


Eighteenth session

The Hague, 2-7 December 2019

**Report of the Committee on Budget and Finance on
 the work of its thirty-second session**
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Executive Summary

1. At its thirty-second session, which was held from 29 April to 3 May 2019 in The Hague, the Committee on Budget and Finance (“the Committee”) considered various substantive issues, such as how to continually improve its consideration of budgetary matters relating to the Court. In addition, the Committee reviewed its methods of work and Rules of Procedure. The Committee welcomed the continued dialogue and cooperation with the Court to keep enhancing the budget process with a view to ensuring that it is efficient, transparent and evidence-based. The Committee made some observations on the presentation of the budget baseline and was of the view that improvements should be made in the context of the 2020 proposed programme budget in terms of identifying savings and efficiencies with a view to also achieving a surplus, whenever possible, in order to reduce the assessed contributions of States Parties and/or to replenishing precautionary reserves.

2. The Committee stressed that liquidity remains the greatest risk faced by the Court, which may affect its ability to deliver against its 2019 budget. Thus, the Committee emphasized the importance of States Parties paying their assessed contributions on time. The payment patterns of States Parties are changing from one year to another, which makes reliable forecasting difficult. If payments by States Parties are not made on time, the Court will need to continue to explore alternative methods to ensure that all liabilities are honoured. The Committee discussed with the Court the current cash flow situation and ideas for managing the liquidity risk. The Committee observed that although the Court is facing similar risks to other international organizations, which rely on the payment of assessed contributions, the Court - unlike other organisations - has only one risk mitigating method, namely the Working Capital Fund. The Committee is awaiting the outcome of the External Auditor’s report on budget management and will carefully analyse the suggested solutions to mitigate the liquidity problem.

3. In the context of the preparations for the 2020 proposed programme budget, the Committee was informed of new strategic documents, which are in the process of being finalized, such as the Court Strategic Plan 2019-2021, the OTP Strategic Plan and, for the first time, a Registry Strategic Plan. The Committee was of the view that, once such information is submitted to its attention, the alignment of the budgetary process with strategic goals would help the Committee to better understand the resource allocation and financial needs of the Court. As for the Strategic Plan of the Registry, the Committee welcomed the remarks of the Registrar regarding the approach to the report and on identifying a limited number of key performance indicators to assess the performance and efficiency of the Registry, which acts as a service provider to the rest of the Court. The Committee believed that these benchmarks would allow for greater transparency and consistency, as well as effective consideration of whether activities and programmes are working as intended. During the session, the Committee discussed other areas that require further enhancement, including the adoption of guidelines for voluntary contributions from States Parties to the budget of the Court. In the Committee’s view, the reporting against these guidelines will increase accountability, transparency and value for money.

4. In addition to information on planning assumptions and relevant cost forecasts, the Committee received updates on key risks, which could impact on the budget. One of the most concerning risks arises from litigations against the Court. The Committee continues to require timely and accurate updates on such risks, as well as accurate assessments on the impact of decisions or approaches to mitigate them.

5. Bearing in mind that staff remain the Court’s most valuable asset, the Committee welcomed the efforts made by the Human Resources Section to improve issues such as staff well-being, mobility, diversity and bullying/harassment. To ensure that these policies are implemented effectively and have the desired impact, the Committee seeks evidence of continued dialogue and co-ordination with staff, both directly and through the Staff Union Council. The Committee further requested that the Court submit for its attention all relevant information on administrative and financial aspects for a preliminary review before these policies are promulgated.

I. Introduction

A. Opening of the session

1. The thirty-second session of the Committee on Budget and Finance (“the Committee”) comprised ten meetings and was held from 29 April to 3 May at the seat of the International Criminal Court (“the Court”) in The Hague.
2. The thirty-second session of the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its seventeenth session.¹
3. The President of the Court, Judge Chile Eboe-Osuji, delivered the welcoming remarks during the opening of the session.

B. Election of officers

4. At the thirtieth session, the Committee elected by consensus Mr. Hitoshi Kozaki (Japan) as Chairperson of the Committee in accordance with rule 10 of its Rules of Procedure. The Committee also elected by consensus Mr. Urmet Lee (Estonia) as Vice-Chairperson in accordance with rule 10 of the Committee’s Rules of Procedure and following the practice of geographical rotation.
5. The Committee further appointed Ms. Helen Warren (United Kingdom) as Rapporteur in accordance with rule 13 of the Rules of Procedure.
6. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee. The Executive Secretary and his team assisted with the substantive and administrative provision of conference services.

C. Adoption of the agenda and organization of work

7. The Executive Secretary to the Committee on Budget and Finance, in consultation with the Chairperson, prepared a provisional agenda and a work programme for the thirty-second session of the Committee. At its first meeting, the Committee adopted the following agenda:
 1. Opening of the session
 - (a) Welcoming remarks by the President of the Court
 - (b) Election of officers
 - (c) Adoption of the agenda and organization of work
 - (d) Participation of observers
 2. Budgetary governance
 - (a) Workshop on the budgetary process, savings and efficiencies and their effect on the baseline
 3. Other financial and budgetary matters
 - (a) Status of contributions and States in arrears
 - (b) Guidelines for voluntary and sustainable payment plans
 - (c) Guidelines for voluntary contributions of States parties to the budget of the Court
 - (d) Programme performance of the 2018 budget, and 2019 budget first quarter

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventeenth session, The Hague, 5-12 December 2018 (ICC-ASP/17/20)*, vol. I, para. 45.

- (e) Review of the level of precautionary reserves and liquidity issue
- 4. Institutional reform and administrative matters
 - (a) Implementation of the IT/IM Strategy Plan and transfer of unspent funds from one financial year to the following
 - (b) Report of the Court on the second opinion of the incoming main contract on replacement of capital investments and the current capital replacement plan until 2023
- 5. Human resources
 - (a) Annual report on Human Resources Management
 - (b) Geographical distribution and gender balance
 - (c) Internal mobility framework and staff exchange arrangement within the United Nations Common System
 - (d) Junior Professional Officer (JPO) Programme
 - (e) Litigation risks related to administrative processes
 - (f) Amended Staff Rules related to the education grant, special education grant and related benefits
 - (g) Review of the Administrative Instruction on the Classification and Reclassification of Posts
- 6. Legal aid
 - (a) Annual report on legal aid for the year 2018
 - (b) Expenditures for legal aid during the reparations phase
 - (c) Amendments to the legal aid system
- 7. Reparations
- 8. Trust Fund for Victims
 - (a) Fund-raising from private donors
 - (i) Progress report on the legal, fiscal, administrative and political hurdles related to private fundraising and their possible solutions
 - (ii) Draft terms of reference for the Joint Working Group on Private Donations
 - (b) Joint report of the Court and the STFV on the strengthening of the STFV's additional IT needs and internal controls
- 9. Internal governance matters
 - (a) Amendments to the Rules of Procedure of the Committee
- 10. Other matters
 - (a) Judicial developments
 - (b) Review of all potential and associated costs in relation to cases before the ILO - Administrative Tribunal and cases pending before the internal Appeals Board.²

² CBF/32/1.

8. The following members attended the thirty-second session of the Committee:
- (a) Ms. Carolina María Fernández Opazo (Mexico);
 - (b) Mr. Fawzi A. Gharaibeh (Jordan);
 - (c) Mr. Hitoshi Kozaki (Japan);
 - (d) Mr. Urmet Lee (Estonia);
 - (e) Ms. Mónica Sánchez Izquierdo (Ecuador);
 - (f) Mr. Gerd Saupe (Germany);
 - (g) Ms. Margaret Wambui Ngugi Shava (Kenya);
 - (h) Ms. Elena Sopková (Slovakia);
 - (i) Mr. Richard Veneau (France);
 - (j) Ms. Helen Warren (United Kingdom); and
 - (k) Mr. François Marie Didier Zoundi (Burkina Faso).

D. Participation of observers

9. Representatives from the Presidency, the Office of the Prosecutor (“the OTP”) and the Registry addressed the Committee and participated in the session, as well as in the workshop budgetary process, savings and efficiencies and their effect on the baseline. In addition, representatives of the Staff Union Council addressed the Committee. The Committee wished to thank the Court officials and the Staff Union Council for their interaction and input to the discussions.

II. Consideration of issues on the agenda of the Committee at its thirty-second session

A. Budgetary governance

1. Workshop on the budgetary process, savings and efficiencies and their effect on the baseline

10. In recent years, the Committee has made various observations and recommendations with a view to strengthening the budgetary process and documentation in order to ensure clarity, coherence and transparency.

11. At its thirty-first session, the Committee decided to keep the evolving budget process under review. It welcomed the efforts of the Court, most notably the Registry, during this budgetary process to identify savings and efficiencies. The Committee was of the view that further work needs to be undertaken in order to clarify the effective relationship between savings and the budget baselines of individual major programme and to specify rules in utilizing the identified savings for internal redeployment, such as for the payment of new or additional workloads. The Committee decided to discuss with the Court in April 2019 and at future sessions process enhancements and possible ways of moving towards more predictable and stable budgeting with a short-term to medium-term perspective beyond the annual budgetary cycle.³

12. At its seventeenth session, the Assembly welcomed the constructive dialogue between the Committee and the Court on the presentation of budget proposals and requested that the Court set Court-wide annual efficiency targets and to present an annex to the 2020 proposed programme budget on the achievements of these efficiency targets, as well as detailed information, which clearly distinguishes, to the extent possible, between savings, efficiencies, non-recurrent cost reductions and additional cost reductions achieved in 2019 and estimations for 2020; and also welcomed the recommendations of the

³ *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 26.

Committee in relation to the presentation of this information. The Assembly noted further that the Committee would be updated ahead of its thirty-third session on the measures taken by the Court and would include its comments in its reports to the Assembly.⁴

13. During the session, the Committee and the Court held another workshop to discuss the budgetary process, savings and efficiencies and their effect on the baseline. The Committee noted that the planning assumptions for activities are based on informed assumptions at the time of the budget preparation, which may be subject to further developments throughout the year.

14. The Committee received updates regarding the strategic framework of the Court. The Committee was advised that the Strategic Plans of the Court for 2019-21, including for the first time a Strategic Plan for the Registry, are being finalized. The Committee noted that the Registry's Strategic Plan will include key performance indicators for some of the key services such as human resources, procurement and victim protection. **The Committee looked forward to receiving in due course the strategic plans of the Court, the Registry and the OTP including an evaluation of the OTP's previous Strategic Plan.**

15. **As for the baseline for the 2020 proposed programme budget, the Committee recommended that the Court follow the table presented at the Committee's thirty-first session to show the allocated budget in 2019 compared to the request for the 2020 proposed programme budget.**

B. Working methods of the Committee on Budget and Finance

1. Amendments to the Rules of Procedure of the Committee

16. At its twenty-sixth session, the Committee had considered reviewing its internal processes and procedures to ensure compliance with the evolution of international best practices standards and had set up an internal working group in this regard.⁵

17. At its thirtieth session, the Committee agreed on amendments to its Rules of Procedure,⁶ and recommended that the Assembly approve them. At its seventeenth session, the Assembly took note of the proposed amendment to the Rules of Procedure. The Assembly recalled that all proposed amendments shall be justified for the Assembly to consider their adoption, bearing in mind that the Assembly of States Parties is the only decision making body with the necessary authority to review its resolutions. The Assembly requested that the Committee provide more detailed background information on the proposed amendments; and requested that The Hague Working Group discuss the proposed amendments, including any additional information provided by the Committee, in the context of the budget facilitation, with a view to enabling the Assembly to take a decision, as appropriate.⁷

18. During the session, the Committee provided the information requested by the Assembly (annex IV (a)) and reviewed the proposed amendments to the Rules of Procedure (annex IV (b)).

