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

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Executive Summary

1. At its twenty-sixth session, the Committee considered a vast number of substantive issues, *inter alia*, budgetary governance aspects, financial and budgetary matters, institutional and administrative questions, synergies, reparations, legal aid, questions relating to human resources and the cost-overrun on the permanent premises.
2. The Committee welcomed the initial efforts instigated by the Court to improve its budget process and was pleased that its previous recommendations and suggestions were taken into consideration in a constructive manner. The Committee hopes that the revised structure of the budget document will provide for a more consistent, comparable and transparent presentation of information in line with the “One-Court Principle” and the Committee’s suggestions at its twenty-fourth session, including detailed information on human resources (e.g. established posts, GTA and STA).
3. To complement the reform of the budget process by the Court, the Committee considered reviewing its internal processes and procedures to ensure appropriate compliance with the evolution of international best practices standards.
4. The Committee noted with concern that as at 15 April 2016 contributions of €64.32 million (47.09 per cent) were outstanding for the 2016 approved budget of €136.58 million, and further expressed its deep concern about the increase in outstanding contributions from previous years. The Committee recalled that it was imperative for States Parties to pay their contributions and loan interest on time, in particular with a view to ensuring sufficient cash flow that is essential for the Court’s operation, and to enabling the Court to meet its legal obligations.
5. While the Committee recalled that the Assembly at its fourteenth session had resolved that the Working Capital Fund (WCF) level shall be maintained in the amount of €7.4 million for 2016, the Committee noted that on 31 December 2015 the WCF dropped for the first time to the level of €1.6 million. Thus, the Committee stressed the importance of full and timely contributions by States Parties and reiterated that the WCF should only be used for the purpose that it was created for. Moreover, the Committee further requested the Court to exercise strict financial discipline and transparency in the use of the Court’s funds.
6. The Committee expressed its view that the Court-wide “Basic Size” exercise can provide a valuable basis for the preparatory discussions between the Court and the Assembly on the annual budgetary assumptions. However, the Committee also highlighted the importance of the Court and of States Parties to have a common understanding of the purpose of the model and its relation to annual budget planning. The Committee looked forward to the full costing of the Court-wide impact of the “Basic Size” model at its twenty-seventh session and noted that this exercise, in addition to the revised budget process, may create an opportunity for a better understanding of the cost drivers related to the Court’s overall expenditures.
7. The Committee considered the impact of the Registry’s reorganization, including its short-term and long-term financial implications. The Committee took note of the amended human resource structure in the Registry, in particular of the high increase in the number of staff in the Registry in 2016, compared to the staff level after the Registry’s reorganization. The Committee looked forward to the full assessment of the External Auditor on the ReVision process and would scrutinise it closely.
8. The Committee took note of the most recent initiatives in the lessons learnt process in the Presidency and the efforts aimed at improving the efficiency and effectiveness of the proceedings before the Court. It encouraged the Presidency and Registry to continue their intensified collaboration striving for a more efficient task allocation of administration resources.
9. As regards the identification of Court-wide synergies, the Committee welcomed the Court’s focus on the target areas previously identified by the Committee, including the identification of quantified and non-quantified efficiency gains and savings. The Committee is expecting a continuation of these efforts with a view to identifying further inter-organ synergies and efficiency gains in the areas identified by the Court.
10. The Committee recalled its earlier indication that the issue of reparations had the potential of having a significant impact on the reputation and operations of the Court, while noting the significant administrative and workload implications for the Court in this regard. The Committee suggested that this matter would need to be taken into consideration in the “Basic Size” exercise of the Court and decided to closely monitor the implementation of reparations at its forthcoming sessions.
11. As regards human resources, the Committee noted that in 2015 the Court underwent major changes in its structure and staffing. The Committee encouraged the Court to take the necessary measures in order to ensure that the implementation of the short-term appointment modality will observe the nature of its functions, and will lead to a wider use of this recruitment process by replacing the non-recommended

practice of using Special Services Agreements, and resolved to monitor the implementation of short-term appointments, as appropriate. In relation to the requests for reclassification and conversion of posts, the Committee underlined that its deliberations would be facilitated if it was provided with updated assessments and detailed information on the justification for any such potential reclassifications or conversions.

12. The Committee noted that the Court had not yet concluded the reassessment of the legal aid system, as the condition of the completion of a full judicial cycle had not been fulfilled and requested the Court to report thereon, once the conditions were fulfilled. The Committee further recalled the Assembly resolution adopted at its fourteenth session¹ that requested the Court to consider appropriate policy options concerning legal aid to be provided in article 70 cases. The Committee acknowledged legal aid as a very significant cost driver for the Court and resolved to continue closely monitoring any development in this regard.

13. The Committee noted with concern the new cost overrun on the permanent premises project with regard to the expected maximum expenditure level of €204 million as set by the Assembly in 2015. The Committee recommended that, irrespective of the funding source, the Court should ensure meeting its financial obligations as they fall due.

¹ *Official Records of the Assembly of States Parties, Fourteenth session, The Hague 2015*, (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 14.

I. Introduction

A) Opening of the session, election of officers, adoption of the agenda and organization of work

1. The twenty-sixth session of the Committee on Budget and Finance (“the Committee”), comprising nine meetings, was held at the seat of the International Criminal Court (“the Court”) in The Hague, from 18 to 22 April 2016.

2. For the twenty-sixth session, the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its fourteenth meeting on 26 November 2015.

3. For the twenty-sixth session, the Committee elected Ms. Carolina María Fernández Opazo (Mexico) as Chairperson in accordance with rule 10 of its Rules of Procedure. The Committee further decided, by consensus and on an exceptional basis, in accordance with rule 10 of its Rules of Procedure, to extend the term of the Vice-Chairperson, Mr. Richard Veneau (France), until 18 September 2016 in order to allow the Vice-Chairperson to complete a full term of Vice-Chairmanship. Moreover, the Committee decided by consensus that in accordance with rule 10 of its Rules of Procedure and following the practice of geographical rotation, Mr. Hitoshi Kozaki (Japan), would become the new Vice-Chairperson at the beginning of the twenty-seventh session of the Committee from 19 September 2016 until the beginning of the twenty-eighth session of the Committee in April 2017.

4. The Committee appointed Mr. Hugh Adsett (Canada) as Rapporteur.

5. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee, and the Secretariat of the Assembly of States Parties (“the Secretariat”) provided the logistical servicing for the Committee.

6. At its first meeting, the Committee adopted the following agenda (CBF/26/1):

- 1) Opening of the session,
 - (a) Adoption of the agenda; election of officers and participation of observers
- 2) Budgetary governance
 - (a) Budget process reform
 - (b) Other budgetary governance issues, including internal processes and procedures
- 3) Other financial and budgetary matters
 - (a) Status of contributions and States in arrears
 - (b) Programme performance of the 2015 budget, and 2016 first quarter
 - (c) Amendments
 - i. Updated Administrative Instruction on cash balance and investment of liquid funds
 - ii. Amendments to Financial Regulations and Rules on supplementary budget
 - (d) Precautionary reserves
 - i. Working Capital Fund
 - ii. Employee Benefit Liability fund
 - (e) Analytical accountability
 - i. Cost accounting for investigations, trials and cases, including Lubanga and Katanga cases
 - (f) Full costing of the impact of the “Basic Size” and the Strategic Plan for 2016-2018 internal working documents on other organs of the Court
- 4) Institutional reform and administrative matters
 - (a) Office of the Prosecutor
 - i. Evaluation of Strategic Plan 2012 - 2015
 - (b) Impact of Registry reform

- i. Staggered approach to implementation of Registry structure
 - ii. An explanation of the added value of the newly established External Relations and Field Cooperation Section of 23 posts
 - iii. ReVision: Full implications; capacity to absorb increases in the workload and tangible efficiencies
 - (c) Judiciary - Update on Lessons learnt
 - (d) Synergies among the organs of the Court
 - (e) Reparations
 - (f) Transfer of two convicts from The Hague to the Democratic Republic of the Congo
 - 5) Human resources
 - (a) Human resources management annual report
 - i. Implementation of new performance appraisal system
 - ii. Plan to correct the geographical representation
 - iii. UN common system
 - iv. Reclassification / conversion of posts
 - 6) Legal aid
 - (a) Registry's semi-annual report: Outcome of the reassessment of the legal aid system
 - 7) Permanent premises
 - (a) Report of the Oversight Committee, including Total Cost of Ownership
 - (b) Cost overrun of the permanent premises
 - 8) Other matters
7. The Committee welcomed the new member, Mr. Urmet Lee (Estonia), elected at the fourteenth session of the Assembly. The following members attended the twenty-sixth session of the Committee:
- 1) Hugh Adsett (Canada)
 - 2) David Banyanka (Burundi)
 - 3) Carolina María Fernández Opazo (Mexico)
 - 4) Fawzi A. Gharaibeh (Jordan)
 - 5) Hitoshi Kozaki (Japan)
 - 6) Urmet Lee (Estonia)
 - 7) Rivomanantsoa Orlando Robimanana (Madagascar)
 - 8) Mónica Sánchez Izquierdo (Ecuador)
 - 9) Gerd Saupe (Germany)
 - 10) Elena Sopková (Slovakia)
 - 11) Richard Veneau (France)
 - 12) Helen Warren (United Kingdom)

B) Participation of observers

8. The following major programmes of the Court were invited to make presentations in the meetings of the Committee: the Presidency, the Office of the Prosecutor (OTP), and the Registry. Furthermore, the Chair of the Oversight Committee on Permanent Premises (OC), Ambassador Sabine Nölke (Canada), made a presentation to the Committee, and the Head of the International Organisations External Audit Department/External Audit Director of the ICC, Mr. Richard Bellin, addressed the Committee on the Audit Report on the Budget Performance

of the Permanent Premises Project.² The Committee accepted the request of the Staff Union Council to make a presentation to the Committee. The Committee expressed its appreciation for the presentations.

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

A) Budgetary governance

1) Budget process reform

9. At its twenty-fifth session, the Committee suggested a number of ways in which the Court could improve its budgetary process and document to ensure clear, consistent and transparent information.³

10. The Committee attended a workshop organized by the Court to present its work on the budget process reform. Following the One-Court-Principle, representatives from all organs of the Court presented a summary of the overall approach and internal governance of the revised process, as well as the proposed structure to the budget document itself.

11. The Committee thanked the Court for its preparatory work and for consulting the Committee at this stage for feedback. It was pleased that the recommendations and suggestions made in the previous report were taken on board in a constructive manner.

12. Overall the Committee welcomed the proposed changes but requested that the following also be considered:

- (a) The overall length of the document must also take into account the financial costs per page of documentation. The document should be understandable and accessible to readers;
- (b) The Court must liaise with the Assembly as appropriate during the process, including on the underlying assumptions that form the basis of the budget;
- (c) The draft budget must take into account changes to original assumptions and measurement of success against agreed objectives;
- (d) Data should be comparable, consistent and presented with year-on-year or trend analysis;
- (e) Budget tables should reflect approved budget levels, actual expenditure and the proposed budget; and
- (f) The draft budget must include the following information:
 - (i) Savings: real one-time or continued decreases to spending of approved expenditure;
 - (ii) Efficiencies: delivering more than assumed with the same approved expenditure or the same with less approved expenditure for the year;
 - (iii) Agreements that would result in a multi-year spending commitment; and
 - (iv) Human resource information including a differentiation between established posts, changes to the organigramme, use of General Temporary Assistance (GTA) and Short-term Appointment (STA) for short term activity.

13. The Committee reiterated that all documents submitted by the Court to the Committee must comply with the principles set out in the report of the Committee on its twenty-fifth session,⁴ in particular:

- (a) All documents should be available 45 days before the Committee session begins; and
- (b) Both English and French versions must respect this deadline.

² ICC-ASP/15/4.

³ *Official records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 23 et seq. At its fourteenth session, the Assembly invited the Court to ensure a stringent internal budgetary process and made several suggestions on how to improve the budgetary process. The Assembly invited the Committee in this regard to provide advice to the Court, as required, to ensure these processes are continuously reviewed and improved. Cf. *Official records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 6.

⁴ *Ibid.*, paras. 23-28.

2) Other budgetary governance issues, including internal processes and procedures

14. To complement the reform of the budget process by the Court, the Committee considered reviewing its internal processes and procedures to ensure appropriate compliance with the evolution of international best practices standards.

15. The Committee had a preliminary discussion on that issue and has set up an internal working group to undertake an internal review of its working practices including its own budget implementation in order to feed into the new Court-wide process and transparency rules and to report to the Committee at its twenty-eighth session.

B) Other financial and budgetary matters

1) Status of contributions

16. The Committee reviewed the status of contributions as at 15 April 2016 (annex I):

- (a) The assessed contribution for the approved budget for 2016 of €136.58 million;⁵ and
- (b) Interest expense of €2,185,719 generated in 2015 from the use of the loan for the permanent premises.

17. The Committee noted that, as at 15 April 2016, contributions of €64.32 million (47.09 per cent) were outstanding for the 2016 approved budget of €136.58 million. At the same date, the outstanding contributions for the replenishment of the Contingency Fund were €5,746.

18. The Committee noted that the outstanding contributions from previous years stood at €16.9 million at the end of 2015, compared to €9 million at the end of 2014, and expressed its deep concern about the increase in outstanding contributions.

19. As at 31 December 2014, 65 States Parties had chosen to make full one-time payments to contribute to the construction of the new permanent premises. States Parties that had not opted to make a one-time payment were required to cover the interest payments due on the loan from the host State. The outstanding loan interest as at 15 April 2016 stood at €576,424 (€102,915 from the previous year and €473,509 for 2016) making a total of €81,670,593 in outstanding contributions, including the interest.

20. The Committee noted that, as at 15 April 2016, 52.90 per cent of the contributions due in 2016 had been paid compared to 56.82 per cent in 2015. The Committee expressed its concern that only 48 States Parties of 123 had fully paid their contributions as at 15 April 2016. **Given the legal obligation of the Court to pay interest and in the future to also repay the loan for the permanent premises, the Committee recalled that it was imperative for States Parties to provide their timely contributions. Failure to do so may result in decreasing available cash flow to the Court for its essential operating activities. The Committee urged all States Parties to make their best efforts to ensure that the Court had sufficient funds throughout the year, in accordance with regulations 5.6 of the Financial Regulations and Rules (FRR). Furthermore, the Committee requested the Court to notify States Parties that had not paid the contribution in full on their payment obligations as soon as possible.**⁶

2) States in arrears

21. According to article 112, paragraph 8 of the Rome Statute, “a State Party which is in arrears in the payment of its financial contributions toward the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.” The Committee observed that, as at 15 April 2016, 12 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 twice in 2015, and once on 4 April 2016, 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 later in the year highlighting their commitment to the budget. The Committee recommended that all States Parties in arrears settle their accounts with the Court as soon as possible.**

⁵ *Ibid.*, vol. I, part III, ICC-ASP/14/Res.1, section A, para 4.

⁶ See paras. 32-37 of this report.

3) Programme performance of the 2015 budget

22. The Committee considered the Report on activities and programme performance of the International Criminal Court for the year 2015.⁷ Based on preliminary and unaudited numbers, the overall implementation rate of the regular budget had been 97.1 per cent or a total of €26.83 million against an approved budget of €30.67 million and overall actual implementation of the four Contingency Fund notifications submitted to the Committee had been 85.6 per cent or a total of €5.36 million against the total notified amount of €6.26 million.

23. Therefore, the Court's actual expenditure, taking together the regular budget and the Contingency Fund notifications, had been €32.19 million in total (€26.83 million plus €5.36 million). This represented an overspend of €1.52 million (€30.67 million minus €32.19 million) against the 2015 approved budget, which represents an implementation rate of 101.2 per cent.

24. The Committee noted that the implementation rates of the regular budget by the major programmes had been 90.6 per cent for the Judiciary, 96.9 per cent for the OTP, 99.9 per cent for the Registry, 94.8 per cent for the Secretariat, 85.0 per cent for the Secretariat of the Trust Fund for Victims (TFV), 92.5 per cent for the Project Director's Office, 22.1 per cent for the Independent Oversight Mechanism, 99.9 per cent for the Office of Internal Audit, 89.9 per cent for the Interim Premises and 99.2 per cent for the Permanent Premises Project – Interest.

25. The reason for the main underspend in some major programmes against the 2015 approved budget was related largely to changes in assumptions, such as the later calling to office of the newly elected judges and to a reduction in general operating expenses that were implemented at a rate of 88.5 per cent, or €7.27 million, against the approved budget of €19.52 million, with a residual balance of €2.25 million, as a result of the slow-down in some activities.

26. **With respect to the 2015 budget programme performance, the Committee noted the large amount of missions conducted by the Court, and requested the Court to report on how the frequency and costs for missions had developed over the years and on any future developments anticipated at its twenty-seventh session.**

27. The Committee noted that travel expenditures had significantly increased to a level of €6.7 million in 2015, compared to €5.6 million in 2014, thereby creating an overrun in real travel expenditures of €1.4 million against the approved budget of €5.3 million, when including the travel-related resources from the Contingency Fund. **In order to avoid a continuation of this trend in 2016, the Committee recommended better planning of travel missions, including with respect to the number of participants, travel duration and other related costs.**

28. The Committee welcomed the fact that the multi-year IPSAS project that had started in 2011 was successfully concluded in 2015 within the planned timeline with budgetary savings of €45,300 against the approved budget of €1.92 million. The IPSAS project could serve as an example for future multi-year projects, in particular as regards the flexible transfer of financial resources in the frame of the duration of the project.

(a) Contingency Fund

29. The Court was confronted with a number of unforeseen developments, such as unforeseen investigative activities required to complete the cases involving *Charles Blé Goudé, Bemba et al.* (CAR article 70), the extension of the mandate of one judge and a limited number of support staff in the case of *Bemba* and activities following the surrender of *Dominic Ongwen* in the Uganda situation. These developments required additional financial resources from the Contingency Fund.

