; and
  - (v) All other pre-trial team resources are provided through established posts, resulting in a total team of 17 staff for two cases with multiple accused. Any trial activity in 2013 will be absorbed within this capacity.

- (b) CAR Team:
- (i) One Trial Lawyer (P-3) for 12 months
  - (ii) One Associate Trial Lawyer (P-2) for 12 months;
  - (iii) One Assistant Trial Lawyer (P-1) for 12 months;
  - (iv) One Legal Reviewer (GS-OL) for 12 months.
  - (v) All other trial team resources are provided through established posts, resulting in total team of nine staff for the ongoing case of The Prosecutor vs Jean Pierre Bemba.
- (c) Libya I/II Team:
- (i) One Trial Lawyer (P-4) for 12 months;
  - (ii) One Trial Lawyer (P-3) for 12 months;
  - (iii) One Assistant Trial Lawyers (P-1)for 12 month;
  - (iv) One Case Manager (P-1) for 12 months; and
  - (v) These functions are carried over in part from the Contingency Fund provision allocated in 2011 and approved in the 2012 budget. All other pre-trial team resources are provided through established posts, resulting in a total team of four staff for two cases with multiple accused. This resource will also support any additional investigations in the Libya case in 2013.
- (d) DRCIII/IV/V:
- (i) One Trial Lawyer (P-3) for 12 months;
  - (vi) One Legal Reviewer (GS-OL) for 12 months; and
  - (vii) All other pre-trial team resources are provided through established posts resulting in total team of five staff for three cases under investigation.
- (e) Côte d'Ivoire I/II:
- (i) Two Trial Lawyers (P-3) for 12 months;
  - (ii) One Assistant Trial Lawyer (P-1) for 12 months;
  - (iii) One Case Manager (P-1)for 12 months; and
  - (iv) One Legal Reviewer (GS-OL) for 12 months.
  - (v) All other pre-trial team resources are provided through established posts, resulting in total team of 11 staff for two cases. Any trial activity in 2013 will be absorbed within this capacity

184. These positions, with the exception of one P-5 and one P-4, represent staff who are already contracted by the Office, using the flexibility afforded by the Assembly to meet priority needs through existing resources, and reflecting the continuing trend of lower expenditure on GTA in programme 2300 compared to the increasing need in programme 2400.

185. As explained in paragraph 162 above, €300,000 of this cost is offset by the transfer of Legal Reviewers from sub-programme 2320 to 2400, as such review is now primarily centralized and coordinated in the Prosecution Division.

186. Whilst these additional resources are requested as GTA, there are a number of these positions that have continued to be needed for several years and would ordinarily have been requested for conversion to established posts (situation-related). Mindful of the Committee's recommendation to freeze the number of permanent posts at its approved 2010 level until a comprehensive review of the Court's structure including a re-justification of all posts has been conducted,<sup>46</sup> the Office of the Prosecutor will not seek the conversion of these GTA positions into established posts in the 2013 budget, but will return to this at a future date.

<sup>46</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 81; and *Report of the Committee on Budget and Finance dated 22 May 2012 on the work of its eighteenth session* (ICC-ASP/11/15), para. 25.

## Non-staff resources

### Travel

187. 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.

188. Provision for 2013 is increased by 8.5% in 2013 and is foreseen for a total of 49 missions (cf 70 in 2012).

**Table 34: Programme 2400: Proposed budget for 2013**

2400 Prosecution Division	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						623.9	3,375.0	3,998.9	504.9	3,631.7	4,136.6	137.7	3.4
General Service staff						122.4	428.4	550.8	193.8	387.6	581.4	30.6	5.6
<i>Subtotal staff</i>	806.3	3,500.9	4,307.2		4,307.2	746.3	3,803.4	4,549.7	698.7	4,019.3	4,718.0	168.3	3.7
General temporary assistance	118.2	1,333.0	1,451.2	186.5	1,637.7		1,423.3	1,423.3		2,206.5	2,206.5	783.2	55.0
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	118.2	1,333.0	1,451.2	186.5	1,637.7		1,423.3	1,423.3		2,206.5	2,206.5	783.2	55.0
Travel	58.2	118.8	177.0	7.2	184.2	18.2	152.3	170.5	14.9	170.1	185.0	14.5	8.5
Hospitality													
Contractual services													
Training													
General operating expenses													
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	58.2	118.8	177.0	7.2	184.2	18.2	152.3	170.5	14.9	170.1	185.0	14.5	8.5
<b>Total</b>	<b>982.7</b>	<b>4,952.7</b>	<b>5,935.4</b>	<b>193.7</b>	<b>6,129.1</b>	<b>764.5</b>	<b>5,379.0</b>	<b>6,143.5</b>	<b>713.6</b>	<b>6,395.9</b>	<b>7,109.5</b>	<b>966.0</b>	<b>15.7</b>
Distributed maintenance	16.6	147.9	164.5		164.5	18.2	160.0	178.2	16.7	154.4	171.1	-7.1	-4.0

**Table 35: Programme 2400: Proposed staffing for 2013**

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	10	6	7	6		32	7	7	39
	<i>Subtotal</i>		1			6	10	6	7	6		36	9	9	45
New	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>		<b>1</b>			<b>6</b>	<b>10</b>	<b>6</b>	<b>7</b>	<b>6</b>	<b>36</b>		<b>9</b>	<b>9</b>	<b>45</b>	

## C. Major Programme III: Registry

189. 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.

190. 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 Counsel Support Section, the Field Operations Section, the Legal Advisory Services Section, the Public Information and Documentation Section, and the Security and Safety Section. The Immediate Office of the Registrar is a small office supporting the Registrar in her functions, including external relations and cooperation. For administrative purposes, the Offices of Public Counsel for the Defence and for Victims, 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.

191. In order to better reflect the structure and operations of the Registry, a new Programme 3700 has been created comprising the following sub-programmes: Office of Public Counsel for the Defence; Office of Public Counsel for Victims; Office of Internal Audit and the Registry's Permanent Premises Office, all of which were previously located in Programme 3100, Office of the Registrar. Locating them under a separate programme better reflects their relationship with the Registrar and increases the perception of their functional independence. Furthermore, as the scope of the Registry Permanent Premises Office concerns a special project, locating it within this new, separate programme will emphasize its *sui generis* nature in the context of the wide range of functions and operations within the Registry's purview.

192. All of the Registry's functions and operations are aimed at supporting the implementation of the Court's judicial mandate, as well as its appropriate organisational functioning. It constitutes the main support structure for the functioning of the whole Court and its various related bodies, and its budget is thus essentially driven by judicial and prosecutorial developments and the assumptions underlying them.

193. In particular, 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 for victims, publicity of the proceedings, and courtroom management and other services related to the conduct of judicial proceedings, such as translation and interpretation and ICT support within an eCourt system. The Registry's centralized approach to the provision of essential services within the Court enables it 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 to avoid the duplication of resources.

194. In addition, the Registry has other crucial responsibilities, such as ensuring adequate judicial cooperation with States, protection of victims and witnesses, detention, assistance and support to the defence and 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. With regard to the defence, and in accordance with Rule 20 (f) of the Rules of Procedure and Evidence, the Registrar facilitates and promotes the specialization and training of counsel, without requiring specific extra resources from the Court's budget.

195. On the basis of the Court's initial budget assumptions (which did not include any provision for hearings in the two *Kenya* cases), the Registrar sought to prepare a budget proposal for 2013 which remained at the same level as the approved budget for 2012. Every effort through drastic reductions, savings and efficiencies was made to ensure that the different programmes and sub-programmes within Major Programme III remain at the same level of resources in relation to those approved for 2012, and in some instances even at a reduced level.

196. Each Registry section was instructed by the Registrar to prepare a budget lower than the level of the 2012 appropriations. Nevertheless, this proved to be very challenging because of the unavoidable increases in staff costs and legal aid among others. For this purpose, the Registry undertook a thorough review of its required resources, and reassessed the level of established posts and GTA posts. Similarly, requests for consultants were thoroughly scrutinised and accepted only on an exceptional basis when there was strong justification. As in past years, and in line with the Committee's recommendations, no reclassification of an established post or new established posts have been requested for 2013 in Registry.

197. Such an approach demonstrates how the Registry, by continuing to implement its central role as Court-wide service provider, has ensured 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 2012 budget.

198. However, despite these efforts and efficiencies, a small gap remained, which it was not possible to bridge without significantly impairing the level of services provided. Thus, before the decision was taken to hold hearings in the *Kenya* situation, the programme budget for 2013 contemplated an overall net increase for the Registry of just over €180,000. This would have represented a nominal increase of 0.2 per cent over the level of the appropriations in the approved 2012 budget.

199. As regards the increase in legal aid, this is the result of the direct application of the current legal aid system as endorsed by the Committee at its eighth session<sup>47</sup> and approved by the Assembly, and further modified with effect from 1 April 2012, by decision of the Bureau of 22 March 2012,<sup>48</sup> following discussion of a proposal submitted by the Registry on 15 February 2012.<sup>49</sup> 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, however, 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 mainly as an administrator of such funds.

200. In its above decision, the Bureau requested the Registry to prepare a further proposal for the review of the legal aid system. Accordingly, after consultation with relevant stakeholders, a second proposal has been prepared, in which the Registry proposes further efficiencies. This revision has been conducted in light of the experience gathered by the Court thus far, having regard to 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. As a result of this revision, the Registry has identified further potential savings in its legal aid budget for 2013, which, if adopted by the Assembly, would have resulted in a budget proposal for the 2013 budget at a level below the 2012 approved budget.

201. As can be seen from Table 36 below, before provision for the *Kenya* hearings, there would have been a total gross increase of some €3.6 million, which was mainly attributable to two factors: (i) a rise in legal aid costs of €1 million, and (ii) an increase in staff costs of approximately €2.5 million, mainly due to the Court-wide implementation of the United Nations Common system for staff salaries and allowances. It should be noted that, as against this increase, the Registry had managed to find reductions totalling almost €3.4 million.

<sup>47</sup> *Official Records ... Sixth session ... 2007* (ICC-ASP/6/20), vol. II, part B.1, para. 80.

<sup>48</sup> [http://www.icc-cpi.int/iccdocs/asp\\_docs/Bureau/ICC-ASP-2012-Bureau-9-D-23Mar2012.pdf](http://www.icc-cpi.int/iccdocs/asp_docs/Bureau/ICC-ASP-2012-Bureau-9-D-23Mar2012.pdf).

<sup>49</sup> "Proposal for a review of the legal aid system of the Court in accordance with resolution ICC-ASP/10/Res. 4 of 21 December 2011".

202. Thus the Registry strove to and came extremely close to achieving a budget proposal for 2013 at the level of the approved 2012 budget. However, the Chambers' recent decision of 9 July 2012 to commence trials in the two *Kenya* cases on 10 April 2013 has led to a corresponding increase in Registry costs at a very late stage. As a result - and despite the concerted and determined efforts to the contrary - the Registry's proposed budget for 2013 will unavoidably exceed the approved level for the 2012 budget. These costs, which are fully consistent with the Court's budgetary practice to budget for feasible and quantifiable assumptions, relate exclusively to supporting judicial activities and providing services to parties and participants in these two trials. Such costs derive from activities including supporting operations and activities of the Office of the Prosecutor, protecting victims and witnesses, and providing courtroom services including interpretation and security.

203. After finding additional efficiencies and thoroughly scrutinising its activities, the Registry has narrowed down the amount required for these two hearings to €1,247,400.

204. In line with the wishes of the Assembly and the Committee, the Registry will continue in 2013 to seek efficiencies, and to lead the Court-wide exercise targeted at improving the Court's business processes, prioritizing its activities and services and saving costs, thus further contributing to its strategic objective of becoming a model of public administration.

**Table 36: Breakdown of MP III Proposed Budget 2013, showing net decreases and increases**

<i>MP III proposed budget for 2012</i>	<i>Total (millions of euros)</i>
2012 baseline	65.0
<b>Less</b>	
GTA and temporary assistance for meeting	1.2
Consultants	0.2
ICT related general operating expenses	0.5
Victims and witnesses relocation costs	0.6
Travel, Contractual services, general operating expenses and Others	0.8
<i>Sub-total</i>	<i>3.4</i>
<b>Add</b>	
Forward commitments (staff costs incl. step increment and salary scale)	2.0
New Post (OIA)	0.1
GTA (salary scale and vacancy rate)	0.4
Counsel for defence and victims	0.9
Equipment (mainly IT)	0.1
<i>Sub-total</i>	<i>3.6</i>
<b>Total</b>	<b>65.2</b>
<b>Total growth (0.3%)</b>	<b>0.2</b>
Kenya hearings	1.2
<b>Grand Total</b>	<b>66.5</b>
<b>Total growth (2.2%)</b>	<b>1.4</b>

**Table 37: Major Programme III: Proposed budget for 2013**

Programme III Registry	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						11,430.0	7,976.0	19,406.0	12,319.8	8,409.3	20,729.1	1,323.1	6.8
General Service staff						8,557.8	6,129.6	14,687.4	9,249.3	6,213.2	15,462.5	775.1	5.3
<i>Subtotal staff</i>	<i>19,221.7</i>	<i>14,130.0</i>	<i>33,351.7</i>		<i>33,351.7</i>	<i>19,987.8</i>	<i>14,105.6</i>	<i>34,093.4</i>	<i>21,569.1</i>	<i>14,622.5</i>	<i>36,191.6</i>	<i>2,098.2</i>	<i>6.2</i>
General temporary assistance	2,357.0	3,471.7	5,828.7	752.6	6,581.3	2,020.8	2,229.4	4,250.2	1,838.2	2,455.3	4,293.5	43.3	1.0
Temporary assistance for meetings	351.0	358.9	709.9	480.9	1,190.8	32.0	420.7	452.7	200.0	153.2	353.2	-99.5	-22.0
Overtime	271.6	159.2	430.8		430.8	244.5	120.7	365.2	214.5	138.8	353.3	-11.9	-3.3
Consultants	286.7	62.1	348.8	24.1	372.9	170.5	180.5	351.0	86.6	36.1	122.7	-228.3	-65.0
<i>Subtotal other staff</i>	<i>3,266.3</i>	<i>4,051.9</i>	<i>7,318.2</i>	<i>1,257.6</i>	<i>8,575.8</i>	<i>2,467.8</i>	<i>2,951.3</i>	<i>5,419.1</i>	<i>2,339.3</i>	<i>2,783.4</i>	<i>5,122.7</i>	<i>-296.4</i>	<i>-5.5</i>
Travel	233.1	1,312.1	1,545.2	157.2	1,702.4	242.8	1,632.0	1,874.8	184.5	1,709.1	1,893.6	18.8	1.0
Hospitality	6.1		6.1		6.1	5.0		5.0	4.0		4.0	-1.0	-20.0
Contractual services	889.2	1,222.5	2,111.7	323.4	2,435.1	1,409.0	1,304.1	2,713.1	1,143.4	1,633.6	2,777.0	63.9	2.4
Training	308.6	291.3	599.9		599.9	430.9	211.5	642.4	387.4	178.0	565.4	-77.0	-12.0
Counsel for Defence		3,323.1	3,323.1	521.6	3,844.7		1,950.8	1,950.8		3,117.4	3,117.4	1,166.6	59.8
Counsel for Victims		1,688.3	1,688.3	307.1	1,995.4		4,279.0	4,279.0		4,010.1	4,010.1	-268.9	-6.3
General operating expenses	5,152.6	5,028.9	10,181.5	312.2	10,493.7	5,956.6	6,113.6	12,070.2	6,315.8	4,368.4	10,684.2	-1,386.0	-11.5
Supplies and materials	602.7	342.3	945.0	10.5	955.5	673.0	327.0	1,000.0	693.2	273.5	966.7	-33.3	-3.3
Furniture and equipment	611.6	302.0	913.6	554.1	1,467.7	993.9		993.9	1,104.0	36.7	1,140.7	146.8	14.8
<i>Subtotal non-staff</i>	<i>7,803.9</i>	<i>13,510.5</i>	<i>21,314.4</i>	<i>2,186.1</i>	<i>23,500.5</i>	<i>9,711.2</i>	<i>15,818.0</i>	<i>25,529.2</i>	<i>9,832.3</i>	<i>15,326.8</i>	<i>25,159.1</i>	<i>-370.1</i>	<i>-1.4</i>
<b>Total</b>	<b>30,291.9</b>	<b>31,692.4</b>	<b>61,984.3</b>	<b>3,443.7</b>	<b>65,428.0</b>	<b>32,166.8</b>	<b>32,874.9</b>	<b>65,041.7</b>	<b>33,740.7</b>	<b>32,732.7</b>	<b>66,473.4</b>	<b>1,431.7</b>	<b>2.2</b>
Distributed maintenance	-289.7	-748.2	-1,037.9		-1,037.9	-317.7	-728.1	-1,045.8	-303.2	-702.6	-1,005.8	40.0	-3.8

**Table 38: Major Programme III: Proposed staffing for 2013**

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
											108			9	135
Existing	Basic		1		4	16	25	34	25	3	108	9	135	144	252
	Situation-related					1	14	32	36	4	87	7	133	140	227
	<i>Subtotal</i>		<i>1</i>		<i>4</i>	<i>17</i>	<i>39</i>	<i>66</i>	<i>61</i>	<i>7</i>	<i>195</i>	<i>16</i>	<i>268</i>	<i>284</i>	<i>479</i>
New	Basic							1			1				1
	Situation-related														
	<i>Subtotal</i>							<i>1</i>			<i>1</i>				<i>1</i>
Redeployed/ Returned	Basic								1		1				1
	Situation-related								-1	-1	-2				-2
	<i>Subtotal</i>								<i>-1</i>	<i>-1</i>	<i>-1</i>				<i>-1</i>
<b>Total</b>		<b>1</b>		<b>4</b>	<b>17</b>	<b>39</b>	<b>67</b>	<b>61</b>	<b>6</b>	<b>6</b>	<b>195</b>	<b>16</b>	<b>268</b>	<b>284</b>	<b>479</b>

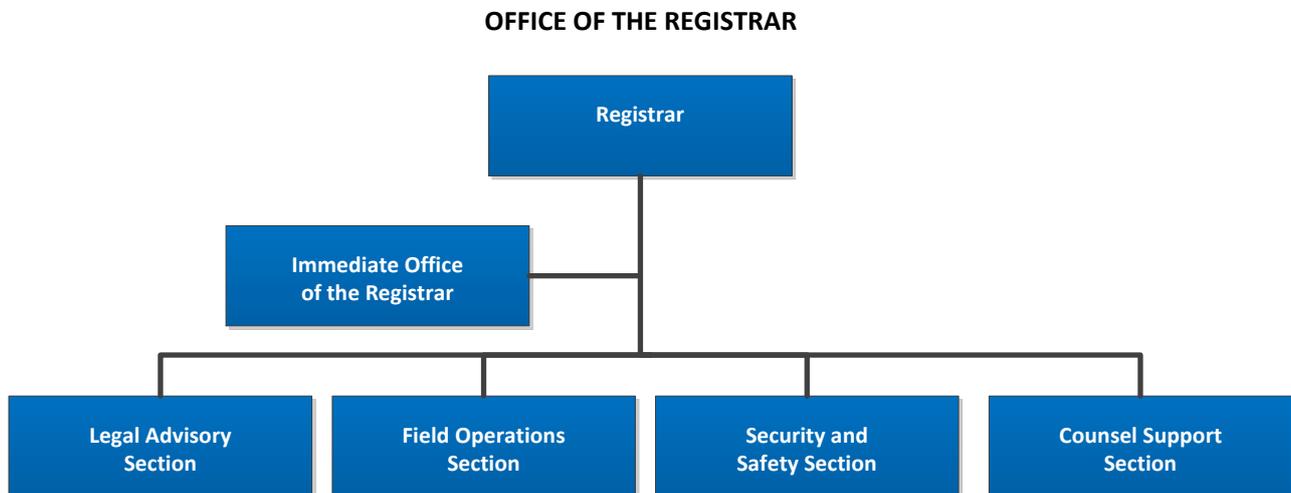
## 1. Programme 3100: Office of the Registrar

### Introduction

205. The Registrar is the principal administrative officer of the Court, and, as such, is entrusted with responsibilities in different areas relating to the non-judicial aspects of the administration and servicing of the Court.

206. For the Proposed Programme Budget for 2013, the Registrar has preliminarily reorganized Major Programme III in order to better reflect the structure reporting lines and operation of the Registry. A new programme, Programme 3700, has been created comprising the following sub-programmes previously located in Programme 3100: Office of Public Counsel for the Defence; Office of Public Counsel for Victims; Office of Internal Audit; the Registry's Permanent Premises Office; and the Staff Union Council. Making these sub-programmes distinct within Major Programme III highlights their independent or special nature while maintaining them within the Registry for administrative purposes.

207. For the purposes of the Proposed Programme Budget for 2013, the Office of the Registrar comprises the following five sub-programmes:



208. The Immediate Office of the Registrar supports and advises the Registrar and the Deputy Registrar in relation to all of their responsibilities, including cooperation with States Parties, budget and financial management, and Court-wide and section-wide Registry policies and strategies. The Legal Advisory Section reports to the Registrar and provides legal advice on questions regarding the Court's legal framework on matters within the Registry's responsibilities. The Field Operations Section manages and supports the field offices established in the situation countries to meet the Court's mandate on the ground. The operational needs of the Registry, Office of the Prosecutor, Trust Fund for Victims and counsel are the key driving factors for field offices services and resources. The Security and Safety Section provides a safe, secure and confidential working environment, both in The Hague and in the field, to protect all persons to whom the Court owes a duty of care, as well as the Court's tangible and intangible assets and information resources. The Counsel Support Section coordinates all the assistance provided to counsel by the Court, and manages the Court's legal aid scheme. All of these sub-programmes in the Office of the Registrar are under the Registrar's direct supervision.

## 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 2013</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. agreements with States; agreements with the United Nations; and relocation agreements). - Number of findings of non-cooperation made by Chambers.	4  0%
<b>Objective 2</b> - To provide efficient and effective support to staff and legal teams. - To maintain a secure and safe environment at the Court. - To provide field security in accordance with United Nations/ international standards.	- Number of incidents involving serious injuries due to negligence of management. - Screening of all persons and items entering the Court's premises. - Compliance with Minimum Operating Security Standards (MOSS).	0% 100% 90%
<b>Objective 3</b> - To minimize management and financial risks.	- Implementing internal and external audit recommendations by management.	60%

**Table 39: Programme 3100: Proposed budget for 2013**

3100 Office of the Registrar	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl. CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						2,417.4	1,329.6	3,747.0	2,566.5	1,603.4	4,169.9	422.9	11.3
General Service staff						2,578.2	1,878.5	4,456.7	2,624.6	2,014.0	4,638.6	181.9	4.1
<i>Subtotal staff</i>	<i>4,550.2</i>	<i>3,544.2</i>	<i>8,094.4</i>		<i>8,094.4</i>	<i>4,995.6</i>	<i>3,208.1</i>	<i>8,203.7</i>	<i>5,191.1</i>	<i>3,617.4</i>	<i>8,808.5</i>	<i>604.8</i>	<i>7.4</i>
General temporary assistance	1,267.7	343.3	1,611.0	47.5	1,658.5	1,360.1	305.1	1,665.2	1,082.4	208.5	1,290.9	-374.3	-22.5
Temporary assistance for meetings													
Overtime	136.0	63.5	199.5		199.5	124.4	57.6	182.0	124.4	50.3	174.7	-7.3	-4.0
Consultants						51.0		51.0				-51.0	-100.0
<i>Subtotal other staff</i>	<i>1,403.7</i>	<i>406.8</i>	<i>1,810.5</i>	<i>47.5</i>	<i>1,858.0</i>	<i>1,535.5</i>	<i>362.7</i>	<i>1,898.2</i>	<i>1,206.8</i>	<i>258.8</i>	<i>1,465.6</i>	<i>-432.6</i>	<i>-22.8</i>
Travel	75.2	349.3	424.5	62.0	486.5	39.6	430.0	469.6	30.1	445.9	476.0	6.4	1.4
Hospitality	6.1		6.1		6.1	5.0		5.0	4.0		4.0	-1.0	-20.0
Contractual services	84.2	201.8	286.0	73.4	359.4	112.0	263.1	375.1	112.0	263.3	375.3	0.2	0.1
Training	82.8	59.4	142.2		142.2	98.5	145.9	244.4	97.6	107.7	205.3	-39.1	-16.0
Counsel for Defence		3,323.1	3,323.1	521.6	3,844.7		1,950.8	1,950.8		3,117.4	3,117.4	1,166.6	59.8
Counsel for Victims		1,688.3	1,688.3	307.1	1,995.4		4,279.0	4,279.0		4,010.1	4,010.1	-268.9	-6.3
General operating expenses	90.0	700.5	790.5	21.3	811.8	188.0	685.8	873.8	165.0	616.6	781.6	-92.2	-10.6
Supplies and materials	61.6	291.3	352.9		352.9	67.7	186.2	253.9	63.3	159.3	222.6	-31.3	-12.3
Furniture and equipment	0.8	93.4	94.2	14.4	108.6	1.0		1.0	1.0	1.7	2.7	1.7	170.0
<i>Subtotal non-staff</i>	<i>400.7</i>	<i>6,707.1</i>	<i>7,107.8</i>	<i>999.8</i>	<i>8,107.6</i>	<i>511.8</i>	<i>7,940.8</i>	<i>8,452.6</i>	<i>473.0</i>	<i>8,722.0</i>	<i>9,195.0</i>	<i>742.4</i>	<i>8.8</i>
<b>Total</b>	<b>6,354.6</b>	<b>10,658.1</b>	<b>17,012.7</b>	<b>1,047.3</b>	<b>18,060.0</b>	<b>7,042.9</b>	<b>11,511.6</b>	<b>18,554.5</b>	<b>6,870.9</b>	<b>12,598.2</b>	<b>19,469.1</b>	<b>914.6</b>	<b>4.9</b>
Distributed maintenance	204.1	312.4	516.5		516.5	226.9	296.1	523.0	278.1	301.1	579.2	56.2	19.0

**Table 40: Programme 3100: Proposed staffing for 2013**

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	5	5	4	4	1	21	2	39	41	62
	Situation-related					1	4	7	3		15	1	50	51	66
	<i>Subtotal</i>		<i>1</i>		<i>1</i>	<i>6</i>	<i>9</i>	<i>11</i>	<i>7</i>	<i>1</i>	<i>36</i>	<i>3</i>	<i>89</i>	<i>92</i>	<i>128</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>6</b>	<b>9</b>	<b>11</b>	<b>7</b>	<b>1</b>	<b>36</b>	<b>3</b>	<b>89</b>	<b>92</b>	<b>128</b>	

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

209. The Immediate Office directly supports the Registrar and the Deputy Registrar in the non-judicial aspects of the administration and servicing of the Court. It is 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 thus ensure the proper management of the Registry and foster communication internally Registry-wide and Court-wide as well as with external stakeholders.

210. As part of administrative management, the Immediate Office oversees and guides the effective administration of the Court's resources, monitors the implementation of internal and external audit recommendations and acts as the overall manager for the Court's trust funds and special accounts. The Immediate Office supports the Registrar's role in relation to preparation of the annual budget, consultation with the Bureau's Hague Working Group, and coordination of organ-wide initiatives such as the Strategy in Relation to Victims, the Guidelines on Intermediaries and the review of the legal aid scheme. The Office also coordinates the submission of filings to Chambers on overarching issues under the responsibility of the Registrar.

211. In addition, in view of the crucial role played by the Registrar in securing support and cooperation from States Parties, the Office channels judicial requests for cooperation to the relevant States and ensures their implementation. The Office negotiates certain voluntary agreements with States, such as agreements on the protection of witnesses, and the interim release of detainees. The Office is also responsible for managing relations with the host State and for acting as the main interlocutor of Presidency/Registry with The Hague Working Group of the Assembly.

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

212. 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.

*Hospitality*

213. The Registry offers limited hospitality for the purpose of increasing support and cooperation among States Parties and external key partners such as the United Nations, donors, IGOs and NGOs.

**Situation-related resources***Travel*

214. 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.

**Table 41; Sub-programme 3110: Proposed budget for 2013**

3110 Immediate Office of the Registrar	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff					902.7		902.7	953.5		953.5	50.8	5.6	
General Service staff					198.3		198.3	205.8		205.8	7.5	3.8	
<i>Subtotal staff</i>	962.6	-8.8	953.8		953.8	1,101.0	1,101.0	1,159.3		1,159.3	58.3	5.3	
General temporary assistance	259.6		259.6		259.6								
Temporary assistance for meetings													
Overtime													
Consultants						14.6	14.6				-14.6	-100.0	
<i>Subtotal other staff</i>	259.6		259.6		259.6	14.6	14.6				-14.6	-100.0	
Travel	52.9	14.1	67.0		67.0	23.1	11.7	34.8	16.8	18.0	34.8		
Hospitality	6.1		6.1		6.1	5.0		5.0	4.0		4.0	-1.0	
Contractual services	26.1		26.1		26.1								
Training	0.9		0.9		0.9								
General operating expenses													
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	86.0	14.1	100.1		100.1	28.1	11.7	39.8	20.8	18.0	38.8	-1.0	
<b>Total</b>	<b>1,308.2</b>	<b>5.3</b>	<b>1,313.5</b>		<b>1,313.5</b>	<b>1,143.7</b>	<b>11.7</b>	<b>1,155.4</b>	<b>1,180.1</b>	<b>18.0</b>	<b>1,198.1</b>	<b>42.7</b>	<b>3.7</b>
Distributed maintenance	30.3		30.3		30.3	33.3		33.3	30.6		30.6	-2.7	-8.1

**Table 42; Sub-programme 3110: Proposed staffing for 2013**

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		2	1		7	1	2	3	10
	Situation-related														
	<i>Subtotal</i>		1		1	2		2	1		7	1	2	3	10
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>2</b>		<b>2</b>	<b>1</b>		<b>7</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>10</b>	

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

215. The Legal Advisory Services Section (LASS) is the section in charge of supporting operational legal issues insofar as they are relevant to the duties assigned to the Registrar under the Rome Statute and Rules of Procedure and Evidence. In this regard, the main objective of LASS is to provide legal advice to the Registrar and the Deputy Registrar, individual sections of the Registry, and other officials of the Court on questions regarding the general legal framework which governs the work of the Court. As the Court has evolved from the establishment of infrastructure to a fully-fledged operational institution, the role of LASS has also evolved to meet the new organizational changes and challenges. Ensuring that the facilities and systems developed are in accordance with the legal framework of the Court has been, and continues to be, the main focus of LASS activities.

216. LASS's activities and services for the fulfilment of its mandate can be summarized in the 10 following areas:

(a) *Administration of Justice*: Advice on HR-related issues and drafting the Registrar's position in litigation proceedings (administrative review/disciplinary matters/ILOAT) and conciliation/settlement negotiations. In 2011, LASS handled 14 administrative review cases; 9 Appeals Board cases, 4 ILOAT cases; 11 disciplinary cases; 20 legal opinions /advice, review of legal documents, including investigation reports;

(b) *Staff entitlements*: Provide timely legal advice to Human Resources to ensure that staff entitlements are granted in accordance with the Staff Regulations and Rules. In 2011 LASS handled 27 formal requests;

(c) *Procurement review cases*: Participating in the Procurement Review Committee (PRC) and providing secretarial services to the PRC to ensure compliance of procurement proceedings with the Financial Regulations and Rules and other applicable legal instruments. In 2011 LASS handled 52 PRC cases;

(d) *Contracts*: Drafting, reviewing and negotiating contracts with external partners, including agreements and memoranda of understanding. In 2011, LASS handled a total of 78 contracts, including funding projects;

(e) *Legal Consultations*: Providing the Registrar and/or individual sections and units within the Court with (i) internal informative memoranda on interpretation and application of the Court's legal framework and (ii) legal advice/opinions on institutional and other operational modalities relating to the Court's mandate. In 2011 LASS provided 87 legal consultations;

(f) *Administrative issuances*: Draft and/or review administrative instructions, information circulars, presidential directives and other internal policies of the Court. In 2011 LASS handled 20 issuances;

(g) *Support in judicial proceedings*: Monitor and update the Registrar and Registry sections on judicial proceedings in the different situations and cases and overview the Registry's filings before Chambers and Presidency. Provide assistance to Registry sections by way of legal research, drafting and/or review to ensure consistency in the Registry's positions prepared by different sections in the various cases and situations and to prevent possible conflicts of interests from impacting on the judicial work of each section. In 2011 LASS was directly involved in 6 submissions before the Chambers;

(h) *Host State affairs*: Serve as interlocutor between the Court and the host State regarding privileges and immunities, interpretation and implementation of the host State Agreement and of the Agreement on Privileges and Immunities of the Court. In 2011 LASS intervened in 12 matters;

(i) *Representation of the Court in external bodies*: Serve as interlocutor/representative of the Court before the International Community Platform, to protect and improve the living conditions of staff members of international organizations and international companies within the Netherlands, in order for the Court to be an attractive employer and to increase its staff-retention capacity; and

(j) *Requests for publication*: Review publications by staff members before Registrar's approval to ensure that their personal views and convictions do not adversely

affect their official duties or the interest of the Court. In 2011, LASS reviewed 61 requests for publication.

217. Expected results:

(a) Provision to the Court of timely, sound and consistent legal advice on all topics listed above;

(b) Effective cooperation regarding legal internal documents between the different pillars of the Court; and

(c) Ensure minimum legal exposure of the Court to litigation.

218. The section is headed by a Senior Legal Adviser (P-5) and is composed of two Legal Advisers (P-4), one Legal Officer (P-3), one Associate Legal Officer (P-2), one Legal Assistant (G-6) and one Administrative Assistant (G-4). The section has two units reporting directly to the Chief of Section, namely the Administration of Justice and Administrative Issuance Unit (AJAIU) and the Contracts and Privileges and Immunities Unit (CP&IU), each headed by a Legal Adviser and supported by the Associate Legal Officer and the Legal Officer respectively. The AJAIU mainly handles activities and services listed in points (a), (b), and (f) of the above list, whilst the CP&IU mainly handles activities and services listed in points (c), (d), (e), (h), (i) and (j).

219. Support in judicial services activity is mainly handled by the Legal Officer under the direct supervision of the Chief of Section. The Legal Assistant reports directly to the Chief of Section and provides legal support in terms of preliminary research and drafting to all staff of the section as required, The Administrative Assistant likewise provides secretarial/administrative support to the section.

#### Non-staff resources

##### *Contractual services*

220. Contractual services are required in order to cover consultancy and specific expertise for litigation needed in the field and at Headquarters. The activities of the Court generate additional research and drafting work, as well as general support relating to legal, operational and administrative matters. The Legal Advisory Section requires outside legal expertise in areas where it lacks in-house expertise or knowledge, particularly on local legislation in countries where the Court has ongoing investigations or situations.

**Table 43: Workload indicators and statistics for the Legal Advisory Services Section (LASS)**

<i>Anticipated workload 2013</i>	<i>Staff 2010 Handling the work</i>	<i>Actual workload 2010 and % increase</i>	<i>Staff 2011 Handling the work</i>	<i>Actual workload 2011 and % increase</i>	<i>Estimated Workload 2013</i>
1. Administration of Justice	3	35 cases 5.7% increase	3	58 cases 66% increase	73 cases 26% increase
2. Staff entitlements	2	27 requests 26% increase	2	27 requests 0% increase	37 requests 37% increase
3. Procurement review cases	2	54 PRC cases 1.9% decrease	3	52 PRC cases 4% decrease	52 PRC cases 0 % increase
4. Contracts, agreements, MOU	2	TOTAL 66 56% increase	2	TOTAL 78 18, 2 % increase	TOTAL 85 9 % increase
5. Legal consultations	3	20 consultations 100% increase	3	87 consultations 335% increase	90 consultations 3,5% increase
6. Administrative issuances	2	7 issuances 28.6% decrease	2	20 issuances 185% increase	30 issuances 30% increase
7. Support in judicial proceedings	2	TOTAL 27 29.63% increase	2	TOTAL 22 18,5 % decrease	TOTAL 402 1727 % increase

<i>Anticipated workload 2013</i>	<i>Staff 2010 Handling the work</i>	<i>Actual workload 2010 and % increase</i>	<i>Staff 2011 Handling the work</i>	<i>Actual workload 2011 and % increase</i>	<i>Estimated Workload 2013</i>
8. Host State affairs	1	TOTAL 11 52.17% decrease	1	TOTAL 12 9% increase	TOTAL 15 25% increase
9. Representation of the Court in external bodies			1	3 projects	2 projects 33% decrease
10. Requests for publication	2	43 publications 70% increase	2	61 publications 42% increase	60 publications 1,6% decrease

**Table 44: Sub-programme 3130: Proposed budget for 2013**

3130 Legal Advisory Services Section	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						549.1		549.1	585.7		585.7	36.6	6.7
General Service staff						121.2		121.2	126.5		126.5	5.3	4.4
<i>Subtotal staff</i>	<i>427.0</i>		<i>427.0</i>		<i>427.0</i>	<i>670.3</i>		<i>670.3</i>	<i>712.2</i>		<i>712.2</i>	<i>41.9</i>	<i>6.3</i>
General temporary assistance	64.1		64.1		64.1								
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	<i>64.1</i>		<i>64.1</i>		<i>64.1</i>								
Travel	7.6	0.8	8.4		8.4		1.9	1.9				-1.9	-100.0
Hospitality													
Contractual services	3.9		3.9		3.9	17.5		17.5	17.5		17.5		
Training	6.4		6.4		6.4								
General operating expenses													
Supplies and materials	0.2		0.2		0.2								
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>18.1</i>	<i>0.8</i>	<i>18.9</i>		<i>18.9</i>	<i>17.5</i>	<i>1.9</i>	<i>19.4</i>	<i>17.5</i>		<i>17.5</i>	<i>-1.9</i>	<i>-9.8</i>
<b>Total</b>	<b>509.2</b>	<b>0.8</b>	<b>510.0</b>		<b>510.0</b>	<b>687.8</b>	<b>1.9</b>	<b>689.7</b>	<b>729.7</b>		<b>729.7</b>	<b>40.0</b>	<b>5.8</b>
Distributed maintenance	19.3		19.3		19.3	21.2		21.2	25.0		25.0	3.8	18.1

**Table 45: Sub-programme 3130: Proposed staffing for 2013**

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>					<i>1</i>	<i>2</i>	<i>1</i>	<i>1</i>		<i>5</i>		<i>2</i>	<i>2</i>	<i>7</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>1</b>	<b>1</b>		<b>5</b>		<b>2</b>	<b>2</b>	<b>7</b>	

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

221. 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.

222. 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, as well as the Secretariat of the Assembly of States Parties and the Secretariat of the Trust Fund for Victims, including in particular the necessary security and safety services for the safe and undisturbed conduct of court hearings.

223. In regard to operations in the field, the section supports the specific requirements of its clients of all organs of the Court, especially the Office of the Prosecutor, the Registry, counsel and the Trust Fund for Victims.

**Staff resources**

224. 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 and the opening of new situations. It has accordingly re-assessed its existing field resources and restructured its field presence in order to increase efficiency.

225. One GS-OL Assistant Field Security Officer has been re-assigned to the DRC in order to reinforce SSS capacity to provide support to ongoing field activities in the country, including the Kivus, complementing the security presence in DRC Field Offices (Kinshasa and Bunia).

226. Funding is required for two positions (one GS-OL Assistant Field Security Officer and one locally recruited Local Security Assistant), which have been re-assigned to Côte d'Ivoire. One staff member has also been re-assigned to Côte d'Ivoire and will also be responsible for supervision of one GS-OL Assistant Field Security Officer assigned to the CAR.

227. In Kenya and Uganda, the existing security field presence is maintained: one P-3 Field Security Officer based in Kenya is supervising two GS-OL Assistant Field Security Officers, one assigned to Kenya and the other to Uganda.

**Basic resources***General temporary assistance*

228. 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*

229. Recurrent. Maintenance of 24/7 security and safety services requires permanent manning of a number of posts. Therefore overtime and night differentials have to be provided for.

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

230. No general temporary assistance funding will be required for 2013 in light of the Court's schedule.

*Overtime*

231. Overtime is required in order to be able to cover the additional workload due to the Court hearings, in particular extended hours of court hearings, and staff shortages due to insufficient number of security staff. Without the overtime allocation, the section is unable to provide any hearing support activities..

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

232. To attend essential briefings and coordination meetings with partners in other international organizations, such as UNDSS, the Inter-Agency Security Management Network, INTERPOL and security conferences, 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.

*Contractual services*

233. 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, the Personnel Security and Investigations Office is maintaining ongoing efforts to expand vetting procedures to include interns, visiting professionals, consultants and contractors in addition to regular staff.

*Training*

234. 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 control-and-restrain and close protection are included, and are considered fundamental to the overall security posture of the Court.

*General operating expenses*

235. 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. Due to the postponement of replacement of security screening equipment, an increase in costs for the maintenance is expected, 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*

236. 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 and re-certification sessions.

**Situation-related resources***Travel*

237. Based on service requests to SSS from other organs and Registry sections/units, there is an increase in travel costs for SSS personnel in support of specific missions. Travel costs in respect of security liaison and support for senior Court officials, security interviews during recruitment processes, security investigations and security assessments in the different situations have also been included. The requirements to support specific missions in Libya when SSS has no permanent presence in the country have also contributed to the cost increase. The support to specific missions in the Libya situation will be provided by Headquarters-based security personnel.

238. It is mandatory that each field security staff member should travel to Headquarters to attend briefings and receive training for the maintenance of qualifications. 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 with the United Nations. Requirements also include attendance at United Nations field security coordination meetings and training.

#### *Contractual services*

239. The overall level of costs of contractual services for security and safety has been maintained at just above the previous level, despite the opening of the field office in Côte d'Ivoire. Costs of essential local security service providers (security guarding) at Court field offices and of local law enforcement agencies (police and military) are included. The section is required to ensure safety and security in all field offices and to continue to support Court missions with the assistance of local police/military.

#### *Training*

240. All field security personnel require the same level of training in first-aid, fire-fighting 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.

241. The (revised) training course, "Safe and Secure Approaches in Field Environments" (SSAFE), implemented in 2012, is to continue during 2013 and to become effectively part of a regular and comprehensive staff awareness and safety programme. This field security training provided to Headquarters-based personnel deploying regularly to the field and to personnel permanently assigned to the field is essential to reinforce their security and safety skills. At Headquarters level, the SSAFE course is delivered in collaboration with the host State military in the Netherlands; for other field-based staff, the SSAFE is delivered by the United Nations under the direction and supervision of the Court's field security personnel; two field locations have been identified for these courses: Kinshasa (in French) and in Kenya (in English). The course cost excludes travel and DSA, which should be covered by the participating organs/sections. A revision of the course costs by providers has contributed to an increase in training costs.

#### *General operating expenses*

242. 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*

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

**Table 46: Sub-programme 3140: Proposed budget for 2013**

3140 Security and Safety Section	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						549.1	436.6	985.7	585.7	536.1	1,121.8	136.1	13.8
General Service staff						2,137.5	1,280.6	3,418.1	2,165.8	1,337.7	3,503.5	85.4	2.5
<i>Subtotal staff</i>	<i>2,776.2</i>	<i>1,785.5</i>	<i>4,561.7</i>		<i>4,561.7</i>	<i>2,686.6</i>	<i>1,717.2</i>	<i>4,403.8</i>	<i>2,751.5</i>	<i>1,873.8</i>	<i>4,625.3</i>	<i>221.5</i>	<i>5.0</i>
General temporary assistance	944.0	108.1	1,052.1	13.3	1,065.4	1,360.1	41.6	1,401.7	1,082.4		1,082.4	-319.3	-22.8
Temporary assistance for meetings													
Overtime	136.0	63.5	199.5		199.5	124.4	57.6	182.0	124.4	50.3	174.7	-7.3	-4.0
Consultants													
<i>Subtotal other staff</i>	<i>1,080.0</i>	<i>171.6</i>	<i>1,251.6</i>	<i>13.3</i>	<i>1,264.9</i>	<i>1,484.5</i>	<i>99.2</i>	<i>1,583.7</i>	<i>1,206.8</i>	<i>50.3</i>	<i>1,257.1</i>	<i>-326.6</i>	<i>-20.6</i>
Travel	8.3	164.9	173.2	45.4	218.6	10.0	300.4	310.4	13.3	348.4	361.7	51.3	16.5
Hospitality													
Contractual services	54.2	184.8	239.0	10.3	249.3	94.5	217.3	311.8	94.5	218.9	313.4	1.6	0.5
Training	75.5	32.4	107.9		107.9	98.5	98.7	197.2	97.6	100.3	197.9	0.7	0.4
General operating expenses	90.0	92.6	182.6		182.6	188.0	128.8	316.8	165.0	137.0	302.0	-14.8	-4.7
Supplies and materials	61.4	47.6	109.0		109.0	67.7	34.2	101.9	63.3	16.2	79.5	-22.4	-22.0
Furniture and equipment	0.8		0.8		0.8	1.0		1.0	1.0	1.7	2.7	1.7	170.0
<i>Subtotal non-staff</i>	<i>290.2</i>	<i>522.3</i>	<i>812.5</i>	<i>55.7</i>	<i>868.2</i>	<i>459.7</i>	<i>779.4</i>	<i>1,239.1</i>	<i>434.7</i>	<i>822.5</i>	<i>1,257.2</i>	<i>18.1</i>	<i>1.5</i>
<b>Total</b>	<b>4,146.4</b>	<b>2,479.4</b>	<b>6,625.8</b>	<b>69.0</b>	<b>6,694.8</b>	<b>4,630.8</b>	<b>2,595.8</b>	<b>7,226.6</b>	<b>4,393.0</b>	<b>2,746.6</b>	<b>7,139.6</b>	<b>-87.0</b>	<b>-1.2</b>
Distributed maintenance	107.6	98.7	206.3		206.3	121.0	88.0	209.0	172.4	88.8	261.2	52.2	59.4

**Table 47: Sub-programme 3140: Proposed staffing for 2013**

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					1	2	1	1		5	1	33	34	39
							1	3	1	5		19	19	24
					<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/														
Redeployed/ Returned														
<b>Total</b>					<b>1</b>	<b>3</b>	<b>4</b>	<b>2</b>		<b>10</b>	<b>1</b>	<b>52</b>	<b>53</b>	<b>63</b>

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

244. In 2012, in implementing its coordination mandate, the Field Operations Section continued the implementation of its field operations strategy, in line with the Report of the Court on the field operations strategy.<sup>50</sup> As a result, further efficiencies have been attained which have allowed for absorption of costs related to coordination and support for the Court's activities in the Côte d'Ivoire situation. In 2013, the 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' services and resources.

245. As a result, the Registrar will maintain six field presences in the seven situations before the Court, with a decrease in the field-based staffing in Uganda and the Democratic Republic of the Congo. Two field offices, Bangui (Central African Republic) and Kinshasa (DRC) will continue their activities. In addition, a small forward field presence in Bunia (DRC), linked to the main field office in Kinshasa, will continue in its support to ongoing activities in relation to the appeals and reparations proceedings in the *Lubanga* case and preparation of the judgment in the *Katanga/Ngudjolo* case, as well as ongoing activities related to investigations in the Kivu provinces. A limited and reduced field presence will be kept in Kampala (Uganda) in order to provide continued/ongoing operational support 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 DRC, as well as to support a very limited number of Registry residual activities. The ongoing investigations in Kenya, the preparatory work for trial proceedings in the two *Kenya* cases, and the commencement of the trials will continue to benefit from the support of the Registry Task-Force field presence in Nairobi. A small administrative field presence has been established in Côte d'Ivoire, financed mainly from existing resources.

246. In addition to its coordination role, in 2013 the Field Operations Section will be called upon by its clients to continue its support in line with the estimated field work-days<sup>51</sup>. The Table below shows forecast field work-days for 2013.

**Table 48: 2013 Estimated field work-days**

<i>Clients</i>	<i>2013 estimated field work-days</i>		
	<i>Annual work-days of field-based staff</i>	<i>External mission days</i>	<i>Total</i>
OTP	1040	50	1 090
TFV	1300	74	1 374
Counsel (defence teams, legal representatives of victims, OPCV, OPCD)		155	155
Registry substantive (PIDS, VPRS, VWU)	11700	404	12 104
<i>Subtotal</i>	<i>14040</i>	<i>683</i>	<i>14 723</i>
Registry Support Sections (FOS, SSS, ICTS, Medical, STIC)	13520	104	13 624
<b>Total</b>	<b>27560</b>	<b>787</b>	<b>28 347</b>

247. For 2013, the field presence in Kampala is limited to the minimum capacity. The Registry is currently discussing with the UN MONUSCO Logistics Base in Entebbe the possibility of hosting this residual capacity within their compound. At the same time, FOS is exploring the local market with a view to obtaining the most competitive rental options. This minimum residual capacity will provide services to the remaining field-based clients. It will also be ready to be triggered to full-scale if required by unforeseen judicial developments in the Uganda situation in 2013.

248. Other savings will be attained in major assets such as telecommunications equipment, furniture and vehicles, and through the freezing of four posts. However, it

<sup>50</sup> ICC-ASP/10/26.

<sup>51</sup> Field work-days include the annual work-days of field-based staff and mission-days to the situation country (external missions).

should be stressed that budget constraints have put a serious strain on the section's ability to deliver and meet the operational needs of its clients and thus the ability of the Court to implement its mandate in the situation countries.

## Staff resources

### Situation-related resources

#### *Redeployments*

249. In line with the assumptions and forecast operational requirements for each situation country, nine posts are to be redeployed as a result of changes in field office and presences as outlined in paragraph 245 above. (See annex V(b)).

#### *General temporary assistance*

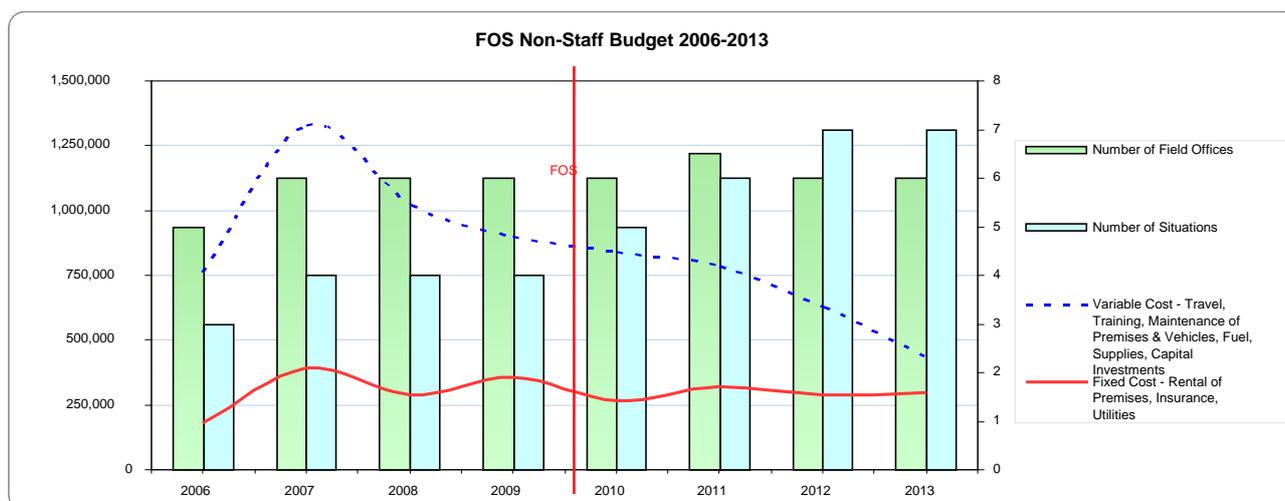
250. One P-4 Registry Task Force Coordinator will continue to be required in 2013 to oversee the Registry Task-Force field presence in Nairobi as approved by the President, and to be responsible for overall coordination and support of activities in relation to the Kenya situation and the preparation of the trial phase in the two cases.

251. In order to provide cover for all seven situations and six field offices, one GS-OL Desk Officer/Logistics Assistant continues to be required to perform functions related to operational support and assistance,<sup>52</sup> data/management indicators, mission planning/coordination support, implementation of operational support plans, and effective management of Court activities, and to ensure the implementation of field-specific standard operational procedures across the seven situations.

## Non-staff resources

252. Over the years, the section, through enhanced levels of control and monitoring of its budget, has seen a downward trend in resource requirements – notwithstanding the growth in the number of situations that need to be managed.

253. The non-staff costs for 2013 show a significant overall fall. It should be recalled that in 2012 FOS coordinated field operations through five field offices and presences. However, in 2013 FOS will coordinate a total of six field presences, while maintaining fixed costs, such as rental of premises, insurances and utilities, at approximately the same level as in 2012. As the accompanying graph shows, the main impact is on variable costs, in particular travel, training and the variable element of general operating expenses, which see the greatest decline when compared to the previous year.



<sup>52</sup> Workload indicators show that one Desk Officer is required to cover at least two situation countries. With seven situations and six field-office locations to support, at least three Desk Officers are required – the GTA requested in addition to the two already established posts. The continued requirement for this post ensures continuity and avoidance of disruption to operations of the section in support of the activities of the Court in the field, as well as the quality of operational support and coordination between field locations and HQ.

*Travel*

254. Given the nature of its work, FOS will always have a requirement for travel to the field for purposes of control and support, and for its managers to deploy to The Hague for training purposes. FOS must also consider in-country driver capacities in support of planned mission requirements, more specifically in terms of days and DSA. FOS nonetheless looks to optimize its existing resources with a view to creating cost-related efficiencies.

255. In spite of the increased number of situations, travel costs have been on the decline since 2010. The restructuring of the section has enabled an improvement in internal elements of operational control, thus progressively reducing high travel costs.

*Contractual services*

256. Expenditures on contractual services show a slight fall, and will continue in support of operations in the field. Costs incurred will relate to the services required from the United Nations Office in Nairobi to support operations in Kenya, as well as vector services (including anti-malaria fumigation) for other field offices.

*Training*

257. FOS's training objectives for 2013 will be reduced to the minimum, namely specialised training related to operational crisis management, and consequently show a substantial decrease compared to 2012.

*General operating expenses*

258. As explained in paragraph 253 above, and demonstrated in the accompanying graph, the variable element of general operating expenses has continued its downward trend, with a significant fall for 2013 by comparison with 2012, while the requirement will remain relatively constant for fixed items such as rent, maintenance and utilities for offices in the field, as well as insurance and customs clearance costs. The expected increase in activities specific to Côte d'Ivoire will be absorbed.

*Supplies and materials*

259. Continued consideration must be given to anticipated fuel consumptions and usage for 2013 for both vehicles and generators, particularly as regards activities in the CAR, the Great Lakes region, Côte d'Ivoire and Kenya, which are anticipated to see the highest level of activity in 2013. On a more minor scale, the purchase of toners and cartridges also remains a constant requirement.

260. Supplies and materials show a small but significant reduction, in line with budget constraints. A large portion of supplies and materials will have been absorbed into other operational situations as a result of the closure of the Chad office and downsizing of Uganda-based operations.

261. Efficiency will continue to be enhanced through elements of improved control and monitoring, as well as by the rise in approved family duty stations. Strict controls will be maintained on kilometres travelled and fuel consumed by vehicles and generators in support of field operations.

*Equipment including furniture*

262. For the second successive year, there is no request for this budget line, thanks to efficient management and redeployment of existing assets and resources.

**Table 49: Sub-programme 3180: Proposed budget for 2013**

3180 Field Operations Section	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount
Professional staff						696.9	696.9		858.7	858.7	161.8	23.2
General Service staff						537.3	537.3		613.1	613.1	75.8	14.1
<i>Subtotal staff</i>	-20.7	1,507.8	1,487.1		1,487.1	1,234.2	1,234.2		1,471.8	1,471.8	237.6	19.3
General temporary assistance		235.2	235.2	29.6	264.8	232.6	232.6		208.5	208.5	-24.1	-10.4
Temporary assistance for meetings												
Overtime												
Consultants												
<i>Subtotal other staff</i>		235.2	235.2	29.6	264.8	232.6	232.6		208.5	208.5	-24.1	-10.4
Travel		123.7	123.7	16.6	140.3	116.0	116.0		72.9	72.9	-43.1	-37.2
Hospitality												
Contractual services		17.0	17.0	63.1	80.1	45.8	45.8		44.4	44.4	-1.4	-3.1
Training		27.0	27.0		27.0	47.2	47.2		7.4	7.4	-39.8	-84.3
General operating expenses		606.5	606.5	21.3	627.8	557.0	557.0		478.6	478.6	-78.4	-14.1
Supplies and materials		243.7	243.7		243.7	152.0	152.0		143.1	143.1	-8.9	-5.9
Furniture and equipment		93.4	93.4	14.4	107.8							
<i>Subtotal non-staff</i>		1,111.3	1,111.3	115.4	1,226.7	918.0	918.0		746.4	746.4	-171.6	-18.7
<b>Total</b>	<b>-20.7</b>	<b>2,854.3</b>	<b>2,833.6</b>	<b>145.0</b>	<b>2,978.6</b>	<b>2,384.8</b>	<b>2,384.8</b>		<b>2,426.7</b>	<b>2,426.7</b>	<b>41.9</b>	<b>1.8</b>
Distributed maintenance		160.3	160.3		160.3	156.0	156.0		154.4	154.4	-1.6	-1.0

**Table 50: Sub-programme 3180: Proposed staffing for 2013**

Field 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														
	Situation-related					1	2	4	1		8	1	30	31	39
	<i>Subtotal</i>					1	2	4	1		8	1	30	31	39
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>	

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

263. 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.

264. All commitments related to the activities of the Court's Disciplinary Organs fall under Sub-programme 3190.

**Non-staff resources**

**Situation-related resources**

*Legal aid for the defence*

265. The cost of legal aid for each indigent defendant has been calculated by applying the revised legal aid system approved in 2012 and in accordance with the 2013 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*

266. The cost of legal aid for each group of victims as defined in the assumptions has been calculated on the basis of the revised legal aid system approved in 2012. An additional sum has been provided for the payment of legal assistance at the situation stage.

*Travel*

267. Travel has been budgeted mainly for the members of the disciplinary organs travelling to The Hague for the purpose of holding two hearings, and for the section to attend two meetings with Legal Associations representing the Court.

*Contractual services, including training*

268. The cost of legal aid both for the defence and for victims has been calculated according to the applicable legal aid system currently in force and with additional provisions for duty counsel and ad hoc counsel.

*Other operating costs*

269. The participation of the Court in an international contact network for the recovery of assets is subject to the payment of the appropriate annual contribution.

**Table 51: Sub-programme 3190: Proposed budget for 2013**

3190 Counsel Support Section	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						416.5	196.1	612.6	441.6	208.6	650.2	37.6	6.1
General Service staff						121.2	60.6	181.8	126.5	63.2	189.7	7.9	4.3
<i>Subtotal staff</i>	405.1	259.7	664.8		664.8	537.7	256.7	794.4	568.1	271.8	839.9	45.5	5.7
General temporary assistance				4.6	4.6		30.9	30.9				-30.9	-100.0
Temporary assistance for meetings													
Overtime													
Consultants						36.4		36.4				-36.4	-100.0
<i>Subtotal other staff</i>				4.6	4.6	36.4	30.9	67.3				-67.3	-100.0
Travel	6.4	45.8	52.2		52.2	6.5		6.5		6.6	6.6	0.1	1.5
Hospitality													
Contractual services													
Training													
Counsel for Defence		3,323.1	3,323.1	521.6	3,844.7		1,950.8	1,950.8		3,117.4	3,117.4	1,166.6	59.8
Counsel for Victims		1,688.3	1,688.3	307.1	1,995.4		4,279.0	4,279.0		4,010.1	4,010.1	-268.9	-6.3
General operating expenses		1.4	1.4		1.4					1.0	1.0	1.0	
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	6.4	5,058.6	5,065.0	828.7	5,893.7	6.5	6,229.8	6,236.3		7,135.1	7,135.1	898.8	14.4
<b>Total</b>	<b>411.5</b>	<b>5,318.3</b>	<b>5,729.8</b>	<b>833.3</b>	<b>6,563.1</b>	<b>580.6</b>	<b>6,517.4</b>	<b>7,098.0</b>	<b>568.1</b>	<b>7,406.9</b>	<b>7,975.0</b>	<b>877.0</b>	<b>12.4</b>
Distributed maintenance	16.6	12.3	28.9		28.9	18.2	12.0	30.2	16.7	19.3	36.0	5.8	19.2

**Table 52: Sub-programme 3190: Proposed staffing for 2013**

Counsel Support 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	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>

## 2. Programme 3200: Common Administrative Services Division

### Introduction

270. The Common Administrative Services Division (CASD) provides a diverse range of non-judicial services to support the functioning of the Court. This division is comprised of the Office of the Director, Human Resources Section, Budget and Finance Section, General Services Section and Information and Communication Technologies Section. The functions performed by the Division are driven by necessary service requirements and provide essential coordination to ensure an optimal and effective utilization of human and financial resources. 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) and continues to apply to the revised strategic plan mission statement, whereby the Court pledges to remain "administratively accountable, transparent and efficient".

271. The division, in coordination with different internal stakeholders of the Court, produces accurate and timely information and official documentation to oversight bodies and internal and external audiences on diverse matters such as budget, human resources and Court-wide special projects, including International Public Sector Accounting Standards (IPSAS), risk management and analytical accountability.

272. The division has prepared its 2013 budget proposal based on the Court's current strategic priorities as well as planned updated strategic goals, and on the necessary service requirements of the different major programmes.

273. The division fully understands the need for savings in the Court's budget, and has made strenuous efforts to maintain its budget proposal for 2013 in line with the approved budget for 2012, in spite of the inflationary increases in goods and services and anticipated additional workload in some cases. This has been made possible through a continuous effort to achieve efficiency gains in the area of procurement, and through flexible use of resources. Furthermore, the division has refrained from requesting resources for the implementation of the Court's capital investment plan and for the conversion of long-standing GTAs, but will need to revisit these matters at a future date.

274. The division's 2013 budget proposal includes the allocation of €600,200 for the implementation of the IPSAS project, which falls within the Budget and Finance Section.

275. Within the Division, the Budget and Finance Section will continue with the development and implementation of IPSAS. A detailed gap analysis has been undertaken, as well as an in-depth analysis of the requirements and impact of each IPSAS standard. Required changes to the Financial Regulations and Rules of the Court have also been clearly identified and carefully analyzed and discussed with internal stakeholders, as well as with external users.

276. The Human Resources Section will continue the progress that has been made towards the development, implementation and monitoring of HR policies, strategies and tools; and the development of a new classification framework.

277. The division is involved in the management and support of several Organization-wide projects targeted towards continuing efficiency improvements within the Court, managing risks and elaborating targeted strategies. In particular, the Office of the Director is involved in the management of the analytical accountability project, which is aimed at providing improved statistical information on the costs of the Court's services to its different stakeholders. Progress on the analytical accountability project has been slower than expected, as the division has had to implement the project as far as possible within existing resources. The division foresees the conclusion of the gap analysis requested by the Committee on the Court's ability to provide specific cost per trial,<sup>53</sup> and the initial implementation of a high-level solution requiring limited additional investment. However, as described in previous reports to the Committee,<sup>54</sup> the future development, roll out and

<sup>53</sup> ICC-ASP/11/5, para. 36.

<sup>54</sup> CBF/18/13.

implementation of a full-scale analytical accountability reporting tool will require additional resources that may be requested at a later stage.

278. In addition to the support to Court activities, the division will continue to provide support to the permanent premises project through the General Services Section and the Information and Communication Technologies Section, particularly through the provision of procurement services and facilities management; as well as advice on information and communications technologies (ICT).

279. In 2013, the first stage of the updated strategic ICT plan will be implemented in the Court, and the division will continue with the implementation of existing ICT-related projects aimed at increased efficiencies and positive cost benefits.

### 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 2013</i>
<b>Objective 1</b> - Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks.	- To continue with the promulgation of policies and standard operating procedures aimed at streamlining internal processes and procedures as well as with the re-engineering of administrative processes.	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 1 corrigendum linked to the CASD budget.
<b>Objective 3</b> - Attract, care for and offer career development to a diverse staff.	- No. of staff achieving higher grades through competition.	5

**Table 53: Programme 3200: Proposed budget for 2013**

3200 Common Administrative Services Division	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						3,397.3	522.9	3,920.2	3,609.3	559.3	4,168.6	248.4	6.3
General Service staff						4,704.6	1,759.9	6,464.5	5,217.8	1,567.7	6,785.5	321.0	5.0
<i>Subtotal staff</i>	<i>7,940.4</i>	<i>2,376.3</i>	<i>10,316.7</i>		<i>10,316.7</i>	<i>8,101.9</i>	<i>2,282.8</i>	<i>10,384.7</i>	<i>8,827.1</i>	<i>2,127.0</i>	<i>10,954.1</i>	<i>569.4</i>	<i>5.5</i>
General temporary assistance	850.1	132.9	983.0	72.7	1,055.7	660.7	158.6	819.3	755.8	95.4	851.2	31.9	3.9
Temporary assistance for meetings						20.0		20.0	20.0		20.0		
Overtime	135.6	48.7	184.3		184.3	120.1		120.1	90.1	30.4	120.5	0.4	0.3
Consultants	25.6		25.6	8.2	33.8	14.6		14.6	14.6		14.6		
<i>Subtotal other staff</i>	<i>1,011.3</i>	<i>181.6</i>	<i>1,192.9</i>	<i>80.9</i>	<i>1,273.8</i>	<i>815.4</i>	<i>158.6</i>	<i>974.0</i>	<i>880.5</i>	<i>125.8</i>	<i>1,006.3</i>	<i>32.3</i>	<i>3.3</i>
Travel	105.6	13.7	119.3		119.3	82.2	63.8	146.0	72.5	62.7	135.2	-10.8	-7.4
Hospitality													
Contractual services	431.0	284.0	715.0		715.0	605.9	77.5	683.4	527.0	230.0	757.0	73.6	10.8
Training	197.0	180.0	377.0		377.0	267.4		267.4	247.2		247.2	-20.2	-7.6
General operating expenses	3,943.7	2,620.2	6,563.9		6,563.9	4,281.5	2,856.9	7,138.4	4,693.9	1,720.1	6,414.0	-724.4	-10.1
Supplies and materials	400.2	9.0	409.2		409.2	480.6	9.5	490.1	475.7		475.7	-14.4	-2.9
Furniture and equipment	587.3	193.4	780.7	539.7	1,320.4	992.9		992.9	1,103.0	35.0	1,138.0	145.1	14.6
<i>Subtotal non-staff</i>	<i>5,664.8</i>	<i>3,300.3</i>	<i>8,965.1</i>	<i>539.7</i>	<i>9,504.8</i>	<i>6,710.5</i>	<i>3,007.7</i>	<i>9,718.2</i>	<i>7,119.3</i>	<i>2,047.8</i>	<i>9,167.1</i>	<i>-551.1</i>	<i>-5.7</i>
<b>Total</b>	<b>14,616.5</b>	<b>5,858.2</b>	<b>20,474.7</b>	<b>620.6</b>	<b>21,095.3</b>	<b>15,627.8</b>	<b>5,449.1</b>	<b>21,076.9</b>	<b>16,826.9</b>	<b>4,300.6</b>	<b>21,127.5</b>	<b>50.6</b>	<b>0.2</b>
Distributed maintenance	-664.9	-1,558.0	-2,222.9		-2,222.9	-735.2	-1,508.3	-2,243.5	-759.3	-1,513.3	-2,272.6	-29.1	1.3

**Table 54: Programme 3200: Proposed staffing for 2013**

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	8		33	6	75	81	114
	Situation-related						2	3			5	1	25	26	31
	<i>Subtotal</i>				<i>1</i>	<i>4</i>	<i>7</i>	<i>18</i>	<i>8</i>		<i>38</i>	<i>7</i>	<i>100</i>	<i>107</i>	<i>145</i>
New/	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<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>100</b>	<b>107</b>	<b>145</b>	

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

280. The Office of the Director provides leadership and strategic directions to the Chiefs of Sections within the Division, oversees and coordinates the support services provided to the entire Court by the Human Resources, Budget and Finance, General Services and Information and Communications Technologies sections.

281. The Office of the Director, in coordination with the different major programmes of the Court, provides accurate and timely information to oversight bodies and internal and external audiences in diverse matters such as budget and strategic planning. This work of the Office includes the preparation and coordination of documentation submitted to the Committee on Budget and Finance, as well as documentation provided to the Working Groups of the Bureau upon request. The Office is also responsible for processing the notifications of the Court to access the Contingency Fund.

**Non - staff resources**

**Basic resources**

*Travel*

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

**Situation-related resources**

*Travel*

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

**Table 55: Sub-programme 3210: Proposed budget for 2013**

3210 Office of the Director CASD	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						353.2		353.2	375.6		375.6	22.4	6.3
General Service staff						60.6		60.6	63.2		63.2	2.6	4.3
<i>Subtotal staff</i>	<i>384.8</i>		<i>384.8</i>		<i>384.8</i>	<i>413.8</i>		<i>413.8</i>	<i>438.8</i>		<i>438.8</i>	<i>25.0</i>	<i>6.0</i>
General temporary assistance	40.0		40.0		40.0								
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	<i>40.0</i>		<i>40.0</i>		<i>40.0</i>								
Travel	14.7		14.7		14.7	10.5	7.2	17.7	11.9	3.2	15.1	-2.6	-14.7
Hospitality													
Contractual services	10.0		10.0		10.0	19.4		19.4				-19.4	-100.0
Training													
General operating expenses													
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>24.7</i>		<i>24.7</i>		<i>24.7</i>	<i>29.9</i>	<i>7.2</i>	<i>37.1</i>	<i>11.9</i>	<i>3.2</i>	<i>15.1</i>	<i>-22.0</i>	<i>-59.3</i>
<b>Total</b>	<b>449.5</b>		<b>449.5</b>		<b>449.5</b>	<b>443.7</b>	<b>7.2</b>	<b>450.9</b>	<b>450.7</b>	<b>3.2</b>	<b>453.9</b>	<b>3.0</b>	<b>0.7</b>
Distributed maintenance	11.0		11.0		11.0	12.1		12.1	11.1		11.1	-1.0	-8.1

**Table 56: Sub-programme 3210: Proposed staffing for 2013**

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**

284. 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.

285. 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 to the Committee, the Assembly and management; for human resources policy development, grievances and legal matters, and staff management collaboration in the area of human resources. The Chief is assisted by a senior human resources assistant for policy and legal matters.

286. 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 and career development. The Staffing Unit team has been reduced in the past and has continued to request one approved GSOL GTA position since 2005. In addition, for 2013, the Staffing Unit will be addressing a number of projects requested by the Committee and designed to improve service quality with a view to enhanced efficiencies, in both the long and the short term. These include the development and implementation of a strategy for alternative measures to increase awareness of the Court's employment opportunities in under- and non-represented countries, the establishment and servicing of a Selection Committee and the development of a new classification policy and career development framework.

287. 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 and to the Committee and the Assembly, development and upgrading of HR-related IT systems, and IT support to staff on HR IT systems. The Staff Administration Unit also deals with a significant range of complex projects relating to implementation of new policies, performance management, process re-engineering, disputes over contractual matters and the briefing of staff on various HR issues.

288. The work of the unit also includes addressing the Committee's recommendations on the establishment of clear conditions of service and their application evenly in all organs, including in particular clear guidelines for contract extension, including linkages with the appraisal system, and the latter's further enhancement and strengthening so as to ensure its consistent and uniform application throughout the Court and linkage to the Court's strategic objectives.

289. 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. The unit regularly provides training and briefing sessions on relevant topics, such as secondary traumatization, preventive health measures, and it participates in crisis intervention situations.

290. The *Learning and Development Unit* manages the central training budget and provides advice on the utilization of the decentralized training allocations. It assists management in the preparation of annual learning plans and develops and implements training and learning programmes. It assists the Registry in the design and implementation of the pilot project for the Management Control System and prepares and supports the Court in the implementation of annual learning plans. The unit also generates reports that provide detailed information on its activities to the Committee at the latter's spring sessions.

**Staff Resources****Basic resources***General Temporary Assistance*

291. Recurrent. One GS-OL, HR Assistant, six months. This is to cover the 50 per cent currently uncovered for the assistant to the Chief of Section.

292. Recurrent. One GS-OL Staffing Assistant, 12 months, to help the Court cope with all ongoing activities in the Staffing Unit.

293. Recurrent. One GS-OL HR/IT Assistant, 12 months. The HR/IT Assistant has existed in HRS since 2005. It is a critical position which assists the Senior HR/IT Assistant in the development and implementation of HR IT projects, such as the SAP HR module, e-recruitment, Environmental and Health System, in the production of HR statistics and reports for the Committee and the Assembly and with other IT matters relating to HR, as well as the new projects described above.

294. Recurrent. One Human Resources Assistant, 12 months. This position has existed in the Staff Administration Unit since 2004. It is a key post in the unit, assisting with contract issuances and extensions, and the accurate administration of benefits and entitlements.

*Consultants*

295. To assist with HR policy development, the introduction of the new Master Standards for job evaluation and to supply individual contractor services on a short-term basis.

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

296. 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*

297. Recurrent. To continue providing managerial leadership programme, ICC Orientation briefings for new staff, legal training, language training and small scale substantive skills training for non-legal staff.

*Contractual services*

298. Outsourcing for medical requirements, such as vaccinations and pre-employment examinations.

*Supplies and materials*

299. Mostly medical supplies and materials, including mandatory health and safety-related equipment for each traveller to comply with international health and safety standards.

**Situation-related resources***Travel*

300. Missions by Medical Officer, Staff Welfare Officer and other HRS staff to the field. Required to comply with "high-risk" internal audit recommendations that HR should visit the field offices more often and regularly, at appropriately high levels.

**Table 57: Sub-programme 3220: Proposed budget for 2013**

3220 Human Resources Section	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						743.3		743.3	792.3		792.3	49.0	6.6
General Service staff						760.2	181.8	942.0	790.9	189.7	980.6	38.6	4.1
<i>Subtotal staff</i>	<i>1,337.9</i>	<i>179.8</i>	<i>1,517.7</i>		<i>1,517.7</i>	<i>1,503.5</i>	<i>181.8</i>	<i>1,685.3</i>	<i>1,583.2</i>	<i>189.7</i>	<i>1,772.9</i>	<i>87.6</i>	<i>5.2</i>
General temporary assistance	440.1		440.1	28.1	468.2	185.5	35.0	220.5	246.0		246.0	25.5	11.6
Temporary assistance for meetings													
Overtime													
Consultants	25.6		25.6		25.6	14.6		14.6	14.6		14.6		
<i>Subtotal other staff</i>	<i>465.7</i>		<i>465.7</i>	<i>28.1</i>	<i>493.8</i>	<i>200.1</i>	<i>35.0</i>	<i>235.1</i>	<i>260.6</i>		<i>260.6</i>	<i>25.5</i>	<i>10.8</i>
Travel	16.5	9.0	25.5		25.5	23.5		23.5	6.0	11.0	17.0	-6.5	-27.7
Hospitality													
Contractual services	31.3		31.3		31.3	14.6		14.6	16.7		16.7	2.1	14.4
Training	138.2	159.4	297.6		297.6	160.0		160.0	160.0		160.0		
General operating expenses													
Supplies and materials	46.6		46.6		46.6	45.2		45.2	45.2		45.2		
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>232.6</i>	<i>168.4</i>	<i>401.0</i>		<i>401.0</i>	<i>243.3</i>		<i>243.3</i>	<i>227.9</i>	<i>11.0</i>	<i>238.9</i>	<i>-4.4</i>	<i>-1.8</i>
<b>Total</b>	<b>2,036.2</b>	<b>348.2</b>	<b>2,384.4</b>	<b>28.1</b>	<b>2,412.5</b>	<b>1,946.9</b>	<b>216.8</b>	<b>2,163.7</b>	<b>2,071.7</b>	<b>200.7</b>	<b>2,272.4</b>	<b>108.7</b>	<b>5.0</b>
Distributed maintenance	52.4	12.3	64.7		64.7	57.5	12.0	69.5	55.6	11.6	67.2	-2.3	-3.3

**Table 58: Sub-programme 3220: Proposed staffing for 2013**

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														
Situation-related														
<i>Subtotal</i>														
<b>Total</b>					<b>1</b>	<b>2</b>	<b>3</b>	<b>1</b>		<b>7</b>	<b>2</b>	<b>13</b>	<b>15</b>	<b>22</b>

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

301. 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 section is further 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.

302. 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 2013 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.

303. Consistent efforts are being made to rationalize and achieve efficiencies with a view to enhancing performance and reducing costs. Current initiatives in particular include development of new reports in SAP to reduce manual intervention, TRIM documentation improvement for archiving important financial records and automation of invoice processing.

304. Responsibilities and tasks carried out by the staff of the Budget and Finance Section:

(a) Office of the Chief, Budget and Finance Section (BFS), which provides financial services to all major programmes of the Court, including: provision of strategic advice on financial issues and initiatives; preparation of documentation and information on financial activities and results for the Committee, the Assembly and Court management; financial policy development and legal matters. The Chief of BFS represents the Court at relevant meetings of the UN system's financial network;

(b) The Budget Unit is responsible for the preparation of the budget, monitoring of budget performance, financial forecasts, review and analyses of resource distribution and provision of information and advice on key budget matters, with a view to achieving most economical use of resources;

(c) The Accounts Unit prepares the Financial Statements of the Court and of the Trust Funds for Victims, including supporting schedules. It develops enhancements to managerial and accounting aspects of the function (including electronic data processing and reporting applications), and maintains records of contributions received and outstanding and provides related information and data to States Parties when required;

(d) The Disbursements Unit ensures that products and service delivery conforms to the required standards and procurement conditions. It settles obligations and expenditure commitments that are due for payment and ensures and verifies that service entry sheets and goods received entries that confirm services rendered and/or goods delivered are up to standard and according to purchase order terms, and forwards them for approval;

(e) The Payroll Unit processes on behalf of the Organization salaries, allowances and benefit payments for Professional and General-Service staff, judges, conference staff and consultants. It ensures timely and safe payments to field staff, suppliers and witnesses.

(f) The Treasury Unit ensures that sufficient funds are available to meet cash needs, whilst providing cost efficient and cost-effective payment processes. It negotiates agreements with financial institutions, and proposes investments. It processes authorized bank transfers and transmits data to the Court's banking institutions in a timely and most

cost-efficient payment method. It prepares and maintains cash flows reports and manages the Treasury Unit Imprest Fund, as well as uploading electronic bank statements; and

(g) The IPSAS Unit develops and implements IPSAS in the current accounting and financial reporting process of the Court and contributes to the development of a centralized accounting strategy and implementation of an upgraded SAP accounting and budget system.

### **Situation-related resources**

#### **Staff resources**

##### *General temporary assistance*

305. In order to meet its targets and in light of its increased workload, the section is requesting retention of the one existing GS-OL Finance Assistant for 12 months (continued) to support work volumes and transaction processing in the Disbursements Unit and the Payroll Unit in 2013. 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, preparation of performance reports and monthly payroll processing.

#### **Basic resources**

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

##### *Travel and Training*

306. The request for travel and training, other than for the IPSAS project, has been eliminated, bearing in mind the resource constraints within the Court. Efforts will be made to impart field training through electronic and visual media.

##### *Contractual services*

307. Relates to full provision of the audit fees for the new External Auditor, the *Cour des comptes*, whose appointment has been approved by the Assembly for a period of four years.<sup>55</sup> The new auditor will commence auditing the affairs of the Court from financial year 2012 onwards.

##### *General operating expenses*

308. Banking costs corresponding to the expected volume of transactions.

##### *IPSAS project*

309. IPSAS project funding requested for 2013 amounts to €600,200. This is in conformity with the IPSAS project implementation plan for 2013, as recommended by the Committee at its fifteenth session and approved by the Assembly.<sup>56</sup> Full particulars of the plan – which currently stands unchanged – are set out in the report<sup>57</sup> presented to the Committee at its sixteenth session in April 2011. Cost covers staff costs, SAP customization, training and travel, and other general operating costs, including specialist training relating to IPSAS and skills enhancement for all BFS staff.

<sup>55</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. I, part II.D, section D, para. 10.

<sup>56</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II.D, paras. 8-9.

<sup>57</sup> Report of the Court on its assessment of the implementation of International Public Sector Accounting Standards (ICC-ASP/9/3).

**Table 59: Sub-programme 3240: Proposed budget for 2013**

3240 Budget and Finance Section	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)				Proposed Budget 2013 (thousands of euro)				Resource growth 2013 vs 2012	
	Basic	Situat- related	Total	Cont. Fund	Total Incl.CF	Basic	Situat- related	IPSAS	Total	Basic	Situat- related	IPSAS	Total	Amount	%
Professional staff						707.8			707.8	751.4			751.4	43.6	6.2
General Service staff						727.2	319.5		1,046.7	758.7	332.2		1,090.9	44.2	4.2
<i>Subtotal staff</i>	<i>1,341.6</i>	<i>427.4</i>	<i>1,769.0</i>		<i>1,769.0</i>	<i>1,435.0</i>	<i>319.5</i>		<i>1,754.5</i>	<i>1,510.1</i>	<i>332.2</i>		<i>1,842.3</i>	<i>87.8</i>	<i>5.0</i>
General temporary assistance	174.3	0.8	175.1	17.4	192.5	61.8		351.6	413.4	70.3		369.2	439.5	26.1	6.3
Temporary assistance for meetings															
Overtime	14.7		14.7		14.7	5.1			5.1	5.1			5.1		
Consultants															
<i>Subtotal other staff</i>	<i>189.0</i>	<i>0.8</i>	<i>189.8</i>	<i>17.4</i>	<i>207.2</i>	<i>66.9</i>		<i>351.6</i>	<i>418.5</i>	<i>75.4</i>		<i>369.2</i>	<i>444.6</i>	<i>26.1</i>	<i>6.2</i>
Travel	25.5	4.7	30.2		30.2	6.3		15.9	22.2			15.0	15.0	-7.2	-32.4
Hospitality															
Contractual services	106.7	246.3	353.0		353.0	35.4		237.7	273.1	88.5		186.0	274.5	1.4	0.5
Training	10.4	7.5	17.9		17.9	12.5		30.0	42.5			30.0	30.0	-12.5	-29.4
General operating expenses	108.6	84.2	192.8		192.8	99.4			99.4	65.0			65.0	-34.4	-34.6
Supplies and materials															
Furniture and equipment															
<i>Subtotal non-staff</i>	<i>251.2</i>	<i>342.7</i>	<i>593.9</i>		<i>593.9</i>	<i>153.6</i>		<i>283.6</i>	<i>437.2</i>	<i>153.5</i>		<i>231.0</i>	<i>384.5</i>	<i>-52.7</i>	<i>-12.1</i>
<b>Total</b>	<b>1,781.8</b>	<b>770.9</b>	<b>2,552.7</b>	<b>17.4</b>	<b>2,570.1</b>	<b>1,655.5</b>	<b>319.5</b>	<b>635.2</b>	<b>2,610.2</b>	<b>1,739.0</b>	<b>332.2</b>	<b>600.2</b>	<b>2,671.4</b>	<b>61.2</b>	<b>2.3</b>
Distributed maintenance	52.4	20.6	73.0		73.0	60.5	20.0		80.5	52.8	19.3		72.1	-8.4	-10.4

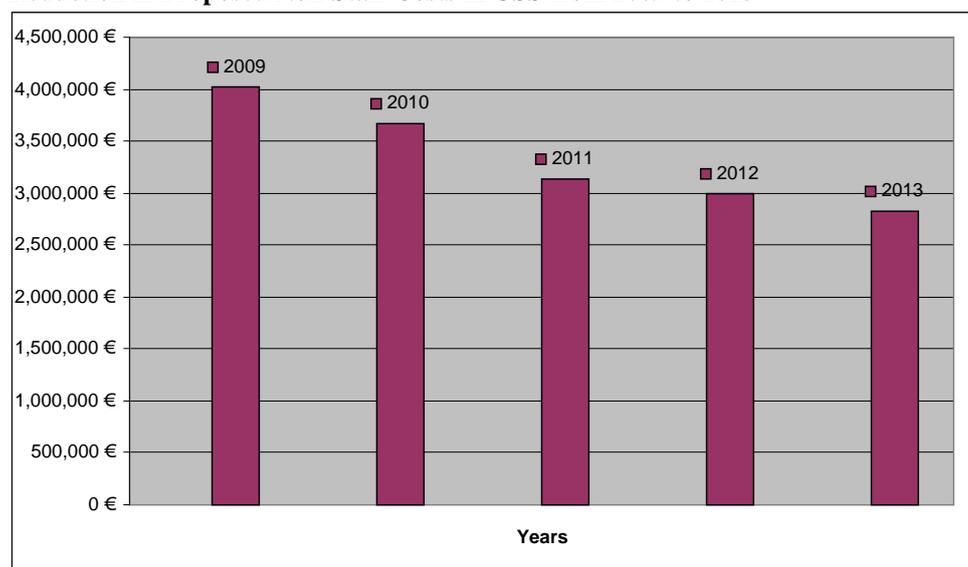
**Table 60: Sub-programme 3240: Proposed staffing for 2013**

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														
	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>16</b>	<b>17</b>	<b>24</b>	

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

310. The General Services Section (GSS) is headed by the Chief of Section and comprises four units: Facilities Management, Logistics and Transport, Procurement and Travel-and-Host-State-Affairs.

311. The non-staff budget for the section has decreased steadily since it peaked at just over €4.0 million in 2009 at the time of the move to a second interim-premises building in The Hague. The proposed non-staff budget for 2013 is €2.85 million.

**Reduction in Proposed Non-Staff Costs in GSS from 2009 to 2013**

312. The proposed number of staff remains the same as in 2012, bearing in mind that one P-2 basic budget post was abolished in 2012.

313. *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.

314. The primary workload indicator is the number of purchase orders/contracts that can be concluded per buyer. In 2013, it is anticipated that six buyers will manage 1,700 purchase orders and contracts with an estimated value of €26 million.