19. The Rules of Procedure set out how the Committee conducts its work and duties as a subsidiary body of the Assembly composed of independent experts. The Rules of Procedure were first approved by the Assembly in 2003 and have not been updated since 2008. The Committee believed that a review and an update are necessary to ensure the Committee is operating in a fully transparent and efficient manner.

20. The Committee is clear that there are no changes to the core mandate, structure or operation of the Committee or any additional financial burden resulting from the proposed amendments. The proposed amendments improve transparency, efficiency and accountability while maintaining ethical standards. In addition to being cost neutral, they clarify the role of the Executive Secretary in supporting the Committee and also regulates when further review of the Rules of Procedure should be undertaken. **The Committee submits the proposed amendments for consideration and approval by the Assembly at its eighteenth session.**

⁴ ICC-ASP/17/Res.4, section K, para. 4.

⁵ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, paras. 14 and 15.

⁶ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.1, paras. 23-25 and annex V.

⁷ ICC-ASP/17/Res.4, section Q.

C. Other financial and budgetary matters

1. Status of contributions

21. The Committee reviewed the status of contributions as at 31 March 2019 (see annex D):

(a) the assessed contribution for the approved budget for 2019 of €144.55 million;⁸ and

(b) contributions corresponding to Major Programme VII-2 host State loan amounting to €3.56 million for the permanent premises.

22. The Committee noted that, as at 31 March 2019, regular contributions of €63.77 million (44.1 per cent) were outstanding for the 2019 approved budget (excluding host State loan) of €144.55 million. At the same date, the outstanding contributions for the replenishment of the Contingency Fund (CF) and for the permanent premises by new States Parties that joined after 2015 stood at €5,379. The Committee observed that only 45 out of the 122⁹ States Parties had fully paid their contributions at the end of March 2019.

23. The outstanding/unpaid contributions from previous years (excluding the host State loan) stood at €19.45 million as at 31 March 2019. In this regard, the Committee noted that the outstanding contributions from previous years of four States Parties amount to roughly €18.7 million (or 96.1 per cent of the overall outstanding contributions from previous years).

24. States Parties that did not opt to make a one-time payment¹⁰ were required to cover the interest payments due on the loan from the host State. The outstanding contributions for the host State loan, as at 31 March 2019, stood at €2.27 million.

25. The Committee noted with great concern that, a grand total of €85.5 million of contributions were outstanding as at 31 March 2019, including contributions for the host State loan, which represents 57.7 per cent of the 2019 approved budget, compared to 75 per cent of the approved budget in 2018. The Committee recalled that it was imperative for States Parties to make their contributions on time. Failure to do so may result in cash flow shortage needed for the Court's core activities and operations.

26. The Committee observed that the Court regularly, i.e. on a quarterly basis, sends official reminders and communicates through various diplomatic channels with States Parties that have outstanding contributions. In addition, the Court provides monthly financial reports to States Parties, which include information on contributions. **Given the legal obligations of States Parties to pay their contributions and of the Court to pay instalments for the host State loan, the Committee urged that all efforts are made by States Parties to make their payments on time, in accordance with Regulation 5.6 of the Financial Regulations and Rules ("FRR") in order to ensure that the Court has sufficient funds throughout the year.**

27. **The Committee requested that the Court continue to remind States Parties that had not paid their contributions in full of their obligation. Furthermore, the Committee recommended that the Bureau, through the President of the Assembly, the Coordinator of the New York Working Group and Court officials, engage in a dialogue with States Parties that have outstanding contributions and take up this issue in their bilateral and multilateral meetings.**

28. **The Committee recommended that the Court in its update on the status of contributions should also include information on the outstanding dues of States that have withdrawn from the Rome Statute.**

⁸ ICC-ASP/16/Res.1, section A, para. 3.

⁹ The withdrawal of the Philippines from the Rome Statute became effective as of 17 March 2019.

¹⁰ As at 31 December 2014, 65 States Parties had chosen to make full one-time payments to contribute to the construction of the new permanent premises and are exempted from the obligation to repay the loan and the interest.

2. States in arrears

29. 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.”

30. The Committee observed that, as at 31 March 2019, 13 States Parties were in arrears and would therefore not be able to vote in accordance with article 112, paragraph 8 of the Rome Statute. The Committee noted that the Secretariat of the Assembly sent notifications on 12 October 2018 and again on 11 April 2019 to all States in arrears informing them of the minimum payment required to avoid the application of article 112, paragraph 8 of the Rome Statute, and of the procedure for requesting an exemption from the loss of voting rights. **The Committee strongly recommended that such requests for exemption only be granted following the payment of the minimum amounts identified and after presenting payment plans for the remaining balance.**

3. Payment plans

31. The Committee considered the “Report of the Court on payment plans for assessed contributions.”¹¹ The report addresses the Assembly’s request to the Court to develop guidelines, consistent with existing rules and regulations, for States Parties, which are in arrears and subject to the provisions of article 112(8)¹² of the Rome Statute, and which face significant economic hardship, to enter into voluntary and sustainable payment plans. The Assembly further requested that the Court (i) submit the guidelines to the Committee in advance of its thirty-second session; and (ii) keep States Parties informed of any such payment plans and their implementation through The Hague Working Group facilitation on the budget.¹³

32. According to the Report, a State Party’s proposal for a multi-year payment plan must meet, among others, the following requirements:

- (a) Provide an outline of the significant economic hardship and/or conditions beyond the control of the State Party;
- (b) Commitment to have no outstanding financial obligations to the Court by the end of the plan;
- (c) Commitment to pay the proposed yearly instalments¹⁴ in full and on time; and
- (d) The maximum duration of the plan should not exceed six years.

33. The Registrar will review the plans and submit those, which meet the requirements to the Assembly. The Court will monitor the implementation and report periodically to the Assembly in its monthly reports. If a State Party does not comply with the agreed terms, the payment plan will become void.

34. Nonetheless, even though the guidelines complied with the Assembly’s request, the Committee noted that the Bureau could explore measures to ensure the success of the payment plans.

35. The Committee was of the view that there are alternative ways of dealing with States in arrears that should be explored in line with the practice in other international organisations. States Parties in arrears should, in principle and in accordance with the Rome Statute, automatically lose their voting rights, and the Assembly should restore these rights

¹¹ ICC-ASP/18/6.

¹² Article 112, para. 8 Rome Statute reads as follows:

“A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.”

¹³ ICC-ASP/17/Res.4, section C, para. 2.

¹⁴ These instalments should consist of the following two portions: (a) the yearly instalment with respect to the arrears and (b) the full payment of all new assessments over the period of the plan.

only if they enter into agreements with the Court about sustainable payment plans. In addition, the Assembly could decide other measures to limit the participation of States in arrears in certain areas.

4. Guidelines for voluntary contributions of States Parties to the budget of the Court

36. At its twenty-ninth session, the Committee welcomed the information provided by the Court regarding the voluntary contribution from a State Party, to be used for outreach and information activities in Uganda. The Committee welcomed the fact that some countries were eager to provide voluntary contributions to the budget of the Court, whilst at the same time emphasizing the need for clear detailed guidelines.¹⁵

37. The Committee had before it the “Update on a voluntary contribution from one State Party for a Special Project in Uganda.”¹⁶ Whilst it set out important information regarding the scope and objective of the project, it did not contain any detailed guidelines and thus the Committee reiterated the need for detailed guidelines in order to ensure that future voluntary contributions have an adequate framework. **The Committee requested that detailed guidelines for future voluntary contributions with an adequate framework be presented at its thirty-third session and that future commitments should be governed by the agreed guidelines and reported in the appropriate manner to ensure transparency and accountability.**

5. Programme performance of the 2018 approved budget

(a) General observations

38. The Committee considered the “Report on activities and programme performance of the International Criminal Court for the year 2018.”¹⁷ Based on preliminary and unaudited figures, the overall implementation rate of the regular budget was 96.8 per cent or a total of €142.74 million against an approved budget of €147.43 million.¹⁸

39. The Committee noted that in 2018 the Court’s total actual expenditure, including the CF, amounted to €145.1 million, which represents 98.4 per cent of the approved 2018 budget (€147.43 million).¹⁹ The Committee welcomed the fact that the Court had absorbed the expenditures for unforeseen situations and developments within its regular budget.

(b) Judicial developments impacting on the use of budgetary resources

40. The Committee noted that although the Court has experienced more than 15 years of operations and has reached a certain degree of maturity, it still faces a high degree of unpredictability related to changes in the assumptions on which the proposed budget was approved. Unforeseen judicial developments, as well as other external and internal factors have a direct impact on the use of budgetary resources approved by the Assembly and on the use of the CF.

41. In this context the Committee observed that the acquittal of Mr. Bemba and the holding of proceedings in *Gbagbo/Blé Goudé* in 2018 resulted in low trial and case management activities with considerably fewer witnesses appearing for testimony (change in assumptions from 132 witnesses to an actual number of 39) and fewer days of courtroom hearings (change in assumptions from 400 planned courtroom days to 93 actual days). Thus, the implementation rate of the approved budget was lower than originally foreseen, with general operating expenditures being under-implemented by approximately €1,700 thousand and General Temporary Assistance (GTA) being under-implemented by €2,300 thousand.

¹⁵ *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 240.

¹⁶ CBF/32/9.

¹⁷ ICC-ASP/18/3.

¹⁸ *Ibid.*, page 109, annex XVI, table 1.

¹⁹ *Ibid.*, page 57, table 10.

42. More specifically, the Committee observed that there were transfers of funds, which were used for other operational needs:

(a) transfer from general operating expenditures to the item “furniture and equipment” (for the purchase of two armoured vans for the country offices in light of security concerns) in the amount of €200 thousand;

(b) transfer from general operating expenditures to finance the initially planned move of the country office in Côte d’Ivoire in the amount of €267 thousand. As the move did not take place the funds were redistributed for other operational needs;

(c) transfers of a total of €746.6 thousand from Victims and Witnesses Section (VWS) to Information Management Services Section (IMSS):

(i) For the purchase of additional end-user hardware to replace equipment not compatible with the Windows 10 operating system in the amount of €200 thousand;

(ii) To purchase additional Citrix licences for the Court’s remote working infrastructure upgrade in line with the Court’s recent policy on Flexible Working Arrangements in the amount of €371.6 thousand;

(iii) To finance the second release of the Court’s Mission Planning Software in the amount of €100 thousand;

(iv) To improve the billing system for staff in relation to personal calls in the amount of €50 thousand; and

(v) In relation to the procurement activity for the internet service provider in CAR Country Office in the amount of €25 thousand;

(d) transfer in the amount of €241.5 thousand from different sections to the Counsel Support Section as a result of judicial decisions granting legal aid fees in relation to *Ntaganda, Bemba et al., Al Mahdi* and *Ongwen*, which represented additional costs compared to the budgeted judicial assumptions; and

(e) transfer from GTA to individual contractors in the amount of €203 thousand to ensure a more accurate record of expenditures in SAP.