30. The Committee noted that some costs incurred for the construction of the permanent premises were covered by the 2015 regular budget of the Court. As a consequence, the Court had a reduced ability to absorb unforeseen expenditures for core activities and had to resort to the Contingency Fund. **In order to maintain strict financial discipline and transparency in the use of the Court's funds, the Committee requested that all construction costs and resources needed for compensation events for the permanent premises paid from the resources originally approved by the Assembly for core activities of the Court, are to be submitted separately to the Committee in a detailed, comprehensive and transparent manner at its twenty-seventh session.**

31. At its fourteenth session, the Assembly had resolved that the Contingency Fund was to be maintained at the notional level of €7 million.⁸ As at 31 December 2015, the level of the Contingency Fund decreased to a level of €5,784,923, as a result of withdrawals in the amount of €1,708,954. **Bearing in mind the need of the Court to be equipped for unforeseen situations and to keep the minimum level of the Contingency Fund**

⁷ ICC-ASP/15/3.

⁸ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section D.

as resolved by the Assembly, the Contingency Fund will need to be replenished by assessed contributions of States Parties in the context of the 2017 programme budget.

(b) *Working Capital Fund*

32. At its fourteenth session, the Assembly took note of the conclusions of the External Auditor⁹ and the recommendations of the Committee¹⁰ on the appropriate level of the Working Capital Fund (WCF) of the Court and resolved that the WCF shall be maintained in the amount of €7,405,983 for 2016. The Assembly further requested the Court to use the surplus funds of the financial period 2014 and onwards for the replenishment of the WCF, which shall have priority over other potential calls on the use of the surplus funds.¹¹

33. The Committee noted that as at 31 December 2015, the level of the WCF had dropped to €1,615,124,¹² resulting from the use of resources to overcome short-term liquidity shortfalls pending receipt of assessed contributions.

34. The Committee recalled that at the time, when the fund was created, the €7.4 million represented one month's average spending of the Court. The level of the fund has not increased since and now corresponds only to average expenditures for approximately two weeks.

35. The Committee again stressed the importance of full and timely contributions. **In 2015, it was the first time that the WCF was resorted to, hence, the Committee recommended to States Parties to make use of the WCF for the purpose it was created for.**

36. The Committee noted with concern that payments for assessed contributions that were received in the first quarter of 2016 had to be used to restore the level of the WCF at €7.12 million as at 31 March 2016 and that this balance does not correspond to the level of €7.4 million approved by the Assembly, whereby the difference results from outstanding contributions to the WCF.

37. **The Committee requested the Court to analyse the appropriate level of the WCF by taking into account the previous conclusions of the External Auditor and the recommendations of the Committee, and further to submit a report thereon to the Committee at its twenty-seventh session, as a way of assisting the Assembly in taking a decision on the future level of the fund.**

4) **Programme performance of the 2016 budget: first quarter**

38. The Committee had before it the Report on Budget Performance of the International Criminal Court as at 31 March 2016.¹³ The Committee observed that the implementation rate was at 28.2 per cent, or €39.29 million, against the 2016 approved budget of €139.59 million, and agreed to continue to monitor the situation at its twenty-eighth session.

39. The Committee noted that the lower implementation rate was connected to lower staff costs due to the staggered recruitment under the ReVision reorganization and that the implementation rate would increase during the course of the year once the vacant positions were filled.

40. While as at April 2016, there was no Contingency Fund notification submitted, the Committee was informed by the Court that developments are expected to take place leading to additional financial needs that had not yet been budgeted for.

5) **Amendments**

41. The Committee considered the Report of the Court on policy issues,¹⁴ covering the following issues: (a) funding of ASHI liabilities; (b) amendments to the FRR; and (c) investment of liquid funds.

⁹ *Ibid.*, part II, section B, para. 4.

¹⁰ *Ibid.*, annex I.

¹¹ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section B, paras. 1-3.

¹² ICC-ASP/15/3.

¹³ CBF/26/9.

¹⁴ CBF/26/4.

(a) *Funding of ASHI liabilities*

42. The Committee noted that the Court had assessed the ASHI funding status within the UN system. The Court is currently following the so-called “pay-as-you-go” approach and will eventually have to adopt a plan to finance Employee Benefits Liabilities, including ASHI.

43. The Committee considered the approach currently followed by the Court and noted that the cost for the funding of ASHI liabilities was moderate (€10,363 for three eligible staff members in 2015). **The Committee observed that further work would have to be carried out to determine if the establishment of a reserve would be appropriate. Recalling its recommendations at its twenty-fourth session,¹⁵ the Committee requested the Court to make an assessment on the establishment of a reserve and its appropriate level at its twenty-eighth session and, concluded that the “pay-as-you-go” approach should be maintained in the short-term.**

(b) *Amendments to the Financial Regulations and Rules*

44. The Committee had before it the Court’s proposal on how to amend the FRR in order to accommodate situations, in which new needs arose after the submission of the proposed programme budget but before the beginning of the financial year to which it pertained. **The Committee expressed its view that further discussion was required at its twenty-seventh session in order to finalize the amendments before submitting them to the Assembly. The proposed changes to the FRR would encompass the following:**

- (a) **Addendum to the proposed programme budget: for unforeseen circumstances that become known after the preparation of the proposed programme budget and before the meeting of the Assembly in the same year;**
- (b) **Supplementary budget: for matters of an exceptional or extraordinary nature which go beyond the funds available in the Contingency Fund and therefore necessitate a separate decision by the Assembly; and**
- (c) **Contingency Fund: for unforeseen or unavoidable expenses arising for the following budget year after the approval of the programme budget by the Assembly.**

(c) *Investment of liquid funds*

45. At its twenty-fifth session the Committee had approved the proposal by the Court to amend Regulation 9.1 of the FRR in order to permit the Registrar to invest money not needed for the investment period up to 36 months (“medium-term investments”).¹⁶ The Committee had before it the updated Administrative Instruction (AI) on the Investment of Surplus Funds, reflecting the proposed amendments.

46. **The Committee welcomed the proposed amendments to the AI, while recommending that the third sentence of paragraph 9.4 should read as follows: “This exception shall be approved by the Investment Review Committee.”¹⁷**

47. **In line with paragraph 8.2 of the AI,¹⁸ the Committee requested to be informed periodically by the Registrar on all relevant details, such as all short and medium-term investments, with comparative figures of prior years, if applicable, including the nominal value, the cost of the investments, the date of maturity, the issuer, the proceeds of sales and any income earned.¹⁹** The Committee recalled in this regard its responsibility to technically examine any document submitted to the Assembly containing financial and budgetary implications.

6) **Analytical accountability**

48. The Committee had before it the Report of the Court on the development of analytical accountability and the ability to report on the average cost of each step in the judicial process.²⁰ The Committee noted with concern that there was no further progress in 2015 in terms of developing analytical tools. **However, the Committee also noted, that the costing of the “Basic Size” model and the revised budget process**

¹⁵ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, paras. 57 et seq.

¹⁶ *Ibid.*, part B.3, paras. 110-111.

¹⁷ CBF/26/4, annex II, para. 9.4 in the original proposed version reads: “This exception shall be approved by the Chief of the Budget and Finance Section or the Investment Review Committee.”

¹⁸ *Ibid.*, para. 8.2: “In accordance with Financial Regulation 9.1, the Registrar shall report periodically on all investments to the Presidency and through the Committee on Budget and Finance, to the Assembly of States Parties.”

¹⁹ *Ibid.*, para. 11.2.

²⁰ CBF/26/3.

rendered an opportunity to understand cost drivers related to the Court’s overall expenditures, which would eventually provide information on costs per activity. The Committee looked forward to a final analysis of the Court on this matter at its twenty-eight session.

7) “Basic Size” of the Court

49. The Committee had before it the Interim report of the Court on the Court-wide impact of the OTP “Basic Size” model.²¹

50. The Committee noted the following assumptions made throughout the report:

- (a) An increase in the number of situations and countries at successive increments;²²
- (b) Three fully operating Courtrooms;
- (c) 18 judges;
- (d) The maximum capacity of the new premises (1,400 workstations); and
- (e) The time line of the model now spans of six years (rather than three) with the intention of spreading the cost of the incrementally increased annual activity as assumed.

51. The Committee also noted that the model is eventually to include more detailed input from organs other than the OTP, notably the Registry, and will also need to take into account activities that have not yet been fully defined, such as work required to implement reparations awards.

52. The Committee highlighted that the “Basic Size” model projected roughly a doubling of countries and situations that would be under consideration by the Court within five years. Although the model itself is not costed, it could be anticipated that there would be significant cost consequences, if the activities of the Court were to increase to that extent.

53. The Committee wished to draw to the attention of States Parties that it is the Committee’s view that this important work can provide valuable context for the preparatory discussions between the Court and the Assembly on the annual budgetary assumptions. However, the Committee also noted that it would be important for the Court and for States Parties to have a common understanding of the purpose of the model and its relation to annual budget planning.

54. The Committee also looked forward to examining the methodology that will be used to undertake future costing of the Court’s activities. Work to develop and understand cost drivers for the Court’s overall expenditure will be essential to the budgetary process.

55. The Committee was advised that the upcoming 2017 proposed programme budget is not being prepared as a function of the “Basic Size” model. The Committee reiterated its view that, irrespective of the “Basic Size” framework, each annual budget needs to be justified on its own merits.

C) Institutional reform and administrative matters

1) Office of the Prosecutor

(a) *The Strategic Plans 2012-2015 and 2016-2018*

56. The Assembly,²³ as well as the Committee²⁴ had requested the OTP to submit a final analysis and evaluation of the Strategic Plan for 2012-2015. The Committee had before it the OTP’s report on updated results of the Strategic Plan (June 2012-2015).²⁵ The Committee noted that the results of the Strategic Plan 2012-2015 were reviewed and published in the 2016-2018 Strategic Plan.

²¹ CBF/26/12.

²² *Ibid.*, para. 38.

²³ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 11.

²⁴ *Ibid.*, vol. II, part B.3, paras. 30-31.

²⁵ CBF/26/6.

2) Registry

(a) *Staggered approach to the implementation of the Registry structure*

57. The Committee had before it the Court's Explanation to the Committee on Budget and Finance on staggered implementation of the new Registry structure,²⁶ as requested by the Committee²⁷ and the Assembly.²⁸ In 2015, the staggered approach led to reductions of €3.4 million in the Registry's 2016 approved budget. The Registrar informed the Committee that due to the staggered approach there was a 25 per cent vacancy rate in Major Programme III.

58. The Committee took note that critical vacant posts had been filled through short-term appointments to overcome temporary gaps. The costs for this temporary staffing would be fully absorbed through deferred costs.

59. **By filling staggered positions with internal candidates, the staggered approach will extend to 2017 and result in the maintaining of a high vacancy rate. The Committee was of the view that the staggered approach should lead to additional reductions of increased costs, exceeding the originally envisaged level of €3.4 million, as a result of delays in recruitment and the delayed filling of staggered positions. The Committee, therefore, requested the Court to provide a detailed break-down of such reductions at the twenty-eighth session of the Committee. The Committee further expected that the total reduction of work months will lead to reduced costs in the 2017 proposed budget.**

(b) *External Operations Support Office*

60. The Committee noted that in the time frame from 2015 to 2016, staff costs for professional staff, general service staff and GTA for Major Programme III increased by €2,290.5 thousand (or 5.5 per cent).²⁹ In 2016 the increase in the number of staff was 53.9 FTE posts (28 established posts and 25.9 FTE GTA), which represents a staff increase of 9.8 per cent, compared to the staff level after the Registry's reorganization.³⁰ This unprecedented growth in staff was said to be linked to increased workload, resulting from the need to strengthen the field offices, as well as extra staff for the permanent premises. In this context, the Committee had requested the Registry at its twenty-fifth session to provide an explanation of the added value of the newly established External Operations Support Section (EOSS) for its twenty-sixth session.

61. The Committee had before it the requested Explanation on the role, structure and value of the External Operations Support Section in the Registry,³¹ and noted that functions previously spread over different Registry sections are now consolidated within one single section, namely the External Operations Support Section (EOSS).

62. The Committee noted that EOSS consists of 23 posts, compared to 13 posts that existed in the previous Registry structure, thus representing a net staff increase of 10 posts. The objectives of the new structure are to ensure a better coordination and reinforcement of external relations, more comprehensive mission planning, better crisis management support and greater flexibility.

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

²⁶ CBF/26/11.

²⁷ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para 63 (a).

²⁸ *Ibid.*, vol. I, part B.1, para. 50.

²⁹ The approved budget for 2015 (in thousands of euros) for professional staff, general service staff and GTA within Major Programme III amounted to €41,802.7 (€20,136.3 + €17,160.5 + €4,505.9 = €41,802.7). The approved budget for 2016 (in thousands of euros) for professional staff, general service staff and GTA within Major Programme III amounted to €44,093.2 (€24,405.7 + €17,663.6 + €2,023.9 = €44,093.2). Thus, the increase from 2015 to 2016 amounts to €2,290.5 thousand (€44,093.2 - €41,802.7 = €2,290.5) or 5.5 per cent (€2,290.5 / €41,802.7 * 100 = 5.5).

³⁰ While the approved staffing of the Registry for 2015 comprised 496 established posts (cf. ICC-ASP/13/20, table 27), after the reorganization of the Registry, Major Programme III comprised 551 established posts, when including the post of Staff Council Officer/President of Staff Council that is unfunded, meaning that the costs thereof are being divided amongst and absorbed by Major Programme I, II and III. The approved staffing for Major Programme III for 2016 comprised 579 established posts and 25.9 GTA FTE which represents a staff increase of 9.8 per cent, compared to the post-ReVision level (579 + 25.9 - 551 = 53.9 FTE posts or 9.8 per cent (53.9 / 551 * 100 = 9.8)).

³¹ CBF/26/14.

(c) *ReVision: Full implications*

64. At its fourteenth session, the Assembly noted that the full implications of the ReVision process, including its financial implications both in the short-term and the long-term, would be the object of further clarifications to the Committee at its twenty-sixth session.

65. The Committee had before it the Court's Report on the benefit-cost analysis of the Registry's reorganization.³² The report primarily set out the following supposed benefits: (a) *long-term financial savings*, which could allow the Registry to carry out the same activities with fewer resources; (b) *one-time financial savings* resulting from the staggered implementation of the new structure; (c) *additional functions* performed by the revised Registry which might come under pre-existing resources; (d) efficiencies through *centralized Registry services* that could increase coordination and cooperation within the Registry; (e) efficiencies through the creation of a more *flexible workforce*, which could enable the Registry to better address shifting priorities and increase its capacity to absorb additional workload; and (f) efficiencies due to the Registry's continued *organizational development* during the reorganization.

66. The Committee noted that the structure of the Registry was reduced, in a first step, from 560.4 established posts and approved positions to a total of 550 posts, as a result of the reorganization of the Registry.³³ In the post-reorganization phase, however, the number of established posts increased to 578, namely 27 additional established posts and one additional established post as a result of a transfer from the Project Director's Office to the General Services Section. Furthermore, additional 25.9 FTE GTA were included in the Registry 2016 approved budget to accommodate the increase in judicial activities, which had an impact on different sub-programmes of the Registry.

67. The Committee observed that some of the GTA positions that were originally converted into established posts during the ReVision project were added to the 2016 budget as additional GTA positions (e.g. field interpreters) and, in some cases (e.g. with respect to security staff), there was no clear justification of the sustainability of the reduced need for established posts.

68. **The Committee looked forward to the full assessment of the External Auditor on the ReVision process, including its cost, its impact and its implementation and would scrutinise it closely.**³⁴

3) **Judiciary**(a) *Update on Lessons learnt*

69. The Committee had before it the Report of the Court on lessons learnt and synergies in Presidency,³⁵ as requested.³⁶

70. The Committee took note of the most recent initiatives in the lessons learnt process under the guidance of the Working Group on Lessons Learnt related to the pre-trial stage, the pre-trial and trial relationship and common issues, the trial stage, appeals, as well as changes of practice that aim at improving the efficiency and effectiveness of the proceedings before the Court.³⁷

71. **The Committee took note of the efforts undertaken for a more efficient task allocation of administration resources between the Presidency and Registry and their intensified collaboration, and further encouraged the Presidency to continue this practice and report on new developments to the Committee at its twenty-eighth session.**

4) **Synergies among the organs of the Court**

72. The Committee considered the Report of the Court on inter-organ synergies³⁸ and noted that the Court had established an inter-organ Steering Committee, which developed a project plan and methodology for examining potential areas for Court-wide synergies.³⁹

³² CBF/26/17.

³³ These figures do not include the position of one Staff Council Officer/President of Staff Council which is unfunded; meaning that the costs thereof are being divided amongst and absorbed by Major Programme I, II and III.

³⁴ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 13.

³⁵ CBF/26/10.

³⁶ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para. 51.

³⁷ Report of the Bureau on the Study Group on Governance, ICC-ASP/14/30, 16 November 2015, Annex II.

³⁸ CBF/26/13.

³⁹ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 4.

73. The Committee welcomed the Court's focus on the target areas previously identified by the Committee, such as human resources, language services and public information, and further welcomed the quantified and non-quantified efficiency results on synergies, including savings, achieved during the initial phase of the project and recommended that these findings would be reflected in the 2017 proposed programme budget.⁴⁰

74. The Committee looked forward to an update on inter-organ synergies within the framework of the continued work on the "Basic Size" and its full costing analysis and on the identification of further efficiency gains in the Court's operations in the course of the project, including in the areas identified by the Court requiring further consideration in this regard (field operations, administration and judicial operations) at its twenty-seventh session and a final report at its twenty-eighth session.

5) Reparations

75. The Committee considered the Report of the Court on developments with regard to reparations,⁴¹ which outlined the main principles applying to reparations and relevant judicial developments on this matter in the *Lubanga* and *Katanga* proceedings.

76. While the Committee acknowledged the potential impact of the reparations mandate on the legitimacy of the Court, it also noted the significant administrative and workload implications for the Court in this regard, in particular for the Registry, the Victims Participation and Reparations Section (VPRS) and the TFV.