315. *The Logistics and Transport Unit* is responsible for provision of services relating to receiving and inspection of goods, logistics, 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, fax and diplomatic pouch. Trial-related activities are confined mostly to the movement of witnesses at Headquarters. The anticipated scheduling of consecutive trial-hearings means that resources will be in-sourced by reducing logistics and correspondence services. This is possible because of synergies gained through cross-training of logistics and correspondence personnel in driving skills. Such synergies are used during peak times and not for regular, sustained needs for local transportation. Overtime and taxi services are used to fulfil local transportation requirements.

316. *The Travel and Host State Affairs Unit* is responsible for business travel, relocation of internationally recruited staff, visas and privileges. The unit arranges official travel for staff and non-staff members, reservation of tickets for staff on assignment, repatriation travel and shipment of personal effects. The Unit assists with official visa applications, UN Laissez-Passer Applications, Dutch ID cards and assistance in areas such as driving licences, tax exemptions, motor vehicle applications, reimbursement of taxes etc. The unit

does not anticipate any significant change in the levels of services to be requested during 2013.

317. *The Facilities Management Unit* is responsible for the management and maintenance of the interim premises. This includes utilities, maintenance of premises, minor adjustments and repairs to premises and office furniture and equipment.

### **Staff Resources**

#### **Basic**

318. The section has five posts which it is proposed to move from situation-related to basic, as their duties are solely performed at Headquarters and rarely involve situation-related or court in-session functions. These are the following: Facilities Electrical Technician, two Procurement Assistants and one Driver/Clerk, as well as a former Logistics/Facilities Clerk, now cross-trained as Logistics Clerk/Driver.

#### *General temporary assistance*

319. Recurrent. One GS-OL Handyman on a GTA contract was budgeted as a basic resource in 2012. This position operates solely at The Hague premises of the Court and is still required for 2013. The requirement of this post is to provide physical support services to meet the ever-increasing service requests for repair, contractor escort, maintenance of Court-owned assets and building infrastructure. Service levels will increase significantly when the Court takes over the responsibility for the oversight of the base building maintenance from the Host state in 2013.

#### *Overtime*

320. Recurrent. Efforts are continuing to keep overtime within limits through stringent monitoring and synergies, although day-to-day activities inevitably involve overtime for drivers in the Logistics and Transport Unit. The Facilities Management Unit also has a regular need for overtime, in order to answer call-outs.

### **Non-Staff Resources**

#### **Basic**

#### *Travel*

321. Travel costs of €14,800 will be incurred for attendance at meetings on Facilities Management and Travel. GSS staff will also travel for technical inspections at selected field offices, combined with asset management spot-checking.

#### *Training*

322. Training, at a cost of €16,300, will cover commercial insurance management, as recommended in the 2011 Internal Audit and driver refresher courses, as well as logistics and supply-chain training and other training for facilities management activities, procurement and business travel. A total of 14 GSS staff will receive training in 2013.

#### *Contractual Services*

323. Other contractual services include external printing of United Nations Laissez Passer documentation, business cards and other external printing services totalling €24,000; IATA membership for travel will cost €1,800.

#### *General Operating Expenses*

324. General Operating Expenses have been reduced by €143,000. These reductions have been made in repairs for furniture, replacement and repairs to carpets, replacement of electrical supplies, reduction in electricity consumption through more efficient use of systems, elimination of office plant maintenance, reduction in the lock replacement programme, reduction in grounds maintenance costs, reduction in office reallocations,

procurement of “no-cost” vending machines, the use of only one courtroom in 2013, and elimination of all non-essential repairs and maintenance.

325. The result of these cuts will be downgrading of the appearance of the Court’s buildings both in the interior and in its limited outside areas. It will also cause an extension in the lead times for unscheduled maintenance and repairs.

326. The Court requires €179,000 to maintain the buildings systems, including Courtroom installations and building-owner assets maintenance, for which the Court, as tenant, is obliged to pay.

327. Other general operating expenses total €2,457,600, and includes cleaning, utilities, security systems maintenance, courier services, insurance and vehicle maintenance.

328. In accordance with the recommendations made by the Court’s Internal Auditor, the amount of €50,000 is proposed for the review of the Court’s commercial insurance portfolio, identify any major uninsured, underinsured or over-insured risks, and recommend coverage that meets the needs of the Court. The Court will also receive assistance in identifying an international broker to handle the Court’s insurance portfolio.

#### *Supplies and materials*

329. Supplies and Materials have been reduced by over €7,400 and inflation absorbed through the reduction in maintenance levels and the consequent reduction in the cost of building supplies.

330. Office supplies are consumed at an average of €5.5 per person per month for 1,000 persons approximately, for a total of €66,000. Toner cartridges for printers are estimated at €44,000.

#### *Equipment including furniture*

331. The proposed amount is €68,000. It covers the replacement of one motor vehicle, four security cameras and minimum replacement furniture. The increase over 2012 is due to the need to replace some security cameras, and to include a small provision for replacement furniture.

### **Situation-related resources**

#### *Overtime*

332. Overtime is proposed for drivers for the movement of witnesses and victims at Headquarters who appear before the Court.

#### *General Operating Expenses*

333. Resources are required for utilities during Courtroom hearings.

**Table 61: Sub-programme 3250: Proposed budget for 2013**

3250 General Services Section	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						530.4		530.4	564.3		564.3	33.9	6.4
General Service staff						1,928.1	303.0	2,231.1	2,324.4		2,324.4	93.3	4.2
<i>Subtotal staff</i>	<i>2,369.4</i>	<i>241.0</i>	<i>2,610.4</i>		<i>2,610.4</i>	<i>2,458.5</i>	<i>303.0</i>	<i>2,761.5</i>	<i>2,888.7</i>		<i>2,888.7</i>	<i>127.2</i>	<i>4.6</i>
General temporary assistance	119.7	-0.3	119.4		119.4	61.8		61.8	70.3		70.3	8.5	13.8
Temporary assistance for meetings													
Overtime	87.4	0.1	87.5		87.5	85.0		85.0	55.0	25.4	80.4	-4.6	-5.4
Consultants													
<i>Subtotal other staff</i>	<i>207.1</i>	<i>-0.2</i>	<i>206.9</i>		<i>206.9</i>	<i>146.8</i>		<i>146.8</i>	<i>125.3</i>	<i>25.4</i>	<i>150.7</i>	<i>3.9</i>	<i>2.7</i>
Travel	22.7		22.7		22.7	6.1	6.9	13.0	14.8		14.8	1.8	13.8
Hospitality													
Contractual services	73.6		73.6		73.6	39.6		39.6	25.8		25.8	-13.8	-34.8
Training	16.2		16.2		16.2	24.0		24.0	16.3		16.3	-7.7	-32.1
General operating expenses	2,394.0	76.9	2,470.9		2,470.9	2,529.1	94.0	2,623.1	2,457.6	22.5	2,480.1	-143.0	-5.5
Supplies and materials	239.4		239.4		239.4	252.9		252.9	245.5		245.5	-7.4	-2.9
Furniture and equipment	89.1		89.1	141.3	230.4	49.2		49.2	68.0		68.0	18.8	38.2
<i>Subtotal non-staff</i>	<i>2,835.0</i>	<i>76.9</i>	<i>2,911.9</i>	<i>141.3</i>	<i>3,053.2</i>	<i>2,900.9</i>	<i>100.9</i>	<i>3,001.8</i>	<i>2,828.0</i>	<i>22.5</i>	<i>2,850.5</i>	<i>-151.3</i>	<i>-5.0</i>
<b>Total</b>	<b>5,411.5</b>	<b>317.7</b>	<b>5,729.2</b>	<b>141.3</b>	<b>5,870.5</b>	<b>5,506.2</b>	<b>403.9</b>	<b>5,910.1</b>	<b>5,842.0</b>	<b>47.9</b>	<b>5,889.9</b>	<b>-20.2</b>	<b>-0.3</b>
Distributed maintenance	102.1	20.6	122.7		122.7	108.9	20.0	128.9	102.9	19.3	122.2	-6.7	-5.2

**Table 62: Sub-programme 3250: Proposed staffing for 2013**

General 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	1	2	1		5	3	33	36	41
	Situation-related														
	<i>Subtotal</i>					<i>1</i>	<i>1</i>	<i>2</i>	<i>1</i>		<i>5</i>	<i>3</i>	<i>33</i>	<i>36</i>	<i>41</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>5</b>	<b>3</b>	<b>33</b>	<b>36</b>	<b>41</b>

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

334. The Information and Communication Technologies Section (ICT) has drafted a new five-year ICT Strategic Plan to continue to provide direction over its work and ensure that it is aligned with the work of the Court. In 2011 the section undertook a full review of its services in order to improve efficiencies and be more cost-effective while looking toward the future of computing and the move to the Permanent Premises. Courts all over the world are moving towards cloud computing and new technologies, and feedback has shown that legal participants are more effective if they have access to the relevant information whenever they need it, regardless of location. The focus will therefore be on simplifying the Court's information systems and infrastructures over the next few years, while still ensuring full accountability, availability and security of information.

335. The major objective for 2013 is to implement the first stage of the ICT Strategic Plan and focus on projects identified as most beneficial to the legal professionals while continuing with approved projects and supporting existing business initiatives within the organization. Support will also be continued for administrative systems utilizing SAP and the organization's SharePoint collaboration systems and the replacement of core equipment in the courtroom.

336. The Key Performance Indicators are:

- (a) Maintain an uptime of 99.2% of all information systems;
- (b) Deliver phase-one pilots relating to the identified projects in the 2013 Strategic Plan;
- (c) Continue to protect the ICT network from external threats;
- (d) Create an integration platform of all case-related data sources to support eDiscovery;
- (e) Simplify infrastructure to prepare for cloud computing and mobility; and
- (f) Support business initiatives in other areas that require IT expertise to support the business processes.

**Staff resources***General Temporary Assistance*

337. One GS-OL Service Desk Technician (12 months continued). The ICT Section has managed past reductions by lower service levels. Further reductions in services levels would result in unacceptable performance and have a negative impact on the Organization.

**Table 63: Workload indicators**

<i>Anticipated workload 2012</i>	<i>Number of FTE 2012</i>	<i>Anticipated workload 2013</i>	<i>Number of FTE 2013</i>	<i>Estimated capacity 2013</i>	<i>Shortfall</i>
Service Desk tickets = 15,078	5.5	16,500	5.5	13,200	3,300

338. One GS-OL e-Court Technical Assistant (12 months continued). The table below includes the existing GTA. The number of external legal teams has increased significantly in 2012 as predicted and therefore the resource requirements remain valid.

**Table 64: Workload indicators**

<i>Anticipated workload 2012</i>	<i>Number of FTE 2012</i>	<i>Anticipated workload 2013</i>	<i>Number of FTE 2013</i>	<i>Estimated capacity 2013</i>	<i>Shortfall with continued GTA</i>
Support Hearings and eCourt participants = 3,210	3	5,466	3	3,600	1,866

*Overtime*

339. Overtime is required in order to be able to cover the additional workload due to the court hearings with the existing staff of the section.

**Non-staff resources**

340. The ICT Section currently outsources €1.2m of its non-staff budget under contractual services (€440,000) and certain maintenance contracts under general operating expenses (€760,000). Outsourced services are for areas where the knowledge to support a service is specialized and/or it would be too expensive to hire full-time staff for the services required. Examples are courtroom maintenance, the Storage Area Network support (SAN) network security services and the ICC Website. These services are of a burst nature – i.e., they do not require a staff member throughout the year, but rather a specific type of specialized knowledge for a few months of the year. Without these services, ICTS would not be able to maintain the many services currently supported. Outsourcing certain areas results in cost-savings to the Organization.

*Travel*

341. Travel to field office locations to verify that ICT installations remain fit for purpose. Meeting of Field ICT Technicians in HQ to update them on relevant systems and technologies in use (this was an annual occurrence and is now biennial). Travel to technology and eCourt meetings for updates of changes and how it may impact the Court. Travel to United Nations User Group meetings for lessons learned to implement practices that have been tried in UN organizations and proven to be successful and cost -effective. Travel funds are also requested to support remote testimony.

*Contractual services*

342. Contractual services are services where commercial off-the-shelf systems procured by the Court require changes that are not possible to perform by ICT staff due to the nature of the contracts or the specific knowledge required. Of the total €440,000 requested, €40,000 is to implement an SAP based Budget Planning, Control and Reporting system for better internal oversight of budget creation, planning, forecasting and control, and €50,000 is to cover the annual contract for finance, budget, travel and HR improvements. €120,000 is requested for the hosting of the ICC website, while €225,000 is for eCourt and eHearing system enhancements, transcript management system support, AV streaming services to the Internet and the secure certificate system to manage access to information in a secure and verifiable manner. The remaining €5,000 is for a service contract to manage the new field office in Uganda.

*Training*

343. A minimal amount (€40,900) is requested for technical training of ICT staff. Technical training is important to ensure that the investment in ICT technologies is maximised. Certain areas of training require staff to maintain their certification. Examples are Network Engineering, Security Professional Certification and System Administration. Other areas of training are required to maintain the infrastructure as new technologies are introduced.

*General operating expenses*

344. General operating expenses include the cost of telephone calls for mobile and fixed telephone at HQ and calls made to the field offices. Strenuous efforts are in place to reduce telephone consumption and roaming charges. General operating expenses in 2013 are reduced due to lower maintenance of the SAN (capital investment approved in 2012). Further reductions have been possible due to the closure of the Abeche field office and the pending planned downsizing of the Uganda field office. These reductions have been made possible as a result of cost cutting and prioritization and are not a year-on-year basis.

345. Funds are requested for hardware and software maintenance of the Court's telephone system, network and security tools, new PDF enterprise tools, translation management,

document stamping, library system maintenance, intrusion detection system, email and archive systems, anti-virus, secure remote access, database licenses, laptop security, TRIM license maintenance, hardware maintenance for the SAN, software maintenance for backup systems, data clustering, virtualization of the SAN into two locations, Microsoft licences, SAP software licences, maintenance of the network and video conferencing systems and 2-way radio system maintenance. Further costs are for Citrix remote access, video conferencing systems, voice logging at the Detention Centre and for the rental of the Court's main and backup Internet lines, including all the leased lines to the various field offices and the link with the Brindisi logistics base to provide the data link between Africa connections and Court Headquarters.

#### *Supplies and materials*

346. The highest cost drivers are toner cartridges for the high-volume printers. The remaining funds are for USB drives, memory chips, different language keyboards, external DVD burners, AV supplies such as beamers and headphones, network cables and laptop batteries. It should be noted that the Court is now extending the replacement cycle of its laptops from five to six years and, as a consequence, has reports of higher battery malfunctions. It is becoming difficult (sometimes impossible) and expensive to replace batteries for laptop models older than 5 years.

#### *Equipment including furniture*

347. The following requests are to ensure that the Court's IT infrastructure investments are managed at an adequate level and stay updated to industry standards. ICT equipment includes the purchase of hardware including software licences as follows: eCourt systems and software licenses; hardware and software required for myCourtbook initiative in the ICT Strategic Plan (€170,000); expansion disk space for the file systems on the network (€50,000); software licenses for the next phase of SAP Reporting/ Budget Planning and Control; replacement programme of 150 devices per year for laptops, inkjet, printers, monitors and AV equipment older than 4 years (€80,000); replacement programme for desktops older than 5 years (€105,000); microphones, headphones, AV equipment related to courtroom continuity (€20,000); network hardware and software to increase accountability of file access on the ICC network (€30,000); hardware and software to split services for the Disaster Recovery project (€70,000).

348. The request to extend the life of desktop computers has caused a problem with software compatibility. Older workstations cannot accommodate the Windows 7 upgrade, which must be performed to ensure compatibility with latest releases of software, and older model memory upgrades are proving to be expensive. The Court is therefore reverting to the earlier life-cycle of five years for PCs and four years for laptops to avoid spending more on maintaining obsolete equipment than is saved by not renewing.

#### *Capital Investments*

349. The approval of the SAN capital investment in 2012 has assisted the section in simplifying its infrastructure and has brought added benefits not foreseen in the original request. These benefits include the infrastructure to allow Disaster Recovery at a more favourable cost than that recommended by the external consulting company used for the study. The remaining capital requests that are still essential to reduce risks to the organization are phase 2 (of 3) of the enterprise data archive (€100,000) to ensure the legacy data is maintained in the most cost-efficient and effective manner; a small amount of the regular budget was utilized for a pilot in 2012. The data archive will allow the court to store legacy data more cheaply, while complying with existing regulations on data retention. €200,000 is requested to implement an integration system that will simplify the Organizations data management system. A further €200,000 is requested to upgrade the Court's analogue courtroom components to a fully digital environment in order to use the images and data captured in courtroom sessions more effectively and integrate them with other digital data. This is based on the recommendation of an independent eCourt Audit that was undertaken in 2010.

**Table 65: Sub-programme 3260: Proposed budget for 2013**

3260 Information and Communication Technologies Section	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						1,062.6	522.9	1,585.5	1,125.7	559.3	1,685.0	99.5	6.3
General Service staff						1,228.5	955.6	2,184.1	1,280.6	1,045.8	2,326.4	142.3	6.5
<i>Subtotal staff</i>	<i>2,506.7</i>	<i>1,528.1</i>	<i>4,034.8</i>		<i>4,034.8</i>	<i>2,291.1</i>	<i>1,478.5</i>	<i>3,769.6</i>	<i>2,406.3</i>	<i>1,605.1</i>	<i>4,011.4</i>	<i>241.8</i>	<i>6.4</i>
General temporary assistance	76.0	132.4	208.4	27.2	235.6		123.6	123.6		95.4	95.4	-28.2	-22.8
Temporary assistance for meetings						20.0		20.0	20.0		20.0		
Overtime	33.5	48.6	82.1		82.1	30.0		30.0	30.0	5.0	35.0	5.0	16.7
Consultants				8.2	8.2								
<i>Subtotal other staff</i>	<i>109.5</i>	<i>181.0</i>	<i>290.5</i>	<i>35.4</i>	<i>325.9</i>	<i>50.0</i>	<i>123.6</i>	<i>173.6</i>	<i>50.0</i>	<i>100.4</i>	<i>150.4</i>	<i>-23.2</i>	<i>-13.4</i>
Travel	26.2		26.2		26.2	19.9	49.7	69.6	24.8	48.5	73.3	3.7	5.3
Hospitality													
Contractual services	209.4	37.7	247.1		247.1	259.2	77.5	336.7	210.0	230.0	440.0	103.3	30.7
Training	32.2	13.1	45.3		45.3	40.9		40.9	40.9		40.9		
General operating expenses	1,441.1	2,459.1	3,900.2		3,900.2	1,653.0	2,762.9	4,415.9	2,171.3	1,697.6	3,868.9	-547.0	-12.4
Supplies and materials	114.2	9.0	123.2		123.2	182.5	9.5	192.0	185.0		185.0	-7.0	-3.6
Furniture and equipment	498.2	193.4	691.6	398.4	1,090.0	943.7		943.7	1,035.0	35.0	1,070.0	126.3	13.4
<i>Subtotal non-staff</i>	<i>2,321.3</i>	<i>2,712.3</i>	<i>5,033.6</i>	<i>398.4</i>	<i>5,432.0</i>	<i>3,099.2</i>	<i>2,899.6</i>	<i>5,998.8</i>	<i>3,667.0</i>	<i>2,011.1</i>	<i>5,678.1</i>	<i>-320.7</i>	<i>-5.3</i>
<b>Total</b>	<b>4,937.5</b>	<b>4,421.4</b>	<b>9,358.9</b>	<b>433.8</b>	<b>9,792.7</b>	<b>5,440.3</b>	<b>4,501.7</b>	<b>9,942.0</b>	<b>6,123.3</b>	<b>3,716.6</b>	<b>9,839.9</b>	<b>-102.1</b>	<b>-1.0</b>
Distributed maintenance	-882.8	-1,611.5	-2,494.3		-2,494.3	-974.2	-1,560.3	-2,534.5	-981.8	-1,563.5	-2,545.3	-10.8	0.4

**Table 66: Sub-programme 3260: Proposed staffing for 2013**

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					1	1	5	4		11	1	19	20	31
							2	3		5		18	18	23
<i>Subtotal</i>					<i>1</i>	<i>3</i>	<i>8</i>	<i>4</i>		<i>16</i>	<i>1</i>	<i>37</i>	<i>38</i>	<i>54</i>
New/ Converted														
Redeployed/ Reclassified/ Returned														
<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

350. In 2013 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.

351. 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.

352. 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.

353. 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.

354. The division fully understands the need for savings in the Court's budget. It is important, however, to remain 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.

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

356. 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)
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. 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)

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</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 215 court days for 2013.	- 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 (min.)
- 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 67: Programme 3300: Proposed budget for 2013**

3300 Division of Court Services	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						3,741.0	4,677.6	8,418.6	4,066.4	4,787.8	8,854.2	435.6	5.2
General Service staff						606.0	2,281.8	2,887.8	632.2	2,401.8	3,034.0	146.2	5.1
<i>Subtotal staff</i>	<i>4,450.5</i>	<i>6,614.3</i>	<i>11,064.8</i>		<i>11,064.8</i>	<i>4,347.0</i>	<i>6,959.4</i>	<i>11,306.4</i>	<i>4,698.6</i>	<i>7,189.6</i>	<i>11,888.2</i>	<i>581.8</i>	<i>5.1</i>
General temporary assistance	65.7	2,749.7	2,815.4	593.6	3,409.0		1,517.7	1,517.7		1,999.4	1,999.4	481.7	31.7
Temporary assistance for meetings	351.0	358.9	709.9	480.9	1,190.8	12.0	420.7	432.7	180.0	153.2	333.2	-99.5	-23.0
Overtime		47.0	47.0		47.0		63.1	63.1		58.1	58.1	-5.0	-7.9
Consultants	191.4	62.1	253.5	15.9	269.4	32.0	180.5	212.5		36.1	36.1	-176.4	-83.0
<i>Subtotal other staff</i>	<i>608.1</i>	<i>3,217.7</i>	<i>3,825.8</i>	<i>1,090.4</i>	<i>4,916.2</i>	<i>44.0</i>	<i>2,182.0</i>	<i>2,226.0</i>	<i>180.0</i>	<i>2,246.8</i>	<i>2,426.8</i>	<i>200.8</i>	<i>9.0</i>
Travel	18.0	839.3	857.3	85.4	942.7	72.6	931.8	1,004.4	55.4	987.8	1,043.2	38.8	3.9
Hospitality													
Contractual services	6.6	285.4	292.0	96.2	388.2	113.4	247.0	360.4	67.2	289.4	356.6	-3.8	-1.1
Training	2.7	51.3	54.0		54.0	34.9	65.6	100.5	13.8	68.1	81.9	-18.6	-18.5
General operating expenses	1,063.7	1,704.9	2,768.6	290.9	3,059.5	1,385.7	2,548.5	3,934.2	1,386.9	2,009.2	3,396.1	-538.1	-13.7
Supplies and materials	1.2	42.0	43.2	10.5	53.7	24.9	124.0	148.9	29.2	114.2	143.4	-5.5	-3.7
Furniture and equipment	23.5	15.2	38.7		38.7								
<i>Subtotal non-staff</i>	<i>1,115.7</i>	<i>2,938.1</i>	<i>4,053.8</i>	<i>483.0</i>	<i>4,536.8</i>	<i>1,631.5</i>	<i>3,916.9</i>	<i>5,548.4</i>	<i>1,552.5</i>	<i>3,468.7</i>	<i>5,021.2</i>	<i>-527.2</i>	<i>-9.5</i>
<b>Total</b>	<b>6,174.3</b>	<b>12,770.1</b>	<b>18,944.4</b>	<b>1,573.4</b>	<b>20,517.8</b>	<b>6,022.5</b>	<b>13,058.3</b>	<b>19,080.8</b>	<b>6,431.1</b>	<b>12,905.1</b>	<b>19,336.2</b>	<b>255.4</b>	<b>1.3</b>
Distributed maintenance	127.0	427.5	554.5		554.5	139.2	416.1	555.2	130.7	440.1	570.8	15.6	2.8

**Table 68: Programme 3300: Proposed staffing for 2013**

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								1		1				1
	Situation-related								-1	-1	-2				-2
	<i>Subtotal</i>								<i>-1</i>	<i>-1</i>	<i>-2</i>				<i>-1</i>
<b>Total</b>				<b>1</b>	<b>3</b>	<b>16</b>	<b>32</b>	<b>32</b>	<b>2</b>	<b>86</b>	<b>3</b>	<b>60</b>	<b>63</b>	<b>149</b>	

**(a) Sub-programme 3310: Office of the Director DCS****Non-staff resources***Travel*

357. Regular meetings with representatives of various other international organisations and NGOs to keep abreast of current developments are necessary for the proper management of the division and require senior-level presence. These travel resources are necessary to execute the proper mandate of the Registry such as the protection of victims (article 43(6) of the Rome Statute). Travel is required to meet local authorities in situation and other countries, to prepare operations with regard to arrest and voluntary appearance, and to organize notification procedures.

*Training*

358. Specific areas, such as the freezing of assets, require special training, since such skills are particularly necessary and valuable tools in executing the multiple tasks of the Office of the Director DCS and the DCS in general.

**Table 69: Sub-programme 3310: Proposed budget for 2013**

3310 Office of the Director DCS	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff					159.0	274.5	433.5	169.1	290.4	459.5	26.0	6.0	
General Service staff					60.6		60.6	63.2		63.2	2.6	4.3	
<i>Subtotal staff</i>	<i>243.0</i>	<i>245.5</i>	<i>488.5</i>		<i>488.5</i>	<i>219.6</i>	<i>274.5</i>	<i>494.1</i>	<i>232.3</i>	<i>290.4</i>	<i>522.7</i>	<i>28.6</i>	<i>5.8</i>
General temporary assistance		118.0	118.0		118.0		112.6	112.6				-112.6	-100.0
Temporary assistance for meetings													
Overtime													
Consultants		4.2	4.2		4.2	10.1	61.2	71.3				-71.3	-100.0
<i>Subtotal other staff</i>		<i>122.2</i>	<i>122.2</i>		<i>122.2</i>	<i>10.1</i>	<i>173.8</i>	<i>183.9</i>				<i>-183.9</i>	<i>-100.0</i>
Travel	1.1	41.6	42.7		42.7	11.1	33.2	44.3	19.7	22.4	42.1	-2.2	-5.0
Hospitality													
Contractual services													
Training						18.4		18.4	12.3		12.3	-6.1	-33.2
General operating expenses		0.5	0.5		0.5		5.0	5.0				-5.0	-100.0
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>1.1</i>	<i>42.1</i>	<i>43.2</i>		<i>43.2</i>	<i>29.5</i>	<i>38.2</i>	<i>67.7</i>	<i>32.0</i>	<i>22.4</i>	<i>54.4</i>	<i>-13.3</i>	<i>-19.6</i>
<b>Total</b>	<b>241.5</b>	<b>395.0</b>	<b>636.5</b>		<b>636.5</b>	<b>259.2</b>	<b>486.5</b>	<b>745.7</b>	<b>264.3</b>	<b>312.8</b>	<b>577.1</b>	<b>-168.6</b>	<b>-22.6</b>
Distributed maintenance	5.5	12.3	17.8		17.8	6.1	12.0	18.1	5.6	11.6	17.1	-1.0	-5.3

**Table 70: Sub-programme 3310: Proposed staffing for 2013**

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>				<i>1</i>			<i>2</i>	<i>1</i>		<i>4</i>		<i>1</i>	<i>1</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>1</b>		<b>4</b>		<b>1</b>	<b>1</b>	<b>5</b>	

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

359. 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. Since 2011, a new mandate has been assigned to CMS: the processing of electronic evidence seized by the Registry, which has required the acquisition of in-house knowledge in digital forensics (by training a current staff member to the level of competency and expertise required), as well as the creation of an industry-standard laboratory. 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, reflecting 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 use of resources.

360. The section's responsibility for the conduct of hearings includes ensuring that 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. The section 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 organisation of hearings. The section's courtroom officers, court clerks, audiovisual assistants, transcript coordinators and court reporters are all involved in these tasks.

361. The section's responsibility for keeping an accurate record of the Court's proceedings also includes, as well as hearing-related records, the reception, registration, distribution of all decisions, orders and documents from Chambers, parties and participants in all situations and cases. As the number of situations and cases before the Court increases, the section's responsibility in this area is incurring a growing workload, independently of hearing activity inside the courtrooms. Primary responsibility for these tasks falls on Court Records Assistants, together with the Associate Legal Officers (ALO)/Courtroom Officers, and with the support of the E-Court Systems Administration Assistant for the development, maintenance and updating of the underlying electronic database and applications.

**Staff resources****Table 71: Sub-programme 3320: Approved staffing for 2012**

<i>Anticipated workload 2013</i>	<i>Number of FTE 2012</i>	<i>Anticipated workload 2013</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= 215	26	215	26	200	0	0

**Basic resources**

362. 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.

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

363. Recurrent. Existing GTA: Two P-2 Court Reporters, 12 months (one French, one English), to complement the teams.

364. One additional GTA Court Records Assistant is requested for 12 months, continued from 2012, to deal with the increased number of filings submitted for registration in the records. It is anticipated that over 4,000 documents could be registered in the two Kenya cases. Based on previous year's experience, in all situations and cases the forecast capacity requirement is as follows: 14,567 documents to be registered, plus 1,441 reclassifications and 1,223 translation requests, totalling 920 working days. The workload indicator is 190 working days per Court Records Assistant per year. In order to absorb the workload, a total of 4.8 FTE is required. The team is composed of four Court Records Assistants, who process filings, and one Senior Court Records Assistant, who does not process filings, but

supervises and monitors the work and controls confidentiality and access. It is particularly important that the Court should have adequate capacity in this area; any delays or errors in processing court records potentially have serious consequences which adversely impact the image not only of the section, but also of the Registry, and of the Court as a whole. To cover the anticipated filings in all the situations and cases open in 2013, the Court considers that it requires one additional FTE.

#### *Overtime*

365. 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 cannot be avoided when CMS has to react to requests for immediate assistance (late filings, urgent audiovisual copy requests necessitating processing in “real time”, meaning that copying the audiovisual record of one hearing takes as long as the actual hearing). Where foreseeable, CMS has consistently endeavoured to prevent and limit the amount of overtime incurred, for example by implementing shift-working.

### **Non-staff resources**

#### **Basic resources**

##### *Supplies and materials*

366. This recurring cost includes audio-visual tapes and disks for use for the provision of audiovisual support to events other than hearings, and for the “audiovisual copy-control” facility.

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

##### *Travel*

367. In support of remote witness testimony using video teleconferencing (VTC), AV support staff and an ALO/Courtroom officer will have to be present at remote locations. The assumption is for 15% of witness testimony by VTC. Resources are also required for the Kenya hearings.

##### *Contractual services*

368. External consultancy, in conjunction with ICTS, may be required in order to upgrade, maintain and improve ECOS. It is planned to rewrite all ECOS modules with more efficient software architecture and with greater emphasis on inter-module integration, improving the usability and value of the system.

##### *Training*

369. Specialised training for real-time court reporting to maintain speed and accuracy and for maintaining and updating in-house capacity for forensic evidence processing.

##### *Supplies and materials*

370. Includes broadcast-quality video tapes, DVDs and other supplies for audio-visual support of 215 days 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 72: Sub-programme 3320: Proposed budget for 2013**

3320 Court Management Section	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						397.8	739.5	1,137.3	420.1	774.2	1,194.3	57.0	5.0
General Service staff						121.2	683.1	804.3	126.5	711.6	838.1	33.8	4.2
<i>Subtotal staff</i>	<i>525.0</i>	<i>1,354.5</i>	<i>1,879.5</i>		<i>1,879.5</i>	<i>519.0</i>	<i>1,422.6</i>	<i>1,941.6</i>	<i>546.6</i>	<i>1,485.8</i>	<i>2,032.4</i>	<i>90.8</i>	<i>4.7</i>
General temporary assistance	-0.4	553.7	553.3	243.5	796.8		225.2	225.2		256.7	256.7	31.5	14.0
Temporary assistance for meetings													
Overtime		7.4	7.4		7.4		20.0	20.0		15.0	15.0	-5.0	-25.0
Consultants		17.2	17.2		17.2	14.6	9.0	23.6				-23.6	-100.0
<i>Subtotal other staff</i>	<i>-0.4</i>	<i>578.3</i>	<i>577.9</i>	<i>243.5</i>	<i>821.4</i>	<i>14.6</i>	<i>254.2</i>	<i>268.8</i>		<i>271.7</i>	<i>271.7</i>	<i>2.9</i>	<i>1.1</i>
Travel		16.1	16.1		16.1		30.0	30.0		40.1	40.1	10.1	33.7
Hospitality													
Contractual services		206.9	206.9	49.5	256.4		97.2	97.2		56.3	56.3	-40.9	-42.1
Training		23.6	23.6		23.6	15.0	10.8	25.8		19.0	19.0	-6.8	-26.4
General operating expenses						7.8		7.8	5.9		5.9	-1.9	-24.4
Supplies and materials	0.6	30.2	30.8	10.5	41.3	9.7	92.8	102.5	13.0	88.0	101.0	-1.5	-1.5
Furniture and equipment	4.7	15.2	19.9		19.9								
<i>Subtotal non-staff</i>	<i>5.3</i>	<i>292.0</i>	<i>297.3</i>	<i>60.0</i>	<i>357.3</i>	<i>32.5</i>	<i>230.8</i>	<i>263.3</i>	<i>18.9</i>	<i>203.4</i>	<i>222.3</i>	<i>-41.0</i>	<i>-15.6</i>
<b>Total</b>	<b>529.9</b>	<b>2,224.8</b>	<b>2,754.7</b>	<b>303.5</b>	<b>3,058.2</b>	<b>566.1</b>	<b>1,907.6</b>	<b>2,473.7</b>	<b>565.5</b>	<b>1,960.9</b>	<b>2,526.4</b>	<b>52.7</b>	<b>2.1</b>
Distributed maintenance	16.6	82.2	98.8		98.8	18.2	80.0	98.2	19.5	77.2	96.7	-1.5	-1.5

**Table 73: Sub-programme 3320: Proposed staffing for 2013**

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**

371. 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 suspects 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.

372. On 31 May 2011 the Detention Centre received the four detained witnesses who had been held since 27 March 2011 at ICTY UNDU. To date the four detained witnesses are still at the Detention Centre awaiting the outcome of asylum procedures.

373. Since the arrival of new detainees, there has been an enormous increase in the number of applications by new potential visitors for authorizations to visit. There has been a corresponding increase in the amount of incoming mail, which has to be screened, recorded and processed. Hundreds more telephone calls are being received within the Detention Centre administration department as a result of a number of concerted supporter campaigns, which include the use of websites, Facebook and viral messaging, substantially increasing the workload of the Detention Centre. The workload indicators have been expanded to reflect this increase.

**Table 74: Workload Indicator**

<i>Anticipated workload 2012</i>	<i>Number of staff 2010</i>	<i>Actual workload 2010</i>	<i>Number of staff 2011 handling the work</i>	<i>Actual workload 2011</i>	<i>Estimated workload 2013</i>
Number of transports outside host prison		417		411	125
Hours of visits	2 (GS-OL)	1,138	2 (GS-OL)	1,720	1,850
Applications by new potential visitors		98		95	245
Number of detained persons	5 (3P+above)	4 (+1)	5 (3P+above)	5 dps + 4 dws (+1)	5

(dps=detained persons, dws=detained witnesses, figure between brackets refers to SCSL detained person)

**Basic resources****Recurrent expenditures***Travel*

374. To attend the Conference of International Prison Association.

*Rental of Premises*

375. Rental of cells is based on six cells, including remand programme and staff. On 1 February 2012, due to the downsizing of ICTY UNDU, the Court took over its part of shared functions. These shared functions include manning the 24-hour control centre and carrying out security duties at the entrance to Building 4 and providing other joint services, every fourth day.

*Supplies and materials*

376. Uniforms (replacement staff and wear-and-tear)

**Situation-related resources**

377. Recurrent expenditures

*General operating expenses*

378. 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).

*Consultants*

379. Psychologist and/or psychiatrist services for the well-being of the detained persons, on a case-by- case basis.

*Training*

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

*Contractual services*

381. Additional cost as result of the use of cells in Judicial Medical Centre.

**Table 75: Sub-programme 3330: Proposed budget for 2013**

3330 Detention Section	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						196.1	80.3	276.4	208.6	83.9	292.5	16.1	5.8
General Service staff						60.6	60.6	121.2	63.2	63.2	126.4	5.2	4.3
<i>Subtotal staff</i>	282.2	139.3	421.5		421.5	256.7	140.9	397.6	271.8	147.1	418.9	21.3	5.4
General temporary assistance													
Temporary assistance for meetings													
Overtime													
Consultants							5.4	5.4		6.0	6.0	0.6	11.1
<i>Subtotal other staff</i>							5.4	5.4		6.0	6.0	0.6	11.1
Travel	4.2	1.3	5.5		5.5	3.0		3.0	4.0		4.0	1.0	33.3
Hospitality													
Contractual services		12.8	12.8		12.8		2.1	2.1		2.1	2.1		
Training	0.4	4.4	4.8		4.8	1.5	17.0	18.5	1.5	17.0	18.5		
General operating expenses	1,063.7	53.6	1,117.3	65.0	1,182.3	1,377.9	155.5	1,533.4	1,381.0	118.4	1,499.4	-34.0	-2.2
Supplies and materials		1.1	1.1		1.1	6.5	6.0	12.5	7.5		7.5	-5.0	-40.0
Furniture and equipment	5.5		5.5		5.5								
<i>Subtotal non-staff</i>	1,073.8	73.2	1,147.0	65.0	1,212.0	1,388.9	180.6	1,569.5	1,394.0	137.5	1,531.5	-38.0	-2.4
<b>Total</b>	<b>1,356.0</b>	<b>212.5</b>	<b>1,568.5</b>	<b>65.0</b>	<b>1,633.5</b>	<b>1,645.6</b>	<b>326.9</b>	<b>1,972.5</b>	<b>1,665.8</b>	<b>290.6</b>	<b>1,956.4</b>	<b>-16.1</b>	<b>-0.8</b>
Distributed maintenance	8.3	8.2	16.5		16.5	9.1	8.0	17.1	8.3	7.7	16.1	-1.0	-6.1

**Table 76: Sub-programme 3330: Proposed staffing for 2013**

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>					1		2		3		2	2	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>3</b>		<b>2</b>	<b>2</b>	<b>5</b>

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

382. 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 translation, revision and editing of Court documents; consecutive and simultaneous interpretation for trial hearings, press conferences, meetings and other events at the seat of the Court and elsewhere; assistance and guidance in terminology and references; management of language tools to make sure that consistent terminology is used in all the organs of the Court. The section also ensures recruitment, training and accreditation of field interpreters jointly with the Language Services Unit (LSU) of the Office of the Prosecutor. Over and above translation and interpretation to and from the Court's two working languages, French and English, STIC has to face the specific challenge posed by the other languages used in Court proceedings. Many languages that the Court requires for its proceedings often do not have any qualified professional translators and interpreters. This means that the section has had to train interpreters so that they can interpret from and into a language that may be spoken by the accused, or by a number of witnesses. Without this tailored training, undertaken by the section over the period 2006-2012 for five different languages, there could have been no court hearings held in any proceedings. On the one hand, for 2013 the section is significantly reducing its resources in Swahili, Lingala and Sango due to changing priorities. On the other hand, the trials of the two Kenya cases represent a multiple challenge: there will be a Standard Swahili booth required at both trials; there will be a Kalenjin booth at the Kenya 2 trial; there will be several other Kenyan languages that will be used in the courtroom which will require interpretation from and into English. These languages are in both cases: Luhya, Luo, Kikuyu, Kisi and Kamba.

**Table 77: Translation in-house resources (basic and situation-related)**

<i>Translators</i>	<i>Number of FTE 2011</i>	<i>Number of FTE 2012 and 2013</i>
French	7.2	8.2*
English	4.8	6**
Arabic	0.8	0.8

\* redeployed post (P-2) returned to STIC  
\*\* post of a situation language (P-2) changed to English

<i>Revisers</i>	<i>Number of FTE 2011</i>	<i>Number of FTE 2012 and 2013</i>
French	2.8	2.8
English	1	1
Arabic	1	1

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

383. Recurrent. Short-term Linguistic/Legal Editor for checking and editing of documents for submission to meetings of the Committee, including in particular Court reports and the Court's proposed programme budget. The work involves ensuring that all documents are clearly written, stylistically consistent and properly referenced and structured. This work can no longer be done in-house due to concurrent judicial requirements for translation.

384. New. Short-term translators for translation into French of the MPIII part of the Budget document. In previous years, this was done in-house, but, in light of the current workload for judicial documents, this is no longer possible.

385. Additional freelance interpreters will be necessary for two NGO round table meetings and for two diplomatic briefings in 2013, as the assumptions are for continuous Bemba trial hearings.

386. New. A visit to the Court by a Spanish-speaking delegation will require recruitment of freelance interpreters with Spanish.

### Situation-related resources

#### Staff resources

387. One post P-1 for Lingala paraprofessional interpreter #8959 is abolished.

388. One post P-2 #9002 is redeployed to VPRS.

#### General temporary assistance

#### Recurrent

389. One P-2 Associate Translator for Arabic. Arabic is increasingly important at the Court, not only as an official language, but, with the widening of situations and cases in the Arabic-speaking world, and their increasing legal complexity, specifically requiring a permanent small unit (one translator and one reviser). Regular translation activities are performed on a daily basis in the section. A chronic shortage of reliable freelance translators with legal translation experience necessitates the existence of a small Arabic unit within the section to maintain the operational capacity for Arabic, particularly in view of judicial deadlines. The post has been funded out of GTA in STIC since 2007.

390. 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. The post has been funded out of GTA in STIC since 2009.

391. Four P-1 Para-professional Interpreters for Sango (six months each). The team of four provides interpretation from and into Sango for the *Bemba* proceedings, as the majority of witnesses are Sango speakers. There are no freelance professional Sango interpreters and the in-house team was trained by STIC in 2010.

392. One GS-PL Language Assistant for Sango (six 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.

393. Four P-1 Paraprofessional interpreters for Kalenjin (9 months each). The paraprofessional interpreters would be trained in order to carry out interpretation from and into Kalenjin and English for the *Kenya 2* case. Booth of four is standard when interpreters are interpreting in two directions. The paraprofessional interpreters would also be required to transcribe and translate material from Kalenjin into English as required.

394. One P-3 Interpreter for Swahili Standard (5 months). Because there are some in-house resources (Swahili/Lingala interpreters) which would service one trial, either Bemba (Lingala) or Kenya 1 or 2, one additional interpreter is necessary to complete the Swahili booth.

395. Operational/Field Interpreters. The 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 Participation and Reparations Section, Security and Safety Section and Office of Public Counsel for Victims. Also, interpreters are required to provide services prior to hearings for witness familiarisation and at hearings for witnesses speaking languages such as Luhya, Luo, Kikuyu, Kisi and Kamba. Field interpretation will be required for outreach in the same languages. These individual contractors are recruited on SSA contracts on a needs basis from a list of accredited field interpreters.

**Table 78: Workload**

	<i>Workload 2009</i>	<i>Workload 2010</i>	<i>Workload2011</i>	<i>Anticipated workload 2012</i>	<i>Anticipated workload 2013</i>
Field Interpreter days	743	1,247	602	1,355	596

*Temporary assistance for meetings*

396. Freelance interpreters will have to be recruited to support Court in-house staff interpreters to provide interpretation for events in excess of what can be serviced by staff interpreters. Such additional needs planned for 2013 include seminars for counsel, parallel appeals hearings for the *Lubanga* and *Katanga/Ngudjolo* cases, Arabic booth for ongoing cases in the situation in the Sudan, three press conferences and the freelance interpreters to support Court staff for interpretation from and into Lingala in the Bemba case to make up the full team. The total for these additional interpretation needs that cannot be covered by staff interpreters is €153,200.

*Consultants*

397. Expert panels for Kenyan languages, without which training for interpreters cannot take place.

**Table 79: Interpreter-days**

	2009	2010	2011	Anticipated 2012	Anticipated 2013
Interpretation days judicial	1,643	3,867	3,569	1,689	2,150
Interpretation days non-judicial	424	767	151	161	70
<b>Total</b>	<b>2,067</b>	<b>4,634</b>	<b>3,720</b>	<b>1,850</b>	<b>2,220</b>

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

398. Continued ECOS enhancement of the modules for translation, interpretation and field interpretation. Enhancements and maintenance cannot be done in-house.

399. New. Outsourcing translation of audit reports for the Committee, as requested by the Office of Internal Audit.

*Supplies and materials*

400. These 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*

401. 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 will need to be undertaken.

*Contractual services*

402. The proposed resources are for the outsourcing of translations to meet 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.

403. Outsourcing translation based on service requests for PIDS and in accordance with their requirements.

404. This item, which shows an increase of 50.3%, includes outsourced translation, outsourced terminology and translation- and terminology-related services in relation to documents that cannot be dealt with in-house. In-house resources have a limited capacity

for French, English and Arabic translation. All other languages have to be outsourced. Also includes external printing for 600 copies of the Terminology Bulletin three times a year in the six official languages of the Court, and selected situation/case languages.

#### Training

405. The reduced resources are required for the participation of one staff member in the International Terminology Summer School 2013 (part of the STIC training schedule).

#### Supplies and materials

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

**Table 80: Sub-programme 3340: Proposed budget for 2013**

3340 Court Interpretation and Translation Section	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						1,710.7	2,386.6	4,097.3	1,829.0	2,366.1	4,195.1	97.8	2.4
General Service staff						242.4	258.9	501.3	252.9	269.0	521.9	20.6	4.1
<i>Subtotal staff</i>	2,109.7	2,404.9	4,514.6		4,514.6	1,953.1	2,645.5	4,598.6	2,081.9	2,635.1	4,717.0	118.4	2.6
General temporary assistance	-3.0	1,222.8	1,219.8	121.4	1,341.2		784.7	784.7		867.2	867.2	82.5	10.5
Temporary assistance for meetings	351.0	358.9	709.9	480.9	1,190.8	12.0	420.7	432.7	180.0	153.2	333.2	-99.5	-23.0
Overtime													
Consultants	174.9	2.2	177.1	0.8	177.9		33.8	33.8		20.1	20.1	-13.7	-40.5
<i>Subtotal other staff</i>	522.9	1,583.9	2,106.8	603.1	2,709.9	12.0	1,239.2	1,251.2	180.0	1,040.5	1,220.5	-30.7	-2.5
Travel	6.3	80.7	87.0	20.0	107.0	6.0	139.0	145.0	5.2	159.2	164.4	19.4	13.4
Hospitality													
Contractual services		13.4	13.4	12.1	25.5	61.4	42.2	103.6	40.2	115.5	155.7	52.1	50.3
Training		12.1	12.1		12.1		8.9	8.9		2.7	2.7	-6.2	-69.7
General operating expenses													
Supplies and materials	0.6	4.0	4.6		4.6	8.7	9.5	18.2	8.7	9.5	18.2		
Furniture and equipment	7.4		7.4		7.4								
<i>Subtotal non-staff</i>	14.3	110.2	124.5	32.1	156.6	76.1	199.6	275.7	54.1	286.9	341.0	65.3	23.7
<b>Total</b>	<b>2,646.9</b>	<b>4,099.0</b>	<b>6,745.9</b>	<b>635.2</b>	<b>7,381.1</b>	<b>2,041.2</b>	<b>4,084.3</b>	<b>6,125.5</b>	<b>2,316.0</b>	<b>3,962.5</b>	<b>6,278.5</b>	<b>153.0</b>	<b>2.5</b>
Distributed maintenance	55.2	119.2	174.4		174.4	60.5	116.0	176.5	55.6	112.0	167.6	-8.9	-5.1

**Table 81: 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>					1	12	19	8	1	41	1	7	8	49
New/	Basic														
	Situation-related														
	<i>Subtotal</i>														
Redeployed/ Returned	Basic														
	Situation-related								-1	-1	-2				-2
	<i>Subtotal</i>								-1	-1	-2				-2
<b>Total</b>					<b>1</b>	<b>12</b>	<b>19</b>	<b>7</b>			<b>39</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>47</b>

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

407. Under article 43(6) of the Rome Statute, the 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 acts on the basis of referrals from the parties and others, and calculates its annual budget according to the anticipated number of requests for services received for protection and support, or for witnesses to appear before the court to testify. The VWU provides its services to the Chambers, the parties and participants.

408. For the year 2013, the Victims and Witnesses Unit (VWU) presents a total budget reduced by 1.3 per cent from that approved for 2012. This reduction has been largely achieved as a result of thorough review of costs and working methods, and a prioritization of service requests in consultation with VWU clients. In addition, it takes into account a fall in the number of witnesses expected to appear before the Court in 2013, in line with the Court's assumptions. The request for additional resources for GTA has to be understood in light of the fact that the workload of VWU is nevertheless expected to increase in 2013. This is due, on the one hand, to the necessary psycho-social and threat assessments for witnesses in the field and, on the other hand, to the fact that participants in the ICC Protection Programme have remained under the care of VWU for extended periods of time and has been continuously increasing.

409. Finally, following the evaluation of the VWU by the Office of Internal Audit, and the consequent decision of the Registrar to make the restructuring of the VWU a top priority, the VWU, in close coordination and consultation with Director of the Division of Court Services, is preparing a proposal for a new structure. In accordance with the recommendations of the Internal Auditor, the aim of the new structure is to enhance reporting lines within the VWU and strengthen the modalities of financial and administrative control. The proposal for the new structure, once finalized and approved by the Registrar, may lead to a number of reclassifications of posts. Requests for reclassifications will then be proposed and requested in the budget for 2014.

**Staff resources****Situation-related resources***General Temporary Assistance**One P-3 Psychologist/Trauma Expert at HQ (CIS- Ops)*

410. Recurrent. In last year's budget proposal, the VWU explained in detail its need for this post and the incumbent's functions.<sup>58</sup> What was stated there continues to apply. In particular, the VWU would again take this opportunity to point out that this is a post mandated under article 43(6) of the Rome Statute, which provides that "*the Unit shall include staff with expertise in trauma, including trauma related to crimes of sexual violence*", and that the Unit was instructed by oral decision of Trial Chamber I,<sup>59</sup> to ensure that its permanent team included a professional psychologist.

*One Associate Legal Officer P-1 at HQ (CIS-Ops) – 12 months*

411. Continued. Due to the increase in the Court's judicial activities, it was necessary to recruit an Assistant Legal Officer (P-1) in 2010 to assist the VWU's Associate Legal Officer in coping with the ever increasing legal workload. Since then, the workload of the Unit's legal staff has remained consistently high, and is not expected to fall in 2013.

412. The Assistant Legal Officer is required to assist the Associate Legal Officer in performing the following duties:

- (a) Filings: upon request of the Chamber or on the basis of regulations 24(*bis*) or regulation 41 of the Regulations of the Court;

<sup>58</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part A, paras. 403-405.

<sup>59</sup> ICC-01/04-01/06-T-118-Conf-Exp, page 15, line 25 to page 16, line 13.

- (b) Reports to the Chamber by way of e-mails;
- (c) Participation in hearings and relevant preparation;
- (d) Provision of presentations/trainings/workshops/interviews;
- (e) Participation in negotiation process with States Parties, including drafting of agreements and correspondence, attendance at meetings, taking of minutes and record keeping;
- (f) Provision of legal advice and opinions on all legal and administrative matters related to the work of the VWU and assisting in drafting or reviewing of correspondence and memoranda, policy papers, procedures, and guidelines prepared by the staff of the VWU;
- (g) Reviewing court documents, following court proceedings and keeping VWU staff informed, both at Headquarters and in the field, of all matters of relevance to the work of the VWU;
- (h) Maintaining and updating the record system of all VWU policies, procedures and guidelines of the VWU in both English and French; and
- (i) Participation in working groups (Court-wide).

*One Operations Coordinator and Protection Advisor P-3 for Côte d'Ivoire (FOP-CIV) – 6 months*

413. This position, which was approved in the 2012 budget and is currently under recruitment, is requested in support of VWU operations in Côte d'Ivoire in 2013. The position is being requested for a period of six months as a bridging measure to ensure the continuity of the work of the VWU in that country until such time as the established post of Field Witness Officer, P-3, currently assigned to the DRC, is redeployed from Kinshasa to Abidjan in 2013 as a result of the reduction in Court activities in the DRC.

414. The responsibilities of the Operations Coordinator and Protection Adviser are to manage the appearance of any witnesses if necessary and to advise VWU on victims and witness operations in the field; to manage the Initial Response System (IRS); to provide overall coordination of VWU activities in the Area of Responsibility (AOR); to represent VWU in the AOR and manage and coordinate all VWU activities and Field Operations in the AOR; to train local (or international where relevant) VWU staff both on Initial Response Systems (IRS) and other local protective measures; to provide operational and logistical support for all Protection, Support and Trial operations; coordinate VWU missions/staff movements with the Security Officer and participate in Field security coordination meetings; to liaise with government authorities, UN agencies and other interlocutors on VWU related matters; to establish good working relationships and functioning networks with local and national authorities and civil society (NGOs and IGOs); to liaise with parties and participants in the field and provide training on good practices to legal representatives and intermediaries upon request; in cooperation with the Associate Protection Office, to provide training to legal representatives and intermediaries on good practices upon request; to work in close cooperation with the Head of Protection to plan and facilitate witness protection requirements; to manage and assist ICCPP witnesses in the area of responsibility; to conduct risk/threat assessments for victims, witnesses and others at risk on the account of testimony; to liaise with local and regional authorities/agencies with regard to witness protection; to develop witness protection capabilities in areas of responsibility; to plan for the movement of ICCPP witnesses for the purpose of assessment/relocation/testimony

*One Associate Psychologist P-2 at HQ (CIS-Ops) – 10 months*

415. To assist the existing Psychologist (see para. 410 above). The workload has become unmanageable for one staff member. In particular, there has been a significant increase in the number of ICCPP referrals, leading to an increased number of psycho-social assessments of applicants and their family members. In addition, due to the risk posed to people admitted to the ICCPP, a significant number of participants have required temporary relocation to international locations pending their permanent relocation to another country.

This has led to a significant increase of the psychosocial support provided to such persons and their dependants, and, on occasion, to overlapping requests, which cannot be dealt with simultaneously by one person alone, leading to delays and potential psychological harm among vulnerable victims.

416. Moreover, the number of field missions carried out by the Psychologist has increased significantly, as she has a crucial role in the assessment of ICCPP applicants in the field. However, the different Trial Chambers also request the permanent presence of the Psychologist at the seat of the Court when it is in session, to provide vulnerability assessments and other reports to the Chamber as well as to offer in-court assistance when required. It is thus not possible to organize field-missions when one of the Trial Chambers is in session, since the Psychologist cannot be in two places at once. The additional post will help to resolve this problem, and alleviate delays in providing essential support to vulnerable victims.

*One Protection Assistant GSOL at HQ (FOP-OPS) – 12 months*

417. The VWU currently has one established post of Protection Assistant. International best practice for witness protection requires staff to always work in pairs to ensure the safety and security of both staff and witnesses. This safe working practice is especially relevant to the VWU's Protection Assistant, whose core function is the case management of witnesses participating in the protection programme of the Court.

418. Furthermore, throughout the year 2011, as well as in the first half of 2012, the current Protection Assistant has performed large amounts of overtime, averaging 30 hours every month, and with the high workload, the work planning has not allowed for the Protection Assistant to take sufficient annual leave or compensatory time off.

419. The additional Protection Assistant would assist the existing incumbent in the following tasks: implement case management of host State witnesses and internationally relocated witnesses; act as the focal point for all ICCPP locally and/or internationally relocated witnesses liaising with the local authorities in the relocation country; organize and facilitate the travel of ICCPP witnesses appearing before the Court to testify, including escorting witnesses during travel, providing all the logistics necessary and protection; escort witnesses for the purpose of international relocation; administrative duties for the purpose of information management for the Protection sub-unit.

420. The new Protection Assistant would also assist in conducting post-testimony security questionnaires and assessments of witnesses who have concluded their testimony; developing and providing training to VWU personnel at Headquarters and the Field on best practices; assisting the Associate Protection Officers in the planning and preparation of witness operations and providing all the logistics functions and protection as necessary under the guidance of the Head of Protection; developing standard operating procedures; undertaking call duties for witnesses at HQ on a 24hr basis, including the monitoring of the duty phone for all ICCPP internationally relocated participants; liaising at Headquarters with the local authorities and other stakeholders for management of the ICCPP, as well as other matters.

*Overtime*

421. Recurrent. VWU staff — in particular Protection Assistants, Support Assistants, and Trial Operation Assistants — are continuing to perform high overtime hours in relation to case management of witnesses who are participants in the Court's Protection Programme. The Court is proposing to maintain unchanged the total for overtime compensation payments to such staff.

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

422. 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. It shows a marginal increase, offset by a significant fall in situation-related travel (see following para.).

**Situation-related resources***Travel*

423. 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.

424. Situation-related staff travel to cover the following activities:

- (a) Witness escort for trial purposes comprising mainly of individual escort of protected witnesses, and escort of non-protected witnesses where required;
- (b) Resettlement and relocation of witnesses, including travel related to the conducting of threat and psycho-social 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;
- (c) Psycho-social assessment and the provision of support services to witnesses;
- (d) Implementation of Local Protective Measures;
- (e) Initial Response Systems (IRS) setup, supervision and testing;
- (f) Field travel for planning, supervision and audit of field operations;
- (g) Field travel to provide training on psycho-social and protection matters in relation to victims; and
- (h) Coordination meetings for Headquarters and field staff.

*General Operating Expenses*

425. Recurrent. Resources are required to cover the following:

(a) Trial-related costs, including travel of victims and witnesses and their accommodation in the field and at the seat of the Court, as well as of accompanying support persons, preparation of travel documents, clothing, allowances, health insurance, and witness allowances. Under the Court's assumptions, 42 victims and witnesses are anticipated to appear before the Court for testimony in 2013, for three hearings (the travel budget is based on the assumption that approximately 15 per cent of the witnesses may testify by video-link).

(b) Establishment of Initial Response Systems (IRS), to respond to immediate threat to victims and witnesses, in four situations where the Court is operational. For the year 2013, the Court will continue to maintain the IRS in the DRC with a view to gradually reducing the number of IRS established there in view of reduced activities and ongoing implementation of the exit strategies for witnesses. The Court will also continue to maintain the IRS in the Central African Republic, in Kenya and in Côte d'Ivoire.

(c) Witness relocation expenses for the Central African Republic, Kenya and Côte d'Ivoire.

(d) Witness resettlement expenses for DRC, Central African Republic, Kenya, and Côte d'Ivoire. In view of the fact that the implementation of exit strategies for DRC witnesses has already commenced in 2012, a reduced amount for witness resettlement and related costs in the DRC has been allowed for in the 2013 budget.

- (e) Assisted removal expenses for witnesses in Kenya and Côte d'Ivoire.
- (f) Protection advice and Local Protection Measures in the Kenya and Côte d'Ivoire situations.

#### *Training*

426. The following VWU specialised training courses are foreseen for 2013:

(a) *First Aid Training for VWU staff (refresher course)*: this mandatory refresher first aid course is required to ensure the validity of the First Aid diploma acquired by the VWU Support Assistants dealing directly with witnesses, enabling them to stay up-to-date with their knowledge and training, and to respond effectively in emergency medical situations.

(b) *UNDSS Security Analysis Process and Practice Course*: the course will provide participants with security analysis tools which are essential for the VWU. They will gain the necessary skills in respect of how and where to obtain different types of information, from different sources and how to compile and maintain databases.

(c) *Two Seminars on Trauma*: to be attended by the VWU Psychologist to stay up to date with the most recent developments in the field of trauma, mental health and psychosocial support, to network and strengthen connections in the community of psychologists and experts.

(d) *Training on Common Law Systems*: to be attended by either the Associate or Assistant Legal Officer of the VWU, enabling them to enhance their legal skills relevant to the mandate of the VWU, including reviewing and drafting documents related to the different issues of international law and procedure and the latter's practical implications and consequences.

(e) *Data Protection and Information Security Course*: to be attended by one Associate Protection Officer and one Confidential Accounts Assistant This practical training session is for staff members working in the field of data protection and provides a complete training package on the fundamentals of data protection and a thorough grounding in the most important aspects of data protection practice, including data retention, transferring data to third parties, the main exemptions, criminal offences, the powers of the data protection regulator, marketing, emailing and faxing, the use of cookies on websites, risk assessments and data destruction.

#### *Supplies and Materials*

427. Recurrent. This covers 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 82: Sub-programme 3350: Proposed budget for 2013**

3350 Victims and Witnesses Unit	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff					646.2	1,025.9	1,672.1	689.0	1,090.8	1,779.8	107.7	6.4	
General Service staff					60.6	1,105.8	1,166.4	63.2	1,176.6	1,239.8	73.4	6.3	
<i>Subtotal staff</i>	<i>666.5</i>	<i>2,263.5</i>	<i>2,930.0</i>		<i>2,930.0</i>	<i>706.8</i>	<i>2,131.7</i>	<i>2,838.5</i>	<i>752.2</i>	<i>2,267.4</i>	<i>3,019.6</i>	<i>181.1</i>	<i>6.4</i>
General temporary assistance		517.9	517.9	65.6	583.5		164.7	164.7		423.3	423.3	258.6	157.0
Temporary assistance for meetings													
Overtime		39.6	39.6		39.6		43.1	43.1		43.1	43.1		
Consultants		38.2	38.2	15.1	53.3		19.1	19.1				-19.1	-100.0
<i>Subtotal other staff</i>		<i>595.7</i>	<i>595.7</i>	<i>80.7</i>	<i>676.4</i>		<i>226.9</i>	<i>226.9</i>		<i>466.4</i>	<i>466.4</i>	<i>239.5</i>	<i>105.6</i>
Travel		579.6	579.6	32.2	611.8	25.8	586.6	612.4	26.5	581.1	607.6	-4.8	-0.8
Hospitality													
Contractual services													
Training		11.2	11.2		11.2		24.6	24.6		25.1	25.1	0.5	2.0
General operating expenses		1,650.8	1,650.8	225.9	1,876.7		2,388.0	2,388.0		1,890.8	1,890.8	-497.2	-20.8
Supplies and materials		6.1	6.1		6.1		4.7	4.7		5.7	5.7	1.0	21.3
Furniture and equipment													
<i>Subtotal non-staff</i>		<i>2,247.7</i>	<i>2,247.7</i>	<i>258.1</i>	<i>2,505.8</i>	<i>25.8</i>	<i>3,003.9</i>	<i>3,029.7</i>	<i>26.5</i>	<i>2,502.7</i>	<i>2,529.2</i>	<i>-500.5</i>	<i>-16.5</i>
<b>Total</b>	<b>666.5</b>	<b>5,106.9</b>	<b>5,773.4</b>	<b>338.8</b>	<b>6,112.2</b>	<b>732.6</b>	<b>5,362.5</b>	<b>6,095.1</b>	<b>778.7</b>	<b>5,236.5</b>	<b>6,015.2</b>	<b>-79.9</b>	<b>-1.3</b>
Distributed maintenance	19.3	176.8	196.1		196.1	21.2	172.0	193.2	19.5	166.0	185.5	-7.7	-4.0

**Table 83: Sub-programme 3350: Proposed staffing for 2013**

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	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic					1	2	2	1		6		1	1	7
	Situation-related							5	6		11	1	31	32	43
	<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														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>					<b>1</b>	<b>2</b>	<b>7</b>	<b>7</b>		<b>17</b>	<b>1</b>	<b>32</b>	<b>33</b>	<b>50</b>	

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

428. The Victims Participation and Reparations Section (VPRS) is the specialized unit within the Registry envisaged in regulation 86(9) of the Regulations of the Court, charged with assisting victims in participating in different phases of proceedings and reparations in accordance inter alia with rules 16 and 89 to 96 of the Rules of Procedure and Evidence. The section undertakes operations both in the field, in order to enable victims to make their applications, to be legally represented and to participate in proceedings effectively, and at the seat of the Court to manage and file victims' applications and other information received, and to assist Chambers by analysing and preparing reports on applications, redactions, and other assistance.

429. The workload of the section depends on the number of situations in which there are judicial proceedings, the stage of proceedings, and the number of applications for participation and reparations received. The work of the section is not primarily linked to the number of actual hearing days; the peaks in workload tend to be during the preparation for trial or pre-trial proceedings phases, when large numbers of victims' applications need to be processed in a timely manner in order to enable Chambers to decide on victims' applications in advance of the relevant hearings in which they wish to participate.

430. In this context, based on the 2013 budget assumptions, the VPRS expects to face the following workload in 2013:

(a) Preparation for trial in the two *Kenya* cases and *Banda/Jerbo*: receive, process and file victims' applications. Given the scope of the charges in the two *Kenya* cases (according to estimates of the Prosecutor, more than 400,000 internally displaced persons), large numbers of potential victims linked to the charges are expected to present applications to participate in the proceedings in the months preceding the trial, on a larger scale than ever previously experienced. A figure of 5,000 applications per case is assumed, making a total of 10,000. Only a small number of new applications for participation and/or reparations is expected in *Banda/Jerbo* (a maximum of 250).

(b) *Bemba/Kenya* trials: support to Chamber in trial proceedings, including managing documents relating to participating victims and applicants for reparations and implementing Chamber's orders during the trial, in particular preparing and filing differently redacted versions of documents or reports, and conveying appropriate messages to victims in the field.

(c) Possible reparations phases in *Katanga/Ngudjolo* and *Bemba*, and in *Lubanga*, if not completed in 2012: receive, process and file victims' applications. A total of 500 applications for reparations in each of the *Katanga/Ngudjolo* and *Lubanga* cases is assumed, given that most victims who applied to participate in these proceedings would be expected to request reparations (a joint form for both participation and reparation was introduced only in 2010). In *Bemba*, it is estimated that 5,000 applications for reparations may be received, based on the large numbers who applied to participate in the proceedings. In addition, Chambers expect observations from the Registry on a wide range of matters relating to reparations, including principles, forms of reparations, and realities in the field.

(d) Manage seven situations: a field presence is required in order to provide accurate information regarding the criteria for being accepted as a victim and the process of applying, to prevent the Court being flooded with applications that are not linked to the proceedings or incomplete, to guard against abuse, and to enable victims who are linked to proceedings are able to make an informed decision whether to apply to participate in proceedings or for reparations and to make their applications. As the entry point of the Court for applications from victims for participation and reparations, the VPRS also receives applications that are not linked to any case. The Pre-Trial Chambers have ordered the VPRS to file periodic reports on such applications and to be ready at any moment to file applications not linked to specific cases that may be entitled to participate, in the event that judicial proceedings relating to a situation arise.

431. The total number of victims' applications for processing based on the above is estimated at 14,400, representing a significant increase on previous years. The year-on-year increase in the number of applications for participation received by the section is shown below. The reasons for the assumed increase are given in the preceding paragraph.

**Table 84: Average monthly number of applications for participation received**

2009	2010	2011	Assumptions 2013
63	187	564	1,200

432. Processing of applications by VPRS is in two stages. The first step is for applications to be scanned, registered and stored in a database; certain data required by Chambers is entered into the database and redacted versions are prepared. This is done by Data Processing Assistants (DPA), and the workload indicator is as follows: one DPA can treat 120 applications per month. The section is also required by Chambers to conduct an individualized legal analysis and summary of each application for participation on the basis of instructions received from each Chamber. The workload indicator for this is as follows: one Associate Legal Officer (ALO) can treat 100 applications for participation per month, and 150 applications for reparations per month.

**Table 85: Processing capacity required to meet 2013 budget assumptions**

<i>No applications expected</i>	<i>Data Processing</i>		<i>Legal Processing</i>	
	<i>Workload indicator (applications per FTE)</i>	<i>Total FTE required</i>	<i>Workload indicator (applications per FTE)</i>	<i>FTE required</i>
Participations	14,400.00	1,440 (120x12)	10.00	1,200 (120x12)
Reparations	6,000.00	1,440 (120x12)	4.20	1,800 (150x12)
<b>Total</b>		-	<b>14.20</b>	-
				<b>15.30</b>

433. The workload at Headquarters not only involves actual processing of new applications received. As a consequence of the section's responsibility for managing the documents relating to victims' applications for participation and reparations, at any moment a Chamber may request transmission of any particular document, or preparation and transmission of a differently redacted version, or other step to be taken in relation to the documents. Chambers request the section to take steps and provide reports on a wide range of matters, including organizing common legal representation, organizing participation for specific phases of the proceedings, intermediaries and field operations.

434. 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. 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. 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 2012 budget. The impact of the shortfall in 2011 and 2012 has required the section to prioritize the work according to the progress of judicial proceedings, and a backlog exists in some situations, since there has also been a further rise in the number of applications received each month. A further significant rise is expected for 2013 in accordance with the budget assumptions, which, largely due to the wide scope of the charges in the *Kenya* cases, represent an increase in the number of victims' applications expected, from a total of 6,771 applications received in the year 2011 to an anticipated 14,400 in 2013. As a result of this severe understaffing of the section, the Registrar has already had to allocate additional resources to the VPRS during 2011 and 2012 for urgent staffing needs, in order to enable the section to meet the demands of all Chambers. The section also undertook a pilot project in which seven contractors were hired for six months at €1,000 per month each, to carry out intensive processing of victims applications, particularly in the *Bemba* case. In preparing the budget submissions for 2013, the section has made every effort to minimize the amount of additional resources requested and to find efficiencies and alternative options wherever possible, but the section will not be able to meet all the demands in light of budgetary constraints.

## Staff resources

### Situation-related resources

#### *Redeployment of post from STIC*

435. Redeployment to the VPRS of a post of P-2 Associate Interpreter (Swahili) no longer required by STIC is proposed in order to contribute towards the serious staffing shortage in VPRS described above. It is proposed to redeploy this post as a P-2 Associate Legal Officer.

#### *General temporary assistance*

436. As a result of the above redeployment, there is a substantial reduction in the need for GTA.

437. Two GS-OL Data Processing Assistants. The capacity is required to help meet some of the shortfall in data-processing capacity indicated in table 85 arising from the budget assumptions. 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.

438. Two P-2 Associate Legal Officers. The capacity is needed in order to contribute to the processing requirements indicated in Table 85 arising from the budget assumptions, and specifically 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, organizing common legal representation and implementing any other orders of Chambers in the field, 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.

439. One P-2 Field Officer for Kenya. The VPRS has no resources for field staff in Kenya; in 2012, the section had one field staff member, a Field Officer, funded from the Contingency Fund. A field presence in Kenya for VPRS is essential to conduct and coordinate VPRS operations in the field during the preparation for trial and trial phases. The Field Officer will plan and implement activities targeted at identified victim communities; identify, support and train appropriate intermediaries; make available and arrange collection of standard application forms; check applications received for completeness; prepare key messages for victims and intermediaries reflecting the stage of proceedings and any instructions from the Chamber; organize common legal representation and assist in the implementation of any orders of the Chamber that require implementation in the field. Once the trials start, the Field Officer will be responsible for passing accurate information to victims, providing support to common legal representatives, making available and collecting applications for reparations, and implementing orders of the Chamber that require implementation in the field.

440. Two GS-OL Field Assistants for Kenya (one Field assistant required per case). Two locally hired Field Assistants are required to support VPRS activities in the field. These would be persons familiar with the languages, culture and society of the country concerned in order to bring knowledge of local context to the VPRS and to interact with the affected population. They will support the Field Officer in relation to all field activities, particularly in following up with victims on their applications and requesting any additional documents that may be necessary to complete or clarify their applications, and providing training and support to intermediaries and legal representatives.

441. One GS-OL Administrative Assistant, part-time (50%). This position is requested in order to establish a minimum capacity for the section's operations in relation to its field operations and to support field operations in all situations, including mission planning, preparing and monitoring budget and finances, and generally supporting all field staff of the section. This specific administrative support is required in addition to the post of

Administrative Assistant, who is fully occupied with other administrative tasks supporting a busy section with both field operations and activities at Headquarters.

#### *Consultants*

442. Experience has shown that hiring consultants to carry out detailed mapping of victim communities 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. Funds are therefore requested for consultants for mapping victims.

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

##### *Travel*

443. To cover costs of travel of staff to and from the field, and 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.

##### *Training*

444. VPRS field staff members interact with victims and intermediaries in a highly sensitive environment and require ongoing training and support from qualified experts to enable them to manage such interaction and avoid trauma, both for themselves and for victims.

##### *Contractual services*

445. VPRS has completed the first phase of its database project. Funds are required for the realisation of the next phases, which include the following modules: Application Data Entry, Legal analysis and access for VPRS Field Offices and other sections to the Database. Automated processing of applications and related documents as well as integration with other systems of the court will reduce the processing time and cost. Further, greater integration with the field will lead to economies in future years, since it will become possible to carry out more steps in processing in the field, with cost savings compared to carrying out the same functions at Headquarters.

446. Funds are also requested for external printing of standard application forms for victims to participate in proceedings and for reparations, an accompanying explanatory 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, as well as for support of activities of field staff when meeting victim-applicants and victims, and when providing support for intermediaries and legal representatives.

##### *Supplies and materials*

447. 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. This falls within 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 86: Sub-programme 3360: Proposed budget for 2013**

3360 Victims Participation and Reparation Section	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						631.2	170.8	802.0	750.6	182.4	933.0	131.0	16.3
General Service staff						60.6	173.4	234.0	63.2	181.4	244.6	10.6	4.5
<i>Subtotal staff</i>	<i>624.1</i>	<i>206.6</i>	<i>830.7</i>		<i>830.7</i>	<i>691.8</i>	<i>344.2</i>	<i>1,036.0</i>	<i>813.8</i>	<i>363.8</i>	<i>1,177.6</i>	<i>141.6</i>	<i>13.7</i>
General temporary assistance	69.1	337.3	406.4	163.1	569.5		230.5	230.5		452.2	452.2	221.7	96.2
Temporary assistance for meetings													
Overtime													
Consultants	16.5	0.3	16.8		16.8	7.3	52.0	59.3		10.0	10.0	-49.3	-83.1
<i>Subtotal other staff</i>	<i>85.6</i>	<i>337.6</i>	<i>423.2</i>	<i>163.1</i>	<i>586.3</i>	<i>7.3</i>	<i>282.5</i>	<i>289.8</i>		<i>462.2</i>	<i>462.2</i>	<i>172.4</i>	<i>59.5</i>
Travel	6.4	120.0	126.4	33.2	159.6	26.7	143.0	169.7		185.0	185.0	15.3	9.0
Hospitality													
Contractual services	6.6	52.3	58.9	34.6	93.5	52.0	105.5	157.5	27.0	115.5	142.5	-15.0	-9.5
Training	2.3		2.3		2.3		4.3	4.3		4.3	4.3		
General operating expenses													
Supplies and materials		0.6	0.6		0.6		11.0	11.0		11.0	11.0		
Furniture and equipment	5.9		5.9		5.9								
<i>Subtotal non-staff</i>	<i>21.2</i>	<i>172.9</i>	<i>194.1</i>	<i>67.8</i>	<i>261.9</i>	<i>78.7</i>	<i>263.8</i>	<i>342.5</i>	<i>27.0</i>	<i>315.8</i>	<i>342.8</i>	<i>0.3</i>	<i>0.1</i>
<b>Total</b>	<b>730.9</b>	<b>717.1</b>	<b>1,448.0</b>	<b>230.9</b>	<b>1,678.9</b>	<b>777.8</b>	<b>890.5</b>	<b>1,668.3</b>	<b>840.8</b>	<b>1,141.8</b>	<b>1,982.6</b>	<b>314.3</b>	<b>18.8</b>
Distributed maintenance	22.1	28.8	50.9		50.9	24.2	28.0	52.2	22.3	65.6	87.9	35.7	68.4

**Table 87: Sub-programme 3360: Proposed staffing for 2013**

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
<i>Subtotal</i>						<i>1</i>	<i>2</i>	<i>4</i>	<i>2</i>	<i>9</i>		<i>6</i>	<i>6</i>	<i>15</i>
New														
<i>Subtotal</i>														
Redeployed/ Returned								1		1				1
<i>Subtotal</i>								<i>1</i>		<i>1</i>				<i>1</i>
<b>Total</b>						<b>1</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>10</b>		<b>6</b>	<b>6</b>	<b>16</b>

#### 4. Programme 3400: Public Information and Documentation Section

##### Introduction

448. 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. It also engages with key stakeholders such as legal communities, academics, non-governmental organisations, journalists and global audiences through specific programmes, with the ultimate objective of increasing international support for the Court, and the Court's Public Information Strategy.

449. The section has successfully stabilized its budget — and indeed achieved a very slight reduction. This has been possible as a result of overall efforts within the section to move to digital tools whenever feasible, to the redeployment of resources in the Outreach Unit, and to the efficiencies achieved in the Library and the Protocol Unit through the revision of processes and the prioritization of services provided to clients. Moreover, for press conferences organized by the Office of the Prosecutor, only satellite costs are borne by the Registry.

450. The opening of two trials in the Kenya situation will have an impact on the 2013 budget for the Outreach Unit, as well as for the Public Affairs Unit. Outreach activities to promote understanding of the trial proceedings and ensure that affected communities will understand and follow up trial proceedings will be intensified. Public affairs activities will include media monitoring, publications of news in Kenyan newspapers and capacity-building for journalists.

451. The section is composed of the Office of the Chief, the Outreach Unit, the Public Affairs Unit, the Protocol and Events Unit and the Library and Documentation Unit. The work of the units is guided by the Court's Strategic Plan for Outreach,<sup>60</sup> and Report on public information strategy.<sup>61</sup>

452. The Office of the Chief is mainly responsible for planning, managing, co-ordinating and overseeing the work of the four units within the section, ensuring performance at the highest standards in order to address the public information needs of the Court.

453. The Outreach Programme enables the Court to fulfil its responsibility of making judicial proceedings public — a central element of a fair trial — and ensuring that affected communities in situations and cases before the Court can understand and follow its judicial activities, even if they are in remote areas very far from the seat of the Court in The Hague.

454. The Public Affairs Unit (PAU) makes the proceedings related to the seven situations accessible and understandable to international audiences in an accurate and timely manner. Furthermore, in line with the Court's public information strategy, PAU engages with key stakeholders such as legal and academic communities, NGOs, journalists and global audiences through specific programmes aimed at strengthening support for the Court.

455. In 2013 the Protocol and Events Unit (PEU) will continue facilitating public access to hearings and supporting VIP/high-level visits to the Court, as well as other group visits, judicial ceremonies and other relevant Court-wide events.

456. The Library and Documentation Unit (LDU) is the depositary of the Courts' historical documents, photographs and audio-visual material. It maintains, and regularly updates, a collection of books and periodicals that supports the information and research needs of the four organs of the Court, as well as independent Court-related bodies, such as victim and defence counsel teams. When possible within its resources, the Library provides services by appointment to researchers and allows Eurojust on-site access.

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<sup>60</sup> ICC-ASP/5/12

<sup>61</sup> ICC-ASP/9/29

## 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 (SO4).
2. Ensure publicity of all proceedings for local and global audiences (SO7).
3. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence (SO6).

<i>Expected Results</i>	<i>Performance indicators</i>	<i>Target 2013</i>
<p><b>Objective 1</b></p> <p>To ensure that communities most affected by crimes of cases before the Court, in particular those at trial stage or under preparation for trial, have access to and understanding of the proceedings. In the course of 2013 special efforts will be made to engage those most affected in Central African Republic, Kenya, Côte d'Ivoire and Libya, in particular women, children and youth groups.</p>	<p>In countries concerned:</p> <ul style="list-style-type: none"> <li>- Number of activities engaging only women</li> <li>- Number of women participating in outreach sessions</li> <li>- Estimated population reached through radio and TV</li> <li>- Number of outreach sessions per situation</li> <li>- Number of participants during outreach sessions per situation</li> </ul>	<ul style="list-style-type: none"> <li>- CAR, same as in 2012</li> <li>- Kenya, five more than in 2012</li> <li>- CIV, baseline to be collated</li> <li>- Libya, baseline to be collated</li> <li>- Same as in 2012 for all situations except for CIV; Libya baseline to be collated</li> <li>- CAR, same as in 2012</li> <li>- Increased in Kenya, CIV and Libya</li> <li>- Fewer in Sudan, Uganda and DRC</li> <li>- Idem</li> </ul>
<p><b>Objective 2</b></p> <p>Increased access to the Court's judicial proceedings</p>	<ul style="list-style-type: none"> <li>- increased level of satisfaction by journalists dealing with the HQ and representing international media and agencies (survey)</li> <li>- increased level of visitors to the ICC website</li> </ul>	<ul style="list-style-type: none"> <li>- 80% of respondents to survey conducted</li> <li>- 10% more than in 2012</li> </ul>
<p><b>Objective 3</b></p> <p>Increased global awareness of the Court through media</p>	<ul style="list-style-type: none"> <li>- increased number of interviews given by ICC officials</li> <li>- increased number of twitter followers</li> <li>- Number of visitors attending hearings</li> <li>- Number of VIP/High-level visits to the ICC Officials</li> <li>- Number of stakeholder visits</li> <li>- Number of events</li> <li>- Number of general information visits to be received.</li> </ul>	<ul style="list-style-type: none"> <li>- 10% more than 2012</li> <li>- 20% more than 2012</li> <li>- 2,000 visitors during 215 hearing days (Bemba and Kenya hearings; key hearings in Lubanga and Katanga/Chui).</li> <li>- 90 visits of Heads of State, Ministers (mainly Foreign Affairs and Justice), UN/EU Special Representatives, Supreme Court Magistrates, Prosecutor/Attorney-Generals and Parliamentarians</li> <li>- 75 Stakeholder visits National/Regional Judges and Prosecutors, (young) diplomats, journalists, military, police and academia and 5 Moot Court Finals.</li> <li>- 15 events such as Welcoming Ceremonies for new States Parties, symbolic event to commemorate 17 July, Day of International Criminal Justice, as well as regular ICC meetings such as Diplomatic Briefings, NGO round tables, the UN-ICC Round Table and other relevant seminars</li> <li>- 440 general information visits with 7.700 visitors in total</li> </ul>

## Staff Resources

457. Efficiency has been gained through changes in the Outreach Unit in 2012, involving the reassignment or redeployment of positions from one country to another. Thus one GSPL Outreach Assistant has been redeployed from the SUD to occupy the post of Audio-Visual Production Assistant in The Hague, allowing the unit to discontinue a GTA requested in previous years. Also, one Field Outreach Coordinator P-2 and one Field Outreach Assistant have been reassigned from the DRC to Côte d'Ivoire. Outreach

activities in connection with the Libyan situation are now covered by the officer responsible for the Sudan situation.

458. Furthermore, it has been decided to freeze one Associate Legal Outreach Officer (P-2) at Headquarters during 2013 in line with budgetary constraints. To overcome the challenge of this staff reduction, the unit will focus primarily on cases at trial and reparations phases.

#### *General temporary assistance*

##### *Situation-related*

459. One Administrative and Finance Assistant GSOL, 12 months (continued). Operations in the field involve a large number of administrative and financial tasks. This position is needed in order to process in The Hague mission plans and transfers of funds to the field to pay for rental of venues and mobilization of participants in outreach sessions, as well as dealing with DSA payments when appropriate and handling procurement matters (purchase of airtime (radio broadcasts), public information campaigns, advertisements in the press). This officer is also responsible for reviewing monthly financial reports from the six offices currently operating in the field.

460. One P-2 (Associate) Public Information Legal Officer (6 months): the officer will be responsible for the communications plan for the Arab world, to meet the public information demands related to the high-profile Libya case, for other potential cases and for a possible exit strategy from this situation. The officer will also assist the spokesperson and will be responsible for preparing the content of digital information products, including question-and-answer papers, fact-sheets, speaking notes and responses related to the Libya situation and to the relationship between the Court and the Arab world. In addition, the officer will recommend actions, encourage bloggers to host debates on Court issues, when appropriate coordinate with Court Principals to ensure their participation in chats and blogs, and contribute to audio-visual productions.

461. One GSOL graphic designer and web developer (6 months), with responsibility for developing Arabic sections on the Court's website or connected sub-websites, and designing information products in Arabic, including Q&A papers, fact-sheets and case information sheets, to meet increasing demands for public information with regard to the Arab situations before the Court.

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

##### **Basic resources**

##### *Travel*

462. Limited travel is required for the Chief of Section to network with stakeholders. In addition, the Spokesperson will need to travel within Europe to meet media representatives, especially from Africa and the Arab world, as well as accompanying the Registrar on a mission involving meeting journalists and familiarizing them with the Court and its procedures. As last year, it is anticipated that Librarian will travel to the United States for the meeting of UN-LINKS (United Nations Library and Information Network for Knowledge Sharing).

##### *Contractual services*

463. Contractual services have been reduced by €63,000 (6.2%) through prioritization of resources. The Library will maintain its interlibrary loan services and the services of its multilingual cataloguer. Authority processing services will be cancelled in 2013 and binding will be reduced. Fewer books will be purchased, which will also result in less hours of cataloguing.

464. The Public Affairs Unit has also achieved significant reductions, in particular in external printing. In all areas, priority will generally be given to provision online, or in digital form as CDs and USBs. After a careful analysis of the type of informational materials produced and the profile of target groups, the PAU will drastically reduce the

printing of leaflets, information sheets, case sheets and other background documents. Legal documents for internal purpose and use of some stakeholders will no longer be printed. Furthermore, hardcopies of background documents will be distributed to visitors in The Hague only on exceptional occasions and in limited amounts. Finally PAU will strictly prioritize the shipping of documents to events organised by third parties. Instead, documents will be available online, to be printed if needed by the organisers of the events. However, the PAU will continue printing informational materials for events and the public in countries with limited internet access, in particular in situation countries. There will also be significant reductions in the publication of press releases and op-eds in newspapers and radio and television broadcasting in non-situation countries, as well as in media monitoring and capacity building for journalists.

465. Professional photography for major events at the Court, including photographs of judges and Court principals for publications will be reduced as a result of in-sourcing.

466. The budget also includes satellite costs for one Court-wide press conference and four OTP Press Conferences (1 hour each), as requested by OTP. These are lower than in past budgets, thanks to a better price as a result of the trust developed with the provider, and to the fact that the length of each conference has been reduced from 1.5 hours to 1 hour.

467. Resources are also required for the production of awards for the Moot Courts, and for hospitality for the awards ceremony.