43. The Committee welcomed the enhanced transparency reflected in the presentation of the transfers of funds in the programme performance report. While the Committee acknowledged that such transfers are in conformity with the FRR and might be required to ensure flexibility, it reiterated its previous recommendations on the transfer of funds²⁰ stressing that the principles of fiscal discipline and reasonable use of resources should be applied.

44. The Committee emphasized that any transfer of funds shall occur only with respect to resource requirements that were unforeseen or could not be planned for at the time of the submission of the proposed programme budget and that such transfers of funds should not be taken into account when calculating the baseline for the following year.

(c) *IT expenditure*

45. The Committee noted an over-spend in the IMSS of €730.1 thousand.²¹

46. The Committee took note of the transfers totalling €746.6 thousand (see para. 42 above) from VWS to IMSS for what the Court describes as unforeseen expenditures related to the purchase of additional end-user hardware required to replace obsolete workstations and laptops that were not compatible with Windows 10 and the implementation of three high-priority projects, including the purchase of an additional 200 licenses for the CITRIX environment to support the increased demand for remote access in relation to the policy on flexible working arrangements.²²

²⁰ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.1, para. 58; *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 61.

²¹ ICC-ASP/18/3, page 119, table 27.

²² *Ibid.*, page 43 and information provided by the Court as a response to queries by the Committee.

47. **The Committee was of the opinion that under normal circumstances the purchase of end-user hardware or the upgrade of operational software cannot be considered an unforeseen expenditure. After considering all the explanations received, the Committee recommended that in the future the Court also consider the need to replenish precautionary reserves and the possibility of achieving a cash surplus before committing any unspent funds to other cost items.**

48. The Committee further recalled that at its thirty-first session, it had recommended a five-year IT strategy with maximum annual limits and suggested a target ceiling for the total “lights-on” IT foreseeable costs, which was approved by the Assembly. Transferring funds during the year could lead to a misrepresentation of the actual baseline and hinder the implementation of the imposed limits on IT expenditures. **The Committee recommended that the Court continues to stay within the approved annual ceilings of the five-year IT/IM strategy.**²³

(d) *Travel expenditure*

49. The Committee noted with satisfaction that the pattern of over-implementation on travel expenditure was not repeated in 2018 (implementation rate of 98.6 per cent of the approved budget) and looked forward to seeing this development repeated in 2019.²⁴

(e) *Overtime*

50. The Committee further noted with satisfaction that the actual expenditures for overtime amounted to 58.5 per cent of the approved budget of €360.8 thousand.

(f) *Expenditures for legal aid*

51. The Committee observed that in 2018 there was an over-spend on legal aid of 119.8 per cent (or €5.45 million) against the 2019 approved budget of €4.55 million.²⁵ In addition, the Committee compared the expenditure for legal aid, when including the CF, with previous years (see annex III).

(g) *Contingency Fund notifications in 2018*

52. In 2018, the Court was confronted with a number of unforeseen developments and submitted four CF notifications as detailed in table 1 below:

Table 1: Summary of notifications to access the Contingency Fund in 2018

<i>Date</i>	<i>Justification</i>	<i>(Revised) amount notified</i>
11/04/2018	Unforeseen costs concerning the mandate extensions for Judge Van den Wyngaert and Judge Monageng in order to render decisions in two appeals in the case of The Prosecutor v. Jean-Pierre Bemba Gombo (“Bemba”) in the situation in the Central African Republic.	€116,792
06/11/2018	Unforeseen costs concerning the situation in the Republic of Burundi. (The initial request was €2.51 million).	€1,117,100
08/11/2018	Unforeseen costs concerning the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud in the situation in the Republic of Mali.	€1,754.600
04/12/2018	Unforeseen costs with regard to the case of The Prosecutor v. Alfred Yekatom in the situation in the Central African Republic.	€220,300
Total		€3,208,792

²³ Please refer to para. 74 of the present report.

²⁴ ICC-ASP/18/3, page 57, table 10.

²⁵ *Ibid.*, para. 295.

53. The Committee noted that the overall use of resources for unforeseen situations amounted to €2.36 million, or 73.4 per cent, compared to the total notified amount of €3.2 million and that these resource requirements were absorbed within the regular approved budget.

(h) *Unliquidated obligations*

54. The Committee observed that the amount of unliquidated obligations of the Court as at 31 December 2018 stood at €6,054 thousand, which represents an increase of €767 thousand compared to 2017. As for Major Programme III (the Registry), the unliquidated obligations amounted to €4,716 thousand, which represent an increase of 18.7 per cent compared to 2017 (€3,974 thousand). Furthermore, the Committee noted the significant number of open trips in the Division of External Operations (140 open trips). **The Committee expressed its concern about such developments in the unliquidated obligations, and requested to be updated about the disbursement of all open purchase orders and open trips at its thirty-fourth session.**

6. **Budget performance in the first quarter of 2019**

(a) *Implementation rate*

55. The Committee had before it the “Report on budget performance of the International Criminal Court as at 31 March 2019.”²⁶ The Committee noted that the implementation rate, as at 31 March 2019, was 30.9 per cent, or €44.6 million, against the 2019 approved budget of €144.55 million (excluding the instalments for the host State loan of €3.59 million), and agreed to continue monitoring the situation at its thirty-third session in August/September 2019.

(b) *Judicial activities and courtroom use*

56. The Committee took note of the release of Mr. Gbagbo and Mr. Blé Goudé in February 2019. The Committee observed the continued low level of judicial activities in 2018 and 2019 as reflected in the limited use of courtrooms (27 hearing days in the first quarter of 2019). **Therefore, the Committee was not convinced of the need to make use of two fully staffed courtroom teams in 2019 and recommended that the Court identify efficiencies in 2019.**

57. **Reiterating its recommendation²⁷ that the Court manage its human resources in a flexible manner to allow it to react to unexpected situations as much as possible and redeploy resources based on actual workload requirements, the Committee further recommended that the Court look into the efficient and flexible use of courtroom teams and the optimal planning of courtroom time in the context of the 2020 proposed programme budget.**

(c) *Contingency Fund notification*

58. The Committee noted that one CF notification related to the release of Mr. Gbagbo and Mr. Blé Goudé (situation in Côte d’Ivoire) in the amount of €327.4 thousand had been submitted and expressed its expectation that this amount would be absorbed within the regular budget.

²⁶ CBF/32/15.

²⁷ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 215.

(d) *Transfer of funds*

59. The Committee observed that within the Chambers in Judiciary an amount of €451 thousand was used for Short-term Appointments (STA) instead of GTAs, as originally allocated. The Committee decided that it would continue to monitor the use of the STA modality in compliance with the relevant AI²⁸ at its thirty-fourth session in 2020.

7. Review of the level of precautionary reserves and liquidity issue

60. At its thirty-first session, the Committee decided that it would consider the level of precautionary reserves and the liquidity issue at its thirty-second session in light of further experience.²⁹ This decision was welcomed by the Assembly at its seventeenth session.³⁰

(a) *Working Capital Fund*

61. As the Court's budget is funded through annual assessed contributions, the liquidity risk needs to be mitigated and thus the Working Capital Fund (WCF) was set up in order for the Court to meet short-term liquidity problems pending receipt of assessed contributions.³¹

62. An analysis of the outstanding contributions over the past ten years shows the trend of outstanding contributions as outlined in table 2 and table 3 below:

Table 2: Trend analysis in relation to outstanding contributions for the past ten years (in thousands of euros)

<i>Year</i>	<i>Programme budget</i>	<i>Outstanding contributions at the end of the period (incl. for prior years)</i>	<i>Outstanding contributions (in per cent)</i>
2008	90,382.1	557.5	0.62%
2009	101,229.9	1,093.0	1.08%
2010	103,623.3	6,254.9	6.04%
2011	103,607.9	2,791.6	2.69%
2012	108,800.0	6,569.3	6.04%
2013	115,120.3	6,980.2	6.06%
2014	121,656.2	14,489.3	11.91%
2015	130,665.0	20,785.7	15.91%
2016	139,590.6	18,405.0	13.18%
2017	144,587.3	31,047.9	21.47%
2018	147,431.9	21,121.9	14.33%
2019*	148,135.2	20,400.0 ³²	13.80%

* Forecast.

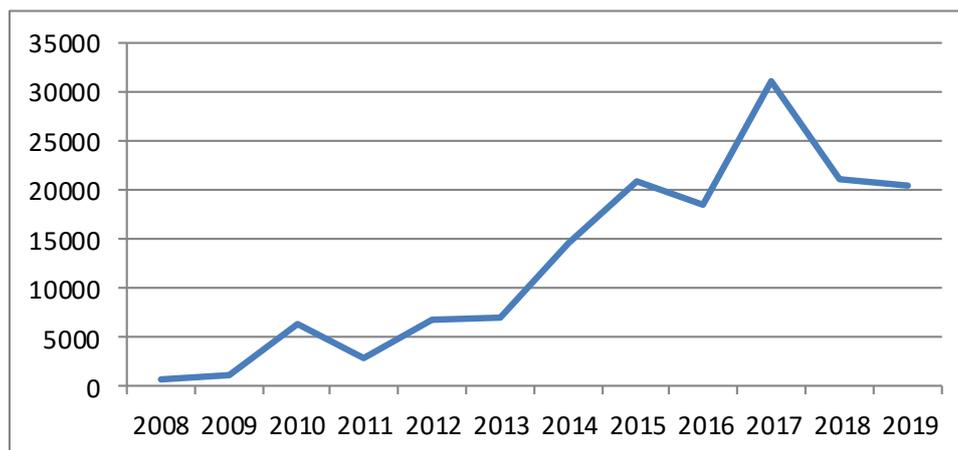
²⁸ ICC/AI/2016/001.

²⁹ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 200.

³⁰ ICC-ASP/17/Res.4, section B, para. 4.

³¹ Financial Regulations and Rules, Regulation 6.2.

³² Calculations based on confirmations received from Embassies and 2018 payment records.

Table 3: Outstanding contributions over the past ten years (in thousands of euros)

63. In 2016, the Assembly agreed to raise the established level of the WCF to €11.6 million to cover one month of the Court’s average costs³³ in line with international practice. The Assembly further decided that the Court may only use the surplus funds and funds received from the payment of the outstanding contributions to reach the established level of the Working Capital Fund³⁴ of €11.6 million, which the Court predicts should take place towards the end of 2019.

64. The Committee considered the “Report of the Court on its precautionary reserves,”³⁵ which focuses on the level of the WCF. The Court also updated the Committee on the liquidity situation, outstanding contributions for the regular programme budget and the host State loan. Cash flow projections were included in the “Monthly financial situation report” as at 31 March 2019.