77. The Committee recalled its earlier indication that the issue of reparations had the potential to have a significant impact on the reputation and operations of the Court.⁴² It noted that this matter would need to be taken into account as the Court continued its work on the "Basic Size" and its full costing analysis. **The Committee was cognizant of the fact that the final pattern of reparations in both the *Lubanga* and the *Katanga* cases would depend on future decisions by the Chamber and the TFV and, therefore, requested the Court to provide the Committee with detailed information on the administrative and operational cost implications resulting from the implementation of reparations, once these can be determined, and further agreed to closely monitor the situation at its forthcoming sessions.**

D) Human resources

1) General

78. The Committee had before it the Report of the Court on human resources management.⁴³ The Committee noted that in 2015 the Court underwent major changes in its structure and staffing. It further acknowledged that the Court managed to address a number of recommendations made by the Committee, while efforts to increase efficiency would continue in 2016 and beyond.

79. The Committee welcomed the establishment of a contract modality for short-term appointments, addressing some of the Committee's recommendations.⁴⁴

80. The Committee was informed of the Court's development of an Administrative Instruction on Consultants and Individual Contractors, including a provision on the appropriate use of *pro-bono* contracts, requested by the Committee at its twenty-fourth session, and called upon the Court to submit the proposal for its consideration, not later than at its twenty-eighth session.⁴⁵

81. The Committee took note of the AI, dated 28 January 2016, on Short Term Appointments, which established the conditions of service, as well as terms and conditions pertaining to the use and administration for staff members at all levels employed under a short term appointment up to one year and may be issued by the Registrar or Prosecutor for specific short-term requirements such as: (a) to respond to an unexpected and/or short-term work requirement; (b) to meet a seasonal or peak work requirement of limited duration that cannot be met with the existing capacity of staff members; (c) to temporary fill a position, e.g. when the incumbent is on special leave, sick leave, maternity, other parent leave; (d) to temporary fill a vacant position pending the finalization of the regular recruitment process of the Court; or (e) to work on a special project with a finite mandate. Short-term appointments are not to be used to fill needs that are reasonably expected to

⁴⁰ ICC-ASP/15/5.

⁴¹ CBF/26/7.

⁴² *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.1, paras. 75-77.

⁴³ CBF/26/5.

⁴⁴ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, para. 88.

⁴⁵ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.1, para. 59.

last for more than one year. These short-term appointments are advertised, except when the Registrar or Prosecutor, as appropriate, may exceptionally approve the issuance of an initial short-term appointments for unforeseen circumstances without vacancy announcement and a related competitive recruitment process. In such cases contracts are only for a maximum duration of three months and staff members are not eligible for an extension and shall be separated from services unless selected in a competitive recruitment process. The Committee would like to emphasise that this approach ought to be monitored in order not to distort the transparency of the recruitment process.

82. The Committee was informed that short-term appointments were used, amongst others, for (a) short-term human resource functions, (b) key recruitments in the Registry,⁴⁶ and (c) cover contracts within the Language Services Unit for field interpreters and language assistants as well as for evidence assistants in the Evidence Unit within the OTP.

83. The Committee further took note of the overview of entitlements for staff on fixed-term and short-term contracts, requested by the Committee at its twenty-fourth session.⁴⁷

84. The Committee reiterated its previous recommendation that the Court needs to ensure that geographical representation and gender balance are taken into account from the very first stage of considering short-term appointments.

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

2) Staff performance appraisal

86. The Committee noted the compliance rate for the number of completed Performance Appraisal Forms in 2015-2016 of 36 per cent for the Judiciary, 72 per cent for OTP and 64 per cent for the Registry. The Committee understood that the Human Resource Section faced a heavy workload from the ReVision and re-organisation of its own activities. **The Committee welcomed that as part of its new structure the Human Resource Section would have a dedicated staff for performance management and expected improvement to the compliance rates and the process to promote good performance and behaviours in the coming year. The Committee requested future statistics to be presented with a year-on-year comparison to highlight progress in the context of the annual report on human resources.**

3) Geographical representation and gender balance

87. At its fourteenth session, the Assembly requested the Court “to assure the highest standards in staff recruitment, in particular with a view to ensuring and implementing transparent and efficient recruitment procedures and improving equitable geographical representation and gender balance”.⁴⁸

88. As explained by the Court, geographical representation is now a standard part of the entire recruitment process. To reduce the critical gaps, the Court is taking a range of measures without compromising on the principle of employing people based on merit:⁴⁹

- (a) Advertising of vacancies has been expanded to include social media and platforms for international job vacancies. All vacancies are distributed in both working languages;
- (b) The Human Resources Section participates ex-officio in recruitment processes. The Selection Review Board has been re-established to oversee all recruitments for fixed-term positions. Geographical diversity is ensured in all recruitment panels. Updated information on geographical representation is disseminated to recruitment panels; and
- (c) Geographical representation is considered at the shortlisting stage and when decisions on the final selection are made. It is also considered for short-term appointments and when converting

⁴⁶ CBF/26/11.

⁴⁷ *Ibid.*

⁴⁸ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/13/20), vol. I, part III, ICC-ASP/14/Res.1, section L, para. 3.

⁴⁹ CBF/26/5, paras. 14-22.

posts. Hiring managers are asked to provide justifications, whenever qualified candidates from under-represented countries are not shortlisted.

89. The Court's mid-term plan for the coming years includes several measures to improve geographical representation aimed at reaching out to under-represented countries and at identifying targeted recruitment strategies. The Court also notes that, when considering geographical balances, the focus should be on countries and not on regions.⁵⁰

90. Similarly, gender balance has now become a standard part of the recruitment process for any post. Overall, the Court believes, it is doing well with regard to gender balance. The Court recognizes, however, that a gap exists at senior level, which is being addressed by adopting strategies to identify and support the career advancement of key female performers who have potential to advance to senior professional and higher levels, as well as by taking measures to identify, reach and recruit women to fill senior positions.

91. The Committee acknowledged the Court's fresh impetus to addressing long-standing imbalances in geographical representation and gender balance. It highlighted the benefits for the Court from access to a broader pool of talented staff. **The Committee invited the Court to consolidate its current and planned efforts into an action plan, where feasible, based on quantified, monitorable performance targets. The Committee looked forward to tangible improvements in the near future and invited the Court to submit a progress report at its twenty-eighth session in the context of the annual report on Human Resources.**

4) Reclassification and conversion of posts

92. **The Committee considered the reclassification request from the Judiciary of three posts from P-1 to P-2. The Committee took note of the justification given, observed that no financial implications were expected and thus recommended that, if budget neutrality was likely to continue, the reclassification be approved by the Assembly at its fifteenth session.**

93. **With regard to the request from the OTP to convert 78 GTA posts to established posts, the Committee was of the view that it was necessary to facilitate its deliberations by ensuring that it was provided with supplementary information on GTA posts including the sub-programme, the level, the year in which the GTA position was established, an indication as to whether the position was basic or situation-related, and a brief description of functional needs in the future. The Committee was thus of the view that further examination of the request was needed at its twenty-seventh session and that any such possible conversion would need to be considered within the 2017 proposed budget.**

94. The Committee also considered the request of the Registry for the reclassification of one post from P-4 to P-5 in the Victims Participation and Reparations Section. In 2010, an external classifier had formally classified the post at the P-5 level, while the Committee had recommended that the reclassification not be approved, mainly because there had been no specific request in the budget submission and no justification for the reclassification had been provided at the time. The Committee took note that no new requests for reclassification of posts were expected to be included in the Court's 2017 proposed budget submission. **The Committee considered the assessment of the external classifier to be outdated and, therefore, recommended a re-examination of the request by the Classification Advisory Committee and was of the view that a possible reclassification would need to be considered within the 2017 proposed budget.**

5) United Nations Common System

95. At its fourteenth session, the Assembly requested the Committee, including by a possible appointment of an independent expert to that end, to evaluate the feasibility of a possible departure from the United Nations Common System and the establishment of an alternative pension scheme for newly recruited staff and to make a recommendation to the fifteenth session of the Assembly in this regard.⁵¹

96. The Committee appointed a delegation from among its members, consisting of the Chairperson and Vice-Chairperson. The delegation drew up a working plan to fulfil the request of the Assembly prior to considering engaging an independent expert, and met with the Chief Executive Officer of the United Nations Staff Pension Fund, the Vice-Chair of the International Civil Service Commission, and the Chair of the Advisory Committee on Administrative and Budgetary Questions, and it will also contact the World Trade Organization and others (such as the International Renewable Energy Agency). The Committee is in the process of continuing due diligence exercise, and will report thereon to the Assembly in the frame of its twenty-seventh report.

⁵⁰ *Ibid.*, paras. 20-21.

⁵¹ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20) vol. I, part III, ICC-ASP/14/Res.1, section I, para. 4.

97. It is worth mentioning that in December 2015, the UN General Assembly approved a new compensation scheme, to be implemented also by the Court. The Committee noted that the Court is currently analysing the changes in the new system, which would lead, according to the report of the International Civil Service Commission, to financial savings in the long run.

E) Legal aid

98. The Committee took note of the Registry's bi-annual report on legal aid (July – December 2015), which presented an overview of the savings resulting from the application of the 2012 amendments to the legal aid system.⁵² The Committee considered that since the budget is now calculated on the basis of the amended system, there is no need to continue reporting on the impact of the amendments made in 2012 as such reporting solely reflects how much higher the expenditure would have been under the previous legal aid system.

99. The Committee noted that, as the condition of the completion of a full judicial cycle had not been fulfilled, the Court had not yet concluded the reassessment of the legal aid system within the terms established in resolution ICC-ASP/12/Res.8, annex I, para. 6(3), and was therefore not in a position to include the information as requested by the Committee.⁵³ **The Committee requested the Court to submit a report on the outcome of the reassessment once the conditions were fulfilled and within the timeframe as indicated in the above mentioned resolution.**

100. The Committee noted that legal aid provided in relation to the article 70 cases (offences against the administration of justice) in 2015 amounted to €1,015,950, which represented 24 per cent of the total legal aid defence team's expenditure. The Committee recalled in this regard the Assembly resolution ICC-ASP/14/Res.1, Section J, para. 14, which notes that the level of legal aid in such cases does not seem to have been considered in the context of the current legal aid policy and requests the Court to consider, in the context of its assessment of the legal aid system, policy options in this regard, including the establishment of specific criteria and a quantitative ceiling, as appropriate.

101. **The Committee acknowledged legal aid as a very significant cost driver for the Court. It further requested the Court to consider this matter also within the framework of the continued work on effective and less costly legal aid and resolved to continue closely monitoring any development in this regard.**

F) Permanent premises

1) Status and financial outlook

102. The Chairperson of the OC updated the Committee on the status of the project and the financial outlook. The Committee recognized that the construction of the permanent premises and the move of the Court to the premises were completed and that the objective for the Court to be fully operational starting on 1 January 2016 had been achieved.

2) Cost overrun

103. The Chairperson of the OC and the Project Director updated the Committee on the status of the project and the pending financial issues. The External Auditor outlined the conclusions of his audit of the budget performance of the premises project that the Assembly had commissioned. The Committee noted that the construction project overspend resulted mainly from additional costs for compensation events in the amount of €3.4 million and the overrun for audio-visual equipment in the amount of €3.4 million.⁵⁴ The Committee was informed that an open-ended Bureau meeting for all States Parties had been held in the presence of the Chairperson of the OC and the External Auditor.

104. The Committee noted with concern the new cost overrun, this time with regard to the expected maximum expenditure level of €204 million as set by the Assembly in 2015. The new cost overrun had become apparent in December 2015. As at mid-March 2016, the total cost overrun was estimated at between €72,000 in the best-case and at approximately €1 million in the worst-case scenario. The Committee was further informed that the general contractor was considering bringing rejected compensation events to

⁵² ICC-ASP/15/2.

⁵³ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, para. 101.

⁵⁴ See Audit report on the budget performance of the permanent premises project (ICC-ASP/15/4), para. 48. According to para. 123 of the cited report, the combined outcome on audio-visual equipment was a total cost of €9.4 million as at 31 December 2015, compared with a planned provision of €6 million, in other words a €3.4 million overrun.

adjudication and, possibly, to arbitration, and was further rejecting to pay the penalty, as stipulated in the contract, to compensate the extra costs caused by the delayed handover of the premises. The Project Director proposed to negotiate an overall settlement of all outstanding financial matters, in order to avoid a lengthy arbitration procedure with an uncertain outcome. He estimated that the settlement would bring the total project costs to an amount of approximately €206 million.

105. The Committee also took note that the OC had recalled the unified project budget could only be increased through a decision of the Assembly, and that the Assembly's decisions on the budget ceilings taken in resolutions ICC-ASP/13/Res.6 and ICC-ASP/14/Res.5 remain legally binding. Therefore, the OC believed that the Court should absorb the cost overrun within its regular budget. **However, the Committee was informed that the Court is currently looking at the matter to assess whether there might be a compliance issue with the FRR, and requested to be provided with an answer on the compliance issue with the FRR in relation to absorbing the cost overrun of the permanent premises at its twenty-seventh session.**

106. **The Committee noted the persisting uncertainty about the final project cost that will only be known once the final accounts with the general contractor are closed. Irrespective of the dispute over the funding source, the Committee recommended that the Court should ensure that it can meet its financial obligations as they fall due. As a matter of precaution, the Court should consider ways and options to deal with the cost overrun within its regular budget, and report thereon to the OC in a timely manner.**

107. The External Auditor informed the Committee of his conclusion that the project had been implemented without irregularities. The cost overrun expected at the time of the audit was only minor compared to the cost overruns commonly observed in construction projects of this size. However, the External Auditor had identified three types of weaknesses which had led to the cost overrun: Firstly, the retention of insufficient reserves when the work on the project had just begun. Secondly, the project governance suffered from the absence of prior definition of mechanisms for the feedback of information. Thirdly, the contingency reserve was unduly depleted for outlays which were not unforeseen in nature. **The Committee believed that these lessons learnt should be kept in the Court's institutional memory, as they may be useful for the setting up of the management structure for major maintenance projects for the premises.**

3) Total Cost of Ownership

108. The Committee took note of the various decisions the Assembly had taken at its fourteenth session concerning the financing, organization and governance regarding owner related costs (known as Total Cost of Ownership (TCO)).⁵⁵ The Committee was informed that the OC will start a discussion on this topic at its upcoming meetings, as requested by the Assembly,⁵⁶ taking into account the decision on TCO contained in annex II of resolution ICC-ASP/14/Res.5.

4) Governance

109. At its fourteenth session, the Assembly invited the Bureau to continue discussions on the establishment of a new governance structure for the permanent premises, and to report thereon to the fifteenth session of the Assembly.⁵⁷ The OC informed the Committee about its intention to discuss this issue at its future meetings to provide input for the Bureau's consideration. The Committee took note of the External Auditor's assessment that no governance structure needed to be established for the daily maintenance of the premises, as the property management was handled by the Court.

G) Other matters

1. Dates for the twenty-seventh session of the Committee

110. The Committee decided to hold its twenty-seventh session in The Hague from 19 to 30 September 2016.

⁵⁵ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.5.

⁵⁶ *Ibid.*, para. 69.

⁵⁷ *Ibid.*, paras. 56-59.