#### *Training*

468. Limited resources for training are requested, in particular for the following: development of in-house capacity for photography (see paragraph 465 above); strengthening the web designer's skills, enabling the PAU to make fuller use of the capacities of the Court website's new platform; specific training to PAU staff members to improve their skills in dealing with questions from the media.

#### *General operating expenses*

469. A significant number of databases have been cut, including all subscriptions to digital newspapers. Key UN consortium products will be retained. These savings will cover the increase in serial subscriptions.

#### *Supplies and materials*

470. The Library's collection of books and serials is considered an essential tool of the Court, providing key research facilities to all organs. In order to remain up to date, the Library has to continue to acquire new items. As a result of price increases and inflation, it has had to increase its budget from €99,800 to €122,000. There is also a small item for in-house photography, including lenses reflectors, a tripod and other accessories.

### **Situation-related resources**

#### *Travel*

471. Limited resources have been requested for travel for the Office of the Chief to conduct four missions to situation-related countries for consultations with key stakeholders and to meet with PIDS staff in the field to discuss new strategies and progress made on the implementation of public information and outreach strategies.

472. Resources are also requested to enable the Spokesperson to engage directly with media representatives and academics in situation countries (in principle, Côte d'Ivoire, Kenya and the DRC), in order to keep them informed on the Court's activities in coordination with the Outreach Unit. He will also take the opportunity to engage directly with media representatives in neighbouring countries, where such media have an audience and influence in situation countries where the Court does not currently have field offices.

473. Travel is also required to enable PIDS staff in the field to conduct outreach sessions in areas outside their duty stations, and in particular meetings with key groups amongst affected communities: women, the elderly, youth and people with disabilities. Journalists, schoolteachers and legal practitioners are also met each time PIDS staffs make such visits.

474. International trips are also required for training and coordination at Headquarters of staff members working in the DRC, Kenya and Côte d'Ivoire situations, as well as one annual trip for the three Outreach coordinators from their duty stations to The Hague for evaluation, training and planning purposes.

*Contractual services*

475. The PAU needs printing services for Court publications in countries where electronic publications are not viable due to limited internet access and where the judicial proceedings generate a need for the affected communities to understand the Court and receive updates on judicial developments. In addition, the situation in Libya has created a requirement for Arab-specific social media monitoring and local press coverage services.

476. The Field Outreach Unit requires substantial resources for contractual services to assist it in its field outreach operations, in particular for the organization of interactive sessions with affected communities and other target groups and enhancing impact and coverage through use of radio and television. Resources are required to rent venues and conference services, as well as for radio and television broadcasts and their translation into local languages, production of information and sensitization campaigns, testing of messages, mapping key groups and conducting general surveys for planning and evaluation purposes. For important judicial developments, a one-hour satellite broadcast is required, so that local media can be provided with summaries of the proceedings on the same day that they occur.

*General operating expenses*

477. Maintenance of editing and filming equipment, purchase of small items and spare parts.

**Table 88: Programme 3400: Proposed budget for 2013**

3400 Public Informat.and Document. Section	Expenditure 2011 (thousands of euro)					Approved Budget 2012/ (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						905.8	502.8	1,408.6	962.1	458.7	1,420.8	12.2	0.9
General Service staff						484.8	209.4	694.2	585.1	229.7	814.8	120.6	17.4
<i>Subtotal staff</i>	<i>1,154.5</i>	<i>691.6</i>	<i>1,846.1</i>		<i>1,846.1</i>	<i>1,390.6</i>	<i>712.2</i>	<i>2,102.8</i>	<i>1,547.2</i>	<i>688.4</i>	<i>2,235.6</i>	<i>132.8</i>	<i>6.3</i>
General temporary assistance	150.3	245.8	396.1		396.1		195.4	195.4		152.0	152.0	-43.4	-22.2
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	<i>150.3</i>	<i>245.8</i>	<i>396.1</i>		<i>396.1</i>		<i>195.4</i>	<i>195.4</i>		<i>152.0</i>	<i>152.0</i>	<i>-43.4</i>	<i>-22.2</i>
Travel	24.7	79.5	104.2	9.8	114.0	35.8	92.3	128.1	12.2	107.2	119.4	-8.7	-6.8
Hospitality													
Contractual services	196.7	434.2	630.9	153.8	784.7	364.0	658.3	1,022.3	255.2	800.9	1,056.1	33.8	3.3
Training	3.1		3.1		3.1	3.8		3.8	7.0		7.0	3.2	84.2
General operating expenses	50.2		50.2		50.2	96.4	13.4	109.8	67.0	13.5	80.5	-29.3	-26.7
Supplies and materials	138.3		138.3		138.3	99.8	7.3	107.1	125.0		125.0	17.9	16.7
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>413.0</i>	<i>513.7</i>	<i>926.7</i>	<i>163.6</i>	<i>1,090.3</i>	<i>599.8</i>	<i>771.3</i>	<i>1,371.1</i>	<i>466.4</i>	<i>921.6</i>	<i>1,388.0</i>	<i>16.9</i>	<i>1.2</i>
<b>Total</b>	<b>1,717.8</b>	<b>1,451.1</b>	<b>3,168.9</b>	<b>163.6</b>	<b>3,332.5</b>	<b>1,990.4</b>	<b>1,678.9</b>	<b>3,669.3</b>	<b>2,013.6</b>	<b>1,762.0</b>	<b>3,775.6</b>	<b>106.3</b>	<b>2.9</b>
Distributed maintenance	44.1	69.9	114.0		114.0	51.4	68.0	119.4	47.3	69.5	116.8	-2.6	-2.2

**Table 89: Programme 3400: Proposed staffing for 2013**

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					1	3	1	4		9	1	8	9	18
								6		6	2	8	10	16
<i>Subtotal</i>					<i>1</i>	<i>3</i>	<i>1</i>	<i>10</i>		<i>15</i>	<i>3</i>	<i>16</i>	<i>19</i>	<i>34</i>
New														
<i>Subtotal</i>														
Redeployed/ Returned														
<i>Subtotal</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>

## 5. Programme 3700: Independent Offices and Special Projects

### Introduction

478. For the Proposed Programme Budget for 2013, the Registrar has carried out a preliminary reorganisation of Major Programme III in order to better reflect the structure and operation of the Registry. A new Programme 3700 has been created, comprising the following sub-programmes: Office of Public Counsel for the Defence; Office of Public Counsel for Victims; Office of Internal Audit; and the Registry's Permanent Premises Office. All of these sub-programmes were previously located in Programme 3100, Office of the Registrar.

479. The Office of Public Counsel for the Defence represents the interests of the defence and provides legal advice and research to defence teams and defendants. Similarly, the Office of Public Counsel for Victims provides legal support and assistance to victims and legal representatives of victims, and appears before the Court on matters related to the participation of victims in proceedings. The Office of Internal Audit performs risk analysis and creates and undertakes audit plans.

480. While the subject-matter of these sub-programmes is diverse, and they are all *sui generis*, they nonetheless have certain similarities in terms of their operational status. Specifically, the Offices of Public Counsel for the Defence and for Victims and the Office of Internal Audit have been grouped together within Programme 3700 because they function independently, despite being linked administratively to the Registry. Making these sub-programmes distinct within Major Programme III highlights their independent nature and reinforces the fact that, while they are within the Registry for administrative purposes, their functioning is not directly overseen by the Registrar. Indeed, independent operation is a central element of the work of these sub-programmes. Grouping them together within a separate programme better reflects their relationship with the Registrar and enhances the perception of their independence.

481. As regards the Registry Permanent Premises Office, this acts as the main liaison between the project and the user organisation, and ensures the functionality and adequacy of the project in relation to the Court's requirements. As the scope of work of this office concerns a special project and is functionally distinct from the rest of Registry's operations, it was considered that, by locating this office within Programme 3700, its *sui generis* nature will be better understood in the context of the wide range of functions and operations falling within the Registry's purview.

482. In addition, the Staff Council Officer, an independent post, which used to be located under the Immediate Office of the Registrar for budgetary purposes only, has now also been moved to this new Programme. The Staff Union Council represents the collective interests of ICC staff by promoting staff welfare and rights. In accordance with Staff Regulation 8.1(b), a staff representative body has been established, consisting of a single P-3 post: the elected Staff Council Officer. While the post is placed — for budgetary purposes — in Programme 3700, this position does not serve the Registry. It should be noted that no funds have been allocated for this position; its costs are shared by all organs.<sup>62</sup>

483. This restructuring streamlines Major Programme III, and renders Programme 3100, Office of the Registrar, more cohesive, as all the remaining sub-programmes are under the Registrar's direct supervision. Finally, it should be noted that this restructuring is cost-neutral and will have no impact on the Court's budget.

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<sup>62</sup> This position is included in the staffing table shown in annex I.

**Table 90: Programme 3700: Proposed budget for 2013**

3700 Registry Independent Offices	Expenditure 2011 (thousands of euro)					Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012	
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						968.5	943.1	1,911.6	1,115.5	1,000.1	2,115.6	204.0	10.7
General Service staff						184.2		184.2	189.6		189.6	5.4	2.9
<i>Subtotal staff</i>	<b>1,126.1</b>	<b>903.6</b>	<b>2,029.7</b>		<b>2,029.7</b>	<b>1,152.7</b>	<b>943.1</b>	<b>2,095.8</b>	<b>1,305.1</b>	<b>1,000.1</b>	<b>2,305.2</b>	<b>209.4</b>	<b>10.0</b>
General temporary assistance	23.2		23.2	38.8	62.0		52.6	52.6				-52.6	-100.0
Temporary assistance for meetings													
Overtime													
Consultants	69.7		69.7		69.7	72.9		72.9	72.0		72.0	-0.9	-1.2
<i>Subtotal other staff</i>	<b>92.9</b>		<b>92.9</b>	<b>38.8</b>	<b>131.7</b>	<b>72.9</b>	<b>52.6</b>	<b>125.5</b>	<b>72.0</b>		<b>72.0</b>	<b>-53.5</b>	<b>-42.6</b>
Travel	9.6	30.3	39.9		39.9	12.6	114.1	126.7	14.3	105.5	119.8	-6.9	-5.4
Hospitality													
Contractual services	170.7	17.1	187.8		187.8	213.7	58.2	271.9	182.0	50.0	232.0	-39.9	-14.7
Training	23.0	0.6	23.6		23.6	26.3		26.3	21.8	2.2	24.0	-2.3	-8.7
Counsel for Defence													
Counsel for Victims													
General operating expenses	5.0	3.3	8.3		8.3	5.0	9.0	14.0	3.0	9.0	12.0	-2.0	-14.3
Supplies and materials	1.4		1.4		1.4								
Furniture and equipment													
<i>Subtotal non-staff</i>	<b>209.7</b>	<b>51.3</b>	<b>261.0</b>		<b>261.0</b>	<b>257.6</b>	<b>181.3</b>	<b>438.9</b>	<b>221.1</b>	<b>166.7</b>	<b>387.8</b>	<b>-51.1</b>	<b>-11.6</b>
<b>Total</b>	<b>1,428.7</b>	<b>954.9</b>	<b>2,383.6</b>	<b>38.8</b>	<b>2,422.4</b>	<b>1,483.2</b>	<b>1,177.0</b>	<b>2,660.2</b>	<b>1,598.2</b>	<b>1,166.8</b>	<b>2,765.0</b>	<b>104.8</b>	<b>3.9</b>
Distributed maintenance	30.3	41.1	71.4		71.4	33.4	40.0	73.4	278.1	301.1	579.2	505.8	1,264.6

**Table 91: Programme 3700: Proposed staffing for 2013**

Registry Independent 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	3	1	2	2		9		3	3	12
	Situation-related						3	2	2	3	10				10
	<i>Subtotal</i>				<b>1</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>19</b>		<b>3</b>	<b>3</b>	<b>22</b>
New	Basic							1			1				1
	Situation-related														
	<i>Subtotal</i>							<b>1</b>			<b>1</b>				<b>1</b>
Redeployed/ Returned	Basic														
	Situation-related														
	<i>Subtotal</i>														
<b>Total</b>				<b>1</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>20</b>		<b>3</b>	<b>3</b>	<b>23</b>	

(a) **Sub-programme 3740: Office of Public Counsel for the Defence****Table 92: Workload indicators for the Office of Public Counsel for the Defence**

<i>Anticipated workload 2012</i>	<i>Number of FTE 2012</i>	<i>Anticipated workload 2013</i>	<i>Number of FTE 2013</i>	<i>Estimated capacity 2013</i>	<i>Shortfall with additional resources</i>	<i>Shortfall without additional resources</i>
Number of researches and legal advice for defence teams = 700	2.5	900	2.5	350	550	550
Attendance/Assistance at court hearings = 200	0.7	95	0.3	95	0	0
Production of legal materials and outreach presentations concerning current defence issues before ICC = 12	0.5	12	0.5	10	2	2
Electronic registration and classification of court documentation (court filings, victim applications) and organisation of legal references = 3500 pages	0.8	3500	1.2	2760	740	740
Management tasks = .3	0.3	0.3	0.3	0.3	0	0
Administrative tasks = .2	0.2	0.2	0.2	0.2	0	0

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

484. Recurrent. This item is required in order to ensure the OPCD's participation at key external events concerning defence rights before the ICC.

**Situation-related resources***Travel*

485. Recurrent. There is also a need for situation-related travel, 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 under article 56 of the Statute.

*Contractual services including training*

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

487. The OPCD will also conduct training exercises in the field for list counsel and potential duty counsel, etc., in two situations, in order to increase awareness of the Court's relevant procedures and to ensure that potential counsel are able immediately to assume their responsibilities for protecting defence interests, should they be appointed to represent a suspect in the field.

**Table 93: Programme 3740: Proposed budget for 2013**

3740 Office of the Public Counsel for Defence	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff					140.1	276.4	416.5	149.1	292.5	441.6	25.1	6.0	
General Service staff					60.6		60.6	63.2		63.2	2.6	4.3	
<i>Subtotal staff</i>	208.8	257.6	466.4		466.4	200.7	276.4	477.1	212.3	292.5	504.8	27.7	5.8
General temporary assistance	18.0		18.0	38.8	56.8								
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	18.0		18.0	38.8	56.8								
Travel	0.8		0.8		0.8	1.8	12.8	14.6	2.5	14.5	17.0	2.4	16.4
Hospitality													
Contractual services	6.1		6.1		6.1		19.4	19.4		20.0	20.0	0.6	3.1
Training	2.3		2.3		2.3	4.7		4.7	2.5	2.2	4.7		
General operating expenses		2.1	2.1		2.1		3.0	3.0		3.0	3.0		
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	9.2	2.1	11.3		11.3	6.5	35.2	41.7	5.0	39.7	44.7	3.0	7.2
<b>Total</b>	<b>236.0</b>	<b>259.7</b>	<b>495.7</b>	<b>38.8</b>	<b>534.5</b>	<b>207.2</b>	<b>311.6</b>	<b>518.8</b>	<b>217.3</b>	<b>332.2</b>	<b>549.5</b>	<b>30.7</b>	<b>5.9</b>
Distributed maintenance	5.5	12.3	17.8		17.8	6.1	12.0	18.1	5.6	11.6	17.1	-1.0	-5.3

**Table 94: Sub-programme 3740: Proposed staffing for 2013**

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
<i>Subtotal</i>					1	1		1	1	4		1	1	5
New/ Converted														
<i>Subtotal</i>														
Redeployed/ Reclassified/ Returned														
<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>1</b>	<b>5</b>

**(b) Sub-programme 3750: Office of Public Counsel for Victims**

488. In accordance with regulations 80 and 81 of the Regulations of the Court, as consistently interpreted in the practice of the Chambers, the Office of Public Counsel for Victims acts as legal representative of victims in proceedings before the Court; supports and assists external legal representatives as appropriate; and appears before Chambers in respect of specific issues.

489. As at the beginning of May 2012, the Office of Public Counsel for Victims has been appointed as legal representative of 3,494 victims in the different situations and cases before the Court. Moreover, the Office is generally entrusted by Chambers with providing legal assistance and legal representation to victims for specific proceedings, such as challenges to jurisdiction or admissibility under article 19 of the Statute (most recently raised in the *Gaddafi et al.* case), and latterly in reparations proceedings to represent the interests of victims who have not submitted applications, but who may fall within the scope of an order for collective reparations. The number of victims to be represented is thus particularly high, since, in the first case, not only victims already authorised to participate in the proceedings can submit observations, but more generally “victims having communicated with the Court”; while, in the second case, victims may include a community of individuals. Finally, an increasing number of victims are also choosing the Office as their legal representative. To the above total, should be added the number of individuals — around 100 — who have contacted the Office from countries under preliminary examination. As a consequence of all the-above mentioned factors, the number of victims represented by the Office, at one stage or another of proceedings, has increased by 31.5 per cent over the first months of 2012, from 2654 in December 2011 to the current total of 3494. The Office also supports and assists 43 external legal representatives in all situations and cases before the Court through the provision of legal advice and research. In the first 4 months of 2012 the OPCV has provided 300 such services.

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

490. Recurrent. Travel is a necessary incident of the Office’s mandate. Face-to-face meetings with victims are indispensable in order to provide meaningful assistance, support and representation, whatever the stage of the proceedings (victims assisted by the Office to date reside in the Democratic Republic of the Congo (Kinshasa, Ituri and the Kivus), the Central African Republic, Uganda (mainly in the north), Kenya, Côte d’Ivoire, Sudan, Chad, the United Kingdom, United States of America, France, Belgium, Nigeria, Botswana, Cameroon, Senegal and South Africa). 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, entailing a need for additional resources. The increase in this budget line has been offset by a decrease in the requirement for contractual services.

*Contractual services*

491. In order to provide more efficient assistance to victims, the Office has finalised its project for a victim-oriented database, designed to manage the legal assistance and representation provided to victims and external legal representatives. The database is operational and in the test phase. Notwithstanding the overall reduction of €8,800, as described in the preceding paragraph, funds will still be required for contractual services in 2013 in order to adjust the functionality of the database to the needs of the Office (in particular for the integration of TRIM and Ringtail, which are essential tools to enable users to follow the proceedings).

492. To enhance assistance and support to external legal representatives, the Office regularly updates its “Manual for Legal Representatives”, which includes a section explaining jurisprudential developments in all situations and cases before the Court. Funds

are needed in this regard to enable the Office to compile, translate and publish such updates twice a year.

### General operating expenses

493. Recurrent. Funds are required for rental of premises, where victims can be met safely, and in a way which preserves the privileged relationship between counsel and client. Costs have been maintained at the same level as in 2011 and 2012

**Table 95: Sub-programme 3750: Proposed budget for 2013**

3750 Office of the Public Counsel for Victims	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						220.4	666.7	887.1	233.0	707.6	940.6	53.5	6.0
General Service staff						60.6		60.6	63.2		63.2	2.6	4.3
<i>Subtotal staff</i>	281.4	646.0	927.4		927.4	281.0	666.7	947.7	296.2	707.6	1,003.8	56.1	5.9
General temporary assistance							52.6	52.6				-52.6	-100.0
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>							52.6	52.6				-52.6	-100.0
Travel	1.5	25.6	27.1		27.1	3.2	75.0	78.2	4.6	80.5	85.1	6.9	8.8
Hospitality													
Contractual services		17.1	17.1		17.1		38.8	38.8		30.0	30.0	-8.8	-22.7
Training		0.6	0.6		0.6								
General operating expenses		1.2	1.2		1.2		6.0	6.0		6.0	6.0		
Supplies and materials	1.3		1.3		1.3								
Furniture and equipment													
<i>Subtotal non-staff</i>	2.8	44.5	47.3		47.3	3.2	119.8	123.0	4.6	116.5	121.1	-1.9	-1.5
<b>Total</b>	<b>284.2</b>	<b>690.5</b>	<b>974.7</b>		<b>974.7</b>	<b>284.2</b>	<b>839.1</b>	<b>1,123.3</b>	<b>300.8</b>	<b>824.1</b>	<b>1,124.9</b>	<b>1.6</b>	<b>0.1</b>
Distributed maintenance	8.3	28.8	37.1		37.1	9.1	28.0	37.1	8.3	27.0	35.4	-1.7	-4.7

**Table 96: Sub-programme 3750: Proposed staffing for 2013**

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	GS-PL	GS-OL	Total GS-staff	Total staff
Existing	Basic				1			1		2		1	1	3
	Situation-related					2	2	1	2	7				7
	<i>Subtotal</i>				1	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>9</b>		<b>1</b>	<b>1</b>	<b>10</b>

**(c) Sub-programme 3760: Office of Internal Audit**

494. The staff resources of the Office were last reviewed in 2006. Since then, the Court's budget has significantly expanded. However the number of OIA staff has not evolved to cover the additional risks generated by the growth of ICC activities, in particular in the field, and by the permanent premises project. The Office has regularly submitted requests for additional resources, which have not been accepted. While the Office will continue to attempt as far as possible to cover its additional workload within existing resources, it now has an urgent need for a specialized IT post, which is explained further in para. 497 below.

495. 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.

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

496. 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 staffs perform audits and provide support for the different specific needs of individual sections within the Court. Ad hoc requests and occasional support have significantly increased over the last four 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.

497. The Court has implemented an ERP that administers all Court operations and other information systems to address specific needs. OIA does not have enough skills in information systems to cover ICT and Information Security issues. The OIA Director accordingly requests an established post for 12 months, at grade P-3. This request is supported by the external auditors and the Audit Committee members.

**Non-staff resources***Training*

498. Recurrent. Training expenses planned for 2013 are similar to those in the 2012 approved budget. The training plan for OIA staff includes one three-day course per staff member within Europe on an audit-related topic, according to the audit plan and auditors' development needs. Prices for courses range from €2,500 to 5,000 per staff member, depending on the topic and the number of days involved (three days is an average).

499. Projected expenses also include the two-day seminars, organized by RIAS (International Organizations auditors' network) and European International Organizations that the Director of OIA will normally attend each year.

500. Continuous professional development is a requirement for internal auditors: under Institute of Internal Auditors Standard 1230, "*Internal auditors should enhance their knowledge, skills and other competencies through continuing professional development*". Certified auditors have to attend 40 hours of training per year in order to maintain the validity of their certificates.

## Situation-related resources

### Travel

501. Recurrent. With the exception of one trip within Europe, to meet with auditors from other international organizations, all travel is to field offices. Travel plans to the field offices follow the audit plan, which is normally prepared after the budget has been submitted. The plan is set up so as to ensure one mission per year to each of the most important offices according to Court activities (currently Kinshasa, Bangui, Nairobi and Abidjan).

502. For 2013, the proposed travel budget shows a reduction of almost 60 per cent compared to the 2012 approved budget.

**Table 97: Workload statistics for the Office of Internal Audit**

	<i>2008 Workload in number of days</i>	<i>Resources for 2011 and 2012 after reallocation according to workload</i>	<i>2013 Workload in number of days</i>	<i>2013-2008 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	40	40
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	30	40
Provision of advice, support to Court operations	10	20	20	10
	<b>775</b>	<b>775</b>	<b>1110</b>	<b>335</b>
				43%

**Table 98: Sub-programme 3760: Proposed budget for 2013**

3760 Office of Internal Audit	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total Incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff						387.6		387.6	500.4		500.4	112.8	29.1
General Service staff						63.0		63.0	63.2		63.2	0.2	0.3
<i>Subtotal staff</i>	<i>426.3</i>		<i>426.3</i>		<i>426.3</i>	<i>450.6</i>		<i>450.6</i>	<i>563.6</i>		<i>563.6</i>	<i>113.0</i>	<i>25.1</i>
General temporary assistance	11.2		11.2										
Temporary assistance for meetings													
Overtime													
Consultants	69.7		69.7		69.7	72.9		72.9	72.0		72.0	-0.9	-1.2
<i>Subtotal other staff</i>	<i>80.9</i>		<i>80.9</i>		<i>80.9</i>	<i>72.9</i>		<i>72.9</i>	<i>72.0</i>		<i>72.0</i>	<i>-0.9</i>	<i>-1.2</i>
Travel		4.7	4.7		4.7	2.4	26.3	28.7	1.4	10.5	11.9	-16.8	-58.5
Hospitality													
Contractual services	0.4		0.4		0.4	19.4		19.4				-19.4	-100.0
Training	18.7		18.7		18.7	21.6		21.6	19.3		19.3	-2.3	-10.6
General operating expenses	2.4		2.4		2.4								
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>	<i>21.5</i>	<i>4.7</i>	<i>26.2</i>		<i>26.2</i>	<i>43.4</i>	<i>26.3</i>	<i>69.7</i>	<i>20.7</i>	<i>10.5</i>	<i>31.2</i>	<i>-38.5</i>	<i>-55.2</i>
<b>Total</b>	<b>528.7</b>	<b>4.7</b>	<b>533.4</b>		<b>533.4</b>	<b>566.9</b>	<b>26.3</b>	<b>593.2</b>	<b>656.3</b>	<b>10.5</b>	<b>666.8</b>	<b>73.6</b>	<b>12.4</b>
Distributed maintenance	11.0		11.0		11.0	12.1		12.1	13.9		13.9	1.8	14.9

**Table 99: Sub-programme 3760: Proposed staffing for 2013**

Office of Internal Audit	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			3		1	1	4
				1		1	1			3		1	1	4
New/ Converted							1			1				1
								1		1				1
Redeployed/ Reclassified/ Returned														
<b>Total</b>				<b>1</b>		<b>1</b>	<b>2</b>			<b>4</b>		<b>1</b>	<b>1</b>	<b>5</b>

**(d) Sub-programme 3770: Registry Permanent Premises Office****Staff resources****Basic resources***Project Management (user project)*

503. One P-5 Project Director (recurrent) and one P-2 Associate Project Officer (recurrent)

504. The Project Director heads the Project Office Permanent Premises (POPP) and is a member of the project Board. As the key player between the project and the user organization, he 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 a user and provides all necessary input. The Project Director reports to the Registrar and consults and cooperates with the Project Board. He is assisted by the Associate Project Officer and supported by consultants.

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

505. Recurrent. User support, consultancy regarding the transition programme. Without prejudice or limitation to the services provided by the main Project Management Team (reporting to the ASP Project Director's Office), the Court requires support/consultancy regarding the preparation and management of the transition to the new premises, including the following sub-projects: moving, security migration, ICT migration, facility services migration, and preparation of the Organization for occupation of the new premises. Consultancy services are preferred over permanent staff because of the different fields of expertise and workload flexibility.

*General operating expenses*

506. Recurrent. High volumes of large-scale technical drawings need to be printed frequently for assessment.

*Travel*

507. Recurrent. Travel costs include one trip for an exchange of views with the network on court building projects, as well as two trips to suppliers or engineers.

**Table 100: Sub-programme 3770: Proposed budget for 2013**

3770 Registry Permanent Premises Office	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Situation- Basic	related	Total	Cont. Fund	Total Incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff						220.4		220.4	233.0		233.0	12.6	5.7
General Service staff													
<i>Subtotal staff</i>	209.6		209.6		209.6	220.4		220.4	233.0		233.0	12.6	5.7
General temporary assistance	-6.0		-6.0		-6.0								
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	-6.0		-6.0		-6.0								
Travel	7.3		7.3		7.3	5.2		5.2	5.8		5.8	0.6	11.5
Hospitality													
Contractual services	164.2		164.2		164.2	194.3		194.3	182.0		182.0	-12.3	-6.3
Training	2.0		2.0		2.0								
General operating expenses	2.6		2.6		2.6	5.0		5.0	3.0		3.0	-2.0	-40.0
Supplies and materials	0.1		0.1		0.1								
Furniture and equipment													
<i>Subtotal non-staff</i>	176.2		176.2		176.2	204.5		204.5	190.8		190.8	-13.7	-6.7
<b>Total</b>	<b>379.8</b>		<b>379.8</b>		<b>379.8</b>	<b>424.9</b>		<b>424.9</b>	<b>423.8</b>		<b>423.8</b>	<b>-1.1</b>	<b>-0.3</b>
Distributed maintenance	5.5		5.5		5.5	6.1		6.1	5.6		5.6	-0.5	-8.8

**Table 101: Sub-programme 3770: Proposed staffing for 2013**

Registry Permanent Premises 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					1			1		2				2
					1			1		2				2
New/ Converted														
Redeployed/ Reclassified/ Returned														
<b>Total</b>					<b>1</b>			<b>1</b>		<b>2</b>				<b>2</b>

## D. Major Programme IV: Secretariat of the Assembly of States Parties

### Introduction

508. 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.

509. 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.

510. The 2013 proposed budget for Major Programme IV foresees an overall increase of 7.4 per cent, primarily to reflect the increased costs of travel of the new members of the Committee on Budget and Finance, the translation of pre-session and in-session papers for the Committee's consideration, and for the travel of the President of the Assembly, who is working on a full-time basis. 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 by making use of the flexibility granted by the Assembly in its use of GTA posts to service short-term needs.

### Objectives

1. Organize quality conferences for the twelfth 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, inter alia via the Internet.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</i>
<b>Objective 1</b>		n/a
- 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.	

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</i>
<b>Objective 2</b> - Quality edited and translated documents released for processing, production and distribution in a timely manner.	<ul style="list-style-type: none"> <li>- States are provided and satisfied with quality conference services and with the editing, translation and timely issuance of documents, in four official languages,<sup>63</sup> which fully support them in their functions.</li> <li>- States are assisted as required, in particular with the provision of information and documentation regarding the Assembly and Court.</li> </ul>	n/a
<b>Objective 3</b> - Quality legal advice provided to the Assembly and its subsidiary bodies.	<ul style="list-style-type: none"> <li>- States are provided with substantive legal services, especially in the form of documentation, which facilitate and support their work.</li> <li>- Members of the Assembly and relevant bodies are satisfied with the sessions.</li> </ul>	n/a
<b>Objective 4</b> - Effective dissemination of documentation and information to States Parties via, inter alia, the Internet.	<ul style="list-style-type: none"> <li>- Website and Assembly, CBF and Oversight Committee Extranets are used frequently.</li> <li>- Information and documentation can be accessed without delays.</li> </ul>	n/a

## Staff resources

### Basic resources

#### *General temporary assistance*

511. *One P-2 Associate Legal Officer* (recurrent; continued from last year). 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. 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. This post allows the Secretariat to provide better support to the Assembly and its subsidiary bodies.

512. *One GS-OL Web Developer Assistant* (recurrent; continued from last year). The Web Developer Assistant post 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.

513. *One P-2 Special Assistant to the President* (recurrent; continued from last year). This post helps to support the increased activities of the President of the Assembly and the need to support the President and the Bureau for the triennium 2011-2014, as the President cannot rely on the resources of her United Nations Mission. The Special Assistant assists the President with, inter alia, the preparation of official communications such as notes verbales, letters, memoranda, speaking notes, background papers, etc; coverage of Assembly-related issues at United Nations Headquarters; and continuous engagement with observer States to promote the universality of the Rome Statute. Furthermore, the staff member provides 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.

514. *Special Assistants (recurrent, continued from last year)*. 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.

<sup>63</sup> As of 2009 official documents for the Assembly are issued in four official languages: Arabic, English, French and Spanish only.

515. *IT support staff (recurrent from last year)*. GSOL support covers the IT needs for the translation teams servicing the Assembly's session, and ensures that the annual session of the Assembly is properly serviced in terms of the Court's IT equipment and software, which has to be installed at the venue of the session, as well as ensuring that there are personnel on call to resolve any problem which may arise.

516. *Legal officers (recurrent from last year)*. Substantive servicing of the Assembly and its working groups (preparation of pre-session and in-session documentation/papers and draft reports) is provided for a limited number of days by a Senior Legal Officer (P-5) and a Legal Officer (P-4); these additional officers supplement the two legal officers in the Secretariat's core staff.

**Table 102: Number of official meetings serviced by the Secretariat**

	2010	2011
Bureau	21	19
Hague Working Group	46	88
New York Working Group	17	28
Oversight Committee	32	23
<b>Total</b>	<b>116</b>	<b>158</b>

517. The Secretariat of the Assembly of States Parties expects the same amount of documents in 2013. 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>64</sup> The number of FTE for translation and editing per language is two (one translator and one reviser).<sup>65</sup> The Secretariat will continue its endeavour to increase efficiencies, inter alia through the outsourcing of translations.

**Table 103: Workload indicators for the Secretariat of the Assembly of States Parties**

Item	Number of pages in 2011 <sup>(1)</sup>	Expected workload 2012	Expected % increase in 2012	Anticipated workload 2013	Expected % increase in 2013	Number of FTE <sup>(2)</sup> 2012	Number of FTE <sup>(2)</sup> 2013
Official documents and informal papers (English) received for editing, translation and/or revision	3,704	4,521	22.1	4,521	0.0	0	0
Official documents and papers edited, revised and/or translated into three other official languages (Arabic, French, Spanish) <sup>(3)</sup>	6,042	6,603	9.3	6,603	0.0	8	8
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>10,482</b>	<b>11,860</b>	<b>13.1</b>	<b>11,860</b>	<b>0.0</b>	<b>8</b>	<b>8</b>

<sup>(1)</sup> Number of words per page is 300.

<sup>(2)</sup> Translator and reviser per language - commencing full time in July/August and in November/December each year. During the other months the Secretariat relies on outsourcing.

<sup>(3)</sup> As of 2009 official documents are translated into Arabic, French and Spanish only.<sup>66</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 updated Selected Basic Documents related to the International Criminal Court, the Assembly Newsletter; and the Assembly Fact Sheet.

<sup>64</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. II, part B.2, para. 96.

<sup>65</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>66</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.

*Temporary assistance for meetings*

518. There is a decrease of 17.4 per cent in temporary assistance for meetings in comparison to the 2012 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.

*Overtime*

519. Overtime is paid to General Service staff hired on a short-term basis who are required to provide the assistance mentioned in paragraph 518 above and must necessarily work beyond the normal working hours, including weekends, during and in relation to the session of the Assembly and the sessions of the Committee.

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

520. The travel budget reflects the cost of travel of members of the Committee on Budget and Finance to their sessions, including that of the new members elected in December 2011, who come from more distant locations than prior members, the trips envisioned for the Committee's members to attend sessions with The Hague Working Group and Court officials. This budget item also covers the cost of travel of the office of the President of the Assembly, including more regular visits to the seat of the Court and trips to Addis Ababa and other African destinations.

*Hospitality*

521. Hospitality is restricted to providing basic refreshments for meetings of The Hague Working Group, and to cover the retreats held by the President of the Assembly with diplomats and senior Court officials.

*Training*

522. Training is used to keep staff members updated in their specific fields of work.

*General operating expenses*

523. This covers the expenditures for mailing documents, notes verbales and publications to States Parties, to the members of the Committee and occasionally to seminars to promote universality of the Rome Statute, either using the regular post, registered mail or courier services.

*Supplies and materials*

524. The supplies and materials cover cost of office supplies, including stationery used by the staff of the Secretariat (paper, toners, pens, memo pads, folders etc). This includes stationery for the two sessions of the Committee and the annual session of the Assembly, as well as for the regular meetings of The Hague Working Group.

*Equipment including furniture**Furniture and equipment*

525. The Secretariat has managed to increase efficiency through the use of USB flash drives, which are distributed to delegates attending the Assembly session. These contain pre-session official documents in the official languages, resulting in the saving of some €60,000 in the cost of printing, transporting, storing and distributing paper copies of such documents.

*Contractual services*

526. Contractual services mainly reflect the cost of organizing the twelfth session of the Assembly in The Hague. It also includes the cost of translation and printing of documentation. The 2013 proposed budget has been kept at the level of the 2012 approved budget for this item.

**Table 104: Major Programme IV: Proposed budget for 2013**

Programme IV Secretariat of the Assembly of States Parties	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount\	%
Professional staff						545.0		545.0	605.7		605.7	60.7	11.1
General Service staff						275.4		275.4	285.1		285.1	9.7	3.5
<i>Subtotal staff</i>	<i>686.7</i>		<i>686.7</i>		<i>686.7</i>	<i>820.4</i>		<i>820.4</i>	<i>890.8</i>		<i>890.8</i>	<i>70.4</i>	<i>8.6</i>
General temporary assistance	278.5		278.5		278.5	427.7		427.7	528.9		528.9	101.2	23.7
Temporary assistance for meetings	553.0		553.0		553.0	557.2		557.2	460.0		460.0	-97.2	-17.4
Overtime	24.8		24.8		24.8	38.0		38.0	38.0		38.0		
Consultants	39.5		39.5		39.5								
<i>Subtotal other staff</i>	<i>895.8</i>		<i>895.8</i>		<i>895.8</i>	<i>1,022.9</i>		<i>1,022.9</i>	<i>1,026.9</i>		<i>1,026.9</i>	<i>4.0</i>	<i>0.4</i>
Travel	298.5		298.5		298.5	182.9		182.9	293.8		293.8	110.9	60.6
Hospitality	20.6		20.6		20.6	5.0		5.0	25.0		25.0	20.0	400.0
Contractual services	696.9		696.9		696.9	693.0		693.0	693.0		693.0		
Training						9.0		9.0	9.9		9.9	0.9	10.0
General operating expenses	40.1		40.1		40.1	24.4		24.4	24.4		24.4		
Supplies and materials	14.4		14.4		14.4	14.7		14.7	14.7		14.7		
Furniture and equipment	0.5		0.5		0.5	5.0		5.0	5.0		5.0		
<i>Subtotal non-staff</i>	<i>1,071.0</i>		<i>1,071.0</i>		<i>1,071.0</i>	<i>934.0</i>		<i>934.0</i>	<i>1,065.8</i>		<i>1,065.8</i>	<i>131.8</i>	<i>14.1</i>
<b>Total</b>	<b>2,653.5</b>		<b>2,653.5</b>		<b>2,653.5</b>	<b>2,777.3</b>		<b>2,777.3</b>	<b>2,983.5</b>		<b>2,983.5</b>	<b>206.2</b>	<b>7.4</b>
Distributed maintenance	24.8		24.8		24.8	27.2		27.2	33.4		33.4	6.2	22.7

**Table 105: Major Programme IV: Proposed staffing for 2013**

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				1	1	1	1	1		5	2	2	4	9
				1	1	1	1	1		5	2	2	4	9
New/ Converted														
Redeployed/ Reclassified/ Returned														
<b>Total</b>				<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>		<b>5</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>9</b>

## E. Major Programme V: Interim Premises

527. Major Programme V was originally introduced in the Court's proposed budget for 2005 in order to provide stakeholders with a clear overview of the resources required by the Court for adequate premises, properly suited to its operations.<sup>67</sup> Occupation of the interim premises was originally expected to last until 2009, as described in the 2005 proposed budget: "Given the projected time-line for the construction of the Court's permanent seat, it is expected that the term of occupation of the interim premises will extend to at least 2008 or 2009".<sup>68</sup> As a consequence, once all major set-up investments had been made, Major Programme V was cancelled in 2009 and the maintenance activities remained in the Court's general operating expenses of its General Service Sections (Sub-Programme 3250).

528. With the extension of the lease agreement for its interim premises until 2016, the need once again arises to provide stakeholders with a clear overview of the Court's resource requirements for those premises. The new costs of leases and maintenance formerly paid by the host State will recur annually until the Court moves to its permanent premises. The Court believes that showing these costs in a separate major programme will ensure transparency in its regular budget, and that this is consistent with the approach taken with MPVII-1 (Project Director's Office).

### Programme 5100: Interim Premises

#### Introduction

529. Without suitable premises, the Court cannot function properly. The Interim Premises programme is thus linked to, and has an important influence on, all of the Court's strategic objectives.

#### 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. 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 2013</i>
<b>Objective 1</b>		
100% of staff working in offices in accordance with standard international organization practices	Number of staff working in conditions corresponding to international standards, divided by total number of staff	100%
95% of all new housing needs are addressed within agreed time frame and budget	Number of supported housing needs, divided by the number of housing requests	95%

#### Basic Resources

##### Rent and Maintenance of Interim Premises

530. This is included for the first time in the 2013 budget proposal. The estimated figures are provided by the Dutch Government Building Agency, RGD. The total costs formerly paid by the host State will now be charged to the Court at an estimated annual cost of €6,021,438.

<sup>67</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part II.A,2, paras. 22-24.

<sup>68</sup> *Ibid.*, part II.A,7, para. 487.

**Table 106: Breakdown of estimated 2013 costs, based on 2012 figures**

	<i>2012 figures</i>
Rent ARC-A and C	2,799,352
Rent HAAGSE VESTE 1	1,678,000
Rent REGULUSWEG	12,005
SATURNUSSTR. 20, Warehouse and carpark	318,223
Rent MAANWEG Plot	33,030
Rent WEGASTRAAT Plot	44,500
ARC Maintenance based on experience	400,000
HV 1 Maintenance based on experience	350,000
Maintenance/utilities Warehouse, estimated	150,000
Estimated administration costs (RGD)	138,626
<b>Total</b>	<b>5,923,736</b>
Estimated Inflation @ 2%	97,702
<b>Total estimated rent and associated costs</b>	<b>6,021,438</b>

531. As the Court explained in December 2011, in its Report to the Bureau on the lease negotiations for the interim premises of the International Criminal Court: “there is an administration cost of €117,682 associated with RGD holding the lease on behalf of the Court. However, it is considered to be offset by the costs that might otherwise be incurred should the Court hold a lease directly with the landlord for the floor space it occupies at the *Haagse Arc*.”

**Table 107: Major Programme V: Proposed budget for 2013**

5100 Rent and Maintenance (Interim Premises)	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff													
General Service staff													
<i>Subtotal staff</i>													
General temporary assistance													
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>													
Travel													
Hospitality													
Contractual services													
Training													
General operating expenses								6,021.4		6,021.4		6,021.4	
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>								6,021.4		6,021.4		6,021.4	
<b>Total</b>								<b>6,021.4</b>		<b>6,021.4</b>		<b>6,021.4</b>	

## F. Major Programme VI: Secretariat of the Trust Fund for Victims

### Introduction & Objectives

532. The Trust Fund for Victims (“the Fund” or “TFV”) supports activities which address the harm resulting from 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>69</sup> and (2) using other resources for the benefit of victims in accordance with the provisions of article 79 of the Rome Statute.<sup>70</sup> Both mandates provide support to victims of genocide, crimes against humanity and war crimes committed since 1 July 2002.<sup>71</sup>

533. The main priorities of the Fund in 2013 include: improving resource-mobilization and fund-raising results, consolidating the SAP Grants Management system (which will assist in financial reporting), evaluating and extending activities in the Democratic Republic of the Congo, northern Uganda and the Central African Republic as part of its development of country-programme frameworks and transitional strategies, analysing and disseminating results of victim impact studies, preparing for Court-ordered reparations, and carrying out assessment studies for activities in other ICC situation-countries, including possibly Kenya and Côte d’Ivoire.

534. Bearing in mind that extending activities to new situations will increase the workload of a small Secretariat, support is needed to ensure sufficient capacity within the Fund’s secretariat to manage and implement these new priorities, and to maintain programme impact and effectiveness in the CAR, DRC and northern Uganda.

535. At the Annual Meeting of the Fund’s Board of Directors in March 2012, the Board approved the process of developing a Strategic Plan for the Trust Fund for Victims over the period 2013-2016. This plan will be presented for approval by the Board at their meeting in March 2013. Until then, any articulation of the Trust Fund’s strategic goals for 2013 is of an indicative nature only. At the March 2012 meeting, the Board also approved the Secretariat’s proposed approach for the Major Programme VI 2013 budget. This approach included a preliminary indication of three overall goals: (i) mandate driven impact and results; (ii) improved institutional visibility and (iii) financial sustainability (assessed and voluntary contributions). They can be related to the Court’s objectives as follows:

**Table 108: TFV Goals**

<i>TFV goals (MP VI budget 2013)</i>	<i>ICC strategic goals</i>
Mandate-driven impact and results (assistance and reparations):	Quality of justice (nos. 2, 3)
Improved institutional visibility and recognition	Well-recognised and adequately supported institution (nos. 4, 6, 7)
Financial sustainability (Secretariat; voluntary contributions; awards, fines and forfeitures)	Model of public administration (nos. 8, 9, 10)

536. The goals of the Fund highlight the increased strategic importance that the Board attaches to programme and management performance, visibility, recognition and financial sustainability, in order to ensure the Fund’s further development into a mature and responsive Rome Statute institution, as envisaged by the States Parties. While the strategies of the Court and the Fund are related, the Fund’s goals are specific to the dual mandate of delivering assistance and reparations to victims under the jurisdiction of the Court, and to its institutional framework. This includes the fact that the Fund’s support to victims within the jurisdiction of the Court is not financed by assessed contributions, but primarily through voluntary contributions, as well as, in the case of reparations, by awards, fines and forfeitures.

<sup>69</sup> Rule 98 (2), (3) and (4) of the Rules of Procedure and Evidence.

<sup>70</sup> Rule 98 (5) of the Rules of Procedure and Evidence. For more information on the Fund’s legal basis, see <http://trustfundforvictims.org/legal-basis>.

<sup>71</sup> As defined in articles 6, 7 and 8 of the Rome Statute.

**Table 109: Expected Results and Performance Indicators**

<i>TFV Goal</i>	<i>Expected results</i>	<i>Performance indicators / targets</i>	<i>Observations</i>
Mandate-driven impact and results (assistance and reparations)	Assistance mandate: replicating, scaling-up and scaling-down of TFV interventions	TFV effectively implements assistance programmes in 3-4 ICC situation countries, supporting approx. 100,000 direct victim beneficiaries	Expansion dependent on strengthening of STFV and on revenue from voluntary contributions
	Reparations mandate: initiation and effective design and implementation of reparations awards	TFV develops and implements reparation plans related to 1-2 ICC cases	Dependent on outcome of judicial proceedings, including reparations phase and eventual appeals, in Lubanga, Katanga / Ngudjolo Chui and Bemba cases
Improved institutional visibility and recognition	TFV stands out and is recognised as an effective instrument of reparative justice in the context of international criminal law	TFV is referenced in public domain (media, conferences) in a positive and constructive manner [qualitative target]	TFV outreach capability is limited
		Impact survey results (assistance and reparations mandates) demonstrate positive appreciation by victims and communities [qualitative target]	Dependent on availability of resources to carry out impact surveys
		TFV benefits from in-kind donations and partnerships (public, civil society, private sector) to support visibility	
Financial sustainability	Core capacity STFV is sufficiently financed through assessed contributions	Safeguard of existing capacity, additional (financial) administrative capacity ensured	Non-attainment will risk STFV overload – or non-satisfaction of core functionality of STFV - in view of demands of both assistance and reparations mandates
		States (Parties) will contribute €2m or more, in voluntary contributions	Dependent on economic and financial outlook of key donors
		TFV receives private donations from both institutional and individual donors	Dependent on capacity of STFV to develop marketing and fundraising capacity outside of existing core capacity
		TFV benefits from in-kind donations and partnerships (public, civil society, private sector) to support marketing and fund-raising	
	Maximised results from awards, fines, forfeitures for use in the implementation of Court-ordered reparations	This type of revenue is established as core element of financing Court-ordered reparations; and TFV is included in Court protocol regarding seizure and freezing of assets	Dependent on ability of Court – in cooperation with States Parties - to seize, freeze assets for the purpose of reparations; and to collect fines imposed on convicted persons

### Justification

537. At present, the Fund's Secretariat is only partially equipped to effectively address the above goals. The ability to manage the implementation of both mandates, including the launch of the reparations mandate in 2012-2013, is already straining the existing capacity of the Secretariat, which continues to feel the lack of capacity to address financial/administrative processes. The Fund's capacity to enhance visibility and fund-raising

activities is not captured in the present set of established posts and GTA positions and should be facilitated by non-staff budget lines. In the longer (mid-)term, the Fund's Secretariat will require resources to cover the above needs and to further strengthen its financial management capacity at the professional level, enabling the Fund to address its growingly complex revenue and disbursement streams; and to strengthen its ability to design and implement multiple reparations awards in different Court situations.

538. Budget assumptions related to the TFV Secretariat's activities in 2013 are the following: continued financing of *assistance mandate* programmes in northern Uganda, DRC and the Central African Republic. Given the unpredictable state of voluntary contributions to the Fund in the near future, assistance mandate activities in other situation countries are currently not foreseen and hence not included in the Major Programme VI budget for 2013. Activities under the *reparations mandate*, while likely to occur in 2013, are currently unforeseeable in exact scope and form. Hence, while the STFV has provisionally costs these activities (including travel and consultancies), they have not been included in the 2013 budget. For both the assistance and reparations mandates, the TFV assumes that the required field structure is maintained by the Registry so as to facilitate appropriate and timely support.

### **Staff resources**

#### **Basic resources**

##### *General temporary assistance*

539. Recurrent. In response to the acknowledged need for dedicated financial and administrative expertise within the Secretariat and in view of the limited budgetary options, the Fund has converted in 2012 the GTA field assistance (GSOL) position foreseen for the Kenya situation into an administrative GTA (GSOL) position in The Hague. This will partially address the Secretariat's increasing administrative workload, related to the operation of the SAP Grants Management module, increase of situations under the assistance mandate and the implementation of Court-ordered reparations. This GTA position and the P4 Legal Advisor are required to support the Executive Director and the Board of Directors.

##### *Consultants*

540. Provision of expert advice on a wide range of technical issues, including the Fund's visibility, strategic partnership and fund-raising, and grant management.

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

##### *General temporary assistance*

541. Recurrent. Two field assistants in the DRC and one in the Central African Republic (GTA positions) are of great operational importance to accompany and monitor the Trust Fund's implementing partners in carrying out activities as programmed

##### *Consultants*

542. In addition, consultants will provide assistance to the Fund for external evaluation and audit of existing programmes, and conducting victim identification and assessments as ordered by the Court.

#### **Basic resources**

##### *Travel*

543. Recurrent. For Board-member travel, fund-raising activities and meetings with donors and partners.

*Hospitality*

544. Recurrent. For events, receptions and donor meetings aimed at increasing the visibility of the Fund and for resource-mobilization initiatives.

*Contractual services*

545. 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*

546. Recurrent. To cover communications and miscellaneous expenses.

*Supplies and materials*

547. Recurrent. For basic office supplies and other expendable office materials.

**Situation-related resources***Travel*

548. Recurrent. For assistance mandate-related travel including visiting projects and partners to support project planning, monitoring, and evaluation and reporting.

*Contractual services*

549. 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 2013.

*Training*

550. Recurrent. For training of staff in programme and project reporting in the Management Information System (MIS).

*General operating expenses*

551. Recurrent. To cover logistical expenditures, as the Fund's staff are operating in remote, high-risk locations, where basic infrastructure is absent or deficient.

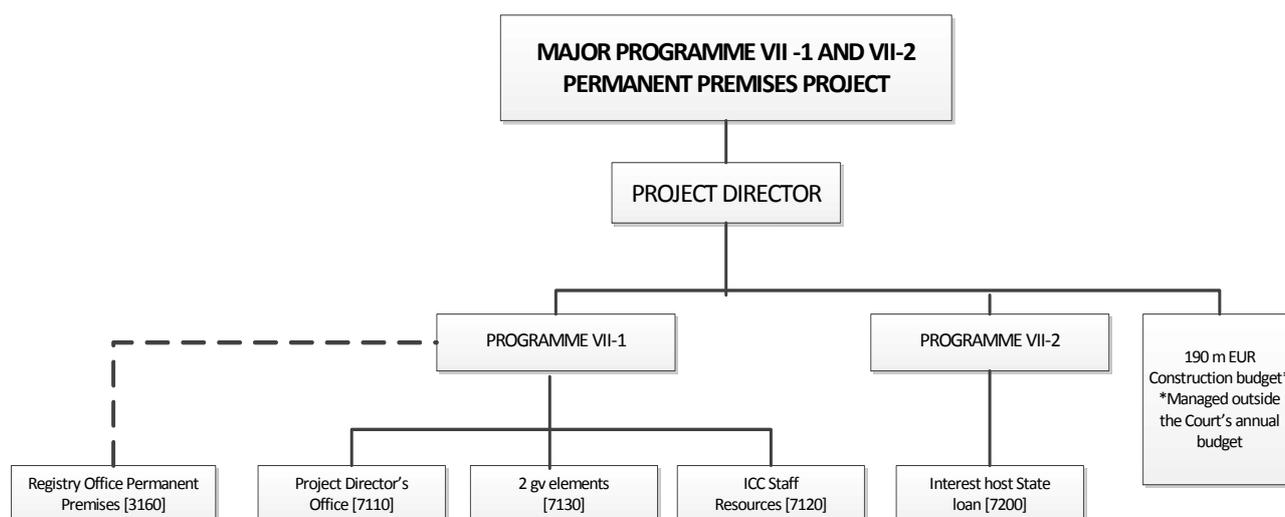
**Table 110: Major Programme VI: Proposed budget for 2013**

6100 Secretariat of the Trust Fund for Victims	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
Professional staff					159.0	422.6	581.6	169.1	445.9	615.0	33.4	5.7	
General Service staff					60.6	60.6	121.2	63.2	63.2	126.4	5.2	4.3	
<i>Subtotal staff</i>	242.2	499.6	741.8		741.8	219.6	483.2	702.8	232.3	509.1	741.4	38.6	5.5
General temporary assistance	6.7	75.2	81.9		81.9	118.1	71.8	189.9	208.9	68.3	277.2	87.3	46.0
Temporary assistance for meetings													
Overtime													
Consultants		39.9	39.9		39.9	51.0	46.0	97.0	40.0	60.0	100.0	3.0	3.1
<i>Subtotal other staff</i>	6.7	115.1	121.8		121.8	169.1	117.8	286.9	248.9	128.3	377.2	90.3	31.5
Travel	73.1	52.6	125.7		125.7	50.8	177.8	228.6	114.8	153.5	268.3	39.7	17.4
Hospitality						2.5		2.5	5.0		5.0	2.5	100.0
Contractual services	78.6	38.4	117.0		117.0	101.0	67.0	168.0	155.0	50.0	205.0	37.0	22.0
Training	0.6		0.6		0.6	2.7	24.3	27.0	4.5	22.9	27.4	0.4	1.5
General operating expenses		4.2	4.2		4.2	5.0	17.0	22.0	5.0	17.0	22.0		
Supplies and materials	2.4		2.4		2.4	2.8		2.8	3.0		3.0	0.2	7.1
Furniture and equipment						10.0		10.0		10.0	10.0		
<i>Subtotal non-staff</i>	154.7	95.2	249.9		249.9	174.8	286.1	460.9	287.3	253.4	540.7	79.8	17.3
<b>Total</b>	<b>403.6</b>	<b>709.9</b>	<b>1,113.5</b>		<b>1,113.5</b>	<b>563.5</b>	<b>887.1</b>	<b>1,450.6</b>	<b>768.5</b>	<b>890.8</b>	<b>1,659.3</b>	<b>208.7</b>	<b>14.4</b>
Distributed maintenance	5.5	20.6	26.1		26.1	6.1	20.0	26.1	5.6	19.3	24.9	-1.2	-4.7

**Table 111: Major Programme VI: Proposed staffing for 2013**

Secretariat of the Trust Fund for Victims	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		3			4		1	1	5
				1	1		3			5		2	2	7
New														
Redeployed/ Returned														
<b>Total</b>				<b>1</b>	<b>1</b>		<b>3</b>			<b>5</b>		<b>2</b>	<b>2</b>	<b>7</b>

## G. Major Programme VII-1 and VII-2: Permanent premises project



552. In order to capture in a clear and transparent way all of those costs which are related to the permanent premises project but not directly related to the actual cost of the construction project (i.e. the €190 million budget, financed by the host State loan), four sub-programmes have been established under the control of the Project Director. Three of these fall under MPVII-1 and one under MPVII-2. The amounts budgeted under each sub-programme are subject to approval annually subject to the needs of the project until its completion.

553. Major Programme VII-1 consists of three sub-programmes, namely 7110, 7120 and 7130.

554. Sub-programme 7110 comprises the Project Director's Office and will focus during 2013 on the administration and management of the general contractor's contract as the construction phase continues.

555. Sub-programme 7120 relates to crucial support provided to the project by sections of the Court, who are paid for their services under agreements concluded with the Director.

556. Sub-programme 7130 focuses on the 2gv elements which are not part of the construction budget, namely costs related to the project but not specifically to 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 every year for the duration of the project, through that Committee.

557. Major Programme VII-2 manages the payment of interest on the host State loan.

558. Also under the control of the Project Director is the construction budget, totalling €190 million. The construction budget is reported on separately in the Court's Financial Statements.

559. For a complete overview of *all* costs related to the permanent premises project, sub-programme 3160, Registry Permanent Premises Project, also needs to be taken into account.

## 1. Major Programme VII-1: Project Director's Office (permanent premises)

**Table 112: Major Programme VII-1: Proposed budget for 2013**

7100 Project Office of the Permanent Premises	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff						274.8		274.8	293.8		293.8	19.0	6.9
General Service staff						60.6		60.6	63.2		63.2	2.6	4.3
<i>Subtotal staff</i>	<i>321.5</i>		<i>321.5</i>		<i>321.5</i>	<i>335.4</i>		<i>335.4</i>	<i>357.0</i>		<i>357.0</i>	<i>21.6</i>	<i>6.4</i>
General temporary assistance	9.7		9.7		9.7	471.8		471.8				-471.8	-100.0
Temporary assistance for meetings													
Overtime													
Consultants									24.4		24.4	24.4	
<i>Subtotal other staff</i>	<i>9.7</i>		<i>9.7</i>		<i>9.7</i>	<i>471.8</i>		<i>471.8</i>	<i>24.4</i>		<i>24.4</i>	<i>-447.4</i>	<i>-94.8</i>
Travel	19.3		19.3		19.3	9.6		9.6	9.7		9.7	0.1	1.0
Hospitality	2.8		2.8		2.8	2.5		2.5	5.0		5.0	2.5	100.0
Contractual services	28.2		28.2		28.2	497.8		497.8	616.3		616.3	118.5	23.8
Training	3.2		3.2		3.2	3.2		3.2	3.2		3.2		
General operating expenses						10.0		10.0	2.5		2.5	-7.5	-75.0
Supplies and materials	1.1		1.1		1.1	1.9		1.9	1.5		1.5	-0.4	-21.1
Furniture and equipment	0.6		0.6		0.6	5.0		5.0	4.0		4.0	-1.0	-20.0
<i>Subtotal non-staff</i>	<i>55.2</i>		<i>55.2</i>		<i>55.2</i>	<i>530.0</i>		<i>530.0</i>	<i>642.2</i>		<i>642.2</i>	<i>112.2</i>	<i>21.2</i>
<b>Total</b>	<b>386.4</b>		<b>386.4</b>		<b>386.4</b>	<b>1,337.2</b>		<b>1,337.2</b>	<b>1,023.6</b>		<b>1,023.6</b>	<b>-313.6</b>	<b>-23.5</b>

**Table 113: Major Programme VII-1: Proposed staffing for 2013**

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				1		1				2		1	1	3
				1		1				2		1	1	3
New/ Converted														
Redeployed/ Reclassified/ Returned														
<b>Total</b>				<b>1</b>		<b>1</b>				<b>2</b>		<b>1</b>	<b>1</b>	<b>3</b>

**(a) Sub-programme 7110: Project Director's Office****Introduction**

560. 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. The final design was completed on 1 November 2011, and 2012 is due to see completion of the tendering procedure for the general contractor and the start of the construction works. 2013 will focus on the continuation of the construction works.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</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.	– Project in line with agreed timeline.	100%
	– Construction of the permanent premises continued and on schedule.	100%

**Staff resources***Professional staff*

561. The functions of the Project Director's Office were defined in resolution ICC-ASP/6/Res.1 annex IV.<sup>72</sup> Its mandate is to ensure that the permanent premises of the Court are built on time, within cost and to specifications and quality. The Project Director has final responsibility for the overall management of the project and is responsible for meeting the project's goals, timelines and costs and quality requirements.

562. The staff resources of the Project Director's Office are further detailed in annex V to the aforesaid resolution.

563. The Project Director's Office will remain in place for a limited duration of time, namely until completion of the project, which is scheduled for 2015.

564. A re-organisation of the Project Director's office has been implemented during 2012 to better shape the team to the challenges ahead. The details of this re-organisation and the staffing consequences are further covered in Annex VIII.

**Other staff resources***Consultants*

565. This element is required to pay for the necessary expert financial services identified in the various audit reports required to administer the various sub-programmes and new Financial Framework of the Permanent Premises Project.

**Revised governance structure**

566. The previous Project Director retired from his function with effect from 1 March 2011.

567. A new governance structure was approved by the Oversight Committee as indicated in paragraphs 109 and 110 of its Report to the Assembly on its activities.<sup>73</sup> The new structure identifies and empowers a single Project Director by giving him the strategic leadership, decision-making and overall management of the project. The Oversight Committee was of the opinion that the revised governance structure is an appropriate and adequate response to the issues highlighted in the various relevant audit reports and took account of the position expressed by the Court.

568. The new Project Director assumed his position in June 2011.

<sup>72</sup> *Official Records ... Sixth session ... 2007* (ICC-ASP/6/20), vol. I, part III.

<sup>73</sup> ICC-ASP/10/22.

*Introduction of a revised financial framework*

569. As indicated in paragraphs 76 and 77 of the above report, and as a result of the concerns set out in detail in annex VIII, the Oversight Committee approved a change in the project's financial framework, and subsequently, following the internal audit and the recommendations of the Committee on Budget and Finance, a revised financial framework for the entire project was established by the Project Director's Office, in close collaboration with independent experts.

570. The revision of the financial framework has created clarity on the full cost impact of the entire project. This is being done by identifying and controlling the costs related to the project that are funded via the annual budget of the Court, as well as those that are funded through the construction budget. This has required the introduction of cost forecasting, as well as multi-annual budgeting of the annual budget elements.

571. In the revised financial framework, as outlined above, the Project Director's Office is now responsible for the following different budgets:

- (a) The construction budget of €190 million;
- (b) Major Programme VII-1, consisting of three sub-programmes:
  - (i) 7110: Project Director's Office
  - (ii) 7120: ICC Staff Resources
  - (iii) 7130: 2gv elements
- (c) Major Programme VII-2, interest on the loan

(d) The project is also reporting on sub-programme 3160 and looks to pool resources where necessary with that sub-programme to ensure that the needs of the project are met.

572. As a consequence of this revised financial framework, the total budget controlled by the project has been reassessed from €190 million to €216.8 million and three programmes and sub-programmes have been added.

573. The project is also addressing the topic of "total cost of ownership" (TCO), a projection over 40-50 years of the financial, operational and funding costs once the Court is owner of the building. This is to ensure that the Court and the Assembly are aware of the responsibilities that go with owning a major capital asset.

**Non-staff resources***Travel*

574. Recurrent. The assumption is that the Assembly session in 2013 will take place in The Hague. The travel budget intends to cover visits to the general contractor and visits to reference projects, which create the potential for significant savings. As an illustration, the Project Director's Office undertook a one-day visit to Paris in order to find solutions for the Court's proposed tower façade. The result of the visit was a saving for the project of €1 million.

575. The PDO also intends to visit materials and service vendors in order to choose appropriate materials (façades, floor finishes, tiles, etc) for the new premises and select suitable service vendors. A breakdown of costs is shown in the table below. Costs are conditioned by number of visits and destination:

**Table 114: Breakdown of PDO travel costs**

<i>Purpose</i>	<i>Destination</i>	<i>Number of visits/ persons travelling</i>	<i>Cost (thousands of euros)</i>
Reference projects	Europe	3 x 1 day	3.2
Materials/ service vendors	Europe	6 x 1 day	6.5
<b>Total</b>			<b>9.7</b>

*Hospitality*

576. Recurrent. The hospitality budget is a requirement for the Project Director's Office. The Project Director and the project team meet regularly with external partners, including on-site, and should thus be in a position, as a matter of courtesy to offer basic refreshments. For this service, the in-house caterer of the Court is used.

*Contractual services*

577. Recurrent. Contractual services required are to cover the following services:

Since the Court's in-house translation capacity is not sufficient to cover the PDO's translation requirements, external translation services are to be procured. These services are for the purpose of translating letters from the host State and other project documents from Dutch into English and translating certain documents (such as newsletters, Internet texts and Intranet texts) from English into French. Vendors are chosen among from those recommended by the Court's Interpretation and Translation Section.

<i>Type of document</i>	<i>Source language</i>	<i>Target language</i>	<i>Pages</i>	<i>Cost (thousands of euros)</i>
Technical documents (ground survey, soil investigation, archaeological, etc)	Dutch	English	750	45.0
	English	Dutch		
Newsletter, information leaflets, Internet and Intranet texts, press releases etc	English	French	25	1.5
Official correspondence from host State	Dutch	English	50	3.0
<b>Total</b>				<b>49.5</b>

(a) External printing services: in order to assess and review contractor's technical drawings and documents, hard copies are required. Due to the size and format of the materials, external services are to be procured.

(b) Telephone services: The PDO will during the construction period also have a small-capacity office on the construction site. In order to be able to function remotely, internet access is a prerequisite. Mobile data contracts therefore need to be procured.

*Training*

578. Recurrent. The costs include a course to further develop NEC contracting methodology, a course in project management for building projects and a course in managerial leadership. In order to have a well the PDO team suitably equipped to cope with the fast-changing of environment of a major building project, staff need to be offered the proper knowledge and tools to do so.

*General operating expenses*

579. Recurrent. This budget line includes costs related to exhibition of the design, and transport costs related to external communication events.

*Supplies and materials*

580. Recurrent. This concerns costs related to the purchase of technical books, publications and subscriptions such as NEC subscription and construction information services subscription. This covers both hard copy books as well as electronic subscriptions.

*Equipment including furniture*

581. Recurrent. This cost covers specialist project management software such as AutoCAD, Indesign, Vector works, Photoshop, etc. In addition, a budget line for office furniture is included, in order to equip the project office on the building site with the basics (office table, chair, etc). The remote office would also require the installation of a broadband connection.

**Table 115: Major Programme VII-1: Proposed budget for 2013**

7110 Project Director's Office for Permanent Premises	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff						274.8		274.8	293.8		293.8	19.0	6.9
General Service staff						60.6		60.6	63.2		63.2	2.6	4.3
<i>Subtotal staff</i>	<i>321.5</i>		<i>321.5</i>		<i>321.5</i>	<i>335.4</i>		<i>335.4</i>	<i>357.0</i>		<i>357.0</i>	<i>21.6</i>	<i>6.4</i>
General temporary assistance	9.7		9.7		9.7	15.5		15.5				-15.5	-100.0
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	<i>9.7</i>		<i>9.7</i>		<i>9.7</i>	<i>15.5</i>		<i>15.5</i>				<i>-15.5</i>	<i>-100.0</i>
Travel	19.3		19.3		19.3	9.6		9.6	9.7		9.7	0.1	1.0
Hospitality	2.8		2.8		2.8	2.5		2.5	5.0		5.0	2.5	100.0
Contractual services	28.2		28.2		28.2	110.0		110.0	80.0		80.0	-30.0	-27.3
Training	3.2		3.2		3.2	3.2		3.2	3.2		3.2		
General operating expenses						10.0		10.0	2.5		2.5	-7.5	-75.0
Supplies and materials	1.1		1.1		1.1	1.9		1.9	1.5		1.5	-0.4	-21.1
Furniture and equipment	0.6		0.6		0.6	5.0		5.0	4.0		4.0	-1.0	-20.0
<i>Subtotal non-staff</i>	<i>55.2</i>		<i>55.2</i>		<i>55.2</i>	<i>142.2</i>		<i>142.2</i>	<i>105.9</i>		<i>105.9</i>	<i>-36.3</i>	<i>-25.5</i>
<b>Total</b>	<b>386.4</b>		<b>386.4</b>		<b>386.4</b>	<b>493.1</b>		<b>493.1</b>	<b>462.9</b>		<b>462.9</b>	<b>-30.2</b>	<b>-6.1</b>
Distributed maintenance	8.3		8.3		8.3	9.1		9.1	9.3		9.3	0.2	2.6

**Table 116: Major Programme VII-1: Proposed staffing for 2013**

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				1		1				2		1	1	3
				1		1				2		1	1	3
New/ Converted														
Redeployed/ Reclassified/ Returned														
<b>Total</b>				<b>1</b>		<b>1</b>				<b>2</b>		<b>1</b>	<b>1</b>	<b>3</b>

**(b) Sub-programme 7120: Court Staff Resources****Introduction**

582. Sub-programme 7120 relates to the crucial support functions for the project required from the Court's sections. In 2012 this related mainly to support for the procurement process for the largest and most complex contract ever entered into by the Court. Support will also be required in 2013 for the management of the contract, and will continue to be required over the lifespan of the project.

583. Service agreements have been concluded by the PDO with the key sections of the Court involved, namely the Facilities Management Unit, the Security and Safety Section and the Information and Communication Technology Section. Support will also be required in areas such as Audit and Procurement. These agreements outline what is expected from the sections in terms of services to the project, and specify the amounts to be paid by the present sub-programme for those services, leaving the sections involved free to decide on how to use these funds to cover the staff time required. These resources will be required for the duration of the permanent premises project. The estimated cash flow for the next 4 years is shown in tabular form as follows:

**Table 117: Estimated cost of Court staff support over duration of PPP contract**

€ million	2012 (current year)	2013	2014	2015	2016	Total
Sub-programme 7120	0.5	0.4	0.4	0.4	0.1	1.8

Expected results	Performance indicators	Target 2013
<b>Objective 1</b>		
– 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 good 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%

**Staff resources**

584. In the 2012 approved budget, the cost of the staff resources required was shown under the head of general temporary assistance. Following the conclusion of the service agreements referred to above, this item has been removed from staff resources and re-entered as a non-staff item under the head of contractual services. Compared to the 2012 approved budget, a saving of €70,000 has been achieved.

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

585. As explained above, in the 2013 proposed budget, these correspond to the item for GTA approved in the 2012 budget. Specific support requirements for 2013 are apportioned as shown in the table below.

**Table 118: Breakdown of Court staff support to PPP by section/unit**

Service agreement FMU	€91,800
Service agreement SSS	€91,800
Service agreement ICTS	€91,800
Services from other sections (e.g. Procurement, Audit)	€110,900
<b>Total</b>	<b>€386,300</b>

**Table 119: Programme 7120: Proposed budget for 2013**

7120 ICC Staff Resource and Management Support for the Permanent Premises	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff													
General Service staff													
<i>Subtotal staff</i>													
General temporary assistance						456.3		456.3				-456.3	-100.0
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>						456.3		456.3				-456.3	-100.0
Travel													
Hospitality													
Contractual services									386.3		386.3	386.3	
Training													
General operating expenses													
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>									386.3		386.3	386.3	
<b>Total</b>						<b>456.3</b>		<b>456.3</b>	<b>386.3</b>		<b>386.3</b>	<b>-70.0</b>	<b>-15.3</b>

**(c) Sub-programme 7130: 2gv elements (non-integrated user equipment)****Introduction**

586. Resolution ICC-ASP/9/Res.1<sup>74</sup> required 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.

587. 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 €17.5 million. Sub-programme 7130 focuses only on the 2gv elements, which are part of Box 4.

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

589. 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:

€million	2012 (current year)	2013	2014	2015	2016	Total
Sub-programme 7130	0.4	0.2	3.3	13.5	0.1	17.5

Expected results	Performance indicators	Target 2013
<b>Objective 1</b> – 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%
<b>Objective 2</b> – To manage the resources and support in an effective and efficient way by continuous search for synergies.	– To reduce the overall budget for 2gv elements at least by 10% by 2016.	100 %

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

590. The following services are required:

(a) Co-ordination of design and specifications for implementation of the requirements (2 gv)

(b) Consultancy related to ICT: assistance in defining and monitoring of requirements in relation to the design;

(c) Consultancy related to security: assistance in defining and monitoring of requirements in relation to the design;

(d) Services related to communication events and liaison with the local neighbourhood.

<sup>74</sup> Official Records ... Ninth session ... 2010 (ICC-ASP/9/20), vol. I, part III.

**Table 120: Programme 7130: Proposed budget for 2013**

7130 2gv Element (Non Integrated User Equipment)	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Situation- related		Total	Cont. Fund	Total incl.CF	Situation- related		Situation- related		Total	Amount	%
	Basic	related				Basic	related	Basic	related			
Professional staff												
General Service staff												
<i>Subtotal staff</i>												
General temporary assistance												
Temporary assistance for meetings												
Overtime												
Consultants												
<i>Subtotal other staff</i>												
Travel												
Hospitality												
Contractual services						387.8		387.8	150.0	150.0	-237.8	-61.3
Training												
General operating expenses												
Supplies and materials												
Furniture and equipment												
<i>Subtotal non-staff</i>						387.8		387.8	150.0	150.0	-237.8	-61.3
<b>Total</b>						<b>387.8</b>		<b>387.8</b>	<b>150.0</b>	<b>150.0</b>	<b>-237.8</b>	<b>-61.3</b>

## 2. Major Programme VII-2: Permanent Premises Project - Interest

### Introduction

591. In 2008, the Assembly accepted the host State's offer of a loan for the Permanent Premises Project 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.<sup>75</sup>

592. In response to requests from the Committee and the Assembly, in its proposed budget for 2011 the Court established Major Programme VII-2 to report on the interest expected to be paid on loans received by the Court for the Permanent Premises Project.<sup>76</sup>

593. The financial implications of Major Programme VII-2 are only applicable to those States Parties that did not opt for a one-time payment.<sup>77</sup>

594. The loan agreement signed between the host State and the Court stipulates that the interest due from the Court to the State in respect of the preceding calendar year is to be paid by the Court on the due date (being the date before or at the latest on 1 February of each calendar year).<sup>78</sup>

595. In 2013, the Court estimates it will have to access €36.2 million from the loan. Interest on this loan payment, based on an estimated monthly cash flow as indicated in Table 121 below, amounts to approximately €204,568, which is due in January 2014.

596. With the assistance of the host State, the project has been able to negotiate an agreement with the Dutch tax office waiving the project from VAT on purchases from Dutch vendors. In the event that the general contract was to be awarded to a Dutch firm, this would save the project approximately €160,000 in interest payments, as the loan would not need to be accessed to pre-finance the VAT.

597. To minimize the interest paid by States Parties who did not opt for a one-time payment, the draw-down of the loan is done on a monthly basis. At the latest on the 10th day of each calendar month the Court shall make available in writing to the State its financing requirements under the loan for the following calendar month.<sup>79</sup> A careful estimation of cash flow needs will minimize the number of days over which interest is accrued.

598. A further reduction to the accrued interest could be obtained by extending the possibility for States Parties to opt for a one-time payment throughout the construction period until mid-2015.

**Table 121: Interest accrued in 2013**

<i>2013</i>	<i>Principal Amount</i>	<i>Interest accrued</i>
Jan		-
Feb		-
Mar		-
Apr		-
May		-
Jun	1,999,167	25,195
Jul	5,705,556	59,791
Aug	5,705,556	47,677
Sep	5,705,556	35,953

<sup>75</sup> Resolution ICC-ASP/7/Res. 1, para 2 and annex II.

<sup>76</sup> *Official Records ... Ninth session ... 2010* (ICC/ASP/9/20), vol. II, part A, section G.

<sup>77</sup> Resolution ICC-ASP/7/Res. 1, annex III.

<sup>78</sup> Loan agreements between State of the Netherlands (Ministry of Foreign Affairs) and International Criminal Court, dated 23 March 2009, para 6.1.

<sup>79</sup> Loan agreements between State of the Netherlands (Ministry of Foreign Affairs) and International Criminal Court, dated 23 March 2009, para 3.2.

2013	Principal Amount	Interest accrued
Oct	5,705,556	23,838
Nov	5,705,556	12,115
Dec	5,705,556	-
<b>Total</b>	<b>36,232,500</b>	<b>204,568</b>

(\*) estimated figures in € – subject to change

599. The impact over the next five years is further detailed as follows. The loan would require to be accessed again in 2013. The project intends to continue to draw down from the host State loan up to September 2015, with the result that, over that period interest will continue to be due from the Court to the host State.

600. The table below indicates the year in which accrual takes place and the year when actual payment of the funds will occur.

**Table 122: Accrual and payment impact over the next 5 years**

<i>In euros (*)</i>	2013	2014	2015	2016	2017 (**)
<b>1. Interest</b>					
1a. Accrual	204,568	1,693,081	3,627,525	-	-
1b. Payment (latest 1 Feb)	-	204,568	1,693,081	3,627,525	-
<b>2. Repayment of the loan (amortisation and interest)</b>					
2a. Accrual	-	-	-	6,970,132	6,970,132
2b. Payment (latest 1 Feb)	-	-	-	-	6,970,132
<b>Total accrual</b>	<b>204,568</b>	<b>1,693,081</b>	<b>3,627,525</b>	<b>6,970,132</b>	<b>6,970,132</b>
<b>Total payment (latest 1 February)</b>	<b>-</b>	<b>204,568</b>	<b>1,693,081</b>	<b>3,627,525</b>	<b>6,970,132</b>

(\*) estimated figures– subject to change

(\*\*) From 2017 and onwards (30 years)

**Table 123: Expected Results; Performance Indicators & Targets**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2013</i>
<b>Objective 1</b>		
– Minimizing interest on loan to be paid by States Parties.	– Reduced number of days of draw-down of the loan due to efficient forecast of cash requirement.	100%
<b>Objective 2</b>		
– To fulfil the Court’s legal obligations on the loan agreement signed between the Court and the host State.	– Court to have in place the required funds to pay the interest due to the host State at latest by 1 February 2014.	100%
<b>Objective 3</b>		
– To present to States Parties a forecast of accrual and cash-flow for the next 5 years.	– States Parties informed on budgetary impact.	100%

#### **Staff resources**

#### **Basic resources**

#### *General operating expenses*

601. To fulfil the Court’s legal obligations vis-à-vis the host State to pay the interest due following access to the loan.

**Table 124: Programme 7200: Proposed budget for 2013**

7200 Accrued Interest, Host State	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff													
General Service staff													
<i>Subtotal staff</i>													
General temporary assistance													
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>													
Travel													
Hospitality													
Contractual services													
Training													
General operating expenses									204.6		204.6	204.6	
Supplies and materials													
Furniture and equipment													
<i>Subtotal non-staff</i>									204.6		204.6	204.6	
<b>Total</b>									<b>204.6</b>		<b>204.6</b>	<b>204.6</b>	
Distributed maintenance	4.5		4.5			5.5		5.5	5.6		5.6	0.1	1.1

## H. Major Programme VII-5: Independent Oversight Mechanism

### Introduction

602. Major Programme VII-5, the Independent Oversight Mechanism (IOM), was established by the Assembly at its eighth session in accordance with article 112, paragraph 4, of the Rome Statute to provide independent, effective and meaningful oversight of the Court.<sup>80</sup> The envisioned scope of the IOM's activities includes investigation, evaluation and inspection. However, at its ninth session, the Assembly decided that, initially, the IOM would "perform only its investigative function and consist of two staff members".<sup>81</sup> At its tenth session, the Assembly further decided that it would consider a comprehensive proposal for the IOM's full operationalization at its eleventh session.<sup>82</sup>

603. This budget proposal therefore reflects only those posts which have been established to carry out the IOM's investigative mandate, and the anticipated non-staff resources required to support the relevant activities. Proposals relating to the additional staff and operating budget required, if the Assembly should decide to establish the IOM's inspection and/or evaluation functions, are set out separately in Annex VII.

### Staff resources

604. The Independent Oversight Mechanism currently consists of two posts, both Professional staff (one P-4 and one P-2). The P-4 post (Head) is temporarily held by a staff member of the United Nations Secretariat on the basis of a reimbursable loan. Because of the delay in operationalizing the IOM's investigative functions, the P-2 has not yet been recruited. There are no General Service posts to provide administrative support to the office.

### Non-staff resources

#### *Contractual services*

605. Contractual services are needed to support specific investigation activities requiring the use of external resources. Additionally, it is envisioned that further contractual expenses might be incurred during the initial phases of the IOM's operations in developing secured work-flow and content management systems and electronic case archives.

#### *Travel*

606. The funds provide for travel to field offices to conduct investigations as and when requested by the Court, and to undertake programme evaluation activities relating to field services.

#### *Training*

607. Recurrent. There is a need for Professional staff of the office to participate regularly in training to upgrade their substantive skills and, in particular, to ensure that they are conversant with international best practices in their area of expertise. Prices for these courses range from €2,500 to 5,000 depending on the topic and the number of days (three days is an average).

#### *Supplies and materials*

608. As the office is in the process of being established, funding is required for the acquisition of supplies and materials to support office activities.

#### *Equipment including furniture*

609. Funds are also required for the acquisition of equipment and furniture.

<sup>80</sup> *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I, part II, A.2.

<sup>81</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.5.

<sup>82</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP), vol. I, part III, ICC/ASP/10/Res. 5, para. 66.

**Table 125: Major Programme VII-5: Proposed budget for 2013**

7500 Independent Oversight Mechanisms	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Situation- Basic	related	Total	Cont. Fund	Total incl.CF	Situation- Basic	related	Total	Situation- Basic	related	Total	Amount	%
Professional staff						115.5		115.5	208.6		208.6	93.1	80.6
General Service staff													
<i>Subtotal staff</i>	5.2		5.2		5.2	115.5		115.5	208.6		208.6	93.1	80.6
General temporary assistance	91.7		91.7		91.7								
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	91.7		91.7		91.7								
Travel	4.3		4.3		4.3				4.7		4.7	4.7	
Hospitality													
Contractual services	17.8		17.8		17.8	40.0		40.0	40.0		40.0		
Training									6.5		6.5	6.5	
General operating expenses													
Supplies and materials						10.0		10.0	10.0		10.0		
Furniture and equipment						20.0		20.0	20.0		20.0		
<i>Subtotal non-staff</i>	22.1		22.1		22.1	70.0		70.0	81.2		81.2	11.2	16.0
<b>Total</b>	<b>119.0</b>		<b>119.0</b>		<b>119.0</b>	<b>185.5</b>		<b>185.5</b>	<b>289.8</b>		<b>289.8</b>	<b>104.3</b>	<b>56.2</b>
Distributed maintenance	5.5		5.5		5.5	6.1		6.1	5.6		5.6	-0.5	-8.8

**Table 126: Major Programme VII-5: Proposed staffing for 2013**

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						1		1		2				2
						1		1		2				2
New/ Converted														
Redeployed/ Reclassified/ Returned														
<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 2013, the Working Capital Fund for 2013, scale of assessment for the apportionment of expenses of the International Criminal Court, financing appropriation for 2013 and the Contingency Fund**

*The Assembly of States Parties,*

*Having considered* the proposed programme budget for 2013 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 nineteenth session,

#### **I. Programme budget for 2013**

*The Assembly of States Parties,*

2. *Approves* appropriations totalling €118,753,400 for the following appropriation sections:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	11,079.9
Major Programme II - Office of the Prosecutor	28,663.1
Major Programme III - Registry	66,473.3
Major Programme IV - Secretariat of the Assembly of States Parties	2,983.5
Major Programme V - Interim Premises	6,021.4
Major Programme VI - Secretariat of the Trust Fund for Victims	1,659.3
Major Programme VII-1 - Project Director's Office (permanent premises)	1,023.6
Major Programme VII-2 - Permanent Premises Project Interest	204.6
Major Programme VII-5 - Independent Oversight Mechanism	289.8
<b>Total</b>	<b>118,398.5</b>

3. *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								
D-1		2	4	1	1	1		9
P-5	3	12	17	1	1			34
P-4	3	29	39	1		1	1	74
P-3	21	44	67	1	3			136
P-2	5	47	61	1			1	115
P-1		17	6					23
<i>Sub-total</i>	<i>32</i>	<i>154</i>	<i>195</i>	<i>5</i>	<i>5</i>	<i>2</i>	<i>2</i>	<i>395</i>

	Judiciary	Office of the Prosecutor	Registry	Secretariat Assembly of States Parties	Secretariat Trust Fund for Victims	Project Director's Office	Independent Oversight Mechanism	Total
GS-PL	1	1	16	2				20
GS-OL	15	63	268	2	2	1		351
<i>Sub-total</i>	<i>16</i>	<i>64</i>	<i>284</i>	<i>4</i>	<i>2</i>	<i>1</i>		<i>371</i>
<b>Total</b>	<b>48</b>	<b>218</b>	<b>479</b>	<b>9</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>766</b>

## II. Working Capital Fund for 2013

*The Assembly of States Parties,*

*Resolves* that the Working Capital Fund for 2013 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.

## III. Scale of assessment for the apportionment of expenses of the International Criminal Court

*The Assembly of States Parties,*

*Decides* that, for 2013, 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.

## IV. Financing appropriations for 2013

*The Assembly of States Parties,*

*Resolves* that, for 2013, budget appropriations amounting to €118,398,500 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.