65. The Committee noted that cash flow projections are made based on (i) information received from States Parties, or (ii) in their absence, on 2018 contributions payment patterns. In light of the lack of information on payment dates, the Committee noted that the Court was not in a position to provide a reliable forecast for the outstanding contributions as at 31 December 2019. **Therefore, the Committee urged States Parties to confirm the expected dates for the payment of contributions to the Court with a view to assisting the Court with making cash flow projections based on realistic assumptions. In addition, the Committee recommended that the Court add to its “Monthly financial situation reports” information on the liquidity impact in the event of the situation being based exclusively on the payment dates confirmed by States Parties.**

66. The Committee stressed that the liquidity situation remained vulnerable and that an adequately funded WCF was a key safeguard to protect the Court’s operational continuity since it is the only source available to overcome short-term liquidity problems. In this context, the Court requested a WCF cash top-up of no less than €5.4 million to reflect six weeks’ operational expenditure or up to €17 million in order to address ongoing liquidity issues. **The Committee recommended that the level of the Working Capital Fund be maintained at one month of the Court’s expenditure, therefore, recommending an increase of the notional level to €12.3 million.**

67. Until the reliance on the use of a fully funded WCF, the Committee reiterated its earlier recommendation that “a permanent mechanism authorizing the Bureau to deal with liquidity issues, such as through the temporary use of the CF and/or the establishment of external funding upon recommendation of the Committee, as a risk-mitigating measure” should be established by the Assembly of States Parties.³⁶

³³ Relative to the 2016 budget. Previously, in the wake of continuing budget growth, the cover ratio had fallen to less than three weeks.

³⁴ ICC-ASP/17/Res. 4, section B, para. 5.

³⁵ CBF/32/2/Rev.1.

³⁶ *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 209.

68. The Court stressed that the issue of liquidity remained a recurrent problem due to the high level of outstanding assessed contributions. The External Auditor also expressed the same concerns and believed that this was a structural problem, which required further analysis. The Committee looked forward to the forthcoming External Auditor's performance audit on the Court's budget management³⁷ and to a discussion between the External Auditor and the Court on how to actively manage expenditures and identify risk mitigating measures in line with the practice of other international organisations.

(b) *Contingency Fund*

69. At its seventeenth session in December 2018, the Assembly had resolved that the CF was to be maintained at the notional level of €7 million for 2019, and requested that the Bureau keep this threshold under review in light of further experience on the functioning of the CF.³⁸ On 31 December 2018, the level of the CF stood at €5.2 million.³⁹ The Committee was concerned that this level could be insufficient to cover further contingencies.

(c) *Employee benefit liabilities (EBL)*

70. The report of the Court also briefly addressed the funding for employee benefit liabilities. The Court noted that the EBL Fund currently does not include funding for After-Service Health Insurance (ASHI). The Court intended to consider the issue of funding ASHI liabilities, in line with the recommendations of the External Auditor, and will provide the Committee with information in this regard for its consideration.⁴⁰

71. After noting that the External Auditor will look into the issue of the EBL and carry out the actuarial calculations, the Committee decided to review the matter at its thirty-fourth session in April 2020.

D. Institutional reform and administrative matters

1. Establishment of a special account for the IT/IM Strategy and transfer of unspent funds from one financial year to the following

72. At its thirty-first session, the Committee reiterated, with regard to multi-year budgeting, its recommendation⁴¹ that a solution be found within the parameters of the FRR to transfer unspent funds for the Strategy, caused by objective delays in procurement, from one financial year to the following. This recommendation was endorsed by the Assembly at its seventeenth session.⁴² The Committee further recommended that the savings achieved within the project should be reported and utilized to reduce the costs of the Strategy.⁴³

73. The Committee reviewed the "Report of the Court on the establishment of a special account for the Five-Year IT/IM Strategy."⁴⁴ The proposed solution of the Court to establish a special account to manage the transfer of unspent funds for the IT/IM Strategy from one financial year to the next is a viable *ad hoc* solution. Its main purpose is to improve planning and to enlarge the timeframe for committing obligations, which prevents the end-of-year "spending spree." The solution ring-fences the unspent IT strategy funds and prevents them from being reallocated to fund other cost items within Major Programme III (the Registry), to replenish the CF or to achieve a cash surplus. The Court provided assurances that the special account does not require a separate assessment of contributions, nor does it harm the cash flow of the Court.

³⁷ Based on the current information, the audit will take place in May 2019 and the report will then be available in July 2019.

³⁸ ICC-ASP/17/Res.4, section D, paras. 2 and 4.

³⁹ ICC-ASP/18/3, page 95, annex XII.

⁴⁰ CBF/32/2/Rev.1, para. 5.

⁴¹ *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 92.

⁴² ICC-ASP/17/Res.4, section P, para.1.

⁴³ *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 104.

⁴⁴ CBF/32/4.

74. **Reiterating its recommendation⁴⁵ that the Five-year IT/IM Strategy should be implemented within the maximum agreed budget limits (€2,168 thousand for 2019; €2,072 thousand for 2020; €2,559 thousand for 2021), the Committee supported the Court’s proposed solution to establish a special account and recommended that the annual budget limits be reflected in the draft language⁴⁶ for submission in advance of the eighteenth session of the Assembly. Furthermore, the Committee recommended that the Court specify in the proposed draft that the creation of the special account would not adversely affect the Court’s cash flow.**

75. **In addition, the Committee was of the view that after a review of the results achieved upon completion of the IT/IM Strategy, a permanent transfer solution could be envisaged by changing the relevant FRR.**

E. Capital replacements for the premises of the Court

1. Second opinion of the incoming main contractor

76. At its thirty-first session, the Committee recommended that – if the Bureau agrees – the Court seek the views of its incoming main contractor on a certain number of questions related to long-term costs⁴⁷ and on the current capital replacement plan until 2023 by reporting to the Committee at its thirty-second session.⁴⁸

77. In September 2018, the Committee considered the Court’s proposed options for funding long-term capital replacements (i.e. the replacement of major system components) for its premises in The Hague.⁴⁹ It endorsed the proposal that the Court periodically present a five-year expenditure estimate along with an outlook on long-term plans. However, under current circumstances, it did not support the establishment of a fund. Replacement needs in the near future should, whenever feasible, be financed within the scope of the regular budget process. Still, the Court should provide in good time for steep cost spikes, when major structural components will reach the end of their useful lives.

78. **Concerning the appropriate time-scale and methodology of the longer-term cost estimates, the Committee requested further clarification as indicated in previous reports.⁵⁰**

2. Key elements of the maintenance contract

79. The Committee considered the “Report of the Court on the development of medium-term and long-term cost projections for capital replacements and the inclusion of performance indicators in the new maintenance contract.”⁵¹ The key points of this report can be summarized as follows:

(a) As from January 2019, the new maintenance contractor is *Heijmans N.V.* The contract is for an initial period of three years with the option for the Court at its sole discretion to extend the period to a maximum of 10 years, subject to satisfactory performance;

⁴⁵ *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para 102.

⁴⁶ CBF/32/4, annex I.

⁴⁷ *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para 265.

⁴⁸ *Ibid.*, para. 266.

⁴⁹ *Ibid.*, paras. 264–268.

⁵⁰ See the questions listed in paragraph 265 of the Committee’s report on the thirty-first session:

“(a) What time-scale would be realistic and acceptable? (b) What should be the terms of reference of the exercise, for instance: priority of replacements, risks if not implemented, allowing for unforeseen events / emergencies; benchmarks for quality standards, opportunities for technical progress, assumed level of capacity utilization?

(c) Ways of updating the estimates over time?

(d) Lessons to be learned from other international organizations?

(e) Possible cost of the estimates? (f) Who would be able and should be entrusted with the technical estimate?

(g) Use of key performance indicators?”

⁵¹ CBF/32/10.

(b) As for the terms of reference, the contractor as a single all-rounder shall provide a complete maintenance solution for the premises, which covers preventive maintenance, corrective maintenance and capital replacements;⁵²

(c) The Court will measure the performance of the contractor continuously, based on regular reports and specific performance criteria indicated. Non-compliance with the criteria can lead to a contractual penalty (“*malus*”); and

(d) It is worth noting that the contractor advises the Court to envisage a timeline of 20 - 30 years for the long-term replacement plans. The contractor advised that pre-determined funding mechanisms should be in place to avoid negative effects on the operations of the Court.

80. The main contractor will be cooperating with and is supervised by the Court’s Facility Management Unit in order to maintain the premises, protect their functionality and preserve the asset value. The Committee welcomed the attention given in the maintenance contract to clarifying the contractor’s responsibilities and monitoring its performance based on specific performance criteria and incentives.

81. The Committee looked forward to receiving periodic updates about how the cooperation with the contractor is proceeding and issues that may have arisen. Measures taken or envisaged to achieve savings and efficiencies should be a regular feature of the reports.

82. Moreover, the Committee considered the updated five-year rolling forecast provided by the contractor.⁵³ Starting in 2020, replacement expenditure would add up to €3.6 million by 2023 with an added €0.08 million in 2024. With regard to the €3.6 million by 2023, this amount exceeds the Court’s earlier forecast (€2.9 million)⁵⁴ for the same period by €0.7 million. **As forecasts will continue to evolve, the Committee recommended that the Court explain variances in the future. In addition, updated forecasts should also discuss the prioritisation of the replacements and measures taken or envisaged to achieve savings and efficiencies.**

83. The Committee looked forward to receiving annual updates of the five-year expenditure plans for the maintenance of the premises together with a view of the longer-term expectations. After recalling that the Assembly entrusted the Bureau “with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group, which has a facilitation on the budget, or if necessary, a sub-committee thereof,”⁵⁵ the mandate of which includes, amongst others, “a draft plan for funding the total cost of ownership and the subsequent submission of recommendations to the Assembly.”⁵⁶ The Committee stands ready to assist with its technical advice.

F. Human resources

1. Annual report on Human Resources Management

84. The Committee considered the annual “Report of the Court on Human Resources Management”⁵⁷ and new human resources initiatives, such as staff wellbeing and mobility, which should make it possible to improve efficiency and productivity. **The Committee recommended that the Court focus on finalizing the human resources projects and keep consulting with the Staff Union Council on human resources issues in order to reinforce a positive and balanced work climate and assess their impact before introducing other initiatives.**

85. Furthermore, and in order to ensure adequate coordination between the Court and States Parties, the Committee requested that in the future it be consulted with respect to policy issues within its mandate in a timely manner.

⁵² The responsibilities of the contractor are detailed in a “Scope of Work” (SOW) document.

⁵³ CBF/32/10, annex 1, page 4.

⁵⁴ CBF/30/3, page 3.

⁵⁵ ICC-ASP/15/Res.2, annex II, part B, para. 6. The Assembly also resolved that the budget facilitation could make use of the expertise of the Committee.

⁵⁶ *Ibid.*, para. 7.

⁵⁷ ICC-ASP/18/4.

2. Review of the Administrative Instruction on the Classification and Reclassification of Posts

86. In September 2017, the Committee recommended that the Assembly should not approve any reclassifications of posts until there had been a Court-wide review of the policy on reclassifications.

87. At its seventeenth session in December 2018, the Assembly decided not to approve any requested reclassifications for 2019, stressed that reclassifications of posts cannot be used as a promotion tool or as a consequence of increased workloads and recalled the importance of fairness and transparency in all human resources decision-making. The Assembly noted the Administrative Instruction on the Classification and Reclassification of Posts promulgated by the Registrar⁵⁸ and requested that the Committee review it at its thirty-second session and report to the Assembly.⁵⁹

88. Pursuant to the Assembly's request, the Committee reviewed the AI on classification and reclassification of posts, which was promulgated on 22 November 2018. While the AI sets out a detailed process for how a post should be considered for reclassification, the Committee was of the view that further fine-tuning may be required.