Annex I

Status of contributions as at 15 April 2016

| State Party | Prior years | | | 2016 | | | Outstanding contributions Contingency Fund | Grand total outstanding contributions | Contribution account status | Date of latest payment |
|----------------------------------|------------------------------------|----------------------------|---------------------------------|--------------------------------|------------------------|---------------------------------|--|---------------------------------------|-----------------------------|------------------------|
| | Outstanding assessed contributions | Outstanding loan interests | Total outstanding contributions | Assessed regular contributions | Assessed loan interest | Total outstanding contributions | | | | |
| Afghanistan | - | - | - | 13,659 | 399 | 14,058 | - | 14,058 | Outstanding | 20/04/2015 |
| Albania | - | - | - | 18,576 | - | - | - | - | Fully settled | 26/01/2016 |
| Andorra | - | - | - | 13,932 | 20 | - | - | - | Fully settled | 08/03/2016 |
| Antigua and Barbuda | 2,329 | - | 2,329 | 4,644 | 105 | 4,749 | - | 7,078 | In arrears | 05/01/2016 |
| Argentina | 854,891 | 3,323 | 858,214 | 2,075,547 | 9,408 | 2,084,955 | - | 2,943,169 | In arrears | 25/06/2015 |
| Australia | - | - | - | 5,437,999 | - | 614,067 | - | 614,067 | Outstanding | 18/02/2016 |
| Austria | - | - | - | 1,675,353 | 64,127 | - | - | - | Fully settled | 29/01/2016 |
| Bangladesh | - | - | - | 13,659 | 506 | - | - | - | Fully settled | 14/03/2016 |
| Barbados | - | - | - | 16,254 | - | - | - | - | Fully settled | 23/02/2016 |
| Belgium | - | - | - | 2,059,294 | 80,196 | - | - | - | Fully settled | 10/02/2016 |
| Belize | - | - | - | 2,322 | 81 | 2,403 | - | 2,403 | Outstanding | 05/08/2015 |
| Benin | 21,500 | 84 | 21,584 | 6,966 | 243 | 7,209 | 24 | 28,817 | Ineligible to vote | 27/03/2012 |
| Bolivia (Plurinational State of) | - | - | - | 27,863 | 172 | 28,035 | - | 28,035 | Outstanding | 17/08/2015 |
| Bosnia and Herzegovina | - | - | - | 30,185 | - | - | - | - | Fully settled | 12/02/2016 |
| Botswana | - | - | - | 32,644 | 1,365 | - | - | - | Fully settled | 04/04/2016 |
| Brazil | 11,336,383 | - | 11,413,371 | 8,895,788 | 235,775 | 9,131,563 | - | 20,544,934 | In arrears | 14/04/2015 |
| Bulgaria | - | - | - | 104,761 | 3,777 | - | - | - | Fully settled | 26/01/2016 |
| Burkina Faso | - | - | - | 9,288 | 93 | 7,985 | - | 7,985 | Outstanding | 13/11/2015 |
| Burundi | 373 | - | 373 | 2,322 | 81 | 2,403 | - | 2,776 | In arrears | 17/03/2015 |
| Cabo Verde | 3,890 | 28 | 3,918 | 2,322 | 81 | 2,403 | - | 6,321 | Ineligible to vote | 30/12/2013 |
| Cambodia | - | - | - | 9,288 | 249 | 1,935 | - | 1,935 | Outstanding | 12/03/2015 |
| Canada | - | - | - | 6,796,884 | - | - | - | - | Fully settled | 29/04/2015 |
| Central African Republic | 795 | - | 795 | 2,322 | 81 | 2,403 | - | 3,198 | In arrears | 09/12/2014 |
| Chad | 697 | - | 697 | 11,610 | 87 | 11,697 | - | 12,394 | In arrears | 13/01/2015 |
| Chile | - | - | - | 928,369 | - | - | - | - | Fully settled | 07/03/2016 |
| Colombia | 313,510 | - | 313,510 | 749,306 | 4,751 | 754,057 | - | 1,067,567 | In arrears | 30/06/2015 |
| Comoros | 14,410 | 28 | 14,438 | 2,322 | 81 | 2,403 | 46 | 16,887 | Ineligible to vote | no payments |
| Congo | 32,889 | 139 | 33,028 | 13,932 | 399 | 14,331 | 73 | 47,432 | Ineligible to vote | 01/06/2011 |
| Cook Islands | - | - | - | 2,322 | 81 | 28 | - | 28 | Outstanding | 21/01/2016 |
| Costa Rica | - | - | - | 109,405 | 82 | 71,084 | - | 71,084 | Outstanding | 23/02/2016 |
| Côte d'Ivoire | - | - | - | 20,898 | 885 | - | - | - | Fully settled | 11/03/2016 |
| Croatia | - | - | - | 230,419 | 10,123 | - | - | - | Fully settled | 22/01/2016 |
| Cyprus | - | - | - | 100,117 | 1,691 | - | - | - | Fully settled | 04/03/2016 |
| Czech Republic | - | - | - | 800,389 | 4,495 | - | - | - | Fully settled | 05/02/2016 |
| Democratic Republic of the Congo | - | - | - | 13,659 | 19 | 13,678 | - | 13,678 | Outstanding | 29/10/2015 |
| Denmark | - | - | - | 1,358,885 | 5,288 | - | - | - | Fully settled | 09/02/2016 |
| Djibouti | 1,992 | 26 | 2,018 | 2,322 | 81 | 2,403 | - | 4,421 | In arrears | 05/12/2014 |
| Dominica | 5,690 | 28 | 5,718 | 2,322 | 81 | 2,403 | 8 | 8,129 | Ineligible to vote | 31/12/2015 |
| Dominican Republic | 152,464 | 1,149 | 153,613 | 107,083 | 3,615 | 110,698 | - | 264,311 | In arrears | 22/03/2016 |
| Ecuador | - | - | - | 155,844 | - | 155,844 | - | 155,844 | Outstanding | 29/05/2015 |
| Estonia | - | - | - | 88,371 | 285 | - | - | - | Fully settled | 11/01/2016 |
| Fiji | - | - | - | 6,966 | 243 | 1,271 | - | 1,271 | Outstanding | 25/01/2016 |

| | | | | | | | | | | |
|-------------------|---------|-------|---------|------------|---------|------------|----|------------|--------------------|------------|
| Finland | - | - | - | 1,061,130 | - | - | - | - | Fully settled | 15/01/2016 |
| France | - | - | - | 11,306,378 | 449,449 | - | - | - | Fully settled | 11/02/2016 |
| Gabon | 77,137 | 337 | 77,474 | 39,610 | 1,014 | 40,624 | - | 118,098 | In arrears | 12/03/2014 |
| Gambia | - | - | - | 2,322 | 81 | 2,403 | - | 2,403 | Outstanding | 02/12/2015 |
| Georgia | - | - | - | 18,576 | - | - | - | - | Fully settled | 21/01/2016 |
| Germany | - | - | - | 14,866,605 | 56,010 | - | - | - | Fully settled | 19/01/2016 |
| Ghana | - | - | - | 37,288 | 1,123 | 30,200 | - | 30,200 | Outstanding | 09/04/2015 |
| Greece | - | - | - | 1,095,959 | 22,951 | 1,103,247 | - | 1,103,247 | Outstanding | 28/09/2015 |
| Grenada | - | - | - | 2,322 | 81 | - | - | - | Fully settled | 18/03/2016 |
| Guatemala | 50,655 | - | 50,655 | 65,151 | 2,169 | 67,320 | - | 117,975 | In arrears | 02/06/2015 |
| Guinea | 9,820 | 28 | 9,848 | 4,644 | 81 | 4,725 | 84 | 14,657 | Ineligible to vote | 20/04/2015 |
| Guyana | - | - | - | 4,644 | 81 | 1,176 | - | 1,176 | Outstanding | 12/10/2015 |
| Honduras | - | - | - | 18,576 | 642 | 17,988 | - | 17,988 | Outstanding | 01/03/2016 |
| Hungary | - | - | - | 374,653 | 3,161 | - | - | - | Fully settled | 29/01/2016 |
| Iceland | - | - | - | 53,541 | - | - | - | - | Fully settled | 14/01/2016 |
| Ireland | - | - | - | 779,491 | - | - | - | - | Fully settled | 11/01/2016 |
| Italy | - | - | - | 8,721,232 | - | 5,670,597 | - | 5,670,597 | Outstanding | 14/04/2016 |
| Japan | - | - | - | 22,524,522 | 870,535 | 21,971,334 | - | 21,971,334 | Outstanding | 16/03/2016 |
| Jordan | - | - | - | 46,576 | - | 46,509 | - | 46,509 | Outstanding | 24/06/2015 |
| Kenya | - | - | - | 41,932 | 1,047 | - | - | - | Fully settled | 24/02/2016 |
| Latvia | - | - | - | 116,371 | 2,424 | 30,578 | - | 30,578 | Outstanding | 01/02/2016 |
| Lesotho | 72 | - | 72 | 2,322 | 81 | 2,403 | - | 2,475 | In arrears | 11/01/2016 |
| Liberia | 1,788 | - | 1,788 | 2,322 | 81 | 2,403 | - | 4,191 | In arrears | 26/01/2015 |
| Liechtenstein | - | - | - | 16,254 | - | - | - | - | Fully settled | 27/01/2016 |
| Lithuania | - | - | - | 167,590 | 1,080 | - | - | - | Fully settled | 31/12/2015 |
| Luxembourg | - | - | - | 148,878 | - | - | - | - | Fully settled | 18/01/2016 |
| Madagascar | - | - | - | 6,966 | 243 | - | - | - | Fully settled | 30/12/2015 |
| Malawi | 12,975 | 56 | 13,031 | 4,644 | 162 | 4,806 | 26 | 17,863 | Ineligible to vote | 28/09/2011 |
| Maldives | 138 | - | 138 | 4,644 | 81 | 4,725 | - | 4,863 | In arrears | 11/01/2016 |
| Mali | 15,473 | 103 | 15,576 | 6,966 | 324 | 7,290 | - | 22,866 | In arrears | 16/01/2014 |
| Malta | - | - | - | 37,288 | - | - | - | - | Fully settled | 08/03/2016 |
| Marshall Islands | 1,034 | - | 1,034 | 2,322 | 81 | 2,403 | - | 3,437 | In arrears | 04/03/2015 |
| Mauritius | - | - | - | 27,863 | - | - | - | - | Fully settled | 13/01/2016 |
| Mexico | - | - | - | 3,339,096 | - | 3,303,355 | - | 3,303,355 | Outstanding | 08/01/2016 |
| Mongolia | - | - | - | 11,610 | - | 11,610 | - | 11,610 | Outstanding | 21/04/2015 |
| Montenegro | - | - | - | 9,288 | - | 9,207 | - | 9,207 | Outstanding | 20/04/2015 |
| Namibia | - | - | - | 23,219 | - | - | - | - | Fully settled | 29/03/2016 |
| Nauru | - | - | - | 2,322 | 81 | 2,403 | - | 2,403 | Outstanding | 13/02/2015 |
| Netherlands | - | - | - | 3,448,501 | - | - | - | - | Fully settled | 03/03/2016 |
| New Zealand | - | - | - | 623,648 | 20,332 | - | - | - | Fully settled | 08/01/2016 |
| Niger | 21,869 | 56 | 21,925 | 4,644 | 162 | 4,806 | 92 | 26,823 | Ineligible to vote | 23/11/2009 |
| Nigeria | 276,127 | 2,299 | 278,426 | 486,380 | 7,231 | 493,611 | - | 772,037 | In arrears | 25/10/2013 |
| Norway | - | - | - | 1,975,567 | 68,384 | - | - | - | Fully settled | 03/03/2016 |
| Panama | 51,430 | 108 | 51,538 | 79,083 | 423 | 79,506 | - | 131,044 | In arrears | 18/08/2014 |
| Paraguay | 23,203 | 256 | 23,459 | 32,644 | 804 | 33,448 | - | 56,907 | In arrears | 05/02/2015 |
| Peru | 1,198 | - | 1,198 | 316,468 | 9,400 | 325,868 | - | 327,066 | In arrears | 20/01/2016 |
| Philippines | - | - | - | 383,941 | 1,861 | 385,802 | - | 385,802 | Outstanding | 08/06/2015 |
| Poland | - | - | - | 1,956,991 | - | - | - | - | Fully settled | 15/01/2016 |
| Portugal | - | - | - | 912,115 | - | 905,783 | - | 905,783 | Outstanding | 31/07/2015 |
| Republic of Korea | - | - | - | 4,744,557 | 131,997 | 4,876,554 | - | 4,876,554 | Outstanding | 02/03/2015 |

| | | | | | | | | | | |
|------------------------------------|-------------------|----------------|-------------------|--------------------|------------------|-------------------|--------------|-------------------|--------------------|-------------|
| Republic of Moldova | - | - | - | 9,288 | - | 9,288 | - | 9,288 | Outstanding | 28/05/2015 |
| Romania | - | - | - | 428,194 | 8,131 | - | - | - | Fully settled | 04/04/2016 |
| Saint Kitts and Nevis | 1,992 | 26 | 2,018 | 2,322 | 81 | 2,403 | - | 4,421 | In arrears | 12/03/2014 |
| Saint Lucia | - | - | - | 2,322 | 81 | 2,353 | - | 2,353 | Outstanding | 08/10/2015 |
| Saint Vincent and the Grenadines | 24 | - | 24 | 2,322 | 81 | 2,403 | - | 2,427 | In arrears | 27/01/2016 |
| Samoa | - | - | - | 2,322 | 1 | - | - | - | Fully settled | 27/01/2016 |
| San Marino | - | - | - | 6,966 | 7 | - | - | - | Fully settled | 31/03/2016 |
| Senegal | - | - | - | 11,610 | 480 | 12,016 | - | 12,016 | Outstanding | 29/10/2015 |
| Serbia | - | - | - | 74,439 | 1,648 | - | - | - | Fully settled | 09/03/2016 |
| Seychelles | - | - | - | 2,322 | 81 | - | - | - | Fully settled | 03/02/2016 |
| Sierra Leone | - | - | - | 2,322 | 81 | - | - | - | Fully settled | 11/11/2015 |
| Slovakia | - | - | - | 372,331 | 1,824 | - | - | - | Fully settled | 10/03/2016 |
| Slovenia | - | - | - | 195,453 | 2,259 | 196,542 | - | 196,542 | Outstanding | 25/01/2016 |
| South Africa | - | - | - | 846,964 | 1,662 | - | - | - | Fully settled | 29/03/2016 |
| Spain | - | - | - | 5,684,672 | - | - | - | - | Fully settled | 18/03/2016 |
| State of Palestine | - | - | - | 16,254 | 387 | - | - | - | Fully settled | 29/03/2016 |
| Suriname | 281 | - | 281 | 13,932 | 249 | 14,181 | - | 14,462 | In arrears | 04/04/2016 |
| Sweden | - | - | - | 2,224,562 | - | 2,224,562 | - | 2,224,562 | Outstanding | 18/03/2015 |
| Switzerland | - | - | - | 2,652,619 | - | 500,000 | - | 500,000 | Outstanding | 04/02/2016 |
| Tajikistan | - | - | - | 9,288 | 243 | 5,073 | - | 5,073 | Outstanding | 05/04/2016 |
| The FYR of Macedonia | 15,755 | - | 15,755 | 16,254 | 642 | 16,896 | - | 32,651 | In arrears | 11/03/2015 |
| Timor-Leste | - | - | - | 6,966 | 64 | 7,024 | - | 7,024 | Outstanding | 18/05/2015 |
| Trinidad and Tobago | - | - | - | 79,083 | - | 78,194 | - | 78,194 | Outstanding | 17/06/2015 |
| Tunisia | - | - | - | 65,151 | 2,892 | - | - | - | Fully settled | 29/03/2016 |
| Uganda | 33,690 | 167 | 33,857 | 13,659 | 480 | 14,139 | 48 | 48,044 | Ineligible to vote | 05/12/2012 |
| United Kingdom | - | - | - | 10,384,975 | 26,015 | 7,752,395 | - | 7,752,395 | Outstanding | 22/02/2016 |
| United Republic of Tanzania | 59,952 | 176 | 60,128 | 13,659 | 506 | 14,165 | 354 | 74,647 | Ineligible to vote | 01/06/2010 |
| Uruguay | - | - | - | 183,844 | 4,177 | 63,842 | - | 63,842 | Outstanding | 18/01/2016 |
| Vanuatu | 7,163 | 28 | 7,191 | 2,322 | 81 | 2,403 | 8 | 9,602 | Ineligible to vote | no payments |
| Venezuela (Bolivarian Republic of) | 3,360,493 | 17,482 | 3,377,975 | 1,328,700 | 50,383 | 1,379,083 | 4,983 | 4,762,041 | Ineligible to vote | 04/09/2012 |
| Zambia | - | - | - | 13,659 | 480 | 14,139 | - | 14,139 | Outstanding | 29/06/2015 |
| | 16,764,082 | 102,915 | 16,866,997 | 136,584,845 | 2,185,719 | 64,797,850 | 5,746 | 81,670,593 | | |

Annex II

Human resources tables

Geographical Representation of ICC Professional Staff

Status as at 31 March 2016

Total number of professionals: 320*

* Excluding Elected Officials and 34 language staff

Total number of nationalities: 82

Distribution per region:

| Region | Nationality | Total |
|-----------------------------|-----------------------------------|-----------|
| African | Algeria | 1 |
| | Benin | 1 |
| | Burkina Faso | 1 |
| | Cameroon | 3 |
| | Congo | 1 |
| | Congo, Democratic Republic of the | 2 |
| | Cote d'Ivoire | 2 |
| | Egypt | 4 |
| | Ethiopia | 1 |
| | Gambia | 2 |
| | Ghana | 2 |
| | Guinea | 1 |
| | Kenya | 3 |
| | Lesotho | 1 |
| | Malawi | 1 |
| | Mali | 2 |
| | Niger | 3 |
| | Nigeria | 2 |
| | Rwanda | 2 |
| | Senegal | 4 |
| | Sierra Leone | 3 |
| | South Africa | 7 |
| Uganda | 2 | |
| United Republic of Tanzania | 2 | |
| Zambia | 1 | |
| Zimbabwe | 1 | |
| African Total | | 55 |

| Region | Nationality | Total |
|--------------------|----------------------------|--------------|
| Asian | China | 1 |
| | Cyprus | 1 |
| | Indonesia | 1 |
| | Iran (Islamic Republic of) | 3 |
| | Japan | 4 |
| | Jordan | 1 |
| | Lebanon | 1 |
| | Mongolia | 1 |
| | Pakistan | 1 |
| | Palestine | 1 |
| | Philippines | 1 |
| | Singapore | 2 |
| | Sri Lanka | 1 |
| Asian Total | | 19 |

| Region | Nationality | Total |
|-------------------------------|------------------------|--------------|
| Eastern European | Albania | 1 |
| | Bosnia and Herzegovina | 2 |
| | Bulgaria | 1 |
| | Croatia | 3 |
| | Georgia | 3 |
| | Poland | 1 |
| | Republic of Moldova | 2 |
| | Romania | 5 |
| | Russian Federation | 1 |
| | Serbia | 5 |
| | Ukraine | 1 |
| Eastern European Total | | 25 |

| Region | Nationality | Total |
|---------------------|---------------------|--------------|
| GRULAC | Argentina | 3 |
| | Brazil | 1 |
| | Chile | 1 |
| | Colombia | 5 |
| | Costa Rica | 1 |
| | Ecuador | 2 |
| | Jamaica | 1 |
| | Mexico | 3 |
| | Peru | 4 |
| | Trinidad and Tobago | 2 |
| | Venezuela | 3 |
| GRULAC Total | | 26 |

| Region | Nationality | Total |
|--------------------------|--------------------|--------------|
| WEOG | Australia | 10 |
| | Austria | 1 |
| | Belgium | 10 |
| | Canada | 11 |
| | Denmark | 1 |
| | Finland | 4 |
| | France | 42 |
| | Germany | 12 |
| | Greece | 2 |
| | Iceland | 1 |
| | Ireland | 8 |
| | Israel | 1 |
| | Italy | 13 |
| | Netherlands | 18 |
| | New Zealand | 1 |
| | Portugal | 3 |
| | Spain | 14 |
| | Sweden | 1 |
| Switzerland | 3 | |
| United Kingdom | 30 | |
| United States of America | 9 | |
| WEOG Total | | 195 |