## V. 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,

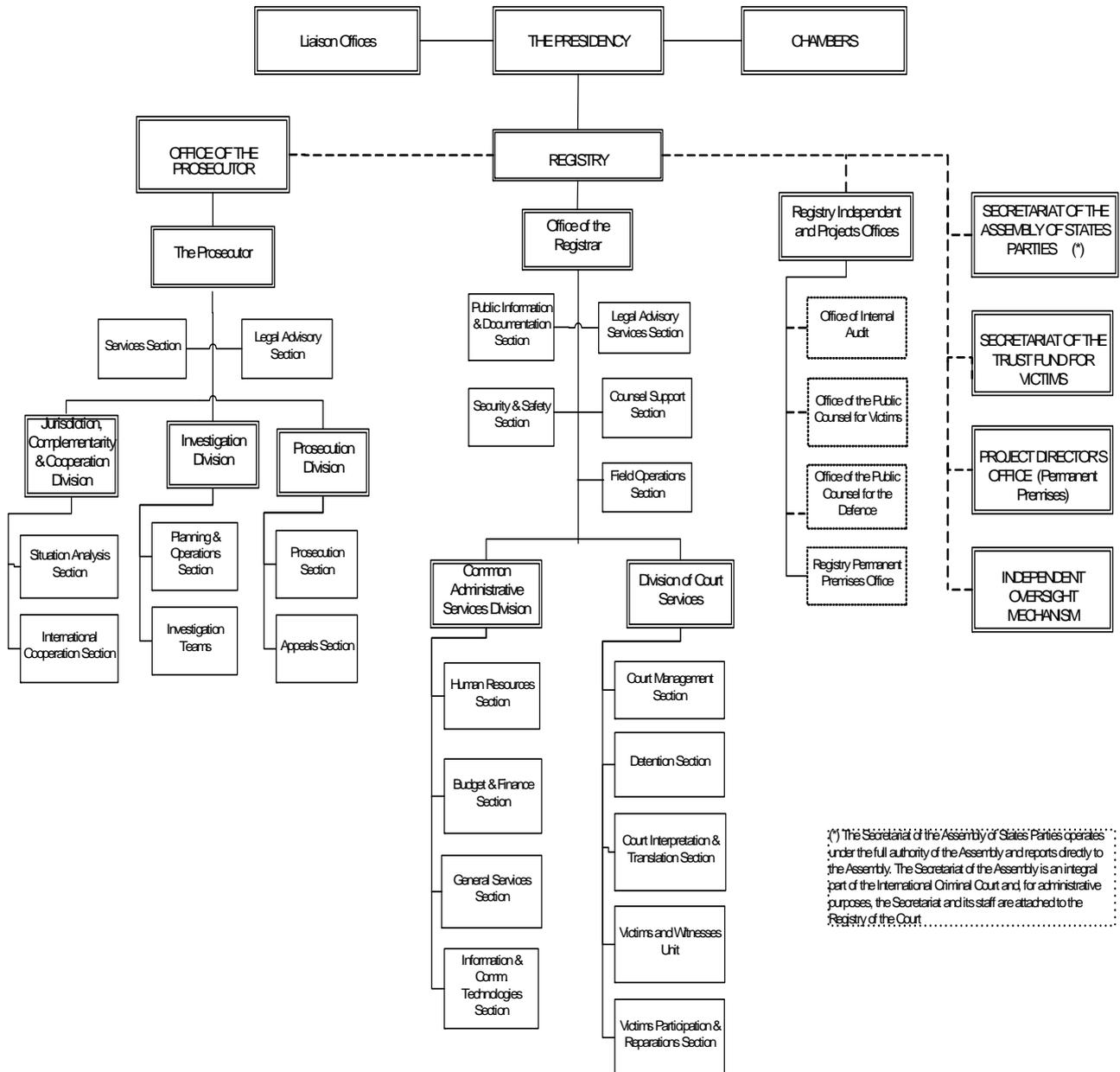
*Taking note* of the advice of the Committee on Budget and Finance in the reports on the work of its eleventh and thirteenth sessions,

- Decides* to maintain the Contingency Fund at its current level for 2013;
- 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 II

### Organizational structure of the Court



(\*) The Secretariat of the Assembly of States Parties operates under the full authority of the Assembly and reports directly to the Assembly. The Secretariat of the Assembly is an integral part of the International Criminal Court and, for administrative purposes, the Secretariat and its staff are attached to the Registry of the Court.

## Annex III

### Assumptions for the proposed programme budget for 2013

<i>Function</i>	<i>Total</i>
1. Number of Court days in 12 months	215 <sup>1</sup>
2. Number of situations under investigation	7
3. Number of full investigations	7
4. Number of limited investigations	8
5. Number of Trial teams	
– Chambers	4
– OTP	4
6. Number of teams to support Courtroom activities	1
7. Number of languages supported	36
8. Number of final appeals	2
9. Number of witnesses appearing for testimony	42
10. Expected maximum duration of stay per witness	15
11. Number of Victims applying for particip./rep.	14,250 <sup>2</sup>
12. Number of persons in Protection Programme	52 <sup>3</sup>
13. Number of suspects/accused appearing before court <sup>4</sup>	11
14. Number of suspects/accused in detention	5 <sup>5</sup>
15. Number of cells required	1 slot of 6 cells <sup>5</sup>
16. Number of rooms to be rented	2
17. Number of defence teams financed by Legal Aid	7 <sup>5</sup>
18. Number of victims' repr. financed by Legal Aid	12 <sup>5</sup>
19. Number of site visits by judges	0
20. Number of Field offices/presence	5 <sup>5</sup>
21. Number of Field work-days	18,548 <sup>5</sup>

<sup>1</sup> 80 days of hearings BEM (based on latest request BEM DEF – filing 2152-Conf-Exp) + 5 days LUB and 10 days KAT/NGU + 120 days for KEN.

<sup>2</sup> 4,250 REP (500 REP LUB, 500 REP K/N, 3,000 REP BEM, 250 REP B/J) and 14,000 PART (10,000 REP KEN 1&2) - provisional figures and subject to review.

<sup>3</sup> This figure is composed of 37 persons currently part of the protection programme and 15 projected new persons based on the 2012 forecasted activities.

<sup>4</sup> The term “accused” includes persons convicted at first instance pending appeal.

<sup>5</sup> Provisional figures and subject to review.

## Annex IV

## List of strategic goals and one-to-three years strategic objectives of the International Criminal Court

<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 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 2013 by major programme**

Total Court											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	GS-staff				
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	67	61	6			195	16	268	284	479
Major Programme IV				1	1	1	1	1				5	2	2	4	9
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>9</b>	<b>34</b>	<b>74</b>	<b>136</b>	<b>115</b>	<b>23</b>			<b>395</b>	<b>20</b>	<b>351</b>	<b>371</b>	<b>766</b>

**Annex V (b)****Changes to the staffing table**

Number of posts	Level	From 2012 Approved Budget	To 2013 Proposed Budget
<b>Office of the Prosecutor</b>			
Situation Related			
1	P-3	Planning and Ops Section	Investigations Team
1	P-3	Prosecution Division	Investigation Division
2			
<b>Registry</b>			
Basic and Situation Related			
1	G5	Field Operations Section - FO - SUD	Field Operations Section - FO - CIV
1	G4	Field Operations Section - FO - SUD	Field Operations Section - FO - CIV
4	G3	Field Operations Section - FO - SUD	Field Operations Section - FO - CIV
1	G3	Field Operations Section - FO - SUD	Field Operations Section - FO - KEN
2	G3	Field Operations Section - FO - UGA	Field Operations Section - FO - KEN
2	GS-OL	Security and Safety Section - FO - SUD	Security and Safety Section - FO - CIV
1	GS-OL	Information and Comm. Techn. Section - FO-SUD	Information and Comm. Techn. Section - Basic
1	P-2	Court Interpretation & Translation Section - CIS - T1	Victims Participation and Reparations Section - Basic
2	GS-OL	Victims and Witnesses Unit - FO- UGA	Victims and Witnesses Unit - FO - KEN
2	GS-OL	Victims and Witnesses Unit - FO- SUD	Victims and Witnesses Unit - FO _ CAR
1	P-2	Victims and Witnesses Unit - FO- DRC	Victims and Witnesses Unit - Basic
1	GS-PL	Public Information and Documentation Section - FO - SUD	Public Information and Documentation Section - Basic
1	GS-OL	Public Information and Documentation Section - FO - DRC	Public Information and Documentation Section - FO - CIV
1	P2	Public Information and Documentation Section - FO - DRC	Public Information and Documentation Section - FO - CIV
21			
<b>Grand total = 23</b>			

**Annex V (c)****Salary and entitlements for 2013 – judges (thousands of euros)**

<b>Presidency: 0 Judges</b>	<i>Costs</i>
Special allowance President and Vice-Presidents	28.0
<i>Subtotal Presidency</i>	<i>28.0</i>
<b>Chambers: 13 Judges</b>	
Standard salary costs - 13 Judges (plus 3 for Kenya for 10.5mths)	2,812.5
One extended mandate - 9 months	135.0
Non-full time Judges' annual allowance	30.0
Judges' pensions	1,006.9
<i>Subtotal Chambers</i>	<i>3,984.4</i>
Accruals for Annual Leave	133.1
Accruals for Relocation	182.6
Estimates of Home Leave and Education Grant Expenses	132.0
Service incurred injury insurance - Court requirement - 2.98% of remuneration	118.8
Estimated costs of appointment of three judges	160.0
Cost of Separation (one judge)	25.5
<i>Subtotal Additional Requirements</i>	<i>752.0</i>
<b>Total Judges Salary and Entitlements 2013</b>	<b>4,764.4</b>

## Annex V (d)

### Standard salary costs for 2013 - 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	167.5	77.9	4	249.4
ASG	146.4	68.1	3	217.5
D-1	128.2	59.6		187.9
P-5	113.1	52.6		165.7
P-4	94.6	44		138.6
P-3	78.3	36.4		114.7
P-2	63.6	29.6		93.2
P-1	63.6	29.6		93.2
GS-PL	60.2	28		88.1
GS-OL	48	22.3		70.3

Delayed recruitment factors:

- (a) Existing Professional and General Service posts in MP II: 8%
- (b) Existing Professional and General Service posts in MPIII: 10%

#### *Delayed recruitment factors*

<i>Post level</i>	<i>(0%)</i>	<i>(8%)</i>	<i>(10%)</i>
USG	249.4	229.5	224.5
ASG	217.5	200.1	195.7
D-1	187.9	172.8	169.1
P-5	165.7	152.4	149.1
P-4	138.6	127.5	124.7
P-3	114.7	105.6	103.3
P-2	93.2	85.7	83.9
P-1	93.2	85.7	83.9
GS-PL	88.1	81.1	79.3
GS-OL	70.3	64.6	63.2

## Annex VI

## Summary table by object of expenditure

Total ICC	Expenditure 2011 (thousands of euro)				Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012		
	Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Basic	Situation- related	Total	Basic	Situation- related	Total	Amount	%
<i>Judges</i>	5,789.1		5,789.1		5,789.1	5,111.9		5,111.9	4,764.4		4,764.4	-347.5	-6.8
Professional staff	28,224.2	29,031.6	57,255.8		57,255.8	18,974.8	20,628.9	39,603.7	20,434.4	22,042.3	42,476.7	2,873.0	7.3
General Service staff						10,755.9	9,309.6	20,065.5	11,741.6	9,328.7	21,070.3	1,004.8	5.0
<i>Subtotal staff</i>	28,224.2	29,031.6	57,255.8		57,255.8	29,730.7	29,938.5	59,669.2	32,176.0	31,371.0	63,547.0	3,877.8	6.5
General temporary assistance	3,770.1	8,271.3	12,041.4	2,232.2	14,273.6	3,171.7	8,176.3	11,348.0	2,729.5	9,119.1	11,848.6	500.6	4.4
Temporary assistance for meetings	906.2	361.3	1,267.5	480.9	1,748.4	589.2	420.7	1,009.9	660.0	153.2	813.2	-196.7	-19.5
Overtime	296.4	159.2	455.6		455.6	282.5	120.7	403.2	252.5	138.8	391.3	-11.9	-3.0
Consultants	344.1	317.1	661.2	27.3	688.5	235.9	350.8	586.7	176.0	177.1	353.1	-233.6	-39.8
<i>Subtotal other staff</i>	5,316.8	9,108.9	14,425.7	2,740.4	17,166.1	4,279.3	9,068.5	13,347.8	3,818.0	9,588.2	13,406.2	58.4	0.4
Travel	1,064.8	2,784.2	3,849.0	317.5	4,166.5	851.6	3,711.6	4,563.2	946.4	3,598.9	4,545.3	-17.9	-0.4
Hospitality	52.4	141.7	194.1		194.1	32.0		32.0	61.0		61.0	29.0	90.6
Contractual services	1,722.1	1,346.1	3,068.2	327.9	3,396.1	2,770.8	1,616.1	4,386.9	2,677.7	2,011.1	4,688.8	301.9	6.9
Training	333.8	341.5	675.3		675.3	480.5	267.7	748.2	459.4	232.9	692.3	-55.9	-7.5
Counsel for Defence		3,323.1	3,323.1	521.6	3,844.7		1,950.8	1,950.8		3,117.4	3,117.4	1,166.6	59.8
Counsel for Victims		1,688.3	1,688.3	307.1	1,995.4		4,279.0	4,279.0		4,010.1	4,010.1	-268.9	-6.3
General operating expenses	5,227.1	5,365.1	10,592.2	336.2	10,928.4	6,059.3	6,500.6	12,559.9	12,637.0	4,670.4	17,307.4	4,747.5	37.8
Supplies and materials	627.7	360.1	987.8	10.5	998.3	756.3	340.9	1,097.2	765.4	283.5	1,048.9	-48.3	-4.4
Equipment including furniture	614.3	348.2	962.5	554.1	1,516.6	1,033.9	20.0	1,053.9	1,133.0	76.7	1,209.7	155.8	14.8
<i>Subtotal non-staff</i>	9,642.2	15,698.3	25,340.5	2,374.9	27,715.4	11,984.4	18,686.7	30,671.1	18,679.9	18,001.0	36,680.9	6,009.8	19.6
<b>Total</b>	<b>48,972.3</b>	<b>53,838.8</b>	<b>102,811.1</b>	<b>5,115.3</b>	<b>107,926.4</b>	<b>51,106.3</b>	<b>57,693.7</b>	<b>108,800.0</b>	<b>59,438.3</b>	<b>58,960.2</b>	<b>118,398.5</b>	<b>9,598.5</b>	<b>8.82</b>

## Annex VII

### Provisional Budget Independent Oversight Mechanism

#### Introduction

1. Should the Assembly resolve to add inspection and evaluation to the IOM's present mandate, the following is the minimum staffing complement which would be required in order to perform these tasks adequately.

#### Staff

##### *P-5 (Chief of IOM)*

2. Upon activation of additional mandates, it is necessary to have a Chief of the IOM with the capacity to provide supervision and oversight to Professional staff with both evaluation and investigative portfolios, as well as to organise the overall work programme of the IOM (evaluation planning and supervision, supervision of inspections and investigations, ad hoc requests, and all the administrative and financial activities of the Office). The Chief of the IOM would also be responsible for reporting to the Assembly on the work of the Office and personally undertaking particularly sensitive investigations which require enhanced expertise and/or confidentiality.

##### *P-4 (Senior Evaluations Specialist)*

3. The expansion of the mandate of the IOM to include inspection and evaluation would require that the Office be augmented by staff with professional qualifications and expertise in these areas. Additionally, as is the case with the Investigator, the compartmentalized nature of the Office's activities will necessitate that the evaluation professional act with significant independence. Additionally, as this individual is expected to function as a project manager for externally commissioned experts and high-level peer review panels on a case-by-case basis, the individual should be of sufficient seniority to function adequately in this role.

##### *P-2 (Associate Investigator)*

4. The primary responsibilities of the Associate Investigator would be to conduct internal investigations under the supervision of the Chief of the IOM. In addition, should there be periods where investigative duties were light, this post would support the activities of the Senior Evaluations Specialist with assistance in examination and research in relation to the Court's various offices and projects.

##### *GS-OL (Administrative/Investigative Assistant)*

5. The IOM has no administrative support staff. Once fully operational with a mandate of investigation, inspection and evaluation, it will be necessary for the Professional staff to be complemented by administrative support. Furthermore, a General-Service staff member with skills in investigation and/or evaluation would be able to provide substantive support in the Office's substantive work whilst also handling the general administrative requirements.

#### Non-staff

##### *Contractual services*

6. Additional contractual expenses to support outsourcing of individual programme evaluations as determined by the Assembly on a case-by-case basis

##### *Training*

7. Expenses to provide Professional staff of the Office with training to upgrade substantive skills in the area of programme evaluation. Prices for these courses range from €2500 to 5000 depending of the topic and the number of days (3 days is an average).

*Travel*

8. Expenses to provide for travel to field offices to undertake elements of programme evaluation, on an as-needs basis, when the programmes evaluated involved field operations.

**Table 1: Major Programme VII-5: Proposed budget for 2013**

7500 Independent Oversight Mechanism	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)			Resource growth 2013 vs 2012			
	Situation- Basic	Situation- related	Total	Cont. Fund	Total incl.CF	Situation- Basic	Situation- related	Total	Situation- Basic	Situation- related	Total	Amount	%
Professional staff	5.2		5.2		5.2	115.5		115.5	420.9		420.9	305.4	264.4
General Service staff													
<i>Subtotal staff</i>	5.2		5.2		5.2	115.5		115.5	420.9		420.9	305.4	264.4
General temporary assistance	91.7		91.7		91.7								
Temporary assistance for meetings													
Overtime													
Consultants													
<i>Subtotal other staff</i>	91.7		91.7		91.7								
Travel	4.3		4.3		4.3				4.7		4.7	4.7	
Hospitality													
Contractual services	17.8		17.8		17.8	40		40	60		60	20	50.0
Training									8.5		8.5	8.5	
General operating expenses													
Supplies and materials						10		10	10		10		
Equipment including furniture						20		20	20		20		
<i>Subtotal non-staff</i>	22.1		22.1		22.1	70		70	103.2		103.2	33.2	47.4
<b>Total</b>	<b>119</b>		<b>119</b>		<b>119</b>	<b>185.5</b>		<b>185.5</b>	<b>524.1</b>		<b>524.1</b>	<b>338.6</b>	<b>182.5</b>

**Table 2: Major Programme VII-5: Proposed staffing for 2013**

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>					1		1				2			2
New/ Converted	Basic						1					1	1	1	2
	Situation-related														
	<i>Subtotal</i>						1					1	1	1	2
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>	

## Annex VIII

### Re-organization of Major Programme VII-1

#### A. Events and context leading up to the re-organization

1. The External Auditor's report for 2009, contained in the financial statements for the period 1 January to 31 December 2009,<sup>1</sup> stated as Recommendation 1, in paragraph 26, 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."

2. The External Auditor's report for 2010, contained in the financial statements for the period 1 January to 31 December 2010,<sup>2</sup> stated as Recommendation 2, in paragraph 43, that there was a continued need for clear accountability structures to be established as soon as possible to ensure adequate project oversight, control and risk management. In Recommendation 3, in paragraph 46, the External Auditor noted that there still is 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.

3. In the 2010 report of the Office of Internal Audit, paragraph 15 found that the project's financial management framework and procurement processes lacked clear roles and responsibilities and that systems and controls were not fully developed. The financial framework needed to be clearly documented in order to clarify roles and responsibilities, identify resources required from Budget and Finance Section and Procurement, add transparency, and provide assurance to the Registrar and the ASP Project Director that the project had established adequate financial systems and controls that were consistent with the Financial Regulations and Rules, administrative procedures and ethical policies.

4. In their Peer Review Report of November 2010, the independent experts Ken Jeavons and Pierre Gilliot stated the following: "The unclear financial responsibilities in the project need to be clarified and made transparent. Information and data relating to State's contributions, Trust Fund, Special account, project allocations, i.e. Boxes 1-4, management of costs within project stages e.g. contingencies, "cushion", etc., is found in a variety of documents. There needs to be a comprehensive document that collates all this information, agreed by all three stakeholders, and this can then be used, especially by the Joint Oversight Committee, as the benchmark for assessing financial reports and making any necessary decisions." Furthermore, the implementation of a one-project approach will bring about significant benefits but firstly the budget will have to be clarified and agreed upon by all parties. Financial rules and regulations of the Court need to be respected and therefore the Registry will have the responsibility to sign off with the Project Director."

5. At its 15th session in June 2011, the Audit Committee noted the need for clear responsibilities for operations and financial control. The continued lack of clarity of who is the "financial controller" for the project was noted. The Committee members discussed the need for a mapping of the project's financial structures.

6. At its sixteenth session in April 2011, the Committee on Budget and Finance recommended that the issues of governance identified by the External and Internal auditors be addressed as quickly as possible to avoid any further delays.<sup>3</sup>

<sup>1</sup> ICC-ASP/9/13.

<sup>2</sup> ICC-ASP/10/12.

<sup>3</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.1, para. 91.

## **B. Need for re-organization of the team**

### **1. Widening the scope of the project**

7. The other costs related to the project but not directly related to the construction (known as “Box 4” costs) were identified only in 2011. These costs were estimated to be €42.2 million, in addition to the €190 million construction budget, of which €22.1 million belong to integrated user items (“3gv”), and €0.1 million to non-integrated user equipment and other costs (“2gv and other related costs”).

8. The Oversight Committee set as target to the Project Director to find savings throughout the project in order to absorb the “3gv” costs of €22.1 million into the €190 million construction budget.<sup>4</sup>

9. The Project Director also identified the need for a new work-stream, namely the transition project. This stream is aimed at preparing the Court for assuming its role at end-2015 as owner of a new building.

10. The above stated activities widened the scope of the project significantly, resulting in additional financial control activities and co-ordination of activities such as procurement for 2gv elements.

11. Having analysed the existing situation and within the realm of the revised governance structure, the new Project Director has subsequently identified a need for a revised Project Team structure, with revised roles and responsibilities and more closely reflecting the true needs of the project

### **2. Change in responsibilities of Deputy Project Director**

12. As a consequence of widening the project scope and identifying a revised financial framework, the responsibilities of the Deputy Project Director have been extended significantly. As well as financial reporting on the €190 million construction budget, and financial controlling of the Project Director’s Office, in themselves two major programmes, a further major programme VII-2, Interest on the Host State Loan, and two further sub-programmes, ICC Staff and 2gv, have also been added to the Deputy Director’s responsibilities. Due to the challenging target of incorporating the 3gv into the construction budget, stringent pro-active financial control is a pre-requisite, as is now the requirement to forecast the project cost to completion for all aspects of the project, as well as the impact for States Parties of interest, loan repayments and Total Cost of Ownership figures.

13. Furthermore, the function now includes significant additional responsibilities in relation to co-ordination and follow-up on procurement and audit activities, both of which have to be overseen by the Project Director’s Office to ensure that the premises project’s goals are met.

## **C. Justification for re-classification**

14. The current position of Deputy Project Director at the P-4 level never underwent a work survey. Hence, the classification was done on the basis of the vacancy announcement.

15. As described in the section above, a need has been identified for stringent and proper financial control, in order to meet the project’s goals. Furthermore the procurement responsibilities within the project have been led and identified by the Project Director’s Office and need to be co-ordinated over the lifetime of the project.

16. In order to resolve the situation, the Project Director has investigated three possible options:

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<sup>4</sup> ICC-ASP/10/22, Executive summary and paragraph 42.

*Option 1:* remain with the current situation. This option is the high-risk option. Due to resource constraints, the aspect of financial control might not be addressed properly. The current situation is furthermore not sustainable for the remainder of the project (another 3 years). Just 1% budget overrun would already lead to a €2 million extra cost to the Court and in turn to States Parties.

*Option 2:* to recruit a half-time P-3 Financial Officer. This alternative solution would come at a significantly higher cost to the annual budget of the Court.

*Option 3:* to recognise the additional functions within the current position of Deputy Project Director and to re-classify the position accordingly. The position of Deputy Project Director and Financial Controller at the P-5 level is a position that will remain for only a limited time, namely until completion of the permanent premises project, envisioned for the end of 2015. It is therefore not a position with a long-term career perspective and the post will be abolished (as will the remainder of the Project Director's Office) at the conclusion of the Permanent Premises Project.

17. The Project Director has concluded that Option 3 - the re-classification of the position of Deputy Project Director from a P-4 to a P-5 level - is the best option, on the basis that it exposes the Court to the least amount of operational risk.

18. The re-classification does not lead to a long-term financial impact on the Court's budget. The financial difference between a P-4 and P-5 position is minimal, hence has no negative repercussion on the budget. A cost-neutral approach is proposed for the budget years 2013, 2014 and 2015.

## **D. Conclusion**

19. Based on the above, the Project Director has requested the Chief of the Human Resources Section to initiate the evaluation for the classification process of the position of Deputy Project Director, established at a P-4 level, so as to include the duties of Financial Controller.

20. This request for re-classification has currently not been actioned by the Court and has not been included in the proposed budget of MPVII.1, in light of the recommendation of the Committee that the Court freeze the number of permanent posts at its approved 2010 level until a comprehensive re-justification of all posts had been conducted;<sup>5</sup> as well as of the fact that the Court has been working on the finalization of its reclassification policy considering the recommendations made by the Committee at its eighteenth session. This re-classification is being considered separately via the Oversight Committee, and after confirmation by the classifier, it can be implemented in a budget neutral basis in 2013 should it be agreed by the Assembly.

<sup>5</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.1, para. 56.

## Annex IX

### Proposed budget for 2013 for the African Union Liaison Office (AULO)

In line with resolution ICC-ASP/9/Res.4, IX, of the Assembly of States Parties,<sup>1</sup> no resources have been allocated to the African Union Liaison Office in the 2013 Programme Budget. In the event that the African Union should agree to the Court's request to open a Liaison Office in Addis Ababa, the Court will notify the Committee of the need for access to the Contingency Fund up to the amount in the Court's proposed budget for 2013 of €436,700 for the purpose of proceeding with the establishment of the said Liaison Office.

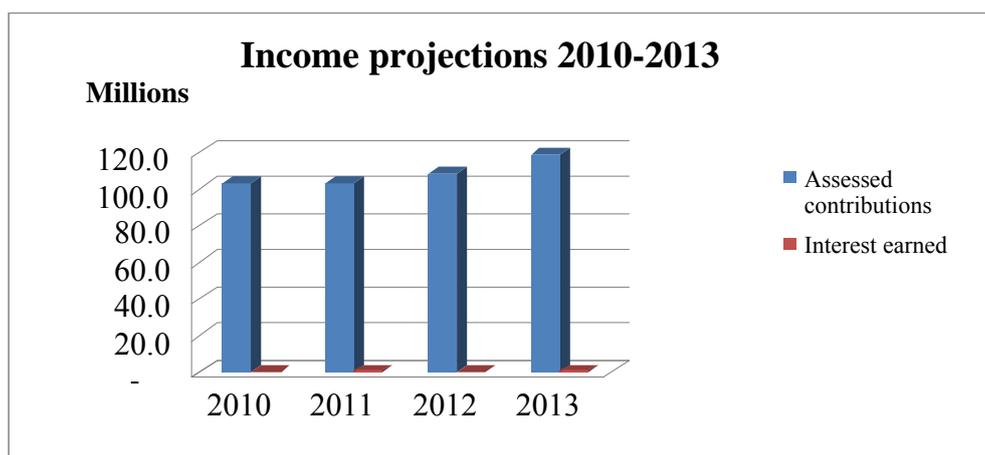
1320 African Union Liaison Office	Expenditure 2011 (thousands of euro)			Approved Budget 2012 (thousands of euro)			Proposed Budget 2013 (thousands of euro)		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
<i>Judges</i>									
Professional staff							169.1		169.1
General Service staff							63.2		63.2
<i>Subtotal staff</i>							<i>232.3</i>		<i>232.3</i>
General temporary assistance							70.3		70.3
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>							<i>69.9</i>		<i>69.9</i>
Travel							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>							<i>134.1</i>		<i>134.1</i>
<b>Total</b>							<b>436.7</b>		<b>436.7</b>

<sup>1</sup> Ibid., vol. I, part III, ICC-ASP/9/Res.4.

## Annex X

### Income projections 2010-2013 (millions of euros)

<i>Description</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Assessed contributions	103.6	103.6	108.8	118.8
Interest earned	0.3	0.4	0.3	0.4
<b>Total</b>	<b>103.9</b>	<b>104.0</b>	<b>109.1</b>	<b>119.2</b>



## Annex XI

### 2013 estimated income statements

#### Least-Developed Countries Trust Fund

<i>Item</i>	<i>Euros</i>
<b>Estimated income 2013</b>	
Donor contributions	60,000
<i>Subtotal income</i>	<i>60,000</i>
<b>Estimated expenditure 2013</b>	
Travel	52,200
Administration costs	7,800
<i>Subtotal expenditure</i>	<i>60,000</i>
<b>Net income 2013</b>	<b>0</b>

## 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 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.
  - (c) Sub-programme 3140: Security and Safety Section
    - (i) Operational function: responsible for the Court's physical security.
    - (ii) Advice function: general safety advice.
  - (d) 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.
  - (e) 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.
- 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.
- 5. Programme 3700: Independent Offices and Special projects
  - (a) Sub-programme 3540: 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.
  - (b) Sub-programme 3750: 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.
  - (c) Sub-programme 3760: 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.
  - (d) Sub-programme 3570: 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.
- 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 Proposed 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.
Extra budgetary 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	A budget process in which: <ol 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> </ol>

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 Proposed by the appropriate authority within the budgetary provisions therefore.
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	Proposed 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 eighteenth session, April 2012\*

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\* Previously issued as ICC-ASP/11//5.

## **I. Introduction**

### **A. Opening of the session and adoption of the agenda**

1. The eighteenth 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 23 to 27 April 2012. The President of the Court, Mr. Sang-Hyun Song, delivered welcoming remarks at the opening of the session.

2. For the eighteenth session, the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at the 9<sup>th</sup> plenary meeting of its tenth session on 21 December 2011.

#### **Election of officers**

3. For the eighteenth session, the Committee elected Mr. Gilles Finkelstein (France) as Chairperson, and elected Mr. David Banyanka (Burundi) 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 of the outstanding contribution of the former Chairperson, Mr. Santiago Wins (Uruguay), and Vice-Chairperson, Mr. Juhani Lemmik (Estonia). The Committee also expressed its appreciation of the work of former members Mr. Masud Husain (Canada) and Ms. Rossette Nyirinkindi Katungye (Uganda). In accordance with rule 13, the Committee appointed Mr. Hugh Adsett (Canada) as Rapporteur.

4. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and the Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as the Secretary of the Committee.

5. At its 1st meeting, the Committee adopted the following agenda (CBF/18/1):

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Participation of observers
5. Organization of work
6. Review of financial issues
7. Audit matters
8. Budgetary matters
9. Administrative matters
10. Human resources
11. Legal aid
12. Premises of the Court
13. Other matters

6. The following members attended the eighteenth session of the Committee:

1. Hugh Adsett (Canada)
2. David Banyanka (Burundi)
3. Carolina María Fernández Opazo (Mexico)
4. Gilles Finkelstein (France)
5. Fawzi A. Gharaibeh (Jordan)
6. Samuel P.O. Itam (Sierra Leone)

7. Juhani Lemmik (Estonia)
8. Mónica Soledad Sánchez Izquierdo (Ecuador)
9. Gerd Saupe (Germany)
10. Ugo Sessi (Italy)
11. Elena Sopková (Slovakia)
12. Masatoshi Sugiura (Japan)

7. The following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry.

8. On 26 April 2012, the Committee heard presentations by the Coordinator of The Hague Working Group, Ambassador Markus Börlin (Switzerland) and the Chair of the Study Group on Governance, Ambassador Pieter de Savornin Lohman (Netherlands), respectively. In addition, the Committee heard a briefing on Cluster II (Budgetary process) of the Study Group on Governance by its focal point, Mr. Cary Scott-Kemmis (Australia).

## **B. Participation of observers**

9. The Committee accepted the request of the Coalition for the International Criminal Court to make a presentation to the Committee. In addition, Committee members met informally with representatives of the Staff Council.

## **II. Consideration of issues on the agenda of the Committee at its eighteenth session**

10. As a preliminary matter, the Committee expressed regret at the number of reports submitted to it very late. Late submission of reports had a particularly negative impact on the ability of the Committee to manage its workload. The Committee stressed the importance of the Court producing quality reports, and answers to questions, in a timely manner to allow their consideration by the Committee members prior to the session. For its next session, the Committee decided that it would not consider any reports submitted to it later than the deadlines set for their submission.

### **A. Review of financial issues**

#### **1. Status of contributions**

11. The Committee reviewed the status of contributions as at 31 March 2012 (annex I). The Committee noted that the outstanding contributions were of €1,495,000. In addition, the Committee noted that as at 31 March 2012, similar to 2011, only 47 per cent of the contributions due in 2012 had been paid, and expressed concern that only 37 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.

12. 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 observed that, as at 31 March 2012, eight States Parties were in arrears and would therefore not be able to vote, in accordance with article 112, paragraph 8. The Committee noted that the Secretariat had informed States Parties in arrears three times in 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. The Committee recommended that all States in arrears settle their accounts with the Court as soon as possible.

## 2. Cash holdings

13. The Committee was informed that, as at 15 February 2012, the Court held approximately €75.2 million. This included cash for the Working Capital Fund in the amount of €7.4 million and for the Contingency Fund in the amount of €8.7 million.

## 3. Investment of liquid funds

14. The Court updated the Committee on the status and management of its liquid funds. It explained that, in 2011, average monthly cash balances had amounted to €61.5 million with a yearly return of €0.7 million. The Court had concentrated its efforts on the preservation of investment principal, and secondarily on interest gains. To achieve risk diversification, it had spread investments among six banks in four European countries of high credit standing. However, the Committee noted that almost 70 per cent of total cash funds were concentrated in one single country.<sup>2</sup>

15. The Committee invited the Court to continue monitoring financial markets and to avoid and, where necessary, mitigate undue concentration of counterparty and country risk. Noting the relatively large yield differential of the placements at different banks, the Committee recommended that the Court consider guidelines for achieving satisfactory returns without prejudice to the first priority of safeguarding its funds, and determine which banks should be used taking into consideration its cash flow needs and the credit rating of such banks, especially in unstable financial market conditions, and report to the Committee at its twentieth session.

16. The Committee noted that the Office of Internal Audit had included the Court's treasury management in the 2012 audit plan, and looked forward to being informed by the Auditor of the outcome of the audit at its twentieth session.

## 4. Scale of assessment and replenishment of the Contingency Fund

17. The Committee noted that the reference chosen for replenishment of the Contingency Fund in 2012 was the scale of assessment as at 31 December 2011. The Committee noted that section E of resolution ICC-ASP/10/Res.4 did not specify which scale of assessment would be applicable for the replenishment. As replenishment of the Contingency Fund was forward-looking, the Committee recommended that the scale of assessment chosen for replenishment of the Contingency Fund in future years be not that of the budget year when the replenishment is approved by the Assembly but that of the corresponding budget year when the replenishment is apportioned among States Parties.

18. The Committee also noted that, in accordance with article 117 of the Rome Statute, the scale of assessment for the Court was based on the scale adopted by the United Nations for its regular budget and adjusted in accordance with the principles on which that scale was based. The Committee noted that there was a lack of clarity on the way in which the Court currently calculates the scale of assessment. The Committee thus recommended that the Court provide the Committee at its nineteenth session with the methodology it uses for establishing the scale. The Committee also recommended that the Assembly ask the Court to publish the scale of assessment that it applied and send that information to States Parties with their annual notification of assessment.

<sup>2</sup> The Court's funds are spread across six banks in four countries:

1. ABN AMRO, Netherlands: €26.4 million (35%)
  2. ING Bank, Netherlands: €12.0 million (16%)
  3. Rabobank, Netherlands: €13.8 million (18%)
  4. Deutsche Bank, Germany: €17.0 million (23%)
  5. BNP Paribas, France: €3.0 million (4%)
  6. HSBC, United Kingdom: €3.0 million (4%)
- Total: €75.2 million

## 5. Contingency Fund

19. The Committee noted that the initial balance of the Contingency Fund in 2010 was €9,168,567 and, after it was accessed in the same year for the amount of €412,000, the balance as at 1 January 2011 was €8,756,567.

20. During 2011, the Court submitted notifications to access the Contingency Fund in the amount of €8,544,384, of which €5,125,349 was considered as expenditure. Taking into consideration that the 2011 unaudited figures, which are subject to change, state a surplus of €1,326,756 after implementation of the approved regular budget for 2011, the actual drawdown on the Contingency Fund would be €3,798,593.

21. With regard to the replenishment of the Contingency Fund, the Committee noted that after the surplus was applied, the balance of the Contingency Fund as at 31 December 2011 would be €4,957,974 and that the €2.2 million approved at the tenth session of the Assembly would be sufficient to restore the fund to its €7 million minimum balance.<sup>3</sup>

22. The Committee took note of the report on the criteria for the utilization of the Contingency Fund and welcomed the development of a standard operating procedure setting out the steps necessary to access the Fund.

23. The Committee noted that it had already received three requests till the end of its April session to access the Contingency Fund, totaling €2,377,400.<sup>4</sup> The Committee emphasized the need for the Court to exercise the utmost care in requesting access to the Contingency Fund and to ensure access was requested only when absolutely necessary. The Contingency Fund should not be viewed as an alternative form of financing.

## 6. Audit matters

24. The Committee heard an oral presentation from the Director of the Office of Internal Audit (OIA). It was informed that, while management's receptiveness to audit recommendations had improved, it appeared there was still an implementation backlog. The Committee proposed that in future presentations the Director of the OIA should include information on management's response to the OIA's recommendations.

25. The Committee was presented with the OIA's three-year audit plan based on its risk register. The Committee suggested that the OIA explore the possibility of an evaluation study of legal aid.

## B. Budgetary matters

### 1. Programme performance of the 2011 budget

26. The Committee considered the Report on activities and programme performance of the International Criminal Court for the year 2011<sup>5</sup> and expressed appreciation of its format. The Committee took note of the intense activity of the Court in 2011 and observed with satisfaction that, for the first time, the budgetary assumptions had proved accurate.

<sup>3</sup> The Contingency Fund balance as at 31 December 2010	€9,168,567
Less: Amount accessed in 2010	€412,000
The Contingency Fund balance as at 1 January 2011	€8,756,567
Less: Expenditures (unaudited) during 2011	€5,125,349
Net balance	€3,631,218
Add: Surplus from 2011 approved regular budget	€1,326,756
Available balance as at 31 December 2011	€4,957,974
Add: Replenishment approved by the Assembly in its tenth session	€2,200,000
The Contingency Fund balance as at 31 December 2011 after replenishment	€7,157,974

<sup>4</sup> The Court provided supplementary budget notifications to access the Contingency Fund in 2012 to the Committee in the following instances:

(a) By letter dated 4 January 2012, the Registrar submitted a notification for the sum of €391,800 to cover the costs in the situation of Côte d'Ivoire;

(b) By letter dated 14 March 2012, the Registrar submitted a short supplementary budget notification for the sum of €417,800 to cover the costs of extension of mandates; and

(c) By letter dated 12 April 2012, the Registrar submitted a notification for the sum of €1,567,800 to cover the costs relating to the decision on the Confirmation of Charges in Kenya.

<sup>5</sup> ICC-ASP/11/8.

Thus, based on preliminary, unaudited numbers, the overall implementation rate had been 98.7 per cent, or a total of €102.28 million,<sup>6</sup> against an approved budget of €103.61 million. The Committee recognized that the Court's actual expenditures, taking together the regular budget and the total Contingency Fund application, was €107.4 million, representing an overspend of €3.8 million against the 2011 approved budget.

27. The Committee noted that there was significant overspending on general temporary assistance (GTA) and legal aid. The implementation rate for GTA was 135.6 per cent of the approved budget, representing an additional €3,183,000 (actual expenditure in 2011 was €12,134,000, against the approved budget of €8,950,000). The Committee was informed that the overspend was due to the increase in activities relating to judicial activities and to the Court's current accounting practice of booking against the GTA budget line the costs of engaging GTA staff to perform the functions of established posts that were vacant by reason of maternity leave, temporary separation, etc. In order to improve the transparency of budget implementation, the Committee recommended that resources spent on staffing permanent posts with GTA should be reported in a separate budget line.

28. The Committee noted that there was a significant risk that the budget estimates on legal aid would be exceeded. Extending the procedural deadlines in the Lubanga case and maintaining the defense team unchanged is likely to lead to a new Contingency Fund request by the end of the first half of 2012. The Committee therefore recommended that the Registrar provide a financial report to Chambers on the impact of upcoming decisions.

## **2. Organizational structure of the Court**

29. The Committee considered the report of the Court on its organizational structure. It recalled its recommendation that the Court undertake a thorough evaluation/review of its organizational structure with a view to streamlining functions, processes and corresponding structures, reducing spans of control where necessary, identifying responsibilities that could be delegated and rationalizing lines of reporting. Furthermore, the Committee had 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. The Committee took note of the report, but also noted that it did not specifically address the issues above. The Committee requested that the Court use internal resources to provide a response to the questions above for its nineteenth session.

## **3. Performance of the 2012 approved budget (first quarter)**

30. The Committee had before it the report on budget performance of the International Criminal Court as at 31 March 2012.<sup>7</sup> The Committee noted that the Assembly had approved a budget of €108,800,000 for the year 2012. The Committee observed that the implementation rate at the end of the first quarter of 2011 was 29.7 per cent, while at the end of the first quarter of 2012 it was already at 31.5 per cent (or €34.22 million). The Committee agreed to continue to monitor the situation at its nineteenth session.

## **4. Budget assumptions 2013**

31. The Committee heard an oral presentation on the provisional budget assumptions for 2013. The Court informed the Committee that it had extended the number of assumptions from 11 to 21. The Court indicated that the provisional major cost drivers for the 2013 proposed programme budget were staff costs, with an increase of about 6 per cent (€4 million); rent of the interim premises (€6 million); permanent premises (2gv) (€0.2 million); and delayed capital investment (about €1 million).

<sup>6</sup> Subject to final revision by the External Auditor.

<sup>7</sup> CBF/18/16.

## 5. Budget process

32. The Committee considered the report of the Court on its budgeting process.<sup>8</sup> The Committee recalled the recommendation it had made at its seventeenth session that the Court should reconsider its budgeting process to ensure that the fiscal context was well understood by all programmes and sub-programmes and that a real prioritization process was established. Against that background, the Committee was of the view that the Court's report did not address some of the key issues of concern, and, therefore, requested the Court to address the following issues and report to the Committee at its nineteenth session:

(a) How to compress the timeline of the budget process so that the assumptions for the following year's budget could be set later in the year and thus be based on a more accurate estimation of conditions determining the funding needs; and

(b) Whether and when the Court intended to phase in zero-based budgeting for all remaining sections of the Court.

33. The Committee observed that the Court's proposed 'scenario-based' approach to budgeting was no substitute for zero-based budgeting, but rather described additional requirements that might arise as a result of an increased level of judicial activity in the following fiscal year, thus giving rise to a supplementary budget. While the 'scenario-based' approach was a welcome initiative capable of increasing budget transparency and facilitating planning, it did not by itself have the potential to deliver budget savings. The Committee stressed that the budget process of individual sections must be based on comprehensive guidance, analysis from previous years and review by top-level management in order to enforce strong fiscal discipline and ensure that requests were subject to rigorous examination before being passed on for budget submission.

34. The Committee noted the connection between the subject matter of the report on the budgeting process and its recommendations on the re-justification of posts, the freeze on established posts and the report of the Court on its organizational structure.

## C. Administrative matters

### 1. Efficiency measures

35. The Committee considered the Seventh Status Report on the Court's progress regarding efficiency measures.<sup>9</sup> The Committee noted the efforts made by various parts of the Court to increase coordination and make more flexible use of the resources available to the Court. According to the Registrar, actual savings realized as a result in 2011 were valued at €2.9 million, of which €1.3 million was for the second half of 2011. The Committee underlined the importance for the Court of continuing to look for other sources of saving. The Committee drew attention to resolution ICC-ASP/10/Res.4, section H, paragraph 2, according to which any proposed increase of the budget for 2013 would need to be compensated by reductions elsewhere, in order to bring the budget into line with the level of the approved budget for 2012. Noting that the report on efficiency measures did not show the impact of these measures on the 2012 approved budget, the Committee recommended that the Court submit a report on efficiency measures showing the impact of these measures on the 2012 approved budget at its twentieth session.

### 2. Analytic accountability

36. The Committee considered the report of the Court on analytic accountability.<sup>10</sup> The Committee recalled the Court's previous discussions with the Committee and with the External Auditor on the Court's current inability to provide specific costs per trial. The Committee noted that the Court was still in the process of establishing the costs of individual trials and suggested the implementation of a gap analysis. The gap analysis could involve a review of the various costs of one trial, in order to determine what information

<sup>8</sup> ICC-ASP/11/11.

<sup>9</sup> ICC-ASP/11/9.

<sup>10</sup> CBF/18/13.

was readily available and what was not, and whether the latter was of significance. The Committee noted that ‘real time’ reporting was not required, but an ability to regularly obtain reports as required. The Committee also noted that some key cost drivers, such as the unit costs of defence counsel, translation, legal representation for victims, technical support and others were well established. The Committee requested the Court to provide a report at the Committee’s nineteenth session on its ability to establish analytical accountability, noting that the absence of such information made it more difficult to demonstrate that cost assumptions had been met.

### **3. International Public Sector Accounting Standards**

37. The Committee considered the Progress report of the Court on the implementation of International Public Sector Accounting Standards (IPSAS).<sup>11</sup> The Committee requested the Court to submit, in advance of the Committee’s nineteenth session, further explanation of the implications of each of the three main options for the transition to accrual accounting from the perspective of the budget. Since the Court referred to its current budget practice as “modified cash”, the Committee requested clarification on what elements of accruals were used in the current budget practice.

38. The Committee also noted a slight overspend in the first IPSAS budget year. The Committee recalled that the project should be within the approved budget of €1,917,550, and requested an updated budget at its nineteenth session.

39. The Committee took note of the report of the Court on proposed amendments to the Financial Regulations and Rules.<sup>12</sup> Pending a preliminary consideration of this matter by the Audit Committee and the External Auditor, the Committee deferred consideration of this matter to its twentieth session. Moreover, the Committee noted that due to the technical nature of the amendments, it might not be in a position to approve or disapprove the amendments. In that regard, the Committee requested the Court to provide a thorough overview of the implications of implementing IPSAS for external users of financial information at its nineteenth session.

### **4. Procurement**

40. The Committee considered the report of the Court on procurement.<sup>13</sup> While welcoming the establishment of a system to address conflicts of interest, the Committee noted that this step had been long overdue and requested further clarification on whether the conflict of interest system incorporated a requirement for a declaration of assets. The Committee requested that the Court place the Administrative Instructions relating to its anti-fraud and anti-retaliation policies on its website in order to ensure that the policy was widely known and easily accessible, and report to the Committee at its twentieth session.

## **D. Human resources**

41. The Committee had before it the reports of the Court on human resources management,<sup>14</sup> a new approach to classification of posts and a proposal for a retiree health insurance subsidy scheme. The Committee expressed concern about the status of the implementation of its recommendations and the continued imbalance in geographical representation in the Court. The latter was evidenced by the statistics on human resources submitted to the Committee (see annex II).

### **1. Recruitment**

42. The Committee noted the procedures available to increase the representation of non-represented or under-represented States and regions, and welcomed the efforts made by the Court to include qualified nationals from such States in recruitment shortlists. The

<sup>11</sup> ICC-ASP/11/3.

<sup>12</sup> ICC-ASP/11/4.

<sup>13</sup> CBF/18/5.

<sup>14</sup> ICC-ASP/11/7.

Committee stressed the need to raise awareness of available posts in non-represented or under-represented States and regions and to explore other possible ways while applying a uniform recruitment process, with a view to extending the benefits of wider geographical representation to the Court. In this regard, the Committee recommended that the Court describe, in the context of its human resources management report, the measures taken, the outcomes and proposals, and submit it at its twentieth session.

43. The Committee noted the progress made towards re-establishing the Selection Committee. It looked forward to receiving the terms of reference of the Selection Committee in advance of its twentieth session.

## 2. Policy on General Temporary Assistance

44. The Committee underscored its request, originally contained in paragraph 69 of the report on its fifteenth session and reiterated in paragraph 62 of the report on its sixteenth session, for a standard policy and written directives on the use of the General Temporary Assistant (GTA) in each organ and on the criteria applied in their recruitment.

45. The Committee drew particular attention to the scope and purpose of the Staff Rules of the Court, which state that: “Staff members of the Court holding a short-term appointment shall be governed by separate rules drawn up by the Registrar, with the agreement of the Presidency and the Prosecutor.”<sup>15</sup> The Committee recommended that the Court submit a draft proposal on the use of GTA and the rules for short-term staff at the twentieth session of the Committee.

46. The Committee noted the Court’s view that applying a common vacancy rate to GTA staff in each organ and with different terms might result in a shortfall of services. The Committee invited the Court to refine application of vacancy rates to each category of GTA in the context of its 2013 proposed programme budget.

## 3. Consultants

47. The Committee noted that the Court was finalizing a policy on the employment of consultants and individual contractors under the Special Services Agreement (SSA) including detailed criteria for the use of consultants and a template for evaluation of the services rendered. The Committee stressed that consultants and individual contractors should not be employed as substitutes and could not discharge the functions of established posts and GTA. The Committee recommended that the Court provide, in the context of its human resources management report for its twentieth session, information on the development of a new policy in that regard.

## 4. Managerial accountability

48. The Committee welcomed the list, drawn up by the Court, of priority policies to be developed and promulgated, and publication on the Court’s intranet of a Topical Index of Administrative Issuances relating to human resources management. The Committee recommended that the Court utilize its in-house capacity and publish the Index on the Internet with a view to enhancing transparency on its human resources management policy before the twentieth session of the Committee.

49. The Committee took note of the Court’s view on the review of the current performance appraisal system. The Committee recalled resolution ICC-ASP/10/Res.4 in which the Assembly called upon the Court “to review the appraisal system, including through a consideration of different options by which satisfactory performance is assessed.” The Committee recommended that the Court develop proposals to introduce a culture of personal accountability including rewards for good performance and sanctions for poor performance, and report to the Committee for consideration at its twenty-second session.

50. The Committee took note of the Court’s report on a new approach to classification of posts. The Committee reiterated its view that the reclassification of posts at the Professional level needed to be approved by the Assembly, at the Court’s request, and

<sup>15</sup> ICC-ASP/4/3, “Scope and purpose” (page 9 of the English version).

recommended that the Assembly continue to hold final approval authority in this regard for the time being, pending further experience with the application of criteria under the Court's new approach. The Committee stressed that reclassification should only be used for increased responsibility in relation to functions, not as a promotion tool or to justify increased workloads. The Committee noted that the development of clear criteria for evaluation of classification could enhance managerial accountability and that granting limited flexibility for reorganization to the Court within the approved numbers and grades of posts could result in budgetary control and increased efficiency of the Court. The Committee recommended that the Court review its proposal carefully and report to the Committee for consideration at its twenty-second session.

#### **5. Conditions of service in the field**

51. The Court informed the Committee that it had decided to harmonize the conditions of service for Professional staff serving at field duty stations with the United Nations common system and was working on the transitional arrangements for staff already on board. The Committee recalled that any proposals with budget implications must be explicitly approved by the Assembly, after consideration by the Committee. The Committee expressed its concern at repeated instances of non-compliance with the established budgetary procedures. The Committee recommended that the Court develop its policies on harmonization of the conditions of service and report to the Committee for consideration at its nineteenth session together with the possible reductions and increases in the 2013 proposed programme budget of the Court.

#### **6. Retiree health insurance subsidy scheme**

52. The Committee considered the Proposal by the Court for a retiree health insurance subsidy scheme.<sup>16</sup> The Committee thanked the Court for having included in its report, in response to requests by the Committee, the cost implications of a 50/50 subsidy and a comparison with United Nations system organizations.

53. Taking into account the fact that the first retiree to meet the ten-year continuous coverage criterion might appear in the near future and the Court's view that the cost for a 50 per cent subsidized scheme would be in the moderate and affordable range for the next 15 years and expected to level out after that, the Committee recommended that the Court refine the proposal, to include the longer-term financial implications and foreseeable risks in the increase of premiums, and report to the Committee for consideration at its nineteenth session.

#### **7. Junior Professional Officer programme**

54. The Committee took note of the information from the Court about its proposal to establish a Junior Professional Officer (JPO) programme and the cost of administering it, which, as is the custom in all United Nations system organizations, would be recovered from the sponsoring countries, as well as an overhead charge and other payments for each JPO. The proposed JPO programme was particularly timely and relevant in view of the discontinuation in 2012 of the EU's internship programme, which had provided over 200 interns a year as an additional human resource for the Court. In that regard, the Committee invited the Court to provide a transparent policy applied inside the Court and to present confirmation that the financial policy of other international organisations would be applied in full to this programme, for final consideration by the Committee during its nineteenth session.

### **E. Legal aid**

55. The Committee heard a presentation by the Registrar on the efforts undertaken to review the legal aid system, pursuant to the terms of resolution ICC-ASP/10/Res.4, section J. The Court had submitted a proposal, which had formed the basis of discussions in

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<sup>16</sup> CBF/18/9.

The Hague Working Group and had led to the adoption by the Bureau of a decision on legal aid on 23 March 2012. The Committee noted that the Bureau decision on legal aid contained two categories of reforms: those to be implemented as of 1 April 2012, and those measures that had been deferred to the eleventh session of the Assembly. The Committee was informed that it remained to be seen whether the measures adopted would achieve the expected tentative savings of €1.5 million, quantified during the tenth session of the Assembly.<sup>17</sup>

56. The Committee noted the recent changes to the legal aid system undertaken by the Bureau and the Registrar. That represented the first phase of the review of legal aid requested by the Assembly at its tenth session.<sup>18</sup> The objective of the requested reforms was to find a balance between the need for the Court to exercise good management of its resources, and the need to ensure respect for due process and the rights of indigent accused to legal representation. The Committee recommended that the Court examine other aspects of the legal aid system, for example the test for determining the indigence of accused, and the question of the method of representation of the accused during the reparations phase, and report to the Committee at its nineteenth session.

57. The Committee noted that a strengthening of the role of the Office of Public Counsel for Victims could lead to an overall reduction of costs, if sufficient resources were provided. The Committee recalled that rule 90 of the Rules of Procedure and Evidence provided that “a victim or group of victims who lack the necessary means to pay for a common legal representative chosen by the Court may receive assistance from the Registry including, as appropriate, financial assistance.” The Committee observed that this also provided a possible source of savings, while ensuring appropriate representation for victims.

58. The Committee noted that the prolongation of the Lubanga trial had led to increased legal aid costs. For the defence, the actual costs for 2012 rose to €126,203, notably because the Chamber remained seized of the matter, and, in its decision 2800, the pre-trial Chamber had decided that the defence should retain the same team.

59. During its sixteenth session, the Committee had noted its concern at the lack of information on the cost consequences of judicial decisions. The Committee recommended that, in order to increase transparency, the Registrar provide the Chambers with an indication of the financial impact of matters before it, preferably before decisions were taken. The Committee also recommended that the President inform Chambers of the need to appropriately consider the question of costs during their deliberations, taking into account the independence of the judges. The Committee renewed its recommendation that the Registrar prepare a report to the Committee and the Assembly, in the context of preparing the 2013 proposed programme budget, on all judicial decisions taken in 2010, 2011 and from January - August 2012 having a significant impact on the budget, taking into account the need, as appropriate, to protect confidentiality.

## **F. Premises of the Court**

### **1. Interim premises**

60. The Committee received an update from the Court on the status of the interim premises. The Committee noted that a significant cost, around €6 million,<sup>19</sup> would need to be covered in future budgets for the payment of rent for the interim premises until such time as the Court moved into its permanent premises.

<sup>17</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Tenth session, New York, 12-21 December 2011* (ICC-ASP/10/20), part III, ICC-ASP/10/Res.4, section J. (reference was made to the Registry’s discussion paper on the review of the ICC legal aid system (ASP10/01P13 and Add.1).

<sup>18</sup> *Ibid.*

<sup>19</sup> The host State had agreed to extend payment of the rent for the Haagse Arc and the Court’s additional interim premises from 1 July 2012 until 31 December 2012. A renewal of the lease agreement for the Haagse Arc will be signed for duration of 45 months, starting 1 July 2012 and ending on 31 March 2016.

## **2. Office space for translation teams**

61. 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.

## **3. Permanent premises**

62. The Committee had before it the Interim report on the activities of the Oversight Committee<sup>20</sup> and heard presentations by its Chairperson, Mr. Roberto Bellelli (Italy), the Project Director for the Permanent Premises project and a project consultant. They briefed the Committee on the activities of the Oversight Committee, the activities of the Project Director's Office and the total cost of ownership, respectively.

63. The Oversight Committee sought the advice of the Committee on how to approach the funding costs of the total cost of ownership. The Chairman of the Oversight Committee and the Project Director explained that the annual total cost of ownership – estimated at €14.2 million in 2016 – comprised: (i) the financial costs (interest on and repayment of the host State loan); (ii) the operating costs (maintenance, energy, utilities, insurance, taxes); and (iii) the funding costs. These funding costs resulted from investments needed for the replacement of materials and to prevent functional ageing of the building. With a share of 44 per cent, the funding costs represented a significant part of the total cost of ownership. With completion of the project expected in 2015, the 2016 financial year would be the first to be impacted by these costs. However, the issue should be addressed in a timely manner.

64. Given the size of the funding costs, the Oversight Committee suggested that the Assembly should consider a strategic decision on how to handle these costs, i.e. either through an annual approach or a lifetime approach.

65. Under the annual approach, the cash requirements would be estimated and budgeted each year. However, annual approval entailed a higher risk of not managing the premises properly and therefore causing a decrease in asset value. Alternatively, under the lifetime approach, the cash required over the lifetime of the premises (e.g. 50 years) would be estimated. Based on this estimate, an investment fund would be created with sufficient resources to finance capital replacements at the time they occurred. This would entail higher initial costs to create the fund, but would facilitate more comprehensive planning for proper maintenance.

66. The Committee shared the concern of the Oversight Committee that the financial arrangements should allow for the proper maintenance of the premises and the preservation of asset value.

67. To prepare a proposal for consideration by the Assembly, however, the Committee invited the Oversight Committee, in cooperation with the Project Director, to flesh out its present qualitative analysis with quantitative assumptions, options and scenarios, including risk assessments and illustrations of the costs.

68. The Committee welcomed the statement of the chairperson of the Oversight Committee concerning the ongoing efforts to keep the project within the limits of the approved budget.

## **G. Other matters**

### **1. Trust Fund for Victims**

69. The Committee considered the Report of the Secretariat of the Trust Fund for Victims on the usage of programme support costs<sup>21</sup> and heard a presentation by the Executive Director of the Secretariat of the Trust Fund for Victims.

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<sup>20</sup> ICC-ASP/11/8.

<sup>21</sup> CBF/18/14.

70. The Committee recognized the importance of victims and the Trust Fund for Victims in the Rome Statute and took note of the possibility for private donors to contribute to the Trust Fund. The Committee also noted the Executive Director's concern that the present level of contributions could not safely be assumed to be maintained. The Committee was informed that a number of key donors would be in a position to continue contributions in 2012, while others would not.

71. The Committee recalled that it had recommended at its seventeenth session 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.<sup>22</sup> Regarding the programme support costs, the Executive Director expressed the view that setting aside a part of voluntary contributions to cover the operational cost of the Trust Fund Secretariat could have a disproportionate negative effect on the availability of funding for the actual benefit of victims. The Committee also noted that the Trust Fund's Board of Directors, aware of the pressure on the regular budget, had indicated that it would carefully monitor the Fund's institutional and financial development with a view to possible future consideration of applying a percentage of voluntary contributions to the operational cost. Furthermore, at its March 2012 meeting, the Board of Directors had indicated that the Secretariat of the Trust Fund for Victims operated as a financial mechanism and should therefore be considered by the Assembly as an administrative/management tool.

72. The Committee noted that the Board of Directors had allocated funds in the Trust Fund towards reparations. As regards the elaboration of the principles on reparations referred to in article 75 of the Rome Statute, the Committee was informed that the Court had decided not to develop Court-wide principles relating to reparations, but would proceed on a case-by-case basis. The Executive Director noted that, for reparations, it would engage not only with victims but with their communities, and that process would have to be managed in consultation with Chambers and together with the Registry.

## **2. Dates for the nineteenth session of the Committee**

73. The Committee decided to hold its nineteenth session in The Hague from 24 September to 3 October 2012.

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<sup>22</sup> *Official Records... Tenth session... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 132.

## Annex I

## Status of contributions as at 31 March 2012

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2012 Assessed Contributions</i>	<i>2012 Contributions Received</i>	<i>2012 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
1 Afghanistan	25.146	25.146	-	6.449	-	6.449	6.449
2 Albania	78.460	78.460	-	16.123	16.114	9	9
3 Andorra	79.425	79.425	-	11.286	-	11.286	11.286
4 Antigua and Barbuda	28.382	22.929	5.453	3.225	-	3.225	8.678
5 Argentina	6.834.471	6.834.471	-	462.732	-	462.732	462.732
6 Australia	21.271.213	21.271.213	-	3.116.592	3.116.592	-	-
7 Austria	10.591.420	10.591.420	-	1.372.074	1.372.074	-	-
8 Bangladesh	24.349	-	24.349	16.123	-	16.123	40.472
9 Barbados	108.250	108.250	-	12.898	-	12.898	12.898
10 Belgium	13.191.168	13.191.168	-	1.733.231	1.733.231	-	-
11 Belize	12.152	12.152	-	1.612	-	1.612	1.612
12 Benin	23.001	23.001	-	4.837	-	4.837	4.837
13 Bolivia (Plurinational State of)	89.458	89.458	-	11.286	-	11.286	11.286
14 Bosnia and Herzegovina	84.045	84.045	-	22.572	-	22.572	22.572
15 Botswana	171.794	171.794	-	29.022	-	29.022	29.022
16 Brazil	16.433.395	16.433.395	-	2.597.428	-	2.597.428	2.597.428
17 Bulgaria	281.833	281.833	-	61.268	61.268	-	-
18 Burkina Faso	25.045	20.619	4.426	4.837	-	4.837	9.263
19 Burundi	10.528	8.487	2.041	1.612	-	1.612	3.653
20 Cambodia	23.001	18.483	4.518	4.837	-	4.837	9.355
21 Canada	35.957.384	35.957.384	-	5.170.672	5.170.672	-	-
22 Cape Verde	-	-	-	1.611	-	1.611	1.611
23 Central African Republic	12.152	11.717	435	1.612	-	1.612	2.047
24 Chad	10.530	1.689	8.841	3.225	-	3.225	12.066
25 Chile	802.688	802.688	-	380.505	354.118	26.387	26.387
26 Colombia	1.640.848	1.640.848	-	232.172	227.340	4.832	4.832
27 Comoros	7.721	578	7.143	1.612	-	1.612	8.755
28 Congo	17.046	17.046	-	4.837	-	4.837	4.837
29 Cook Islands	4.843	3.309	1.534	1.612	-	1.612	3.146
30 Costa Rica	379.421	379.421	-	54.818	-	54.818	54.818
31 Croatia	692.317	692.317	-	156.394	-	156.394	156.394
32 Cyprus	516.704	516.704	-	74.166	74.166	-	-
33 Czech Republic	1.174.000	1.174.000	-	562.695	562.695	-	-
34 Democratic Republic of the Congo	37.073	37.073	-	4.837	468	4.369	4.369
35 Denmark	8.892.048	8.892.048	-	1.186.658	1.186.658	-	-
36 Djibouti	11.956	5.219	6.737	1.612	-	1.612	8.349
37 Dominica	12.152	9.340	2.812	1.612	-	1.612	4.424
38 Dominican Republic	310.404	181.210	129.194	67.717	-	67.717	196.911
39 Ecuador	307.938	307.938	-	64.492	-	64.492	64.492
40 Estonia	248.226	248.226	-	64.492	64.492	-	-
41 Fiji	44.227	43.028	1.199	6.449	-	6.449	7.648
42 Finland	6.707.708	6.707.708	-	912.566	912.566	-	-
43 France	75.022.145	75.022.145	-	9.872.161	9.872.161	-	-
44 Gabon	123.454	51.213	72.241	22.572	-	22.572	94.813
45 Gambia	12.152	12.152	-	1.612	-	1.612	1.612
46 Georgia	44.021	44.021	-	9.674	9.674	-	-
47 Germany	103.597.451	103.597.451	-	12.927.484	6.900.268	6.027.216	6.027.216
48 Ghana	55.376	55.376	-	9.674	-	9.674	9.674
49 Greece	7.230.587	6.206.795	1.023.792	1.114.105	-	1.114.105	2.137.897
50 Grenada	641	-	641	1.612	-	1.612	2.253
51 Guinea	23.916	20.926	2.990	3.225	-	3.225	6.215
52 Guyana	10.528	10.528	-	1.612	1.612	-	-
53 Honduras	69.828	40.670	29.158	12.898	-	12.898	42.056
54 Hungary	2.551.662	2.551.662	-	469.182	469.182	-	-
55 Iceland	450.270	450.270	-	67.717	67.717	-	-
56 Ireland	5.089.995	5.089.995	-	802.929	802.929	-	-
57 Italy	60.676.387	60.676.387	-	8.059.927	-	8.059.927	8.059.927
58 Japan	84.487.695	84.487.695	-	20.202.216	-	20.202.216	20.202.216
59 Jordan	145.418	145.418	-	22.572	-	22.572	22.572
60 Kenya	102.343	102.343	-	19.348	-	19.348	19.348

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2012 Assessed Contributions</i>	<i>2012 Contributions Received</i>	<i>2012 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
61 Latvia	263.067	263.067	-	61.268	61.268	-	-
62 Lesotho	12.152	12.150	2	1.612	-	1.612	1.614
63 Liberia	10.528	6.500	4.028	1.612	-	1.612	5.640
64 Liechtenstein	95.568	95.568	-	14.511	14.511	-	-
65 Lithuania	436.826	436.826	-	104.800	-	104.800	104.800
66 Luxembourg	1.012.518	1.012.518	-	145.108	145.108	-	-
67 Madagascar	13.657	11.076	2.581	4.837	-	4.837	7.418
68 Malawi	12.533	12.533	-	1.612	-	1.612	1.612
69 Maldives	128	-	128	1.612	-	1.612	1.740
70 Mali	23.001	20.440	2.561	4.837	-	4.837	7.398
71 Malta	190.146	190.146	-	27.409	-	27.409	27.409
72 Marshall Islands	12.152	8.418	3.734	1.612	-	1.612	5.346
73 Mauritius	133.665	133.665	-	17.735	17.735	-	-
74 Mexico	20.139.394	20.139.394	-	3.798.597	-	3.798.597	3.798.597
75 Mongolia	15.227	15.227	-	3.225	-	3.225	3.225
76 Montenegro	17.615	17.615	-	6.449	-	6.449	6.449
77 Namibia	79.678	79.678	-	12.898	12.898	-	-
78 Nauru	12.152	12.152	-	1.612	1.169	443	443
79 Netherlands	21.876.125	21.876.125	-	2.990.831	2.990.831	-	-
80 New Zealand	3.011.296	3.011.296	-	440.160	440.116	44	44
81 Niger	15.227	7.986	7.241	3.225	-	3.225	10.466
82 Nigeria	661.526	543.207	118.319	125.760	-	125.760	244.079
83 Norway	9.272.839	9.272.839	-	1.404.320	1.404.320	-	-
84 Panama	256.997	256.997	-	35.471	-	35.471	35.471
85 Paraguay	102.261	91.842	10.419	11.286	-	11.286	21.705
86 Peru	1.066.703	905.950	160.753	145.108	-	145.108	305.861
87 Philippines	23.064	23.064	-	145.108	-	145.108	145.108
88 Poland	6.845.205	6.845.205	-	1.334.991	1.334.991	-	-
89 Portugal	6.082.460	6.082.460	-	823.889	823.889	-	-
90 Republic of Korea	24.571.323	24.571.323	-	3.643.815	3.643.815	-	-
91 Republic of Moldova	3.075	-	3.075	3.225	-	3.225	6.300
92 Romania	1.131.697	1.131.697	-	285.378	127.382	157.996	157.996
93 Saint Kitts and Nevis	7.721	7.721	-	1.612	1.612	-	-
94 Saint Lucia	1.794	-	1.794	1.612	-	1.612	3.406
95 Saint Vincent and the Grenadines	11.956	11.956	-	1.612	-	1.612	1.612
96 Samoa	12.034	12.034	-	1.612	1.612	-	-
97 San Marino	35.836	35.836	-	4.837	4.837	-	-
98 Senegal	59.456	59.456	-	9.674	-	9.674	9.674
99 Serbia	295.621	295.621	-	59.655	59.655	-	-
100 Seychelles	3.588	3.588	-	3.225	-	3.225	3.225
101 Sierra Leone	12.152	9.338	2.814	1.612	-	1.612	4.426
102 Slovakia	947.242	947.242	-	228.948	228.948	-	-
103 Slovenia	1.121.679	1.121.679	-	166.068	-	166.068	166.068
104 South Africa	3.897.663	3.897.663	-	620.738	620.738	-	-
105 Spain	34.606.025	34.606.025	-	5.122.301	-	5.122.301	5.122.301
106 Suriname	10.995	10.995	-	4.837	4.837	-	-
107 Sweden	12.668.679	12.668.679	-	1.715.495	1.715.495	-	-
108 Switzerland	14.469.761	14.469.761	-	1.821.908	1.821.908	-	-
109 Tajikistan	15.227	15.227	-	3.225	3.225	-	-
110 The former Yugoslav Rep. of Macedonia	71.605	51.629	19.976	11.286	-	11.286	31.262
111 Timor-Leste	12.034	12.034	-	1.612	50	1.562	1.562
112 Trinidad and Tobago	353.187	353.187	-	70.942	70.942	-	-
113 Tunisia	15.376	-	15.376	48.369	-	48.369	63.745
114 Uganda	59.157	59.153	4	9.674	-	9.674	9.678
115 United Kingdom	77.814.612	77.814.612	-	10.647.681	2.661.978	7.985.703	7.985.703
116 United Republic of Tanzania	77.508	65.532	11.976	12.898	-	12.898	24.874
117 Uruguay	446.660	446.660	-	43.532	-	43.532	43.532
118 Vanuatu	-	-	-	1.478	-	1.478	1.478
119 Venezuela (Bolivarian Rep. of)	2.667.903	2.667.903	-	506.265	209.042	297.223	297.223
120 Zambia	25.682	13.450	12.232	6.449	-	6.449	18.681
<b>Total</b>	<b>713.988.744</b>	<b>712.284.227</b>	<b>1.704.517</b>	<b>108.800.000</b>	<b>51.398.909</b>	<b>57.401.091</b>	<b>59.105.608</b>

## Annex II

### Human resources tables

**Table 1: Geographical representation of ICC Professional staff**

Status as at 31 March 2012

Total number of professionals: 324\*

Total number of nationalities: 77

**Distribution per region:**

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>Africa</b>	Algeria	1
	Benin	1
	Burkina Faso	1
	Cameroon	1
	Côte d'Ivoire	2
	Democratic Republic of the Congo	2
	Egypt	4
	Gambia	2
	Ghana	2
	Guinea	1
	Kenya	3
	Lesotho	1
	Malawi	1
	Mali	2
	Mauritius	1
	Niger	3
	Nigeria	4
	Rwanda	1
	Senegal	3
	Sierra Leone	3
	South Africa	10
Togo	1	
Uganda	2	
United Republic of Tanzania	2	
Zimbabwe	1	
	<b>Total</b>	<b>55</b>
<b>Asia</b>	China	1
	Cyprus	1
	Iran (Islamic Republic of)	4
	Japan	4
	Jordan	1
	Lebanon	2
	Mongolia	1
	Palestinian Territory, Occupied	1
	Philippines	2
	Republic of Korea	1
	Singapore	2
Sri Lanka	1	
	<b>Total</b>	<b>21</b>

\* Excluding elected officials and 38 language staff.

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>Eastern Europe</b>	Albania	1
	Bosnia and Herzegovina	1
	Bulgaria	1
	Croatia	4
	Georgia	1
	Poland	1
	Romania	5
	Russian Federation	2
	Serbia	5
	The former Yugoslav Republic of Macedonia	1
	Ukraine	1
	<b>Total</b>	<b>23</b>
<b>GRULAC</b>	Argentina	5
	Brazil	1
	Chile	2
	Colombia	6
	Costa Rica	1
	Ecuador	2
	Mexico	2
	Peru	4
	Trinidad and Tobago	4
	Venezuela (Bolivarian Republic of)	2
	<b>Total</b>	<b>29</b>
<b>WEOG</b>	Australia	12
	Austria	3
	Belgium	11
	Canada	15
	Denmark	1
	Finland	3
	France	44
	Germany	14
	Greece	3
	Ireland	7
	Italy	10
	Netherlands	18
	New Zealand	4
	Portugal	3
	Spain	10
	Sweden	1
	Switzerland	1
	United Kingdom	27
United States of America	9	
	<b>Total</b>	<b>196</b>

**Table 2: Geographical representation of Professional staff**

Status as at 31 March 2012

**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
		United Kingdom	1
	<i>WEOG Total</i>	<i>6</i>	
	<b>D-1 Total</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	Russian Federation	1
		Serbia	1
	<i>Eastern Europe Total</i>	<i>2</i>	
	GRULAC	Argentina	1
		Ecuador	1
	<i>GRULAC Total</i>	<i>2</i>	
	WEOG	Australia	1
		Canada	1
		Finland	1
		France	3
		Germany	4
Ireland		1	
Italy		1	
Spain		2	
United Kingdom		1	
United States of America		2	
<i>WEOG Total</i>		<i>17</i>	
<b>P-5 Total</b>			<b>29</b>
<b>P-4</b>	Africa	Côte d'Ivoire	1
		Democratic Republic of the Congo	1
		Niger	1
		Nigeria	1
		Sierra Leone	1
		South Africa	1
	<i>Africa Total</i>	<i>6</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	3
		Belgium	1
Canada		2	
Denmark		1	
Finland		1	
France		6	
Germany		3	

\* Excluding elected officials and 38 language staff.

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Ireland	1
		Italy	2
		Netherlands	6
		Portugal	1
		Spain	1
		United Kingdom	9
		United States of America	1
		<i>WEOG Total</i>	<i>38</i>
		<b>P-4 Total</b>	<b>55</b>
<b>P-3</b>	Africa	Algeria	1
		Benin	1
		Burkina Faso	1
		Côte d'Ivoire	1
		Egypt	1
		Kenya	1
		Malawi	1
		Mali	1
		Niger	2
		Nigeria	2
		South Africa	6
		United Republic of Tanzania	1
		<i>Africa Total</i>	<i>19</i>
	Asia	Iran (Islamic Republic of)	1
		Lebanon	1
		Mongolia	1
		Palestinian Territory, Occupied	1
		Philippines	1
		Singapore	1
		<i>Asia Total</i>	<i>6</i>
	Eastern Europe	Albania	1
		Poland	1
		Serbia	1
		Ukraine	1
		<i>Eastern Europe Total</i>	<i>4</i>
	GRULAC	Argentina	1
		Chile	1
		Colombia	4
		Costa Rica	1
		Mexico	1
		Peru	1
		Trinidad and Tobago	1
		Venezuela (Bolivarian Republic of)	1
		<i>GRULAC Total</i>	<i>11</i>
	WEOG	Australia	5
		Austria	2
		Belgium	7
		Canada	5
		Finland	1
		France	14
		Germany	5
		Greece	1
		Ireland	4
		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>110</b>
<b>P-2</b>	Africa	Cameroon	1
		Democratic Republic of the Congo	1
		Egypt	3
		Gambia	1
		Ghana	2
		Kenya	1
		Rwanda	1
		Senegal	2

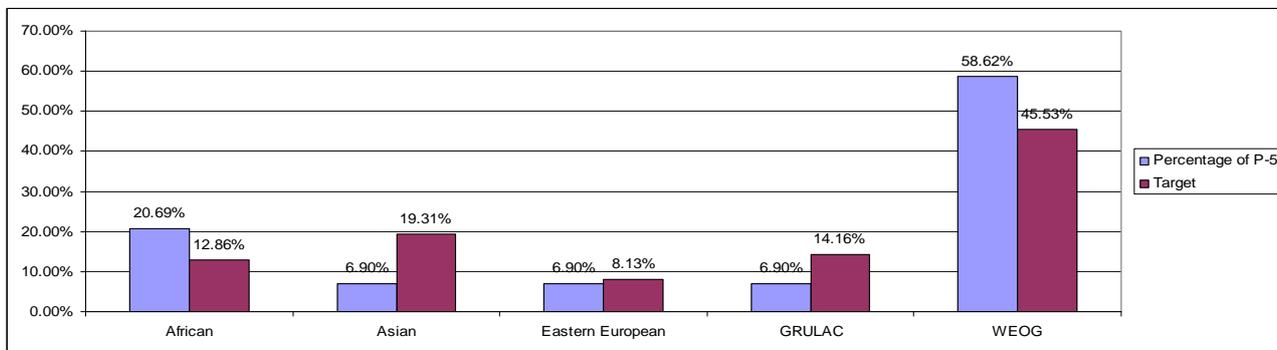
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Sierra Leone	2
		Togo	1
		Uganda	1
		United Republic of Tanzania	1
		Zimbabwe	1
		<i>Africa Total</i>	<i>18</i>
Asia		China	1
		Cyprus	1
		Iran (Islamic Republic of)	1
		Japan	3
		Lebanon	1
		Republic of Korea	1
		Sri Lanka	1
		<i>Asia Total</i>	<i>9</i>
Eastern Europe		Bulgaria	1
		Croatia	2
		Georgia	1
		Romania	3
		Serbia	3
		<i>Eastern Europe Total</i>	<i>10</i>
GRULAC		Argentina	3
		Brazil	1
		Colombia	1
		Mexico	1
		Peru	1
		<i>GRULAC Total</i>	<i>7</i>
WEOG		Australia	3
		Austria	1
		Canada	6
		France	16
		Germany	2
		Greece	2
		Italy	1
		Netherlands	7
		New Zealand	2
		Spain	3
		Sweden	1
		United Kingdom	8
		United States of America	2
		<i>WEOG Total</i>	<i>54</i>
		<b>P-2 Total</b>	<b>98</b>
<b>P-1</b>	Africa	Gambia	1
		Guinea	1
		Mauritius	1
		Nigeria	1
		Uganda	1
		<i>Africa Total</i>	<i>5</i>
Eastern Europe		Bosnia and Herzegovina	1
		Croatia	1
		Romania	1
		Russian Federation	1
		The former Yugoslav Republic of Macedonia	1
		<i>Eastern Europe Total</i>	<i>5</i>
GRULAC		Chile	1
		Peru	1
		Venezuela (Bolivarian Republic of)	1
		<i>GRULAC Total</i>	<i>3</i>
WEOG		Belgium	1
		Canada	1
		France	4
		Ireland	1
		Italy	1
		Netherlands	1
		Spain	1
		United Kingdom	1
		<i>WEOG Total</i>	<i>11</i>
		<b>P-1 Total</b>	<b>24</b>
		<b>Grand total</b>	<b>324</b>

**Percentage of staff per post, per region**

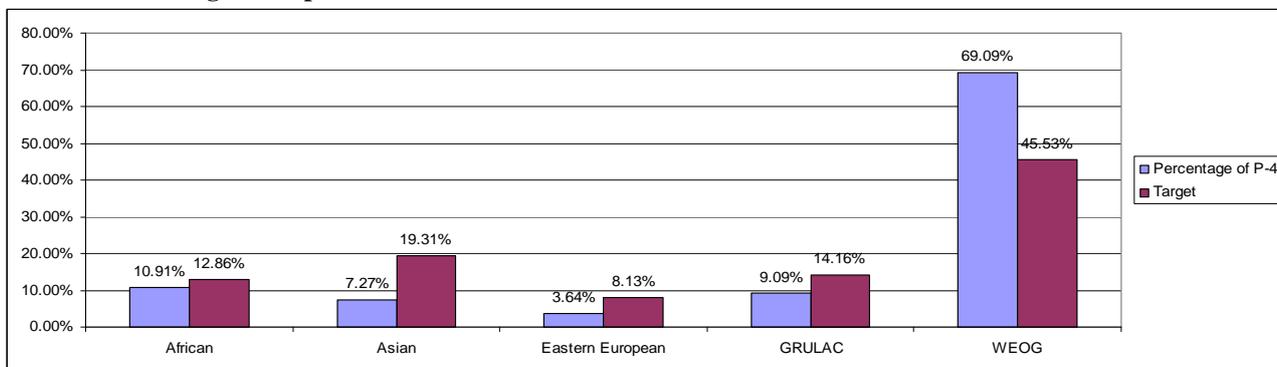
**Chart 1: Percentage – D-1 posts**

Due to the limited number of posts (eight), statistical and graphical representations could be misleading. Please refer to the exact numbers in table above.

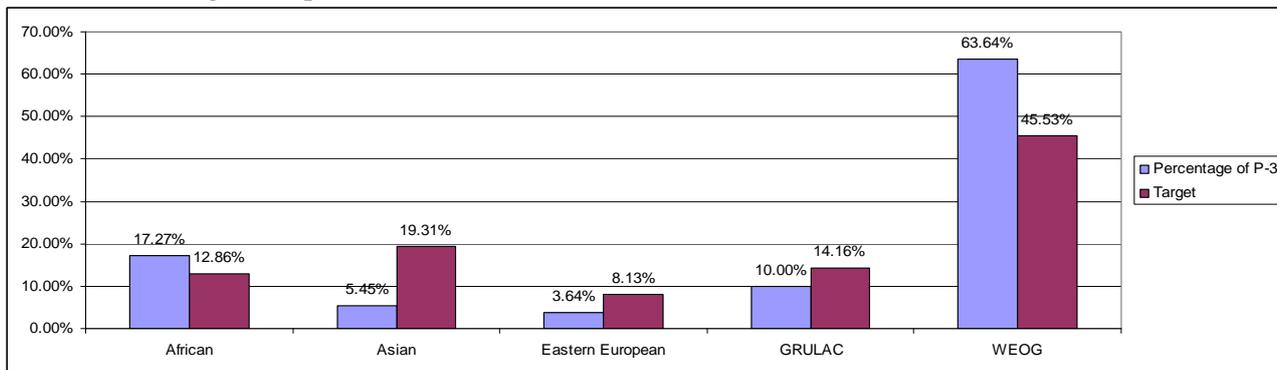
**Chart 2: Percentage – P-5 posts**



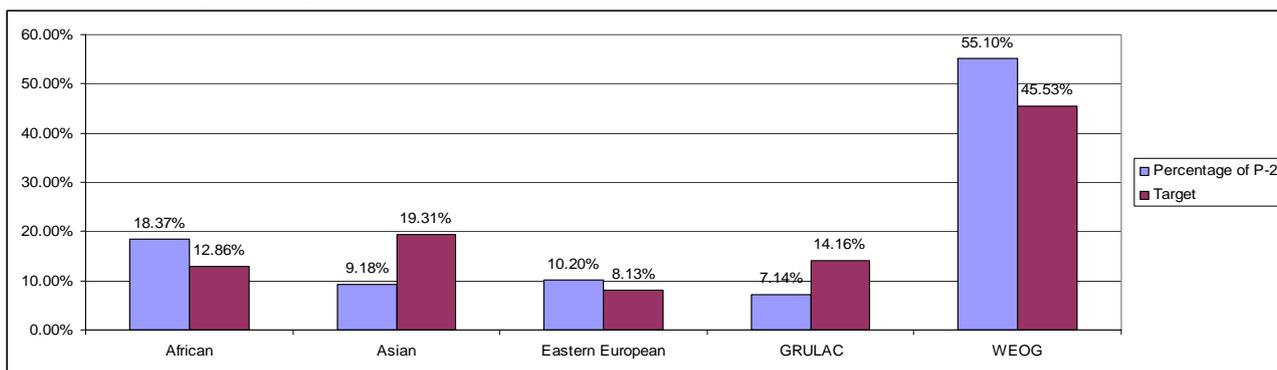
**Chart 3: Percentage – P-4 posts**

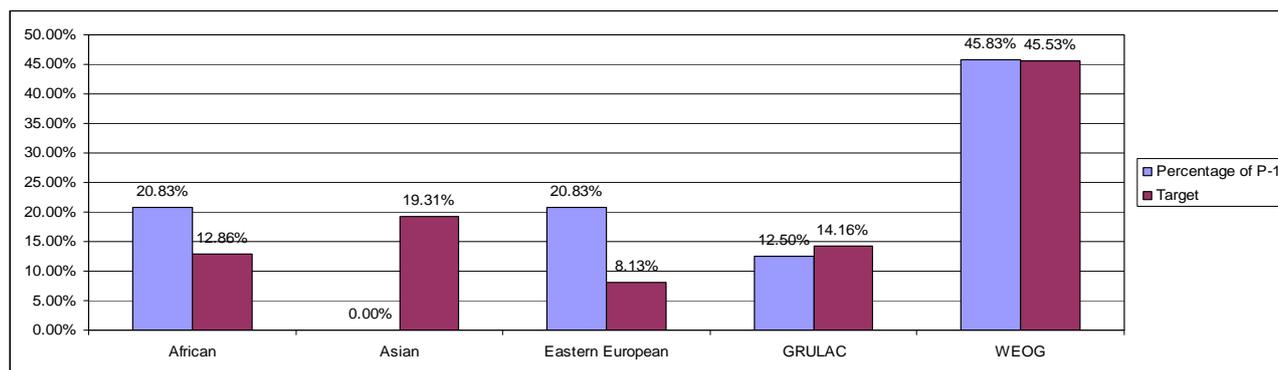


**Chart 4: Percentage – P-3 posts**



**Chart 5: Percentage – P-2 posts**



**Chart 6: Percentage – P-1 posts****Table 3: Geographical representation of Professional staff**

Status effective 31 March 2012

<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%	1.06 - 1.43	1.25	1
	Botswana	0.02667%	1.05 - 1.42	1.23	
	Burkina Faso	0.00445%	1.11 - 1.50	1.30	1
	Burundi	0.00148%	1.05 - 1.42	1.24	
	Cape Verde	0.00148%	1.00 - 1.35	1.17	
	Central African Republic	0.00148%	1.02 - 1.39	1.20	
	Chad	0.00296%	1.07 - 1.45	1.26	
	Comoros	0.00148%	1.00 - 1.35	1.17	
	Congo	0.00445%	1.02 - 1.39	1.20	
	Democratic Republic of the Congo	0.00445%	1.45 - 1.96	1.70	2
	Djibouti	0.00148%	1.00 - 1.35	1.18	
	Gabon	0.02075%	1.04 - 1.40	1.22	
	Gambia	0.00148%	1.01 - 1.36	1.18	2
	Ghana	0.00889%	1.17 - 1.58	1.37	2
	Guinea	0.00296%	1.06 - 1.44	1.25	1
	Kenya	0.01778%	1.29 - 1.75	1.52	3
	Lesotho	0.00148%	1.01 - 1.36	1.19	1
	Liberia	0.00148%	1.02 - 1.38	1.20	
	Madagascar	0.00445%	1.13 - 1.53	1.33	
	Malawi	0.00148%	1.10 - 1.49	1.29	1
	Mali	0.00445%	1.09 - 1.47	1.28	2
	Mauritius	0.01630%	1.03 - 1.39	1.21	1
	Namibia	0.01185%	1.03 - 1.39	1.21	
	Niger	0.00296%	1.10 - 1.49	1.30	3
	Nigeria	0.11558%	2.23 - 3.02	2.62	4
	Senegal	0.00889%	1.09 - 1.48	1.28	3
	Seychelles	0.00296%	1.00 - 1.35	1.17	
	Sierra Leone	0.00148%	1.03 - 1.40	1.22	3
	South Africa	0.57051%	2.26 - 3.06	2.66	10
	Tunisia	0.04446%	1.13 - 1.53	1.33	

\* Established Professional posts, excluding elected officials and language staff. 34 other Professional staff members are nationals of States not party to the Rome Statute.