89. The Committee noted that the AI contains details on the exchange with the incumbent of the post. The Committee welcomed staff consultation and involvement in human resources processes to ensure a level of transparency and trust. However, the Committee was concerned that feedback of this kind in this administrative process could raise expectations of outcome, increase the need for conflict resolution and, in the most extreme cases, lead to a higher risk of legal challenge. All these aspects could affect the decision-making process or have financial implications. **The Committee therefore recommended that the Court ensure that all processes and financial risks are appropriately mitigated and reconsider the wording of the Administrative Instruction to clearly distinguish between decisions on the classification of posts and administrative decisions related to the performance of staff.**

90. **While recognizing the Court's need for flexibility in human resources management, the Committee recalled that reclassifications are always linked to posts and not to incumbents and recommended that reclassification requests should be put forward only under exceptional circumstances.**

3. Geographical distribution

91. At its thirtieth session, the Committee, reiterating its previous recommendation,⁶⁰ recommended that the Court address the issue of the significant number of staff that are nationals of States that are not States Parties to the Rome Statute in conjunction with the existing imbalance in geographical representation.⁶¹ The Committee further recommended that the Court continue its efforts to attract candidates especially from under-represented and non-represented countries and report back to the Committee at its thirty-second session in its annual report on human resources management.⁶²

92. The Court prepared a detailed report on the geographical representation of its staff in the professional and higher-grade categories, broken down by region over a five-year timescale 2014-2018 and presented in a bar chart format.

93. The Court's report showed that the number of over-represented States fluctuated during the period. It stood at 26 in 2014, increased to 29 in the subsequent year, then declined to 27 and ended at 29 in 2018; the numbers of in-balance States improved significantly during the reported period, jumping from 14 in 2014 to 21 in 2018, an increment of 50 per cent; while the figures for the under-represented States dropped from 21 in 2014 to 15 the following year, then significantly increased to 26 in 2016 and ended at 19 in 2018; finally the non-represented ones decreased from 61 in 2014 to 54

⁵⁸ ICC/AI/2018/002.

⁵⁹ ICC-ASP/17/Res.4, Section M, para. 4.

⁶⁰ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, para. 98.

⁶¹ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.1, para. 92.

⁶² *Ibid.*, para. 93.

in 2018, a 10 per cent improvement. Overall, the trend over the last five years exhibited modest changes (positive and negative) in the geographical distribution of staff, except for the in-balance States.

94. A comparison of the statistics of the two most recent years, 2017 and 2018, revealed that over-represented States increased by two in 2018; the in-balance States remained the same; the under-represented States declined by two; and the non-represented States decreased by one. The fluctuations occurring during the reporting period might provide an indication regarding the degree of stability of Court staff. **The Committee recommended that the Court continue its efforts to achieve a more equitable geographical distribution.**

95. **Considering the fact that the non-represented States make up just under half the number of the Assembly, the Committee recommended that the Court give special attention to the hiring of staff from those States.**

96. The Court report for the number of States that are not States Parties to the Rome Statute exhibited an upward trend, growing from 14 States in 2014 to 24 in 2018, a hefty 71 per cent increase. The number never dropped below the 2014 level. The Committee reiterated its previous recommendations and urged the Court to make serious efforts to redress the situation. **The Committee further recommended that the Court report on geographical representation by differentiating between the staff from States Parties and non-States Parties.**

97. As regards regional representation, the African and the WEOG regions were over-represented in 2018, whereas the Asian, the East European and GRULAC regions were under-represented. The total number of professional staff, excluding elected officials and language staff, was 465, of which 60 (15 per cent) belong to non-ratified countries. Out of the total States Parties professional staff of 406, 15 per cent, four per cent, 10 per cent, seven per cent and 64 per cent came from the African, Asian, East European, GRULAC and WEOG groups respectively.

4. Gender balance

98. At its thirtieth session, the Committee recommended that the Court, particularly the Registry, continue its efforts to narrow the gender gap and to provide an update to the Committee at its thirty-second session.⁶³ The Committee noted that the gender gap at the higher professional levels persisted in 2017 and recommended that the Court continue its efforts to redress this situation and to provide an update to the Committee at its thirty-second session.⁶⁴ Furthermore, the Committee observed a decline in female staff at the P-5 level from 35 per cent to 32 per cent, while female staff increased by two per cent at P-4 and P-3 levels respectively. The Committee recommended that the Court make additional efforts towards attracting female staff at P-5 level and provide an update to the Committee at its thirty-second session.⁶⁵

99. The Court provided information on the gender balance in tables and chart format, broken down by major programme. The Committee welcomed this development since it made more information available for the Committee's consideration.

100. Overall, the gender balance at the Court for established posts stood at 53 per cent for men and 47 per cent for women in 2018, the same as in 2017 and in 2012. The overall gender breakdown for men and women (50 per cent each) was equally shared between professional and higher staff.

101. As a trend, the gender balance was relatively stagnant with minor fluctuations. Apparently, the Court had not materially improved the balance in favour of female staff. The Committee, notwithstanding its repeated recommendations, again urged the Court to continue its efforts to narrow the gender gap.

⁶³ *Ibid.*, para. 97.

⁶⁴ *Ibid.*, para. 98.

⁶⁵ *Ibid.*, para. 99.

102. At the programme level, the proportion of women in the professional and higher categories of the Judiciary stood at 52 per cent, 52 per cent in OTP, 75 per cent in the IOM and 75 per cent in the OIA, a gap in favour of female staff. **Whereas the proportion of women within the staff of the Registry, the Secretariat of the Assembly and the TFV fell well below the required balance, registering 43 per cent, 40 per cent and 40 per cent, respectively. The Committee recommended that the Court address the imbalance in the last three major programmes as appropriate.**

103. The overall gender distribution of the professional and higher categories staff was equally divided between men and women (50 per cent each). A breakdown of this by major programme gave women a majority of 53 per cent, 51 per cent, 67 per cent and 67 per cent in the Judiciary, the Registry, the IOM and OIA respectively. Whereas women were in the minority within the OTP, Secretariats of the Assembly and the TFV, comprising 48 per cent, 40 per cent and 25 per cent respectively.

104. The number of women employed in high-level positions stood at 11 per cent of staff in the D-1 grade, 33 per cent in the P-5, and 35 per cent in the P-4 categories. At the lower levels, the proportion of females stood at 45 per cent in the P-3, 63 per cent in the P-2 and 76 per cent in the P-1 categories. This showed that the gender imbalance in favour of male staff existed in the higher level posts. Conversely, the lower level posts were overwhelmingly occupied by female staff. The Committee reiterated its previous recommendations and asked the Court to concentrate its efforts on recruiting women to higher-level posts.

105. The Committee was informed that the Court is establishing and implementing the following measures in order to address the problem:

(a) Mentoring Programme for Women, which will include providing support to women to strengthen professional networks and define and pursue career aspirations;

(b) Focal Point for Women, Heads of organs are committed to promoting gender parity within the Court. With the establishment of a focal point, it will be possible to determine whether there are any systematic organizational issues which may present obstacles for the career progression of women;

(c) Unconscious bias training for managers will be provided to all managers involved in recruitment; and

(d) Gender awareness training, mentoring programme and specific training to raise awareness.

106. **The Committee welcomed these initiatives and recommended that the Court work on these matters with all interested parties, as well as on proposals in compliance with a zero tolerance policy on harassment and report to the Committee at its thirty-fourth session.**

5. Internal mobility framework and staff exchange arrangement within the United Nations Common System

107. In April 2018, the Court informed the Committee about its ongoing work on developing a staff Mobility Framework. The Committee noted that opportunities for flexible assignment would support staff in their professional development. In addition, flexibility was essential for efficient resource use in an organisation like the Court where staff costs alone account for more than two-third of the entire budget. The Committee made specific recommendations for the Framework and requested a progress report for its current session.⁶⁶

108. In response, the Court explained that implementing the Mobility Framework has been, and will continue to be, one of its priorities. Already, the Court was applying several types of arrangements to support mobility within and outside the Court. Additional mobility options would be beneficial. Extensive research and benchmarking, which included staff mobility frameworks at key UN Common System institutions had taken place. A proposal with relevant mobility options was about to be finalized.

⁶⁶ *Ibid.*, para. 104.

109. **The Committee looked forward to receiving the Mobility Framework proposal for consideration at its thirty-fourth session.** It also reiterated its recommendation that, in future, requests for new posts in the proposed programme budgets should be backed up by a more explicit justification of why recourse to existing resources may not be practicable.⁶⁷

6. Flexible working arrangements and IT security

110. In February 2019, the Registrar issued an AI establishing the conditions under which staff members of the Court may “benefit from flexible working arrangements leading to a better work-life balance.”⁶⁸

111. Subject to the conditions set out in the AI, the following flexible working arrangements will be available:

- (a) Flexible working schedule;
- (b) Compressed working schedule;
- (c) Remote working; and
- (d) Scheduled breaks for outside learning activities.

112. All such arrangements require a written agreement, are not automatic, and are contingent upon the specific exigencies of service. Any resulting costs, such as those related to the necessary computer hardware, software, internet connection or any other expenses or fees incurred under the arrangements, or for complying with security and safety requirements, shall be borne by the staff member and not be reimbursed by the Court.⁶⁹

113. The Committee noted that the AI on flexible working arrangements shall not increase the Court’s risks in relation to information security, operations or reputation. According to the AI, staff members “shall be responsible to ensure that activities during flexible working arrangements are undertaken with full adherence to the risk management steps and security measures and policies, as outlined in the relevant administrative instructions, operating procedures and guidelines.”⁷⁰ Moreover, the Committee noted that the Court’s Information Protection Policy determines that: “[v]iolation of this Administrative Instruction may result in disciplinary action [...]”⁷¹

114. Stressing that it is critically important to protect the Court’s data, its operations and its reputation against risks arising in particular from IT-based remote work, the Committee believed that despite the Court’s efforts, there might be room for further improvement. As the current multiplicity of legal instruments the Court refers to may cause confusion, the Committee believed that the relevant provisions should be clearly presented and updated, as well as being made readily accessible.

115. The AI in its present form appears to confer the sole responsibility for compliance upon the staff. However, the Court is jointly responsible, for example, in terms of continuing to provide IT security trainings,⁷² and appointing a contact person in the IT Department to support staff who would like to avail themselves of flexible working arrangements. **The Committee requested that the Court employ all required methods and tools to ensure full compliance with IT security standards and looked forward to an update, including on the overall usage and usage incidents, as part of the annual report on Human Resources Management at its thirty-fourth session.**

⁶⁷ *Ibid.*, para. 107.

⁶⁸ Administrative Instruction, Flexible Working Arrangements, ICC/AI/2019/002, Section 1.1.

⁶⁹ *Ibid.*, Section 2.5.

⁷⁰ *Ibid.*, Section 2.6.

⁷¹ ICC/AI/2007/001, para. 40.3.

⁷² The IT Security Awareness and Training Programme has already been the focus of an audit by the Office of Internal Audit in 2018. Please refer to Final Audit Report: Audit on Information Security - Awareness and Training program (AC/8/3).

7. Junior Professional Officer Programme

116. The Committee took note of section within the Human Resources Management report on the ongoing JPO programme,⁷³ and in particular the request with regard to cost sharing. It observed that the Court's JPO programme currently retains six officers from the three sponsoring States Parties: four from Japan (two male and two female); one from the Republic of Korea (female); and one from Switzerland (female). These JPOs undergo an individually tailored training programme and are subject to regular performance feedback and assessment.