Geographical Representation of ICC Professional Staff

Status as at 31 March 2016

Number of Staff per post, per region*

* Excluding Elected Officials and 34 language staff

| Grade | Region | Nationality | Total |
|------------------|---------------|--------------------|--------------|
| D-1 | African | Lesotho | 1 |
| | | African Total | 1 |
| | GRULAC | Argentina | 1 |
| | | Ecuador | 1 |
| | GRULAC Total | | 2 |
| | WEOG | Belgium | 2 |
| | | France | 1 |
| | | Italy | 1 |
| Netherlands | | 2 | |
| WEOG Total | | 6 | |
| D-1 Total | | 9 | |

| Grade | Region | Nationality | Total |
|------------------|------------------------|--------------|-----------|
| P-5 | African | Kenya | 1 |
| | | Mali | 1 |
| | | Senegal | 1 |
| | | South Africa | 2 |
| | African Total | | 5 |
| Asian | Jordan | 1 | |
| | Asian Total | | 1 |
| | Eastern European | Georgia | 1 |
| | | Serbia | 2 |
| | Eastern European Total | | 3 |
| | GRULAC | Jamaica | 1 |
| | GRULAC Total | | 1 |
| | WEOG | Australia | 2 |
| | | Canada | 2 |
| | | Denmark | 1 |
| | | Finland | 1 |
| | | France | 5 |
| | | Ireland | 1 |
| Italy | | 2 | |
| Netherlands | | 1 | |
| Portugal | | 1 | |
| Spain | | 2 | |
| United Kingdom | 5 | | |
| WEOG Total | | 23 | |
| P-5 Total | | | 33 |

| Grade | Region | Nationality | Total |
|--------------------------|------------------------|-----------------------------|-----------|
| P-4 | African | Burkina Faso | 1 |
| | | Cote d'Ivoire | 1 |
| | | Nigeria | 1 |
| | | Senegal | 1 |
| | | Sierra Leone | 1 |
| | | South Africa | 3 |
| | | United Republic of Tanzania | 1 |
| | | African Total | |
| | Asian | Iran (Islamic Republic of) | 3 |
| | | Lebanon | 1 |
| | Asian Total | | 4 |
| | Eastern European | Georgia | 1 |
| | | Romania | 1 |
| | | Ukraine | 1 |
| | Eastern European Total | | 3 |
| | GRULAC | Colombia | 1 |
| | | Trinidad and Tobago | 2 |
| | GRULAC Total | | 3 |
| | WEOG | Australia | 1 |
| Belgium | | 1 | |
| Finland | | 2 | |
| France | | 6 | |
| Germany | | 3 | |
| Ireland | | 1 | |
| Italy | | 3 | |
| Netherlands | | 2 | |
| New Zealand | | 1 | |
| Portugal | | 1 | |
| Spain | | 2 | |
| United Kingdom | 8 | | |
| United States of America | 1 | | |
| WEOG Total | | 32 | |
| P-4 Total | | | 51 |

| Grade | Region | Nationality | Total | |
|------------------|--------------------------|-----------------------------|------------|---|
| P-3 | African | Algeria | 1 | |
| | | Benin | 1 | |
| | | Cameroon | 1 | |
| | | Congo | 1 | |
| | | Cote d'Ivoire | 1 | |
| | | Egypt | 2 | |
| | | Ghana | 1 | |
| | | Kenya | 2 | |
| | | Mali | 1 | |
| | | Niger | 1 | |
| | | Nigeria | 1 | |
| | | Rwanda | 1 | |
| | | Senegal | 1 | |
| | | Sierra Leone | 1 | |
| | | South Africa | 2 | |
| | | Uganda | 1 | |
| | | United Republic of Tanzania | 1 | |
| | Zimbabwe | 1 | | |
| | | African Total | 21 | |
| | | Asian | Japan | 1 |
| | | | Mongolia | 1 |
| | Palestine | | 1 | |
| | Philippines | | 1 | |
| | Singapore | | 1 | |
| | Sri Lanka | | 1 | |
| | | Asian Total | 6 | |
| | Eastern European | Albania | 1 | |
| | | Croatia | 1 | |
| | | Georgia | 1 | |
| | | Poland | 1 | |
| | | Republic of Moldova | 1 | |
| | | Romania | 1 | |
| | | Serbia | 1 | |
| | | Eastern European Total | 7 | |
| | GRULAC | Argentina | 1 | |
| | | Chile | 1 | |
| | | Colombia | 3 | |
| | | Costa Rica | 1 | |
| | | Ecuador | 1 | |
| | | Mexico | 1 | |
| | | Peru | 1 | |
| | | Venezuela | 1 | |
| | | GRULAC Total | 10 | |
| | WEOG | Australia | 5 | |
| | | Austria | 1 | |
| | | Belgium | 6 | |
| | | Canada | 3 | |
| | | Finland | 1 | |
| | | France | 14 | |
| | | Germany | 5 | |
| | | Greece | 1 | |
| | | Ireland | 4 | |
| | | Italy | 3 | |
| | | Netherlands | 5 | |
| | | Portugal | 1 | |
| | | Spain | 3 | |
| | | Switzerland | 2 | |
| | United Kingdom | 8 | | |
| | United States of America | 3 | | |
| | | WEOG Total | 65 | |
| P-3 Total | | | 109 | |

| Grade | region | Nationality | Total |
|--------------------------|------------------------|-----------------------------------|--------------|
| P-2 | African | Cameroon | 2 |
| | | Congo, Democratic Republic of the | 2 |
| | | Egypt | 2 |
| | | Ethiopia | 1 |
| | | Gambia | 1 |
| | | Ghana | 1 |
| | | Malawi | 1 |
| | | Niger | 2 |
| | | Rwanda | 1 |
| | | Senegal | 1 |
| | | Sierra Leone | 1 |
| | | Zambia | 1 |
| | African Total | | 16 |
| | Asian | China | 1 |
| | | Cyprus | 1 |
| | | Indonesia | 1 |
| | | Japan | 3 |
| | | Pakistan | 1 |
| | Asian Total | | 7 |
| | Eastern European | Bosnia and Herzegovina | 1 |
| | | Bulgaria | 1 |
| | | Croatia | 1 |
| | | Romania | 2 |
| | | Russian Federation | 1 |
| | Serbia | 2 | |
| | Eastern European Total | | 8 |
| | GRULAC | Argentina | 1 |
| | | Brazil | 1 |
| | | Colombia | 1 |
| Mexico | | 1 | |
| Peru | | 3 | |
| Venezuela | | 1 | |
| GRULAC Total | | 8 | |
| WEOG | Australia | 2 | |
| | Belgium | 1 | |
| | Canada | 5 | |
| | France | 14 | |
| | Germany | 3 | |
| | Greece | 1 | |
| | Iceland | 1 | |
| | Ireland | 1 | |
| | Israel | 1 | |
| | Italy | 4 | |
| | Netherlands | 7 | |
| | Spain | 5 | |
| | Sweden | 1 | |
| | Switzerland | 1 | |
| | United Kingdom | 9 | |
| United States of America | 5 | | |
| WEOG Total | | 61 | |
| P-2 Total | | 100 | |

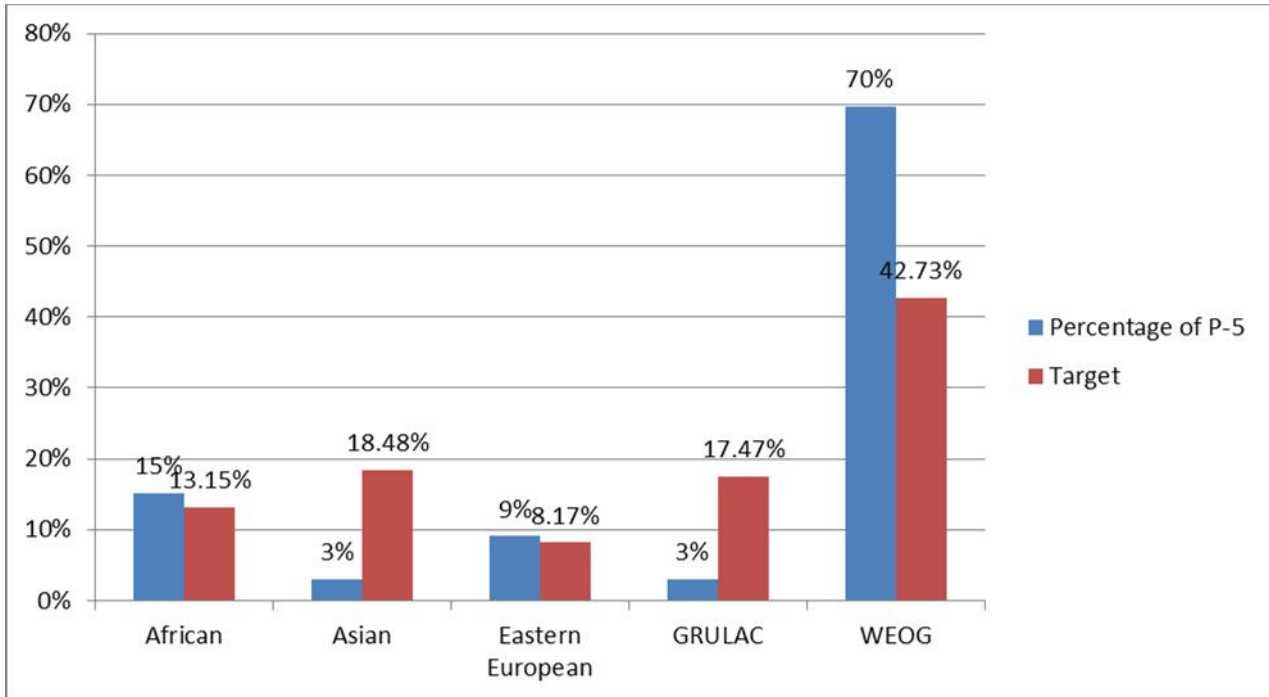
| Grade | Region | Nationality | Total | |
|--------------------|------------------|------------------------|------------------------|---|
| P-1 | African | Gambia | 1 | |
| | | Guinea | 1 | |
| | | Uganda | 1 | |
| | | | African Total | 3 |
| | Asian | Singapore | 1 | |
| | | | Asian Total | 1 |
| | Eastern European | Bosnia and Herzegovina | 1 | |
| | | Croatia | 1 | |
| | | Republic of Moldova | 1 | |
| | | Romania | 1 | |
| | | | Eastern European Total | 4 |
| | GRULAC | Mexico | 1 | |
| | | Venezuela | 1 | |
| | | | GRULAC Total | 2 |
| WEOG | Canada | 1 | | |
| | France | 2 | | |
| | Germany | 1 | | |
| | Ireland | 1 | | |
| | Netherlands | 1 | | |
| | Spain | 2 | | |
| | | WEOG Total | 8 | |
| P-1 Total | | | 18 | |
| Grand Total | | | 320 | |