<i>Region</i>	<i>Country</i>	<i>Assessment 2011</i>	<i>Desirable range</i>	<i>Midpoint</i>	<i>No. of staff*</i>
	Uganda	0.00889%	1.23 - 1.66	1.45	2
	United Republic of Tanzania	0.01185%	1.31 - 1.77	1.54	2
	Zambia	0.00593%	1.09 - 1.47	1.28	
<b>Asian</b>	Afghanistan	0.00593%	1.19 - 1.62	1.41	
	Bangladesh	0.01482%	2.11 - 2.85	2.48	
	Cambodia	0.00445%	1.10 - 1.49	1.29	
	Cook Islands	0.00148%	0.99 - 1.35	1.17	
	Cyprus	0.06817%	1.11 - 1.50	1.30	1
	Fiji	0.00593%	1.01 - 1.36	1.18	
	Japan	18.56766%	32.22 - 43.59	37.90	4
	Jordan	0.02075%	1.07 - 1.45	1.26	1
	Maldives	0.00445%	1.00 - 1.35	1.18	
	Marshall Islands	0.00148%	0.99 - 1.35	1.17	
	Mongolia	0.00296%	1.01 - 1.37	1.19	1
	Nauru	0.00148%	0.99 - 1.35	1.17	
	Philippines	0.13337%	1.83 - 2.48	2.15	2
	Republic of Korea	3.34900%	6.79 - 9.19	7.99	1
	Samoa	0.00148%	1.00 - 1.35	1.17	
	Tajikistan	0.00296%	1.04 - 1.41	1.23	
	Timor-Leste	0.00148%	1.00 - 1.36	1.18	
	Vanuatu	0.00136%	1.00 - 1.35	1.17	
<b>Eastern European</b>	Albania	0.01482%	1.04 - 1.40	1.22	1
	Bosnia and Herzegovina	0.02075%	1.05 - 1.42	1.24	1
	Bulgaria	0.05631%	1.13 - 1.53	1.33	1
	Croatia	0.14374%	1.26 - 1.70	1.48	4
	Czech Republic	0.51717%	1.91 - 2.58	2.24	
	Estonia	0.05927%	1.10 - 1.48	1.29	
	Georgia	0.00889%	1.03 - 1.40	1.22	1
	Hungary	0.43122%	1.76 - 2.39	2.07	
	Latvia	0.05631%	1.10 - 1.49	1.29	
	Lithuania	0.09632%	1.17 - 1.58	1.38	
	Montenegro	0.00593%	1.01 - 1.36	1.18	
	Poland	1.22698%	3.25 - 4.40	3.83	1
	Romania	0.26229%	1.56 - 2.11	1.84	5
	Republic of Moldova	0.00296%	1.02 - 1.38	1.20	
	Serbia	0.05483%	1.15 - 1.55	1.35	5
	Slovakia	0.21042%	1.37 - 1.86	1.61	
	Slovenia	0.15263%	1.25 - 1.70	1.48	
	The former Yugoslav Rep. of Macedonia	0.01037%	1.02 - 1.38	1.20	1
<b>GRULAC</b>	Antigua and Barbuda	0.00296%	1.00 - 1.35	1.17	
	Argentina	0.42529%	1.96 - 2.65	2.30	5
	Barbados	0.01185%	1.01 - 1.37	1.19	
	Belize	0.00148%	1.00 - 1.35	1.17	
	Bolivia (Plurinational State of)	0.01037%	1.08 - 1.45	1.26	
	Brazil	2.38727%	6.19 - 8.38	7.29	1
	Chile	0.34972%	1.68 - 2.27	1.97	2

<i>Region</i>	<i>Country</i>	<i>Assessment 2011</i>	<i>Desirable range</i>	<i>Midpoint</i>	<i>No. of staff*</i>
	Colombia	0.21339%	1.65 - 2.23	1.94	6
	Costa Rica	0.05038%	1.10 - 1.49	1.30	1
	Dominica	0.00148%	0.99 - 1.35	1.17	
	Dominican Republic	0.06224%	1.16 - 1.57	1.37	
	Ecuador	0.05927%	1.18 - 1.60	1.39	2
	Grenada	0.00148%	0.99 - 1.35	1.17	
	Guyana	0.00148%	1.00 - 1.35	1.18	
	Honduras	0.01185%	1.06 - 1.44	1.25	
	Mexico	3.49125%	7.44 - 10.06	8.75	2
	Panama	0.03260%	1.07 - 1.45	1.26	
	Paraguay	0.01037%	1.05 - 1.42	1.24	
	Peru	0.13337%	1.41 - 1.90	1.65	4
	Saint Kitts and Nevis	0.00148%	0.99 - 1.35	1.17	
	Saint Lucia	0.00148%	1.00 - 1.35	1.17	
	Saint Vincent and the Grenadines	0.00148%	0.99 - 1.35	1.17	
	Suriname	0.00445%	1.00 - 1.36	1.18	
	Trinidad and Tobago	0.06520%	1.11 - 1.50	1.30	4
	Uruguay	0.04001%	1.08 - 1.46	1.27	
	Venezuela (Bolivarian Republic of)	0.46530%	1.95 - 2.63	2.29	2
<b>WEOG</b>	Andorra	0.01037%	1.01 - 1.37	1.19	
	Australia	2.86443%	5.82 - 7.88	6.85	12
	Austria	1.26106%	3.11 - 4.21	3.66	3
	Belgium	1.59300%	3.67 - 4.96	4.32	11
	Canada	4.75231%	8.99 - 12.17	10.58	15
	Denmark	1.09065%	2.81 - 3.81	3.31	1
	Finland	0.83873%	2.40 - 3.25	2.82	3
	France	9.07341%	16.27 - 22.01	19.14	44
	Germany	11.88153%	20.98 - 28.38	24.68	14
	Greece	1.02396%	2.74 - 3.71	3.23	3
	Iceland	0.06224%	1.10 - 1.48	1.29	
	Ireland	0.73796%	2.23 - 3.02	2.62	7
	Italy	7.40780%	13.51 - 18.28	15.90	10
	Liechtenstein	0.01334%	1.01 - 1.37	1.19	
	Luxembourg	0.13337%	1.21 - 1.64	1.43	
	Malta	0.02519%	1.04 - 1.40	1.22	
	Netherlands	2.74884%	5.60 - 7.58	6.59	18
	New Zealand	0.40455%	1.68 - 2.28	1.98	4
	Norway	1.29070%	3.14 - 4.24	3.69	
	Portugal	0.75723%	2.30 - 3.11	2.71	3
	San Marino	0.00445%	1.00 - 1.35	1.18	
	Spain	4.70786%	9.00 - 12.17	10.58	10
	Sweden	1.57670%	3.63 - 4.92	4.27	1
	Switzerland	1.67450%	3.78 - 5.12	4.45	1
	United Kingdom	9.78618%	17.42 - 23.57	20.49	27
<b>Total</b>		<b>100.00%</b>		<b>350.00</b>	<b>290</b>

**Table 4: Gender balance of Professional staff by gender\***

Status as at 31 March 2012

**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	12	9	21
P-2	5	0	5

**Office of the Prosecutor**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
USG	0	1	1
ASG	1	0	1
D-1	0	2	2
P-5	3	7	10
P-4	9	16	25
P-3	15	28	43
P-2	26	16	42
P-1	12	6	18

**Registry**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG	1	0	1
D-1	1	3	4
P-5	7	9	16
P-4	19	16	35
P-3	23	37	60
P-2	33	25	58
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	0	1	1
P-4	1	1	2
P-3	1	0	1

**Secretariat of the Trust Fund for Victims**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-5	1	0	1
P-3	1	2	3

**Project Director's Office**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-4	1	0	1

**Grand total**

	<i>F</i>	<i>M</i>	<i>Grand Total</i>
	<b>179</b>	<b>187</b>	<b>366</b>

\* Including elected officials and language staff.

**Table 5: Staff count, actual**

As at 31 March 2012, the Court's staff count is as follows:

<i>Staff count</i>	
Established posts	702
Approved GTA	188
Interns	82
Visiting professionals	5
Consultants	44
Elected officials / judges	23
<b>Total</b>	<b>1,044</b>

**Table 6: Staff count, projected**

Based on the approved budget for 2012, on the current projection as at 31 March 2012 and on averages for interns, visiting professionals and consultants in previous years, the Court's headcount at the end of 2012 could be expected to be as follows:

<i>Staff count</i>	
Established posts	761
Approved GTA	209
Interns*	70
Visiting professionals	7
Consultants	35
Elected officials / judges	23
<b>Total</b>	<b>1,105</b>

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\* The number of interns fluctuates. It comprises EU-funded internships and unpaid internships.

**Table 7: Vacant posts - established posts**

Status as at 31 March 2012

Major Programme	Programme	Sub-Programme	Post Level	Post Title	Total	Comments		
MP I	Presidency	Presidency	P-5	Chef de Cabinet	1	Post vacated due to resignation.		
MP II	Investigation Division	Planning & Operations Section	GS-OL	Field Operations Coordinator	(1)*	Post re-deployed to Ivory Coast. Post to be advertised.		
			GS-OL	Field Operations Coordinator	1	Post planned to be redeployed. Post to be filled in 2013.		
			GS-OL	Field Operations Assistant	1	Post planned to be redeployed. Post to be filled in 2013.		
			GS-OL	Data Processing Assistant	1	To be filled in January 2013.		
			P-3	Investigator (FIU)	1	Post vacated due to resignation. Post to be advertised.		
			P-2	Associate Analyst	1	Post vacated due to resignation. Post to be advertised.		
	Prosecution Division	Prosecution Section	P-5	Senior Trial Lawyer	1	Post to be filled in January 2013.		
MP III	Office of the Registrar	Security and Safety Section	GS-OL	Security Lieutenant (Field)	1	No funding approved, following ASP decision on 2012 budget.		
			GS-OL	Local Security Assistant (Field)	1	No funding approved, following ASP decision on 2012 budget.		
			GS-OL	Administrative Assistant (Field)	1	Post to be re-deployed to Abidjan in 2012 after closure of Chad operations on 31 December 2011.		
			Field Operations Section	GS-OL	Senior Driver (Field)	1	Post to be re-deployed to Abidjan in 2012 after closure of Chad operations on 31 December 2011.	
		GS-OL		Driver (Field)	2	Post to be re-deployed to Abidjan in 2012 after closure of Chad operations on 31 December 2011.		
		P-3		Field Office Manager	1	Post vacated due to resignation. Pending streamlining of operations.		
		GS-OL		Field ICT Technician	1	Pending streamlining operations. Post planned to be redeployed to Ivory Coast. Post to be advertised and filled in 2012.		
			Information Technology and Communications Section	GS-OL	Travel Assistant	1	Post vacated due to internal movement. Post to be advertised.	
			Division of Court Services	Court Management Section	GS-PL	Senior Audio-Visual Assistant	1	Post blocked until further notice.
		Victims and Witnesses Unit		GS-OL	Field Protection/Operations Assistant	1	Post redeployed to CAR. Post to be advertised and filled in 2012.	
				GS-OL	Field Support Assistant	1	Post redeployed to CAR. Post planned to be re-profiled, advertised and filled in 2012.	
			Court Translation and Interpretation Section	P-3	Translator (English)	1	Post vacated due to internal movement. Post to be advertised.	
			Office of the Registrar	Public Information and Documentation Section	GS-PL	Field Senior Outreach Assistant	1	Pending streamlining of operations. Post planned to be re-deployed to Ivory Coast in 2013.
GS-OL	Field Outreach Assistant	1			Post re-deployed to Kenya. Post to be advertised and filled in 2012.			
GS-OL	Field Administrative Assistant	1			Pending streamlining of operations. Post planned to be re-deployed to Kenya in 2013.			
MP IV	Secretariat of the ASP	Secretariat of the ASP	P-2	Special Assistant to the Director	1	Post to be classified and advertised.		
<b>Grand Total:</b>					<b>25 (1)**</b>			

Note: 32 posts are under recruitment / recruitment completed (31) or advertised as of 31 March 2012. 1 ASG post under MP II is not currently under recruitment.

\* Post has been advertised as of 3 April 2012.

\*\* One post (Staff Council Officer) funding the Staff Council Representative will be no longer reported as vacant.

**Table 8: Staffing: approved versus filled posts (excluding elected officials)**

Status as at 31 March 2011

<i>Major Programme</i>	<i>Approved</i>	<i>Filled</i>	<i>Recruitment completed*</i>	<i>Under recruitment</i>	<i>Advertised not under recruitment</i>	<i>Vacant not advertised</i>	<i>% of established posts vacant</i>	<i>Vacancy rate (% of established posts)</i>
[1]	[2]	[3]	[4]	[5]	[6]	[7]	$[(2-3)/2] \times 100$	$[(AVG(3)-2)/2] \times 100$
<b>Judiciary</b>								
Major Programme I	48	47	0	0	0	1	2.08%	2.08%
<b>Office of the Prosecutor</b>								
Major Programme II	215	199	2	7	0	7	7.44%	7.44%
<b>Registry</b>								
Major Programme III**	477	439	1	19	1	17	7.97%	8.18%
<b>Secretariat of the ASP</b>								
Major Programme IV	9	7	0	1	0	1	22.22%	22.22%
<b>Secretariat of the TFV</b>								
Major Programme VI	7	7	0	0	0	0	0.00%	0.00%
<b>Project Director's Office</b>								
Major Programme VII.1	3	3	0	0	0	0	0.00%	0.00%
<b>Independent Oversight Mechanism</b>								
Major Programme VII.5	2	0	0	2	0	0	100.00%	100.00%
<b>Total ICC</b>	<b>761</b>	<b>702</b>	<b>3</b>	<b>29</b>	<b>1</b>	<b>26</b>	<b>7.75%</b>	<b>7.88%</b>

\* Recruitment completed indicates that the selected candidate has accepted the offer. Recruitment process has been finalized and the post is blocked until the arrival of the incumbent.

\*\* In MP-III, one post not vacant as such but funding a Staff Council Representative.

<b>Target recruitment</b>	<b>59</b>
<b>Under recruitment</b>	<b>32</b>
<b>Percentage of target</b>	<b>54.2%</b>

## Annex III

### List of documents

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CBF/18/1/Add.1	Annotated list of items included in the provisional agenda
CBF/18/2	Report on cash balances and investment of liquid funds
CBF/18/3	Progress report of the Court on the implementation of International Public Sector Accounting Standards
CBF/18/4	Report of the Court on proposed amendments to the Financial Regulations and Rules
CBF/18/5	Report of the Court on Procurement
CBF/18/6	Report of the Court on its organizational structure
CBF/18/7	Report of the Court on human resources management
CBF/18/8	Report of the Court on the criteria for the utilization of the Contingency Fund
CBF/18/9	Proposal by the Court for a retiree health insurance subsidy scheme
CBF/18/10	A new approach to classification of posts at the International Criminal Court
CBF/18/11	Report on activities and programme performance of the International Criminal Court for the year 2011
CBF/18/12	Seventh Status Report on the Court's progress regarding efficiency measures
CBF/18/13	Report of the Court on analytical accountability
CBF/18/14	Report of the Secretariat of the Trust Fund for Victims on the usage of programme support costs
CBF/18/15	Interim report on the activities of the Oversight Committee
CBF/18/16	Report on budget performance of the International Criminal Court as at 31 March 2012
CBF/18/16/Corr.1	Report on budget performance of the International Criminal Court as at 31 March 2012 - Corrigendum
CBF/18/17	Report of the Court on its budgeting process

## 2. Report of the Committee on Budget and Finance on the work of its nineteenth session, September 2012\*

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## I. Introduction

1. The Committee on Budget and Finance (“the Committee”) conducted its examination of the 2013 proposed programme budget on the basis of the general principle of budgetary integrity.
2. The Committee noted some improvements in the 2013 proposed programme budget document, such as better justifications and more refined assumptions. The Committee also noted a number of steps that had been taken by the Court to control costs, resulting in savings calculated in amount of €2.89 million.<sup>1</sup>
3. The Committee recalled that, for the 2012 budget year, the Assembly of States Parties (“the Assembly”) at its tenth session had approved appropriations totalling €111 million with €108.8 million for the budget and €2.2 million to replenish the Contingency Fund.
4. The Committee noted that, up until August 2012, it had received seven notifications from the International Criminal Court (“the Court”) for accessing the Contingency Fund, in amounts totalling €3.69 million.
5. The Committee also recalled resolution ICC-ASP/10/Res.4 in which the Assembly had requested the Court “to prepare, if it proposes any increase of the budget for 2013, a paper which details the Court’s options where reductions would be made in order to bring the level of the proposed budget for 2013 in line with the level of the approved budget for 2012, as well as how those reductions would impact on the Court’s activities.”<sup>2</sup>
6. The Committee had before it a paper entitled “Impact of measures to bring the level of the International Criminal Court’s budget for 2013 in line with the level of the approved budget for 2012,” dated 12 September 2012.<sup>3</sup> See annex III in this report.
7. The Committee noted that the 2013 proposed programme budget contained an increase of €9.6 million (8.8 per cent) over the 2012 approved budget, and that rent and associated costs for the interim premises constituted €6.02 million (5.5 per cent)<sup>4</sup> of the increase over the 2012 approved budget. The Committee noted that the issue of the rent for the interim premises cannot be estimated with full accuracy at this time. The Committee noted that, with the expiration of the rent-free period, additional resources would be required for a limited period of time until the Court’s moving to the permanent premises. The Committee was of the view that this justified the exemption of the said amount of about €6 million related to the interim premises when comparing the level of the 2013 proposed programme budget against the level of the 2012 approved budget.
8. After reviewing the 2013 proposed programme budget and the justifications provided, the Committee concluded that total additional savings could be achieved in the amount of €3.28 million including the interest on the loan for the permanent premises, and that, if approved, the adjusted 2013 proposed programme budget amount would thus be €115.12 million including the rent and the maintenance for the interim premises, or the adjusted 2013 proposed programme budget would thus be €109.22 million excluding the rent and its maintenance for the interim premises.
9. The Committee noted that a number of important policy issues were under study in The Hague Working Group of the Bureau that would potentially have a significant importance for the finances of the Court. These included: legal aid; governance; victims; and reparations. Decisions that might be taken on those matters had the potential to provide for additional efficiencies in future years.
10. The Committee also noted some events that, if they do occur, could have significant cost implications, including: possible trial preparation in the case of *The Prosecutor v. Laurent Gbagbo*, if charges are confirmed (€1.27 million); possible opening of an African

<sup>1</sup> CBF19/03P08.

<sup>2</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court*, tenth session, New York, 1-21 December 2011 (ICC-ASP/10/20), vol. I, part III, ICC-ASP/10/Res.4, section H.

<sup>3</sup> CBF19/03P04/Rev.1.

<sup>4</sup> ICC-ASP/11/10, para. 29, tables 5 and 6, Corr.1 and Corr.2.

Union Liaison Office (€436,700); or provision for the addition of inspection and evaluation functions to the current mandate of the Independent Oversight Mechanism (€212,300).

11. The Committee also noted the multi-year cost drivers (2014-16)<sup>5</sup> identified in table 7 of the 2013 proposed programme budget and drew the attention of the Assembly to several significant cost drivers, including capital investment replacements (estimated at €1.3, €1.6 and €0.65 million for 2014-16 respectively); premises related costs of €11.4, €23.5 and €14.5 million; and an estimated staff cost increases of roughly €3.4, €2.2 and €2.2 million per year over the same period.<sup>6</sup>

12. The Committee added an overall summary of its recommendations in annex V. The summary identifies three options, with varying cost and operational impacts, for the Assembly's consideration as it reviews the 2013 proposed programme budget. It was the Committee's hope that these additions to the report would provide useful input for the Assembly's consideration of these issues.

## A. Opening of the session and adoption of the agenda

13. The nineteenth session of the Committee was convened in accordance with the decision of the Assembly taken at the 9<sup>th</sup> plenary meeting, on 21 December 2011, of its tenth session, from 12 to 21 December 2011, and the further decision of the Committee on its dates, taken on 27 April 2012. The session, comprising 18 meetings, was held from 24 September to 3 October 2012. The President of the Court, Judge Sang-Hyun Song, delivered welcoming remarks at the opening of the session.

14. In accordance with Rule 13 of the Rules of Procedure of the Committee, the Committee appointed Mr. Hugh Adsett (Canada) as Rapporteur. The Secretariat of the Assembly of States Parties ("the Secretariat") provided the substantive servicing for the Committee, and the Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as the Secretary of the Committee.

15. The following members attended the nineteenth session of the Committee:

1. Hugh Adsett (Canada)
2. David Banyanka (Burundi)
3. Carolina María Fernández Opazo (Mexico)
4. Gilles Finkelstein (France)
5. Fawzi A. Gharaibeh (Jordan)
6. Samuel P.O. Itam (Sierra Leone)
7. Juhani Lemmik (Estonia)
8. Mónica Sánchez Izquierdo (Ecuador)
9. Gerd Saupe (Germany)
10. Ugo Sessi (Italy)
11. Elena Sopková (Slovakia)
12. Masatoshi Sugiura (Japan)

16. At its 1<sup>st</sup> meeting, the Committee adopted the following agenda (CBF/19/1):

1. Opening of the session
2. Adoption of the agenda
3. Participation of observers
4. Organization of work
5. States in arrears

<sup>5</sup> ICC-ASP/11/10, paras. 31-41, Corr.1 and Corr.2.

<sup>6</sup> Ibid., para. 30, table 7.

6. Financial matters:
  - (a) Scale of assessment and replenishment of the Contingency Fund;
  - (b) Financial performance data of the 2012 budget;
  - (c) Budget process;
  - (d) Analytic accountability;
  - (e) Consideration of the proposed programme budget for 2013;
  - (f) International Public Sector Accounting Standards; and
  - (g) Management of exchange rate risks of the Trust Fund for Victims.
7. Administrative matters:
  - (a) Conditions of service in the field;
  - (b) Retiree health insurance subsidy scheme; and
  - (c) Junior Professional Officer programme.
8. Audit matters:
  - (a) Audit reports
    - (i) Financial statements of the International Criminal Court for the period 1 January to 31 December 2011;
    - (ii) Financial statements for the Trust Fund for Victims for the period 1 January to 31 December 2011; and
    - (iii) Report of the Office of Internal Audit.
  - (b) Report of the Audit Committee.
9. Legal aid
10. Premises of the Court
11. Other matters

17. 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, the budget facilitator, Ambassador Håkan Emsgård (Sweden) and the focal point on legal aid, Ambassador Leon Marc (Slovenia) of The Hague Working Group of the Bureau of the Assembly, the Trust Fund for Victims and the Oversight Committee on Permanent Premises (“Oversight Committee”) made presentations to the Committee.

## **B. Participation of observers**

18. 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 nineteenth session

### A. Financial matters

#### 1. Scale of assessment and replenishment of the Contingency Fund

19. The Committee considered the report of the Court on the methodology utilized for establishing the scale of assessment for the contributions to be paid by States Parties for financing the regular budget, the related Working Capital Fund, and the replenishment of the Contingency Fund.<sup>7</sup> It took note of the relevant provision of the Rome Statute (article 117), and the related articles of the Financial Regulations and Rules. In essence, the Court's scale was based on the scale adopted by the United Nations for its regular budget, and adjusted through an ad hoc formula in order to take into account the differences in membership between the United Nations and the Court, including the fixing of a maximum assessment rate for the largest contributor.

20. As for the Contingency Fund, whose replenishment was based on the above mentioned principle, the Committee recalled the recommendation made at its eighteenth session "that the scale of assessment chosen for replenishment of the Contingency Fund in future years be not that of the budget year when the replenishment is approved by the Assembly, but that of the corresponding budget year when the replenishment is apportioned among States Parties."<sup>8</sup> While taking note of the Court's intention to approach the External Auditor in order to obtain an opinion on the issue of possible adjustments after the closing of the accounts of the corresponding budget year, as well as to the conformity of the proposed change with the principles established in the Financial Regulations and Rules, the Committee found no reasons for now to modify the above recommendation, taking into account the forward looking nature of the replenishment of the Contingency Fund and in the absence of new elements of information by the Court on this issue.

21. Finally, the Committee was informed that the current session of the United Nations General Assembly was expected to adopt the new scale of assessment for the triennium 2013-2015 but, judging from past experience, was unlikely to do so before the last week of December 2012, that is, well after the end of the eleventh session of the Assembly. In view of the above, the Committee recommended that, for 2013, the contributions to be paid by States Parties should be provisionally 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 with the principles on which the scale is based. The Committee further recommended that final assessments be based on the scale adopted by the United Nations General Assembly at its 67<sup>th</sup> session for its regular budget, applied for 2013, and adjusted in accordance with the principles on which that scale is based. Furthermore, any maximum assessment rate for the largest contributors applicable for the United Nations regular budget should apply to the Court's scale of assessment.

#### 2. Contingency Fund

22. The opening balance of the Contingency Fund on 1 January 2012 adjusted for replenishment of the Fund was €7.12 million.

23. Up until August 2012, the Court reported that it had made seven notifications to the Committee, detailed in table 1 below, that it would need to access the Contingency Fund in order to cover costs relating to various developments in the situations in Kenya, Côte d'Ivoire, Democratic Republic of the Congo, Libya and Central African Republic. The total notional cost of these unforeseen activities was €3.69 million.

<sup>7</sup> ICC-ASP/11/44.

<sup>8</sup> ICC-ASP/11/5, para. 17.

**Table 1: Requests to access the Contingency Fund – 2012**

<i>Number</i>	<i>Description of the request</i>	<i>Reference</i>	<i>Date</i>	<i>Amount</i>
1	Unavoidable costs in the situation of Côte d'Ivoire	2011/34/IA	04/01/2012	€391,800
2	Letter to CBF Chair to cover the costs of extension of judges' mandates	2012/09/IA	14/03/2012	€372,800
3	Letter to the CBF Chair to cover the costs related to the decision on the Confirmation of Charges in Kenya	2012/12/IA	12/04/2012	€1,567,800
4	Letter to the CBF Chair to cover expenses for the creation of a small field presence of the Registry in Côte d'Ivoire	2012/16/IA	14/05/2012	€361,200
5	Situation in Kenya: expenses for a limited number of legal support staff required to assist in the preparation of the two cases for trial during the remainder of the year	2012/20/IA	01/06/2012	€275,400
6	DRC: case of Messrs. Katanga and Ngudjolo Chui	2012/39/IA	14/08/2012	€115,200
7	Additional expenses not foreseen during the preparation of the budget 2012: situations in DRC, Libya, CAR and Côte d'Ivoire.	2012/40/IA	27/08/2012	€605,300
<b>Total amount of notifications</b>				<b>€3,689,500</b>

24. 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 identified and reported on the use of additional GTA resources in each major programme in order to provide a clearer understanding and tracking of these resources.

25. With respect to replenishment of the Contingency Fund, the Court estimated that its actual access to the Contingency Fund would be approximately €2.1 million in 2012. Such expenditure would bring the Contingency Fund below the €7 million replenishment threshold. However, it was unclear at the time of this session if the projected 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>9</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 October 2012.

26. On the basis of this requested report from the Court, the Assembly would be in a position to determine with reasonable accuracy the forecasted expenditure of the Contingency Fund and hence the amount required to replenish the Contingency Fund to the required minimum of €7 million.

27. Despite the fact that the Court's budget was based on assumptions foreseeable by its organs at the time of its preparation, the Court's judicial work continued to involve many unforeseen events, for example the opening of a new situation or new developments in existing cases.

28. The Committee recognized this element of unforeseeability in the Court's activities, but it was nonetheless concerned at the number of notifications by the Court for accessing the Contingency Fund, and at the fact that this might lead to weakening of financial discipline on the Court's part, and result in an imbalance between utilization of the approved budget and recourse to the Contingency Fund.

29. 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. In order to strengthen financial discipline and enhance transparency in the use of the Contingency Fund, the Committee recommended that the Court should, within 60 calendar days following the notification to access the Contingency Fund, send, through its Chair, a written report to the Committee providing an update on the use of the resources requested in the notification.

<sup>9</sup> Through the Committee pursuant to regulations 6.7 and 6.8 of the Financial Regulations and Rules.

30. Finally, the Committee decided that it might, in the future, return to this issue in order to consider possible amendments to the rules governing access to the Contingency Fund.

### 3. Working Capital Fund

31. The Committee noted the recommendation of the External Auditor that the Court should review its Working Capital Fund requirements and consider whether the current level of its Working Capital Fund remains sufficient. As stipulated in Regulation 6.2 of the Financial Regulations and Rules: “There shall be established a Working Capital Fund to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions.” The Working Capital Fund’s current level of €7.41 million was established in 2008 when the Court’s annual expenditure was €84.85 million.<sup>10</sup> With a level of budget of €111 million in 2012, the Working Capital Fund now represented less than one month of expenditure. For instance in July 2012, the Court had not received sufficient contributions to meet the following month’s disbursements.

32. The Committee was informed that the Court has never had to resort to the Working Capital Fund to date. Therefore, for 2013, the Committee recommended that the Assembly maintain the Working Capital Fund at its current level. However, it invited the Court to assess risks and, correspondingly, the current level of the Working Capital Fund, in light of increasing financing needs in future, associated with, for example, regular in-year payments for maintenance of the new premises, as well as the repayment of the host State loan. The Committee invited the Court to report back to the Committee at its twentieth session.

### 4. Budgetary process

33. The Committee considered the report submitted to it by the Court, entitled “Report of the Court on its budgetary process and zero-based budgeting.”<sup>11</sup>

34. Overall, the Committee took a favourable view of much of the content of the report. However, the Committee emphasized that the purpose of zero-based budgeting (ZBB) was not to replace the Court’s existing budgetary procedures, but rather to help to improve them, in particular in reducing inefficiency costs.

35. The Committee recalled that ZBB did not permit previous years’ performances or budgets to be used as a basis for preparation of the following year’s budget. Rather, under the ZBB method, the value of each activity is systematically re-examined.

36. The Committee requested the Court to continue with its study of the implementation of the ZBB process in certain carefully chosen sections of the Court. As a practical follow-up, the Committee invited the Court to consider a possible ZBB exercise for its public information, documentation and outreach activities. Public outreach, of course, was essential to raising awareness and promoting understanding of the Court’s mandate and work, primarily among the affected communities. However, the Committee recalled the suggestions it made at its seventeenth session in September 2011 that “[o]utreach 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. For example the Committee proposed to evaluate, how could outreach to affected communities be consolidated in a general victims unit, if the Court rely on other media sources to publicize information on trials and focus more on other activities.”<sup>12</sup>

37. As a first step, the Committee invited the Court to provide, for its twentieth session, a factual overview, together with a costing, of its current outreach and public information activities, broken down by type of activities, targets groups, contributing programmes and organs. The Committee also invited the Court to consider additional areas where it could undertake a ZBB exercise.

<sup>10</sup> *Official Records... Eighth session... 2009* (ICC-ASP/8/20), vol. II, part B.2, para. 11.

<sup>11</sup> ICC-ASP/11/45.

<sup>12</sup> *Official Records... Tenth session... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 11.

## 5. Analytic accountability

38. The Committee noted that the Court was still at the preliminary stage of implementation of analytic accountability within its various departments. The Court is planning, by the end of 2012, to have “limited” recourse to the services of an outside consultant, at a cost of €50,000, in order to create an initial tool.

39. The Committee requested the Court to make greater efforts to investigate the possibilities for implementing analytic accountability at the lowest possible cost to the Court, and to report back to it at its twentieth session.

## 6. International Public Sector Accounting Standards

40. The Committee took note of the report on International Public Sector Accounting Standards (IPSAS) that addressed the issues raised by the Committee in its eighteenth session concerning the implication of application of IPSAS on the Court’s budgeting regime and accounting policies. The Committee was informed about the progress of implementing the IPSAS project and agreed with the Court that at this stage, it was too early to commit to accruals based budgeting, which, as confirmed by the External Auditor, was not part of the necessary transformation to IPSAS, but rather remains a policy choice. However, the Committee also noted that there were transactions in the current budget, which were accruals based, such as employee benefits. The Committee asked for clarification of the impact of these transactions on the budget (e.g. the size of provisions that are made each year for these accrued liabilities). The Committee requested the Court, in order to enhance transparency, to present such provisions in an annex to the 2013 proposed programme budget and subsequent ones.

41. The Committee also requested to be informed at its twentieth session of the actual implementation of IPSAS against the schedule of the project, along with the utilization of budget resources.

## 7. Management of exchange rate risks of the Trust Fund for Victims

42. The Committee had before it the Court’s paper on the management of exchange rate risks of the Trust Fund for Victims (TFV).<sup>13</sup> Accordingly, the TFV had currently open currency positions in one of its regions of operation. This was because the TFV’s financing commitments to the local intermediaries were denominated in local currency whereas the TFV’s financial assets were mostly denominated in Euros. Consequently, if the Euro devalued against the local currency, as had happened in the recent past, the TFV had to use a higher amount in Euros than anticipated.

43. The representatives of the Court and the Secretariat of the TFV explained that the denomination of commitments in local currency was due to local currency regulations and a lack of affordable hedging facilities. It also took account of the limited capacity of small local intermediaries to manage multiple currency accounts, and it followed the practice of donor organizations such as United States Agency for International Development (USAID), United Nations agencies and the Humanitarian Aid and Civil Protection Department of the European Commission.

44. While the Committee acknowledged the difficulties encountered by the Court and the Secretariat of the TFV, it noted that they lacked the capacity for a professional exchange risk management. More so than large donors, the TFV appeared to be vulnerable to unexpected exchange rate movements. The current practice left the TFV exposed to significant exchange rate swings. The Committee noted the recommendation of the External Auditor that the Secretariat of the TFV develop, as soon as possible, a risk register to document the operational, financial and reputational risks, which the TFV faced.<sup>14</sup>

45. The Committee recommended that the Court and the Secretariat of the TFV undertake a thorough review of the available options for mitigating the currency risks. It encouraged the Secretariat of the TFV to develop, in cooperation with the Court, a policy

<sup>13</sup> CBF/19/18.

<sup>14</sup> ICC-ASP/11/13, paras. 4 and 20.

defining acceptable levels of currency risks in its operations, as well as procedures to keep these risks within the allowed limits. It invited the Court and the Secretariat of the TFV to report back to the Committee at its twentieth session.

## **8. Status of contributions**

46. The Committee reviewed the status of contributions as at 30 September 2012 (annex II). The Committee noted that a total of €97,628,388 had been received for the 2012 financial period, amounting to 89.7 per cent of the assessed 2012 contributions, and that €11,924,496 was outstanding from current and previous financial periods. The Committee noted with appreciation that this rate was much better than at the same point in 2011 (67.9 per cent), but expressed at the same time concern over the level of the arrears and the fact that only 58 States had fully paid up for all their outstanding contributions at this point in the fiscal year. The Committee encouraged all States Parties to pay their assessed contributions in full and on time, in order to ensure that the Court had sufficient funds throughout the year, in accordance with regulation 5.6 of the Financial Regulations and Rules.

## **9. States in arrears**

47. According to article 112, paragraph 8, of the Rome Statute, “a State Party which is in arrears of the payment of its financial contributions towards the cost 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 contribution due from it for the preceding two full years.” The Committee was informed that as at 2 October 2012, seven States Parties remained in arrears and were ineligible to vote. The Committee noted that on 26 July 2012, the Secretariat had informed States Parties in arrears about their outstanding contributions and had advised them of the minimum payment required to avoid the application of article 112, paragraph 8, of the Rome Statute. The same States Parties were also informed of the procedure for requesting an exemption from the loss of voting rights. In view of the fact that, as of 3 October 2012, the Court had not yet received any response from those States Parties, the Committee requested the Secretariat to again notify States Parties in arrears about their outstanding contributions.

## **10. Cash surplus**

48. 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 2013 would amount to €1.86 million. It would comprise the provisional cash surplus for 2011 and assessed contributions in respect of prior periods that were received from States Parties in 2011. The total audited cash surplus for 2010 was €1.69 million as included in the financial statements of the Court as at 31 December 2011 and had been already communicated to States Parties.

## **11. Amendments to the Financial Regulations and Rules**

49. The Committee was presented with proposed amendments to the Financial Regulations and Rules, accompanied with explanations of each amendment.<sup>15</sup> The Committee encouraged the Court to create a glossary of terms relating to budgetary and accounting concepts, which could reduce the risk of misunderstandings about the concepts used in the Financial Regulations and Rules.

50. The Committee took note of the Court’s approach of keeping changes to a minimum level, addressing the essential required changes, in order to allow implementation of IPSAS as of 1 January 2014.

51. In order to avoid increased risks in the process of transformation to IPSAS, the Committee recommended that the Assembly approve the proposed amendments to the Financial Regulations and Rules.

<sup>15</sup> CBF/19/7.

52. The Committee requested the Court to keep the Financial Regulations and Rules under further review before starting to implement IPSAS, and to submit to the Assembly, through the Committee at its twenty-first session, any further amendments to the Financial Regulations and Rules, which might be identified as necessary during consultations with the incoming External Auditor.

53. The Committee noted that the amendments had been proposed in order to allow the implementation of IPSAS, and therefore recommended that the revised Financial Regulations and Rules should come into effect on 1 January of the year when IPSAS will be implemented, currently foreseen as 2014.

## **B. Administrative matters**

### **1. Conditions of service in the field**

54. The Committee considered the report on the conditions of service of internationally recruited staff serving at field duty stations.<sup>16</sup> The Committee recalled that any proposals with budget implications should be explicitly approved by the Assembly, after consideration by the Committee. The Committee recommended that the proposed four-year transitional arrangements for harmonization of the conditions of service in the field and the new harmonized approach to Rest and Recuperation (R&R) framework in which the Court proposed to pay for travel and accommodation/subsistence allowance in addition to the current entitlements of five days and travel time-off for R&R purposes not be approved. Instead, the Committee recommended that the Court harmonize the conditions of service and R&R for all staff serving in non-family duty stations with those currently applied to United Nations peacekeeping operations as of 1 January 2013. Should these recommendations be accepted by the Assembly, staff would not receive a unified Special Operations Living Allowance (SOLA) and accommodation/subsistence allowance for R&R, but would be paid for travel cost for R&R. The financial implications of the decision for the 2013 proposed programme budget would be a reduction of €300,000.

### **2. Retiree health insurance subsidy scheme**

55. The Committee considered the proposal of the Court for a retiree health insurance subsidy scheme.<sup>17</sup> The Committee noted the financial implications up to 2050 and the risk of premium inflation, and noted that, under a high-risk scenario of annual premium increases of nine per cent and access to the scheme by all eligible retired staff, the estimated annual cost of the scheme would be between €9,600 and €12,000 for 2013. This amount would continue to be limited during the first years (approximately €29,000 for 2014 and €115,000 for 2015), rising, under a high-risk scenario, up to approximately €2.4 million in 2050.<sup>18</sup>

56. Taking into account the facts that the Court is the only permanent organization without any retirement health insurance subsidy scheme among comparable international organizations, that the proposed scheme of 50/50 subsidy is the lowest among them and much lower than the Court's original proposal of a two-thirds subsidy, and that all eligible retired staff would not access the scheme because of the burden of the premium on them after retirement and the eligibility of access to their national or residential health services, the Committee recommended the approval of the proposed scheme for the staff of the Court who are administered under the Staff Regulations and Rules. In this regard, the Committee was of the view that the financial implications of the scheme during the first decade were not significant and could be absorbed within the approved budget level for normal operation of the Court.

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<sup>16</sup> CBF/19/12.

<sup>17</sup> CBF/19/13.

<sup>18</sup> These amounts are subject to change in case of future rise of retirement age.

### 3. Junior Professional Officer programme

57. The Court informed the Committee that it continued to prepare its analysis and thus requested the Committee to postpone its consideration of a Junior Professional Officer (JPO) programme to its twentieth session. Although the Committee received a report on the programme,<sup>19</sup> the Committee noted that the report was not complete and that the Court would need to take several steps in order to establish the JPO programme. In this regard, the Committee invited the Court to undertake the necessary preparation of the programme in order to present a concrete and comprehensive proposal for final consideration by the Committee during its twentieth session.

### 4. Common system and staff performance appraisal

58. The Committee considered the question of the United Nations common system (UNCS) of salaries, allowances and other conditions of service.

59. In this regard, the Committee noted the Assembly's decision<sup>20</sup> that the Court would join the United Nations Joint Staff Pension Fund (UNJSPF). Article 3(b) of the Regulations, Rules and Pension Adjustment System of the Fund provides that the Fund shall be open to the specialized agencies referred to in article 57, paragraph 2, of the Charter of the United Nations and to any other international, intergovernmental organization, which participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies. Article 3(c) of the Regulations provides that admission to membership in the Fund shall be by decision of the General Assembly, upon the affirmative recommendation of the Board, after acceptance by the organization concerned of these Regulations and agreement reached with the Board as to the conditions which shall govern its admission.

60. At its second session, the Assembly adopted the Court's Staff Regulations,<sup>21</sup> in which a number of elements aligned on those of the UNCS.

61. The Court subsequently submitted its Staff Regulations to the UNJSPB for consideration, and the General Assembly, based on the affirmative recommendation of the Board, decided to admit the Court to membership in the Fund.

62. Thus, the Committee considered that, on the basis of the documents produced to it, the Court is bound by the Fund's Statutes. In consequence, the Court is obliged to apply the main elements of the UNCS such as classification of posts, salary scales, dependency benefit/allowances, annual leave, home leave, health protection, sick leave, maternity leave, reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Court, payments of termination indemnity and repatriation grants to its staff.

63. The Committee also noted that there are discretionary elements on the conditions of services such as travel and removal expenses, special leave and retiree health insurance subsidy scheme. The Staff Rules of the Court stipulates that a staff member authorized to travel shall receive a daily subsistence allowance (DSA), in conformity with the UNCS. The Committee noted that the Court is not obliged to follow the UNCS but had decided to apply DSA based on the UNCS to its staff instead of establishing its own structure. The Staff Rules also include provisions on special leave without referring to the UNCS. The Court has not introduced a retiree health insurance subsidy scheme to date, while all other comparable international organizations have it.

64. The Committee noted that salary increments are not stipulated in the Staff Regulations but in the Staff Rules. Thus, the Committee considered that salary increments are not directly linked to the membership of the UNJSPF. However, the Committee noted that the employment contract between the staff member and the Court is concluded by an offer of appointment, which specifies that the appointment shall be governed by the provisions of the Staff Regulations and Rules and any subsequent amendments thereto. As a result, the Committee considered that, under its current contracts with staff, the Court has

<sup>19</sup> CBF/19/16.

<sup>20</sup> ICC-ASP/1/Decision No. 3.

<sup>21</sup> ICC-ASP/2/Res. 2.

a contractual obligation to grant a salary increment to the staff member who performs his or her duty satisfactorily.

65. The Committee recalled resolution ICC-ASP/10/Res.4,<sup>22</sup> where the Assembly calls upon the Court to review the appraisal system, including through a consideration of different options by which satisfactory performance is assessed, and the discretionary elements of terms and conditions of service within the UNCS, and to report back to the Committee at its eighteenth session.

66. The Committee at its eighteenth session recommended that the Court develop proposals to introduce a culture of personal accountability, including rewards for good performance and sanctions for poor performance, and report to the Committee for consideration at its twenty-second session.

67. The Committee received a progress report on staff performance appraisal at this session. The progress report explained that there was no direct link between the results of an individual's performance appraisal and a step increase, but rather, a step increase was a function of time spent with the Court, i.e. work experience. However, no step increase is granted in the 0.5 per cent of the cases when staff receive an appraisal assessment of unsatisfactory performance.

68. The Court's report did not address the issue of whether changing the structure of assessments (e.g. satisfactory, unsatisfactory, and outstanding) and corresponding share of staff receiving above mentioned feedback (e.g. 60, 20, and 20 per cent) would inherently risk staff motivation and ultimately performance. As explained to the Assembly last year by the representative of the International Civil Service Commission (ICSC), such a personnel policy change introducing ceilings on ratings of performance appraisal with a view to freezing the financial impacts may violate the current Staff Regulations and Rules and result in potential International Labour Organization Administrative Tribunal (ILOAT) cases. Whether and to what extent the ILOAT would consider the current budget constraints during a time of economic crisis as sufficient to justify such a policy change being applied to existing staff is not certain. Furthermore, even if the performance appraisal policy is to be changed, it may not result in immediate monetary gains to the budget, as it may only apply to new staff.

69. The Committee was pleased to receive a progress report and looked forward to receiving the final report for its consideration.

## C. Governance

### Organizational structure of the Court

70. The Committee was informed that the Court was about to launch a review of its organizational structure, to respond to earlier recommendations of the Committee that the Court undertake a thorough evaluation of its organizational structure in order to streamline functions, processes and corresponding structures; reduce spans of control where necessary; identify responsibilities that could be delegated; and rationalize lines of reporting. The Court explained this would be a three-phase process: an intra-organ review to identify the most effective structure in each organ, i.e. the Judiciary, the Office of the Prosecutor and the Registry (phase 1); an inter-organ review to assess the impact of any potential change vis-à-vis other organs of the Court and to address possible duplications (phase 2); and a review of staffing requirements (phase 3).

71. The Court had considered the recommendation of the Committee, at its eighteenth session in April 2012, to use internal resources to conduct the review. However, the Court had found that it needed high-level expertise for the undertaking. The proposal that had won the procurement bid had been from Price Waterhouse Coopers (PWC). This required an investment of approximately €90,000. The Court was also identifying high level experts to provide strategic guidance on a pro-bono basis.

72. The Committee agreed with the Court on the importance and potential impact of the project. The review should help find ways of improving the Court's financial performance,

<sup>22</sup> *Official Records... Tenth session... 2011*(ICC-ASP/10/20), vol. I, part III, ICC-ASP/10/Res.4.

remove unnecessary complexity and duplications, and ensure that the entire organizational system is aligned and set up to deliver on the Court's objectives. The Committee recalled that, under the Rome Statute, the Assembly shall provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court (article 112, paragraph 2(b)). The Committee emphasized that the review by the external consultant should equally apply to the three major organs. The Committee invited the Court to keep the Assembly and the Committee informed on the progress, and to report to the Committee at its twentieth session.

73. The Committee recognized that the movement into the permanent premises would provide a unique opportunity for the Court to have a clearer picture of its operations than the first decade in the interim premises, and thus recalled its previous recommendations to make a comprehensive review on the organizational structure of the Court such as the skeleton of the Court and the ZBB.

## **D. Audit matters**

### **Audit reports**

- (a) Financial statements of the Court for the period 1 January to 31 December 2011**
- (b) Financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2011**

74. The Committee welcomed the presentation by the External Auditor and expressed its appreciation for the quality work provided by him throughout the previous years.

75. Introducing his reports on the financial statements of the Court<sup>23</sup> and of the Trust Fund for Victims,<sup>24</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 TFV and that he was able to offer an unqualified audit opinion.

76. Concerning the Trust Fund for Victims, the Committee noted that the External Auditor had reiterated its recommendation to develop a separate risk register and had urged the TFV to implement a solution as soon as practicable. It also endorsed the recommendations relating to the implementation of IPSAS and the need to obtain sufficient assurance on the adequacy and effectiveness of the TFV's framework of governance, risk management and control. The Committee welcomed the intention of the TFV to address these issues soon and looked forward to a progress report at its twentieth session.

- (c) Report of the Office of Internal Audit**

77. Pursuant to rule 110.1 of the Financial Regulations and Rules, the Office of Internal Audit submitted its annual activity report to the Committee,<sup>25</sup> outlining the activities of the Office of Internal Audit in the second half of 2011 and the first half of 2012, as well as its report on the status of audit recommendations.<sup>26</sup>

78. The Committee considered the two reports and discussed the specific findings and recommendations with the Director of the Office of Internal Audit.

79. The Committee took a favourable view of the main points. However, the Committee requested the Office of Internal Audit, as a priority, to ensure that each audit report begins with a statement summarizing, for each department audited, the recommendations contained in previous reports and their state of implementation.

80. The Committee was informed that, in connection with the audit strategy for the Permanent Premises Project, the Director of the Office of Internal Audit had met with the

<sup>23</sup> ICC-ASP/10/12.

<sup>24</sup> ICC-ASP/10/13.

<sup>25</sup> CBF/17/6.

<sup>26</sup> CBF/17/7.

Oversight Committee of the project in order to discuss the question of the project audit. One solution envisaged was to hire an outside specialist.

81. The Committee stressed that an outside specialist should satisfy certain conditions:

(a) No conflict of interest, actual or potential, whether financial, or as a supplier, client, or close relation, or in connection with a service relationship (having been employed by the entity to be audited;

(b) Proven technical competence; and

(c) Bound by client confidentiality, even after ceasing to be external auditor to the entity in question.

82. In the present case, the Committee considered that there was a risk of a conflict of interest, in that the outside specialist was already employed by the British Auditors who have just come to the end of their appointment as the Court's External Auditor. The risk is not immediately apparent, but the possibility remains.

83. Finally, the Committee expressed concern at the fact that the Office of Internal Audit dealt with logistical matters on behalf of the Audit Committee, taking time from its audit duties. The Committee recommended that these tasks be assumed instead by the Registry.

**(d) Report of the Audit Committee**

84. The Committee received and took note of the report, entitled "Annual Report of the Audit Committee."<sup>27</sup>

85. The Committee noted that, at the current time, the mandates of the external members of the Audit Committee were due to terminate as follows: three members on 31 January 2013, while one member had his term extended to 31 July 2013. The Committee recommended that steps be taken to ensure, for the future, transparency, objectivity and equitable geographical representation in the selection of the external members.

**E. Legal aid**

86. As regards the legal aid scheme, the Court submitted a 2013 proposed budget of €7.97 million, based on the Court's new remuneration scales. This represents an increase of 12 per cent over one year and 21.5 per cent over the period 2011-2012, reflecting a request for an additional amount of €0.9 million in respect of legal aid.

87. Examination of the documents produced by the Court showed that the cost of legal aid, calculated under the new rules proposed by the Registry, took account of the total number of victim applications likely to be received by the Court in the various cases. According to the Registry's projections,<sup>28</sup> 14,400 applications for participation are to be expected in 2013. To these must be added some 6,000 applications for reparation.

88. The Committee took note of the Supplementary Report of the Registry on four aspects of the legal aid system,<sup>29</sup> as well as the annex on the financial implications of the proposed review of the system.<sup>30</sup> As has been the case in the past, legal aid is one of the major cost drivers. A pragmatic approach to the question is required, one which takes account of the right of both defendants and victims to equally access to the Court, and to participate in the proceedings.

89. At its tenth session,<sup>31</sup> the Assembly continued to follow this dual approach. Thus it noted the significant increase in legal costs, as well as the essential role played by the system in enabling all accused persons and victims to participate in the proceedings.

<sup>27</sup> CBF/19/21.

<sup>28</sup> ICC-ASP/11/10, paras. 428 to 432, Corr.1 and Corr.2.

<sup>29</sup> ICC-ASP/11/43.

<sup>30</sup> ICC-ASP/11/43/Add.1.

<sup>31</sup> *Official Records ... Tenth session ... 2011*(ICC-ASP/10/20), Vol. I, p 17, para. 19.

90. During its work, the Committee noted that the total cost of legal aid to the defence for the period from 2006 to June 2012 amounted to €11.51 million. Over this same period, the cost of legal aid to victims totalled €15.85 million. It has thus cost the Court €27.36 million to implement its legal aid scheme. The Committee noted the increase in costs<sup>32</sup> since 2008.

91. As well as the budgetary implications of legal aid to the defence and to victims' representatives, the Committee also examined the question of judicial decisions with significant financial implications.<sup>33</sup> This is a more difficult cost to control, as it is the normal consequence of a judicial decision. As a source of rights, it represents an unavoidable expense or "dépense de guichet." Thus an additional €942,000 had been spent in 2011 and, currently, €923,000 has been committed for the budgetary year 2012 on account of judicial decisions. The Committee would emphasize the difficulty of producing a cost forecast through to 31 December 2012.

92. On the basis of the documents currently before it, the Committee considered that the main changes to the scheme presented by the Registry should be regarded as the key elements in a review of the system with a view to optimal attainment of the objectives of the legal aid scheme.

93. First, the Committee considered that the proposal to limit the duplication of a counsel's mandates to two cases simultaneously would enable a fair balance to be struck between the different interests at stake. This involves in particular a reduction in counsel's fees for the second mandate and would achieve a saving of over €240,000 by the end of the two mandates. Additionally, there is a proportionate reduction in the fees of the other members of the team dealing simultaneously with the two cases.

94. Secondly, the Registry proposed a change in the rules governing expenses, imposing a monthly cap of €3,000, including DSA. Immediate implementation of this measure in the cases currently before the Court is likely to save €204,000 over a full year. Not only will the changes in no way affect the ability of teams to represent their clients before the Court, but the current arrangement for a DSA is contributing to the cost of the legal aid scheme. The Committee noted, moreover, that teams were failing to adequately substantiate the actual expenses incurred by members.

95. Thirdly, the Committee considered that the Registry's proposal to suspend payment of the monthly lump-sum amount to teams when procedural activities were substantially reduced would help to squeeze excessive costs out of the scheme. Here again, the Committee considered that this measure should be implemented immediately.

96. Fourthly, the Committee considered the position of the Office of Public Counsel for Victims and its role in terms of representation. In light of potential current obstacles to the implementation of changes in the system, the Committee requested the Registry to provide it at its twentieth session with a supplementary report on the progress achieved.

97. For these various reasons, the Committee recommended that the Assembly implement these proposals, which the Registry believed would save €1.1 million with effect from the budgetary year 2013. The Committee therefore recommended that the amount for legal aid in the 2013 proposed budget be reduced by €1.1 million.

98. Finally, the Committee considered that a reorganization of the legal aid scheme as proposed by the Registry in line with the Assembly's resolution at its tenth session<sup>34</sup> also necessarily required further review of the position and role of the Office of Public Counsel for the Defence.

99. Following an enquiry into the workload indicators of the Office, the Committee noted that the Office's main task seemed to be carrying out research and drafting legal opinions for defence teams, and producing various documents. This undoubtedly saves time for defence teams. The Court might also consider introducing alternative schemes designed to respect the rights of all persons concerned as soon as a new situation is opened, in particular by providing for a Court duty roster prior to the constitution of a defence team.

<sup>32</sup> See annex IV.

<sup>33</sup> CBF/19/5.

<sup>34</sup> *Official Records... Tenth session... 2011*(ICC-ASP/10/20), vol. I, part III, ICC-ASP/10/Res.4.

As regards documentary research and drafting for defence counsel, the Committee considered that this is work for which each team is already paid.

## **F. Budgetary matters**

### **1. Financial performance data of the 2012 approved budget as at 30 June 2012**

100. At its seventeenth session, the Committee, having analyzed all of the documents and supporting items provided by the Court, had recommended that the Assembly approve a 2012 proposed programme budget of €112,128,300, which had included a reduction of some €5.6 million in the amount originally requested by the Court. The Committee had considered that this amount corresponded to the amount actually required by the Court to enable it to fulfil the tasks entrusted to it.

101. At its tenth session, the Assembly had adopted its resolution 4,<sup>35</sup> whereby it approved appropriations totalling €111 million for the budgetary year 2012, of which €108.8 million was for the ordinary budget and €2.2 million to replenish the Contingency Fund.

102. The Committee had before it the report of the Court on the budget performance as at 30 June 2012.<sup>36</sup> It noted that the implementation rate for 2012 as at 30 June was 52.3 per cent, representing an expenditure of €56.93 million and was thus slightly lower than that in 2011. The projected implementation rate to 31 December 2012 was 100.3 per cent based on a projected expenditure of €109.15 million, which means that the Court needs to identify further savings of some €350,000 in order to maintain the expenses within the 2012 approved budget.<sup>37</sup>

103. Up until August 2012, the Committee has received a total of seven notifications for access to the Contingency Fund, representing a total of €3.69 million in order to cover the costs relating to the developments in the situation of Kenya, Côte d'Ivoire, Democratic Republic of the Congo, Libya and Central African Republic. Given a forecast budget implementation rate of around 100 per cent for the regular budget, and a forecast implementation rate of 68.2 per cent for the Contingency Fund notifications, the Court estimated that its actual access to the Contingency Fund would be more than €2 million in 2012. Such expenditure would bring the Contingency Fund below the €7 million replenishment threshold.

### **2. Consideration of the 2013 proposed programme budget**

104. At its nineteenth session, the Committee was presented by the Court with a proposed budget for the financial year 2013 in a total amount of €118.4 million, broken down as follows:

- (a) €115.42 million for the Court's regular budget; and
- (b) €2.98 million for the Secretariat of the Assembly of States Parties;

105. In its 2013 proposed programme budget as submitted to the Committee, the Court broke down its requirements as follows:

- (a) €11.08 million for the Judiciary;
- (b) €28.67 million for the Office of the Prosecutor;
- (c) €66.47 million for the Registry;
- (d) €6.02 million for the interim premises;
- (e) €1.66 million for the Secretariat of the Trust Fund for Victims;

<sup>35</sup> Ibid.

<sup>36</sup> ICC-ASP/11/16.

<sup>37</sup> The implementation rate as at 30 June 2011 was 53.8 per cent representing an expenditure of €55.73 million (ICC-ASP/10/11).

(f) €1.23 million for the Office of the Director of the Permanent Premises Project; and

(g) €0.29 million for the Independent Oversight Mechanism.

106. The Committee noted that this proposal, including costs for interim premises, represented an increase of €9.6 million (including the two corrigenda) or 8.8 per cent in relation to the appropriations approved by the Assembly for 2012.

107. The Committee noted that the Assembly had also requested the Court to prepare a working document detailing the options where reductions would be made in order to bring the level of the 2013 proposed programme budget in line with the level of the approved budget for 2012, as well as how those reductions would impact on the Court's activities.<sup>38</sup>

108. The Committee had before it paper prepared by the Court setting out the impact of measures to bring its budget for 2013 in line with the level of the 2012 approved budget.<sup>39</sup> This paper is attached to this report as annex III.

109. The Committee noted that the €6.02 million requested for the interim premises was a new cost; as such costs were borne by the host State up until December 2012. The Committee further noted that the Court's additional expenditure requirements for the upcoming budget, over and above interim premises, related to UNCS costs in an amount of €3.88 million; legal aid in an amount of €0.9 million; and trial preparation for the two Kenya cases, amounting to €2.04 million.

110. The total sum of these various items, including interim premises and deducting the budget reductions in the areas of GTA, consultants and other non-staff costs of €2.89 million, resulted in a budget proposal by the Court €9.6 million higher than the level of the 2012 budget approved including the two corrigenda.

111. In examining the budget, the Committee noted that the issue of the rent for the interim premises could not be estimated with full accuracy at this time, and also noted that any additional resources required for the interim premises would be for a limited period of time, until the Court's move to the permanent premises. The Committee thus took the view that this justified the exemption of the said amount of about €6 million related to the interim premises, as well as the interest on loan for the permanent premises of €204,568 when comparing the level of the 2013 proposed programme budget against the level of the 2012 approved budget.

### **3. Recommendations of general application on the 2013 proposed programme budget**

#### **(a) Assumptions and activities for 2013**

112. The Committee also had before it the document "Report of the Court on Judicial decisions with significant financial implications"<sup>40</sup> and noted the impact that judicial decisions could have on the budget of the Court.

113. The Court's judicial activity is expected to increase in 2013. The Presidency considers that two cases may go to appeal against conviction and/or sentence, while at least four cases will be at trial or trial preparation stage, in addition to the mass of pre-trial work. The Prosecutor informed the Committee that he expected to be conducting seven investigations in seven situations. Nine further investigations remain open. In addition, the Prosecutor will be active in three trials and two appeals.

114. However, the Committee noted that the 2013 proposed programme budget made no provision for the confirmation of charges in the *Gbagbo* case. While it is not possible at this stage to predict the outcome of the proceedings, a decision to confirm the charges will involve very substantial additional costs.<sup>41</sup> Similarly, the 2013 proposed programme budget has made no request in respect of the African Union Liaison Office,<sup>42</sup> nor does it include

<sup>38</sup> *Official Records...Tenth session...2011*(ICC-ASP/10/20), vol. I, part III, ICC-ASP/10/Res.4, section H, para. 2.

<sup>39</sup> CBF19/03P04/Rev.1.

<sup>40</sup> CBF/19/5.

<sup>41</sup> The Registry's initial estimates of the cost to Judiciary and Registry at some €1.27 million.

<sup>42</sup> Predicted cost €436,700.

any provision for the addition of inspection and evaluation functions to the current mandate of the Independent Oversight Mechanism.<sup>43</sup>

115. Finally, the Committee was informed that, in the *Lubanga* case, judgment had been rendered, and decisions adopted on reparation. It noted, however, that the Registry remained obliged to continue to fund the Judiciary, despite the fact that the translation of the judgment was still awaited. This delay involves additional costs that were not foreseen in 2012, and which need to be financed.

**(b) Presentation and macro analysis**

116. The Court informed the Committee that it had proposed a budget of €118.4 million for 2013, representing an increase of €9.6 million, or 8.8 per cent over the 2012 approved budget level. The Court identified the major causes of the increase as rent and maintenance of the interim premises of the Court, forward commitments and UNCS costs, and the operation of the legal aid system. In addition, the Court requested increased resources for the reparations anticipated by the Court and to carry out the investigative mandate of the Independent Oversight Mechanism.

**4. United Nations Common system**

117. As regards the 2013 proposed programme budget, the Court considered that the financial impact of the UNCS will amount to €3.88 million. Despite its major impact on costs, the Committee recommended that the Assembly integrate this expense into the 2013 budget, so as to stabilize the situation and prevent a subsequent multiplier, which would make the preparation of future budgets still more problematic.

**(a) Travel**

118. The Committee noted the impact of travel on the budget of the Court, and recommended that the Court examine ways of finding savings on travel costs.

**(b) Training**

119. The 2013 proposed programme budget allocated an amount of €693,000 for training, compared to €675,000 and €748,000 for 2011 and 2012 respectively. In many cases, the Court did not justify the need for training, nor specify the areas which require skills enhancement. The Committee recommended that justifications be provided for future budget requests.

**(c) Consultants**

120. As regards consultants, the Committee noted again inconsistencies in the submissions on this point. In the budget documents provided to the Committee, this item appeared both individually and under the head of “contractual services”. In accordance with the Committee’s recommendation, costs in respect of this item have indeed fallen, as can be seen from the table in annex VI of the 2013 proposed programme budget. However, the Committee noted a lack of consistency in the various budget submissions, as certain sub-programmes have reintroduced consultancy costs as “contractual services.” A case in point is Sub-programme 3770 (Registry Permanent Premises Office), where under contractual services, paragraph 505 refers to a recurrent expense for consultancy services relating to the transition to the new premises. It is further stated that consultancy services are preferred because of the different fields of expertise and “workload flexibility.” For the 2013 proposed budget, a request of €182,000 have been made. In the absence of any substantive justification, the Committee recommended an overall ceiling of €100,000 be allocated for Sub-programme 3770 with a reduction of €82,000. The Committee further invited the Court to establish a standard definition for the content of proposals included under the head of “contractual services.”

<sup>43</sup> Predicted cost €212,300.

**(d) Hospitality**

121. The Committee acknowledged that the provision of appropriate hospitality was an important requirement in support of the Court's work. However, the Committee concluded that proposals to increase the amounts allocated to hospitality had not been sufficiently justified and that the amounts available should remain at the 2012 level. The total deduction would amount to €30,000.

**(e) General Temporary Assistance and staff levels**

122. The Committee conducted an in-depth analysis of all GTA requirements for 2013. Taking into account all judicial activities, probable timelines presented and the length of time for which the functions of each post would be needed, specific recommendations were made on four of the major programmes, taking a work-months approach needed to perform certain activities.

123. In regard to Major Programme I, the Committee noted that there were two posts at level P-3 and P-2 that were not included in the budget. Therefore, the Committee recommended that the associated resources should not be approved. This deduction represents nine working months at a P-3 level and nine working months at a P-2/P-1 level.

124. Furthermore, taking into account that additional judicial procedures are not expected to start before April 2013, at the time expected for recruitment for some posts, and the expected workload, the Committee recommended a deduction of six working months at a P-3 level and five working months at a P-2/P-1 level. Therefore, the total deduction would amount to 15 working months at the P-3 level and fourteen working months at the P-2/P-1 level.

125. The Committee invited the Court to meet the workload requirements of the Judiciary through the redeployment of approved resources among divisions, to the extent possible, before accessing the Contingency Fund.

126. In respect of Major Programme II, on the basis of paragraph 124 above regarding GTA for Major Programme I, and the considerations regarding the beginning of new judicial activities, the Committee recommended a total deduction of one working month at a P-5 level, three working months at a P-4 level, six working months at a P-3 level, 22 working months at a P-2/P-1 level, and six working months at a GS-OL level.

127. As regards Major Programme III, taking into account the nature of the functions of the posts and the length of time that those functions will be needed; Court days assumptions, as well as the "One Court" principle, the Committee recommended a reduction of nine working months at a P-2/P-1 level.

128. In Major Programme IV, taking into consideration that most of the GTA posts requested by Major Program IV are directly related to servicing the twelfth of the Assembly, and there is no link with judicial activities, the Committee was of the view that the length of some posts were longer than needed and thus recommended a reduction of two working months at the GS-OL level.

**(f) Tailoring resources to match the level of judicial activity**

129. The Committee carried out an in-depth analysis of the Court's financial projections in respect of judicial activity in 2013. Once again, the Committee adjusted the figures in light of anticipated developments in judicial activity over the coming year. As a result, table 3 in the 2013 proposed programme budget needs to be amended as regards the items relating to operational support, that is to say, all of the Court's resources devoted to support for the various cases, which increase from €25.12 million to €27.07 million. On the other hand the resources for the two Kenya cases are reduced from €7.72 million to €5.82 million.

130. The in-depth study of the figures provided by the Court shows that since 2011 there has been a significant slow-down in activity in five cases, namely the Uganda case and the four Darfur cases.

131. As regards the Uganda case, approved appropriations fell from €2.27 million in 2011 to €1.5 million in 2012, and are forecast to fall further to €0.97 million in 2013.

132. As to the four Darfur cases, here again the Committee noted a significant decrease in funding between 2011 and 2013, with the budget for the four cases decreasing from €4.73 million in 2011 to a forecast €1.78 million in 2013.

133. Hence, in these two groups of cases, the Committee noted a reduction in requested funding of 60 per cent for Uganda and 62 per cent for the four Darfur cases.

134. The Committee nonetheless noted a significant increase in funding requests for operational support from 2012 to 2013, the €27.07 million requested for the coming year representing an overall increase of more than 35 per cent.

135. While the Court's operations will undeniably require effective support in 2013, it seems reasonable to the Committee to make allowance for the Court's reduced activity in the Uganda and Darfur cases. These five cases account for 6.83 per cent of the funding for cases in the coming year. It appeared from the Committee's discussions with the organs of the Court that, in principle, no particular judicial developments are expected in these cases in the course of 2013.

136. While an overall 6.83 per cent cut in operational support costs for all programmes is not considered appropriate, the Committee recommended a reduction in certain operational support items for 2013, as indicated in annex IV to this report. These include travel, contractual services, and general operating costs for Major Programme III. These four items represent a total amount of €4.7 million for 2013. An across-the-board funding cut of five per cent is proposed, namely €235,000. The Committee excludes from this reduction Major Programmes I and II, for which it has already recommended further reductions according to paragraph 139.

## **G. Major programmes**

### **1. Major Programme I: Judiciary**

137. The Committee identified some inaccuracies in the 2013 proposed budget of Major Programme I in the allocation of judges' salaries and entitlements for 2013. The Committee was provided with a corrigendum that lowered the proposed budget by €354,800.<sup>44</sup>

138. The Committee noted that after the correction made in the judges' salaries and allowances for 2013 proposed budget, a sum of €160,000 had been provided for three judges, made up of UNCS costs of €65,000, travel cost of €20,000 and a provision for repatriation grant of €75,000. The Committee stressed that in the 2012 approved budget a sum of €304,600 was accrued as a provision for costs relating to end of term and for newly elected judges. However, during 2012 only one judge was called to serve on a full-time basis. It appeared that there was no expectation to call the other judge. Despite repeated requests, the Committee did not receive satisfactory explanations regarding expenditure utilized from the accrued provision for departing and for newly elected judges in 2012, as well as provision requested for the same purpose in 2013. Therefore, the Committee recommended that the Assembly remove the provision for repatriation grant of €75,000 provided for in the 2013 proposed programme budget.

139. As for the 2013 proposed travel budget and having been informed that there would be no in situ visits by judges in 2013, the Committee recommended to reduce the situation-related travel budget of Major Programme I in the amount of €39,300.

140. The Committee noted the increase in the 2013 proposed consultancy budget because of the need of expertise of the new legal and enforcement section of the Presidency. However, the Committee was of the opinion that consultancy services should be reduced as much as possible and the use of internal resources encouraged instead. Therefore, the Committee recommended that the budget for consultancy be approved at the 2012 approved budget level.

<sup>44</sup> ICC-ASP/11/10/Corr.1.

## 2. Major Programme III: Registry

### (a) Sub-programme 3120: Office of Internal Audit

141. The Committee considered the new P-3 post in the Office of Internal Audit to cover information and communication technologies and information security issues and concluded that, as it was not of a recurring nature, for the time being it should not be an established post, but it could be funded as a GTA post for eight months. The Committee requested the Court to return to it at its twentieth session with information on how these resources were used during 2013.

### (b) Sub-programme 3260: Information and Communication Technologies Section

#### *Contractual services*

142. The Committee concluded that, in view of the justifications provided, further savings could be found in contractual services, and recommended that the level of funds be approved at a lower level. Therefore, the Committee recommended that funds not be approved for the project Implementation of a SAP based Budget Planning, Control and Reporting system of €40,000, and that funds for other projects with a total amount of €400,000 be reduced by eight per cent.

#### *Equipment including furniture*

143. In view of the explanations given for justifying requested funds for ICT, the Committee was of the view that not all of the projects were an absolute necessity at this point in time, the Committee therefore recommended that the level of funds be approved at a lower level and recommended that funds for the MyCourtbook initiative €170,000 not be approved.

### (c) Sub-programme 3340: Court Interpretation and Translation Section

144. The Committee was pleased to see that the Court proposed to abolish one P-1 post in the Court Interpretation and Translation Section for a Lingala paraprofessional interpreter. Furthermore, it was brought to the attention of the Committee that there was a continued need for in-house expertise in the Arabic language, and that one P-2 Associate Translator was budgeted as a GTA in this section since 2007. The Committee therefore recommended conversion of this GTA to an established post. This recommendation will not undermine the principle of the freeze imposed on the Court structure review, as the position remains within the same section, for the same purpose and at the same budget level.

### (d) Programme 3400: Public Information and Documentation Section

145. During the consideration of the Programme, the Committee recalled the comment made during its seventeenth session<sup>45</sup>; "...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," and was of the view that such synergies should also be created in regard to public information.

146. The Committee expressed concern that a "One Court" approach was not being applied to public information activities and that in the case of the OTP existed within its structure a "Public Information Unit" comprised of two professional posts and one GS-OL post.

147. In this regard the Committee was informed that due to the independence of the OTP and the nature of the work, it was considered necessary that the OTP maintain at least a post for Public Information that could act as a "spokesperson" for the prosecution. Thus, the Committee recommended that the OTP maintain a "spokesperson" and another post; the first working in coordination with PIDS and the latter would remain in the OTP under PIDS

<sup>45</sup> *Official Records...Tenth session...2011*(ICC-ASP/10/20), vol. II, part B., para. 117.

guidance. The third post at P-2 level would be transferred to PIDS in order to strengthen the section and help achieve the objectives outlined in the Public Information Strategy 2011-2013.<sup>46</sup>

(e) **Sub-programme 3770: Registry Permanent Premises Office**

148. During the Permanent Premises Director's presentation of the work in process concerning the project, the Committee made numerous inquiries concerning the transition to the new premises, and was informed that the office responsible for preparing and managing the transition would be the Registry Permanent Premises Office. Thus the Committee suggested that an outline of the strategy for the preparation and management of the transition to the new premises be presented at its twentieth session in April 2013.

3. **Major Programme IV: Secretariat of the Assembly of States Parties**

149. The Committee examined the budget proposal for Major Programme IV (the Secretariat of the Assembly of States Parties). It noted *inter alia* that the Secretariat had been facing an ever-growing workload, in particular as a result of the significant increase in the services provided by it to the Assembly, its subsidiary organs, and Working Groups, as summarized in the table below:

**Table 2: Number of official meetings and documents serviced by the Secretariat**

	2009	2010	2011	(until September) 2012
Bureau	18	21	19	15
The Hague Working Group	27	46	88	53
New York Working Group	9	17	28	7
Oversight Committee	20	32	23	16
<b>Total</b>	<b>86</b>	<b>116</b>	<b>158</b>	<b>91</b>
Number of documents	604	839	909	742

150. The 2013 proposed programme budget for Major Programme IV foresaw an overall increase of 7.4 per cent, primarily to reflect increased travel costs for members of the Committee, the translation of large numbers of pre-session and in-session papers and the cost of travel on mission by the office of the President of the Assembly. The Committee noted that implementation of a partnership with The Hague Working Group involved increased travel, as well as a more frequent presence. The 2013 proposed programme budget amounts to €2.98 million with an increase of €206,000.

151. Furthermore, the increase in the number of meetings of The Hague Working Group, the preparation and distribution of particularly large numbers of specialized documents, within a restricted time-frame and in several languages, on top of the Secretariat's normal, day-to-day work, all combine to put the Secretariat's staff under additional pressure.

152. The Committee identified various methods whereby the financial costs of the Secretariat's activities might be substantially reduced. The Committee accordingly recommended the following measures to the Assembly:

(a) Limit requests for reports, restricting their length to 16 pages, including annexes. According to the Secretariat's estimates, for each report not requested, there is a saving of €2,320 per translation, €6,960 if the document is not produced in three languages.

(b) As far as possible, distribute reports in electronic form. This would save some €62,000.

(c) Two years out of three, hold the annual session of the Assembly at the seat of the United Nations. Organizing the sessions of the Assembly in The Hague inevitably involves extra costs, as can already be seen in the 2013 proposed programme budget. These

<sup>46</sup> ICC-ASP/9/29.

include in particular rental of premises, hire of extra staff at the World Forum Convention Centre, security, and all the ancillary tasks. According to the Secretariat, this would enable the Assembly to save at least €250,000. The Committee had already pointed out the financial advantages of this proposal in its report on the work of its seventeenth session.<sup>47</sup>

(d) The Committee noted the increasing workload of the Secretariat, including a significantly growing number of meetings that are required to be serviced and an increasing volume of documentation. The Committee recommended that the Assembly consider whether any of the activities of its Working Groups could be streamlined in order to reduce the requirement to provide personnel and documentation to as many meetings.

153. More generally, the Committee recommended that the Secretariat present its proposed budget with a breakdown by sub-programme, in order to reflect as faithfully as possible structural costs, costs of the Presidency, and costs relating to services and work on behalf of the Assembly's Bureau and the Working Groups of the Bureau, the Oversight Committee, and the Committee on Budget and Finance.

#### **4. Major Programme VI: Secretariat of the Trust Fund for Victims**

154. The Committee noted that the Trust Fund for Victims had recognized a need to address its growingly complex revenue and disbursement streams. The Committee was also informed that activities under the reparations mandate which might occur in 2013 were currently unforeseeable in scope and form. The Committee recalled its recommendation at its seventeenth session that the TFV 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.<sup>48</sup> The Committee recommended that the TFV consider this issue further, in view of the increasing complexity of its activities and its income streams, in order to advise on the possibility of using some percentage of voluntary contributions to cover these costs. Furthermore, the Committee discussed the freezing of the non-staff costs, for which the Trust Fund had proposed an increase of 14.4 per cent. A freezing in the proposed budget for hospitality, travel and contractual services was recommended, which represents a total of €79,200.

#### **5. Major Programme VII-1: Project Director's Office (permanent premises)**

155. The Committee noted that the total 2013 proposed budget for Major Programme VII-1 was €1.02 million based on the tables in the 2013 proposed programme budget document, while the sum of its sub-programmes was only €999,200. In this regard, the Committee recommended that the difference between these two figures, amounting to €24,400, be deducted from the 2013 proposed programme budget.

#### **6. Major Programme VII-2: Permanent premises project - Interest**

156. The Committee noted that the total estimated accrued interest on the host State's loan for the project in 2013 was €204,568, while the table in paragraph 2 of the annex I of the 2013 proposed programme budget showed €207,400. The Committee requested the Court to issue a corrigendum to rectify all related figures in this regard.

157. The Committee noted that €204,568 had been included in the 2013 proposed programme budget, representing the estimated amount of interest that should be paid by States Parties that did not opt for one-time payments for their contribution to the Permanent Premises Project. Only States Parties that did not opt for a one-time payment would have to pay this interest, which for now was but an estimated amount, in 2013. For the sake of transparency, the Committee recommended that there be a separate assessment for these interest payments, and this amount of €204,568 should be reduced from Major Programme VII-2.

<sup>47</sup> *Official Records ... Tenth session ... 2011*(ICC-ASP/10/20), vol. II, part B.2, para. 121.

<sup>48</sup> *Ibid.*, para. 25.

## 7. Major Programme VII-5: Independent Oversight Mechanism

158. The Committee noted that pursuant to article 112, paragraph 4, of the Rome Statute the scope of the activities of the Independent Oversight Mechanism's (IOM) included investigation, evaluation and inspection. However, the Assembly had decided that, initially, the IOM would perform only its investigative functions,<sup>49</sup> and that a comprehensive proposal for full operationalisation be considered at its eleventh session.<sup>50</sup> In view of the envisaged workload of the IOM in 2013, the Committee recommended that the total Professional and above staff be maintained at the effective *status quo* of one P-4 for the 2013 proposed programme budget and that the funding for P-2 not be approved at this time.

## H. Premises of the Court

### 1. Permanent premises

#### (a) Status of the project

159. The Chairman of the Oversight Committee, Mr. Roberto Bellelli, and the Project Director, Mr. Neil Bradley, provided an update of their activities, focusing on the progress of the Permanent Premises Project, its funding, cost and timeliness, as well as its ongoing challenges. The project was currently below the approved budget and within its timelines. These results had been achieved through effective governance and management of the project.

160. The award stage of the project, involving four tenderers, had been closed with a unanimous recommendation of the assessment panel on the Most Economically Advantageous Tender in August 2012. Following the recommendation of the Project Director, the Oversight Committee had decided to award the general contract for the construction to the consortium of Visser & Smit / Boele Van Eesteren for the guaranteed maximum price of €147 million against the €153 million level available for this purpose in the overall €190 million budget. Consequently, in addition to having absorbed the cost of the integrated user equipment ("3gv-costs") in accordance with resolution ICC-ASP/10/Res.6, the project was currently €6.1 million under the maximum authorized €190 million figure. The Registrar had signed the contract with the general contractor on 1 October 2012. The estimated completion date for the project continued to be September 2015, with readiness for the Court to move into the new premises in December 2015.

161. While pleased with the positive outcome of the tender process, the Committee agreed with the Oversight Committee on the need to manage the challenges of the project throughout the construction phase. A cautious approach to the financial aspects of the project should be maintained until its final completion.

#### (b) Transition to the new premises

162. The Committee agreed with the Oversight Committee on the critical need to ensure the timely completion of the project and the smooth transition of the Court to the new premises. The Project Director explained that the transition process was a complex and challenging project in itself, which required careful planning in good time. A transparent management structure and the clear assignment of responsibilities within the Court were essential. The Project Director expressed concern about the current lack of clarity in this respect. The Committee recommended that the Court expeditiously develop a detailed, monitorable scheme for managing the transition, based on a clear accountability structure. The Committee requested the Court to provide a progress report at its twentieth session.

163. The Committee was informed that the Director of the Permanent Premises Office has concluded service agreements with various Court departments. Those agreements specify the amounts to be paid for the services provided, which have been set against the Office's budget appropriation. The total cost of support services provided by the Court to the Permanent Premises Office amounts to €386,000.

<sup>49</sup> *Official Records... Ninth session... 2010* (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.5.

<sup>50</sup> *Official Records... Tenth session ... 2011* (ICC-ASP/10/20), vol. I, part III, ICC-ASP/10/Res.5.

164. The Committee accepted that it was preferable to take advantage of existing experience and skills within the Court, but was concerned to ensure that the use of approved resources remained transparent and subject to proper oversight. The Committee recommended that, at its twentieth session, the Project Director submit a more detailed and transparent analysis, containing information on the number of hours worked by temporary staff from other Court departments working for the Project Director's Office, including particulars of their remuneration.

**(c) Total cost of ownership**

165. The Oversight Committee recalled that, at the Committee's eighteenth session in April 2012, it had sought the Committee's advice on how to approach the funding costs component of the Total Cost of Ownership (TCO). These costs for using and owning the building were estimated to impact the budget as from 2016 in a range between €13.3 million and €14.8 million. They included three components: (i) financial costs; (ii) operating costs; and (iii) funding costs for capital investment replacements throughout the lifetime of the permanent premises, which accounted for a significant part of the TCO. The Committee invited the Oversight Committee and the Project Director to complete their qualitative analysis with quantitative assumptions and scenarios, including risk assessments and illustrations of the costs.<sup>51</sup>

166. Following-up on the Committee's recommendations, the Project Director was finalizing the structure of a working group to study the options and to consider establishing a fund to deal with the lifetime approach. The Committee shared the concern of the Oversight Committee that it would be extremely difficult to cope with the estimated additional requirements of up to €14.8 million per year in the lifetime approach. Therefore, the Committee recommended that the Working Group not focus only on one single option, such as the lifetime approach, but rather, it should undertake a review of the range of possible approaches including, but not limited to, a combination of the lifetime and annual approaches to mitigate the immediate financial impact.

**(d) Financial burden sharing with future States Parties**

167. The Committee also suggested that the Working Group should clarify technical options for future States Parties adhering after the completion of the permanent premises project to contribute to the financing of the project costs, taking into account the practice of other international organizations in sharing the burden of project financing among a growing membership.

**(e) Extending the deadline for one-time payments**

168. States Parties can contribute to the financing of the permanent premises project in either of two ways: through one-time payments up-front or, alternatively, by being assessed annually for the payment of interest and for the repayment of the host State loan over a 30 year period. As regards one-time payments, the Oversight Committee recalled that the deadline for States Parties to opt for one-time payments is 15 October 2012. Several States Parties had recently expressed an interest in also availing themselves of the one-time payment option. Consequently, the Oversight Committee had prepared a draft resolution again extending the deadline for opting into the system to 31 December 2014, and for making possible advance payments to be received in full by 15 June 2015. The Committee recalled that one-time payments would be subject to an adjustment once the final cost of the project and the amount of the host State loan were known. This is to ensure that all States Parties pay the correct amount. In order to provide transparency and predictability, the Committee invited the Oversight Committee and the Project Director to provide illustrative scenarios showing how the adjustment mechanism would work in practice at its twentieth session.

169. The Committee was of the view that an extension of the deadline for one-time payment was a good measure for increasing financial certainty to the project. However, in

<sup>51</sup> ICC-ASP/11/5, para. 67.

order to ensure fair burden sharing, the Committee suggested that the Oversight Committee look into options available in order to differentiate between those States Parties that opted for one-time payments before the original deadline and have made their payments, and those that would be interested in opting for one-time payments at the present time. In addition, the issue of interest accrued so far should be taken into account when accepting new one-time payers.

**(f) Non-integrated user equipment (“2gv elements”)**

170. The cost of the non-integrated user equipment (“2gv elements”) is currently estimated at €17.5 million spread out over 2012 to 2016. The Committee noted the sharp spike projected in 2015 of up to €13.5 million. The Committee recommended that the Court review again the options for possibly mitigating this increase, including the suitability and extended use of existing equipment.

**(g) Reclassification of the position of the Deputy Project Director and Financial Controller from P-4 to P-5 level**

171. The Committee noted the request of the Project Director’s Office to reclassify the post of Deputy Project Director and Financial Controller from a P-4 to a P-5 level.<sup>52</sup> The Committee recalled that at its sixth session, the Assembly had created the post of Deputy Project Director and Financial Controller at the P-4 level, stating that “a Deputy Project Director with solid financial experience in evaluating construction and design tenders will be essential.”<sup>53</sup> The Committee therefore was not of the opinion that the increased financial duties of the Deputy Project Director and Financial Controller went beyond the original specifications for the post and recommended that the conversion not be approved. The budget line for this item should thus be reduced by €24,400.

**2. Interim premises**

172. The Committee made a provisional examination of the estimated costs in the 2013 proposed programme budget.

173. The Court included an amount of €6.02 million for estimated rent and associated costs under Major Programme V (Interim Premises) in the 2013 proposed programme budget. The Committee was informed that the rent of premises were fixed in the rental contract with an adjustment mechanism based on the inflation rate of the host State and that other costs including the rent of warehouse and car park were estimated based on assumptions.

174. The Committee noted that the Court was revisiting the estimated associated costs and that the Court had already identified savings opportunities amounting to €120,000. Therefore, the Committee recommended to reduce the amount of €120,000 from the 2013 proposed programme budget, and also it encouraged the Court to continue reviewing its assumptions on an ongoing basis with a view to identifying further possible reductions of those costs.

**I. Other matters**

**Future meetings**

175. The Committee decided, tentatively, to hold its twentieth and twenty-first sessions in The Hague, from 22 to 26 April 2013, and from 9 September to 18 September 2013, respectively.

<sup>52</sup> ICC-ASP/11/10, Corr.1 and Corr.2, annex VII.