117. While such a programme has been approved by the Assembly on a trial and cost neutral basis with officers serving for two years from the date of the signing of the Memoranda of Understanding in 2017, an extension of one additional year on a cost-sharing basis,⁷⁴ has been requested in line with the UN JPO programme practice. In addition, the Court invited developed countries to support developing countries to join this initiative, with a view to enhancing geographical representation and gender balance, which has been identified by the Court as a strategic objective of human resources management.⁷⁵

118. The Committee was of the view that the JPO programme, if properly managed, can make a valuable contribution in raising awareness of the Court as a prospective career choice for junior professionals from national systems and supporting the Court in the achievement of its objectives.

119. **The Committee requested that the Court provide it with overall budget figures for the extension of the JPO programme beyond the second year of employment for its consideration at its thirty-third session.**

8. Amended Staff Rules relating to the education grant, special education grant and related benefits

120. At its seventeenth session, the Assembly noted that the Court had received the full text of the amended Staff Rules relating to the United Nations education grant, special education grant and related benefits, and that the Court is in the process of aligning its Staff Rules accordingly.⁷⁶ Moreover, the Assembly requested that the Court submit to the Committee, at its thirty-second session, and to the Assembly, during its eighteenth session, the full text of the amended provisional Staff Rules relating to the education grant, special education grant and related benefits, pursuant to Regulation 12.2 of the Staff Regulations.

121. **The Committee had before it the "Report of the Court on the proposed amendments to the Staff Rules on the education grant, the special education grant and related benefits"⁷⁷, and recommended that the Assembly approve the proposed changes.**

G. Legal aid

1. Annual report on legal aid for the year 2018

122. The Committee considered the Court's annual report on legal aid entitled "Report on the performance of the Courts legal aid system in 2018."⁷⁸

123. Legal aid expenditures for the defence was over-implemented by roughly €900 thousand (117.7 per cent) due to the complexity of the *Ongwen* trial and the need to provide legal aid in relation to the *Al Hassan* case and *Yekatom* case, both of which were not foreseen when the budget was approved.

⁷³ ICC-ASP/18/4, paras. 107 et seq.

⁷⁴ Half of the costs to be borne by the sponsoring State and the other half by the Court.

⁷⁵ ICC-ASP/18/4, para. 2.

⁷⁶ ICC-ASP/17/Res.4, Section M, para. 2.

⁷⁷ CBF/32/13.

⁷⁸ CBF/32/11.

124. As for legal aid expenditures for victims, reparation proceedings required additional legal aid resources in the amount of roughly €300 thousand (final budget implementation rate of 125.9 per cent), which had not been budgeted for.

2. Expenditure for legal aid during the reparations phase

125. At its twenty-ninth session, the Committee noted that the reparations phase takes place only after the final conviction of the accused and that the amount of legal aid for defence teams during that phase had not yet been sufficiently clarified.⁷⁹

126. The Committee noted with concern the considerable length of reparations proceedings with possible negative repercussions on the expectations of victims and on the need for financial resources. In light of the significance of reparations for the reputation of the Court, the Committee stressed that it is of the utmost importance that reparations proceedings are carried out efficiently with a view to ensuring that the reparation awards effectively and transparently reach the beneficiaries as soon as possible. The Committee decided to continue to closely monitor expenditure for legal aid during the reparations phase⁸⁰ and expressed its expectation that the evaluation of the administration of the STFV by the Independent Oversight Mechanism⁸¹ will set out specific recommendations with a view to addressing this issue.

3. Amendments to the legal aid system

127. At its seventeenth session, the Assembly mindful of the recommendation by the Committee on Budget and Finance that the Court make every effort to present a reform that can be achieved within existing resources by exploring opportunities to contain the administrative burden without jeopardizing the need for accountability and by setting priorities accordingly, requested that the Court continue its review of the functioning of the legal aid system and present, in early 2019, as appropriate, proposals for adjustments to the legal aid remuneration policy for the consideration of the Assembly, through the Committee and Budget and Finance, at its eighteenth session.⁸²

128. The Committee noted that the Court did not submit a proposal for the adjustment of the legal aid remuneration policy, but only provided a procedural update on the status of the reform proposal, as contained in the “Report of the Court on the review of the legal aid policy.”⁸³

H. Trust Fund for Victims

1. Fund-raising from private donors

129. The Trust Fund for Victims (the TFV) is still facing legal obstacles in terms of accessing major philanthropic markets in a number of countries. This is because the TFV, as a subsidiary organ of the Assembly, has no separate legal identity. Therefore, it cannot automatically offer the prospect of tax deductibility to private donors. However, research commissioned by the TFV as early as 2014 suggested options to work around the problem, which the TFV considered viable.⁸⁴

130. At its recent sessions, the Committee urged the TFV to move ahead more expeditiously. It recommended that the Secretariat of the TFV (STFV) and the Court jointly establish a working group to identify viable options, weigh up their advantages and disadvantages, conduct a full analysis of the related issues, and work out a specific proposal for decision-making. The related administrative costs should be transparent and taken into

⁷⁹ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 184.

⁸⁰ *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 115.

⁸¹ ICC-ASP/17/Res.4 section L, para. 7.

⁸² ICC-ASP/17/Res.5, annex I, para. 8a.

⁸³ CBF/32/7.

⁸⁴ Either the establishment of a “Friends of the TFV Foundation” or the engagement of a fiscal sponsor as proxy recipient of tax-deductible donations. Please refer to *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.1, para. 129.

account. Less burdensome alternatives than those currently considered and the experience of other donor-dependent institutions should be reviewed.⁸⁵

131. In response, the TFV has now submitted its updated “Trust Fund for Victims Progress Report on Modalities of Private Fundraising.”⁸⁶ As suggested by the Committee, the STFV and the Registry have jointly established the “Working Group on Private Donations to the Trust Fund for Victims” (WGPD) focusing on four areas:

- (a) the feasibility of fiscal sponsor arrangements in various markets;
- (b) the feasibility of obtaining legal status to enable tax-deductible private donations to be received;
- (c) procedures for vetting prospective TFV private donors; and
- (d) updating the TFV policy on the acceptance of gifts for private donations.

132. The STFV and the Registry envisage resorting to a procurement process in order to obtain fiscal sponsor services, although the final decision will depend on consultations with the Court on the political risk environment.⁸⁷ Recently, the TFV has also issued an international Call for Expressions of Interest from suitable organizations interested in offering fiscal sponsorship services targeting the five regions of the world. Regarding tax-deductible donations in the EU market, the STFV and the Registry are exploring the viability of various options, including associated legal and governance issues.⁸⁸ An in-depth analysis of the fundraising practices of comparable organisations is also envisaged.

133. The Committee noted the modest results achieved to date. From 2010 to 2018, private donations amounted to a mere €218 thousand, less than one per cent of the volume of public donations, which totalled €28,502 thousand over the same period. A fresh start might help to seize opportunities, which have been missed.

134. Therefore, the Committee stressed the urgency of moving ahead with private fund raising without further delay with a view to complementing voluntary contributions from States Parties. To quote from the TFV’s Strategic Plan:

”[...] achieving a solid private donor base will serve a dual purpose: next to boosting the Fund’s reserve, to demonstrate that the Trust Fund’s reparative (and transformative) justice resonates well beyond governments into the public domain. This will help to strengthen TFV’s profile and public support. In the TFV’s view, engaging with public and private donors will be a mutually reinforcing fundraising strategy.”⁸⁹

135. The Committee looked forward to specific proposals on private donations at its thirty-third session.

2. Strengthening of the STFV’s additional IT needs and internal controls

136. In 2018, the External Auditor drew attention the TFV’s internal controls when implementing individual reparations.⁹⁰ These required significant effort in terms of legal expertise, traceability and documentation. The TFV’s current structure, the Auditor found, could not ensure the required level of precision, especially given the number of potential victims.⁹¹ There was a risk of data uncertainties, which, unless dealt with, “could lead to significant difficulties in terms of certification.” Consequently, the Auditor recommended that: (a) the TFV Secretariat have access to the Court’s victim identification software (VAMS), and that (b) additional IT developments be configured to take account of the specific needs of reparation activities.

⁸⁵ *Ibid.*, paras. 128 *et seq.* and *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, paras. 154-158.

⁸⁶ CBF/32/8.

⁸⁷ *Ibid.*, paras. 8 and 9.

⁸⁸ *Ibid.*, para. 10.

⁸⁹ TFV Strategic Plan 2014-2017, page 34. Please note that the TFV Strategic Plan 2014-2017 was extended to 2018. A new Strategic Plan is expected to be issued in 2019.

⁹⁰ ICC-ASP/17/13, paras. 29-32.

⁹¹ For example, the External Auditor noted that the decision of Trial Chamber II in the *Lubanga* case mentions hundreds or even thousands of victims. See ICC-ASP/17/13, para. 31.

137. The Committee expressed its appreciation for the recommendations and invited the Court to assist the Secretariat of the TFV in strengthening its IT and internal controls within existing resources.⁹²

138. During the session the Committee considered the “Report on existing internal controls of the reparation awards⁹³” submitted by the STFV and Court. Essentially, the report stated that the STFV and the Victims Participation and Reparations Section (VPRS) are cooperating to develop a monitoring framework adapted to the implementation of reparation awards. In light of the TFV’s concern about workload, the discussion about how best to share the tasks between STFV and VPRS is ongoing.

139. The Committee believed that it is in the shared interest of the TFV and the Court that the “significant difficulties in terms of certification,” that the External Auditor alluded to do not materialise. Just like the External Auditor, the Committee is mindful of the demanding challenges facing the TFV. **The Committee appreciated the support of the Court and looked forward to a progress report at its thirty-third session on ways of moving ahead expeditiously and achieving tangible results on the “significant difficulties in terms of certification.”**

I. Other matters

1. Litigations before the International Labour Organization Administrative Tribunal (ILOAT) and cases pending before the internal Appeals Board

140. The Committee considered the “Report of the Court on assessment of litigation risks,⁹⁴” as well as additional information provided by the Court during the Committee’s session, which provided an update on current situation related to all cases pending before the ILOAT and internal proceedings.

(a) *Litigations before the ILOAT*

141. On 6 February 2019, the ILOAT rendered judgments on two cases and ordered the Court to pay one complainant financial compensation of €26 thousand, whereas the other case was dismissed. Three cases were settled amicably.

142. At the time of its thirty-second session in April 2019, the Committee noted with concern an increase from 15 pending cases in September 2018 to a total number of 27 cases currently being examined by the ILOAT.⁹⁵ The Committee noted that this increase was mainly related to 11 cases that had been pending before the internal Appeals Board and had now moved to a litigation stage before the ILOAT.

143. The ILOAT holds two sessions per year and the Committee was informed that among the 27 pending cases, the ILOAT has decided to consider and deliver its judgments in five cases on 3 July 2019.⁹⁶

144. Furthermore, the Committee noted that two types of contentious cases are currently pending: one concerning the service conditions of certain elected officials; the other being cases lodged by staff members or former staff members to the ILOAT.

(b) *Cases before the internal Appeals Board*

145. Currently 20 cases are being considered by the internal mechanism of the Court and are at various stages of the proceedings.