Percentage of staff per post, per region

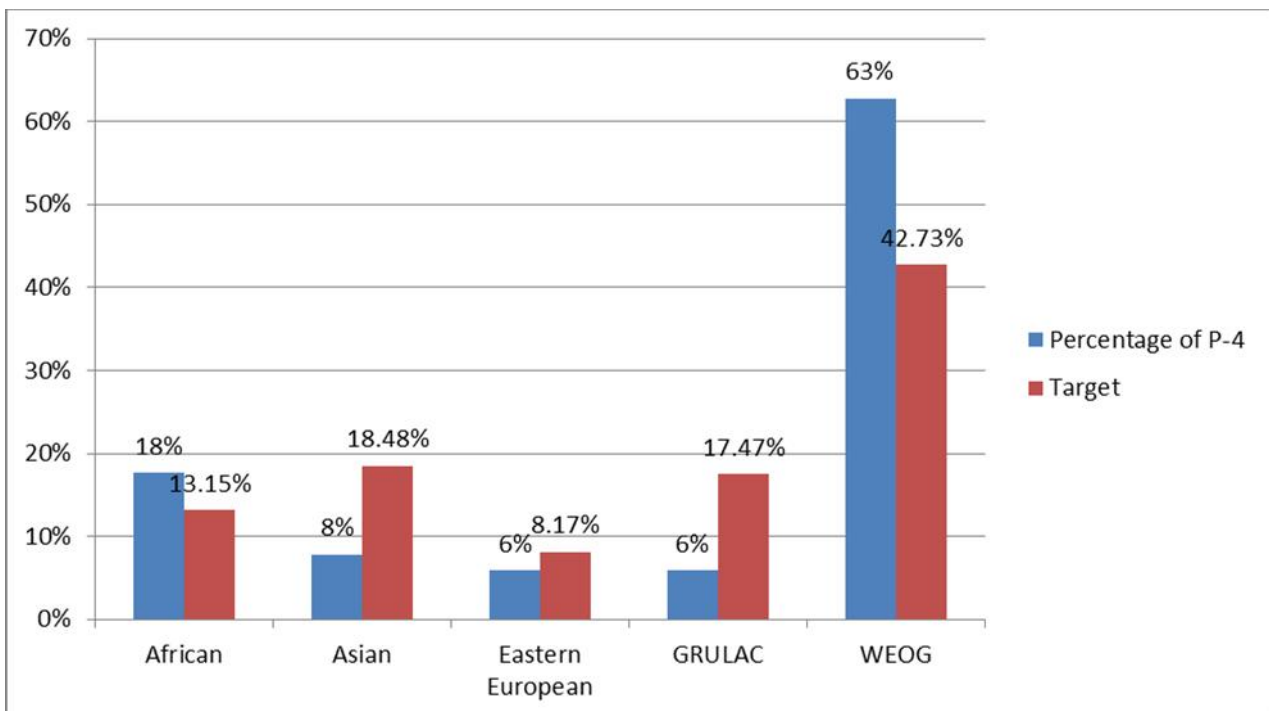
Percentage – D1 posts

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

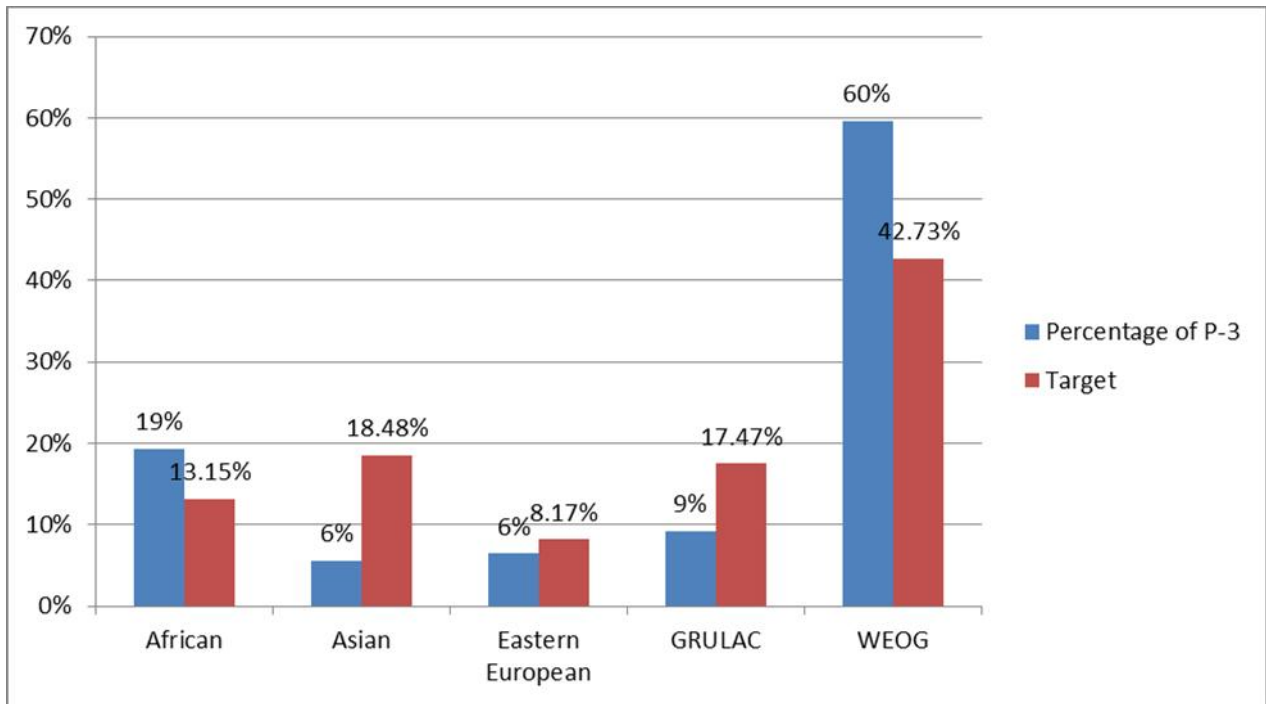
Percentage - P5 posts



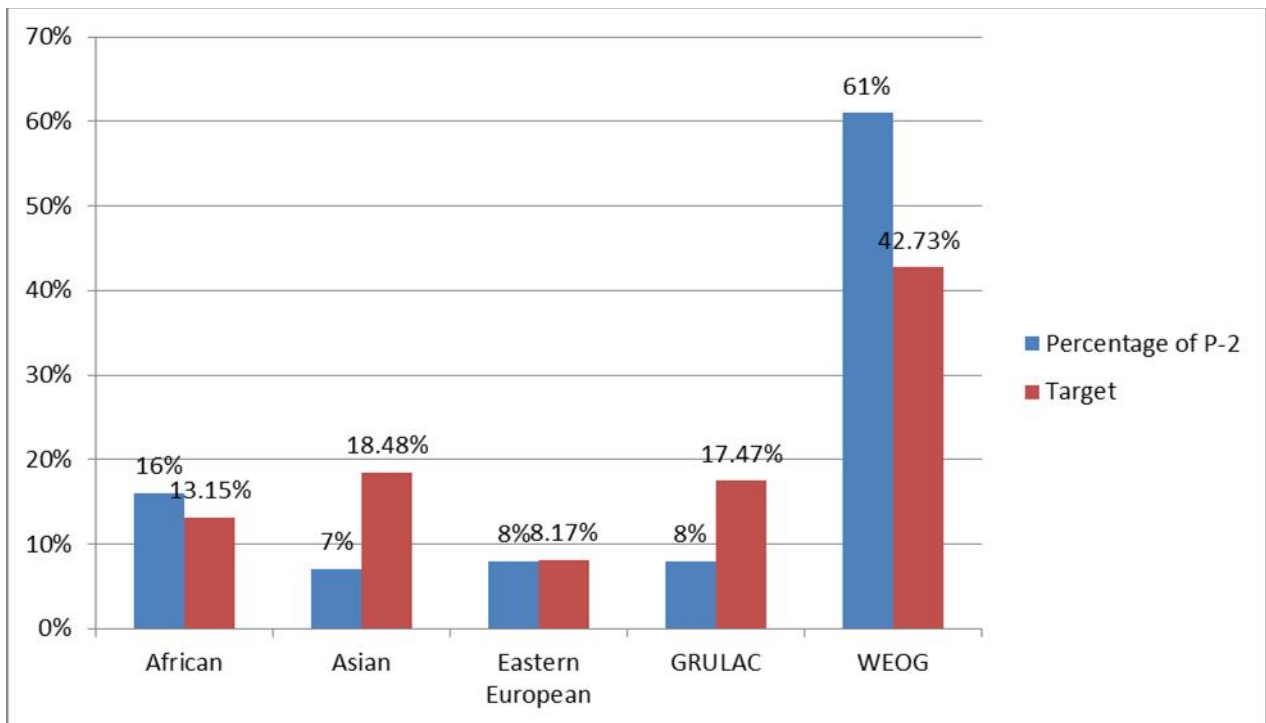
Percentage - P4 posts



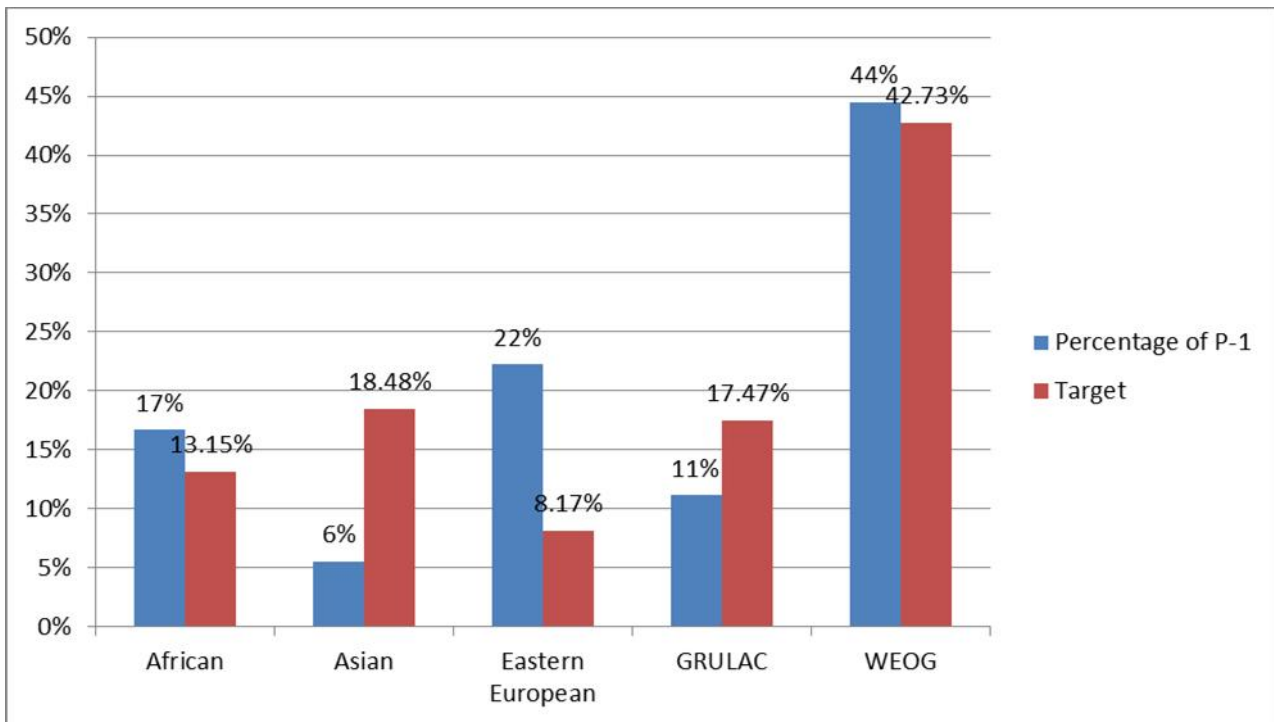
Percentage - P3 posts



Percentage - P2 posts



Percentage - P1 posts



Desirable Range by Country as at 31 March 2016

| Region | Country | Assessment 2016 | Desirable Range | | Representation | Target | Actual | Difference |
|---------|----------------------------------|-----------------|-----------------|------|-------------------|--------|--------|------------|
| | | | | | | | | |
| African | Algeria | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 1 | 1 |
| African | Benin | 0.00510% | 1.30 | 1.76 | Under Represented | 2 | 1 | -1 |
| African | Botswana | 0.02390% | 1.28 | 1.73 | Non Represented | 2 | 0 | -2 |
| African | Burkina Faso | 0.00680% | 1.35 | 1.83 | Under Represented | 2 | 1 | -1 |
| African | Burundi | 0.00170% | 1.29 | 1.74 | Non Represented | 2 | 0 | -2 |
| African | Cameroon | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 3 | 3 |
| African | Cape Verde | 0.00170% | 1.22 | 1.65 | Non Represented | 1 | 0 | -1 |
| African | Central African Republic | 0.00170% | 1.25 | 1.69 | Non Represented | 1 | 0 | -1 |
| African | Chad | 0.00850% | 1.32 | 1.79 | Non Represented | 2 | 0 | -2 |
| African | Comoros | 0.00170% | 1.22 | 1.65 | Non Represented | 1 | 0 | -1 |
| African | Congo | 0.01020% | 1.27 | 1.71 | In Balance | 1 | 1 | 0 |
| African | Côte d'Ivoire | 0.01530% | 1.40 | 1.89 | In Balance | 2 | 2 | 0 |
| African | Democratic Republic of the Congo | 0.01000% | 1.74 | 2.35 | In Balance | 2 | 2 | 0 |
| African | Djibouti | 0.00170% | 1.22 | 1.65 | Non Represented | 1 | 0 | -1 |
| African | Egypt | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 4 | 4 |
| African | Ethiopia | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 1 | 1 |
| African | Gabon | 0.02900% | 1.28 | 1.74 | Non Represented | 2 | 0 | -2 |
| African | Gambia | 0.00170% | 1.23 | 1.66 | Over Represented | 1 | 2 | 1 |
| African | Ghana | 0.02730% | 1.47 | 1.98 | In Balance | 2 | 2 | 0 |
| African | Guinea | 0.00340% | 1.31 | 1.77 | Under Represented | 2 | 1 | -1 |
| African | Kenya | 0.03070% | 1.61 | 2.18 | Over Represented | 2 | 3 | 1 |
| African | Lesotho | 0.00170% | 1.23 | 1.66 | In Balance | 1 | 1 | 0 |
| African | Liberia | 0.00170% | 1.25 | 1.69 | Non Represented | 1 | 0 | -1 |
| African | Madagascar | 0.00510% | 1.39 | 1.89 | Non Represented | 2 | 0 | -2 |
| African | Malawi | 0.00340% | 1.34 | 1.81 | Under Represented | 2 | 1 | -1 |
| African | Mali | 0.00510% | 1.34 | 1.81 | In Balance | 2 | 2 | 0 |
| African | Mauritius | 0.02040% | 1.26 | 1.71 | Non Represented | 1 | 0 | -1 |
| African | Namibia | 0.01700% | 1.26 | 1.71 | Non Represented | 1 | 0 | -1 |
| African | Niger | 0.00340% | 1.35 | 1.82 | Over Represented | 2 | 3 | 1 |
| African | Nigeria | 0.35610% | 3.25 | 4.39 | Under Represented | 4 | 2 | -2 |
| African | Rwanda | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 2 | 2 |
| African | Senegal | 0.00850% | 1.33 | 1.80 | Over Represented | 2 | 4 | 2 |
| African | Seychelles | 0.00170% | 1.21 | 1.64 | Non | 1 | 0 | -1 |

| | | | | | | | | |
|------------------|-----------------------------|-----------|-------|-------|-------------------|----|---|-----|
| | | | | | Represented | | | |
| African | Sierra Leone | 0.00170% | 1.26 | 1.71 | Over Represented | 1 | 3 | 2 |
| African | South Africa | 0.62010% | 2.90 | 3.93 | Over Represented | 3 | 7 | 4 |
| African | Tunisia | 0.04770% | 1.40 | 1.89 | Non Represented | 2 | 0 | -2 |
| African | Uganda | 0.01000% | 1.51 | 2.04 | In Balance | 2 | 2 | 0 |
| African | United Republic of Tanzania | 0.01000% | 1.60 | 2.16 | In Balance | 2 | 2 | 0 |
| African | Zambia | 0.01000% | 1.34 | 1.81 | Under Represented | 2 | 1 | -1 |
| African | Zimbabwe | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 1 | 1 |
| Asian | Afghanistan | 0.01000% | 1.46 | 1.98 | Non Represented | 2 | 0 | -2 |
| Asian | Bangladesh | 0.01000% | 2.47 | 3.34 | Non Represented | 3 | 0 | -3 |
| Asian | Cambodia | 0.00680% | 1.34 | 1.82 | Non Represented | 2 | 0 | -2 |
| Asian | China | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 1 | 1 |
| Asian | Cook Islands | 0.00170% | 1.21 | 1.64 | Non Represented | 1 | 0 | -1 |
| Asian | Cyprus | 0.07330% | 1.37 | 1.85 | Under Represented | 2 | 1 | -1 |
| Asian | Fiji | 0.00510% | 1.23 | 1.66 | Non Represented | 1 | 0 | -1 |
| Asian | Indonesia | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 1 | 1 |
| Asian | Iran (Islamic Republic of) | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 3 | 3 |
| Asian | Japan | 16.49120% | 36.02 | 48.73 | Under Represented | 42 | 4 | -38 |
| Asian | Jordan | 0.03410% | 1.33 | 1.80 | Under Represented | 2 | 1 | -1 |
| Asian | Lebanon | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 1 | 1 |
| Asian | Maldives | 0.00340% | 1.22 | 1.65 | Non Represented | 1 | 0 | -1 |
| Asian | Marshall Islands | 0.00170% | 1.21 | 1.64 | Non Represented | 1 | 0 | -1 |
| Asian | Mongolia | 0.00850% | 1.25 | 1.69 | In Balance | 1 | 1 | 0 |
| Asian | Nauru | 0.00170% | 1.21 | 1.64 | Non Represented | 1 | 0 | -1 |
| Asian | Pakistan | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 1 | 1 |
| Asian | Palestine | 0.01190% | 1.26 | 1.70 | In Balance | 1 | 1 | 0 |
| Asian | Philippines | 0.28110% | 2.55 | 3.45 | Under Represented | 3 | 1 | -2 |
| Asian | Republic of Korea | 3.47370% | 8.72 | 11.80 | Non Represented | 10 | 0 | -10 |
| Asian | Samoa | 0.00170% | 1.22 | 1.64 | Non Represented | 1 | 0 | -1 |
| Asian | Singapore | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 2 | 2 |
| Asian | Sri Lanka | 0.00000% | 0.00 | 0.00 | Non Ratified | 0 | 1 | 1 |
| Asian | Tajikistan | 0.00680% | 1.29 | 1.74 | Non Represented | 2 | 0 | -2 |
| Asian | Timor-Leste | 0.00510% | 1.23 | 1.66 | Non Represented | 1 | 0 | -1 |
| Asian | Vanuatu | 0.00170% | 1.22 | 1.65 | Non Represented | 1 | 0 | -1 |
| Eastern European | Albania | 0.01360% | 1.26 | 1.71 | In Balance | 1 | 1 | 0 |

| | | | | | | | | | |
|------------------|---------------------------------------|----------|-------|--|-------|-------------------|----|---|-----|
| Eastern European | Bosnia and Herzegovina | 0.02210% | 1.29 | | 1.74 | In Balance | 2 | 2 | 0 |
| Eastern European | Bulgaria | 0.07670% | 1.43 | | 1.93 | Under Represented | 2 | 1 | -1 |
| Eastern European | Croatia | 0.16870% | 1.59 | | 2.15 | Over Represented | 2 | 3 | 1 |
| Eastern European | Czech Republic | 0.58600% | 2.50 | | 3.38 | Non Represented | 3 | 0 | -3 |
| Eastern European | Estonia | 0.06470% | 1.35 | | 1.83 | Non Represented | 2 | 0 | -2 |
| Eastern European | Georgia | 0.01360% | 1.27 | | 1.72 | Over Represented | 1 | 3 | 2 |
| Eastern European | Hungary | 0.27430% | 1.85 | | 2.51 | Non Represented | 2 | 0 | -2 |
| Eastern European | Latvia | 0.08520% | 1.40 | | 1.90 | Non Represented | 2 | 0 | -2 |
| Eastern European | Lithuania | 0.12270% | 1.49 | | 2.01 | Non Represented | 2 | 0 | -2 |
| Eastern European | Montenegro | 0.00680% | 1.23 | | 1.66 | Non Represented | 1 | 0 | -1 |
| Eastern European | Poland | 1.43280% | 4.46 | | 6.03 | Under Represented | 5 | 1 | -4 |
| Eastern European | Republic of Moldova | 0.00680% | 1.25 | | 1.70 | Over Represented | 1 | 2 | 1 |
| Eastern European | Romania | 0.31350% | 2.03 | | 2.75 | Over Represented | 2 | 5 | 3 |
| Eastern European | Russian Federation | 0.00000% | 0.00 | | 0.00 | Non Ratified | 0 | 1 | 1 |
| Eastern European | Serbia | 0.05450% | 1.40 | | 1.90 | Over Represented | 2 | 5 | 3 |
| Eastern European | Slovakia | 0.27260% | 1.81 | | 2.45 | Non Represented | 2 | 0 | -2 |
| Eastern European | Slovenia | 0.14310% | 1.52 | | 2.06 | Non Represented | 2 | 0 | -2 |
| Eastern European | The Former Yugoslav Rep. of Macedonia | 0.01190% | 1.25 | | 1.69 | Non Represented | 1 | 0 | -1 |
| Eastern European | Ukraine | 0.00000% | 0.00 | | 0.00 | Non Ratified | 0 | 1 | 1 |
| GRULAC | Antigua and Barbuda | 0.00340% | 1.22 | | 1.65 | Non Represented | 1 | 0 | -1 |
| GRULAC | Argentina | 1.51960% | 4.65 | | 6.29 | Under Represented | 5 | 3 | -2 |
| GRULAC | Barbados | 0.01190% | 1.24 | | 1.67 | Non Represented | 1 | 0 | -1 |
| GRULAC | Belize | 0.00170% | 1.22 | | 1.65 | Non Represented | 1 | 0 | -1 |
| GRULAC | Bolivia | 0.02040% | 1.34 | | 1.81 | Non Represented | 2 | 0 | -2 |
| GRULAC | Brazil | 6.51300% | 16.14 | | 21.84 | Under Represented | 19 | 1 | -18 |
| GRULAC | Chile | 0.67970% | 2.74 | | 3.71 | Under Represented | 3 | 1 | -2 |
| GRULAC | Colombia | 0.54860% | 2.71 | | 3.67 | Over Represented | 3 | 5 | 2 |
| GRULAC | Costa Rica | 0.08010% | 1.41 | | 1.91 | Under Represented | 2 | 1 | -1 |
| GRULAC | Dominica | 0.00170% | 1.21 | | 1.64 | Non Represented | 1 | 0 | -1 |
| GRULAC | Dominican Republic | 0.07840% | 1.45 | | 1.97 | Non Represented | 2 | 0 | -2 |
| GRULAC | Ecuador | 0.11410% | 1.57 | | 2.12 | In Balance | 2 | 2 | 0 |