<sup>53</sup> *Official Records...Sixth session...2007* (ICC-ASP/6/20), vol. I, ICC-ASP/6/Res.1, annex V, paragraph I (b).

## Annex I

### List of documents

CBF/19/1	Provisional agenda
CBF/19/1/Add.1	Annotated list of items included in the provisional agenda
CBF/19/2	Report of the Court on the implementation of International Public Sector Accounting Standards
CBF/19/3	Annual Report of the Office of Internal Audit
CBF/19/4	Annual Report of the Office of Internal Audit. Implementation of audit recommendations: status as at 30 June 2012
CBF/19/5	Report of the Court on Judicial decisions with significant financial implications
CBF/19/6	Supplementary Report of the Registry on four aspects of the Court's legal aid system
CBF/19/6/Add.1	Financial implications of the review of the legal aid system of the Court
CBF/19/7	Report of the Court on proposed amendments to the Financial Regulations and Rules
CBF/19/8	Report of the Court on the activities of the Judiciary
CBF/19/9	Report of the Court on the activities of the Office of the Prosecutor
CBF/19/10	Report of the Court on the activities of the Registry
CBF/19/11	Report of the Court on the methodology for its scale of assessment
CBF/19/12	Report of the Court on the conditions of service of internationally recruited staff serving at field duty stations
CBF/19/13	Proposal by the Court for a retiree health insurance subsidy scheme
CBF/19/14	Report of the Court on analytic accountability
CBF/19/15	Report of the Court on its budgeting process and zero-based budgeting
CBF/19/16	Report of the Court on Junior Professional Officers (JPO)
CBF/19/17	Report on the organizational structure of the Court
CBF/19/18	Management of Exchange Rate Risks - Trust Fund for Victims
CBF/19/19	Interim report on the activities of the Oversight Committee
CBF/19/20	Performance Appraisal System in the Court
CBF/19/21	Annual report of the Audit Committee
ICC-ASP/11/3	Progress report of the Court on the implementation of International Public Sector Accounting Standards
ICC-ASP/11/4	Report of the Court on proposed amendments to the Financial Regulations and Rules
ICC-ASP/11/5	Report of the Committee on Budget and Finance on the work of its eighteenth session
ICC-ASP/11/7	Report of the Court on human resources management
ICC-ASP/11/8	Report on activities and programme performance of the International Criminal Court for the year 2011
ICC-ASP/11/10	Proposed Programme Budget for 2013 of the International Criminal Court
ICC-ASP/11/10/Corr.1	Proposed Programme Budget for 2013 of the International Criminal Court – Corrigendum 1
ICC-ASP/11/10/Corr.2	Proposed Programme Budget for 2013 of the International Criminal Court – Corrigendum 2
ICC-ASP/11/11	Report of the Court on its budgeting process
ICC-ASP/11/12	Financial statements for the period 1 January to 31 December 2011
ICC-ASP/11/13	Trust Fund for Victims - Financial statements for the period 1 January to 31 December 2011
ICC-ASP/11/14	Report to the Assembly of States Parties on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2011 to 30 June 2012
ICC-ASP/11/16	Report on budget performance of the International Criminal Court as at 30 June 2012

## Annex II

## Status of contributions as at 30 September 2012 (in euros)

	<i>Prior Years' Assessed States Parties Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2012 Assessed Contributions</i>	<i>2012 Contributions Received</i>	<i>2012 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>	<i>Replenishment Contingency Fund 2011</i>	<i>Grand Total</i>
1 Afghanistan	25,146	25,146	-	6,452	-	6,452	6,452	46	6,498
2 Albania	78,460	78,460	-	16,124	16,118	6	6	-	6
3 Andorra	79,424	79,424	-	11,283	11,252	31	31	-	31
4 Antigua and Barbuda	28,382	22,936	5,446	3,220	-	3,220	8,666	76	8,742
5 Argentina	6,834,472	6,834,472	-	462,639	462,639	-	-	-	-
6 Australia	21,271,213	21,271,213	-	3,115,945	3,115,945	-	-	-	-
7 Austria	10,591,419	10,591,419	-	1,371,794	1,371,794	-	-	-	-
8 Bangladesh	24,349	-	24,349	16,124	-	16,124	40,473	380	40,853
9 Barbados	108,249	108,249	-	12,893	12,893	-	-	-	-
10 Belgium	13,191,168	13,191,168	-	1,732,868	1,732,868	-	-	-	-
11 Belize	12,152	12,152	-	1,610	-	1,610	1,610	11	1,621
12 Benin	23,001	23,001	-	4,831	-	4,831	4,831	34	4,865
13 Bolivia (Plurinational State of)	89,457	89,457	-	11,283	11,283	-	-	-	-
14 Bosnia & Herzegovina	84,045	84,045	-	22,565	22,565	-	-	-	-
15 Botswana	171,794	171,794	-	29,017	-	29,017	29,017	194	29,211
16 Brazil	16,433,395	16,433,395	-	2,596,893	2,596,893	-	-	-	-
17 Bulgaria	281,834	281,834	-	61,254	61,254	-	-	-	-
18 Burkina Faso	25,045	20,641	4,404	4,831	-	4,831	9,235	114	9,349
19 Burundi	10,528	10,528	-	1,610	1,610	-	-	-	-
20 Cambodia	23,001	18,505	4,496	4,831	-	4,831	9,327	114	9,441
21 Canada	35,957,386	35,957,386	-	5,169,599	5,169,599	-	-	-	-
22 Cape Verde	-	-	-	1,610	-	1,610	1,610	-	1,610
23 Central African Republic	12,152	11,722	430	1,610	-	1,610	2,040	38	2,078
24 Chad	10,530	1,646	8,884	3,220	-	3,220	12,104	76	12,180
25 Chile	802,688	802,688	-	380,430	380,430	-	-	-	-
26 Colombia	1,640,848	1,640,848	-	232,125	232,125	-	-	-	-
27 Comoros	7,722	582	7,140	1,610	-	1,610	8,750	38	8,788
28 Congo	17,046	17,046	-	4,831	-	4,831	4,831	34	4,865
29 Cook Islands	4,842	3,313	1,529	1,610	-	1,610	3,139	38	3,177
30 Costa Rica	379,421	379,421	-	54,803	54,803	-	-	-	-
31 Croatia	692,318	692,318	-	156,356	-	156,356	156,356	1,088	157,444
32 Cyprus	516,705	516,705	-	74,147	74,147	-	-	-	-
33 Czech Republic	1,174,000	1,174,000	-	562,583	562,583	-	-	-	-
34 Democratic Republic of the Congo	37,073	37,073	-	4,831	475	4,356	4,356	-	4,356
35 Denmark	8,892,049	8,892,049	-	1,186,410	1,186,410	-	-	-	-
36 Djibouti	11,956	5,223	6,733	1,610	-	1,610	8,343	38	8,381
37 Dominica	12,152	9,345	2,807	1,610	-	1,610	4,417	38	4,455
38 Dominican Republic	310,393	181,192	129,201	67,706	-	67,706	196,907	1,597	198,504
39 Ecuador	307,937	307,937	-	64,475	-	64,475	64,475	448	64,923
40 Estonia	248,227	248,227	-	64,475	64,475	-	-	-	-

	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2012 Assessed Contributions</i>	<i>2012 Contributions Received</i>	<i>2012 Outstanding Contributions</i>	<i>Total Replenishment Outstanding Contributions</i>	<i>Contingency Fund 2011</i>	<i>Grand Total</i>
41 Fiji	44,227	43,052	1,175	6,452	-	6,452	7,627	152	7,779
42 Finland	6,707,707	6,707,707	-	912,375	912,375	-	-	-	-
43 France	75,022,145	75,022,145	-	9,870,108	9,870,108	-	-	-	-
44 Gabon	123,453	50,944	72,509	22,565	-	22,565	95,074	532	95,606
45 Gambia	12,152	12,152	-	1,610	-	1,610	1,610	13	1,623
46 Georgia	44,021	44,021	-	9,672	9,672	-	-	-	-
47 Germany	103,597,452	103,597,452	-	12,924,798	12,924,798	-	-	-	-
48 Ghana	55,376	55,376	-	9,672	-	9,672	9,672	66	9,738
49 Greece	7,230,587	7,230,587	-	1,113,873	-	1,113,873	1,113,873	7,321	1,121,194
50 Grenada	641	-	641	1,610	-	1,610	2,251	16	2,267
51 Guatemala	-	-	-	22,565	-	22,565	22,565	-	22,565
52 Guinea	23,917	20,935	2,982	3,220	-	3,220	6,202	76	6,278
53 Guyana	10,528	10,528	-	1,610	1,610	-	-	-	-
54 Honduras	69,828	40,516	29,312	12,893	-	12,893	42,205	304	42,509
55 Hungary	2,551,662	2,551,662	-	469,080	469,080	-	-	-	-
56 Iceland	450,270	450,270	-	67,706	67,706	-	-	-	-
57 Ireland	5,089,997	5,089,997	-	802,759	802,759	-	-	-	-
58 Italy	60,676,389	60,676,389	-	8,058,250	8,058,250	-	-	-	-
59 Japan	84,487,697	84,487,697	-	20,198,024	20,198,024	-	-	-	-
60 Jordan	145,420	145,420	-	22,565	22,565	-	-	-	-
61 Kenya	102,343	102,343	-	19,345	-	19,345	19,345	128	19,473
62 Latvia	263,067	263,067	-	61,254	61,254	-	-	-	-
63 Lesotho	12,152	12,152	-	1,610	-	1,610	1,610	35	1,645
64 Liberia	10,528	6,504	4,024	1,610	-	1,610	5,634	38	5,672
65 Liechtenstein	95,568	95,568	-	14,503	14,503	-	-	-	-
66 Lithuania	436,827	436,827	-	104,774	64,973	39,801	39,801	-	39,801
67 Luxembourg	1,012,518	1,012,518	-	145,074	145,074	-	-	-	-
68 Madagascar	13,657	11,099	2,558	4,831	-	4,831	7,389	114	7,503
69 Malawi	12,533	12,533	-	1,610	-	1,610	1,610	11	1,621
70 Maldives	128	-	128	1,610	-	1,610	1,738	3	1,741
71 Mali	23,001	20,463	2,538	4,831	-	4,831	7,369	114	7,483
72 Malta	190,146	190,146	-	27,407	27,407	-	-	-	-
73 Marshall Islands	12,152	8,422	3,730	1,610	-	1,610	5,340	38	5,378
74 Mauritius	133,666	133,666	-	17,734	17,734	-	-	-	-
75 Mexico	20,139,394	20,139,394	-	3,797,805	-	3,797,805	3,797,805	29,204	3,827,009
76 Moldova (Republic of)	3,075	3,075	-	3,220	3,211	9	9	-	9
77 Mongolia	15,227	15,227	-	3,220	3,220	-	-	-	-
78 Montenegro	17,615	17,615	-	6,452	-	6,452	6,452	66	6,518
79 Namibia	79,678	79,678	-	12,893	12,893	-	-	-	-
80 Nauru	12,152	12,152	-	1,610	1,169	441	441	-	441
81 Netherlands	21,876,126	21,876,126	-	2,990,216	2,990,216	-	-	-	-
82 New Zealand	3,011,296	3,011,296	-	440,063	440,063	-	-	-	-
83 Niger	15,227	7,943	7,284	3,220	-	3,220	10,504	76	10,580
84 Nigeria	661,527	543,653	117,874	125,729	-	125,729	243,603	2,965	246,568
85 Norway	9,272,838	9,272,838	-	1,404,031	1,404,031	-	-	-	-
86 Panama	256,997	256,997	-	35,469	35,469	-	-	-	-
87 Paraguay	102,262	91,881	10,381	11,283	-	11,283	21,664	266	21,930
88 Peru	1,066,702	906,459	160,243	145,074	-	145,074	305,317	3,422	308,739
89 Philippines	23,064	23,064	-	145,074	145,032	42	42	-	42
90 Poland	6,845,205	6,845,205	-	1,334,715	1,334,715	-	-	-	-

	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2012 Assessed Contributions</i>	<i>2012 Contributions Received</i>	<i>2012 Outstanding Contributions</i>	<i>Total Replenishment Outstanding Contributions</i>	<i>Contingency Fund 2011</i>	<i>Grand Total</i>
91 Portugal	6,082,461	6,082,461	-	823,714	823,714	-	-	-	-
92 Republic of Korea	24,571,322	24,571,322	-	3,643,059	3,643,059	-	-	-	-
93 Romania	1,131,697	1,131,697	-	285,317	285,317	-	-	-	-
94 Saint Kitts and Nevis	7,722	7,722	-	1,610	1,610	-	-	-	-
95 Saint Lucia	1,794	-	1,794	1,610	-	1,610	3,404	38	3,442
96 Saint Vincent and the Grenadines	11,956	11,956	-	1,610	-	1,610	1,610	25	1,635
97 Samoa	12,034	12,034	-	1,610	1,610	-	-	-	-
98 San Marino	35,837	35,837	-	4,831	4,831	-	-	-	-
99 Senegal	59,456	59,456	-	9,672	-	9,672	9,672	66	9,738
100 Serbia	295,620	295,620	-	59,644	59,644	-	-	-	-
101 Seychelles	3,588	3,588	-	3,220	-	3,220	3,220	66	3,286
102 Sierra Leone	12,152	9,344	2,808	1,610	-	1,610	4,418	38	4,456
103 Slovakia	947,243	947,243	-	228,904	228,904	-	-	-	-
104 Slovenia	1,121,678	1,121,678	-	166,029	-	166,029	166,029	1,079	167,108
105 South Africa	3,897,662	3,897,662	-	620,606	620,606	-	-	-	-
106 Spain	34,606,024	34,606,024	-	5,121,238	-	5,121,238	5,121,238	38,501	5,159,739
107 Suriname	10,994	10,994	-	4,831	4,831	-	-	-	-
108 Sweden	12,668,681	12,668,681	-	1,715,145	1,715,145	-	-	-	-
119 Switzerland	14,469,763	14,469,763	-	1,821,530	1,821,530	-	-	-	-
110 Tajikistan	15,227	15,227	-	3,220	3,220	-	-	-	-
111 Tanzania (United Republic of)	77,508	65,583	11,925	12,893	-	12,893	24,818	304	25,122
112 The former Yugoslav Rep. of Macedonia	71,606	51,668	19,938	11,283	-	11,283	31,221	266	31,487
113 Timor-Leste	12,034	12,034	-	1,610	50	1,560	1,560	-	1,560
114 Trinidad and Tobago	353,187	353,187	-	70,927	70,927	-	-	-	-
115 Tunisia	15,376	-	15,376	48,362	-	48,362	63,738	380	64,118
116 Uganda	59,157	59,157	-	9,672	5,236	4,436	4,436	-	4,436
117 United Kingdom	77,814,612	77,814,612	-	10,645,471	10,645,471	-	-	-	-
118 Uruguay	446,660	446,660	-	43,520	-	43,520	43,520	279	43,799
119 Vanuatu	-	-	-	1,480	-	1,480	1,480	-	1,480
120 Venezuela (Bolivarian Republic of)	2,667,903	2,667,903	-	506,159	506,159	-	-	-	-
121 Zambia	25,682	25,682	-	6,452	6,452	-	-	-	-
<b>Total</b>	<b>713,988,755</b>	<b>713,326,116</b>	<b>662,639</b>	<b>108,799,841</b>	<b>97,628,388</b>	<b>11,171,453</b>	<b>11,834,092</b>	<b>90,404</b>	<b>11,924,496</b>

Note: concerns outstanding assessed programme budget contributions and replenishment of the Contingency Fund; does not include outstanding Working Capital Fund.

## Annex III

### Impact of measures to bring the level of the International Criminal Court's budget for 2013 in line with the level of the approved budget for 2012\*

#### A. Introduction

1. At its last session, the Assembly requested the Court “to prepare, if it proposes any increase of the budget for 2013, a paper which details the Court’s options where reductions would be made in order to bring the level of the approved budget for 2013 in line with the level of the approved budget for 2012<sup>1</sup> as well as how those reductions would impact on the Court’s activities”.<sup>2</sup>

2. As in previous years, during 2012 the Court has made its best efforts to cut down expenses, find efficiencies and concentrate its efforts and resources on the most efficient and economical means of implementing its mandate. As a result of these efforts and notwithstanding its increased workload, the necessary net increase in the 2013 proposed programme budget of Major Programmes I, II and III is €3.5 million (3.5 per cent) when compared against the approved corresponding appropriations for the 2012 budget. Accordingly, the organs of the Court have been able to integrate additional requirements through efficiencies, reprioritizations and reductions, thereby minimizing the increase. In addition, States Parties will have to pay the rent – a cost that had heretofore been covered by the host State – for the Court’s interim premises for the first time in 2013, which amounts to an added €6.02 million in the Court’s budget.

3. The new requirements for the rent, in addition to increases in the Secretariat of the Assembly of States Parties (€206,200), the Independent Oversight Mechanism (€104,300) and the Trust Fund for Victims (€208,700), as well as a reduction in the Permanent Premises Project’s Director’s Office (-€109,000), bring the total increase of the Court’s 2013 proposed programme budget to €9.9 million (9.1 per cent).

4. In light of these additional expenses and pursuant to the above-mentioned resolution, the Court hereby submits a paper identifying measures which, if adopted by the Assembly, could bring the level of the Court’s budget for 2013 in line with the level of the approved budget for 2012. Importantly, it must be stressed that this paper and the measures identified herein are not a proposal from the Court for further reductions as the Court has already submitted the most economical and efficient budget proposal. The Court believes that the activities affected by the identified reduction measures and their corresponding resources are of high importance and part of the mandatory activities within the Court’s legal framework. In compliance with the above-mentioned resolution by the Assembly, the Court will identify the impact and consequences that further reductions to its 2013 proposed programme budget are likely to have on the Court’s implementation of its mandate.

**Table 1: Resource growth by Major Programme in 2013. Proposed Programme Budget as compared to the 2012 approved budget (in thousands of euro)**

	Amount €	%
MP I: Judiciary	1,150.7	11.2
MP II: Office of the Prosecutor	939.4	3.4
MP III: Registry	1,431.7	2.2
MP IV: Secretariat of the Assembly of States Parties	206.2	7.4

\* As submitted by the Court.

<sup>1</sup> *Official Records... Tenth session... 2011*(ICC-ASP/10/20), vol. I, part III, ICC-ASP/10/Res.4, paragraph A.1. In this resolution the Assembly approved “appropriations totaling €111,000,000 with €108,800,000 for the budget of the Court and €2,200,000 to replenish the Contingency Fund” (*emphasis added*).

<sup>2</sup> *Official Records... Tenth session... 2011*(ICC-ASP/10/20), vol. I, part III, ICC-ASP/10/Res.4, paragraph H.2 (*in quote footnote and emphasis added*).

	<i>Amount €</i>	<i>%</i>
MP V: Rent & Maintenance (Interim Premises)	6,021.4	
MP VI: Secretariat of the Trust Fund for Victims	208.7	14.4
MP VII-1: Project Director's Office (Permanent Premises)	-109.0	-8.2
MP VII-5: Independent Oversight Mechanism	104.3	56.2
<b>Total</b>	<b>9,953.4</b>	<b>9.1</b>

## B. Background on budgetary issues

5. The Court's budget is driven by its activities as set forth in its founding document, the Rome Statute. The Preamble stipulates that the States Parties to the Rome Statute are "[d]etermined to put an end to impunity for the perpetrators of [the most serious crimes of concern to the international community as a whole] and thus to contribute to the prevention of such crimes".<sup>3</sup> Further, the Rome Statute's regulatory framework regarding jurisdiction<sup>4</sup> and admissibility<sup>5</sup> as well as the Prosecutor's investigative mandate<sup>6</sup> is based on the premise that the Court determines the level of its activities based on the following principles:

- (a) Has a crime of sufficient gravity been committed?
- (b) Does the court have jurisdiction over the crime? and
- (c) Is the case admissible?<sup>7</sup> The Court's budgetary requirements follow these underlying assumptions.

6. In 2012, the Assembly approved €108.8 million for the 2012 programme budget. While these appropriations represented an approximately 5 per cent increase in the Court's budget compared to the 2011 approved budget, the Court's increased budgetary needs for 2012 had been triggered by a number of significant judicial developments, most prominently the referral of the Libya situation by the Security Council, the two Kenya cases and the situation in Côte d'Ivoire which are now before the Court. In addition to the reductions in the Court's 2012 proposed programme budget and the supplementary budget<sup>8</sup> recommended by the Committee on Budget and Finance, the Assembly imposed further cuts to the Court's proposal, bringing it to the above-mentioned total of €108,800,000.

7. The deficit in the 2012 approved budget has mainly affected the areas of personnel expenses for established posts and GTA, legal aid and non-staff costs such as travel, contractual services, equipment and supplies and materials. These budgetary measures, in addition to the unexpected and unprecedented vacancy rate imposed for GTAs, have had an adverse impact on the Court and have threatened to compromise its ability to meet its contractual obligations vis-à-vis its employees.

8. The Court continues to pay its staff full wages in accordance with their entitlements and has absorbed the financial burden imposed through the freeze on salary scales and staff costs. In 2012, with a continuously high implementation rate and a substantial amount of staff costs to absorb, the Court was forced to terminate the contracts of a number of employees on GTA contracts due to the unavailability of funds. For the same reason, budgeted posts which have become vacant due to staff leaving the Court have not been filled. In addition, non-staff costs have also been affected.

<sup>3</sup> Rome Statute, Preamble, paras. 4 and 5.

<sup>4</sup> See article 13 of the Rome Statute.

<sup>5</sup> See article 17 of the Rome Statute.

<sup>6</sup> See articles 14, 15 of the Rome Statute.

<sup>7</sup> O. Triffterer, Commentary on the Rome Statute of the International Criminal court, 2<sup>nd</sup> Edition 2008, article 1, para. 22.

<sup>8</sup> Official Records... Tenth session... 2011(ICC-ASP/10/20), vol. I, annex II A., previously issued as ICC-ASP/10/10/Add.2.

9. Another measure adopted by the Assembly that exacerbates the gap between the budget and the Court's financial reality is the unprecedented vacancy rate which, since 2012, has also been applied to GTA. These contracts reflect the staff needed to perform certain activities on a short term need basis. The application of a vacancy rate on GTA is inappropriate as these resources are hired on a need-per-month basis within a calendar year. Any reductions through the application of a vacancy rate do inevitably result in a shortfall in capacity.

10. A reprioritization of operations has taken place across the Court during 2012 in addition to the adoption of preventive financial and operational measures in order to cope with the deficit. Some of the financial measures include the delay and postponement of recruitments and the cancellation of contract renewals. Further, operational measures have been taken to economize resources with the result that special projects will be delayed. This encompasses, *inter alia*, consultancies to support the risk management project; the development of the Human Resources manual; brokerage expertise to establish the insurance committee and internal audits on IT-related issues; the refurbishment of courtrooms; investments on SAP projects such as the automation of annual leave and the new payroll system; and certain training, including language courses. In addition, one of the two courtrooms was closed mainly due to the lack of resources for the replacement of equipments and the corresponding maintenance costs.

11. Staff shortages and the reduced courtroom capacity are likely to cause delays to the judicial proceedings, resulting in delays and additional costs for other parts of the Court involved in the proceedings, not least the legal aid budget.

12. Support sections continue to do their utmost to maintain the level of services currently provided; however, the Court has experienced some operational delays and risks are increasing in certain activities. The operational measures also increase the risk of serious complications in areas such as support to courtroom activities, protection of witnesses and victims, support to Counsel, field operations, victims' participation, and others.

### C. Elaboration of the 2013 proposed programme budget

13. As the Court has previously stated,<sup>9</sup> its budgetary policy is one of strict reliance on established facts; it does not budget for any activity unless its occurrence in the following year is clearly foreseeable and quantifiable. This commitment to an accurate and lean budgeting approach in the Court's regular programme budget has been endorsed by the Committee.<sup>10</sup> This budgeting philosophy is subject to ongoing discussions in the Assembly's Study Group on Governance in its cluster on the Court's budgeting process.<sup>11</sup>

14. Consistent with its budget policy and current budget process, the Court has included in its proposed budget for 2013 only the necessary requirements deriving from the 2013 budget assumptions, including provision for the hearings in both trials in the Kenya situation. The Court's budgeting strategy continues to be mandate-driven and the Court has requested, in the 2013 proposed programme budget, the adequate financial resources to ensure that its operations are carried out effectively and efficiently.<sup>12</sup>

15. Mindful of the financial constraints that States Parties are experiencing due to the current economic environment, the Court has prioritised its financial requirements and has continued to focus on the efficient delivery of prosecutorial and judicial activities and the corresponding support operations. In this regard, the 2013 proposed programme budget excludes resources for some special projects, operational requirements, staff development and staff welfare. While it was concluded that the postponement of these operations will only have a minor directly detrimental impact on the Court's prosecutorial and judicial operations in the short term, their exclusion from the proposed budget will create inefficiencies across the Court in the foreseeable future.

<sup>9</sup> *Official Records ...Sixth session ... 2007* (ICC-ASP/6/20), vol. II, part A.I, para. 55. Also see CBF/18/8, para. 7.

<sup>10</sup> ICC-ASP/7/16, para. 6. and ICC/18/8, para. 7.

<sup>11</sup> Delegates of States Parties have welcomed the Court's initiative to provide budget assumptions for scenarios of additional Court activities which are, while foreseeable, not adequately quantifiable at the time of setting the Court's budget assumptions.

<sup>12</sup> CBF/18/18, para. 9.

## D. Staff costs in the 2013 budget

16. Due to the nature of the Court's operations, its main investments are linked to its human resources. For this purpose, the Court applies the United Nations' common system of salaries, allowances and other conditions of service – a necessary precondition for participation in the United Nations Joint Staff Pension Fund.<sup>13</sup> In applying this system, the Court is under an obligation to implement the common standards, methods and arrangements being applied to salaries, allowances and benefits for international civil service staff. ICSC<sup>14</sup> ensures appropriate mandatory levels of salaries and allowances of all common system staff which are approved by the United Nations General Assembly and result in corresponding adjustments in staff costs.<sup>15</sup>

17. While the Court is legally bound to apply the UNCS, for the past two years, the Assembly has followed the Committee's recommendation that the Court absorb the increases of staff salaries and enhanced conditions in the field within each major programme.<sup>16</sup> If the Court were to freeze staff salaries and periodic increments, it would thus infringe individual rights and entitlements. Litigations before the ILOAT with a risk for potential liabilities would be a predictable consequence.

## E. Impact of budget reductions

### 1. Overview

18. In complying with the Assembly's request, the Court identified a list of measures which, if adopted by the Assembly, could bring about substantial reductions to the budget. In addition, and to further inform the Assembly's consideration of this paper, the Court has identified the impact and consequences that additional reductions to its 2013 proposed programme budget are likely to have on the Court's implementation of its mandate. In carrying out this exercise, the Court has focused on: a) major programme-specific measures which generate savings within specific major programmes; and b) cross-cutting measures which have an impact on all organs of the Court.

19. While the first set of measures is aimed at finding resources which can be reduced from the different major programmes in an isolated manner without unduly affecting the activities of the other parts of the Court, this approach will necessarily result in limited reductions. The way in which the budget of the Court is built reflects the synergies and inter-related operations among the different organs of the Court triggered by judicial and prosecutorial activities.

20. Table 2 illustrates the 2013 proposed programme budget by major programme and the 2012 approved programme budget, as well as the reductions that would be required in each major programme should the Assembly wish to bring the 2013 proposed budget in line with the 2012 approved programme budget. It transpires that while some major programmes may be able to achieve zero nominal growth through in-programme reductions, other major programmes with more substantial growth rates cannot do so. Therefore, and in particular if the Court is to absorb the rent for the interim premises, Court-wide cross-cutting measures are necessary to make the required savings.

21. The proposed programme budget for the Court does not include any potential savings resulting from possible changes in the legal aid system which, if adopted by the Assembly, would reduce the Registry's proposed budget by approximately €1.1 million, as indicated in the Supplementary Report of the Registry on four aspects of the Court's legal

<sup>13</sup> Regulation 6.1 of the Staff Regulations.

<sup>14</sup> The Salaries and Allowances Division of the ICSC monitors the levels of net remuneration, recommends adjustments to net and gross base/floor salary scale and levels of staff, and carries out periodic studies to determine the best-paid national civil service used as a comparator of the common system.

<sup>15</sup> The common system is designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel and to facilitate the interchange of personnel. It applies to over 52,000 staff members serving at over 600 duty stations.

<sup>16</sup> *Official Records... Tenth session... 2011*(ICC-ASP/10/20), vol. II., part B.2., para. 76.

aid system, and corresponding annex.<sup>17</sup> Therefore, the resource growth shown in table 2 could be reduced from €9.95 million to €8.88 million.

**Table 2: 2013 Proposed Programme Budget resource growth (in thousands of euro)**

<i>Major Programme</i>	<i>Proposed 2013 budget €</i>	<i>Approved 2012 budget €</i>	<i>Resource growth €</i>
I	11,434.7	10,284	1,150.7
II	28,663.1	27,723.7	939.4
III	66,473.4	65,041.7	1,431.7
IV	2983.5	2,777.3	206.2
V	6,021.4	n/a	6,021.4
VI	1,659.3	1,450.6	208.70
VII-1 and VII-2	1,228.2	1,337.2	-109.0
VII-5	289.8	185.5	104.3
<b>Total</b>	<b>118,753.4</b>	<b>108,800</b>	<b>9,953.3</b>

## 2. Major Programme-specific measures for budget reductions

### (a) Major Programme I

22. The main cost drivers of the 2013 proposed programme budget for Major Programme I are two-fold. Firstly, the Presidency will need to call three judges elected on 11 March 2012 to full-time service in the first quarter of 2013 in order to staff the two trial chambers in the Kenya situation at the cost of €791,000. Secondly, additional staffing resources will become necessary for the Kenya cases as well as in the Appeals Division, which will be facing two final appeals in addition to its habitual workload of interlocutory and other appellate proceedings.<sup>18</sup>

23. In order to bring the 2013 proposed budget of Major Programme I in line with the 2012 approved programme budget, a reduction of €1.15 million is required. This figure largely reflects the cost of three judges necessary for constituting a second trial chamber in the situation in Kenya – costs which are inelastic and not subject to possible reductions or absorptions due to statutory requirements of a minimal number of judges per chamber.<sup>19</sup> With an overall budget of €11.4 million, a reduction of Major Programme I's budget to the level of the approved budget allotment in 2012 would necessitate cuts exceeding 10 per cent of its overall budget allotment. Since Major Programme I's budget consists of almost exclusively staff costs and judges' costs, such a reduction would cut deep into its staffing resources, effectively amounting to a 25 per cent staff reduction, and take away the entire GTA budget. This would result in the elimination of staff capacities which carry out essential Chambers support functions as regards, for instance, victim participation, disclosure of evidence and witness protection issues (e.g. redaction of evidence). Ongoing judicial proceedings would be severely impacted and envisaged proceedings would have to be postponed substantially, generating further costs down the line and possibly infringing upon the right of the accused to an expeditious trial. Therefore, Major Programme I identified measures which, while having an impact on the implementation of its mandate, will not lead to a complete collapse of its ongoing activities. The measures identified by the Court are also illustrated in table 3.

<sup>17</sup> ICC-ASP/11/43 and Add.1.

<sup>18</sup> In addition, the yearly increase of staff costs due to new salary scales etc. as outlined above sharply impacts Major Programme I due to its high concentration of staff costs.

<sup>19</sup> For example, article 39 of the Rome Statute stipulates the minimum number of judges per Chamber, from which the Judiciary cannot divert for any reasons, let alone cost-saving considerations.

**Table 3: Major Programme I's budget reduction measures**

<i>Measure</i>	<i>Impact</i>	<i>Amount</i>
Reduction (20 per cent) of GTA provision for: - Pre-Trial Division; - Trial Division (GTA resources for the <i>Kenya</i> case); and Appeals Division	<ul style="list-style-type: none"> <li>- Likely to generate disruptions in the judicial proceedings and eventually cause delays as the staff resources required by the chambers and divisions are calculated rather conservatively.</li> <li>- In light of probable future pre-trial activity, in particular in the Côte d'Ivoire and Libya situations, the decrease of resources which are meant to cover short-term peak activity and resource requirements may deprive the Pre-Trial Division of its flexibility to react as expeditiously as possible to any requests and motions by the Prosecutor or other parties and participants to the proceedings.</li> <li>- Likely to generate disruptions in the proceedings and eventually cause delays in judicial proceedings as the staff resources required by the chambers and divisions are calculated rather conservatively.</li> <li>- Delays in the Kenya trial preparation and subsequent trial hearings, currently scheduled to commence on 10 and 11 April 2013 respectively, would not only generate further costs for legal aid for the defence, victim participation and representation, but would also threaten to violate the accuseds' procedural rights under the Rome Statute and finally undermine the credibility and standing of the Court externally.</li> <li>- Likely to adversely affect the quality and expeditiousness of judicial processes.</li> </ul>	€ 172,000
Reduction (20 per cent) of consultants	<ul style="list-style-type: none"> <li>- A decrease of resources which are meant to cover short-term peak activity and resource requirements may deprive the Judiciary of its flexibility to react as expeditiously as possible to any judicial development, in particular in regards of victim participation and evidence processing issues, as well as other short-term expertise on specific items.</li> <li>- Likely to affect the requirement of the Legal and Enforcement Unit of the Presidency to receive expert advice on specific items related to the Court's arrangements for the enforcement of sentences.</li> </ul>	€5,000
Reduction (20 per cent) in training	<ul style="list-style-type: none"> <li>- Decreased training capacity eventually results in loss of expertise, lack of development of professional skills and loss of motivation. Further, it could, in case of the newly established Legal and Enforcement Unit of the Presidency, lead to inefficiencies due to a lack of adequate preparations for the specific tasks ahead.</li> </ul>	€4,800
Reduction (20 per cent) in travel	<ul style="list-style-type: none"> <li>- The President's travel in relation to his external functions has proven to be instrumental in galvanizing support for the Court and in motivating states to ratify the Rome Statute. A decreased travel allotment for the Presidency will require the President to carry out his external relations functions more selectively, to the detriment of the economically weaker regions where the Presidency cannot raise travel funds.</li> <li>- Judges' travel to conferences, workshops and any other essential events on Court-related topics has had a tangible positive effect on the public vision and understanding of the Court. A reduction of the travel budget reduces the judges' independence in choosing which international/regional event to support through their attendance.</li> </ul>	€36,000
<b>Total</b>		<b>€217,800</b>

**(b) Major Programme II**

24. In order to bring the 2013 proposed programme budget of Major Programme II in line with the 2012 approved programme budget, a reduction of €939,400 would be required. The measures identified by Major Programme II are illustrated in table 3.

25. It is worth emphasizing that the amount of €28.6 million requested by Major Programme II in the 2013 proposed budget, already includes significant savings that have been achieved through the adoption of ongoing efficiency measures. Without those measures, the baseline for 2013 would stand at €32.1 million.

26. The implementation of the 2013 salary scales provision leads to increases that were not unforeseeable given the two year freeze on this budget line and Major Programme II has made all efforts to offset as much of this as possible through efficiencies on other budget lines and retaining other non-staff budget lines at the reduced levels approved by the Assembly for 2012.

27. In table 4 below, further measures are quantified and the impact thereof is described.

**Table 4: Major Programme II's budget reduction measures**

<i>Measure</i>	<i>Impact</i>	<i>Amount</i>
Suspend all training	<ul style="list-style-type: none"> <li>- Although in-house training at zero cost is used to the extent possible, budgets have been reduced year-on-year to keep overall budget requests to a minimum.</li> <li>- Level of budget retained at 2012 level approved by the Assembly which reflects 0.21 per cent of the staffing budget compared to 0.5 per cent as per organisational norms.</li> <li>- Suspension of training is inconsistent with strategic objectives of the Court and at odds with the appraisal guidelines and erodes managerial responsibilities for staff development to maintain effective and efficient workforce.</li> <li>- This represents a short-term saving as reinstatement would be required in subsequent budget requests, thus increase above the 2012 baseline is deferred only for one year.</li> </ul>	€ 55,900
Cancel all OTP-specific IT developments in support of investigation and trials	<ul style="list-style-type: none"> <li>- Budgets already diminished over last years, thus developments are behind schedule, with risks of reduced efficiency and integrity for evidence processing and case management.</li> <li>- Postponement of developments is not consistent with the Court's strategic goal in the context of establishing an e-Court.</li> <li>- Added complication that aging systems that cannot be supported by maintenance contracts.</li> <li>- Evidence and case management integrity is of prime importance for Office of the Prosecutor (OTP) cases, thus any postponement would require reinstatement in 2014, therefore increase above the 2012 baseline are deferred only for one year.</li> </ul>	€137,950
Postpone one investigation (including all staff and operational costs except witness management)	<ul style="list-style-type: none"> <li>- Seriously infringes prosecutorial independence and compromises the essence of the Rome Statute and compliance with statutory obligations.</li> <li>- Increased budget in subsequent years will be required or, if sustained, the reduced activity will negatively impact public and stakeholder perception of the Court as effective in delivering its mandate.</li> </ul>	€600,000
<b>Total</b>		<b>€793,850</b>

28. The only option under the direct control of Major Programme II where significant costs can be reduced is the reduction of investigations, which strikes at the core of the Rome Statute and protracts impunity. In this context, the suspension of trials, particularly where the accused is/are not in detention or trial proceedings have commenced, cannot be excluded. As Major Programme II is only engaged in investigations and litigation, either scenario can lead to significant budget reductions; however, in the case of the latter, the decision is not in the hands of the Office of the Prosecutor. Similarly, it cannot be expected that a chamber of impartial, professional judges will take any decision possibly violating the accused's rights to a fair and expeditious trial merely to realize short-term gains for the Court's budget.

**(c) Major Programme III**

29. In order to bring the 2013 proposed programme budget of Major Programme III in line with the 2012 approved programme budget, a reduction of €1.43 million is required. It should be noted that before the inclusion of the costs arising from the Trial Chamber V's decision of 9 July 2012 setting the date for the two trials in the Kenya situation for 10 and 11 April 2013 respectively, the proposed budget of Major Programme III presented a slight difference of €184,300 in relation to the approved 2012 budget, an increase of less than 0.3 per cent. A further €1.24 million is now required for the Registry to provide all the necessary courtroom support and in general support the activities and the implementation of the mandates of the different parties and participants in the proceedings in the two Kenya trials once they commence in April 2013.

30. The Registry underwent a thorough review of its required resources and in particular reassessed the level of established posts and GTA posts bearing in mind the strict requirements for 2013. Similarly, requests for consultants have been thoroughly scrutinized and accepted only on an exceptional basis when there is a strong justification for the use of such resources. As a result, Major Programme III has managed to absorb over €3 million of approximately €4.4 million comprising of the additional resources required for legal aid costs in 2013, as well as the additional costs linked to the Court-wide implementation of the UNCS and the increased costs for supporting the trial hearings in the two Kenya cases.

31. Because of the thorough scrutiny that had already been performed in the proposed budget for Major Programme III in order to bring it as close as possible to the same level of the 2012 budget, the Registry's operation have been stripped to the bare essentials, leaving no room for additional cuts without seriously impacting the adequate functioning of the judicial proceedings and the operations conducted by the parties and participants in the proceedings.

32. The measures identified by the Court for Major Programme III are detailed in table 5.

**Table 5: Major Programme III's budget reduction measures**

<i>Measure</i>	<i>Impact</i>	<i>Amount</i>
Cancelling all security liaison and support for missions of elected officials	- As only remote support and liaison from the Court's headquarters would be possible, this could potentially compromise the life of individuals and the credibility and image of the Court.	€20,000
Suspend training: United Nations Close Protection basic course	- Would entail non-compliance with UN standards (as obligated to all members of the UNSMS). - Lack of training could potentially compromise human life.	€20,000
Suspend Crisis Management Training for Joint Crisis Management Team	- Not providing such training would maintain the status quo in relation to crisis management readiness. Recently the Court has faced a number of crisis situations which required appropriate management.	€20,000
Suspend Safe and Secure Approaches in Field Environments (SSAFE) training course	- Staff members would not be properly trained and equipped to deal with adverse situations. - Potential to compromise human life, cause serious injury, entail legal liability and lead to loss of reputation.	€78,000
Postponement of pilot project for the new eCourt solutions (My Courtbook)	- Delay in the implementation of more efficient solutions for judicial proceedings through eCourt support.	€170,000
Postpone upgrade of the Transcript Management System	- The integration of the Transcripts Management System with other eCourt applications will be delayed and no support will be available for transcripts for mobile computing.	€55,000
Postpone purchasing of license for the implementation of SAP custom reporting	- The Court has invested in SAP Business Object as the corporate reporting solution. Without these additional licenses the Court will not be able to leverage the creation of custom business reports (Crystal Reports) for all areas of the Court.	€20,000
Reduce support costs linked to the postponement of an investigation by the OTP	- These costs are estimate based on the average support provided by the Registry to the OTP in the conduct of investigations and are directly linked to the measure identified by Major Programme II concerning the postponement of an investigation. - As stated before, this measure would seriously infringe prosecutorial independence and compromise the essence of the Rome Statute as well as compliance with statutory obligations.	€103,000
Stop translation of requests for judicial cooperation into languages other than French and English.	- Article 87.2 of the Rome Statute allows States to receive requests for cooperation translated into the language of their choice. In order to reduce the costs associated with this measure, the Assembly would need to resolve that States will only receive requests for cooperation from the Court in either English or French. - Beyond the direct costs, the Court cannot judge the impact of such a measure although it would reduce the workload that the Court Interpretation and translation Section has in excess of regular workload and would reduce the backlog in programming and processing translations.	€54,000
Suspend all human resources related training	- Language training in English and French for headquarters staff and field staff would be removed from the Court learning plan. This will negatively impact the Court's ability to implement its strategic objective – to be able to work in both English and French. At the operational level, staff will not develop their capacity to work in both English and French and this will reduce performance improvement opportunities and increase reliance on language services. Staff motivation and satisfaction (as indicated in staff surveys) will be negatively impacted as the Court will continue to be seen as an organization that does not develop its staff.	€160,000

<i>Measure</i>	<i>Impact</i>	<i>Amount</i>
Reduction (by 75 per cent) of training for the Division of Court Services	<ul style="list-style-type: none"> <li>- Training of court reporters: will reduce speed and accuracy of real-time transcripts, therefore more time required for editing, therefore more difficult to provide edited version of transcript within required time, i.e. 2 hours after end of court session, thereby affecting Chambers' and parties' capacity to prepare the next day's session (ex. examination of witnesses based on previous day's examination, etc.); this could also multiply complaints and decrease usefulness of real-time transcripts for parties and participants, thus affecting the smooth running of the proceedings.</li> <li>- Training for forensic processing of evidence: this new mandate of the Court Management Section has meant that one staff has been dedicated to acquire all necessary knowledge, and it is of paramount importance that the updates be provided, so as to provide the service, when required, in conditions which would sustain parties'/chambers' challenges and possibly examination in court. It would affect the proceedings if evidence was procured in violation of existing rules and practices; it could ultimately result in a piece of evidence being rejected solely because of wrong processing.</li> <li>- Training for the Office of the Director of the Division of Court Services: As the training funds within the OD DCS are, <i>inter alia</i>, specifically earmarked for training on the freezing of assets, cancellation of these funds will lead to loss of expertise. As a consequence, it is likely that certain assets might not become available for use in payment for defence teams, damages and/or reparations.</li> </ul>	€60,000
Cancel the purchase of a vehicle for transportation of witnesses.	<ul style="list-style-type: none"> <li>- Vehicles are almost 10 years old with high mileage and maintenance costs, with the attendant risk of breakdown, generating additional costs in case of trial delay or the hiring of an additional vehicle.</li> </ul>	€49,500
<b>Total</b>		<b>€809,500</b>

#### (d) Major Programme IV

33. In order to bring the 2013 proposed programme budget of €2.9 million in line with the 2012 approved programme budget, a reduction of at least €206,200 is required. The measures identified by the Court are illustrated in table 6.

**Table 6: Major Programme IV's budget reduction measures**

<i>Measure</i>	<i>Impact</i>	<i>Amount</i>
Assembly session held in New York. Reduction of cost in the following categories: rental of conference rooms, security, badges, photocopying equipment, WiFi and other conference services from the commercial provider of the conference centre.	<ul style="list-style-type: none"> <li>- Moving the Assembly session to New York would increase the travel and accommodation costs of participants from all other programmes.</li> </ul>	€250,000
<b>Total</b>		<b>€250,000</b>

#### (e) Major Programme VI

34. In order to bring the 2013 proposed programme budget of €1,65 million in line with the 2012 approved programme budget, a reduction of €208,700 would be required.<sup>20</sup>

35. More than half of this amount – €128,900 – represents growth in staffing budget lines: professional staff, general support staff, temporary staff and consultants. Of this amount, €87,300 represents the increase in GTA costs. This is largely the consequence of shifting a GTA position from the field (Kenya) to The Hague in order to accommodate the increased administrative workload and to ensure further assistance from within the Secretariat of the TFV to the financial support provided by the Registry.<sup>21</sup> During the latest

<sup>20</sup> In the Court's 2013 proposed programme budget, the TFV displays a 14.4 per cent increase compared to the approved 2012 STFV budget. This is a 9.5 per cent decrease, when compared to the proposed STFV budget for 2012.

<sup>21</sup> At its last session, instead of approving the requested additional professional staff member for financial matters and upon a recommendation by the Committee, the Assembly approved the dedication of senior staff time from the Registry to support the Secretariat in financial matters. This was eventually agreed between the Registrar and the Secretariat to amount to 1.5 days a week of staff time of a very senior (P-5 level) staff member. This support

Board meeting in March 2012, such a measure was discussed as a means of reducing the risk of staff overload at the Secretariat of the TFV, particularly in the area of financial-administrative matters. The total resource growth in non-staff budget lines is €78,900. Going back to 2012 levels, while detrimental to the TRV's operational capacity, is feasible.

36. It should be noted that the Board's decision<sup>22</sup> on the 2013 budget of the Secretariat of the Trust Fund for Victims and related considerations provides that:

“Regarding the Secretariat's budget for 2013, the Board endorsed the Secretariat outline for a budget proposal, pending review by the Board of the final draft. The Board also advised the Secretariat that the proposed TFV Secretariat budget for 2013 should clearly reflect the work load of the Secretariat and that an alternative budget proposal at the level of the 2012 budget should indicate the effects on the Trust Fund's anticipated operations under both of its mandates.”

37. The corresponding measures identified by the Secretariat of the TFV are illustrated in table 7.

**Table 7: Major Programme VI's budget reduction measures**

<i>Measure</i>	<i>Impact</i>	<i>Amount</i>
Reductions in travel, consultancy and other non-staff costs	- The risk is a crippling of the TFVs operational flexibility and effectiveness, especially in regard of the implementation of reparations awards, but also in terms of fundraising capability.	€ 208,700
<b>Total</b>		<b>€208,700</b>

**(f) Major Programme VII-5**

38. The 2013 proposed programme budget amounts to €289.800 and includes an increase of approximately €104,300, which reflects the cost of the approved P-2 post for the IOM. The measure identified by the IOM is illustrated in table 8 below.

**Table 8: Major Programme VII-5's budget reduction measures**

<i>Measure</i>	<i>Impact</i>	<i>Amount</i>
Reduction of P-2 post	- The implications for such a zero-growth alternative would be that the IOM could not enter into operation as envisioned under ASP/9/Res.5, as the workforce of the office (identified in ICC-ASP/9/Res.5 as one P-4 and one P-2) would be halved. Such a drastic reduction of office staffing would not permit this new office to fulfill its investigative mandate.	€ 104.3
<b>Total</b>		<b>€104.3</b>

**3. Cross-cutting measures for further budget reductions and to absorb the rent for the interim premises**

39. As a result of the major programme-specific measures described above, the Court has been able to identify measures which, if adopted by the Assembly, would amount to approximately €2.4 million of further reductions to the 2013 budget, leaving a €1.5 million gap towards the 2012 approved programme budget. Further, taking into account the additional €6.02 million required for the rent for the interim premises of the Court which will have to be paid by the States Parties as of 2013, a total of € 7.6 million would remain to be absorbed should the Assembly decide that the Court's budget for 2013 remains at the same level as the approved budget for 2012 (see table 9 below).

has been helpful at the “high end” of the Secretariat's financial expertise needs (development of private donations guidelines, preparation of PayPal mechanism, development of delegation of authority from Registrar to the Executive Director). Nonetheless, an urgent need continues to exist for financial expertise in the daily administration of the Fund's resources. This need has been repeatedly recognized by the External Auditors and will only increase with the proper management of new revenue from private donors, including via PayPal. Since, in the current budget climate, asking for an additional professional level staff was never likely to be successful, the Fund has instead opted to transform the Kenya GTA staff position into a HQ-based staff position, at inevitably higher cost.

<sup>22</sup> Annual Meeting of the Board of Directors of the Trust Fund for Victims, March 2012.

**Table 9: Difference between cost of measures and resource growth (thousands of euros)**

<i>Major Programme</i>	<i>Resource Growth €</i>	<i>Measures in €</i>	<i>Difference €</i>
MP I: Judiciary	1,150.7	217.8	932.9
MP II: Office of the Prosecutor	939.4	793.8	145.6
MP III: Registry	1,431.7	809.5	622.2
MP IV: Secretariat of the Assembly of States Parties	206.2	250.5	-43.8
MP VI: Secretariat of the Trust Fund for Victims	208.7	208.7	-
MP VII-1: Project Director's Office (Permanent Premises)	-109	-	-109
MP VII-5: Independent Oversight Mechanism	104.3	104.3	-
<i>Subtotal</i>	<i>3,932.0</i>	<i>2,384.6</i>	<i>1547.9</i>
MP V: Rent a& Maintenance (Interim Premises)	6,021.4	-	6,021.4
<b>Total</b>	<b>9,953.4</b>	<b>2,384.6</b>	<b>7,569.3</b>

40. As previously stated, if the Court were to absorb these additional costs in its 2013 programme budget, its prosecutorial and judicial operations would be severely impacted, resulting in the suspension of most activities in a number of situations and cases before the Court. This would not only directly affect the judicial and prosecutorial independence of the Court, but in many instances would constitute a direct breach of the Rome Statute and the legal texts governing the mandate of the Court. Should the Assembly, in any case, wish to pursue this avenue in order to achieve further reductions in the Court's budget at the cost of forcing the Court to breach its obligations under the Rome Statute, the Court has estimated that the impact of an absorption of €7.6 million would be equal to suspending activities in relation to the situations in Uganda, Darfur (Sudan) and Libya as well as postponing trial hearings in the Kenya cases beyond 2013.

41. Such an approach will, as a consequence, a) reduce the requirements for support staff in the Judiciary; b) affect the level and capacity of the joint teams of the OTP; c) reduce travel costs and field operations and support; d) reduce the requirements of support in relation to security, witness and victims protection, victims' participation, translation and interpretation; d) reduce financial requirements for outreach activities; and e) reduce support activities and operations for the defence and victims participating in the proceedings.

42. Crucially, these measures would not only be inadvisable as they affect the independent and adequate implementation of the Court's mandate, but they would also result in further budgetary inefficiencies, as, for example, the Court will continue to have a legal obligation to pay legal aid for indigent detainees and the delays in the ongoing proceedings could result in extensions of judges' mandates. In addition, there would be residual obligations which could not be switched off as the start of the year and would need to be scaled down in an appropriate manner.

43. Furthermore, as regards the postponement of trial hearings and any other conscious measures leading to delays of pre-trial and trial proceedings, the Court is, by virtue of both its own statutory framework and applicable human rights treaties and instruments, under a legal obligation to afford any person indicted and tried before the Court with the minimum procedural rights and guarantees. Amongst these fundamental fair trial guarantees is the right to an expeditious trial. Were any ongoing proceedings at the Court to be substantially delayed in order to accommodate budgetary requirements, the Court would in fact be in violation of fundamental individual rights of persons before the Court.

44. In essence, the only legally viable option would be for the Prosecutor to suspend investigative activities where suspected persons' fair trial rights are not yet at stake. While in doing so savings may be achieved throughout the Court which would cover at least part of the rent of the interim premises, such a course of action would constitute a serious threat to prosecutorial independence and have a detrimental effect not only on the OTP but on the Court as a whole.

## Annex IV

## Strategic dynamic evolution of judicial activities in the Court 2013

**Table 1: Strategic dynamic evolution of judicial activities in the Court 2013 for MP-I**

	<i>Operational support 2013</i>	<i>Operational support 2012</i>
Professional staff	509.2	452.0
General Service staff	200.2	181.8
General temporary assistance	1,172.6	262.8
Travel	39.3	
<b>Grand Total</b>	<b>1,921.30</b>	<b>896.55</b>

**Table 2: Strategic dynamic evolution of judicial activities in the Court 2013 for MP-II**

	<i>Operational support 2013</i>	<i>Operational support 2012</i>
Professional staff	3,244.0	3,138.3
General Service staff	2,196.4	1,285.2
General temporary assistance	1,599.4	235.2
Travel	354.4	230.8
Contractual services	180.0	178.0
General operating expenses	10.0	10.0
Supplies and materials		3.8
Furniture and equipment	30.0	20.0
<b>Grand Total</b>	<b>7,614.20</b>	<b>5,101.32</b>

**Table 3: Strategic dynamic evolution of judicial activities in the Court 2013 for MP-III**

	<i>Operational support 2013</i>	<i>Operational support 2012</i>
Professional staff	5,666.0	3,720.0
General Service staff	4,463.1	3,579.7
General temporary assistance	967.7	655.0
Temporary assistance for meetings	112.8	
Overtime	16.5	16.5
Consultants	16.0	101.5
Travel	251.2	251.2
Contractual services	633.4	400.8
Counsel	2,578.0	2,578.0
General operating expenses	1,239.4	2,265.7
Supplies and materials	82.6	46.9
Furniture and equipment	36.7	
<b>Grand Total</b>	<b>17,157.80</b>	<b>13,615.29</b>

**Table 4: Strategic dynamic evolution of judicial activities in the Court 2013 for MP-VI**

	<i>Operational support 2013</i>	<i>Operational support 2012</i>
Professional staff	252.4	237.2
General Service staff	63.2	60.6
Consultants	60.0	19.0
Contractual services	4.4	10.1
<b>Grand Total</b>	<b>380.00</b>	<b>326.90</b>

## Annex V

### Options recommended by the Committee on Budget and Finance

#### Comparison of the 2013 proposed programme budget and the recommendations of the Committee on Budget and Finance (thousands of euros)

1. The Committee reviewed the paper and identified several elements that could be proposed and could provide additional cost savings. At the same time, the Committee also accepted, in many instances, the Court's analysis of the negative impact of other cuts identified in the paper.

2. Having reviewed the paper and the proposed budget, the Committee identified three options that the Assembly might wish to consider as it reviews the 2013 proposed programme budget:

Option 1: The recommendations of the Committee, including its proposed reductions, are adopted. Cost savings in the amount of €3.28 million would be expected to be realized, for a total budget in the amount of €115.12 million.

Option 2: The recommendations of the Committee, including its proposed reductions, are adopted, and the Assembly decides to meet in New York in 2013, rather than in The Hague. Cost savings in the amount of €3.53 million would be expected to be realized, for a total budget in the amount of €114.87 million.

Option 3: The recommendations of the Committee, including its proposed reductions, are adopted; the Assembly of States Parties decides to meet in New York in 2013, rather than The Hague; and the increase in common staffing costs is absorbed by the Court. Cost savings in the amount of €7.41 million would be expected to be realized, for a total budget in the amount of €110.99 million.

## Annex VI

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

### Comparison of proposed budget and the recommendations of the Committee on Budget and Finance (thousands of euros)

Table 1: Total of all Major Programmes

Total ICC	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
<i>Judges</i>	4,764.4		4,764.4	4,689.4		4,689.4	-75.0		-75.0
Professional staff	20,434.4	22,042.3	42,476.7	20,216.3	21,855.0	42,071.3	-218.1	-187.3	-405.4
General Service staff	11,741.6	9,328.7	21,070.3	11,741.6	9,328.7	21,070.3			
<i>Subtotal staff</i>	<i>32,176.0</i>	<i>31,371.0</i>	<i>63,547.0</i>	<i>31,957.9</i>	<i>31,183.7</i>	<i>63,141.6</i>	<i>-218.1</i>	<i>-187.3</i>	<i>-405.4</i>
General temporary assistance	2,729.5	9,119.1	11,848.6	2,789.2	8,397.1	11,186.3	59.7	-722.0	-662.3
Temporary assistance for meetings	660.0	153.2	813.2	660.0	153.2	813.2			
Overtime	252.5	138.8	391.3	252.5	138.8	391.3			
Consultants	176.0	177.1	353.1	141.0	177.1	318.1	-35.0		-35.0
<i>Subtotal other staff</i>	<i>3,818.0</i>	<i>9,588.2</i>	<i>13,406.2</i>	<i>3,842.7</i>	<i>8,866.2</i>	<i>12,708.9</i>	<i>24.7</i>	<i>-722.0</i>	<i>-697.3</i>
Travel	946.4	3,598.9	4,545.3	898.2	3,495.9	4,394.1	-48.2	-103.0	-151.2
Hospitality	61.0		61.0	31.0		31.0	-30.0		-30.0
Contractual services	2,677.7	2,011.1	4,688.8	2,518.7	1,904.4	4,423.1	-159.0	-106.7	-265.7
Training	459.4	232.9	692.3	459.4	232.9	692.3			
Counsel for Defence		3,117.4	3,117.4		2,608.4	2,608.4		-509.0	-509.0
Counsel for Victims		4,010.1	4,010.1		3,448.2	3,448.2		-561.9	-561.9
General operating expenses	12,637.0	4,670.4	17,307.4	12,312.5	4,595.5	16,908.0	-324.5	-74.9	-399.4
Supplies and materials	765.4	283.5	1,048.9	765.4	270.2	1,035.6		-13.3	-13.3
Furniture and equipment	1,133.0	76.7	1,209.7	963.0	76.7	1,039.7	-170.0		-170.0
<i>Subtotal non-staff</i>	<i>18,679.9</i>	<i>18,001.0</i>	<i>36,680.9</i>	<i>17,948.2</i>	<i>16,632.2</i>	<i>34,580.4</i>	<i>-731.7</i>	<i>-1,368.8</i>	<i>-2,100.5</i>
<b>Total</b>	<b>59,438.3</b>	<b>58,960.2</b>	<b>118,398.5</b>	<b>58,438.2</b>	<b>56,682.1</b>	<b>115,120.3</b>	<b>-1,000.1</b>	<b>-2,278.1</b>	<b>-3,278.2</b>

**Table 2: Major Programme I: Judiciary**

Major Programme I Judiciary	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Judges	4,764.4		4,764.4	4,689.4		4,689.4	-75.0		-75.0
Professional staff	3,086.8	509.2	3,596.0	3,086.8	509.2	3,596.0			
General Service staff	901.5	200.2	1,101.7	901.5	200.2	1,101.7			
<i>Subtotal staff</i>	3,988.3	709.4	4,697.7	3,988.3	709.4	4,697.7			
General temporary assistance	114.7	1,172.6	1,287.3	114.7	920.5	1,035.2		-252.1	-252.1
Temporary assistance for meetings									
Overtime									
Consultants	25.0		25.0	14.4		14.4	-10.6		-10.6
<i>Subtotal other staff</i>	139.7	1,172.6	1,312.3	129.1	920.5	1,049.6	-10.6	-252.1	-262.7
Travel	151.9	39.3	191.2	120.7	31.2	151.9	-31.2	-8.1	-39.3
Hospitality	17.0		17.0	12.0		12.0	-5.0		-5.0
Contractual services	5.0		5.0	5.0		5.0			
Training	24.0		24.0	24.0		24.0			
General operating expenses	63.3		63.3	63.3		63.3			
Supplies and materials	5.0		5.0	5.0		5.0			
Furniture and equipment									
<i>Subtotal non-staff</i>	266.2	39.3	305.5	230.0	31.2	261.2	-36.2	-8.1	-44.3
<b>Total</b>	<b>9,158.6</b>	<b>1,921.3</b>	<b>11,079.9</b>	<b>9,036.8</b>	<b>1,661.1</b>	<b>10,697.9</b>	<b>-121.8</b>	<b>-260.2</b>	<b>-382.0</b>

**Table 3: Programme 1100: The Presidency**

1100 The Presidency	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Judges	28.0		28.0	28.0		28.0			
Professional staff	793.1		793.1	793.1		793.1			
General Service staff	283.9		283.9	283.9		283.9			
<i>Subtotal staff</i>	1,077.0		1,077.0	1,077.0		1,077.0			
General temporary assistance	114.7		114.7	114.7		114.7			
Temporary assistance for meetings									
Overtime									
Consultants	15.0		15.0	4.4		4.4	-10.6		-10.6
<i>Subtotal other staff</i>	129.7		129.7	119.1		119.1	-10.6		-10.6
Travel	140.8	39.3	180.1	111.9	31.2	143.1	-28.9	-8.1	-37.0
Hospitality	15.0		15.0	10.0		10.0	-5.0		-5.0
Contractual services									
Training	6.0		6.0	6.0		6.0			
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	161.8	39.3	201.1	127.9	31.2	159.1	-33.9	-8.1	-42.0
<b>Total</b>	<b>1,396.5</b>	<b>39.3</b>	<b>1,435.8</b>	<b>1,352.0</b>	<b>31.2</b>	<b>1,383.2</b>	<b>-44.5</b>	<b>-8.1</b>	<b>-52.6</b>

**Table 4: Programme 1200: Chambers**

1200 Chambers	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Judges	4,736.4		4,736.4	4,661.4		4,661.4	-75.0		-75.0
Professional staff	2,139.3	509.2	2,648.5	2,139.3	509.2	2,648.5			
General Service staff	533.9	200.2	734.1	533.9	200.2	734.1			
<i>Subtotal staff</i>	2,673.2	709.4	3,382.6	2,673.2	709.4	3,382.6			
General temporary assistance		1,172.6	1,172.6		920.5	920.5		-252.1	-252.1
Temporary assistance for meetings									
Overtime									
Consultants	10.0		10.0	10.0		10.0			
<i>Subtotal other staff</i>	10.0	1,172.6	1,182.6	10.0	920.5	930.5		-252.1	-252.1
Travel									
Hospitality	1.0		1.0	1.0		1.0			
Contractual services									
Training	18.0		18.0	18.0		18.0			
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	19.0		19.0	19.0		19.0			
<b>Total</b>	<b>7,438.6</b>	<b>1,882.0</b>	<b>9,320.6</b>	<b>7,363.6</b>	<b>1,629.9</b>	<b>8,993.5</b>	<b>-75.0</b>	<b>-252.1</b>	<b>-327.1</b>

**Table 5: Sub-programme 1310: New York Liaison Office**

1310 New York Liaison Office	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Judges									
Professional staff	154.4		154.4	154.4		154.4			
General Service staff	83.7		83.7	83.7		83.7			
<i>Subtotal staff</i>	238.1		238.1	238.1		238.1			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel	11.1		11.1	8.8		8.8	-2.3		-2.3
Hospitality	1.0		1.0	1.0		1.0			
Contractual services	5.0		5.0	5.0		5.0			
Training									
General operating expenses	63.3		63.3	63.3		63.3			
Supplies and materials	5.0		5.0	5.0		5.0			
Furniture and equipment									
<i>Subtotal non-staff</i>	85.4		85.4	83.1		83.1	-2.3		-2.3
<b>Total</b>	<b>323.5</b>		<b>323.5</b>	<b>321.2</b>		<b>321.2</b>	<b>-2.3</b>		<b>-2.3</b>

**Table 6: Major Programme II: Office of the Prosecutor**

Major Programme II Office of The Prosecutor	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	3,750.6	12,677.8	16,428.4	3,664.9	12,677.8	16,342.7	-85.7		-85.7
General Service staff	1,179.3	2,852.2	4,031.5	1,179.3	2,852.2	4,031.5			
<i>Subtotal staff</i>	<i>4,929.9</i>	<i>15,530.0</i>	<i>20,459.9</i>	<i>4,844.2</i>	<i>15,530.0</i>	<i>20,374.2</i>	<i>-85.7</i>		<i>-85.7</i>
General temporary assistance	38.8	5,422.9	5,461.7	38.8	5,111.2	5,150.0		-311.7	-311.7
Temporary assistance for meetings									
Overtime									
Consultants		81.0	81.0		81.0	81.0			
<i>Subtotal other staff</i>	<i>38.8</i>	<i>5,503.9</i>	<i>5,542.7</i>	<i>38.8</i>	<i>5,192.2</i>	<i>5,231.0</i>		<i>-311.7</i>	<i>-311.7</i>
Travel	187.0	1,697.1	1,884.1	187.0	1,697.1	1,884.1			
Hospitality	5.0		5.0	5.0		5.0			
Contractual services	25.0	327.5	352.5	25.0	327.5	352.5			
Training	23.9	32.0	55.9	23.9	32.0	55.9			
General operating expenses		285.0	285.0		285.0	285.0			
Supplies and materials	38.0	10.0	48.0	38.0	10.0	48.0			
Furniture and equipment		30.0	30.0		30.0	30.0			
<i>Subtotal non-staff</i>	<i>278.9</i>	<i>2,381.6</i>	<i>2,660.5</i>	<i>278.9</i>	<i>2,381.6</i>	<i>2,660.5</i>			
<b>Total</b>	<b>5,247.6</b>	<b>23,415.5</b>	<b>28,663.1</b>	<b>5,161.9</b>	<b>23,103.8</b>	<b>28,265.7</b>	<b>-85.7</b>	<b>-311.7</b>	<b>-397.4</b>

**Table 7: Programme 2100: The Prosecutor**

2100 The Prosecutor	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	2,173.8	448.3	2,622.1	2,088.1	448.3	2,536.4	-85.7		-85.7
General Service staff	727.1	646.0	1,373.1	727.1	646.0	1,373.1			
<i>Subtotal staff</i>	<i>2,900.9</i>	<i>1,094.3</i>	<i>3,995.2</i>	<i>2,815.2</i>	<i>1,094.3</i>	<i>3,909.5</i>	<i>-85.7</i>		<i>-85.7</i>
General temporary assistance	38.8	2,090.1	2,128.9	38.8	2,090.1	2,128.9			
Temporary assistance for meetings									
Overtime									
Consultants		81.0	81.0		81.0	81.0			
<i>Subtotal other staff</i>	<i>38.8</i>	<i>2,171.1</i>	<i>2,209.9</i>	<i>38.8</i>	<i>2,171.1</i>	<i>2,209.9</i>			
Travel	63.5	349.3	412.8	63.5	349.3	412.8			
Hospitality	5.0		5.0	5.0		5.0			
Contractual services	25.0	217.5	242.5	25.0	217.5	242.5			
Training	23.9	32.0	55.9	23.9	32.0	55.9			
General operating expenses		10.0	10.0		10.0	10.0			
Supplies and materials	38.0	10.0	48.0	38.0	10.0	48.0			
Furniture and equipment		30.0	30.0		30.0	30.0			
<i>Subtotal non-staff</i>	<i>155.4</i>	<i>648.8</i>	<i>804.2</i>	<i>155.4</i>	<i>648.8</i>	<i>804.2</i>			
<b>Total</b>	<b>3,095.1</b>	<b>3,914.2</b>	<b>7,009.3</b>	<b>3,009.4</b>	<b>3,914.2</b>	<b>6,923.6</b>	<b>-85.7</b>		<b>-85.7</b>

**Table 8: Sub-programme 2110: Immediate Office of the Prosecutor**

2110 Immediate Office of the Prosecutor	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	1,043.3		1,043.3	957.6		957.6	-85.7		-85.7
General Service staff	339.5		339.5	339.5		339.5			
<i>Subtotal staff</i>	<i>1,382.8</i>		<i>1,382.8</i>	<i>1,297.1</i>		<i>1,297.1</i>	<i>-85.7</i>		<i>-85.7</i>
General temporary assistance	38.8		38.8	38.8		38.8			
Temporary assistance for meetings									
Overtime									
Consultants		81.0	81.0		81.0	81.0			
<i>Subtotal other staff</i>	<i>38.8</i>	<i>81.0</i>	<i>119.8</i>	<i>38.8</i>	<i>81.0</i>	<i>119.8</i>			
Travel	41.1	94.9	136.0	41.1	94.9	136.0			
Hospitality	5.0		5.0	5.0		5.0			
Contractual services		30.0	30.0		30.0	30.0			
Training	23.9	32.0	55.9	23.9	32.0	55.9			
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>70.0</i>	<i>156.9</i>	<i>226.9</i>	<i>70.0</i>	<i>156.9</i>	<i>226.9</i>			
<b>Total</b>	<b>1,491.6</b>	<b>237.9</b>	<b>1,729.5</b>	<b>1,405.9</b>	<b>237.9</b>	<b>1,643.8</b>	<b>-85.7</b>		<b>-85.7</b>

**Table 9: Sub-programme 2120: Services Section**

2120 Services Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	1,130.5	448.3	1,578.8	1,130.5	448.3	1,578.8			
General Service staff	387.6	646.0	1,033.6	387.6	646.0	1,033.6			
<i>Subtotal staff</i>	<i>1,518.1</i>	<i>1,094.3</i>	<i>2,612.4</i>	<i>1,518.1</i>	<i>1,094.3</i>	<i>2,612.4</i>			
General temporary assistance		2,090.1	2,090.1		2,090.1	2,090.1			
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>2,090.1</i>	<i>2,090.1</i>		<i>2,090.1</i>	<i>2,090.1</i>			
Travel	22.4	254.4	276.8	22.4	254.4	276.8			
Hospitality									
Contractual services	25.0	187.5	212.5	25.0	187.5	212.5			
Training									
General operating expenses		10.0	10.0		10.0	10.0			
Supplies and materials	38.0	10.0	48.0	38.0	10.0	48.0			
Furniture and equipment		30.0	30.0		30.0	30.0			
<i>Subtotal non-staff</i>	<i>85.4</i>	<i>491.9</i>	<i>577.3</i>	<i>85.4</i>	<i>491.9</i>	<i>577.3</i>			
<b>Total</b>	<b>1,603.5</b>	<b>3,676.3</b>	<b>5,279.8</b>	<b>1,603.5</b>	<b>3,676.3</b>	<b>5,279.8</b>			

**Table 10: Programme 2200: Jurisdiction, Complementarity and Cooperation Division (JCCD)**

2200 Jurisdiction, Complementarity and Cooperation Division	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	771.5	936.3	1,707.8	771.5	936.3	1,707.8			
General Service staff	129.2		129.2	129.2		129.2			
<i>Subtotal staff</i>	<i>900.7</i>	<i>936.3</i>	<i>1,837.0</i>	<i>900.7</i>	<i>936.3</i>	<i>1,837.0</i>			
General temporary assistance		420.2	420.2		420.2	420.2			
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>420.2</i>	<i>420.2</i>		<i>420.2</i>	<i>420.2</i>			
Travel	108.6	282.9	391.5	108.6	282.9	391.5			
Hospitality									
Contractual services									
Training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>108.6</i>	<i>282.9</i>	<i>391.5</i>	<i>108.6</i>	<i>282.9</i>	<i>391.5</i>			
<b>Total</b>	<b>1,009.3</b>	<b>1,639.4</b>	<b>2,648.7</b>	<b>1,009.3</b>	<b>1,639.4</b>	<b>2,648.7</b>			

**Table 11: Programme 2300: Investigation Division**

2300 Investigation Division	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	300.4	7,661.5	7,961.9	300.4	7,661.5	7,961.9			
General Service staff	129.2	1,818.6	1,947.8	129.2	1,818.6	1,947.8			
<i>Subtotal staff</i>	<i>429.6</i>	<i>9,480.1</i>	<i>9,909.7</i>	<i>429.6</i>	<i>9,480.1</i>	<i>9,909.7</i>			
General temporary assistance		706.1	706.1		706.1	706.1			
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>706.1</i>	<i>706.1</i>		<i>706.1</i>	<i>706.1</i>			
Travel		894.8	894.8		894.8	894.8			
Hospitality									
Contractual services		110.0	110.0		110.0	110.0			
Training									
General operating expenses		275.0	275.0		275.0	275.0			
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>		<i>1,279.8</i>	<i>1,279.8</i>		<i>1,279.8</i>	<i>1,279.8</i>			
<b>Total</b>	<b>429.6</b>	<b>11,466.0</b>	<b>11,895.6</b>	<b>429.6</b>	<b>11,466.0</b>	<b>11,895.6</b>			

**Table 12: Sub-programme 2320: Planning and Operations Section**

2320 Planning and Operations Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	300.4	3,111.3	3,411.7	300.4	3,111.3	3,411.7			
General Service staff	129.2	1,495.6	1,624.8	129.2	1,495.6	1,624.8			
<i>Subtotal staff</i>	<i>429.6</i>	<i>4,606.9</i>	<i>5,036.5</i>	<i>429.6</i>	<i>4,606.9</i>	<i>5,036.5</i>			
General temporary assistance		659.5	659.5		659.5	659.5			
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>659.5</i>	<i>659.5</i>		<i>659.5</i>	<i>659.5</i>			
Travel		242.7	242.7		242.7	242.7			
Hospitality									
Contractual services		110.0	110.0		110.0	110.0			
Training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>		<i>352.7</i>	<i>352.7</i>		<i>352.7</i>	<i>352.7</i>			
<b>Total</b>	<b>429.6</b>	<b>5,619.1</b>	<b>6,048.7</b>	<b>429.6</b>	<b>5,619.1</b>	<b>6,048.7</b>			

**Table 13: Sub-programme 2330: Investigation Teams**

2330 Investigation Teams	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff		4,550.2	4,550.2		4,550.2	4,550.2			
General Service staff		323.0	323.0		323.0	323.0			
<i>Subtotal staff</i>		<i>4,873.2</i>	<i>4,873.2</i>		<i>4,873.2</i>	<i>4,873.2</i>			
General temporary assistance		46.6	46.6		46.6	46.6			
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>46.6</i>	<i>46.6</i>		<i>46.6</i>	<i>46.6</i>			
Travel		652.1	652.1		652.1	652.1			
Hospitality									
Contractual services									
Training									
General operating expenses		275.0	275.0		275.0	275.0			
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>		<i>927.1</i>	<i>927.1</i>		<i>927.1</i>	<i>927.1</i>			
<b>Total</b>		<b>5,846.9</b>	<b>5,846.9</b>		<b>5,846.9</b>	<b>5,846.9</b>			

**Table 14: Programme 2400: Prosecution Division**

2400 Prosecution Division	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	504.9	3,631.7	4,136.6	504.9	3,631.7	4,136.6			
General Service staff	193.8	387.6	581.4	193.8	387.6	581.4			
<i>Subtotal staff</i>	<i>698.7</i>	<i>4,019.3</i>	<i>4,718.0</i>	<i>698.7</i>	<i>4,019.3</i>	<i>4,718.0</i>			
General temporary assistance		2,206.5	2,206.5		1,894.8	1,894.8		-311.7	-311.7
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>2,206.5</i>	<i>2,206.5</i>		<i>1,894.8</i>	<i>1,894.8</i>		<i>-311.7</i>	<i>-311.7</i>
Travel	14.9	170.1	185.0	14.9	170.1	185.0			
Hospitality									
Contractual services									
Training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>14.9</i>	<i>170.1</i>	<i>185.0</i>	<i>14.9</i>	<i>170.1</i>	<i>185.0</i>			
<b>Total</b>	<b>713.6</b>	<b>6,395.9</b>	<b>7,109.5</b>	<b>713.6</b>	<b>6,084.2</b>	<b>6,797.8</b>		<b>-311.7</b>	<b>-311.7</b>

**Table 15: Major Programme III: The Registry**

Major Programme III The Registry	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	12,319.8	8,409.4	20,729.2	12,271.3	8,222.1	20,493.4	-48.5	-187.3	-235.8
General Service staff	9,249.3	6,213.1	15,462.4	9,249.3	6,213.1	15,462.4			
<i>Subtotal staff</i>	<i>21,569.1</i>	<i>14,622.5</i>	<i>36,191.6</i>	<i>21,520.6</i>	<i>14,435.2</i>	<i>35,955.8</i>	<i>-48.5</i>	<i>-187.3</i>	<i>-235.8</i>
General temporary assistance	1,838.2	2,455.3	4,293.5	1,909.7	2,297.1	4,206.8	71.5	-158.2	-86.7
Temporary assistance for meetings	200.0	153.2	353.2	200.0	153.2	353.2			
Overtime	214.5	138.8	353.3	214.5	138.8	353.3			
Consultants	86.6	36.1	122.7	86.6	36.1	122.7			
<i>Subtotal other staff</i>	<i>2,339.3</i>	<i>2,783.4</i>	<i>5,122.7</i>	<i>2,410.8</i>	<i>2,625.2</i>	<i>5,036.0</i>	<i>71.5</i>	<i>-158.2</i>	<i>-86.7</i>
Travel	184.5	1,709.0	1,893.5	184.5	1,636.9	1,821.4		-72.1	-72.1
Hospitality	4.0		4.0	4.0		4.0			
Contractual services	1,143.4	1,633.6	2,777.0	1,021.4	1,526.9	2,548.3	-122.0	-106.7	-228.7
Training	387.4	178.0	565.4	387.4	178.0	565.4			
Counsel for Defence		3,117.4	3,117.4		2,608.4	2,608.4		-509.0	-509.0
Counsel for Victims		4,010.1	4,010.1		3,448.2	3,448.2		-561.9	-561.9
General operating expenses	6,315.8	4,368.4	10,684.2	6,315.8	4,293.5	10,609.3		-74.9	-74.9
Supplies and materials	693.2	273.5	966.7	693.2	260.2	953.4		-13.3	-13.3
Furniture and equipment	1,104.0	36.7	1,140.7	934.0	36.7	970.7	-170.0		-170.0
<i>Subtotal non-staff</i>	<i>9,832.3</i>	<i>15,326.7</i>	<i>25,159.0</i>	<i>9,540.3</i>	<i>13,988.8</i>	<i>23,529.1</i>	<i>-292.0</i>	<i>-1,337.9</i>	<i>-1,629.9</i>
<b>Total</b>	<b>33,740.7</b>	<b>32,732.6</b>	<b>66,473.3</b>	<b>33,471.7</b>	<b>31,049.2</b>	<b>64,520.9</b>	<b>-269.0</b>	<b>-1,683.4</b>	<b>-1,952.4</b>

**Table 16: Programme 3100: Office of the Registrar**

3100 Office of the Registrar	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	2,566.5	1,603.4	4,169.9	2,566.5	1,442.2	4,008.7		-161.2	-161.2
General Service staff	2,624.6	2,013.9	4,638.5	2,624.6	2,013.9	4,638.5			
<i>Subtotal staff</i>	<i>5,191.1</i>	<i>3,617.3</i>	<i>8,808.4</i>	<i>5,191.1</i>	<i>3,456.1</i>	<i>8,647.2</i>		<i>-161.2</i>	<i>-161.2</i>
General temporary assistance	1,082.4	208.5	1,290.9	1,082.4	208.5	1,290.9			
Temporary assistance for meetings									
Overtime	124.4	50.3	174.7	124.4	50.3	174.7			
Consultants									
<i>Subtotal other staff</i>	<i>1,206.8</i>	<i>258.8</i>	<i>1,465.6</i>	<i>1,206.8</i>	<i>258.8</i>	<i>1,465.6</i>			
Travel	30.1	445.9	476.0	30.1	434.0	464.1		-11.9	-11.9
Hospitality	4.0		4.0	4.0		4.0			
Contractual services	112.0	263.3	375.3	112.0	261.6	373.6		-1.7	-1.7
Training	97.6	107.7	205.3	97.6	107.7	205.3			
Counsel for Defence		3,117.4	3,117.4		2,608.4	2,608.4		-509.0	-509.0
Counsel for Victims		4,010.1	4,010.1		3,448.2	3,448.2		-561.9	-561.9
General operating expenses	165.0	616.6	781.6	165.0	573.7	738.7		-42.9	-42.9
Supplies and materials	63.3	159.3	222.6	63.3	146.0	209.3		-13.3	-13.3
Furniture and equipment	1.0	1.7	2.7	1.0	1.7	2.7			
<i>Subtotal non-staff</i>	<i>473.0</i>	<i>8,722.0</i>	<i>9,195.0</i>	<i>473.0</i>	<i>7,581.3</i>	<i>8,054.3</i>		<i>-1,140.7</i>	<i>-1,140.7</i>
<b>Total</b>	<b>6,870.9</b>	<b>12,598.1</b>	<b>19,469.0</b>	<b>6,870.9</b>	<b>11,296.2</b>	<b>18,167.1</b>		<b>-1,301.9</b>	<b>-1,301.9</b>

**Table 17: Sub-programme 3110: Immediate Office of the Registrar**

3110 Immediate Office of the Registrar	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	953.5		953.5	953.5		953.5			
General Service staff	205.8		205.8	205.8		205.8			
<i>Subtotal staff</i>	<i>1,159.3</i>		<i>1,159.3</i>	<i>1,159.3</i>		<i>1,159.3</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel	16.8	18.0	34.8	16.8	18.0	34.8			
Hospitality	4.0		4.0	4.0		4.0			
Contractual services									
Training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>20.8</i>	<i>18.0</i>	<i>38.8</i>	<i>20.8</i>	<i>18.0</i>	<i>38.8</i>			
<b>Total</b>	<b>1,180.1</b>	<b>18.0</b>	<b>1,198.1</b>	<b>1,180.1</b>	<b>18.0</b>	<b>1,198.1</b>			

**Table 18: Sub-programme 3130: Legal Advisory Services Section**

3130 Legal Advisory Services Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	585.7		585.7	585.7		585.7			
General Service staff	126.5		126.5	126.5		126.5			
<i>Subtotal staff</i>	<i>712.2</i>		<i>712.2</i>	<i>712.2</i>		<i>712.2</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel									
Hospitality									
Contractual services	17.5		17.5	17.5		17.5			
Training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>17.5</i>		<i>17.5</i>	<i>17.5</i>		<i>17.5</i>			
<b>Total</b>	<b>729.7</b>		<b>729.7</b>	<b>729.7</b>		<b>729.7</b>			

**Table 19: Sub-programme 3140: Security and Safety Section**

3140 Security and Safety Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	585.7	536.1	1,121.8	585.7	458.6	1,044.3		-77.5	-77.5
General Service staff	2,165.8	1,337.7	3,503.5	2,165.8	1,337.7	3,503.5			
<i>Subtotal staff</i>	<i>2,751.5</i>	<i>1,873.8</i>	<i>4,625.3</i>	<i>2,751.5</i>	<i>1,796.3</i>	<i>4,547.8</i>		-77.5	-77.5
General temporary assistance	1,082.4		1,082.4	1,082.4		1,082.4			
Temporary assistance for meetings									
Overtime	124.4	50.3	174.7	124.4	50.3	174.7			
Consultants									
<i>Subtotal other staff</i>	<i>1,206.8</i>	<i>50.3</i>	<i>1,257.1</i>	<i>1,206.8</i>	<i>50.3</i>	<i>1,257.1</i>			
Travel	13.3	348.4	361.7	13.3	336.5	349.8		-11.9	-11.9
Hospitality									
Contractual services	94.5	218.9	313.4	94.5	217.2	311.7		-1.7	-1.7
Training	97.6	100.3	197.9	97.6	100.3	197.9			
General operating expenses	165.0	137.0	302.0	165.0	120.6	285.6		-16.4	-16.4
Supplies and materials	63.3	16.2	79.5	63.3	16.2	79.5			
Furniture and equipment	1.0	1.7	2.7	1.0	1.7	2.7			
<i>Subtotal non-staff</i>	<i>434.7</i>	<i>822.5</i>	<i>1,257.2</i>	<i>434.7</i>	<i>792.5</i>	<i>1,227.2</i>		-30.0	-30.0
<b>Total</b>	<b>4,393.0</b>	<b>2,746.6</b>	<b>7,139.6</b>	<b>4,393.0</b>	<b>2,639.1</b>	<b>7,032.1</b>		<b>-107.5</b>	<b>-107.5</b>

**Table 20: Sub-programme 3180: Field Operations Section**

3180 Field Operations Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff		858.7	858.7		775.0	775.0		-83.7	-83.7
General Service staff		613.0	613.0		613.0	613.0			
<i>Subtotal staff</i>		1,471.7	1,471.7		1,388.0	1,388.0		-83.7	-83.7
General temporary assistance		208.5	208.5		208.5	208.5			
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		208.5	208.5		208.5	208.5			
Travel		72.9	72.9		72.9	72.9			
Hospitality									
Contractual services		44.4	44.4		44.4	44.4			
Training		7.4	7.4		7.4	7.4			
General operating expenses		478.6	478.6		452.1	452.1		-26.5	-26.5
Supplies and materials		143.1	143.1		129.8	129.8		-13.3	-13.3
Furniture and equipment									
<i>Subtotal non-staff</i>		746.4	746.4		706.6	706.6		-39.8	-39.8
<b>Total</b>		<b>2,426.6</b>	<b>2,426.6</b>		<b>2,303.1</b>	<b>2,303.1</b>		<b>-123.5</b>	<b>-123.5</b>

**Table 21: Sub-programme 3190: Counsel Support Section**

3190 Counsel Support Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	441.6	208.6	650.2	441.6	208.6	650.2			
General Service staff	126.5	63.2	189.7	126.5	63.2	189.7			
<i>Subtotal staff</i>	568.1	271.8	839.9	568.1	271.8	839.9			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel		6.6	6.6		6.6	6.6			
Hospitality									
Contractual services									
Training									
Counsel for Defence		3,117.4	3,117.4		2,608.4	2,608.4		-509.0	-509.0
Counsel for Victims		4,010.1	4,010.1		3,448.2	3,448.2		-561.9	-561.9
General operating expenses		1.0	1.0		1.0	1.0			
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>		7,135.1	7,135.1		6,064.2	6,064.2		-1,070.9	-1,070.9
<b>Total</b>	<b>568.1</b>	<b>7,406.9</b>	<b>7,975.0</b>	<b>568.1</b>	<b>6,336.0</b>	<b>6,904.1</b>		<b>-1,070.9</b>	<b>-1,070.9</b>