146. The Committee encouraged the Court to reach amicable settlements before they proceed to the ILOAT, as far as possible, and further prompted the Court’s management to take all necessary measures to mitigate the litigation risk.

⁹² *Official Records... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 242 et seq.

⁹³ CBF/32/3.

⁹⁴ CBF/32/6.

⁹⁵ 17 of these 27 pending cases are ReVision-related.

⁹⁶ Four of which are ReVision-related.

(c) *Provisions related to ILOAT cases and cases before the internal Appeals Board*

147. The Committee noted that by the end of 2017 the provision for ILOAT cases amounted to €2,060 thousand. In 2018, a total of €1,295 thousand was charged against the provision. This amount includes payments to complainants in 11 cases and compensation of €233 thousand paid to settle cases internally.

148. The total provision for ILOAT cases at the end of 2018, including the remaining balance from 2017, amounted to €974 thousand and an amount of €85 thousand had been recorded as a contingent liability at the end of 2018 for two pending ILOAT cases.⁹⁷

149. The Committee noted with concern the increased number of litigation cases and their significant financial impact. The Committee decided to continue monitoring the outcome of all ILOAT cases, any future amicable settlements and other relevant developments concerning litigations at its thirty-third session.

150. The Committee further recommended that the Court's legal services accurately assess the litigation risks related to all cases pending before ILOAT and the internal Appeals Board and provide an update at the Committee's thirty-third session.

151. The Committee noted that the Registry is currently seeking the services of an independent expert to prepare a study on the possibility of establishing alternative dispute resolution mechanisms at the Court. The Committee requested that it be duly informed about the outcome of this exercise and the potential financial implications of such a mechanism at its thirty-fourth session.

152. Furthermore, the Committee reiterated its recommendation that the Court improve its approach in the field of human resources management in order to minimize the impact on staff and the cost implications as much as possible.

2. Briefing on the mission to the Country Office in Tbilisi

153. A team of two members of the Committee who participated in the mission to the Country Office in Tbilisi (Georgia) briefed the Committee on the conduct of the visit and its outcome.

154. The Committee took note of the observations and the report on the implementation of the objectives of the visit, as determined beforehand by the Team members. The Team members expressed their concern that the OTP personnel at the Country Office had not found the opportunity to meet with them.

155. Regarding the 2020 proposed programme budget, the Team members recommended that special attention should be paid to the planned change of premises of the Country Office in Tbilisi in the light of the OTP's assumptions, which remained unclear.

156. In addition, the Team members recommended that special consideration be given to the TFV's assistance activities in Georgia for 2020 and beyond. Bearing in mind that the Court has operated in the country for more than three years, tangible actions are urgently required to build trust among the victims and the general public vis-à-vis the Court and its activities in the country.

3. Future sessions of the Committee

157. The thirty-third session of the Committee will take place from 26 August to 6 September 2019 in The Hague, in accordance with the decision taken by the Assembly at its seventeenth session.

⁹⁷ Please note that these figures are still unaudited.

Annex I

Status of contributions as at 31 March 2019

State Party	Prior Years			Year 2019			Total Outstanding Contribution	Total Outstanding Other Funds ¹	Grand Total Outstanding All Funds	State Party Account Status	Date of latest received payment
	Outstanding Regular Contributions	Outstanding Host State Loan Contributions	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Host State Loan Contributions	Total Assessed Contributions					
1 Afghanistan	-	-	-	14,455	706	15,161	15,161	-	15,161	Overdue	23/05/18
2 Albania	-	-	-	21,104	-	21,104	21,104	-	21,104	Overdue	23/07/18
3 Andorra	-	-	-	13,299	-	13,299	13,299	-	13,299	Overdue	10/05/18
4 Antigua and Barbuda	16,579	186	16,765	5,348	186	5,534	5,534	-	22,299	Ineligible to vote	01/10/16
5 Argentina	2,185,464	-	2,185,464	2,421,357	-	2,421,357	2,421,357	-	4,606,821	In arrears	03/04/18
6 Australia	-	-	-	5,848,204	-	5,848,204	-	-	-	Fully settled	06/02/19
7 Austria	-	-	-	1,791,553	113,387	1,904,940	-	-	-	Fully settled	22/01/19
8 Bangladesh	-	-	-	14,455	893	15,348	-	-	-	Fully settled	27/02/19
9 Barbados	-	-	-	18,502	-	18,502	18,502	-	18,502	Overdue	14/05/18
10 Belgium	-	-	-	2,172,587	141,803	2,314,390	-	-	-	Fully settled	25/02/19
11 Belize	-	-	-	2,602	143	2,745	2,745	-	2,745	Overdue	20/12/18
12 Benin	-	-	-	7,950	430	8,380	8,380	-	8,380	Fully settled	08/05/18
13 Bolivia (Plurinational State of)	-	-	-	42,353	-	42,353	42,353	-	42,353	Overdue	01/06/18
14 Bosnia and Herzegovina	-	-	-	31,801	-	31,801	-	-	-	Fully settled	31/01/19
15 Botswana	-	-	-	37,005	2,269	39,274	-	-	-	Fully settled	05/03/19
16 Brazil	9,435,839	416,882	9,852,721	7,801,074	416,882	8,217,956	8,217,956	-	18,070,677	In arrears	09/11/18
17 Bulgaria	-	-	-	121,711	6,679	128,390	-	-	-	Fully settled	14/01/19
18 Burkina Faso	14,315	165	14,480	7,950	165	8,115	8,115	-	22,595	In arrears	29/08/18
19 Cabo Verde	3,722	143	3,865	2,602	143	2,745	2,745	-	6,610	In arrears	02/08/17
20 Cambodia	-	-	-	14,455	441	14,896	14,896	-	14,896	Overdue	08/08/18
21 Canada	-	-	-	7,234,872	-	7,234,872	-	-	-	Fully settled	07/02/19
22 Central African Republic	7,969	343	8,312	2,602	143	2,745	2,745	-	11,065	Ineligible to vote	09/12/14
23 Chad	36,570	369	36,939	10,552	154	10,706	10,706	-	48,038	Ineligible to vote	13/01/15
24 Chile	-	-	-	1,077,042	-	1,077,042	1,077,042	-	1,077,042	Overdue	24/04/18
25 Colombia	-	-	-	762,068	-	762,068	63,737	-	63,737	Overdue	27/02/19
26 Comoros	21,584	371	21,955	2,602	143	2,745	2,745	46	24,754	Ineligible to vote	no payment
27 Congo	75,936	1,832	77,768	15,901	706	16,607	16,607	73	94,783	Ineligible to vote	01/06/11
28 Cook Islands	-	-	-	2,602	143	2,745	2,745	-	2,745	Overdue	31/01/18
29 Costa Rica	-	-	-	164,064	-	164,064	56,047	-	56,047	Overdue	22/02/19
30 Côte d'Ivoire	-	-	-	34,403	1,563	35,966	12,394	-	12,394	Overdue	23/11/18
31 Croatia	-	-	-	203,816	17,901	221,717	-	-	-	Fully settled	14/01/19
32 Cyprus	-	-	-	95,258	-	95,258	-	-	-	Fully settled	21/02/19
33 Czechia	-	-	-	822,923	-	822,923	-	-	-	Fully settled	18/03/19
34 Democratic Republic of the Congo	-	-	-	14,455	32	14,487	383	-	383	Overdue	18/09/18
35 Denmark	-	-	-	1,466,026	-	1,466,026	-	-	-	Fully settled	18/01/19
36 Djibouti	6,455	262	6,717	2,602	143	2,745	2,745	-	9,462	Ineligible to vote	29/11/17
37 Dominica	-	-	-	2,602	143	2,745	2,483	-	2,483	Overdue	16/11/18
38 Dominican Republic	254,991	11,706	266,697	140,214	6,392	146,606	146,606	-	413,303	Ineligible to vote	12/12/18
39 Ecuador	-	-	-	211,766	-	211,766	211,766	-	211,766	Overdue	24/08/18

State Party	Prior Years			Year 2019				Total Outstanding Other Funds ¹	Grand Total Outstanding All Funds	State Party Account Status	Date of latest received payment	
	Outstanding Regular Contributions	Outstanding Host State Loan Contributions	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Host State Loan Contributions	Total Assessed Contributions	Total Outstanding Contribution					
40	El Salvador	-	-	-	31,801	-	31,801	31,801	5,084	36,885	Overdue	20/11/18
41	Estonia	-	-	-	103,209	-	103,209	-	-	-	Fully settled	22/01/19
42	Fiji	-	-	-	7,950	430	8,380	8,380	-	8,380	Overdue	13/06/18
43	Finland	-	-	-	1,114,047	-	1,114,047	-	-	-	Fully settled	16/01/19
44	France	-	-	-	11,714,910	794,694	12,509,604	12,509,604	-	12,509,604	Overdue	10/04/18
45	Gabon	-	-	-	39,751	1,793	41,544	41,544	-	41,544	Overdue	04/06/18
46	Gambia	8	-	8	2,602	143	2,745	2,745	-	2,753	In arrears	11/12/18
47	Georgia	-	-	-	21,104	-	21,104	-	-	-	Fully settled	06/02/19
48	Germany	-	-	-	16,115,590	-	16,115,590	-	-	-	Fully settled	18/01/19
49	Ghana	1,213	-	1,213	39,751	1,986	41,737	41,737	-	42,950	In arrears	15/01/19
50	Greece	-	-	-	968,485	-	968,485	-	-	-	Fully settled	21/02/19
51	Grenada	-	-	-	2,602	143	2,745	2,745	-	2,745	Overdue	22/06/18
52	Guatemala	-	-	-	95,258	3,836	99,094	98,767	-	98,767	Overdue	14/12/18
53	Guinea	24,169	371	24,540	7,950	143	8,093	8,093	84	32,851	Ineligible to vote	20/04/15
54	Guyana	-	-	-	5,348	143	5,491	-	-	-	Fully settled	20/03/19
55	Honduras	-	-	-	23,851	1,136	24,987	2,037	-	2,037	Overdue	28/03/19
56	Hungary	-	-	-	545,098	5,589	550,687	-	-	-	Fully settled	15/01/19
57	Iceland	-	-	-	74,154	-	74,154	-	-	-	Fully settled	13/02/19
58	Ireland	-	-	-	981,784	-	981,784	-	-	-	Fully settled	25/01/19
59	Italy	-	-	-	8,751,057	-	8,751,057	-	-	-	Fully settled	28/02/19
60	Japan	-	-	-	22,662,404	1,538,944	24,201,348	16,959,589	-	16,959,589	Overdue	06/02/19
61	Jordan	-	-	-	55,507	-	55,507	55,507	-	55,507	Overdue	07/12/18
62	Kenya	-	-	-	63,457	1,850	65,307	65,307	-	65,307	Overdue	09/08/18
63	Latvia	-	-	-	124,313	-	124,313	-	-	-	Fully settled	04/01/19
64	Lesotho	-	-	-	2,602	143	2,745	-	-	-	Fully settled	08/02/19
65	Liberia	4,997	262	5,259	2,602	143	2,745	2,745	-	8,004	Ineligible to vote	30/05/16
66	Liechtenstein	-	-	-	23,851	-	23,851	-	-	-	Fully settled	11/01/19
67	Lithuania	-	-	-	187,915	-	187,915	-	-	-	Fully settled	30/01/19
68	Luxembourg	-	-	-	177,363	-	177,363	177,363	-	177,363	Overdue	17/01/18
69	Madagascar	72	-	72	10,552	430	10,982	10,982	-	11,054	In arrears	29/01/19
70	Malawi	4,891	287	5,178	5,348	287	5,635	5,635	-	10,813	In arrears	30/11/17
71	Maldives	-	-	-	10,552	143	10,695	10,695	-	10,695	Overdue	29/10/18
72	Mali	-	-	-	10,552	574	11,126	11,126	-	11,126	Overdue	23/05/18
73	Malta	-	-	-	44,955	-	44,955	-	-	-	Fully settled	05/03/19
74	Marshall Islands	8,208	343	8,551	2,602	143	2,745	2,745	-	11,304	Ineligible to vote	04/03/15
75	Mauritius	-	-	-	29,055	-	29,055	-	-	-	Fully settled	08/02/19
76	Mexico	-	-	-	3,418,897	-	3,418,897	3,418,897	-	3,418,897	Overdue	07/11/18
77	Mongolia	-	-	-	13,299	-	13,299	-	-	-	Fully settled	14/03/19
78	Montenegro	-	-	-	10,552	-	10,552	-	-	-	Fully settled	20/02/19
79	Namibia	-	-	-	23,851	-	23,851	-	-	-	Fully settled	19/03/19
80	Nauru	2,445	92	2,537	2,602	143	2,745	2,745	-	5,282	In arrears	14/06/17
81	Netherlands	-	-	-	3,588,309	-	3,588,309	-	-	-	Fully settled	04/02/19
82	New Zealand	-	-	-	770,018	35,952	805,970	-	-	-	Fully settled	16/01/19
83	Niger	36,218	744	36,962	5,348	287	5,635	5,635	92	42,719	Ineligible to vote	23/11/09
84	Nigeria	546,264	12,785	559,049	661,605	12,785	674,390	674,390	-	1,233,439	In arrears	21/03/18