| | | | | | | | | | |
|--------|----------------------------------|-----------|-------|--|-------|-------------------|----|----|-----|
| GRULAC | Grenada | 0.00170% | 1.22 | | 1.64 | Non Represented | 1 | 0 | -1 |
| GRULAC | Guatemala | 0.04770% | 1.43 | | 1.93 | Non Represented | 2 | 0 | -2 |
| GRULAC | Guyana | 0.00340% | 1.22 | | 1.66 | Non Represented | 1 | 0 | -1 |
| GRULAC | Honduras | 0.01360% | 1.30 | | 1.76 | Non Represented | 2 | 0 | -2 |
| GRULAC | Jamaica | 0.00000% | 0.00 | | 0.00 | Non Ratified | 0 | 1 | 1 |
| GRULAC | Mexico | 2.44470% | 7.18 | | 9.72 | Under Represented | 8 | 3 | -5 |
| GRULAC | Panama | 0.05790% | 1.36 | | 1.84 | Non Represented | 2 | 0 | -2 |
| GRULAC | Paraguay | 0.02390% | 1.31 | | 1.78 | Non Represented | 2 | 0 | -2 |
| GRULAC | Peru | 0.23170% | 1.92 | | 2.60 | Over Represented | 2 | 4 | 2 |
| GRULAC | Saint Kitts and Nevis | 0.00170% | 1.21 | | 1.64 | Non Represented | 1 | 0 | -1 |
| GRULAC | Saint Lucia | 0.00170% | 1.22 | | 1.64 | Non Represented | 1 | 0 | -1 |
| GRULAC | Saint Vincent and the Grenadines | 0.00170% | 1.22 | | 1.64 | Non Represented | 1 | 0 | -1 |
| GRULAC | Suriname | 0.01020% | 1.24 | | 1.67 | Non Represented | 1 | 0 | -1 |
| GRULAC | Trinidad and Tobago | 0.05790% | 1.34 | | 1.81 | In Balance | 2 | 2 | 0 |
| GRULAC | Uruguay | 0.13460% | 1.51 | | 2.05 | Non Represented | 2 | 0 | -2 |
| GRULAC | Venezuela | 0.97280% | 3.44 | | 4.65 | Under Represented | 4 | 3 | -1 |
| WEOG | Andorra | 0.01020% | 1.23 | | 1.67 | Non Represented | 1 | 0 | -1 |
| WEOG | Australia | 3.98140% | 9.55 | | 12.92 | Under Represented | 11 | 10 | -1 |
| WEOG | Austria | 1.22660% | 3.79 | | 5.13 | Under Represented | 4 | 1 | -3 |
| WEOG | Belgium | 1.50770% | 4.39 | | 5.94 | Over Represented | 5 | 10 | 5 |
| WEOG | Canada | 4.97630% | 11.68 | | 15.80 | Under Represented | 14 | 11 | -3 |
| WEOG | Denmark | 0.99490% | 3.29 | | 4.46 | Under Represented | 4 | 1 | -3 |
| WEOG | Finland | 0.77690% | 2.85 | | 3.85 | Over Represented | 3 | 4 | 1 |
| WEOG | France | 8.27790% | 18.68 | | 25.27 | Over Represented | 22 | 42 | 20 |
| WEOG | Germany | 10.88450% | 24.18 | | 32.71 | Under Represented | 28 | 12 | -16 |
| WEOG | Greece | 0.80240% | 2.94 | | 3.98 | Under Represented | 3 | 2 | -1 |
| WEOG | Iceland | 0.03920% | 1.29 | | 1.75 | Under Represented | 2 | 1 | -1 |
| WEOG | Ireland | 0.57070% | 2.42 | | 3.27 | Over Represented | 3 | 8 | 5 |
| WEOG | Israel | 0.00000% | 0.00 | | 0.00 | Non Ratified | 0 | 1 | 1 |
| WEOG | Italy | 6.38520% | 14.78 | | 20.00 | Under Represented | 17 | 13 | -4 |
| WEOG | Liechtenstein | 0.01190% | 1.24 | | 1.67 | Non Represented | 1 | 0 | -1 |

| | | | | | | | | | |
|------|--------------------------|----------------|-------|--|-------|-------------------|------------|------------|----|
| WEOG | Luxembourg | 0.10900% | 1.44 | | 1.95 | Non Represented | 2 | 0 | -2 |
| WEOG | Malta | 0.02730% | 1.27 | | 1.72 | Non Represented | 1 | 0 | -1 |
| WEOG | Netherlands | 2.52480% | 6.52 | | 8.82 | Over Represented | 8 | 18 | 10 |
| WEOG | New Zealand | 0.45660% | 2.18 | | 2.95 | Under Represented | 3 | 1 | -2 |
| WEOG | Norway | 1.44640% | 4.21 | | 5.70 | Non Represented | 5 | 0 | -5 |
| WEOG | Portugal | 0.66780% | 2.66 | | 3.61 | In Balance | 3 | 3 | 0 |
| WEOG | San Marino | 0.00510% | 1.22 | | 1.65 | Non Represented | 1 | 0 | -1 |
| WEOG | Spain | 4.16200% | 10.11 | | 13.68 | Over Represented | 12 | 14 | 2 |
| WEOG | Sweden | 1.62870% | 4.62 | | 6.25 | Under Represented | 5 | 1 | -4 |
| WEOG | Switzerland | 1.94210% | 5.25 | | 7.11 | Under Represented | 6 | 3 | -3 |
| WEOG | United Kingdom | 7.60330% | 17.29 | | 23.39 | Over Represented | 20 | 30 | 10 |
| WEOG | United States of America | 0.00000% | 0.00 | | 0.00 | Non Ratified | 0 | 10 | 10 |
| | | 100.00% | | | | | 438 | 321 | |

Gender balance of ICC Professional Staff

Status as at 31/03/2016

Number of Professional Staff by Gender*

* Including Elected Officials and Language Staff

Judiciary

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-5 | 1 | 2 | 3 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-4 | 1 | 2 | 3 |

| Grade | F | M | Grand Total |
|-------|----|---|-------------|
| P-3 | 12 | 8 | 20 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-2 | | 2 | 2 |

Office of the Prosecutor

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| USG | 1 | | 1 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| ASG | | 1 | 1 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| D-1 | | 3 | 3 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-5 | 3 | 9 | 12 |

| Grade | F | M | Grand Total |
|-------|----|----|-------------|
| P-4 | 10 | 19 | 29 |

| Grade | F | M | Grand Total |
|-------|----|----|-------------|
| P-3 | 14 | 28 | 42 |

| Grade | F | M | Grand Total |
|-------|----|----|-------------|
| P-2 | 28 | 16 | 44 |

| Grade | F | M | Grand Total |
|-------|----|---|-------------|
| P-1 | 11 | 3 | 14 |

Registry

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| ASG | | 1 | 1 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| D-1 | | 2 | 2 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-5 | 7 | 9 | 16 |

| Grade | F | M | Grand Total |
|-------|----|----|-------------|
| P-4 | 10 | 18 | 28 |

| Grade | F | M | Grand Total |
|-------|----|----|-------------|
| P-3 | 29 | 32 | 61 |

| Grade | F | M | Grand Total |
|-------|----|----|-------------|
| P-2 | 39 | 20 | 59 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-1 | 3 | 1 | 4 |

Secretariat of the Assembly of States Parties

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| D-1 | | 1 | 1 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-5 | | 1 | 1 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-4 | 1 | | 1 |

Secretariat of the Trust Fund for Victims

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| D-1 | | 1 | 1 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-3 | 2 | 1 | 3 |

Project Director's Office

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| D-1 | | 1 | 1 |

Independent Oversight Mechanism

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-5 | | 1 | 1 |

Office of Internal Audit

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| D-1 | 1 | | 1 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-4 | | 1 | 1 |

| Grade | F | M | Grand Total |
|-------|---|---|-------------|
| P-3 | 1 | | 1 |

| F | M | Grand Total |
|-----|-----|-------------|
| 174 | 183 | 357 |

International Criminal Court

Staff count

Actual

As at 31st of March 2016, the actual situation regarding the Court's staff count is as follows:

| Staff count | |
|-------------------------------|-------------|
| Established posts | 691 |
| Approved GTA-funded positions | 218 |
| Short Term Appointments | 6 |
| Interns | 70 |
| Visiting professionals | 7 |
| SSA Contractors | 128* |
| Elected officials / Judges | 19 |
| Total | 1139 |

* This includes current Individual Contractor contracts which will decrease as at April 2016 due to the promulgation of the new AI on Short-Term Appointments and the AI on Consultants and Individual Contractors.

International Criminal Court

Staff count

Projected

Based on the approved budget of 2016 and taking into account averages for interns, visiting professionals and SSA contractors as per 2016, the Court's headcount at the end of 2016 could be expected to be as follows:

| Staff count | |
|---|-------------|
| Established posts ⁵⁸ | 897 |
| Approved GTA-funded positions ⁵⁹ | 289 |
| Short-Term Appointments | 52 |
| Interns | 80 |
| Visiting professionals | 10 |
| SSA Consultants | 27 |
| Elected officials / Judges | 21 |
| Total | 1376 |

⁵⁸ Vacancy rate not taken into account in the projection.

⁵⁹ *Ibid.*

Vacant Posts - ICC Established Posts

Status as at 31 March 2016

153 posts are under recruitment: recruitment completed (141) or advertised (12) as at 31 March 2016

| MP | Programme | Sub-Programme | Post Level | Post Title | Total | Comments |
|--------|---------------------------------|---|------------|---|-------|---|
| MP I | Judiciary | Presidency | P-2 | Associate Administrative Officer | 1 | Post to be filled in 2016. |
| MP II | Office of the Prosecutor | Investigation Division | P-1 | Assistant Investigator | 1 | Post vacated due to internal move. Pending confirmation on change of profile. |
| | | | GS-OL | Investigation Assistant | 1 | Post vacated due to internal move. Post to be filled in 2016. |
| | | Prosecution Division | GS-OL | Personal Assistant to the Deputy Prosecutor | 1 | Post vacated due to internal move. Pending streamlining of operations. |
| MP III | Office of the Registrar | Legal Office | P-3 | Legal Officer | 1 | Post expected to be filled in Q3. |
| | Division of Management Services | Human Resources Section | GS-OL | Human Resources Assistant | 1 | Post expected to be filled in Q3. |
| | | General Services Section | GS-OL | Supply Coordinator | 1 | Post expected to be filled in Q3. |
| | Division of Judicial Services | Counsel Support Section | P-2 | Legal Aid Fund Monitoring Specialist | 1 | Post expected to be filled in Q3. |
| | | | P-2 | Associate Legal Officer | 1 | Post expected to be filled in Q3 |
| | | Information Management Services Section | P-2 | Associate Data Management Officer | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Development Assistant | 1 | Post expected to be filled in Q3. |
| | | | P-3 | Archives, Library and Legacy Officer | 1 | Post expected to be filled in Q3. |
| | Division of External Operations | External Operations Support Section | P-2 | Operations Planning Coordination Officer | 1 | Post expected to be filled in Q3. |
| | | | P-2 | Associate Analyst | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Analyst Assistant | 1 | Post expected to be filled in Q3. |
| | | Victims and Witnesses Section | P-2 | Associate Team Leader (CAR) | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Administrative Assistant | 1 | Post expected to be filled in Q3. |
| | | Public Information and Outreach Section | P-3 | Outreach Policy Officer | 1 | Post expected to be filled in Q3. |

| | | | | | | |
|--------------------|---|-----------------------|-------|---|----------------------------|--|
| | | | P-2 | Associate Outreach Officer | 1 | Post expected to be filled in Q4. |
| | | | P-3 | Public Affairs Officer | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Public Information Assistant (social media) | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Online Communications Assistant | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Audio-Visual Production Assistant | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Receptionist | 2 | Posts expected to be filled in Q4. |
| | | Field Office - Uganda | P-3 | Field Security Officer | 1 | Post expected to be filled in Q3. |
| | | | P-3 | Field Officer (Outreach) | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Senior Driver | 1 | Post expected to be filled in Q4. |
| | | | GS-OL | Driver | 1 | Post expected to be filled in Q4. |
| | | Field Office - DRC | GS-OL | Field Assistant | 2 | Posts expected to be filled in Q4. |
| | | | GS-OL | Driver | 3 | Posts expected to be filled in Q4. |
| | | Field Office - CIV | P-3 | Field Officer (Outreach) | 1 | Post expected to be filled in Q3. |
| | | | P-3 | Field Officer (VPRS) | 1 | Post unfunded in 2016. |
| | | | GS-OL | Field Assistant | 3 | Posts expected to be filled in Q4. One post is unfunded in 2016. |
| | | Field Office - CAR | P-5 | Chief of Field Office | 1 | Post unfunded in 2016. |
| | | | P-3 | Field Security Officer | 1 | Post expected to be filled in Q3. |
| | | | GS-OL | Cleaner | 1 | Post expected to be filled in Q4. |
| | | Field Office - Kenya | GS-OL | Administrative Assistant | 1 | On hold. |
| | | | GS-OL | Local Security Assistant | 1 | On hold. |
| | | | P-3 | Field Officer (VPRS) | 1 | On hold. |
| | | | GS-OL | Field Assistant | 2 | On hold. |
| MP VI | Secretariat of the Trust Fund for Victims | | GS-OL | Executive Assistant | 1 | Position under review. |
| | | | P-4 | Legal Advisor | 1 | Position under review. |
| | | | P-3 | Programme Manager | 1 | Position under review. |
| MP VII.1 | Project Director's Office | | P-4 | Project Financial Controller | 1 | Post covered on a temporary basis until the completion of the Project. |
| MP VII.5 | Independent Oversight Mechanism | | P-4 | Senior Evaluation Specialist (tbc) | 1 | Post expected to be filled in Q4. |
| Grand Total | | | | | 53 (1⁶⁰) | |

⁶⁰ In Major Programme III, one post refers to the funding of the Staff Council Representative and, therefore, is not reported as vacant.

Staffing: Approved versus filled posts (excluding Elected Officials)

Status as at 31 March 2016

| Major Programme [1] | Approved [2] | Filled [3] | Recruitment completed ⁶¹ [4] | Under recruitment [5] | Advertised not under recruitment [6] | Vacant not advertised [7] | % of established posts vacant [(2-3)/2]x100 | Vacancy Rate (%) of established posts [(AVG(3)-2)/2]x100 |
|---------------------------------|--------------|------------|---|-----------------------|--------------------------------------|---------------------------|---|--|
| Judiciary | | | | | | | | |
| Major Programme I | 52 | 44 | 0 | 7 | 0 | 1 | 15.38% | 15.38% |
| Office of the Prosecutor | | | | | | | | |
| Major Programme II | 237 | 204 | 2 | 26 | 2 | 3 | 13.92% | 14.35% |
| Registry | | | | | | | | |
| Major Programme III | 578 | 426 | 3 | 96 | 9 | 44 | 26.30% | 26.47% ⁶² |
| Secretariat of the ASP | | | | | | | | |
| Major Programme IV | 10 | 4 | 0 | 6 | 0 | 0 | 60.00% | 60.00% |
| Secretariat of the TFV | | | | | | | | |
| Major Programme VI | 9 | 6 | 0 | 0 | 0 | 3 | 33.33% | 33.33% |
| Project Director's Office | | | | | | | | |
| Major Programme VII.1 | 3 | 2 | 0 | 0 | 0 | 1 | 33.33% | 33.33% |
| Independent Oversight Mechanism | | | | | | | | |
| Major Programme VII.5 | 4 | 1 | 0 | 1 | 1 | 1 | 75.00% | 100.00% |
| Office of Internal Audit | | | | | | | | |
| Major Programme VII.6 | 4 | 4 | 0 | 0 | 0 | 0 | 0.00% | 0.00% |
| Total ICC | 897 | 691 | 5 | 136 | 12 | 53 | 22.97% | 23.08% |

| | |
|--|--------------|
| Target recruitment | 206 |
| Under recruitment / Recruitment completed | 141 |
| Percentage of target | 68.4% |

⁶¹ Recruitment completed: indicates that the selected candidate has accepted the offer. The recruitment process has been finalised and the post is blocked until the arrival of the incumbent.

⁶² MP III, one post is not vacant as such but this post refers to the funding of the Staff Council Representative.

Geographical Representation of ICC GTA Professional Staff

Status as at 31 March 2016

Total number of professionals: 155

Total number of nationalities: 51

Distribution per region:

| Region | Nationality | Total |
|-----------------------------|-----------------------------------|-----------|
| African | Cameroon | 3 |
| | Congo, Democratic Republic of the | 1 |
| | Egypt | 1 |
| | Ethiopia | 1 |
| | Gambia | 1 |
| | Ghana | 1 |
| | Mauritius | 1 |
| | Nigeria | 1 |
| | Rwanda | 5 |
| | Senegal | 2 |
| | Sudan | 1 |
| | Togo | 1 |
| | Uganda | 4 |
| United Republic of Tanzania | 2 | |
| African Total | | 25 |

| Region | Nationality | Total |
|--------------------|-------------------|-----------|
| Asian | Afghanistan | 1 |
| | China | 1 |
| | India | 2 |
| | Kyrgyzstan | 1 |
| | Philippines | 1 |
| | Republic of Korea | 1 |
| | Singapore | 1 |
| | Uzbekistan | 2 |
| Asian Total | | 10 |

| Region | Nationality | Total |
|-------------------------------|------------------------|-----------|
| Eastern European | Bosnia and Herzegovina | 1 |
| | Croatia | 1 |
| | Georgia | 2 |
| | Poland | 4 |
| | Republic of Moldova | 2 |
| | Romania | 3 |
| | Slovenia | 2 |
| Eastern European Total | | 15 |

| Region | Nationality | Total |
|---------------------|--------------------|--------------|
| GRULAC | Argentina | 1 |
| | Colombia | 1 |
| | Jamaica | 1 |
| | Peru | 1 |
| GRULAC Total | | 4 |

| Region | Nationality | Total |
|--------------------------|--------------------|--------------|
| WEOG | Australia | 8 |
| | Belgium | 4 |
| | Canada | 13 |
| | France | 17 |
| | Germany | 4 |
| | Greece | 1 |
| | Ireland | 3 |
| | Israel | 1 |
| | Italy | 4 |
| | Malta | 1 |
| | Netherlands | 10 |
| | New Zealand | 2 |
| | Portugal | 2 |
| | Spain | 4 |
| | Sweden | 1 |
| | Switzerland | 1 |
| United Kingdom | 13 | |
| United States of America | 12 | |
| WEOG Total | | 101 |

Annex III

Budget performance for Contingency Fund notifications in 2015

1. Table 1 below provides a summary of overall budget performance for a total of four Contingency Fund notifications submitted to the Committee. Overall actual implementation at year-end in 2015 is 85.6 per cent, or €5.36 million, against the total Contingency Fund notification amount of €6.26 million.

Table 1: Overall budget performance for the four Contingency Fund notifications in 2015 by item of expenditure (amounts in thousands of euros)

| <i>Expenditure Item</i> | <i>Total Contingency Fund Notification</i> [1] | <i>Total Actual Expenditure*</i> [2] | <i>Total Implementation rate %</i> [3]=[2]/[1] |
|---------------------------------|---|---|---|
| Judges' costs | 61.3 | 61.3 | 100.0 |
| <i>Subtotal Judges' costs</i> | <i>61.3</i> | <i>61.3</i> | <i>100.0</i> |
| General temporary assistance | 2,371.1 | 1,579.5 | 66.6 |
| Consultants | 47.3 | 5.0 | 10.6 |
| <i>Subtotal staff costs</i> | <i>2,418.4</i> | <i>1,584.5</i> | <i>65.5</i> |
| Travel | 763.7 | 783.2 | 102.6 |
| Contractual services | 371.8 | 323.6 | 87.0 |
| Counsel for defence | 1,551.1 | 1,847.3 | 119.1 |
| General operating expenses | 466.8 | 248.5 | 53.2 |
| Supplies and materials | 58.4 | 71.2 | 122.0 |
| Furniture and Equipment | 572.3 | 441.3 | 77.1 |
| <i>Subtotal non-staff costs</i> | <i>3,784.1</i> | <i>3,715.2</i> | <i>98.2</i> |
| Total | 6,263.8 | 5,361.0 | 85.6 |

* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change.