**Table 22: Programme 3200: Common Administrative Services Division**

3200 Common Administrative Services Division	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	3,609.3	559.3	4,168.6	3,609.3	559.3	4,168.6			
General Service staff	5,217.8	1,567.7	6,785.5	5,217.8	1,567.7	6,785.5			
<i>Subtotal staff</i>	<i>8,827.1</i>	<i>2,127.0</i>	<i>10,954.1</i>	<i>8,827.1</i>	<i>2,127.0</i>	<i>10,954.1</i>			
General temporary assistance	755.8	95.4	851.2	750.8	95.4	846.2	-5.0		-5.0
Temporary assistance for meetings	20.0		20.0	20.0		20.0			
Overtime	90.1	30.4	120.5	90.1	30.4	120.5			
Consultants	14.6		14.6	14.6		14.6			
<i>Subtotal other staff</i>	<i>880.5</i>	<i>125.8</i>	<i>1,006.3</i>	<i>875.5</i>	<i>125.8</i>	<i>1,001.3</i>	<i>-5.0</i>		<i>-5.0</i>
Travel	72.5	62.7	135.2	72.5	60.1	132.6		-2.6	-2.6
Hospitality									
Contractual services	527.0	230.0	757.0	487.0	193.0	680.0	-40.0	-37.0	-77.0
Training	247.2		247.2	247.2		247.2			
General operating expenses	4,693.9	1,720.1	6,414.0	4,693.9	1,710.1	6,404.0		-10.0	-10.0
Supplies and materials	475.7		475.7	475.7		475.7			
Furniture and equipment	1,103.0	35.0	1,138.0	933.0	35.0	968.0	-170.0		-170.0
<i>Subtotal non-staff</i>	<i>7,119.3</i>	<i>2,047.8</i>	<i>9,167.1</i>	<i>6,909.3</i>	<i>1,998.2</i>	<i>8,907.5</i>	<i>-210.0</i>	<i>-49.6</i>	<i>-259.6</i>
<b>Total</b>	<b>16,826.9</b>	<b>4,300.6</b>	<b>21,127.5</b>	<b>16,611.9</b>	<b>4,251.0</b>	<b>20,862.9</b>	<b>-215.0</b>	<b>-49.6</b>	<b>-264.6</b>

**Table 23: Sub-programme 3210: Office of the Director CASD**

3210 Office of the Director CASD	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	375.6		375.6	375.6		375.6			
General Service staff	63.2		63.2	63.2		63.2			
<i>Subtotal staff</i>	<i>438.8</i>		<i>438.8</i>	<i>438.8</i>		<i>438.8</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel									
Hospitality	11.9	3.2	15.1	11.9	3.2	15.1			
Contractual services									
Training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>11.9</i>	<i>3.2</i>	<i>15.1</i>	<i>11.9</i>	<i>3.2</i>	<i>15.1</i>			
<b>Total</b>	<b>450.7</b>	<b>3.2</b>	<b>453.9</b>	<b>450.7</b>	<b>3.2</b>	<b>453.9</b>			

**Table 24: Sub-programme 3220: Human Resources Section**

3220 Human Resources Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	792.3		792.3	792.3		792.3			
General Service staff	790.9	189.7	980.6	790.9	189.7	980.6			
<i>Subtotal staff</i>	<i>1,583.2</i>	<i>189.7</i>	<i>1,772.9</i>	<i>1,583.2</i>	<i>189.7</i>	<i>1,772.9</i>			
General temporary assistance	246.0		246.0	246.0		246.0			
Temporary assistance for meetings									
Overtime									
Consultants	14.6		14.6	14.6		14.6			
<i>Subtotal other staff</i>	<i>260.6</i>		<i>260.6</i>	<i>260.6</i>		<i>260.6</i>			
Travel	6.0	11.0	17.0	6.0	11.0	17.0			
Hospitality									
Contractual services	16.7		16.7	16.7		16.7			
Training	160.0		160.0	160.0		160.0			
General operating expenses									
Supplies and materials	45.2		45.2	45.2		45.2			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>227.9</i>	<i>11.0</i>	<i>238.9</i>	<i>227.9</i>	<i>11.0</i>	<i>238.9</i>			
<b>Total</b>	<b>2,071.7</b>	<b>200.7</b>	<b>2,272.4</b>	<b>2,071.7</b>	<b>200.7</b>	<b>2,272.4</b>			

**Table 25: Sub-programme 3240: Budget and Finance Section**

3240 Budget and Finance Section	Proposed Budget 2013				Proposed Budget 2013				Difference			
	Before CBF recommendations				After CBF recommendations				Before CBF vs After CBF			
	Basic	Situation-related	IPSAS	Total	Basic	Situation-related	IPSAS	Total	Basic	Situation-related	IPSAS	Total
Professional staff	751.4			751.4	751.4			751.4				
General Service staff	758.7	332.2		1,090.9	758.7	332.2		1,090.9				
<i>Subtotal staff</i>	<i>1,510.1</i>	<i>332.2</i>		<i>1,842.3</i>	<i>1,510.1</i>	<i>332.2</i>		<i>1,842.3</i>				
General temporary assistance	70.3		369.2	439.5	65.3		369.2	434.5	-5.0			-5.0
Temporary assistance for meetings												
Overtime	5.1			5.1	5.1			5.1				
Consultants												
<i>Subtotal other staff</i>	<i>75.4</i>		<i>369.2</i>	<i>444.6</i>	<i>70.4</i>		<i>369.2</i>	<i>439.6</i>	<i>-5.0</i>			<i>-5.0</i>
Travel			15.0	15.0			15.0	15.0				
Hospitality												
Contractual services	88.5		186.0	274.5	88.5		186.0	274.5				
Training			30.0	30.0			30.0	30.0				
General operating expenses	65.0			65.0	65.0			65.0				
Supplies and materials												
Furniture and equipment												
<i>Subtotal non-staff</i>	<i>153.5</i>		<i>231.0</i>	<i>384.5</i>	<i>153.5</i>		<i>231.0</i>	<i>384.5</i>				
<b>Total</b>	<b>1,739.0</b>	<b>332.2</b>	<b>600.2</b>	<b>2,671.4</b>	<b>1,734.0</b>	<b>332.2</b>	<b>600.2</b>	<b>2,666.4</b>	<b>-5.0</b>			<b>-5.0</b>

**Table 26: Sub-programme 3250: General Services Section**

3250 General Services Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	564.3		564.3	564.3		564.3			
General Service staff	2,324.4		2,324.4	2,324.4		2,324.4			
<i>Subtotal staff</i>	<i>2,888.7</i>		<i>2,888.7</i>	<i>2,888.7</i>		<i>2,888.7</i>			
General temporary assistance	70.3		70.3	70.3		70.3			
Temporary assistance for meetings									
Overtime	55.0	25.4	80.4	55.0	25.4	80.4			
Consultants									
<i>Subtotal other staff</i>	<i>125.3</i>	<i>25.4</i>	<i>150.7</i>	<i>125.3</i>	<i>25.4</i>	<i>150.7</i>			
Travel	14.8		14.8	14.8		14.8			
Hospitality									
Contractual services	25.8		25.8	25.8		25.8			
Training	16.3		16.3	16.3		16.3			
General operating expenses	2,457.6	22.5	2,480.1	2,457.6	22.5	2,480.1			
Supplies and materials	245.5		245.5	245.5		245.5			
Furniture and equipment	68.0		68.0	68.0		68.0			
<i>Subtotal non-staff</i>	<i>2,828.0</i>	<i>22.5</i>	<i>2,850.5</i>	<i>2,828.0</i>	<i>22.5</i>	<i>2,850.5</i>			
<b>Total</b>	<b>5,842.0</b>	<b>47.9</b>	<b>5,889.9</b>	<b>5,842.0</b>	<b>47.9</b>	<b>5,889.9</b>			

**Table 27: Sub-programme 3260: Information and Communication Technologies Section**

3260 Information and Communication Technologies Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	1,125.7	559.3	1,685.0	1,125.7	559.3	1,685.0			
General Service staff	1,280.6	1,045.8	2,326.4	1,280.6	1,045.8	2,326.4			
<i>Subtotal staff</i>	<i>2,406.3</i>	<i>1,605.1</i>	<i>4,011.4</i>	<i>2,406.3</i>	<i>1,605.1</i>	<i>4,011.4</i>			
General temporary assistance		95.4	95.4		95.4	95.4			
Temporary assistance for meetings	20.0		20.0	20.0		20.0			
Overtime	30.0	5.0	35.0	30.0	5.0	35.0			
Consultants									
<i>Subtotal other staff</i>	<i>50.0</i>	<i>100.4</i>	<i>150.4</i>	<i>50.0</i>	<i>100.4</i>	<i>150.4</i>			
Travel	24.8	48.5	73.3	24.8	45.9	70.7		-2.6	-2.6
Hospitality									
Contractual services	210.0	230.0	440.0	170.0	193.0	363.0	-40.0	-37.0	-77.0
Training	40.9		40.9	40.9		40.9			
General operating expenses	2,171.3	1,697.6	3,868.9	2,171.3	1,687.6	3,858.9		-10.0	-10.0
Supplies and materials	185.0		185.0	185.0		185.0			
Furniture and equipment	1,035.0	35.0	1,070.0	865.0	35.0	900.0	-170.0		-170.0
<i>Subtotal non-staff</i>	<i>3,667.0</i>	<i>2,011.1</i>	<i>5,678.1</i>	<i>3,457.0</i>	<i>1,961.5</i>	<i>5,418.5</i>	<i>-210.0</i>	<i>-49.6</i>	<i>-259.6</i>
<b>Total</b>	<b>6,123.3</b>	<b>3,716.6</b>	<b>9,839.9</b>	<b>5,913.3</b>	<b>3,667.0</b>	<b>9,580.3</b>	<b>-210.0</b>	<b>-49.6</b>	<b>-259.6</b>

**Table 28: Programme 3300: Division of Court Services**

3300 Division of Court Services	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	4,066.4	4,787.9	8,854.3	4,037.4	4,795.9	8,833.3	-29.0	8.0	-21.0
General Service staff	632.2	2,401.8	3,034.0	632.2	2,401.8	3,034.0			
<i>Subtotal staff</i>	<i>4,698.6</i>	<i>7,189.7</i>	<i>11,888.3</i>	<i>4,669.6</i>	<i>7,197.7</i>	<i>11,867.3</i>	<i>-29.0</i>	<i>8.0</i>	<i>-21.0</i>
General temporary assistance		1,999.4	1,999.4		1,843.8	1,843.8		-155.6	-155.6
Temporary assistance for meetings	180.0	153.2	333.2	180.0	153.2	333.2			
Overtime		58.1	58.1		58.1	58.1			
Consultants		36.1	36.1		36.1	36.1			
<i>Subtotal other staff</i>	<i>180.0</i>	<i>2,246.8</i>	<i>2,426.8</i>	<i>180.0</i>	<i>2,091.2</i>	<i>2,271.2</i>		<i>-155.6</i>	<i>-155.6</i>
Travel	55.4	987.7	1,043.1	55.4	940.1	995.5		-47.6	-47.6
Hospitality									
Contractual services	67.2	289.4	356.6	67.2	279.4	346.6		-10.0	-10.0
Training	13.8	68.1	81.9	13.8	68.1	81.9			
General operating expenses	1,386.9	2,009.2	3,396.1	1,386.9	1,987.2	3,374.1		-22.0	-22.0
Supplies and materials	29.2	114.2	143.4	29.2	114.2	143.4			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>1,552.5</i>	<i>3,468.6</i>	<i>5,021.1</i>	<i>1,552.5</i>	<i>3,389.0</i>	<i>4,941.5</i>		<i>-79.6</i>	<i>-79.6</i>
<b>Total</b>	<b>6,431.1</b>	<b>12,905.1</b>	<b>19,336.2</b>	<b>6,402.1</b>	<b>12,677.9</b>	<b>19,080.0</b>	<b>-29.0</b>	<b>-227.2</b>	<b>-256.2</b>

**Table 29: Sub-programme 3310: Office of the Director DCS**

3310 Office of the Director DCS	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	169.1	290.4	459.5	169.1	290.4	459.5			
General Service staff	63.2		63.2	63.2		63.2			
<i>Subtotal staff</i>	<i>232.3</i>	<i>290.4</i>	<i>522.7</i>	<i>232.3</i>	<i>290.4</i>	<i>522.7</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel	19.7	22.4	42.1	19.7	22.4	42.1			
Hospitality									
Contractual services									
Training	12.3		12.3	12.3		12.3			
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>32.0</i>	<i>22.4</i>	<i>54.4</i>	<i>32.0</i>	<i>22.4</i>	<i>54.4</i>			
<b>Total</b>	<b>264.3</b>	<b>312.8</b>	<b>577.1</b>	<b>264.3</b>	<b>312.8</b>	<b>577.1</b>			

**Table 30: Sub-programme 3320: Court Management Section**

3320 Court Management Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	420.1	774.2	1,194.3	420.1	774.2	1,194.3			
General Service staff	126.5	711.6	838.1	126.5	711.6	838.1			
<i>Subtotal staff</i>	<i>546.6</i>	<i>1,485.8</i>	<i>2,032.4</i>	<i>546.6</i>	<i>1,485.8</i>	<i>2,032.4</i>			
General temporary assistance		256.7	256.7		246.5	246.5		-10.2	-10.2
Temporary assistance for meetings									
Overtime		15.0	15.0		15.0	15.0			
Consultants									
<i>Subtotal other staff</i>		<i>271.7</i>	<i>271.7</i>		<i>261.5</i>	<i>261.5</i>		<i>-10.2</i>	<i>-10.2</i>
Travel		40.1	40.1		40.1	40.1			
Hospitality									
Contractual services		56.3	56.3		56.3	56.3			
Training		19.0	19.0		19.0	19.0			
General operating expenses	5.9		5.9	5.9		5.9			
Supplies and materials	13.0	88.0	101.0	13.0	88.0	101.0			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>18.9</i>	<i>203.4</i>	<i>222.3</i>	<i>18.9</i>	<i>203.4</i>	<i>222.3</i>			
<b>Total</b>	<b>565.5</b>	<b>1,960.9</b>	<b>2,526.4</b>	<b>565.5</b>	<b>1,950.7</b>	<b>2,516.2</b>		<b>-10.2</b>	<b>-10.2</b>

**Table 31: Sub-programme 3300: Detention Section**

3300 Detention Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	208.6	83.9	292.5	208.6	83.9	292.5			
General Service staff	63.2	63.2	126.4	63.2	63.2	126.4			
<i>Subtotal staff</i>	<i>271.8</i>	<i>147.1</i>	<i>418.9</i>	<i>271.8</i>	<i>147.1</i>	<i>418.9</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
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	4.0		4.0	4.0		4.0			
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	1,381.0	118.4	1,499.4	1,381.0	118.4	1,499.4			
Supplies and materials	7.5		7.5	7.5		7.5			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>1,394.0</i>	<i>137.5</i>	<i>1,531.5</i>	<i>1,394.0</i>	<i>137.5</i>	<i>1,531.5</i>			
<b>Total</b>	<b>1,665.8</b>	<b>290.6</b>	<b>1,956.4</b>	<b>1,665.8</b>	<b>290.6</b>	<b>1,956.4</b>			

**Table 32: Sub-programme 3340: Court Interpretation and Translation Section**

3340 Court Interpretation and Translation Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	1,829.0	2,366.2	4,195.2	1,829.0	2,450.1	4,279.1		83.9	83.9
General Service staff	252.9	269.0	521.9	252.9	269.0	521.9			
<i>Subtotal staff</i>	<i>2,081.9</i>	<i>2,635.2</i>	<i>4,717.1</i>	<i>2,081.9</i>	<i>2,719.1</i>	<i>4,801.0</i>		<i>83.9</i>	<i>83.9</i>
General temporary assistance		867.2	867.2		743.3	743.3		-123.9	-123.9
Temporary assistance for meetings	180.0	153.2	333.2	180.0	153.2	333.2			
Overtime									
Consultants		20.1	20.1		20.1	20.1			
<i>Subtotal other staff</i>	<i>180.0</i>	<i>1,040.5</i>	<i>1,220.5</i>	<i>180.0</i>	<i>916.6</i>	<i>1,096.6</i>		<i>-123.9</i>	<i>-123.9</i>
Travel	5.2	159.2	164.4	5.2	139.2	144.4		-20.0	-20.0
Hospitality									
Contractual services	40.2	115.5	155.7	40.2	115.5	155.7			
Training		2.7	2.7		2.7	2.7			
General operating expenses									
Supplies and materials	8.7	9.5	18.2	8.7	9.5	18.2			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>54.1</i>	<i>286.9</i>	<i>341.0</i>	<i>54.1</i>	<i>266.9</i>	<i>321.0</i>		<i>-20.0</i>	<i>-20.0</i>
<b>Total</b>	<b>2,316.0</b>	<b>3,962.6</b>	<b>6,278.6</b>	<b>2,316.0</b>	<b>3,902.6</b>	<b>6,218.6</b>		<b>-60.0</b>	<b>-60.0</b>

**Table 33: Sub-programme 3350: Victims and Witnesses Unit**

3350 Victims and Witnesses Unit	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	689.0	1,090.8	1,779.8	660.0	1,014.9	1,674.9	-29.0	-75.9	-104.9
General Service staff	63.2	1,176.6	1,239.8	63.2	1,176.6	1,239.8			
<i>Subtotal staff</i>	<i>752.2</i>	<i>2,267.4</i>	<i>3,019.6</i>	<i>723.2</i>	<i>2,191.5</i>	<i>2,914.7</i>	<i>-29.0</i>	<i>-75.9</i>	<i>-104.9</i>
General temporary assistance		423.3	423.3		413.9	413.9		-9.4	-9.4
Temporary assistance for meetings									
Overtime		43.1	43.1		43.1	43.1			
Consultants									
<i>Subtotal other staff</i>		<i>466.4</i>	<i>466.4</i>		<i>457.0</i>	<i>457.0</i>		<i>-9.4</i>	<i>-9.4</i>
Travel	26.5	581.0	607.5	26.5	581.0	607.5			
Hospitality									
Contractual services									
Training		25.1	25.1		25.1	25.1			
General operating expenses		1,890.8	1,890.8		1,868.8	1,868.8		-22.0	-22.0
Supplies and materials		5.7	5.7		5.7	5.7			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>26.5</i>	<i>2,502.6</i>	<i>2,529.1</i>	<i>26.5</i>	<i>2,480.6</i>	<i>2,507.1</i>		<i>-22.0</i>	<i>-22.0</i>
<b>Total</b>	<b>778.7</b>	<b>5,236.4</b>	<b>6,015.1</b>	<b>749.7</b>	<b>5,129.1</b>	<b>5,878.8</b>	<b>-29.0</b>	<b>-107.3</b>	<b>-136.3</b>

**Table 34: Sub-programme 3360: Victims Participation and Reparations Section**

3360 Victims Participation and Reparations Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	750.6	182.4	933.0	750.6	182.4	933.0			
General Service staff	63.2	181.4	244.6	63.2	181.4	244.6			
<i>Subtotal staff</i>	<i>813.8</i>	<i>363.8</i>	<i>1,177.6</i>	<i>813.8</i>	<i>363.8</i>	<i>1,177.6</i>			
General temporary assistance		452.2	452.2		440.1	440.1		-12.1	-12.1
Temporary assistance for meetings									
Overtime									
Consultants		10.0	10.0		10.0	10.0			
<i>Subtotal other staff</i>		<i>462.2</i>	<i>462.2</i>		<i>450.1</i>	<i>450.1</i>		<i>-12.1</i>	<i>-12.1</i>
Travel		185.0	185.0		157.4	157.4		-27.6	-27.6
Hospitality									
Contractual services	27.0	115.5	142.5	27.0	105.5	132.5		-10.0	-10.0
Training		4.3	4.3		4.3	4.3			
General operating expenses									
Supplies and materials		11.0	11.0		11.0	11.0			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>27.0</i>	<i>315.8</i>	<i>342.8</i>	<i>27.0</i>	<i>278.2</i>	<i>305.2</i>		<i>-37.6</i>	<i>-37.6</i>
<b>Total</b>	<b>840.8</b>	<b>1,141.8</b>	<b>1,982.6</b>	<b>840.8</b>	<b>1,092.1</b>	<b>1,932.9</b>		<b>-49.7</b>	<b>-49.7</b>

**Table 35: Programme 3400: Public Information and Documentation Section**

3400 Public Information and Documentation Section	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	962.1	458.7	1,420.8	1,045.9	424.6	1,470.5	83.8	-34.1	49.7
General Service staff	585.1	229.7	814.8	585.1	229.7	814.8			
<i>Subtotal staff</i>	<i>1,547.2</i>	<i>688.4</i>	<i>2,235.6</i>	<i>1,631.0</i>	<i>654.3</i>	<i>2,285.3</i>	<i>83.8</i>	<i>-34.1</i>	<i>49.7</i>
General temporary assistance		152.0	152.0		149.4	149.4		-2.6	-2.6
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>152.0</i>	<i>152.0</i>		<i>149.4</i>	<i>149.4</i>		<i>-2.6</i>	<i>-2.6</i>
Travel	12.2	107.2	119.4	12.2	97.2	109.4		-10.0	-10.0
Hospitality									
Contractual services	255.2	800.9	1,056.1	255.2	742.9	998.1		-58.0	-58.0
Training	7.0		7.0	7.0		7.0			
General operating expenses	67.0	13.5	80.5	67.0	13.5	80.5			
Supplies and materials	125.0		125.0	125.0		125.0			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>466.4</i>	<i>921.6</i>	<i>1,388.0</i>	<i>466.4</i>	<i>853.6</i>	<i>1,320.0</i>		<i>-68.0</i>	<i>-68.0</i>
<b>Total</b>	<b>2,013.6</b>	<b>1,762.0</b>	<b>3,775.6</b>	<b>2,097.4</b>	<b>1,657.3</b>	<b>3,754.7</b>	<b>83.8</b>	<b>-104.7</b>	<b>-20.9</b>

**Table 36: Programme 3700: Registry Independent Offices**

3700 Registry Independent Offices	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	1,115.5	1,000.1	2,115.6	1,012.2	1,000.1	2,012.3	-103.3		-103.3
General Service staff	189.6		189.6	189.6		189.6			
<i>Subtotal staff</i>	<i>1,305.1</i>	<i>1,000.1</i>	<i>2,305.2</i>	<i>1,201.8</i>	<i>1,000.1</i>	<i>2,201.9</i>	<i>-103.3</i>		<i>-103.3</i>
General temporary assistance				76.5		76.5	76.5		76.5
Temporary assistance for meetings									
Overtime									
Consultants	72.0		72.0	72.0		72.0			
<i>Subtotal other staff</i>	<i>72.0</i>		<i>72.0</i>	<i>148.5</i>		<i>148.5</i>	<i>76.5</i>		<i>76.5</i>
Travel	14.3	105.5	119.8	14.3	105.5	119.8			
Hospitality									
Contractual services	182.0	50.0	232.0	100.0	50.0	150.0	-82.0		-82.0
Training	21.8	2.2	24.0	21.8	2.2	24.0			
General operating expenses	3.0	9.0	12.0	3.0	9.0	12.0			
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>221.1</i>	<i>166.7</i>	<i>387.8</i>	<i>139.1</i>	<i>166.7</i>	<i>305.8</i>	<i>-82.0</i>		<i>-82.0</i>
<b>Total</b>	<b>1,598.2</b>	<b>1,166.8</b>	<b>2,765.0</b>	<b>1,489.4</b>	<b>1,166.8</b>	<b>2,656.2</b>	<b>-108.8</b>		<b>-108.8</b>

**Table 37: Programme 3740: Office of Public Counsel for the Defence**

3740 Office of Public Counsel for the Defence	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	149.1	292.5	441.6	149.1	292.5	441.6			
General Service staff	63.2		63.2	63.2		63.2			
<i>Subtotal staff</i>	<i>212.3</i>	<i>292.5</i>	<i>504.8</i>	<i>212.3</i>	<i>292.5</i>	<i>504.8</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel	2.5	14.5	17.0	2.5	14.5	17.0			
Hospitality									
Contractual services		20.0	20.0		20.0	20.0			
Training	2.5	2.2	4.7	2.5	2.2	4.7			
General operating expenses		3.0	3.0		3.0	3.0			
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>5.0</i>	<i>39.7</i>	<i>44.7</i>	<i>5.0</i>	<i>39.7</i>	<i>44.7</i>			
<b>Total</b>	<b>217.3</b>	<b>332.2</b>	<b>549.5</b>	<b>217.3</b>	<b>332.2</b>	<b>549.5</b>			

**Table 38: Programme 3750: Office of Public Counsel for Victims**

3750 Office of Public Counsel for Victims	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	233.0	707.6	940.6	233.0	707.6	940.6			
General Service staff	63.2		63.2	63.2		63.2			
<i>Subtotal staff</i>	<i>296.2</i>	<i>707.6</i>	<i>1,003.8</i>	<i>296.2</i>	<i>707.6</i>	<i>1,003.8</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel	4.6	80.5	85.1	4.6	80.5	85.1			
Hospitality									
Contractual services		30.0	30.0		30.0	30.0			
Training									
General operating expenses		6.0	6.0		6.0	6.0			
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>4.6</i>	<i>116.5</i>	<i>121.1</i>	<i>4.6</i>	<i>116.5</i>	<i>121.1</i>			
<b>Total</b>	<b>300.8</b>	<b>824.1</b>	<b>1,124.9</b>	<b>300.8</b>	<b>824.1</b>	<b>1,124.9</b>			

**Table 39: Programme 3760: Office of Internal Audit**

3760 Office of Internal Audit	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	500.4		500.4	397.1		397.1	-103.3		-103.3
General Service staff	63.2		63.2	63.2		63.2			
<i>Subtotal staff</i>	<i>563.6</i>		<i>563.6</i>	<i>460.3</i>		<i>460.3</i>	<i>-103.3</i>		<i>-103.3</i>
General temporary assistance				76.5		76.5	76.5		76.5
Temporary assistance for meetings									
Overtime									
Consultants	72.0		72.0	72.0		72.0			
<i>Subtotal other staff</i>	<i>72.0</i>		<i>72.0</i>	<i>148.5</i>		<i>148.5</i>	<i>76.5</i>		<i>76.5</i>
Travel	1.4	10.5	11.9	1.4	10.5	11.9			
Hospitality									
Contractual services									
Training	19.3		19.3	19.3		19.3			
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>20.7</i>	<i>10.5</i>	<i>31.2</i>	<i>20.7</i>	<i>10.5</i>	<i>31.2</i>			
<b>Total</b>	<b>656.3</b>	<b>10.5</b>	<b>666.8</b>	<b>629.5</b>	<b>10.5</b>	<b>640.0</b>	<b>-26.8</b>		<b>-26.8</b>

**Table 40: Programme 3770: Registry Permanent Premises Office**

3770 Registry Permanent Premises Office	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	233.0		233.0	233.0		233.0			
General Service staff									
<i>Subtotal staff</i>	<i>233.0</i>		<i>233.0</i>	<i>233.0</i>		<i>233.0</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel	5.8		5.8	5.8		5.8			
Hospitality									
Contractual services	182.0		182.0	100.0		100.0	-82.0		-82.0
Training									
General operating expenses	3.0		3.0	3.0		3.0			
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>190.8</i>		<i>190.8</i>	<i>108.8</i>		<i>108.8</i>	<i>-82.0</i>		<i>-82.0</i>
<b>Total</b>	<b>423.8</b>		<b>423.8</b>	<b>341.8</b>		<b>341.8</b>	<b>-82.0</b>		<b>-82.0</b>

**Table 41: Major Programme IV: Secretariat of the Assembly of States Parties**

Major Programme IV Secretariat of the Assembly of States Parties	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	605.7		605.7	605.7		605.7			
General Service staff	285.1		285.1	285.1		285.1			
<i>Subtotal staff</i>	<i>890.8</i>		<i>890.8</i>	<i>890.8</i>		<i>890.8</i>			
General temporary assistance	528.9		528.9	517.1		517.1	-11.8		-11.8
Temporary assistance for meetings	460.0		460.0	460.0		460.0			
Overtime	38.0		38.0	38.0		38.0			
Consultants									
<i>Subtotal other staff</i>	<i>1,026.9</i>		<i>1,026.9</i>	<i>1,015.1</i>		<i>1,015.1</i>	<i>-11.8</i>		<i>-11.8</i>
Travel	293.8		293.8	293.8		293.8			
Hospitality	25.0		25.0	5.0		5.0	-20.0		-20.0
Contractual services	693.0		693.0	693.0		693.0			
Training	9.9		9.9	9.9		9.9			
General operating expenses	24.4		24.4	24.4		24.4			
Supplies and materials	14.7		14.7	14.7		14.7			
Furniture and equipment	5.0		5.0	5.0		5.0			
<i>Subtotal non-staff</i>	<i>1,065.8</i>		<i>1,065.8</i>	<i>1,045.8</i>		<i>1,045.8</i>	<i>-20.0</i>		<i>-20.0</i>
<b>Total</b>	<b>2,983.5</b>		<b>2,983.5</b>	<b>2,951.7</b>		<b>2,951.7</b>	<b>-31.8</b>		<b>-31.8</b>

**Table 42: Major Programme V: Rent and Maintenance (Interim Premises)**

Major Programme V Rent and Maintenance (Interim Premises)	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff									
General Service staff									
<i>Subtotal staff</i>									
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel									
Hospitality									
Contractual services									
Training									
General operating expenses	6,021.4		6,021.4	5,901.5		5,901.5	-119.9		-119.9
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	6,021.4		6,021.4	5,901.5		5,901.5	-119.9		-119.9
<b>Total</b>	<b>6,021.4</b>		<b>6,021.4</b>	<b>5,901.5</b>		<b>5,901.5</b>	<b>-119.9</b>		<b>-119.9</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 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	169.1	445.9	615.0	169.1	445.9	615.0			
General Service staff	63.2	63.2	126.4	63.2	63.2	126.4			
<i>Subtotal staff</i>	232.3	509.1	741.4	232.3	509.1	741.4			
General temporary assistance	208.9	68.3	277.2	208.9	68.3	277.2			
Temporary assistance for meetings									
Overtime									
Consultants	40.0	60.0	100.0	40.0	60.0	100.0			
<i>Subtotal other staff</i>	248.9	128.3	377.2	248.9	128.3	377.2			
Travel	114.8	153.5	268.3	97.8	130.7	228.5	-17.0	-22.8	-39.8
Hospitality	5.0		5.0	2.5		2.5	-2.5		-2.5
Contractual services	155.0	50.0	205.0	118.0	50.0	168.0	-37.0		-37.0
Training	4.5	22.9	27.4	4.5	22.9	27.4			
General operating expenses	5.0	17.0	22.0	5.0	17.0	22.0			
Supplies and materials	3.0		3.0	3.0		3.0			
Furniture and equipment		10.0	10.0		10.0	10.0			
<i>Subtotal non-staff</i>	287.3	253.4	540.7	230.8	230.6	461.4	-56.5	-22.8	-79.3
<b>Total</b>	<b>768.5</b>	<b>890.8</b>	<b>1,659.3</b>	<b>712.0</b>	<b>868.0</b>	<b>1,580.0</b>	<b>-56.5</b>	<b>-22.8</b>	<b>-79.3</b>

**Table 44: Major Programme VII.1: Project Director's Office**

Major Programme VII.1 Project Director's Office	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	293.8		293.8	293.8		293.8			
General Service staff	63.2		63.2	63.2		63.2			
<i>Subtotal staff</i>	<i>357.0</i>		<i>357.0</i>	<i>357.0</i>		<i>357.0</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants	24.4		24.4				-24.4		-24.4
<i>Subtotal other staff</i>	<i>24.4</i>		<i>24.4</i>				<i>-24.4</i>		<i>-24.4</i>
Travel	9.7		9.7	9.7		9.7			
Hospitality	5.0		5.0	2.5		2.5	-2.5		-2.5
Contractual services	616.3		616.3	616.3		616.3			
Training	3.2		3.2	3.2		3.2			
General operating expenses	2.5		2.5	2.5		2.5			
Supplies and materials	1.5		1.5	1.5		1.5			
Furniture and equipment	4.0		4.0	4.0		4.0			
<i>Subtotal non-staff</i>	<i>642.2</i>		<i>642.2</i>	<i>639.7</i>		<i>639.7</i>	<i>-2.5</i>		<i>-2.5</i>
<b>Total</b>	<b>1,023.6</b>		<b>1,023.6</b>	<b>996.7</b>		<b>996.7</b>	<b>-26.9</b>		<b>-26.9</b>

**Table 45: Programme 7110: Project Director's Office for Permanent Premises**

7110 Project Director's Office for Permanent Premises	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	293.8		293.8	293.8		293.8			
General Service staff	63.2		63.2	63.2		63.2			
<i>Subtotal staff</i>	<i>357.0</i>		<i>357.0</i>	<i>357.0</i>		<i>357.0</i>			
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants	24.4		24.4				-24.4		-24.4
<i>Subtotal other staff</i>	<i>24.4</i>		<i>24.4</i>				<i>-24.4</i>		<i>-24.4</i>
Travel	9.7		9.7	9.7		9.7			
Hospitality	5.0		5.0	2.5		2.5	-2.5		-2.5
Contractual services	80.0		80.0	80.0		80.0			
Training	3.2		3.2	3.2		3.2			
General operating expenses	2.5		2.5	2.5		2.5			
Supplies and materials	1.5		1.5	1.5		1.5			
Furniture and equipment	4.0		4.0	4.0		4.0			
<i>Subtotal non-staff</i>	<i>105.9</i>		<i>105.9</i>	<i>103.4</i>		<i>103.4</i>	<i>-2.5</i>		<i>-2.5</i>
<b>Total</b>	<b>487.3</b>		<b>487.3</b>	<b>460.4</b>		<b>460.4</b>	<b>-26.9</b>		<b>-26.9</b>

**Table 46: Programme 7120: ICC Staff Resource and Management Support for the Permanent Premises**

7120 ICC Staff Resource and Management Support for the Permanent Premises	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff									
General Service staff									
<i>Subtotal staff</i>									
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel									
Hospitality									
Contractual services	386.3		386.3	386.3		386.3			
Training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	386.3		386.3	386.3		386.3			
<b>Total</b>	<b>386.3</b>		<b>386.3</b>	<b>386.3</b>		<b>386.3</b>			

**Table 47: Programme 7130: 2gv Element (Non Integrated User Equipment)**

7130 2gv Element (Non Integrated User Equipment)	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff									
General Service staff									
<i>Subtotal staff</i>									
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel									
Hospitality									
Contractual services	150.0		150.0	150.0		150.0			
Training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	150.0		150.0	150.0		150.0			
<b>Total</b>	<b>150.0</b>		<b>150.0</b>	<b>150.0</b>		<b>150.0</b>			

**Table 48: Programme 7200: Accrued Interest, Host State**

7200 Accrued Interest, Host State	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff									
General Service staff									
<i>Subtotal staff</i>									
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel									
Hospitality									
Contractual services									
Training									
General operating expenses	204.6		204.6				-204.6		-204.6
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	204.6		204.6				-204.6		-204.6
<b>Total</b>	<b>204.6</b>		<b>204.6</b>				<b>-204.6</b>		<b>-204.6</b>

**Table 49: Major Programme VII.5: Independent Oversight Mechanism**

Major Programme VII.5 Independent Oversight Mechanism	Proposed Budget 2013			Proposed Budget 2013			Difference		
	Before CBF recommendations			After CBF recommendations			Before CBF vs After CBF		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total
Professional staff	208.6		208.6	124.7		124.7	-83.9		-83.9
General Service staff									
<i>Subtotal staff</i>	208.6		208.6	124.7		124.7	-83.9		-83.9
General temporary assistance									
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>									
Travel	4.7		4.7	4.7		4.7			
Hospitality									
Contractual services	40.0		40.0	40.0		40.0			
Training	6.5		6.5	6.5		6.5			
General operating expenses									
Supplies and materials	10.0		10.0	10.0		10.0			
Furniture and equipment	20.0		20.0	20.0		20.0			
<i>Subtotal non-staff</i>	81.2		81.2	81.2		81.2			
<b>Total</b>	<b>289.8</b>		<b>289.8</b>	<b>205.9</b>		<b>205.9</b>	<b>-83.9</b>		<b>-83.9</b>

## Part C

### Related documents

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\* Previously issued as ICC-ASP/11/12.

## Letter of transmittal

30 July, 2012

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 2011.

(Signed) Silvana Arbia  
Registrar

M. Steve Townley  
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(b), the Registrar in her capacity as principal administrative officer of the Court is “*responsible and accountable for ensuring that these Rules are administered in a coherent manner by all organs of the Court, including through appropriate institutional arrangements with the Office of the Prosecutor with regard to management and administrative functions falling under the authority of that Office by virtue of article 42, paragraph 2, of the Rome Statute*”. Based on Financial Regulation 11 and, inter alia, Rule 111.1, responsibility for the accounts is assigned to me. Compliant with this Financial Regulation and Rule, I have prescribed and maintained financial and subsidiary records; established accounting procedures for the Court; and designated the officials responsible for performing accounting functions.

In line with the Court’s Financial Regulation 1.4, these “*Regulations shall be implemented in a manner consistent with the responsibilities of the Prosecutor and the Registrar as set out in articles 42, paragraph 2, and 43, paragraph 1, of the Rome Statute. The Prosecutor and the Registrar shall cooperate, taking into account the independent exercise by the Prosecutor of his or her functions under the Statute*”.

Furthermore, following Financial Regulation 10.1, as Registrar I have the responsibility for maintaining “*an internal financial control which shall provide for effective current 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;*
- (c) *The economic use of resources of the Court”.*

Having made appropriate institutional arrangements in cooperation with the Office of the Prosecutor as provided for in Rule 101.1(b), I have accepted the Prosecutor’s written assurance, received on 4 June 2012, that Regulation 10.1 has been complied with. Thus, I am satisfied, that appropriate systems of internal financial control have been in place throughout the financial period of 2011.

## **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 Regulations and Rules relies on operational managers (certifying officers) within the Court and their Statements of Assurance. All certifying officers have signed statements on the effectiveness of internal controls in their areas of responsibility, confirming the compliance with any relevant Regulations and Rules. Some of the certifying officers have identified potential weaknesses which will be addressed during the current financial year.

Following the recommendations of the Audit Committee, the External Auditor and in line with my own resolve to strengthen the internal financial control within the Court, the following has been implemented:

(a) Comprehensive training for certifying officers:

A new training curriculum was developed and launched in February 2012; this training is mandatory for all certifying officers.

(b) Statement of Assurance (SOA) sessions:

Registry held orientation sessions to familiarize the certifying officers with the content of the SOA. During these interactive sessions, senior management explained the concept of the SOA and certifying officers had the opportunity to share any concerns.

I would like to further state that Major Programmes I and III expenditures have exceeded the respective approved appropriation levels because of accounting for year-end accruals for long term employee end of service benefit liabilities in full. Such excess has been absorbed within the overall approved appropriations for the Court.

Based on the above, 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 2011.

Silvana Arbia  
Registrar

30 July 2012

## **Independent auditor's opinion and report to the Assembly of States Parties**

I have audited the accompanying financial statements of the International Criminal Court for the year ended 31 December 2011. These comprise the Statement of income and expenditure and changes in fund balances for the period ending 31 December 2011 (Statement I), the Statement of assets, liabilities, reserves and fund balances as at 31 December 2011 (Statement II), the Cash Flow as at 31 December 2011 (Statement III), the Statement of appropriations for the period 1 January to 31 December 2011 (Statement IV), the Statement of contingency fund applications for the period 1 January to 31 December 2011, Schedules 1 to 8 and the related notes.

### **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 income 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 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 2011 and the financial performance and cash flows 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 income 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 which 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

## Report on the 2011 Financial Statement 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

August 2012

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## Executive summary

### Introduction

1. The External Auditor provided an unqualified audit opinion on the 2011 financial statements confirming that they present fairly, in all material respects, the financial position of the international Criminal Court as at 31 December 2011 and its financial performance and cash flows for the year then ended; and that they have been properly prepared in accordance with the United Nations system accounting standards and the Financial Regulations authorised by the Assembly of States Parties.

2. In addition to our comments on the Court's financial performance, our 2011 audit report to the Assembly of States Parties focuses on the progress of the Permanent Premises Project, a review of the operations of the Court's Office of Internal Audit (OIA) and the Court's plans for the implementation of International Public Sector Accounting Standards

3. On the Permanent Premises Project, we found that good progress has been made in implementing our previous recommendations on project governance. We have, however, commented on the significant challenges that lie ahead making recommendations in the area of cost control and recommending that the Court consider early the transition to operations and future asset management.

4. On Internal Audit, we have identified areas where improvements could be made to bring operations in line with best practise under the International Standards for Internal Audit including the need to regularly review the audit charter and align the planning and reporting cycles.

5. On the Implementation of IPSAS, we have reviewed the progress made since the IPSAS project team commenced its work in July 2011. We have also reviewed an early draft of the proposed changes to the Court's Financial Regulations and Rules and have suggested that the Court further develops its timetable to help ensure a successful transition.

6. The Court continues to be slow to implement our previous recommendations. The Court should develop a timetable for implementing all outstanding recommendations and report progress regularly to the Audit Committee, the Committee on Budget and Finance and the Assembly.

## Overall results of the audit

7. We have audited the financial statements of the International Criminal Court (ICC) in accordance with the Financial Regulations and in compliance with International Standards on Auditing.

8. The audit included a general review of the ICC'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.

9. The audit work did not involve a detailed review of all aspects of the ICC'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 ICC's accounting records and were fairly presented.

10. 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 2010 previous recommendations are set out at Annex B.

## Overall financial performance

### Financial review of the general fund

11. The Court's financial statements for the year ended 31 December 2011 report a shortfall of income compared with expenditure giving an overall deficit of €3.5million. This deficit arises as a result of expenditure of €5.1million from events that were not foreseen at the time the 2011 budget was approved of which €3.2million were absorbed within the approved budget with the remainder charged against the Contingency Fund. As a result, total reserves and fund balances at 31 December reduced to €14.8 million (2010:€19.4 million).

### Income

12. Assessed contributions at €103.6 million were unchanged from the previous year. While the 2011 budget provided for an increase in the number of active investigations, the 2010 budget had included a one off contribution of €1.4 million towards the Court's review conference on the Rome Statute. The Court received interest income of €484,000, slightly higher than the prior year (2010: €343,000). Other income was €382,000 (2010: €121,000).

## Expenditure

13. Expenditure increased by 3.3 per cent from the previous year to €107.9 million (2010: €104.5 million) primarily due to the Court's response to unforeseen events in Libya and Kenya. Expenditure of €1.9 million was incurred on judicial and prosecutorial developments in the existing Kenya investigation and expenditure of €1.8 million was incurred on the new investigation in Libya. Excluding the unforeseen events, the Court's total expenditure compared with the appropriations approved by the Assembly reveals a budget surplus of €797,000 (Statement IV).

14. The financial statements provide a breakdown of expenditure by category of expenditure (Table 2). There was a €1.6 million overspend on contractual services due to legal aid costs exceeding the approved budget by €1.8 million. The Court is reviewing the legal aid system to ensure sustainability of the financial costs of the system. This increase was offset by an underspend of €1.5million in operating expenses.

## Assets and liabilities

15. Overall, total assets have decreased by €3.2 million to €34.2 million. Notwithstanding this the Court's cash and term deposits increased to €28.2 million at 31 December 2011 (2010: €26.9 million). This reflects an improved collection rate of assessed contributions in 2011 at 97 per cent compared to 93 per cent in 2010.

16. The Court's total liabilities increased to €19.4 million (2010: €18.0 million) following an increase of €1.4 million in the employee benefit liabilities which now total €10.1 million. These liabilities in respect of annual leave and repatriation grants are paid when staff members retire and the entitlement generally increases with each year's service. There was a small reduction in the value of unliquidated obligations to €5.5 million at 31 December 2011 (2010 €5.7 million). Each year the Court reports amounts arising from savings or cancellations of prior period obligations. In March 2012, the Court reviewed its obligations to identify those which should have been liquidated or reduced at 31 December 2011. This exercise resulted in cancellations of some €300,000 relating to more than 150 separate obligations.

17. In 2010 there was a temporary charge of €412,000 against the Contingency Fund which has now been fully absorbed against the savings from the 2010 unliquidated obligations. This has resulted in the prior year cash surplus been calculated at €1,689,090 which is refundable to States Parties.

## Outstanding contributions

18. The arrears of assessed contributions from States' Parties decreased by €3.5million to €2.8million (2010: €6.3 million) due, in particular, to the collection of an outstanding amount of €3.1million from one State. We note that some 19 States' Parties that have not paid their 2011 contribution also have arrears due from previous years.

## Accrued employee benefits costs

19. Included in the statement of assets and liabilities (Statement II) are accrued annual leave costs of €4.9 million [2010: €4.1 million]. During 2011, to ensure that these costs could be fully accrued and funded, the Court transferred €522,000 from the surplus on Major Programme II to cover the costs of accrued annual leave of €150,000 for Major Programme I and €372,000 for Major Programme III. Without this transfer these costs could not have been absorbed within the approved appropriations for Major Programmes I and III. The Court remained within the overall approved budget appropriation of €103.7 million and Note 16 to the financial statements explains the legal basis for the transfer of funds between programmes.

20. In total, the Court has now set aside cash assets totalling €10.1 million [2010: €8.7 million] to fully fund its future liabilities in respect of accrued annual leave (€4.9 million) and accrued repatriation costs (€5.2 million). Given the significance of these balances and that they are currently fully funded, the Court should now consider formalising its funding policy for approval by States Parties.

## Cashflow

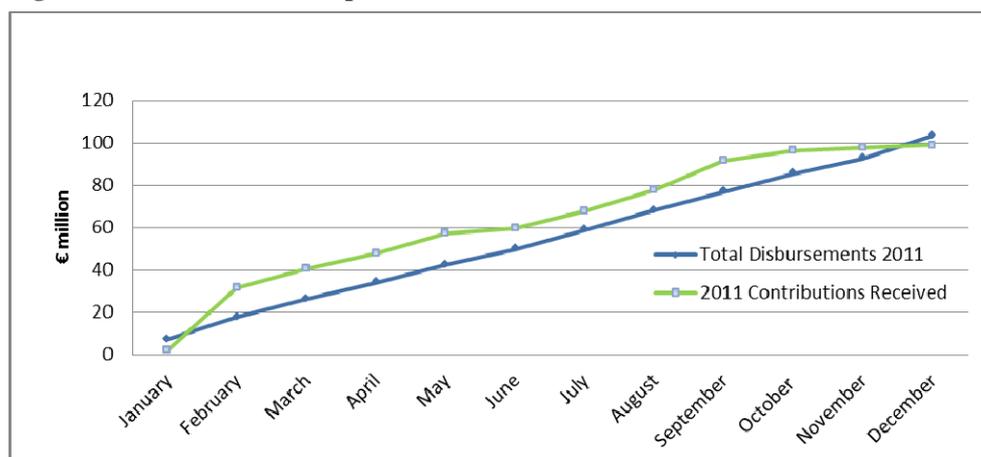
21. While the timeliness of payment by States' Parties has improved from the prior year Figure 1 shows that contributions received each month are only just sufficient to meet the cash flow needs of the Court. For example, in July 2011 the Court had not received sufficient contributions to meet the following month's disbursements. While the assessed contributions are payable within 30 days of the receipt of communication of the amounts assessed, many States' Parties defer their payment to the detriment of the Court's cash flow.

22. The Working Capital Fund remains available to meet any cash flow shortage should contributions fall unexpectedly in any one month. The fund's level of €7million was established in 2008 when the Court's annual expenditure was €86 million. Each year the Court's activities and expenditures have increased and the approved budget for 2012 is €111 million. The Working Capital Fund now represents less than one month's expenditure.

### *Recommendation 1:*

We recommend that the Court reviews its working capital requirements and consider whether the current level of its Working Capital Fund remains sufficient.

**Figure 1: Disbursements compared with contributions received (cumulative)**



## Fraud and presumptive fraud

23. Primary responsibility for the prevention and detection of fraud rests with the management. 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 assurance in respect of material fraud.

24. The Court does not maintain a centralised register of reported fraud cases and management were unable to provide any information regarding fraud cases in 2011. The Director of Internal Audit informed us that no instances of fraud were identified through the work of her office. Our audit did not identify any instances of fraud.

## Losses, write-offs and ex-gratia payments

25. In accordance with the Financial Rules and Regulations, the Registrar has notified us of write-offs of the amount €18,596 in respect of irrecoverable receivables. Non-expendable property with an original cost of €565,927 was written off in year and mostly related to obsolete IT equipment.

26. The financial statements include a provision of €98,000 estimated to be the likely costs associated with two cases filed with the ILO at 31 December 2011. The Court has made *ex-gratia* payments totalling €12,541. These payments were approved by the Registrar.

## Permanent Premises Project

### Background

27. The Court is accommodated in interim premises provided as a contribution-in-kind by the host State. In December 2007, the Assembly of States Parties approved the construction of 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 52,450 square metres.

### Current status

28. The new building is expected to become fully operational in December 2015 and cost €216.8 million, unless savings can be found. The project is now entering a critical phase where the flexibility to manage unexpected problems and pressures on costs and time is very limited. There are risks that, if not firmly managed, could further increase the costs and delivery timetable.

29. In February 2011, the Oversight Committee decided that integrated user equipment costs of €19.8 million should also be included in the construction cost (figure 1). To absorb these additional costs the Project Director anticipates savings in the following areas:

- (a) Review of the user requirements- by reducing scope, functionality and specification of the structural shape and internal finishes.
- (b) Tender returns below the budgeted tender allowance - the cost consultant has made an estimate for the effects of construction price inflation between January 2009 and the present date of just under €13 million. This may be a generous estimate, given the depressed state of today's construction market.
- (c) Negotiations with the main contractor before the contract is signed - using the contractor's expertise to identify efficiencies and simplifications.
- (d) Further savings during construction - the main contractor will have a financial incentive to seek out savings under the target cost form of contract.

**Figure 1: Total cost of the Permanent Premises project**

<i>Costs in euro million (2014 prices)</i>	<i>Actual expenditure (2008-2011)</i>	<i>Revised budget approved (2008-2016)</i>	
Construction costs(including integrated user equipment of 19.8 million).	13.3	157.1	} Funded by States loan
Risks	0	32.9	
Total construction costs	13.3 <sup>1</sup>	190	
Project Director's office	1	23.3	} Funded by Court's budget
Registry Permanent Premises office	1.2	3.5	
<b>Grand total</b>	<b>15.5</b>	<b>216.8</b>	

<sup>1</sup> Includes savings of €0.4 million.  
Source: ICC.

30. In June 2012, the Project Director intends to engage with users to prepare a prioritised list of cost reductions to prepare for the possibility of the tender prices being higher than anticipated. It will be difficult to reduce costs by changing the specification and scope of the project now as users are by now familiar with it and will have established certain expectations. This sensitive exercise will therefore need careful planning and management to elicit constructive actionable ideas from the users.

31. The total gross area for the building has increased by approximately 6,800 square metres since December 2007 as a result of additional requirements in court rooms and logistics area. The Project Director considers that the additional gross floor area has not resulted in additional costs due to efficiencies found elsewhere from a value engineering exercise<sup>1</sup>.

32. In June 2011, the Oversight Committee appointed a new Project Director and approved a revised governance structure giving him full management responsibility of the project. Following appointment, the new Project Director amended the budget to align it to this structure and revised the delivery timetable of the project, which has compressed the contracting and construction stages. Due to delays over the final design stage, the tendering process is anticipated to end in August 2012 instead of July 2012 as originally planned. The handover of the building by the general contractor has moved from July 2015 to September 2015. The project, however, is still expected to be delivered in December 2015.

### **Budget and risk management**

33. Despite the substantial improvements in the project governance structure, significant challenges lie ahead for the Permanent Premises project, given that the construction work is yet to begin. The approach to budget management is considered sound, and appropriate to this stage of the project. The total expenditure on the project was €15.5 million at the end of December 2011, meaning that the vast majority of the expenditure lies in the future. The key risk at this stage arises from any unreliable cost estimates. However, the project team has taken reasonable measures to mitigate this risk. First, an external professional cost consultant advises both the Project Director and the design team about the cost aspects of the emerging design. Second the design team is under a contract which obliges it to design within the budget envelope

34. The project is adopting good practice by identifying risks within two broad categories: risks within the direct control of the project team and risks which lie outside its influence and are therefore held or managed by the client team. The former contingency monies are managed by the Project Director, and the latter by the Oversight Committee.

35. The project team is also following good practice by adopting a forward-looking approach to risk management, with contingency money allocated to specific risks, based on the probability of their occurrence. Contingency monies allocated to specific risks are sometimes termed "known unknowns" in that the risk has been identified, but the timing and quantum may vary. Contingency money held to cover other risks which are not yet identifiable may be held for "unknown unknowns", and is normally held by the client Oversight Committee.

36. Construction has yet to start, and consequently the overarching contingency management arrangements are not yet actively running on a month-by-month basis. The project team would benefit from developing the working procedures on contingency management to a more practical level of detail, for example covering the process for releasing unutilised contingency money and whether it should be held at project level or by the Oversight Committee?

#### *Recommendation 2:*

We recommend clarifying the working procedures for governance of the contingency monies before the construction phase commences.

37. In April 2012, the total contingency in the project budget was €44 million. The largest element of uncertainty in the budget is allocated to construction inflation (termed escalation). Overtly, there is some €12 million allocated to this escalation risk, but there are other related provisions in this area making the total provision potentially significantly higher.

<sup>1</sup> Value engineering is a process to reduce total cost while still maintaining the original functionality outlined in the design phase.

38. The risk register contains some 14 items that have 100 per cent probability of occurrence- implying they are not risks but certainties. These risks therefore should be converted into specific items of scope. There are only a further eight priced items in the risk register, though it is highly likely that there are other risks that carry cost implications. The project team would benefit from developing this management process to a greater level of detail, to make the risk and contingency provision more granular and explicit.

39. In June 2012, the bidders return their tenders for the main construction contract. At that point, the project team will learn a significant amount about the adequacy or otherwise of the escalation provisions, and there will be an opportunity to re-visit the risk register, update it, and refresh all the financial contingency provisions in it. In doing so, it would be wise to re-examine all of the risks in the register and start the construction phase with a purposeful control framework in place.

*Recommendation 3:*

We recommend that the project team refresh the risk register and associated contingency allowances when the prices for the main construction work are known.

40. The project Oversight Committee is examining the whole lifecycle costs of the new premises, over a 50 year span. The project team has estimated the cost of the periodic investments required to maintain the asset in good condition over this period, and is developing an asset management plan to suit the ICC's requirements. This is good practice. The timing for such discussions is right because the process of agreeing a funding strategy and then of procuring the relevant maintenance contracts will take perhaps two years; it will be important to have the facilities management suppliers in place well ahead of completion, to become familiar with the asset well before handover.

41. One of the most important elements of the asset management strategy is the funding strategy. A funding / finance strategy is needed in the first instance, following which the management arrangements need to be put in place, satisfying the long term objectives, and meeting the day-to-day demands. The Oversight Committee is addressing this issue, and is aware that the project team naturally does not have the specialist skills in-house to determine the necessary funding policy and fund management arrangements.

*Recommendation 4:*

We recommend obtaining specialist funding input, to inform the asset management strategy.

## **Project management and controls**

42. Project management control systems are the tools for managing project scope, cost and schedule. They are based on carefully defined process and document controls, metrics, performance indicators and forecasting with capability to reveal trends toward cost overruns and/or schedule slippages. We identified a number of documents and plans used to monitor key elements of the project such as milestones and budget.

43. Currently, there is not an integrated project management plan to demonstrate that all of the Permanent Premises project phases and their dependencies have been thoroughly considered, including how the project will be monitored. We understand however, that such a plan is being developed.

44. For the project to be successful, it is essential that the required outcomes and outputs are described with sufficient clarity before the construction starts. Changes to the requirements and scope during construction can be a risk, with the potential to increase costs and delay project delivery. There have been some 3,400 outstanding design-related issues since the preliminary design phase. As of February 2012, approximately half of these were closed and reflected in the drawings, while the rest were either cleared but not reflected in the drawings or not cleared at all. We note that some particular uncertainties carry significant cost risks, for example the lack of clarity on security aspects creates a cost risk of up to €1.5 million. It is very important for the project to deal with all such matters before the main contract is awarded, to reduce the risk of subsequent changes - which are inevitably costly and rarely good value for money.

45. While progress made against outstanding items is being monitored via a tracker it is not sufficiently detailed or informative, for example, there is no reference to the cost or time implications of the outstanding items.

*Recommendation 5:*

We recommend that the project team prioritises all outstanding design issues by their costs, and deals with all of them before the award of the main contract.

46. Good assurance provides an independent assessment of whether the elements fundamental to successful project delivery are in place and operating effectively. In itself assurance does not deliver a project, but it provides information to those that sponsor, govern and manage a project to help them make better informed decisions which reduce the causes of project failure. To be independent, assurance should be funded independently of the project. The requirement for an audit strategy has been on the agenda of the Committee since 2010, but is not yet complete. Internal Audit has not been able to prioritise this project and has given it little attention in the last two years. This is considered unsatisfactory.

*Recommendation 6:*

We recommend that the Oversight Committee should clearly state and enforce the mandate to perform continuous assurance with immediate effect, ensuring such work is appropriately funded.

47. Before construction work can start, the necessary permissions and authorizations must be in place. In addition to institutional approval, consents need to be obtained for example, for health and safety, sewerage and waste disposal. All these factors can have a significant effect on the timetable and project costs.

48. We understand that the permit procedure for the permanent premises has been delayed and there are on-going discussions about obligations on the host nation relating to the condition of the site on handover. Full resolution is expected in October 2012, one month after the general contract award.

49. Selecting the most suitable contractor for a construction project is a crucial decision for owners and project managers. Tender evaluation involves various elements such as the assessment of overall suitability of contractors, financial stability, managerial capability and organizational strength, technical expertise and experience. Hence, it is a resource and time intensive process.

50. The project is following good practice, by adopting a form of contract that is based on the principles of sound project management: the New Engineering Contract (NEC). This form of contract has been in widespread use in the United Kingdom for more than 20 years and is mandatory on all government contracts, but has not been used in The Netherlands before. As such, its introduction potentially creates a risk, because the main contractor and the supply chain will not be familiar with it. We note that the project team has taken strong measures to mitigate this risk including training the four shortlisted contractors, the design team, the cost consultant and core ICC staff.

51. One of the features of the NEC is a procedure for immediately raising issues that might impact on the cost or the schedule. The Early Warning procedure demands responses to issues within two weeks normally, with the decisions becoming binding adjustments to the contract. While the project Oversight Committee seems to provide firm governance to the project from an estates management perspective, there are a large number of users from across the wider Court and Registrar functions and these groups are potentially a source of changes in the future. We saw that the Oversight Committee has a "zero tolerance" approach to cost increases, but the project might benefit from tighter controls over the wider community of future users.

*Recommendation 7:*

We recommend, with construction about to start, that the Project Director reviews the change controls, updates them if necessary, and in any event reminds users about them.

## **Readiness for operations**

52. The project team has reached out to the many users in the ICC as part of the design development process, with evident success. To date this process has largely focused on gathering requirements and data relating to the future use of the building. The users ought to have little input into the project once the final cost-cutting discussions have reached their conclusion - mainly being limited to answering queries from the main contractor if necessary when issues arise during the building work.

53. However, this does not mean that the Court and Registrar functions should adopt a "hands off" approach. A detailed plan will be needed by early 2015 governing the arrangements for transitioning from the current premises to the new one. To do that, the user community will need to identify exactly how the business processes inside the new premises will be conducted, whether there are new ways of working that the building makes possible, whether there are efficiencies to be made, whether there are organisational changes needed and so on. In short, work should start in a purposeful way in the not too distant future to think through the detailed operational procedures in the new building, and to plan the transition accordingly.

*Recommendation 8:*

We recommend that the Court / Registrar establishes a group to develop the new ways of working in the new building, and then to establish a transition plan.

## **Project Resources**

54. In common with other clients who have to deliver a one-off construction project, the ICC would not be expected to have in-house capability in the field of construction and property management. The appointment of the New Project Director went a long way toward addressing this risk, but there is nevertheless still a high dependency on the small core team (currently three people) to lead the user engagements, lead the design process, manage the construction contract and interface effectively with the external authorities as well as keeping the project finances and costs under complete control.

55. This is a dynamic and fast-moving project, with iconic status and of critical value to the future of the ICC over many decades to come. The client is a complex public sector organisation, and the new premises are being delivered by a private sector supply chain. Having the right skills in the project team is a key requirement, and it will be important for the Project Director to be able to adjust the team composition, balance and remuneration with speed and agility should the need arise, in order to keep the project properly resourced and under control. "Business as usual" HR processes may become a constraint, and therefore a risk to delivery. We saw strong signs of detailed scrutiny by the Oversight Committee in this area and we believe it would be beneficial for the Project Director to be given greater freedoms, subject always to a broader governance framework set by the Oversight Committee.

*Recommendation 9:*

We recommend that there are appropriate mechanisms in place to ensure that the Project Director can procure, reward and manage skilled resources in line with the demands of this commercial, fast-moving, high value and iconic project.

## Office of Internal Audit

### Introduction

56. In 2003 the Court set up a dedicated Office of Internal Audit (OIA) as required under the Financial Regulations. In 2011, OIA had four staff and a budget of €600,000 comprising €430,000 for staff costs, €90,000 for consultancy, €28,000 for travel and €20,000 for each contractual services and training. The Internal Audit Charter states that the office will follow best practice as established by The Institute of Internal Auditors (IIA). As part of our 2011 audit we have reviewed the OIA to assess the extent to which they have successfully complied with these standards.

### Organisational Status

#### Internal Audit Charter

57. An Internal Audit Charter sets out the scope and authority of internal audit, it should include the details of the work of Internal Audit and how the reporting processes will operate. It also defines the independence of Internal Audit setting out rights such as unrestricted access to information and the right to communicate freely with senior management and external audit.

58. The Court's Internal Audit Charter was approved by the Court's Audit Committee in 2007. Since this time the work of the Court has grown, developed and matured as an organisation with the Court's activity moving to trial and the major construction project about to commence and the Charter has not been revisited to ensure it remains relevant and up-to-date. We note that a new Charter was drafted by OIA at the end of 2011 and was finalised in its draft version in February 2012 for consideration by management and the Audit Committee.

*Recommendation 10:*

We recommend that the Internal Audit Charter should be periodically reviewed by the Head of Internal Audit and updated where necessary. The review should be presented to senior management and the Audit Committee as soon as practicable.

### Scope of Function

#### Audit planning and reporting

59. Each year the Head of Internal Audit prepares a plan of activities covering the financial year and agrees it with Court management. The 2011 plan proposed five firm audits utilising 370 auditor days. It provided for 60 per cent of auditors time to be spent on direct audit work and 40 per cent on advisory work and therefore sufficient time was available to complete these audits. Against the 2011 plan, we found that one audit was cancelled, two were postponed, one remained in the fieldwork stages and one final audit was completed and the report issued in draft. We also noted that one optional audit was completed but no report was issued at the time of writing this report. The internal auditors do not maintain timesheets, or other form of time recording so we were unable to examine the utilisation of resources against the original proposed budget.

60. The Office of Internal Audit prepares its annual report covering the period 1 July to 30 June and the report is not therefore aligned with its planning cycle which follows a calendar year. In our view, the transparency of reporting would be enhanced by matching the planning and reporting cycle directly. The annual report described the context, scope and findings of each individual audit performed and the issues that have emerged during the year under review, but it did not provide a comparison of the work performed against the agreed plan, nor does the annual report provide an objective evaluation of, and opinion on, the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control as we have previously recommended. To assess the value and impact delivered by internal audit, there should be a clear statement of what outputs have been delivered during the year compared to those set out in the agreed plan.

*Recommendation 11:*

We recommend that: a) the internal audit planning and reporting periods are aligned to the financial year, this may necessitate the production of an interim report covering only six months before starting an annual cycle; b) the Internal Audit annual report should be prepared shortly after the conclusion of the annual cycle and provide an overview of its key findings; c) OIA should report the outputs delivered compared to those set out in the agreed plan including resource utilisation; and d) internal audit should provide an objective evaluation of, and opinion on, the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.

### **Internal Audit Findings**

61. At the conclusion of each piece of work, Internal Audit issue a report containing a number of recommendations, which are agreed with management and given a priority ranking allowing management to direct appropriate resource to address OIA recommendations. Since 2006, OIA have issued some 292 recommendations of which 112 were classified as high priority requiring immediate action.

62. In examining a sample of reports issued by OIA, we reviewed high priority recommendations and found some apparent inconsistencies in the ratings applied. For example, the high priority recommendation to improve induction training and career development initiatives, while important, appears less in need of immediate action than the high priority recommendation to review the Court's commercial insurance portfolio for uninsured risks. There is scope for OIA to review the definitions of its recommendations alongside developments in the Court's risk management framework and classify them on the basis of the risk to the Court.

*Recommendation 12:*

We recommend that OIA consider adopting consistent definitions for high, medium and low risk linked to the Court's risk management framework.

### **Technical Standards**

#### **Engagement Supervision**

63. International Standards require that engagements are properly supervised to ensure objectives are achieved and quality is assured. Evidence of supervision should be documented and retained on internal audit files. Our review of a sample of internal audit working papers found no documented evidence that an independent review of audit work had been carried out. A second stage review is important to verify the findings in the report, to question the quality of the evidence, and to ensure that correct conclusions have been made. The detailed internal working policies and procedures and quality assurance processes for the OIA were still under development at the time of our review and the OIA has subsequently informed us that the internal audit manual has now been finalised. OIA has also informed us that it has purchased audit software to enhance documentation and the

evidencing of management review. The implementation of the new software is in its pilot phase.

*Recommendation 13:*

We recommend that the new audit manual should be applied to all future OIA assignments and evidence of management review should be clearly documented on all audit files.

### **Training**

64. One member of the OIA team is professionally qualified and another team member is studying for the IIA qualification. In addition to the requirements of professional institutes, all internal auditors must enhance their knowledge, skills and other competencies through continuing professional development. OIA has an annual training budget but there is no structured training plan identifying training needs or other skill gaps, such as the need IT audit expertise. It is unclear how OIA demonstrate the provision of adequate continuing professional development.

*Recommendation 14:*

We recommend that the Office of Internal Audit develop a structured training plan identifying needs and skills gaps and use this to support its training budget.

### **External quality review**

65. An external quality review of OIA was last performed in 2007 resulting in recommendations to develop the quality control procedures and the format and style of reports. Such external assessments should be conducted regularly and at least once every five years.

*Recommendation 15:*

As it is five years since the last review we recommend that an external quality review of OIA is scheduled and the results presented to senior management and the Audit Committee.

## **IPSAS**

66. In December 2010, the Assembly of States Parties approved the Court's implementation of International Public Sector Account Standards (IPSAS) from 2014.

### **Financial Rules and Regulations**

67. During 2011 the Court reviewed its Financial Regulations and Rules to ensure that they would be compliant with the requirements of IPSAS and has proposed some changes that will be presented to the Committee on Budget and Finance prior to seeking approval for the changes from the Assembly of States Parties. The proposed amendments mostly relate to revised terminology to make the Regulations compatible with IPSAS for financial statement purposes. No changes are proposed to the Court's budgeting procedures or to these elements of the Financial Regulations.

68. Although IPSAS requires that the Court prepares a reconciliation of its expenditure reported in the financial statements to its approved budget this will involve a number of adjustments as a result of the different bases of preparation. This will make it more difficult for States' Parties to evaluate the Court's overall financial performance. An accruals based budget would be directly comparable to accruals based financial statements and would provide the Assembly with a clearer indication of the full costs of the Court's operations and enable it to hold the Court more accountable for its financial performance.

*Recommendation 16:*

We recommend that the Court develop the processes and procedures required for a full cost accruals budget to be implemented within two years of preparing IPSAS financial statements.

**Project governance**

69. In late 2011, the Court has established an IPSAS co-ordination committee responsible for monitoring the progress of the project and validating key decisions proposed by the IPSAS team. The Committee comprises senior staff from the Registry and several consultants and meets on a monthly basis. While the project is at an early stage, we found that the Committee is providing a useful challenge function on the progress of the project.

**Accounting Policies**

70. While some work has been performed to develop new accounting policies some important areas have yet to be addressed. For example, no policies have yet been developed for the treatment of the Judges' Pension Scheme, the accounting arrangements for the Permanent Premises project, including the contributions in kind from the host nation and the accounting and control the Court has over each of the Trust Funds it administers.

**Implementation Plan**

71. The Court has prepared a project plan to support the overall timetable and presented it to the Committee on Budget and Finance in March 2011. However, this project plan only covers the period to April 2012 and is focused on strategic issues, key business processes and identifying changes required to the Court's accounting software and financial management systems.

72. In our view the project plan should be extended to cover the period up to and including the preparation of the first set of IPSAS financial statements in spring 2015. The plan should be enhanced to include key milestones for: the development of the Court's specific accounting policies; the development of pro-forma IPSAS financial statements; the preparation of the IPSAS opening balances; a dry-run financial statement simulation exercise during 2014; and the preparation of the 2014 annual financial statements.

*Recommendation 17:*

We recommend that the Court prepare an extended and more detailed project plan including key milestones to support the successful implementation of IPSAS. This plan should be agreed by the coordination committee and shared with the external auditor as soon as is practicable.

**Management response to 2010 audit recommendations**

73. In our 2010 External Audit Report we made 15 recommendations on financial matters and governance. As part of our work we have reviewed the progress the Court has made implementing these recommendations. A summary of action taken in response to our recommendations is set out in Annex B.

74. Overall the Court has implemented four of our previous recommendations, nine recommendations are in progress and two of the recommendations have not been implemented.

75. The recommendations not implemented at the date of this report related to the provision by the Office of Internal Audit of an evaluation of the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control and the need to prepare and implement an IT strategy. Although we have been informed

that an IT strategy has been completed, the Court has not shared it with us and we cannot therefore confirm that the recommendation has been implemented. We are concerned at the slow implementation of our recommendations and urge the Court to renew efforts to implement them in a timely manner.

## **Acknowledgement**

76. I would like to express my sincere appreciation for the cooperation and assistance extended to my staff by the management of the Court and their staff during the 2011 audit and throughout the period of the audit mandate.

Amyas C E Morse  
Comptroller and Auditor General, United Kingdom  
External Auditor

## **Annex A**

### **Summary of recommendations for 2011**

#### **Recommendation 1:**

We recommend that the Court reviews its working capital requirements and exposures and consider whether the current level of its Working Capital Fund remains sufficient.

#### **Recommendation 2:**

We recommend clarifying the working procedures for governance of the contingency monies before the construction phase commences.

#### **Recommendation 3:**

We recommend refreshing the risk register and associated contingency allowances when the prices for the main construction work are known.

#### **Recommendation 4:**

We recommend obtaining specialist funding input, to inform the asset management strategy.

#### **Recommendation 5:**

We recommend that the project team prioritises all outstanding design issues by their costs, and deals with all of them before the award of the main contract.

#### **Recommendation 6:**

We recommend that the Oversight Committee should clearly state and enforce the mandate to perform continuous assurance with immediate effect, ensuring such work is appropriately funded.

#### **Recommendation 7:**

We recommend, with construction about to start, that the Project Director reviews the change controls, updates them if necessary, and in any event reminds users about them.

**Recommendation 8:**

We recommend that the Court / Registrar establishes a group to develop the new ways of working in the new building, and then to establish a transition plan.

**Recommendation 9:**

We recommend that there are appropriate mechanisms in place to ensure that the Project Director can procure, reward and manage skilled resources in line with the demands of this commercial, fast-moving, high value and iconic project.

**Recommendation 10:**

We recommend that the Internal Audit Charter should be periodically reviewed by the Head of Internal Audit and updated where necessary. The review should be presented to senior management and the Audit Committee as soon as practicable.

**Recommendation 11:**

We recommend that: a) the internal audit planning and reporting periods are aligned to the financial year, this may necessitate the production of an interim report covering only six months before starting an annual cycle; b) the Internal Audit annual report should be prepared shortly after the conclusion of the annual cycle and provide an overview of its key findings; c) OIA should report the outputs delivered compared to those set out in the agreed plan including resource utilisation; and d) internal audit should 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 12:**

We recommend that OIA consider adopting consistent definitions for high, medium and low risk linked to the Court's risk management framework.

**Recommendation 13:**

We recommend that the new audit manual should be applied to all future OIA assignments and evidence of management review should be clearly documented on all audit files.

**Recommendation 14:**

We recommend that the Office of Internal Audit develop structured training plan identifying needs and skills gaps and use this to support its training budget.

**Recommendation 15:**

We recommend that an external quality review is scheduled and the results should be presented to senior management and the Audit Committee.

**Recommendation 16:**

We recommend that the Court develop the processes and procedures required for a full cost accruals budget to be implemented within two years of preparing IPSAS financial statements.

**Recommendation 17:**

We recommend that the Court prepare a detailed project plan to support the implementation of IPSAS. This plan should be agreed by the coordination committee and shared with the new external auditors as soon as is practicable.

## 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 the ICC closely reviews all Tribunal cases to identify any common themes and lessons to be learned in respect of its Human Resources policies.</p>	<p>There are a limited number of cases; therefore it is not possible to draw any concrete common themes or lessons learned. Two cases, which were ruled in favour of the (former) staff members, deal with the issue of non-renewal of contracts. Both cases show that, in case of non-renewal of contract due to unsatisfactory service, an adequate performance appraisal system is vital. The Court has taken measures to ensure consistent and Court-wide documented appraisals of staff members' performance and is very much aware of the requirements imposed by international administrative law with respect to non-renewal of employment contracts.</p>	<p>In Progress. We acknowledge management's response. We recommend however that cases continue to be monitored and internal HR procedures strengthened.</p>
<p><b>Recommendation 2:</b> 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.</p>	<p>The Oversight Committee requested its independent experts to conduct a Peer Review. The Peer Review was finalized on 4 November 2010. The examination of the governance structure was subsequently reviewed. At the 7th Meeting on 8 June 2011, the Oversight Committee approved and implemented a new structure for the project - prior to the arrival of the new ASP Project Director at the end of June 2011. Subsequently, the ASP Project Director has revised the Project Team structure to clarify the team's roles and responsibilities.</p>	<p>Implemented. Accountability structures have significantly improved following the appointment of a new Project Director and the approval of a revised governance structure by the Oversight Committee. Under the revised structure, the Project Director holds the overall management responsibility.</p>
<p><b>Recommendation 3:</b> We recommend that a common set of project objectives and outcomes are agreed, together with a clear view on cost, time and quality.</p>	<p>A benefits realization discussion took place with the Oversight Committee which identified the following key measure of success: 1. Time - Project ready for occupation by end 2015. 2. Cost - Project delivered for Euro 190m budget. 3. Cost - Total cost of ownership no more than Euros 16.9m per annum. 4. Quality - Functionality to be as briefs. A series of project Key Performance Indicators (KPI's) are being developed for incorporation into the construction contract to reflect the key measures of success.</p>	<p>Implemented. A common set of project objectives and outcomes has now been agreed.</p>
<p><b>Recommendation 4:</b> 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.</p>	<p>Following the arrival of the new Project Director at the end of June 2011, the budget for the project has been completely reviewed and a new structure introduced, clearly identifying all costs associated with the project. Changes were made in Court's programme budget to group all costs related to the project into one Major Programme (VII.1). Information was then clearly communicated to the 167th session of the Audit Committee on 29 Nov. 2011 and to the tenth session of the ASP in December 2011. ASP resolution ICC-ASP/10/Res.6 reflects this new understanding of the project. A Financial Framework has also been developed to clearly identify the processes of Financial Management for the project.</p>	<p>Implemented. All costs have now been reviewed and communicated to the Assembly of States Parties.</p>

<i>Recommendation</i>	<i>Management Response</i>	<i>External Auditors Comment</i>
<b>Recommendation 5:</b> 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.	Following the arrival of the new Project Director at the end of June 2011, the risk register has been completely revised and a comprehensive Risk Management procedure has been implemented which quantifies all risks and their likely impact. This is a primary management tool for the project.	In Progress. We found that the approach taken to assessing risks has significantly improved since our 2010 audit; however, it still has not been sufficiently analytical.
<b>Recommendation 6:</b> 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 Regulations. We recommend that changes to the Financial Rules and Regulations are approved by the Assembly of States Parties.	Budget and Finance Section have drafted a report showing the proposed amendments to the Financial Rules and Regulations. Proposed amendments will be discussed by the Audit Committee and submitted for CBF review. Following CBF recommendation, the amendments will be submitted to the eleventh session of the ASP for approval.	In Progress. We can confirm that changes to the financial rules and regulations have been prepared and were presented to the Audit Committee.
<b>Recommendation 7:</b> 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.	The initial project timetable has been retained. The timetable might be revised by mid-2012, should it be necessary in order to take into consideration the CBF's position on any proposed FRR amendments and the revised implementation plan for changes to ERP system.  Restatement of the financial statements before the go-live year will be included in the project plan as well as the in the review of opening balances by the External Auditor.	In progress. We acknowledge management’s response.
<b>Recommendation 8:</b> 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.	The detailed IPSAS project plan was completed in October 2011. Progress is monitored; reports are regularly submitted to senior management, to the Co-ordination Committee and the Audit Committee. An IPSAS Coordination Committee was formed comprising managers from CASD.	In progress. A detailed plan has been made up to April 2012 but should be developed further. We have made additional comments earlier in this report. Please see section on IPSAS.
<b>Recommendation 9:</b> 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.	The preparation of the financial statement is currently supported by the integrated ERP (SAP system). The licence for the asset accounting module has been purchased prior to the decision to adopt IPSAS. Therefore, the Court has already appropriate software for asset management.  Until the implementation of the new asset accounting module in SAP, the IPSAS and the Permanent Premises project teams will keep a record of permanent premises cost in excel spreadsheets.  The draft accounting policies for property, plant and equipment - taking into account the Permanent Premises Project - have been developed by the end of 2011. The accounting policies will be finalized after external expert opinion is obtained in April 2012.	In progress. The Court has not yet finalised its accounting policy or estimates for property plant and equipment. We have not been able to review this.

<i>Recommendation</i>	<i>Management Response</i>	<i>External Auditors Comment</i>
<b>Recommendation 10:</b> 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	The terms of reference of the Audit Committee are going to be reviewed in 2012. The frequency of their review will be defined at that time. However, on a first approach, it seems that a yearly review is not appropriate if one considers the Committee's activities and the Court's projects usual calendar.	In Progress. We acknowledge management's response and would therefore recommend review on a periodic basis.
<b>Recommendation 11:</b> 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.	The Statement of Internal Non-Financial Control is being reviewed in 2012. The Court is satisfied that with improvements in the statement of assurances and the training given to certifying officers; the statement of financial control does not require change at this stage. The Court has made progress in the area of risk management with the Coordination Committee (CoCo) agreeing to a risk management strategy in December 2011.	In Progress. We acknowledge the improvement obtaining statements of assurance from all certifying officers and have reviewed these. The Statement on Internal Control still requires update to include the Court's risk management strategy.
<b>Recommendation 12:</b> 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.	Written assurances are obtained from all Certifying Officers to support the preparation of the Statement of Internal Financial Control and to strengthen the effectiveness of the control environment.	Implemented. We have reviewed the written assurances received from the certifying officers which now properly support that Statement on Internal Control.
<b>Recommendation 13:</b> 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.	OIA's limited resources do not allow for a complete review of ICC internal control, considering in particular the low level of internal control frameworks documentation. The OIA will provide limited assurance according to its yearly audit plan.	Not implemented. We have made recommendations earlier in this report regarding internal audit. The Internal Audit Annual Report should include a general opinion on internal control based on the findings from OIA's work during the year.
<b>Recommendation 14:</b> 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.	A database of audit recommendations, created and maintained by OIA, has recently come on-line and facilitates the tracking and reporting on audit recommendations. Furthermore, the Coordination Council (CoCo) is frequently following-up on the implementation of recommendations, thus adding its political weight and support to these issues. However, in view of budget constraints, implementation of some audit recommendations might be hampered.	In Progress. We have made further recommendations earlier in this report. Please refer to the section on Internal Audit.
<b>Recommendation 15:</b> 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.	The ICT Strategic Planning process is underway. The first draft will be available for internal consultation in March 2012. In addition, CoCo will soon approve a new reporting system that will include IT. This new reporting system should enable senior management to review the IT strategy to ensure it is consistent with the objectives of the Court and is both, current and appropriate. CoCo requested reporting on the IT strategy at its March 2012 meeting.	Not Implemented. There was no IT strategy available for review during the audit.

## Statement I

### International Criminal Court

#### Statement of income and expenditure and changes in fund balances for the period ending 31 December 2011 (in thousands of euro)

	<i>General Fund &amp; Working Capital Fund</i>		<i>Notes ref.</i>	<i>Trust Funds</i>		<i>Notes ref.</i>	<i>Permanent Premises</i>		<i>Notes ref.</i>	<i>Total</i>	
	<i>2011</i>	<i>2010</i>		<i>2011</i>	<i>2010</i>		<i>2011</i>	<i>2010</i>		<i>2011</i>	<i>2010</i>
<b>Income</b>											
Assessed contributions	103,608	103,623	2.12/ 4.1	-	-		11,327	15,548	15.4	114,935	119,171
Voluntary contributions	-	-		2,697	1,488	5.2	-	-		2,697	1,488
Interest income	484	343	4.2	15	4	5.3	206	50		705	397
Other/miscellaneous income	382	121	4.3	-	-		-	-		382	121
<i>Total income</i>	<i>104,474</i>	<i>104,087</i>		<i>2,712</i>	<i>1,492</i>		<i>11,533</i>	<i>15,598</i>		<i>118,719</i>	<i>121,177</i>
<b>Expenditure</b>											
Disbursed expenditures	100,198	95,808	2.17/ 4.4	1,552	1,452	5.4	6,596	4,813	15.5	108,346	102,073
Unliquidated obligations	5,536	5,723	2.18/ 4.4	101	125	5.4	320	321	15.5	5,957	6,169
Annual Leave Accrual	850	568	2.4/ 2.24/ 4.5	-	-		-	-		850	568
Provision for US tax liability	76	53	4.6	-	-		-	-		76	53
Provision for ILO cases	-	330	4.6	-	-		-	-		-	330
Provision for doubtful debt	589	510	4.6	-	-		-	-		589	510
Repatriation Grant Accrual	677	1,507	2.4/ 4.5	-	(1)	5.4	-	-		677	1,506
<i>Total expenditure</i>	<i>107,926</i>	<i>104,499</i>		<i>1,653</i>	<i>1,576</i>		<i>6,916</i>	<i>5,134</i>		<i>116,495</i>	<i>111,209</i>
<b>Excess/(shortfall) of income over expenditure</b>	<b>(3,452)</b>	<b>(412)</b>		<b>1,059</b>	<b>(84)</b>		<b>4,617</b>	<b>10,464</b>		<b>2,224</b>	<b>9,968</b>
Savings on, or cancellation of, prior periods' obligations	1,614	2,147	4.7	14	17		-	-	15.6	1,628	2,164
Credits to States Parties	(2,825)	(13,679)	4.8	-	-		-	-		(2,825)	(13,679)
Refund to donors	-	-		(28)	(20)	5.5	-	-		(28)	(20)
Net increase in Working Capital Fund	-	-	4.9	-	-		-	-		-	-
Fund balances at beginning of financial period	19,469	31,413		374	461		11,278	814		31,121	32,688
<b>Fund balances as at 31 December</b>	<b>14,806</b>	<b>19,469</b>		<b>1,419</b>	<b>374</b>		<b>15,895</b>	<b>11,278</b>		<b>32,120</b>	<b>31,121</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 2011 (in thousands of euro)

	<i>General Fund &amp; Working Capital Fund</i>		<i>Notes ref.</i>	<i>Trust Funds</i>		<i>Notes ref.</i>	<i>Permanent Premises</i>		<i>Notes ref.</i>	<i>Total</i>	
	<i>2011</i>	<i>2010</i>		<i>2011</i>	<i>2010</i>		<i>2011</i>	<i>2010</i>		<i>2011</i>	<i>2010</i>
<b>Assets</b>											
Cash and term deposits	28,218	26,867	2.20	1,827	1,764		17,314	11,547		47,359	40,178
Assessed contributions receivable	2,792	6,255	4.10	-	-		-	-		2,792	6,255
Voluntary contributions receivable	-	-		41	(30)		-	-		41	(30)
Other contributions receivable	9	20	4.11	-	-		-	-		9	20
Interfund balances receivable	131	219	4.12	-	-		21	-		152	219
Other accounts receivable	1,998	3,090	4.13	3	-	5.6	394	111	15.7	2,395	3,201
Prepaid expenses – education grants	1,043	987	2.22/ 4.14	-	-		-	-		1,043	987
<i>Total assets</i>	<i>34,191</i>	<i>37,438</i>		<i>1,871</i>	<i>1,734</i>		<i>17,729</i>	<i>11,658</i>		<i>53,791</i>	<i>50,830</i>
<b>Liabilities</b>											
Contributions received in advance	488	41	2.15/ 4.15	200	1,018	2.21/ 5.7	-	-	15.9	688	1,059
Unliquidated obligations	5,536	5,723	2.18	101	125		320	321	15.5	5,957	6,169
Other accounts payable	2,980	2,950	4.16	-	-		1,514	59	15.8	4,494	3,009
Interfund balances payable	64	100		152	219	5.8	-	-		216	319
Provision for US Tax Liability	85	53	4.6	-	-		-	-		85	53
Provision for ILO cases	98	378	4.6	-	-		-	-		98	378
Repatriation Grant Accrual	5,219	4,659	2.23/ 2.4/ 4.16	(1)	(2)		-	-		5,218	4,657
Annual leave accrual	4,915	4,065	2.24/ 4.5	-	-		-	-		4,915	4,065
Host State Loan	-	-		-	-		-	-	15.10	-	-
<i>Total liabilities</i>	<i>19,385</i>	<i>17,969</i>		<i>452</i>	<i>1,360</i>		<i>1,834</i>	<i>380</i>		<i>21,671</i>	<i>19,709</i>
<b>Reserves and fund balances</b>											
Working Capital Fund	7,406	7,406	2.8/ 4.9	-	-		-	-		7,406	7,406
Contingency Fund	4,438	8,757	2.9/ 4.17	-	-		-	-		4,438	8,757
Temporary reserve Contingency Fund	-	412	4.17	-	-		-	-		-	412
Reserve for unpaid contributions	406	480	2.14/ 4.18	-	-		-	-		406	480
Cumulative surplus	2,556	2,414	2.13/ 5.4	1,419	374		15,895	11,278		19,870	14,066
<i>Total reserves and fund balances</i>	<i>14,806</i>	<i>19,469</i>		<i>1,419</i>	<i>374</i>		<i>15,895</i>	<i>11,278</i>		<i>32,120</i>	<i>31,121</i>
<b>Total liabilities, reserves and fund balances</b>	<b>34,191</b>	<b>37,438</b>		<b>1,871</b>	<b>1,734</b>		<b>17,729</b>	<b>11,658</b>		<b>53,791</b>	<b>50,830</b>

Date:

Signed: Chief of Budget and Finance Section.....

## Statement III

### International Criminal Court

#### Cash flow as at 31 December 2011 (in thousands of euro)

	<i>General Fund &amp; Working Capital Fund</i>		<i>Trust Funds</i>		<i>Permanent Premises</i>		<i>Total</i>	
	<i>2011</i>	<i>2010</i>	<i>2011</i>	<i>2010</i>	<i>2011</i>	<i>2010</i>	<i>2011</i>	<i>2010</i>
<b>Cash flows from operating activities</b>								
Net excess/(shortfall) of income over expenditure (Statement I)	(3,452)	(412)	1,059	(84)	4,617	10,464	2,224	9,968
Contributions receivable (increase)/decrease	3,474	(5,182)	(71)	56	-	-	3,403	(5,126)
Interfund balances receivable (increase)/decrease	88	(79)	-	-	(21)	-	67	(79)
Other accounts receivable (increase)/decrease	1,092	(279)	(3)	1	(283)	95	806	(183)
Prepaid expenses (increase)/decrease	(56)	(299)	-	-	-	-	(56)	(299)
Contributions received in advance increase/(decrease)	447	(3,631)	(818)	(241)	-	-	(371)	(3,872)
Unliquidated obligations increase/(decrease)	(187)	(1,991)	(24)	(47)	(1)	316	(212)	(1,722)
Interfund balances payable increase/(decrease)	(36)	60	(67)	79	-	-	(103)	139
Host State Loan	-	-	-	-	-	(1,425)	-	(1,425)
Annual leave accrual increase/(decrease)	850	568	-	-	-	-	850	568
Provision for US Tax liability increase/(decrease)	32	(7)	-	-	-	-	32	(7)
Provision for ILO cases increase/(decrease)	(280)	133	-	-	-	-	(280)	133
Repatriation Grant Accrual	560	1,147	1	(2)	-	-	561	1,145
Accounts payable increase/(decrease)	30	1,611	-	-	1,455	(1,047)	1,485	564
Less: interest income	(484)	(343)	(15)	(4)	(206)	(50)	(705)	(397)
<i>Net cash from operating activities</i>	<i>2,078</i>	<i>(8,704)</i>	<i>62</i>	<i>(242)</i>	<i>5,561</i>	<i>8,353</i>	<i>7,701</i>	<i>(593)</i>
<b>Cash flows from investing and financing activities</b>								
Plus: interest income	484	343	15	4	206	50	705	397
<i>Net cash from investing and financing activities</i>	<i>484</i>	<i>343</i>	<i>15</i>	<i>4</i>	<i>206</i>	<i>50</i>	<i>705</i>	<i>397</i>
<b>Cash flows from other sources</b>								
Net increase/(decrease) in Working Capital Fund	-	-	-	-	-	-	-	-
Savings on, or cancellation of, prior periods' obligations	1,614	2,147	14	17	-	-	1,628	2,164
Credits to States Parties	(2,825)	(13,679)	-	-	-	-	(2,825)	(13,679)
Refund to donors	-	-	(28)	(20)	-	-	(28)	(20)
<i>Net cash from other resources</i>	<i>(1,211)</i>	<i>(11,532)</i>	<i>(14)</i>	<i>(3)</i>	<i>-</i>	<i>-</i>	<i>(1,225)</i>	<i>(11,535)</i>
<b>Net increase/(decrease) in cash and term deposits</b>								
	<b>1,351</b>	<b>(19,893)</b>	<b>63</b>	<b>(241)</b>	<b>5,767</b>	<b>8,403</b>	<b>7,181</b>	<b>(11,731)</b>
Cash and term deposits at beginning of financial period	26,867	46,760	1,764	2,005	11,547	3,144	40,178	51,909
<b>Cash and term deposits at 31 December (Statement II)</b>	<b>28,218</b>	<b>26,867</b>	<b>1,827</b>	<b>1,764</b>	<b>17,314</b>	<b>11,547</b>	<b>47,359</b>	<b>40,178</b>

## Statement IV

### International Criminal Court

#### Statement of appropriations for the period 1 January to 31 December 2011 (in thousands of euro)

<i>Major Programme</i>	<i>Appropriation approved</i>	<i>Transfers</i>	<i>Disbursements</i>	<i>Unliquidated obligations</i>	<i>Accruals, Provisions</i>	<i>Total expenditures charged against General Fund and Contingency Fund (Statement I)</i>	<i>Unencumbered balance of General Fund/charges against Contingency Fund</i>
	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI=III+IV+V</i>	<i>VII=I+II-VI</i>
Judiciary	10,670	150	10,580	71	169	10,820	-
Office of the Prosecutor	26,598	(522)	24,418	645	672	25,735	341
Registry	61,612	372	57,012	3,683	1,289	61,984	-
Secretariat of the Assembly of States Parties	2,728	-	2,123	491	40	2,654	74
Secretariat of the Trust Fund for Victims	1,205	-	998	98	17	1,113	92
Permanent Premises Project Office	492	-	368	13	5	386	106
Independent Oversight Mechanism	303	-	95	24	-	119	184
<b>Total Approved Programme Budget</b>	<b>103,608</b>	<b>-</b>	<b>95,594</b>	<b>5,025</b>	<b>2,192</b>	<b>102,811</b>	<b>797</b>
Total Contingency Fund Application	-	-	4,604	511	-	5,115	(5,115)
<b>Total</b>	<b>103,608</b>	<b>-</b>	<b>100,198</b>	<b>5,536</b>	<b>2,192</b>	<b>107,926</b>	<b>(4,318)</b>

### International Criminal Court

#### Statement of Contingency Fund Applications for the period 1 January to 31 December 2011 (in thousands of euro)

<i>Major Programme</i>	<i>Applications</i>	<i>Disbursements</i>	<i>Unliquidated obligations</i>	<i>Total expenditures</i>	<i>Unencumbered balance</i>
Judiciary	775	483	1	484	291
Office of the Prosecutor	2,182	1,121	66	1,187	995
Registry	5,587	3,000	444	3,444	2,143
<b>Total</b>	<b>8,544</b>	<b>4,604</b>	<b>511</b>	<b>5,115</b>	<b>3,429</b>

## Schedule 1

### International Criminal Court Status of contributions as at 31 December 2011 (in euros)

States Parties	Outstanding as at 1 January 2011	Collections a/	Outstanding	Assessed	Credits from 2010	Collections b/	Outstanding	Total outstanding	Credit on 2011 receipts	Receipts relating to 2012
	Prior years				2011					
Afghanistan	-	-	-	6,150	-	6,150	-	-	6	-
Albania	9	9	-	15,376	-	15,376	-	-	10	-
Andorra	22	22	-	10,763	-	10,763	-	-	20	-
Antigua and Barbuda	2,506	84	2,422	3,075	-	-	3,075	5,497	-	-
Argentina	-	-	-	441,294	47	441,247	-	-	793	-
Australia	-	-	-	2,972,197	322	2,971,875	-	-	-	4,638
Austria	-	-	-	1,308,505	143	1,308,362	-	-	-	2,217
Bangladesh	8,975	-	8,975	15,376	-	1	15,375	24,350	-	-
Barbados	-	-	-	12,301	-	12,301	-	-	23	-
Belgium	-	-	-	1,652,929	182	1,652,747	-	-	2,770	-
Belize	-	-	-	1,538	-	1,538	-	-	2	-
Benin	-	-	-	4,613	584	43	3,986	3,986	-	-
Bolivia	9,662	9,662	-	10,763	-	10,763	-	-	6	-
Bosnia & Herzegovina	-	-	-	21,527	4	21,523	-	-	21	-
Botswana	-	-	-	27,677	24,143	3,534	-	-	-	37
Brazil	722,484	722,484	-	2,477,087	-	2,477,087	-	-	2,694	-
Bulgaria	-	-	-	58,429	7	58,422	-	-	64	-
Burkina Faso	-	-	-	4,613	49	85	4,479	4,479	-	-
Burundi	6,953	6,429	524	1,538	-	-	1,538	2,062	-	-
Cambodia	1	1	-	4,613	-	42	4,571	4,571	-	-
Canada	-	-	-	4,931,110	534	4,930,576	-	-	7,717	-
Central African Republic	7,742	7,742	-	1,538	-	1,082	456	456	-	-
Chad	5,851	42	5,809	3,075	-	-	3,075	8,884	-	-
Chile	-	-	-	362,876	3	362,873	-	-	-	357,231
Colombia	-	-	-	221,415	647	215,933	4,835	4,835	-	-
Comoros	5,668	42	5,626	1,538	-	-	1,538	7,164	-	-
Congo	6,379	6,379	-	4,613	-	4,613	-	-	5	-
Cook Islands	3,304	3,287	17	1,538	-	-	1,538	1,555	-	-
Costa Rica	2,783	2,783	-	52,279	-	52,279	-	-	416	-
Croatia	-	-	-	149,148	17	149,131	-	-	162	-
Cyprus	-	-	-	70,730	7	70,723	-	-	114	-
Czech Republic	-	-	-	536,625	58	536,567	-	-	-	395
Democratic Republic of the Congo	-	-	-	4,613	993	3,620	-	-	514	-
Denmark	-	-	-	1,131,680	124	1,131,556	-	-	1,868	-
Djibouti	5,261	42	5,219	1,538	-	-	1,538	6,757	-	-
Dominica	1,336	42	1,294	1,538	-	-	1,538	2,832	-	-
Dominican Republic	100,323	35,701	64,622	64,579	-	7	64,572	129,194	-	-
Ecuador	-	-	-	61,504	-	61,504	-	-	68	-
Estonia	21,244	21,244	-	61,504	-	61,504	-	-	60	-
Fiji	-	-	-	6,150	-	4,877	1,273	1,273	-	-

States Parties	Outstanding as at			Assessed	Credits from 2010	Collections		Total outstanding	Credit on 2011 receipts	Receipts relating to 2012
	1 January 2011	Collections a/	Outstanding			b/	Outstanding			
	Prior years					2011				
Finland	-	-	-	870,286	94	870,192	-	-	279	-
France	-	-	-	9,414,776	100	9,414,676	-	-	4,714	-
Gabon	51,320	337	50,983	21,527	-	1	21,526	72,509	-	-
Gambia	1,332	1,332	-	1,538	-	1,538	-	-	-	-
Georgia	-	-	-	9,226	-	9,226	-	-	9	-
Germany	-	-	-12,328,544		130	12,328,414	-	-	6,173	-
Ghana	5,830	5,830	-	9,226	-	9,226	-	-	11	-
Greece	-	-	-	1,062,486	114	25,152	1,037,220	1,037,220	-	-
Grenada	-	-	-	641	-	-	641	641	-	-
Guinea	16,534	16,534	-	3,075	-	42	3,033	3,033	-	-
Guyana *)	-	-	-	1,538	-	1,538	-	-	-	5,533
Honduras	25,566	8,557	17,009	12,301	-	2	12,299	29,308	-	-
Hungary	201,660	201,660	-	447,444	-	447,444	-	-	654	-
Iceland	-	-	-	64,580	7	64,573	-	-	97	-
Ireland	-	-	-	765,729	83	765,646	-	-	-	1,168
Italy	-	-	-	7,686,505	831	7,685,674	-	-	-	12,795
Japan	-	-	-19,266,234		2,078	19,264,156	-	-	-	35,722
Jordan	-	-	-	21,527	4	21,523	-	-	31	-
Kenya	-	-	-	18,451	5	18,446	-	-	27	-
Latvia	-	-	-	58,429	1	58,428	-	-	60	-
Lesotho	3,036	3,036	-	1,538	-	1,516	22	22	-	-
Liberia	3,302	792	2,510	1,538	-	-	1,538	4,048	-	-
Liechtenstein	-	-	-	13,838	-	13,838	-	-	26	-
Lithuania	-	-	-	99,945	1	99,944	-	-	104	-
Luxembourg	-	-	-	138,385	15	138,370	-	-	-	219
Madagascar	7,277	7,277	-	4,613	-	1,980	2,633	2,633	-	-
Malawi	1,637	1,637	-	1,538	-	1,538	-	-	2	-
Maldives	-	-	-	128	-	-	128	128	-	-
Mali	-	-	-	4,613	1,957	43	2,613	2,613	-	-
Malta	-	-	-	26,139	4	26,135	-	-	-	42
Marshall Islands	2,258	42	2,216	1,538	-	-	1,538	3,754	-	-
Mauritius	-	-	-	16,914	-	16,914	-	-	-	28
Mexico	3,177,654	3,177,654	-	3,622,605	-	3,622,605	-	-	1,162	-
Moldova	-	-	-	3,075	-	-	3,075	3,075	-	-
Mongolia	-	-	-	3,075	-	3,075	-	-	3	-
Montenegro	-	-	-	6,150	1	6,135	14	14	-	-
Namibia	10,816	10,816	-	12,301	-	12,301	-	-	-	259
Nauru	5,348	5,348	-	1,538	-	1,538	-	-	1,182	-
Netherlands	-	-	-	2,852,264	311	2,851,953	-	-	4,727	-
New Zealand	-	-	-	419,767	45	419,722	-	-	676	-
Niger	4,251	42	4,209	3,075	-	-	3,075	7,284	-	-
Nigeria	113,361	113,361	-	119,932	-	98	119,834	119,834	-	-
Norway	-	-	-	1,339,257	144	1,339,113	-	-	2,048	-
Panama	25,239	25,239	-	33,827	-	33,827	-	-	65	-
Paraguay	6	6	-	10,763	-	206	10,557	10,557	-	-

States Parties	Outstanding as at 1 January 2011	Collections a/	Outstanding	Assessed	Credits from 2010	Collections b/	Outstanding	Total outstanding	Credit on 2011 receipts	Receipts relating to 2012
	Prior years			2011						
Peru	323,815	106,327	217,488	138,384	-	17	138,367	355,855	-	-
Philippines	-	-	-	23,064	-	23,064	-	-	-	-
Poland	20,148	20,148	-	1,273,140	-	1,273,140	-	-	408	-
Portugal	-	-	-	785,718	85	785,633	-	-	-	1,321
Republic of Korea	661,626	661,626	-	3,474,994	-	3,121,655	353,339	353,339	-	-
Romania	-	-	-	272,157	3	272,154	-	-	261	-
Saint Kitts and Nevis	1,254	1,254	-	1,538	-	40	1,498	1,498	-	-
Saint Lucia	256	-	256	1,538	-	-	1,538	1,794	-	-
Saint Vincent and the Grenadines	13	13	-	1,538	-	1,526	12	12	-	-
Samoa	-	-	-	1,538	12	1,526	-	-	-	15
San Marino	-	-	-	4,613	-	4,613	-	-	8	-
Senegal	10,569	10,569	-	9,226	-	9,226	-	-	11	-
Serbia	-	-	-	56,892	6	56,886	-	-	17	-
Seychelles	513	513	-	3,075	-	3,075	-	-	1	-
Sierra Leone	1,338	42	1,296	1,538	-	-	1,538	2,834	-	-
Slovakia	-	-	-	218,340	22	218,318	-	-	221	-
Slovenia	-	-	-	158,374	17	158,357	-	-	249	-
South Africa	-	-	-	591,979	64	591,915	-	-	-	808
Spain	-	-	-	4,884,981	529	4,884,452	-	-	2,448	-
Suriname	1	1	-	4,613	-	4,613	-	-	-	5
Sweden	-	-	-	1,636,015	178	1,635,837	-	-	2,707	-
Switzerland	-	-	-	1,737,498	189	1,737,309	-	-	3,012	-
Tajikistan	1,454	1,454	-	3,075	-	3,075	-	-	157	-
The Former Yugoslav Rep. of Macedonia	9,563	210	9,353	10,763	-	2	10,761	20,114	-	-
Timor-Leste	1,479	1,479	-	1,538	-	1,538	-	-	-	63
Trinidad and Tobago	-	-	-	67,655	7	67,648	-	-	81	-
Tunisia	-	-	-	15,376	-	-	15,376	15,376	-	-
Uganda	2,394	2,394	-	9,226	-	9,104	122	122	-	-
United Kingdom	-	-	-10,154,366		1,095	10,153,271	-	-	16,785	-
United Republic of Tanzania	78	78	-	12,301	-	175	12,126	12,126	-	-
Uruguay	-	-	-	41,515	-	1,139	40,376	40,376	-	-
Venezuela	647,285	647,285	-	482,808	-	11,522	471,286	471,286	-	-
Zambia	6,154	-	6,154	6,150	-	1	6,149	12,303	-	-
<b>Total (118 States Parties)</b>	<b>6,254,870</b>	<b>5,848,888</b>	<b>405,982</b>	<b>103,607,900</b>	<b>35,997</b>	<b>101,186,282</b>	<b>2,385,621</b>	<b>2,791,603</b>	<b>65,749</b>	<b>422,496</b>

\*) In 2011, the 'credit on 2011 receipts' reported for Guyana was €4,610. In addition, contribution payments in the amount of € 2,461 were received from Guyana during 2011.

The remaining amount of €5,533 is included in the amounts for 'credit on 2011 receipts' to be applied against future years' contributions.

## Schedule 2

### International Criminal Court Status of Working Capital Fund and Contingency Fund as at 31 December 2011 (in euro)

	2011	2010
<b>Status of Working Capital Fund</b>		
Balance at beginning of financial period	7,386,394	7,405,713
Receipts/(refunds) from States Parties	10,563	(19,319)
Withdrawals	-	-
<b>Balance as at 31 December</b>	<b>7,396,957</b>	<b>7,386,394</b>
Established level	7,405,983	7,405,983
Less: due from States Parties (Schedule 3)	9,026	19,589
<b>Balance as at 31 December</b>	<b>7,396,957</b>	<b>7,386,394</b>
<b>Status of Contingency Fund</b>		
Balance at beginning of financial period	8,756,567	9,168,567
Receipts/(refunds) from States Parties	-	-
Withdrawals	(4,318,276)	(412,000)
<b>Balance as at 31 December</b>	<b>4,438,291</b>	<b>8,756,567</b>
<b>Established threshold level</b>	<b>7,000,000</b>	<b>7,000,000</b>
<b>due from States Parties (if below threshold)</b>	<b>2,561,709</b>	-

## Schedule 3

### International Criminal Court Status of advances to the Working Capital Fund as at 31 December 2011 (in euro)

<i>States Parties</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>	<i>Receipts relating to 2012</i>
Afghanistan	439	439	-	-
Albania	1,098	1,098	-	-
Andorra	768	768	-	-
Antigua and Barbuda	220	220	-	-
Argentina	31,499	31,499	-	-
Australia	212,151	212,151	-	-
Austria	93,399	93,399	-	-
Bangladesh	1,097	-	1,097	-
Barbados	878	878	-	-
Belgium	117,984	117,984	-	-
Belize	110	110	-	-
Benin	329	329	-	-
Bolivia	768	768	-	-
Bosnia & Herzegovina	1,537	1,537	-	-
Botswana	1,976	1,976	-	-
Brazil	176,811	176,811	-	-
Bulgaria	4,171	4,171	-	-
Burkina Faso	329	329	-	-
Burundi	110	110	-	-
Cambodia	329	329	-	-

<i>States Parties</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>	<i>Receipts relating to 2012</i>
Canada	351,976	351,976	-	-
Central African Republic	110	110	-	-
Chad	220	109	111	-
Chile	25,902	25,902	-	-
Colombia	15,804	15,804	-	-
Comoros	110	109	1	-
Congo	329	329	-	-
Cook Islands	110	110	-	-
Costa Rica	3,732	3,732	-	-
Croatia	10,646	10,646	-	-
Cyprus	5,049	5,049	-	-
Czech Republic	38,304	38,304	-	-
Democratic Republic of the Congo	329	329	-	-
Denmark	80,778	80,778	-	-
Djibouti	110	109	1	-
Dominica	110	110	-	-
Dominican Republic	4,610	3,116	1,494	-
Ecuador	4,390	4,390	-	-
Estonia	4,390	4,390	-	-
Fiji	439	439	-	-
Finland	62,120	62,120	-	-
France	672,012	672,012	-	-
Gabon	1,537	874	663	-
Gambia	110	110	-	-
Georgia	659	659	-	-
Germany	879,993	879,993	-	-
Ghana	659	659	-	-
Greece	75,839	75,839	-	-
Grenada	110	-	110	-
Guinea	220	220	-	-
Guyana	110	110	-	-
Honduras	878	545	333	-
Hungary	31,938	31,938	-	-
Iceland	4,610	4,610	-	-
Ireland	54,657	54,657	-	-
Italy	548,650	548,650	-	-
Japan	1,375,196	1,375,196	-	-
Jordan	1,537	1,537	-	-
Kenya	1,317	1,317	-	-
Latvia	4,171	4,171	-	-
Lesotho	110	110	-	-
Liberia	110	109	1	-
Liechtenstein	988	988	-	-
Lithuania	7,134	7,134	-	-
Luxembourg	9,878	9,878	-	-
Madagascar	329	329	-	-
Malawi	110	110	-	-
Maldives	110	-	110	-
Mali	329	329	-	-
Malta	1,866	1,866	-	-

<i>States Parties</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>	<i>Receipts relating to 2012</i>
Marshall Islands	110	109	1	-
Mauritius	1,207	1,207	-	-
Mexico	258,577	258,577	-	-
Moldova	220	-	220	-
Mongolia	220	220	-	-
Montenegro	439	439	-	-
Namibia	878	878	-	-
Nauru	110	110	-	-
Netherlands	203,591	203,591	-	-
New Zealand	29,962	29,962	-	-
Niger	220	109	111	-
Nigeria	8,561	8,561	-	-
Norway	95,594	95,594	-	-
Panama	2,415	2,415	-	-
Paraguay	768	768	-	-
Peru	9,878	8,511	1,367	-
Philippines	9,878	9,878	-	-
Poland	90,875	90,875	-	-
Portugal	56,083	56,083	-	-
Republic of Korea	248,040	248,040	-	-
Romania	19,426	19,426	-	-
Saint Kitts and Nevis	110	110	-	-
Saint Lucia	110	-	110	-
Saint Vincent and the Grenadines	110	110	-	-
Samoa	110	110	-	-
San Marino	329	329	-	-
Senegal	659	659	-	-
Serbia	4,061	4,061	-	-
Seychelles	220	220	-	-
Sierra Leone	110	110	-	-
Slovakia	15,585	15,585	-	-
Slovenia	11,304	11,304	-	-
South Africa	42,255	42,255	-	-
Spain	348,682	348,682	-	-
Suriname	329	329	-	-
Sweden	116,777	116,777	-	-
Switzerland	124,020	124,020	-	-
Tajikistan	220	220	-	-
The Former Yugoslav Rep. of Macedonia	768	768	-	-
Timor-Leste	110	110	-	-
Trinidad and Tobago	4,829	4,829	-	-
Tunisia	3,293	-	3,293	-
Uganda	657	657	-	-
United Kingdom	724,803	724,803	-	-
United Republic of Tanzania	878	878	-	-
Uruguay	2,963	2,963	-	-
Venezuela	34,462	34,462	-	-
Zambia	439	436	3	-
<b>Total (118 States Parties)</b>	<b>7,405,983</b>	<b>7,396,957</b>	<b>9,026</b>	<b>-</b>

## Schedule 4

### International Criminal Court Status of cash surplus as at 31 December 2011 (in euro)

<i>Current year</i>	<i>2011</i>	<i>2010</i>
<b>Credits</b>		
Receipts of assessed contributions	101,222,279	97,848,950
Miscellaneous income	866,422	464,255
	<b>102,088,701</b>	<b>98,313,205</b>
<b>Charges</b>		
Disbursed expenditures	100,197,641	95,807,577
Unliquidated obligations	5,535,656	5,722,544
Provision for US Tax liability	76,510	53,156
Provision for doubtful debt	589,465	510,491
Provision for ILO cases	-	330,690
Annual Leave Accrual	850,038	567,850
Repatriation Grant Accrual	676,866	1,506,692
	<b>107,926,176</b>	<b>104,499,000</b>
Charges against Contingency Fund (Statement IV)	4,318,276	-
<b>Provisional cash surplus/(deficit)</b>	<b>(1,519,199)</b>	<b>(6,185,795)</b>
Contributions receivable	2,385,621	5,774,350
<b>Provisional cash surplus/ (deficit) adjusted by contributions receivable</b>	<b>866,422</b>	<b>(411,445)</b>
<b>Disposition of prior year's provisional surplus/(deficit)</b>		
Prior year's provisional surplus/(deficit)	(6,185,795)	66,428
Plus: Receipt of prior periods' assessed contributions	5,848,888	612,492
Savings on, or cancellation of, prior periods' obligations	1,613,997	2,146,787
Release of temporary reserve (note 4.17)	412,000	-
<b>Prior year's cash surplus/(deficit)</b>	<b>1,689,090</b>	<b>2,825,707</b>
<b>Total cumulative surplus (Statement II)</b>	<b>2,555,512</b>	<b>2,414,262</b>

## Schedule 5

### International Criminal Court Shares of States Parties in the 2010 cash surplus (in euros)

<i>States Parties</i>	<i>States Parties to the Rome Statute since</i>	<i>2010 Scale of assessment</i>	<i>Surplus</i>
Afghanistan	May-03	0.00594	100
Albania	May-03	0.01485	251
Andorra	Jul-02	0.01039	176
Antigua and Barbuda	Jul-02	0.00297	50
Argentina	Jul-02	0.42614	7,198
Australia	Sep-02	2.87015	48,479
Austria	Jul-02	1.26358	21,343
Bangladesh	Jun-10	0.00866	146
Barbados	Mar-03	0.01188	201
Belgium	Jul-02	1.59618	26,961

<i>States Parties</i>	<i>States Parties to the Rome Statute since</i>	<i>2010 Scale of assessment</i>	<i>Surplus</i>
Belize	Jul-02	0.00148	25
Benin	Jul-02	0.00445	75
Bolivia	Sep-02	0.01039	176
Bosnia & Herzegovina	Jul-02	0.02079	351
Botswana	Jul-02	0.02673	451
Brazil	Sep-02	2.39204	40,404
Bulgaria	Jul-02	0.05642	953
Burkina Faso	Jul-04	0.00445	75
Burundi	Dec-04	0.00148	25
Cambodia	Jul-02	0.00445	75
Canada	Jul-02	4.76181	80,431
Central African Republic	Jul-02	0.00148	25
Chad	Jan-07	0.00297	50
Chile	Sep-09	0.35042	5,919
Colombia	Nov-02	0.21381	3,612
Comoros	Nov-06	0.00148	25
Congo	Aug-04	0.00445	75
Cook Islands	Oct-08	0.00148	25
Costa Rica	Jul-02	0.05048	853
Croatia	Jul-02	0.14403	2,433
Cyprus	Jul-02	0.06830	1,154
Czech Republic	Oct-09	0.51820	8,753
Democratic Republic of the Congo	Jul-02	0.00445	75
Denmark	Jul-02	1.09283	18,459
Djibouti	Feb-03	0.00148	25
Dominica	Jul-02	0.00148	25
Dominican Republic	Aug-05	0.06236	1,053
Ecuador	Jul-02	0.05939	1,003
Estonia	Jul-02	0.05939	1,003
Fiji	Jul-02	0.00594	100
Finland	Jul-02	0.84041	14,195
France	Jul-02	9.09154	153,564
Gabon	Jul-02	0.02079	351
Gambia	Sep-02	0.00148	25
Georgia	Dec-03	0.00891	150
Germany	Jul-02	11.90527	201,091
Ghana	Jul-02	0.00891	150
Greece	Aug-02	1.02601	17,330
Guinea	Oct-03	0.00297	50
Guyana	Dec-04	0.00148	25
Honduras	Sep-02	0.01188	201
Hungary	Jul-02	0.43208	7,298
Iceland	Jul-02	0.06236	1,053
Ireland	Jul-02	0.73944	12,490
Italy	Jul-02	7.42260	125,374
Japan	Oct-07	18.60477	314,251
Jordan	Jul-02	0.02079	351
Kenya	Jun-05	0.01782	301
Latvia	Sep-02	0.05642	953
Lesotho	Jul-02	0.00148	25
Liberia	Dec-04	0.00148	25
Liechtenstein	Jul-02	0.01336	226
Lithuania	Aug-03	0.09651	1,630
Luxembourg	Jul-02	0.13363	2,257
Madagascar	Jun-08	0.00445	75

<i>States Parties</i>	<i>States Parties to the Rome Statute since</i>	<i>2010 Scale of assessment</i>	<i>Surplus</i>
Malawi	Dec-02	0.00148	25
Mali	Jul-02	0.00445	75
Malta	Feb-03	0.02524	426
Marshall Islands	Jul-02	0.00148	25
Mauritius	Jul-02	0.01633	276
Mexico	Jan-06	3.49823	59,088
Mongolia	Jul-02	0.00297	50
Montenegro	Jun-06	0.00594	100
Namibia	Sep-02	0.01188	201
Nauru	Jul-02	0.00148	25
Netherlands	Jul-02	2.75434	46,523
New Zealand	Jul-02	0.40536	6,847
Niger	Jul-02	0.00297	50
Nigeria	Jul-02	0.11582	1,956
Norway	Jul-02	1.29328	21,845
Panama	Jul-02	0.03267	552
Paraguay	Jul-02	0.01039	176
Peru	Jul-02	0.13363	2,257
Poland	Jul-02	1.22943	20,766
Portugal	Jul-02	0.75874	12,816
Republic of Korea	Feb-03	3.35569	56,681
Romania	Jul-02	0.26281	4,439
Saint Kitts and Nevis	Nov-06	0.00148	25
Saint Lucia	Nov-10	0.00025	4
Saint Vincent and the Grenadines	Mar-03	0.00148	25
Samoa	Dec-02	0.00148	25
San Marino	Jul-02	0.00445	75
Senegal	Jul-02	0.00891	150
Serbia	Jul-02	0.05494	928
Seychelles	Nov-10	0.00049	8
Sierra Leone	Jul-02	0.00148	25
Slovakia	Jul-02	0.21084	3,561
Slovenia	Jul-02	0.15294	2,583
South Africa	Jul-02	0.57165	9,656
Spain	Jul-02	4.71727	79,679
Suriname	Oct-08	0.00445	75
Sweden	Jul-02	1.57985	26,685
Switzerland	Jul-02	1.67784	28,340
Tajikistan	Jul-02	0.00297	50
The Former Yugoslav Rep. of Macedonia	Jul-02	0.01039	176
Timor-Leste	Dec-02	0.00148	25
Trinidad and Tobago	Jul-02	0.06533	1,104
Uganda	Sep-02	0.00891	150
United Kingdom	Jul-02	9.80574	165,628
United Republic of Tanzania	Nov-02	0.01188	201
Uruguay	Sep-02	0.04009	677
Venezuela	Jul-02	0.46623	7,875
Zambia	Feb-03	0.00594	100
<b>Total (113 States Parties)</b>		<b>100.00000</b>	<b>1,689,090</b>

## Schedule 6

### International Criminal Court

#### Status of voluntary contributions as at 31 December 2011 (in euro)

<i>Project</i>	<i>Contributor</i>	<i>Pledges</i>	<i>Received</i>	<i>Outstanding</i>	<i>Receipts for future periods</i>	<i>Refund to donors</i>
European Commission Contracts	European Commission	1,037,639	1,031,155	6,484	199,694	-
	Finland	30,000	30,000	-	-	-
	Korea	7,805	7,805	-	-	-
	Mac Arthur Foundation	68,199	68,199	-	-	-
	MFA Netherlands	19,068	19,068	-	-	-
	Municipality of The Hague	4,000	4,000	-	-	-
	Switzerland	31,250	31,250	-	-	-
<i>Sub-total</i>		<i>1,197,961</i>	<i>1,191,477</i>	<i>6,484</i>	<i>199,694</i>	-
Least Developed Countries	Australia	-	50,000	-	-	-
	Finland	-	15,023	-	-	-
	Ireland	-	10,000	-	-	-
	Luxembourg	-	30,000	-	-	-
	Poland	-	10,000	-	-	-
<i>Sub-total</i>		-	<i>115,023</i>	-	-	-
Joint Regional Seminar with African Union (Ethiopia)	Australia	5,000	5,000	-	-	-
	Ireland	5,000	5,000	-	-	-
	Organisation Internationale de la Francophonie	15,933	15,933	-	-	-
<i>Sub-total</i>		<i>25,933</i>	<i>25,933</i>			
Regional Seminar in Yaoundé	Organisation Internationale de la Francophonie	-	-	-	-	26,804
Regional Seminar in Tunis	France	20,000	20,000	-	-	-
	Organisation Internationale de la Francophonie	52,250	52,250	-	-	-
<i>Sub-total</i>		<i>72,250</i>	<i>72,250</i>	-	-	-
Legal Tools Project	European Commission	134,994	69,982	65,012	-	-
	Finland	35,000	35,000	-	-	-
	Germany	-	-	-	-	1,379
	MFA Netherlands	30,000	30,000	-	-	-
<i>Sub-total</i>		<i>199,994</i>	<i>134,982</i>	<i>65,012</i>	-	<i>1,379</i>
Special Fund for Relocations of Witnesses	Denmark	131,881	131,881	-	-	-
	Finland	300,000	300,000	-	-	-
	Germany	200,000	200,000	-	-	-
	Ireland	50,000	50,000	-	-	-
	United Kingdom	234,196	234,196	-	-	-
<i>Sub-total</i>		<i>916,077</i>	<i>916,077</i>	-	-	-
Family visit for indigent detainees	Germany	170,000	170,000	-	-	-
<i>Sub-total</i>		<i>170,000</i>	<i>170,000</i>	-	-	-
<b>Total voluntary contributions</b>		<b>2,582,215</b>	<b>2,625,742</b>	<b>71,496</b>	<b>199,694</b>	<b>28,183</b>

## Schedule 7

### International Criminal Court Status of trust funds as at 31 December 2011 (in euro)

<i>Trust Fund</i>	<i>Balances brought forward as at 1 January</i>	<i>Receipts</i>	<i>Disbursements</i>	<i>Unliquidated obligations</i>	<i>Provisions Accruals</i>	<i>Total expenditures</i>	<i>Interest Earned</i>	<i>Savings on, or cancellation of, prior periods' obligations</i>	<i>Refunds to donors</i>	<i>Unencumbered balances</i>
General trust fund	55,762	-	8,850	-	-	8,850	420	-	-	47,332
European Commission Contracts *	(165,569)	1,191,477	1,234,241	8,810	442	1,243,493	2,249	3,794	-	(211,542)
Least Developed Countries	220,962	115,023	9,965	85,592	-	95,557	1,467	9,225	-	251,120
Legal Tools Project	(15,309)	134,982	197,198	5,106	-	202,304	626	315	(1,379)	(83,069)
Judicial Capacity Strengthening Programme	2,694	-	-	-	-	-	33	-	-	2,727
Dakar Seminar	2,358	-	-	-	-	-	-	-	-	2,358
Regional Seminar in Yaoundé	33,669	-	-	-	-	-	3,902	1,172	(26,804)	11,939
Regional Seminar in Tunis	-	72,250	51,835	-	-	51,835	126	-	-	20,541
Joint Regional Seminar with African Union	-	25,933	23,642	-	-	23,642	22	-	-	2,313
Special Fund for Relocations	228	916,077	-	1,400	-	1,400	6,168	-	-	921,073
Family visit for indigent detainees	-	170,000	25,897	-	-	25,897	470	-	-	144,573
<b>Total</b>	<b>134,795</b>	<b>2,625,742</b>	<b>1,551,628</b>	<b>100,908</b>	<b>442</b>	<b>1,652,978</b>	<b>15,483</b>	<b>14,506</b>	<b>(28,183)</b>	<b>1,109,365</b>

\* As from 1st April 2010, the European Commission Contracts comprise the Internship and Visiting Professionals Programme and the Seminar of counsel for strengthening the International Criminal Court - reinforcing the principle of complementarity and universality and building a high quality defence. This contract is carried over in 2012 therefore a deferred income of 199,694 euro was recognised (Schedule 6).

For the Legal tools project the second instalment of 150,031 euro has been received in May 2012.

## Schedule 8

### International Criminal Court Shares of States Parties in the Replenishment of the Contingency Fund for 2011 (in euros)

<i>States Parties</i>	<i>States Parties to the Rome Statute since</i>	<i>2011 Scale of assessment</i>	<i>Contingency Fund Replenishment</i>
Afghanistan	May-03	0.00594	152
Albania	May-03	0.01484	380
Andorra	Jul-02	0.01039	266
Antigua and Barbuda	Jul-02	0.00297	76
Argentina	Jul-02	0.42593	10,911
Australia	Sep-02	2.86870	73,488
Austria	Jul-02	1.26294	32,353
Bangladesh	Jun-10	0.01484	380
Barbados	Mar-03	0.01187	304
Belgium	Jul-02	1.59537	40,869
Belize	Jul-02	0.00148	38
Benin	Jul-02	0.00445	114
Bolivia	Sep-02	0.01039	266
Bosnia & Herzegovina	Jul-02	0.02078	532
Botswana	Jul-02	0.02671	684

<i>States Parties</i>	<i>States Parties to the Rome Statute since</i>	<i>2011 Scale of assessment</i>	<i>Contingency Fund Replenishment</i>
Brazil	Sep-02	2.39083	61,246
Bulgaria	Jul-02	0.05639	1,445
Burkina Faso	Jul-04	0.00445	114
Burundi	Dec-04	0.00148	38
Cambodia	Jul-02	0.00445	114
Canada	Jul-02	4.75940	121,922
Central African Republic	Jul-02	0.00148	38
Chad	Jan-07	0.00297	76
Chile	Sep-09	0.35024	8,972
Colombia	Nov-02	0.21371	5,475
Comoros	Nov-06	0.00148	38
Congo	Aug-04	0.00445	114
Cook Islands	Oct-08	0.00148	38
Costa Rica	Jul-02	0.05046	1,293
Croatia	Jul-02	0.14395	3,688
Cyprus	Jul-02	0.06827	1,749
Czech Republic	Oct-09	0.51794	13,268
Democratic Republic of the Congo	Jul-02	0.00445	114
Denmark	Jul-02	1.09227	27,981
Djibouti	Feb-03	0.00148	38
Dominica	Jul-02	0.00148	38
Dominican Republic	Aug-05	0.06233	1,597
Ecuador	Jul-02	0.05936	1,521
Estonia	Jul-02	0.05936	1,521
Fiji	Jul-02	0.00594	152
Finland	Jul-02	0.83998	21,518
France	Jul-02	9.08693	232,781
Gabon	Jul-02	0.02078	532
Gambia	Sep-02	0.00148	38
Georgia	Dec-03	0.00890	228
Germany	Jul-02	11.89923	304,824
Ghana	Jul-02	0.00890	228
Greece	Aug-02	1.02549	26,270
Grenada	Aug-11	0.00062	16
Guinea	Oct-03	0.00297	76
Guyana	Dec-04	0.00148	38
Honduras	Sep-02	0.01187	304
Hungary	Jul-02	0.43186	11,063
Iceland	Jul-02	0.06233	1,597
Ireland	Jul-02	0.73906	18,933
Italy	Jul-02	7.41884	190,049
Japan	Oct-07	18.59533	476,357
Jordan	Jul-02	0.02078	532
Kenya	Jun-05	0.01781	456
Latvia	Sep-02	0.05639	1,445
Lesotho	Jul-02	0.00148	38
Liberia	Dec-04	0.00148	38
Liechtenstein	Jul-02	0.01336	342
Lithuania	Aug-03	0.09646	2,471
Luxembourg	Jul-02	0.13357	3,422

<i>States Parties</i>	<i>States Parties to the Rome Statute since</i>	<i>2011 Scale of assessment</i>	<i>Contingency Fund Replenishment</i>
Madagascar	Jun-08	0.00445	114
Malawi	Dec-02	0.00148	38
Maldives	Dec-11	0.00012	3
Mali	Jul-02	0.00445	114
Malta	Feb-03	0.02523	646
Marshall Islands	Jul-02	0.00148	38
Mauritius	Jul-02	0.01632	418
Mexico	Jan-06	3.49646	89,569
Moldova	Jan-11	0.00297	76
Mongolia	Jul-02	0.00297	76
Montenegro	Jun-06	0.00594	152
Namibia	Sep-02	0.01187	304
Nauru	Jul-02	0.00148	38
Netherlands	Jul-02	2.75294	70,522
New Zealand	Jul-02	0.40515	10,379
Niger	Jul-02	0.00297	76
Nigeria	Jul-02	0.11576	2,965
Norway	Jul-02	1.29262	33,113
Panama	Jul-02	0.03265	836
Paraguay	Jul-02	0.01039	266
Peru	Jul-02	0.13357	3,422
Philippines	Nov-11	0.02226	570
Poland	Jul-02	1.22881	31,479
Portugal	Jul-02	0.75836	19,427
Republic of Korea	Feb-03	3.35399	85,919
Romania	Jul-02	0.26268	6,729
Saint Kitts and Nevis	Nov-06	0.00148	38
Saint Lucia	Nov-10	0.00148	38
Saint Vincent and the Grenadines	Mar-03	0.00148	38
Samoa	Dec-02	0.00148	38
San Marino	Jul-02	0.00445	114
Senegal	Jul-02	0.00890	228
Serbia	Jul-02	0.05491	1,407
Seychelles	Nov-10	0.00297	76
Sierra Leone	Jul-02	0.00148	38
Slovakia	Jul-02	0.21074	5,399
Slovenia	Jul-02	0.15286	3,916
South Africa	Jul-02	0.57136	14,637
Spain	Jul-02	4.71487	120,781
Suriname	Oct-08	0.00445	114
Sweden	Jul-02	1.57905	40,451
Switzerland	Jul-02	1.67699	42,960
Tajikistan	Jul-02	0.00297	76
the FYR of Macedonia	Jul-02	0.01039	266
Timor-Leste	Dec-02	0.00148	38
Trinidad and Tobago	Jul-02	0.06530	1,673
Tunisia	Sep-11	0.01484	380
Uganda	Sep-02	0.00890	228
United Kingdom	Jul-02	9.80076	251,067
United Republic of Tanzania	Nov-02	0.01187	304
Uruguay	Sep-02	0.04007	1,026
Venezuela	Jul-02	0.46600	11,938
Zambia	Feb-03	0.00594	152
<b>Total (118 States Parties)</b>		<b>100.00000</b>	<b>2,561,709</b>

## 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 Kenya since December 2010. The 2 field offices in Chad respectively closed in June and December 2011.

For the purposes of the 2011 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;

(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.

(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;

(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;

(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 organise 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;

(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. The Trust Fund for Victims was established by the Assembly of States Parties in its resolution ICC-ASP/1/Res.6. For more information regarding the Trust Fund for Victims please refer to the Financial Statements of 2011.

*(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 State Parties and reports directly 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 State Parties has established the independent oversight mechanism (IOM) as a major programme. This independent oversight mechanism shall be co-located (but not integrated or subordinated to) with 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 financial statements 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 ICC are currently in conformity with the United Nations System Accounting Standards. These notes form an integral part of the ICC's financial statements.

2.2 *Fund accounting:* the Organisation'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 this account is a calendar year.

2.4 *Accrual basis:* with the exception of voluntary contributions, as defined in subparagraph 2.16(b) below, income, expenditure, assets and liabilities are recognised 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 Organisation are presented in euro. Balances held in other currencies are converted into euro at the United Nations operational rate of exchange in effect at the date of the financial statements. Transactions in other currencies are converted into euro 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) Realised gains and losses resulting from the purchase of other currencies are recorded as miscellaneous income;

(b) Realised losses on transactions are reflected in the expenditures of the main programme;

(c) Unrealised gains and losses resulting from the revaluation of cash and other assets and liabilities are recorded as expenditure and adjusted in the corresponding programme budgets. At year-end, a cumulative net gain is recorded as other income, whereas a net loss is specifically provided for and recorded as expenditure;

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; or

(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.

In its resolution ICC-ASP/10/Res.4, 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 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund.

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 organisations, 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.

(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 euro at the rate of exchange in effect at the date of payment;

(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 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 organisation's income consists of:

(a) Assessed contributions: for the purposes of the financial statements, income is recognised when the assessments to the States Parties of the adopted 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;

(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 authorised 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 capitalised, inventory of such non-expendable property is maintained at the historical cost;

(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 recognised 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 CBF recommended that the Court should accept the tender of Allianz/NL to provide the judges' pension scheme. The CBF recommendation was accepted by the ASP during its fifth session (See ICC-ASP/5/32, Page 16, paragraph 31). Allianz have been appointed as the Judges Pension Scheme Administrators and the commencement date for the contract is 31 December 2008.

In 2011, the ICC paid Allianz an annual premium of €2,069,293. 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 9-year term (pro-rated if 9-year term is not completed); the surviving spouse pension of 50% 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 current accounts, interest-bearing bank accounts and time deposits with a maturity lower than 3 months.

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 International Standards for employee benefits, where the underlying principle is that the cost of providing employee benefits should be recognised 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 *Annual Leave Accrual:* the Court recognized the costs of untaken annual leaves by court employees.

2.25 The Court's accounting policy with respect to recognition of end-of-service employee liabilities is to recognise full liabilities at the end of financial period.

2.26 *Contingent liabilities,* if any, are disclosed in the notes to the financial statements.

2.27 *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 ICC became a member organisation of the UNJSPF with effect from 1 January 2004. The UNJSPF provides retirement, death, disability and related benefits to ICC staff.

The Pension Fund is a funded defined benefit plan. The financial obligation of the organisation 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 *Statement I* reports the income and expenditure and changes in reserve and fund balances during the financial period. It includes 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 2011, the value of non-expendable property is excluded from the assets (see note 6).

3.3 *Statement III* is the cash flow summary statement prepared using the indirect method.

3.4 *Statement IV* reports on expenditures against the appropriations 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/9/Res.4, approved the funding of the appropriations of the Court for the financial period 1 January to 31 December 2011 in the total amount of €103,607,900. As at 31 December 2011, there were 118 States Parties to the Rome Statute.

4.2 *Interest income*: interest in the amount of €484,306 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 €382,116 represents the following:

**Table 1: Details of miscellaneous income (in euro)**

<i>Miscellaneous income</i>	<i>Amount (euro)</i>
Refund of expenditures incurred in prior financial periods	382,116
Miscellaneous income	-
<b>Total</b>	<b>382,116</b>

4.4 *Expenditures*: the total amount of expenditures, €107,926 thousand comprises total disbursements of €100,198 thousand, outstanding obligations of €5,536 thousand and accruals or provisions of €2,192 thousand. Total amount of expenditure consists of €102,810 thousand charged against General Fund (detailed in table 2 below), €5,115 thousand charged against Contingency Fund (detailed in table 3 below).

**Table 2: Details of expenditures (in euro) for the approved programme budget**

<i>Category of expenditure</i>	<i>Appropriation Amount</i>	<i>Disbursed expenditures</i>	<i>Unliquidated Obligations</i>	<i>Accruals, Provisions a)</i>	<i>Total Expenditures</i>
Salaries & other staff costs	76,836,300	74,557,859	682,887	1,603,414	76,844,160
Travel & hospitality	4,658,800	3,474,156	664,055	-	4,138,211
Contractual services	7,178,000	7,183,561	1,597,156	-	8,780,717
Operating expenses	12,644,000	8,615,217	1,892,983	589,000	11,097,200
Acquisitions	2,290,900	1,762,922	187,172	-	1,950,094
<b>Total</b>	<b>103,608,000</b>	<b>95,593,715</b>	<b>5,024,253</b>	<b>2,192,414</b>	<b>102,810,382</b>

**Table 3: Details of expenditures (in euro) for the Contingency fund**

<i>Category of expenditure</i>	<i>Application Amount</i>	<i>Disbursed expenditures</i>	<i>Unliquidated Obligations</i>	<i>Accruals, Provisions</i>	<i>Total Expenditures</i>
Salaries and other staff costs	5,078,000	2,632,516	105,939	-	2,738,455
Travel & hospitality	599,000	240,199	79,411	-	319,610
Contractual services	1,482,000	936,706	219,778	-	1,156,484
Operating expenses	492,000	275,905	58,672	-	334,577
Acquisitions	893,000	518,599	47,603	-	566,202
<b>Total</b>	<b>8,544,000</b>	<b>4,603,925</b>	<b>511,403</b>	<b>-</b>	<b>5,115,328</b>
<b>Grand total</b>		<b>100,197,640</b>	<b>5,535,656</b>	<b>2,192,414</b>	<b>107,925,710</b>

*Pension expenditures:* The premium for 2011 was paid to Allianz and recorded as disbursed expenditure for €2,069,293.

#### 4.5 *Accruals*

(a) *Repatriation Grant Accrual:* The Repatriation Grant Liability has been subdivided into a Repatriation Grant accrual of €5,219,439 and Repatriation Grant Liability of €288,725 under Other Accounts Payable. The distinction being that the Repatriation Grant Liability refers to amounts owed to staff as of 31 December 2011 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 2011 but are not payable as at 31 December as the staff are still employed by the Court. The amount charged to the budget in 2011 for Repatriation Grant accrual was €676,866.

(b) *Annual Leave Accrual:* At 31 December 2011 €4,914,664 represents the accumulated annual leave accrual for all Staff members of the Court. The costs related to untaken annual leave incurred in 2011 has been recognized as an expenditure of €850,038 in the income statement of 2011.

#### 4.6 *Provisions*

##### (a) *Provisions for ILO cases:*

In 2010 five cases were filed with the International Labour Organization Administrative Tribunal (ILOAT) by former staff members of the ICC. Out of those 5 cases, the rulings of 3 cases were in favor of the Court and the provisions reversed and recognized as miscellaneous income in 2011 accounts. Two cases were still open at 31 December 2011 and one of them partially paid to the staff member in 2012.

##### (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 is €76,510 that estimated for the year 2011 for 8 United States taxpayers on the payroll of the Court during this period.

##### (c) *Provision for doubtful debt:*

*Under other accounts receivable* based on a judicial decision dated 20 October 2010 (Trial chamber III, number ICC-01/05-01/08-568), the Court advanced an amount of €574,114 for legal costs to cover the legal representation of an accused person in 2011 whose assets have been frozen. In 2011, the equivalent of €68,852 has been retrieved out of the frozen assets. The amount of €505,000 has been charged to the legal aid costs because recovery of this amount is uncertain.

The Court has provided for €84,000 of VAT receivable from Uganda government recovery of which is considered uncertain.

The Court does not provide any provision for doubtful assessed contributions however article 112 of the Rome Statute stipulates that a State Party which is in arrears in the payment of its assessed contributions for more than 2 full years shall have no vote in the Assembly of States Parties. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.

4.7 *Savings on, or cancellation of, prior periods' obligations:* actual disbursements in 2011 of prior periods' obligations of €5,722,544 amounted to €4,108,546 resulting in savings on or cancellation of obligations totalling €1,613,997.

4.8 *Credits to States Parties:* cash surplus of €2,825,707 from 2009 eligible to States Parties has been apportioned in accordance with their respective assessments for that financial period. The sum of €2,267 of this cash surplus had been returned to States Parties and the balance of €2,823,440 was credited towards assessed contributions due and is included in the total amount of collections during 2011 (Schedule 1).

4.9 *Working Capital Fund:* the Assembly of States Parties, in its resolution ICC-ASP/9/Res.4, established the Working Capital Fund for the financial period 1 January to 31 December 2011 at €7,405,983, the same level compared as the previous financial period.

4.10 *Assessed contributions receivable:* the outstanding balance of contributions of €2,791,603 comprises €405,982 due for prior financial periods and €2,385,621 due for 2011 (Schedule 1). Contributions received from States Parties in excess of contributions due in the amount of €488,245 are reported as contributions received in advance (see note 4.15 below).

4.11 *Other contributions receivable* relate to the outstanding balance due to the Working Capital Fund of €9,026 at 31 December 2011 (Schedules 2 and 3).

4.12 *Interfund balances receivable* of €130,793 were to the general fund from the other trust funds.

4.13 *Other accounts receivable* in the total of €1,998,485 are detailed in table 3 below.

**Table 4: Details of other accounts receivable (in euro)**

<i>Accounts receivable</i>	<i>2011 Amount</i>	<i>2010 Amount</i>
Governments (value-added tax) (a)	377,798	924,005
Staff	194,068	384,967
Vendors	7,081	31,732
Interest accrued	144,883	111,754
Travel advances (other than cash advances) (b)	537,729	671,505
Advances to vendors for travel-related expenses (c)	633,605	766,427
Others d)	103,321	102,048
Deferred payment from Special Court for Sierra Leone	-	97,166
<b>Total</b>	<b>1,998,485</b>	<b>3,089,604</b>

(a) *Value-added tax* of €377,798 recorded in the accounts as receivable from government for value-added tax (VAT) paid on goods and services doesn't include €300,745 representing VAT for purchases in Uganda any longer. This amount is still a receivable from the Ugandan Government, but the Court hasn't been able to retrieve it to date. The law granting VAT exemption status to ICC in Uganda was signed on 18 October 2008 and entered into force on 1<sup>st</sup> July 2008. Efforts were made for retroactively VAT reimbursement on the basis that the ICC 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 ICC. The fact though, that reimbursement hasn't been achieved to date, lead to the conclusion to no longer state it as an account receivable.

(b) *Travel advances (other than cash advances):* represent travel advances for which the travellers had not submitted travel expense claims. Those travel advances don't include those paid in the form of cash. Cash advances are recorded as receivables from the travellers and are included as "Staff", "Vendors", or "Others" receivables.

(c) *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 2011.

(d) *Within the others accounts receivable* €505,000 is provided for as it is related to the Defence Counsel Costs of an accused. As a result of a judicial decision dated 20 October 2010 (Trial chamber III, number ICC-01/05-01/08-568), the Court advanced €574 thousand 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 of €505,000 was booked in 2011. In 2011, the equivalent of €68,852 has been retrieved out of the frozen assets.

4.14 *Education grant advances*: prepaid expenses of €1,043,502 relate to the education grant for the scholastic years completed as at 31 December 2011 and 2012.

4.15 *Contributions or payments received in advance*: €488,245 was received from States Parties to be applied to the next financial period. This comprises:

(a) €65,749 received from States Parties in advance for 2011 assessed contributions (Schedule 1);

(b) €422,496 representing contributions received in excess of assessed contributions for 2011 resulting from assessment of new States Parties, overpayments or the distribution of 2009 cash surplus (Schedule 1).

4.16 *Other accounts payable* in the total of €2,980,400 are detailed in table 4 below.

**Table 5: Details of other accounts payable (in euro)**

<i>Accounts payable</i>	<i>2011</i>	<i>2010</i>
Staff	172,396	340,448
Vendors <sup>(c)</sup>	1,810,760	2,004,677
Deferred payment from Special Court for Sierra Leone	85,469	Refer to 4.13(e)
Repatriation grant liability <sup>(a)</sup>	288,725	368,914
Others <sup>(c)</sup>	623,050	218,817
Interest accrued (Loan from MFA Netherlands) <sup>(b)</sup>	-	17,373
<b>Total</b>	<b>2,980,400</b>	<b>2,950,229</b>

(a) *Repatriation grant liability*: The Repatriation Grant Liability has been subdivided into a Repatriation Grant accrual of €5,219,439 and Repatriation Grant Liability of €288,725 under Other Accounts Payable. The distinction being that the Repatriation Grant Liability refers to amounts owed to staff as of 31 December 2011 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 2011 but are not payable as at 31 December as the staff are still employed by the Court.

(b) *Interest Accrued*: the Host State Loan for the Permanent Premises was not used in 2011, therefore no interest accrued. 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 point 14. of the present report.

(c) *Vendors and others accounts payable*: Based on the principle of accrual based accounting, all invoices dated until 31 December 2011 represent an account payable of the Court and were booked in the accounting system in 2011, those invoices were paid in January and February 2012.

(d) *Deferred payment from the Special Court of Sierra Leone*: on 29 March 2006, the ICC received a request from the President of the Special Court of 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 ICC 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 ICC 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 €85,469 is the balance of the advance payment received at 31 December 2011 from the Special Court less the expenditures incurred by the Special Court as at 31 December 2011.

4.17 *Contingency Fund*: the amount of €9,168,567 representing the cash surplus for 2002-2003 financial periods had been credited to establish the Contingency Fund in accordance with resolution ICC-ASP/ICC/Res.4 (b). In 2010, the Contingency Fund was reduced by the shortfall of income over expenditure of €412,000. In 2011, additional €4,318,276 has been charged to Contingency Fund representing excess of expenditure over appropriations approved (Statement IV). The fund will be replenished in accordance with Assembly of States Parties resolution ICC-ASP/10/Res.4, in the amount of €2,561,709 to reach the threshold level of €7 million.

Balance at 1 January 2011 (amounts in euro)	8,756,567
Charges against contingency fund	(4,318,276)
<b>Balance at 31 December 2011</b>	<b>4,438,291</b>

4.18 *Reserve for unpaid assessed contributions*: an amount of €405,982, 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 2010 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 professional in Judiciary, Office of the Prosecutor and Registry at the Court. This programme runs from April through March of the period for 2 years. As from 1<sup>st</sup> 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.

*Seminar of Counsel* is run by the Registry to finance the consultations between the Court and the legal professional represented by the counsels on the Court's list of counsel.

*Those 2 Trust Funds* are part of the European Commission Contracts and their figures are presented together

*Least Developed Countries* is run by the Secretariat of the Assembly of State Parties and covers travel costs related to the participation of representatives of least developed countries and other developing states at the Assembly of States Parties meeting. This is an on-going programme.

*Regional Seminar in Yaounde* is run by the Registry to support the organisation of local seminars for local experts including judges, layers, politicians, NGOs to raise awareness and knowledge of the Court around the world.

*Regional Seminar in Tunis (Tunisia)* was organised by the Court in September 2011 to provide interactive training on the Rome Statute to leading law professionals of the Maghreb countries and some countries of Middle East (Egypt, Jordan Lebanon and Syria) with a view to enhancing States' cooperation with the Court. This seminar is part of a series of regional seminars. The first was conducted in Dakar (Senegal) in December 2009 and the second in Yaounde (Cameroon) in October 2010.

*Joint Seminar with African Union in Ethiopia* was run by the 3 organs to improve the participants' knowledge on the technical aspects of the Rome Statute and the Court's work. The seminar took place in Addis Ababa in July 2011. The participants were the staff members from the African Union Commission, legal advisors from delegation African States to the African Union, Coordinator of the African Group of States Parties at the United Nations, ICC officials and donors contributing to the seminar.

*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.

*General Trust Fund* is used for 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.

*Family visit 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 €2,697,237 have been pledged and/or received for 2011 projects.

5.3 *Interest income*: interest in the amount of €15,483 represents interest earned on the Court's bank account for the Trust Funds.

5.4 *Expenditure*: the total amount of €1,652,980 comprises total disbursements of €1,551,630, outstanding obligations of €100,908 and repatriation grant accrual of €442.

5.5 *Refund to donors*: the amount of €28,183 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 €3,432 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 ICC received voluntary contributions in the total amount of €199,694 for projects starting after 31 December 2011 (Schedule 6).

5.8 *Interfund balances payable*: as at 31 December 2011, interfund balances between the Trust Fund and the General Fund amounted to a payable of €152,350.

## 6. Non-expendable property

6.1 A summary of non-expendable property, at historical cost, as at 31 December 2011 is provided in table 5 below. In accordance with the current ICC accounting policies, non-expendable property is not included in the fixed assets of the organisation, but is directly charged to the budget upon acquisition.

**Table 5: Summary of non-expendable property (in euro)**

<i>Asset management category</i>	<i>Opening balance as at 1 January 2011</i>	<i>Acquisitions/ adjustments</i>	<i>Written-off items<sup>a/</sup></i>	<i>Closing balance as at 31 December 2011</i>
Information, technology and communications equipment	7,774,476	924,523	412,913	8,286,086
Security and safety equipment	798,784	22,582	-	821,366
General services equipment	1,102,201	37,897	33,432	1,106,666
Vehicles and transportation equipment	864,543	144,370	29,054	979,859
Office of the Prosecutor equipment	1,422,473	24,712	45,255	1,401,930
Other equipment	1,538,884	90,252	32,854	1,596,282
Courtrooms and Pre-Trial Chamber*	1,362,918	-	-	1,362,918
<b>Total</b>	<b>14,864,279</b>	<b>1,244,336</b>	<b>553,508</b>	<b>15,555,107</b>

\* Courtrooms and Pre-Trial chamber – Courtroom elements constituting an integral part of the installation.

In addition to the above, the ICC's records include the following non-expendable property acquired from voluntary contributions:

**Table 6: Summary of non-expendable property funded by other sources (in euro)**

<i>Asset management category</i>	<i>Opening balance as at 1 January 2011</i>	<i>Written-off items<sup>a/</sup></i>	<i>Closing balance as at 31 December 2011</i>
Advance team budget	9,622	1,202	8,420
Donations to the ICC	283,375	11,217	272,158
<b>Total</b>	<b>292,997</b>	<b>12,419</b>	<b>280,578</b>

<sup>a/</sup> During 2011, items valued at a total amount of €565,927 had been written off.

## **7. Write-off losses of cash, receivables and property**

7.1 In addition to the items written off during 2011 as stated in 6.1 above, a total amount of €18,596 was written off as aged and irrecoverable accounts receivable.

## **8. Ex-gratia payments**

8.1 An ex-gratia payment of €12,541 was 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 During 2011 two potential cases have been identified where a staff member of the ICC may consider filing actions with the International Labour Organization Administrative Tribunal (ILOAT).

## **11. Service-incurred injury**

11.1 The ICC entered into an agreement with an insurance company to offer coverage for service-incurred injuries for ICC 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 organisation's budget and is reflected in the accounts under expenditures. The total premium paid during 2011 for this insurance was €989,110.

## **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;

(ii) Costs associated with the interim premises of the Court to a maximum of €33 million, including the costs of building a courtroom.

(b) In 2011 the Court hired a number of short term pro-bono personnel as receipt of services in kind representing a value of €530,000.

## **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 ICC, 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 2011, the ASP approved an appropriation of €1,205,200 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 €1,113,658.

## 14. The Permanent Premises Project: General description

14.1 The Permanent Premises Project was established by the Assembly of States Parties (ASP), 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 ASP 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 the annex II to Resolution ICC-ASP/6/Res.1, the Assembly of States Parties 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.

14.4 In its Resolution ICC-ASP/10/Res.6, the Assembly of States Parties noted that the Court initially quantified on 1 March 2011 in the amount of €42.2 million the other costs related to the project but not directly related to the construction. Noting that such costs concern elements that are user specific and include two components:

(a) 3 gv, estimated at €22.1 million, for integrated user equipment, that is fixed elements integrated in the design;

(b) 2 gv and other related costs, originally estimated at €20.1 million and later reduced to €19.8 million, for non-integrated user equipment, that is loose elements, and other costs such as moving, additional staff and consultancy fees.

The Assembly Approves that non-integrated elements (2gv) and other related costs shall not exceed €19,8 million, and will be approved upon submission year by year in the Court’s budget;

The Assembly further approves that the integrated elements (3gv) are construction costs and, as such incorporated in the overall budget of €190 million, and also approves that such elements and their costs be entirely absorbed within the overall budget, so that the same is not exceeded.

## 15. The Permanent Premises Project: Notes to Statements (I-III)

2.1 *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.

2.2 *Statement II* shows the assets, liabilities, reserves and fund balances as at 31 December 2011.

2.3 *Statement III* is the cash flow summary statement prepared using the indirect method of International Accounting Standard 7.

2.4 *Assessed Contributions* in the total amount of €11,326,605 were received from States Parties as one-time payments and are detailed in the table 1 below (in euro).

<i>States Parties</i>	<i>2011</i>	<i>Prior years</i>	<i>Total</i>
Albania	6,865	-	6,865
Andorra	-	18,305	18,305
Argentina	743,641	-	743,641
Australia	1,362,960	2,725,921	4,088,881
Benin	-	-	-
Bolivia	-	13,729	13,729
Burkina Faso	-	-	-
Cambodia	-	2,288	2,288
Canada	-	6,811,751	6,811,751
Czech Republic	321,482	-	321,482
Dem. Rep. of Congo	6,864	-	6,864
Djibouti	-	-	-
Finland	-	1,290,503	1,290,503
Hungary	186,101	-	186,101
Iceland	-	-	-
Italy	3,873,797	3,873,797	7,747,594
Jordan	9,153	9,152	18,305
Liechtenstein	-	22,881	22,881
Lithuania	47,288	-	47,288
Luxembourg	194,491	-	194,491
Mauritius	-	25,169	25,169
Mexico	1,721,433	1,721,434	3,442,867
Montenegro	-	2,288	2,288
Portugal	401,947	401,948	803,895
Samoa	-	2,288	2,288
San Marino	-	6,864	6,864
Serbia	-	48,051	48,051
South Africa	-	663,557	663,557
Sweden	2,450,583	-	2,450,583
<b>Total one-time payments received</b>	<b>11,326,605</b>	<b>17,639,926</b>	<b>28,966,531</b>

2.5 *Expenditures*: the total amount of expenditures of €6,915,834 comprises disbursements of €6,595,841 and outstanding obligations of €319,993. As part of total expenditures 3gv expenditure amounted €96,993 and comprises €59,980 disbursements and €37,013 outstanding obligations. The total expenditures are related to the finalization of the preliminary and final design phase which was completed on 1 November 2011. The expenditures include architectural costs, consultants, project management and legal fees. The project enters the tendering stage and selection of the general contractor, which should end on 1 September 2012 with the signature of the construction contract.

2.6 *Savings on, or cancellation of, prior periods' obligations*: actual disbursements of prior periods' obligations of €320,522 amounted to €320,522 as all outstanding obligations of 2010 were disbursed in 2011.

2.7 *Other accounts receivable* in the amount of €415,318 comprises €108,302 interest earned but not yet received as at 31 December 2011, €285,459 represent Value-added tax

paid on goods and services to be received from the Dutch government and €21,557 interfund balance receivable from the general fund.

2.8 *Other accounts payable* in the amount of €1,514,378 represent invoices booked in the accounts but not yet paid as at 31 December 2011. Those invoices were paid in January and February 2012.

2.9 *Contributions received in advance* all contributions received in 2011 for the Permanent Premises Project in relation to one-time payments option (as referred to resolution ICC-ASP/7/Res.1) were recognised as income of 2011.

2.10 *Host State Loan* was not used in 2011 as sufficient one-time payments were received.

2.11 *Project Director's 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 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 be 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 2011, the Assembly of States Parties approved an appropriation of €492,200 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 €386,369.

In its Resolution ICC-ASP/10/Res.6, the Assembly reiterates the important role of the Project Director in providing strategic leadership and overall management of the project, and his responsibility for meeting the project's goals, timelines and costs, and quality requirements, as provided in resolution ICCASP/6/Res.1, and invites the Registrar to delegate authority to the Project Director where necessary and at an appropriate level, in accordance with the Financial Regulations and Rules, with respect to engaging funds for the permanent premises project. The new Project Director took up his responsibilities on 20 June 2011.

2.12 *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 ICC 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 Technology Section (provision of ICT services).

(b) Host state contribution to architect selection.

## 16. Transfer of funds between Major Programmes

In 2011, the Court transferred €522,000 from the surplus on Major Programme II to cover the costs of accrued annual leave of €150,000 for Major Programme I and €372,000 for Major Programme III which could not otherwise be absorbed within the originally approved budget appropriations for Major Programme I and Major Programme III. At the request of the External Auditor, the Court's Legal Advisory Services Section has been consulted and has provided a written legal opinion that the action taken is in conformity with the provisions of Financial Regulation 4.8 and Resolution ICC-ASP/10/Res.4(F) which allows the Court to transfer funds to cover costs linked to unforeseen activities or costs that could not be accurately estimated.

## 2. Trust Fund for Victims financial statements for the period 1 January to 31 December 2011\*

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### **Letter of transmittal**

30 July, 2012

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 2011.

(Signed) Silvana Arbia  
Registrar

M. Steve Townley  
Director  
National Audit Office  
157 Buckingham Palace Road  
London SW1W 9SS  
United Kingdom

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\* Previously issued as ICC-ASP/11/13.

## **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 accompanying financial statements of the Trust Fund for Victims for the year ended 31 December 2011. These comprise the Statement of income and expenditure and changes in fund balances for the period ending 31 December 2011 (Statement I), the Statement of assets, liabilities, reserves and fund balances as at 31 December 2011 (Statement II), the Statement of cash flow as at 31 December 2011 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 2011 and the financial performance and cash flows 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 income 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 which 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 Trust Fund for Victims financial statements.

Amyas C E Morse  
Comptroller and Auditor General  
United Kingdom

National Audit Office  
157-197 Buckingham Palace Road  
Victoria  
London  
SW1W 9SP

## External auditor's report on the 2011 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.

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## Executive Summary

1. We have provided an unqualified audit opinion on the 2011 financial statements confirming that they present fairly, in all material respects, the financial position and the results of operations and cash flows for the period ending 31 December 2011. 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 focuses on the Implementation of International Public Sector Accounting Standards (IPSAS) and some wider governance issues impacting the Fund.
3. The International Criminal Court (ICC) proposes to adopt IPSAS as its financial reporting framework in 2013 and the Fund will also report under IPSAS at the same time. We have examined the readiness of the Fund and progress that has been made to achieve the maximum benefits of this change.
4. On governance, we have considered risk management processes and assessed how well risk management is embedded within the Fund. We have also considered the level of assurance provided by Internal Audit to the Fund.
5. We have also followed up the action taken by the Fund in response to our previous recommendations.

## Introduction

6. We audited the 2011 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.
7. 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.
8. In addition to comments on the Fund’s financial performance our 2011 audit report also focusses on the progress made towards the implementation of International Public Sector Accounting Standards, a review of the activities of the Office of Internal Audit and an examination of certain aspects of the Fund’s governance and risk management procedures.
9. 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 2010 recommendations are set out at Annex B
10. 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

11. 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:

(a) Reparations: implementing Court-ordered reparation awards against a convicted person when directed by the Court to do so; and

(b) General Assistance: using voluntary contributions from donors to provide victims and their families, in situations where the Court is active, with physical rehabilitation, material support, and/or psychological rehabilitation.

12. Income for the Trust Fund increased by 106 per cent, with voluntary contributions increasing from €1.6 million to €3.3 million. This increase is primarily attributable to a large donation from Sweden of €1.1 million in December which will be available to fund general assistance measures and reparation awards if necessary.

13. In 2011, administrative expenditure funded by the ICC increased by €173,000 (18 per cent) to €1.1 million but remained within the agreed appropriations from the Assembly of States Parties of €1.2 million (2010: €1.2 million). Direct expenditure by the Fund increased by €400,000 to €2.5 million (2010: €2.1 million) as a result of increased activities on projects within the Trust Fund.

14. At 31 December 2011, the Fund had cash and term deposits of €4.2 million (2010: €3.2 million) which is equivalent to more than one year's expenditure. This increase is primarily attributable to the timing of the Sweden contribution. At the period end, total reserves and fund balances were €3.4 million (2010: €2.4 million).

### **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 2011 financial statements there were no 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**

### **Implementation of International Public Sector Accounting Standards**

16. In December 2010, the Assembly of States Parties approved the implementation of the accruals based International Public Sector Account Standards (IPSAS) for the International Criminal Court from 2014. The Trust Fund for Victims will transition from its current United Nations Systems Accounting Standards (UNSAS) framework to IPSAS at the same time.

17. Accruals based accounting requires organisations to recognise costs when they are incurred and income when it is earned. They must also account for the value of all assets and liabilities. This change will result in clearer and more robust reporting of the Fund's financial position and performance, including the full costs of its activities. This will enable the Fund to more accurately assess its on-going expenditure against income and allow the Fund to more confidently commit resources in the fulfilment of its objectives.

18. The transition to IPSAS will be primarily led and conducted by the ICC finance team and we report on the implications of the adoption of IPSAS, and on progress made to date, in our report on the 2011 financial statements of the International Criminal Court. However, the move to IPSAS is not merely a concern for the finance team at the ICC, but should be seen as an organisation wide change which must be embedded and understood by staff at the Trust Fund.

19. To ensure that the benefits of implementing IPSAS are maximised the Fund should take an active role in its implementation, for example, it must ensure that IPSAS compliant accounting policies are developed which are appropriate for the Fund and the Fund's circumstances. Management should also consider the intended benefits of IPSAS and develop a benefits realisation plan. If the Fund is to achieve maximum benefit from implementing IPSAS it is essential that the intended benefits are adequately documented and quantified at inception, and thereafter actively managed, monitored and reviewed to ensure that they remain current.

*Recommendation 1:*

The Fund should work closely with the ICC IPSAS implementation team to develop specific and appropriate IPSAS accounting policies which are tailored to the situation and requirement of the Fund.

*Recommendation 2:*

The Fund should clearly identify the objectives and anticipated benefits of the IPSAS project and develop a methodology to track and manage benefits realisation.

## **Governance Issues**

### **Management of Risk**

20. We have previously recommended that a separate risk register be developed to document the operational, financial and reputational risks which the Fund faces. In our 2010 report, we reiterated the need for such a process and the Fund has informed us that it intends to address this issue as part of its Strategic Plan for 2013-2016. We urge the Fund to implement a solution as soon as practicable.

### **Office of Internal Audit**

21. While the remit of the Court's Office of Internal Audit (OIA) covers all major programmes, including the Fund, our enquiries with management identified that the last internal audit with specific focus on the Fund was conducted in 2008 and examined the Fund's governance structures.

22. The risk assessment conducted by the OIA rated the audit risk associated with the Fund as high based on its voluntary funding and the risks associated with the operational areas where the Fund must operate. We found however, that this assessment has not been reflected in the working programme of the OIA and there were no audits of the Fund planned.

*Recommendation 3:*

The Fund's management should engage with the OIA to ensure that it receives sufficient assurance on the adequacy and effectiveness of the Fund's framework of governance, risk management and control.

## **Follow up of previous audit recommendations**

23. In our report for 2010, we made seven recommendations covering: the implementation of an online donation system; contract tendering; and risk management. 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**

24. 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 Fund should work closely with the ICC IPSAS implementation team to develop specific and appropriate IPSAS accounting policies which are tailored to the situation and requirement of the Fund.

#### Recommendation 2:

The Fund should clearly identify the objectives and anticipated benefits of the IPSAS project and develop a methodology to track and manage benefits realisation.

#### Recommendation 3:

The Fund's management should engage with the OIA to ensure that it receives sufficient assurance on the adequacy and effectiveness of the Fund's framework of governance, risk management and control.

## 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.

<i>Recommendation</i>	<i>Management Response</i>	<i>External Auditors Comment</i>
<b>Recommendation 1:</b> The process of setting objectives for the Fund must be examined. All objectives given must be measurable, specific and achievable over the period of each budget cycle.	Objectives and results to be achieved by the Fund's Secretariat have been adapted for the 2013 budget cycle accordingly. The Board has furthermore agreed to the development of a Strategic Plan for the Trust Fund, covering the period 2013-2016, which will provide a strategic results framework that will facilitate the setting of objectives for annual budget cycles.	In Progress. We note that management are in the process of implementing this recommendation. At the time of our audit there was insufficient progress for us to examine this response in detail.
<b>Recommendation 2:</b> 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.	The activation of the on-line donation facility is pending final assessment and approval by the Registry, in view of the Court's Financial Rules and Regulations, and is expected to be operational in 2012.	In progress. We note that the new system is due to become operational in 2012.
<b>Recommendation 3:</b> 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.	As a matter of policy, the Trust Fund avoids being the single major donor to local partner organisations. This mitigates the risks signalled in the recommendation. In addition, the Fund's transition strategy for northern Uganda incorporates an emphasis on the sustainability of activities beyond the financial support by the Fund	Recommendation closed. Although formal contingency plans are not in place, management's response addresses the need to mitigate the risk of project failure arising from withdrawal of the Fund's financial or other support.
<b>Recommendation 4:</b> 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.	The competitive bidding process for the Trust Fund's Central African Republic programme serves as an example of the Fund's efforts to offer to applicants the highest possible level of accessibility, while ensuring an appropriate level of guarantees as required by the Court's Financial Rules and Regulations, as well as by the Fund's own grant management policies. Supporting documentation has been made available on-line during the expression of interest phase. Further guidance to applicants has been provided by the Registry's Procurement Unit, in consultation with the Trust Fund's Secretariat. For shortlisted applicants, the Secretariat has organised an on-site workshop in order to prepare for the submission of project proposals that correspond to the Fund's quality requirements.	In Progress. The audit examination in 2011 noted that there are still delays in the procurement process and more work is needed to improve the number and quality of tenders.

<i>Recommendation</i>	<i>Management Response</i>	<i>External Auditors Comment</i>
<b>Recommendation 5:</b> 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.	Upon the conclusion of the competitive bidding process for Trust Fund's programme in the Central African Republic, foreseen to be achieved in October 2012, the Fund intends to review all stages of the tendering process for the purpose of future learning.	In Progress. We note management's response.
<b>Recommendation 6:</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.	The Board is acutely aware of the need for adequate resources required to support the Fund's administrative and financial requirements and notes that their availability is subject to consideration by the Assembly of States Parties of the Court's budget, which includes the Trust Fund's Secretariat	Partially implemented. Additional resource for assistance with financial and administrative work has been made available to the Trust Fund for Victims by the Court for 2012 only.
<b>Recommendation 7:</b> The management and board should engage in enterprise risk management. On-going 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.	The Trust Fund intends to comprehensively address the issue of risk management as part of its Strategic Plan for 2013-2016.	In Progress. We note management's response. Although individual projects are risk managed there is still no overall organisational risk management in place and we urge the Fund to implement such a framework at the earliest opportunity.

## Statement I

### Trust Fund for Victims Statement of income and expenditure and changes in fund balances for the period ending 31 December 2011 (in euro)

	<i>2011</i>	<i>Notes Ref.</i>	<i>2010</i>
<b>Income</b>			
Voluntary contributions	3,256,706	3.4	1,563,123
Interest income	56,452		48,700
Other/miscellaneous income	-		-
<i>Total income</i>	<i>3,313,158</i>		<i>1,611,823</i>
<b>Expenditure</b>			
Disbursements	1,662,013	3.5	1,228,986
Unliquidated obligations	841,076	3.5, 3.6	833,984
Repatriation Grant Accrual	4,629		2,836
<i>Total expenditure</i>	<i>2,507,718</i>		<i>2,065,806</i>
<b>Excess/(shortfall) of income over expenditure</b>	<b>805,440</b>		<b>(453,984)</b>
Savings on, or cancellation of, prior periods obligations	186,333	3.7	-
Refund to Donors	(15,215)	3.8	-
Fund balances at beginning of financial period	2,433,749		2,887,733
<b>Fund balances as at 31 December</b>	<b>3,410,307</b>		<b>2,433,749</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 2011 (in euro)

	2011	Notes Ref.	2010
<b>Assets</b>			
Cash and term deposits	4,244,218		3,211,189
Other accounts receivable	14,630	3.9	59,381
<i>Total assets</i>	<i>4,258,848</i>		<i>3,270,570</i>
<b>Liabilities</b>			
Unliquidated obligations	841,076		833,984
Repatriation Grant Accrual	7,465		2,836
<i>Total liabilities</i>	<i>848,541</i>		<i>836,820</i>
<b>Reserves and fund balances</b>			
Cumulative surplus	3,410,307		2,433,749
<i>Total reserves and fund balances</i>	<i>3,410,307</i>		<i>2,433,749</i>
<b>Total liabilities, reserves and fund balances</b>	<b>4,258,848</b>		<b>3,270,570</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 2011 (in euro)

	2011	2010
<b>Cash flows from operating activities</b>		
Net excess/(shortfall) of income over expenditure (Statement I)	805,439	(453,984)
Other accounts receivable (increase)/decrease	44,751	(57,327)
Unliquidated obligations increase/(decrease)	7,092	369,052
Other accounts payable increase (decrease)	-	(109,248)
Repatriation Grant Accrual	4,629	2,836
Less: interest income	(56,452)	(48,700)
<i>Net cash from operating activities</i>	<i>805,459</i>	<i>(297,371)</i>
<b>Cash flows from investing and financing activities</b>		
Plus: interest income	56,452	48,700
<i>Net cash from investing and financing activities</i>	<i>56,452</i>	<i>48,700</i>
<b>Cash flows from other sources</b>		
Savings on, or cancellation of prior periods' obligations	186,333	-
Refund to donors	(15,215)	-
<i>Net cash from other sources</i>	<i>171,118</i>	<i>-</i>
<b>Net increase/(decrease) in cash and term deposits</b>	<b>1,033,029</b>	<b>(248,671)</b>
Cash and term deposits at beginning of period	3,211,189	3,459,860
<b>Cash and term deposits at 31 December (Statement II)</b>	<b>4,244,218</b>	<b>3,211,189</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 (ASP), 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 financial statements of the Trust Fund for Victims are maintained in accordance with the Financial Regulations and Rules of the ICC, as established by the Assembly of States Parties in the annex to resolution ICC-ASP/1/Res.6. Therefore, the financial statements 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 euro. Funds held in other currencies are converted into euro at the United Nations operational rate of exchange in effect at the date of the financial statement. Transactions in other currencies are converted into euro 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 organisations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Assembly of States Parties;

(b) Money and other property collected through fines or forfeiture transferred to the Trust Fund if ordered by the ICC pursuant to article 79, paragraph 2, of the Statute;

(c) Resources collected through awards for reparations, if ordered by the ICC pursuant to rule 98 of the Rules of Procedure and Evidence;

(d) Resources as the Assembly of States Parties 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 2011.

3.3 Statement III is the cash flow summary statement prepared using the indirect method.

3.4 Voluntary contributions of €3,256,706 were received from governments, individuals, organisations and other entities.

3.5 In 2011, around 20 per cent or €635,085 of voluntary contributions accepted by the Trust Fund was earmarked for assistance to victims of gender crimes and sexual violence. 3 per cent or €110,000 is an earmarked contribution received from Germany to fund a project supporting a legal advisor to assist in the legal preparations for implementing reparations.

**Table 1: Earmarked contributions**

Countries	2011			2010		
	Contribution	Disbursement	Net	Contribution	Disbursement	Net
Denmark	-	-	-	301,541	301,541	-
Finland	200,000	174,137	25,863	170,000	78,738	91,262
Germany	158,859	140,231	18,628	155,000	106,141	48,859
1st Donation 2010	48,859	33,644	15,215	155,000	106,141	48,859
2nd Donation 2011	110,000	91,372	18,628			
Refund on 1st donation	-	15,215	(15,215)			
ICC Staff/others	-	-	-	3,438	-	3,438
Netherlands	22,725	22,725	-	20,475	19,075	1,400
Norway	253,501	206,580	46,921	253,839	224,920	28,919
<b>Total (in euro)</b>	<b>635,085</b>	<b>543,673</b>	<b>91,412</b>	<b>904,293</b>	<b>730,415</b>	<b>173,878</b>

The contribution figure for Germany in 2011 includes a carried over balance from the donation of 2010 to the value of €48,859, of which €33,644 was disbursed between 1 January - 5 April 2011.

A refund of €15,215 to the German government was made as per signed agreement.

3.6 *Expenditures* of €2,507,718 comprise disbursements of €1,662,013 unliquidated obligations of €841,076 and repatriation grant accrual of €4,629. Earmarked disbursements amounted to €543,673 in 2011 spent on assistance to victims and to fund a project supporting a legal advisor.

3.7 *Unliquidated Obligation* have been recognized in accordance with ICC Financial Regulation 4.5 “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 2011 and as a result include activities relating to 2012. The Trust Fund for Victims reserves the rights to cancel these obligations in exceptional circumstances, reducing the actual obligation at 31 December 2011.

3.8 *Savings on, or cancellation of prior periods’ obligations*: actual disbursements against the prior periods’ obligations of €833,984 amounted to €647,651. The savings were therefore €186,333.

3.9 *Refund to donors*: €15,215 is the balance of a project supporting a legal advisor to assist in the legal preparations for implementing reparations funded by Germany in 2011.

3.10 *Other accounts receivable* in the amount of €14,630 represent interest earned but not yet received as at 31 December 2011.

3.11 *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 ICC became a member organisation of the UNJSPF with effect from 1 January 2004. The UNJSPF provides retirement, death, disability and related benefits to ICC staff.

The Pension Fund is a funded defined benefit plan. The financial obligation of the organisation 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.

3.12 *Contributions from the ICC*: in annex 6 of resolution ICC-ASP/1/Res.6, the Assembly of States Parties 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 2011, the Assembly of States Parties approved an appropriation of €1,205,200 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 €1,113,658.

3.13 *Donations in kind*: In 2011, the Prosecutor of the ICC donated a Rolex watch to the Trust Fund for Victims which he had received as a gift from the Emir of Qatar. According to the ICC staff rules and regulations, officials from the Court are not allowed to accept gifts of this nature. According to the certificate, the Rolex watch worth is estimated at \$8,500 (equivalent to €6,579 at 31.12.2011 UN Foreign Exchange rate). The secretariat of the Trust Fund for Victims is holding it until it will be liquidated by organising an auction in order to invest the funds into programmes activities.

3.14 *Matched partner expenditure*: The following are the significant matching funding recorded by the Trust Fund for Victims during the financial period:

The Trust Fund for Victims recorded €705,077 (31.12.2011 UN Foreign Exchange rate) as matching resources such as services, support provided to the victims by implementing partners in 2011.

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