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

3. Table 2 below shows budget performance in respect of the Contingency Fund notification for the case of *Charles Blé Goudé* in the situation in Côte d'Ivoire. The resources notified were presented as an illustrative scenario budget to the Court's proposed programme budget for the Committee's consideration at its twenty-third session. The scenario materialized on 11 December 2014 when charges were confirmed. The Court was exceptionally allowed by the Assembly to resort to the Contingency Fund for the additional resources required in relation to judicial developments in the case of *Charles Blé Goudé* that occurred between the twenty-third session of the Committee and the date of approval of the 2015 budget.

4. The funds were implemented at 87.8 per cent, or €0.89 million, against the notification amount of €1.01 million. The GTA category was under-implemented since, as a result of other case developments, the Judiciary was able to fully absorb the requested GTA resources in its programme budget and the OTP redeployed the funds to non-staff costs such as travel, contractual services and general operating expenses in order to support required investigation missions and activities.

Table 2: Budget performance in respect of the Contingency Fund notification for the case of *Charles Blé Goudé* in the situation in Côte d'Ivoire, in 2015 by item of expenditure (amounts in thousands of euros)

| <i>Expenditure Item</i> | <i>Contingency Fund Notification</i> [1] | <i>Actual Expenditure*</i> [2] | <i>Implementation rate %</i> [3]=[2]/[1] |
|-----------------------------------|---|-----------------------------------|---|
| General temporary assistance | 566.5 | 350.3 | 61.8 |
| <i>Subtotal other staff costs</i> | <i>566.5</i> | <i>350.3</i> | <i>61.8</i> |
| Travel | 51.5 | 118.0 | 229.1 |
| Contractual services | | 12.3 | |
| Counsel for defence | 395.1 | 389.9 | 98.7 |
| General operating expenses | | 15.1 | |
| Furniture and Equipment | | 3.9 | |
| <i>Subtotal non-staff costs</i> | <i>446.6</i> | <i>539.1</i> | <i>120.7</i> |
| Total | 1,013.1 | 889.4 | 87.8 |

* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change

5. Table 3 below shows budget performance in respect of the Contingency Fund notification for the case of *Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* in the CAR situation. The resources notified were presented as an illustrative scenario budget to the Court's proposed programme budget for the Committee's consideration at its twenty-third session. The scenario materialized in November 2014 when charges were partially confirmed. The Court was exceptionally allowed by the Assembly to resort to the Contingency Fund for the additional resources required in relation to judicial developments in this case that occurred between the twenty-third session of the Committee and the date of the approval of the 2015 budget.

6. At year-end, the fund had been implemented at 90.4 per cent, or €1.88 million, against the notification amount of €2.08 million. The GTA category, as forecast, was underspent on account of the Judiciary's full absorption of the requested GTA resources in its programme budget as a result of other case developments and the OTP's delays in recruitment in the Investigation and Prosecution Divisions. The Registry required additional legal aid resources for defence teams to engage Independent counsel and counsel for Mr Bemba and to provide additional resources to all defence teams following a Chamber decision, resulting in an overspend in counsel for defence.

Table 3: Budget performance in respect of the Contingency Fund notification for the case of *Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* in the situation in the Central African Republic in 2015 by item of expenditure (amounts in thousands of euros)

| <i>Expenditure Item</i> | <i>Contingency Fund Notification</i> [1] | <i>Actual Expenditure*</i> [2] | <i>Implementation rate %</i> [3]=[2]/[1] |
|-----------------------------------|---|-----------------------------------|---|
| General temporary assistance | 922.9 | 374.0 | 40.5 |
| Consultants | 5.0 | 5.0 | 99.9 |
| <i>Subtotal other staff costs</i> | <i>927.9</i> | <i>379.0</i> | <i>40.8</i> |
| Travel | 87.5 | 96.7 | 110.5 |
| Contractual services | 100.5 | 105.8 | 105.3 |
| Counsel for defence | 816.0 | 1,170.3 | 143.4 |
| General operating expenses | 127.1 | 103.1 | 81.1 |
| Supplies and materials | 17.5 | 16.3 | 93.0 |
| Furniture and Equipment | | 5.2 | |
| <i>Subtotal non-staff costs</i> | <i>1,148.6</i> | <i>1,497.3</i> | <i>130.4</i> |
| Total | 2,076.5 | 1,876.4 | 90.4 |

* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change.

7. Table 4 below shows budget performance in respect of the Contingency Fund notification for the need to extend the mandate of one judge as well as a limited number of support staff for four months for the case of *Jean-Pierre Bemba Gombo* in the CAR situation. The fund was almost fully implemented at 94.8 per cent against the resources requested in the notification.

Table 4: Budget performance in respect of the Contingency Fund notification for the further extension of the mandate of one judge and a limited number of support staff for the case of Jean-Pierre Bemba Gombo in the situation in the Central African Republic in 2015 by item of expenditure (amounts in thousands of euros)

| <i>Expenditure Item</i> | <i>Contingency Fund Notification</i> [1] | <i>Actual Expenditure*</i> [2] | <i>Implementation rate %</i> [3]=[2]/[1] |
|-----------------------------------|---|-----------------------------------|---|
| Judges' costs | 61.3 | 61.3 | 100.0 |
| <i>Subtotal Judges' costs</i> | <i>61.3</i> | <i>61.3</i> | <i>100.0</i> |
| General temporary assistance | 62.9 | 56.5 | 89.8 |
| <i>Subtotal other staff costs</i> | <i>62.9</i> | <i>56.5</i> | <i>89.8</i> |
| Total | 124.2 | 117.8 | 94.8 |

* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change.

8. Table 5 below shows budget performance in respect of the Contingency Fund notification for the case of *Dominic Ongwen* in the Uganda situation. The funds were retroactively effective from 1 January 2015 until the end of the year. The actual implementation rate at year-end was 81.2 percent, or €2.48 million, against the notification amount of €3.05 million.

9. The OTP implemented its budget at 92.6 per cent, or €1.22 million, against the notified amount of €1.31 million. Funds were redeployed from general operating expenses and furniture and equipment to GTA to hire field interpreters and translators, in particular for Acholi, and to travel in support of investigation mission activities.

10. Registry implemented at 72.6 per cent, or €1.26 million, against the notified amount of €1.74 million. The under-implementation is primarily due to the fact that funds requested in respect of protection cases were not fully utilized because the assumptions did not materialize.

Table 5: Budget performance in respect of the Contingency Fund notification for the case of *Dominic Ongwen* in the situation in Uganda, in 2015 by item of expenditure (amounts in thousands of euros)

| <i>Expenditure Item</i> | <i>Contingency Fund Notification</i> [1] | <i>Actual Expenditure*</i> [2] | <i>Implementation rate %</i> [3]=[2]/[1] |
|-----------------------------------|---|-----------------------------------|---|
| General temporary assistance | 818.8 | 798.7 | 97.5 |
| Consultants | 42.3 | | |
| <i>Subtotal other staff costs</i> | <i>861.1</i> | <i>798.7</i> | <i>92.8</i> |
| Travel | 624.7 | 568.6 | 91.0 |
| Contractual services | 271.3 | 205.5 | 75.8 |
| Counsel for defence | 340.0 | 287.1 | 84.4 |
| General operating expenses | 339.7 | 130.3 | 38.4 |
| Supplies and materials | 40.9 | 55.0 | 134.4 |
| Furniture and equipment | 572.3 | 432.2 | 75.5 |
| <i>Subtotal non-staff costs</i> | <i>2,188.9</i> | <i>1,678.7</i> | <i>76.7</i> |
| Total | 3,050.0 | 2,477.4 | 81.2 |

* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change.

Consolidated Budget Performance of the Court – Programme budget and contingency fund notifications

11. Table 6 below shows the Court's consolidated budget performance, taking together the programme budget and the total Contingency Fund notifications. The Court's actual expenditure, including Contingency Fund expenditure, is €32.19 million, against the consolidated budget of €36.93 million including the Contingency Fund notification of €6.26 million. This represents a 96.5 per cent implementation rate and 101.2 per cent of the approved budget of €30.67 million.

Table 6: Court consolidated budget performance 2015 by item of expenditure (amounts in thousands of euros)

| <i>Item</i> | <i>Approved budget 2015</i> | <i>Total Contingency Fund (CF) notification 2015</i> | <i>Total consolidated budget and CF notification 2015</i> | <i>Actual expenditure * 2015</i> | <i>Actual expenditure * for CF 2015</i> | <i>Total actual expenditure including CF2015</i> | <i>Total actual including CF implementation rate 2015 against approved budget (%)</i> | <i>Total actual including CF implementation rate 2015 against total consolidated budget and CF notifications (%)</i> |
|-----------------------------------|-----------------------------|--|---|----------------------------------|---|--|---|--|
| | [1] | [2] | [3]=[1]+[2] | [4] | [5] | [6]=[4]+[5] | [7]=[6]/[1] | [8]=[6]/[3] |
| Judges | 5,486.8 | 61.3 | 5,548.1 | 4,903.4 | 61.3 | 4,964.6 | 90.5 | 89.5 |
| <i>Subtotal judges' costs</i> | <i>5,486.8</i> | <i>61.3</i> | <i>5,548.1</i> | <i>4,903.4</i> | <i>61.3</i> | <i>4,964.6</i> | <i>90.5</i> | <i>89.5</i> |
| Staff costs | 65,744.4 | | 65,744.4 | 64,522.7 | | 64,522.7 | 98.1 | 98.1 |
| General temporary assistance | 21,854.0 | 2,371.1 | 24,225.1 | 21,312.4 | 1,579.5 | 22,892.0 | 104.7 | 94.5 |
| Temporary assistance for meetings | 708.3 | | 708.3 | 841.9 | | 841.9 | 118.9 | 118.9 |
| Overtime | 393.0 | | 393.0 | 502.2 | | 502.2 | 127.8 | 127.8 |
| Consultants | 560.4 | 47.3 | 607.7 | 488.8 | 5.0 | 493.8 | 88.1 | 81.3 |
| <i>Subtotal staff costs</i> | <i>89,260.1</i> | <i>2,418.4</i> | <i>91,678.5</i> | <i>87,668.1</i> | <i>1,584.5</i> | <i>89,252.6</i> | <i>100.0</i> | <i>97.4</i> |
| Travel | 5,381.1 | 763.7 | 6,144.8 | 5,963.4 | 783.2 | 6,746.6 | 125.4 | 109.8 |
| Hospitality | 31.0 | | 31.0 | 35.4 | | 35.4 | 114.2 | 114.2 |
| Contractual services | 4,128.1 | 371.8 | 4,499.9 | 3,686.3 | 323.6 | 4,010.0 | 97.1 | 89.1 |
| Training | 801.4 | | 801.4 | 726.5 | | 726.5 | 90.7 | 90.7 |
| Counsel for defence | 2,355.6 | 1,551.1 | 3,906.7 | 3,031.4 | 1,847.3 | 4,878.7 | 207.1 | 124.9 |
| Counsel for victims | 1,862.1 | | 1,862.1 | 1,233.6 | | 1,233.6 | 66.2 | 66.2 |
| General operating expenses | 19,519.0 | 466.8 | 19,985.8 | 17,272.5 | 248.5 | 17,521.1 | 89.8 | 87.7 |
| Supplies and materials | 920.0 | 58.4 | 978.4 | 764.2 | 71.2 | 835.4 | 90.8 | 85.4 |
| Furniture and equipment | 920.4 | 572.3 | 1,492.7 | 1,547.3 | 441.3 | 1,988.6 | 216.1 | 133.2 |
| <i>Subtotal non-staff costs</i> | <i>35,918.7</i> | <i>3,784.1</i> | <i>39,702.8</i> | <i>34,260.6</i> | <i>3,715.2</i> | <i>37,975.8</i> | <i>105.7</i> | <i>95.7</i> |
| Total | 130,665.6 | 6,263.8 | 136,929.4 | 126,832.1 | 5,361.0 | 132,193.1 | 101.2 | 96.5 |

* Actual Expenditure in 2015 is based on preliminary, unaudited figures, which are subject to change.

Annex IV

Amendments to the Financial Regulations and Rules

- 3.4 The Registrar shall submit the proposed programme budget for the following financial period to the Committee on Budget and Finance at least 45 days prior to the meeting at which the Committee shall consider the proposed programme budget. At the same time, the Registrar shall also submit the proposed programme budget to the State Parties.
- 3.5 In the event that unforeseen circumstances become known after preparation of the proposed programme budget and before the meeting of the Assembly of States Parties in the same year, and which can still be accommodated into the proposed programme budget, the Registrar shall submit an addendum to the proposed programme budget. Details pertaining to the reasons for an addendum, as well as the structure of the updated budget should be submitted to the Committee on Budget and Finance at the earliest convenience.
- 3.6 Supplementary budget proposals may be submitted by the Registrar with respect to the current financial period if circumstances unforeseen at the time of adopting the budget make it necessary. A supplementary budget should only be submitted for matters of an exceptional or extraordinary nature which go beyond the funds available in the Contingency Fund and therefore necessitate a separate decision by the Assembly of States Parties. In this case, the supplementary budget proposal shall be in a form consistent with the approved budget. The provisions of these Regulations shall be applicable to the proposed supplementary budget. Decisions of the Assembly of States Parties on the supplementary budget proposed by the Registrar shall be based on the recommendations of the Committee on Budget and Finance.
- 3.7 The Committee on Budget and Finance shall consider the proposed programme budgets, related addendums and supplementary budgets, and shall submit its comments and recommendations to the Assembly of States Parties. The Assembly of States Parties shall consider the proposed programme budgets, addendums and supplementary budgets and take a decision on them.
- 3.8 The Registrar may enter into commitments for future financial periods, provided that such commitments are for activities which have been approved by the Assembly of States Parties and are expected to occur or continue beyond the end of the current financial period.
- 6.6 There shall be established a Contingency Fund 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 Fund and the means by which it shall be financed (i.e. by assessed contributions and/or cash surpluses in the budget) shall be determined by the Assembly of States Parties.
- 6.7 If a need to meet unforeseen or unavoidable expenses arises for the following budget year after approval of the programme budget by the Assembly of States Parties, the Registrar, by his or her own decision or at the request of the Prosecutor, the President or the Assembly of States Parties is authorized to enter into commitments not exceeding the total level of the Contingency Fund. Before entering into such commitments, the Registrar shall submit a letter of notification to access the Contingency Fund and a detailed budget proposal to the Committee on Budget and Finance through its Chairperson. Two weeks after having notified the Chairperson of the Committee on Budget and Finance, and taking into consideration any financial comments on the funding requirements made by the Committee through its Chairperson, the Registrar may enter into the corresponding commitments. All funding obtained in this way shall relate only to the financial period(s) for which a programme budget has already been approved.

- 6.8 In the unlikely event that the amount being notified is larger than can be absorbed by the Contingency Fund, the Court should submit a supplementary budget to the Committee on Budget and Finance for its comments and recommendations to the Assembly of States Parties.
- 6.9 The Registrar shall report together with the new draft programme budget to the Assembly of States Parties, through the Committee on Budget and Finance, on any exercise of the commitment authority given under 6.7.
- 7.0 Income derived from the Contingency Fund investments shall be classed as miscellaneous income for credit to the General Fund.

Annex V

List of documents

| <i>CBF document symbol</i> | <i>Title</i> | <i>CBF document symbol has been converted to</i> |
|----------------------------|--|--|
| CBF/26/1 | Provisional agenda | |
| CBF/26/1/Add.1 | Annotated provisional agenda | |
| CBF/26/2 | Registry's bi-annual report on legal aid (July-December 2015) | ICC-ASP/15/2 |
| CBF/26/3 | Report of the Court on the development of analytical accountability and the ability to report on the average cost of each step in the judicial process for the Lubanga and Katanga cases | |
| CBF/26/4 | Report of the Court on policy issues | |
| CBF/26/5 | Report of the Court on Human Resources Management | |
| CBF/26/6 | Updated results of the Strategic Plan (June 2012-2015) | |
| CBF/26/7 | Report of the Court on developments with regard to reparations | |
| CBF/26/8 | Report of the Court on activities and programme performance of the International Criminal Court for the year 2015 | ICC-ASP/15/3 |
| CBF/26/8/Corr.1 | Report of the Court on activities and programme performance of the International Criminal Court for the year 2015, Corrigendum 1 | |
| CBF/26/9 | Report on Budget Performance of the International Criminal Court as at 31 March 2016 | |
| CBF/26/10 | Report on lessons learnt and synergies in Presidency | |
| CBF/26/11 | Explanation to the Committee on Budget and Finance on staggered implementation of the new Registry structure | |
| CBF/26/12 | Interim report of the Court-wide impact of the OTP "Basic Size" model | |
| CBF/26/13 | Report of the Court on Inter-Organ Synergies | |
| CBF/26/14 | Explanation to the Committee on Budget and Finance on the role, structure and value of the External Operations Support Section in the Registry | |
| CBF/26/15 | Interim report on the activities of the Oversight Committee | |
| CBF/26/15/Add.1 | Interim report on the activities of the Oversight Committee, Addendum | |
| CBF/26/15/Add.1/Corr.1 | Interim report on the activities of the Oversight Committee, Addendum, Corrigendum | |
| CBF/26/16 | Audit report on the budget performance of the permanent premises project | ICC-ASP/15/4 |
| CBF/26/17 | Benefit-cost analysis of the Registry's reorganization | |