State Party	Prior Years			Year 2019				Total Outstanding Other Funds ¹	Grand Total Outstanding All Funds	State Party Account Status	Date of latest received payment	
	Outstanding Regular Contributions	Outstanding Host State Loan Contributions	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Host State Loan Contributions	Total Assessed Contributions	Total Outstanding Contribution					
85	North Macedonia	-	-	-	18,502	1,136	19,638	19,638	-	19,638	Overdue	07/12/18
86	Norway	-	-	-	1,995,224	120,916	2,116,140	-	-	-	Fully settled	11/03/19
87	Panama	-	-	-	119,109	749	119,858	119,772	-	119,772	Overdue	26/10/18
88	Paraguay	63,991	1,423	65,414	42,353	1,423	43,776	43,776	-	109,190	In arrears	12/07/17
89	Peru	180	-	180	402,283	16,621	418,904	418,904	-	419,084	In arrears	14/01/19
90	Philippines ²	-	-	-	111,448	-	111,448	111,448	-	111,448	Overdue	06/12/18
91	Poland	-	-	-	2,122,283	-	2,122,283	-	-	-	Fully settled	04/01/19
92	Portugal	-	-	-	926,132	-	926,132	-	-	-	Fully settled	02/01/19
93	Republic of Korea	-	-	-	5,998,970	230,628	6,229,598	6,229,598	-	6,229,598	Overdue	29/06/18
94	Republic of Moldova	-	-	-	7,950	-	7,950	7,950	-	7,950	Overdue	27/06/18
95	Romania	-	-	-	523,994	-	523,994	83,994	-	83,994	Overdue	27/02/19
96	Saint Kitts and Nevis	-	-	-	2,602	143	2,745	2,745	-	2,745	Overdue	29/01/18
97	Saint Lucia	-	-	-	2,602	143	2,745	2,745	-	2,745	Overdue	24/05/18
98	Saint Vincent and the Grenadines	-	-	-	2,602	143	2,745	2,745	-	2,745	Overdue	13/12/18
99	Samoa	-	-	-	2,602	-	2,602	-	-	-	Fully settled	14/03/19
100	San Marino	-	-	-	5,348	-	5,348	-	-	-	Fully settled	28/03/19
101	Senegal	12,553	850	13,403	14,455	850	15,305	15,305	-	28,708	In arrears	12/05/17
102	Serbia	-	-	-	74,154	-	74,154	-	-	-	Fully settled	22/02/19
103	Seychelles	-	-	-	5,348	143	5,491	5,491	-	5,491	Overdue	09/02/18
104	Sierra Leone	916	-	916	2,602	143	2,745	2,745	-	3,661	In arrears	11/11/15
105	Slovakia	-	-	-	404,885	-	404,885	-	-	-	Fully settled	13/02/19
106	Slovenia	-	-	-	201,069	-	201,069	-	-	-	Fully settled	22/01/19
107	South Africa	-	-	-	719,714	-	719,714	-	-	-	Fully settled	01/03/19
108	Spain	-	-	-	5,678,791	-	5,678,791	-	-	-	Fully settled	28/03/19
109	State of Palestine	-	-	-	21,104	706	21,810	21,810	-	21,810	Overdue	06/07/18
110	Suriname	14,672	441	15,113	13,299	441	13,740	13,740	-	28,853	In arrears	24/04/17
111	Sweden	-	-	-	2,397,506	-	2,397,506	-	-	-	Fully settled	14/02/19
112	Switzerland	-	-	-	3,045,813	-	3,045,813	197,813	-	-	Overdue	01/02/19
113	Tajikistan	-	-	-	10,552	430	10,982	10,982	-	10,982	Overdue	06/04/18
114	Timor-Leste	7,369	-	7,369	5,348	-	5,348	5,348	-	12,717	In arrears	14/03/18
115	Trinidad and Tobago	83,287	-	83,287	105,811	-	105,811	105,811	-	189,098	In arrears	16/02/17
116	Tunisia	-	-	-	66,204	5,112	71,316	29,905	-	29,905	Overdue	22/03/19
117	Uganda	9,115	-	9,115	14,455	850	15,305	15,305	-	24,420	In arrears	12/12/18
118	United Kingdom	-	-	-	12,085,392	-	12,085,392	9,064,044	-	9,064,044	Overdue	31/01/19
119	United Republic of Tanzania	2,608	-	2,608	14,455	893	15,348	15,348	-	17,956	In arrears	14/05/18
120	Uruguay	-	-	-	230,268	-	230,268	230,268	-	230,268	Overdue	13/12/18
121	Vanuatu	-	-	-	2,602	143	2,745	2,745	-	2,745	Overdue	05/12/18
122	Venezuela (Bolivarian Republic of)	6,527,027	231,031	6,758,058	1,926,418	89,087	2,015,505	2,015,505	-	8,773,563	Ineligible to vote	26/11/18
123	Zambia	42,204	2,035	44,239	14,455	850	15,305	15,305	-	59,581	Ineligible to vote	29/06/15
<i>Rounding differences</i>					146	(16)	130					
Total		19,451,831	682,923	20,134,754	144,550,000	3,584,984	148,134,984	65,362,497	5,379	85,503,583		

1) Includes outstanding amounts of assessed contributions to i) Contingency Fund and ii) the permanent premises by new States Parties that joined after 2015.

2) The withdrawal of the Philippines from the Rome Statute became effective as of 17 March 2019.

Annex II

Human resources tables

Geographical Representation of ICC Professional Staff

Status as at 31 March 2019

Total number of professionals: 465*

* Excluding Elected Officials and 42 language staff.

Total number of nationalities: 93

Distribution per region:

<i>Region</i>	<i>Nationality</i>	<i>Professional</i>
African	Algeria	1
	Benin	1
	Botswana	1
	Burkina Faso	1
	Cameroon	8
	Congo	1
	Congo, Democratic Republic of the	6
	Cote d'Ivoire	2
	Egypt	4
	Ethiopia	2
	Gambia	3
	Ghana	3
	Guinea	1
	Kenya	3
	Lesotho	1
	Madagascar	1
	Malawi	1
	Mali	4
	Mauritania	1
	Mauritius	1
	Niger	2
	Nigeria	4
	Rwanda	2
	Senegal	4
	Sierra Leone	3
	South Africa	8
	Togo	1
	Uganda	5
	United Republic of Tanzania	2
	Zambia	1
Zimbabwe	1	
	<i>African Total</i>	<i>79</i>

<i>Region</i>	<i>Nationality</i>	<i>Professional</i>
Asian	Afghanistan	1
	China	3
	Cyprus	1
	India	2
	Indonesia	1
	Iran (Islamic Republic of)	3
	Japan	6
	Jordan	1
	Lebanon	2
	Mongolia	1
	Pakistan	1
	Palestine	2
	Philippines	3
	Republic of Korea	1
	Singapore	1
	Sri Lanka	1
	Uzbekistan	1
Viet Nam	1	
	<i>Asian Total</i>	32
Eastern European	Albania	3
	Belarus	3
	Bosnia and Herzegovina	4
	Croatia	6
	Estonia	1
	Georgia	6
	Poland	5
	Republic of Moldova	3
	Romania	8
	Russian Federation	2
	Serbia	3
	Slovenia	3
	Ukraine	2
	<i>Eastern European Total</i>	49

<i>Region</i>	<i>Nationality</i>	<i>Professional</i>
GRULAC	Argentina	5
	Brazil	3
	Chile	1
	Colombia	5
	Costa Rica	1
	Ecuador	2
	Guatemala	1
	Jamaica	2
	Mexico	4
	Peru	3
	Trinidad and Tobago	2
	Venezuela	2
	<i>GRULAC Total</i>	
WEOG	Australia	14
	Belgium	17
	Canada	23
	Denmark	2
	Finland	6
	France	57
	Germany	16
	Greece	3
	Ireland	12
	Israel	1
	Italy	21
	Netherlands	23
	New Zealand	6
	Portugal	6
	Spain	16
	Sweden	3
	Switzerland	2
	United Kingdom	33
United States of America	13	
<i>WEOG Total</i>		<i>274</i>

Geographical Representation - ICC Professional Staff

Status as at 31 March 2019

Number of Staff per post, per region*:

* Excluding Elected Officials and 42 language staff.

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>	
D-1	African	Lesotho	1	
		<i>African Total</i>		<i>1</i>
	Asian	Japan	1	
		<i>Asian Total</i>		<i>1</i>
	GRULAC	Argentina	1	
		Ecuador	1	
		<i>GRULAC Total</i>		<i>2</i>
	WEOG	Belgium	2	
		France	1	
		Italy	1	
		Netherlands	1	
		<i>WEOG Total</i>		<i>5</i>
	<i>D-1 Total</i>			<i>9</i>
	P-5	African	Congo, Democratic Republic of the	1
			Ghana	1
Kenya			1	
Mali			2	
Senegal			1	
South Africa			1	
<i>African Total</i>		<i>7</i>		
Asian		Jordan	1	
		<i>Asian Total</i>		<i>1</i>
Eastern European		Estonia	1	
		Georgia	1	
		Serbia	2	
<i>Eastern European Total</i>		<i>4</i>		
GRULAC		Jamaica	1	
<i>GRULAC Total</i>		<i>1</i>		
WEOG		Australia	2	
		Canada	5	
		Denmark	1	
		Finland	1	
		France	5	
		Germany	1	
		Ireland	1	
		Italy	2	

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Netherlands	1
		New Zealand	1
		Portugal	1
		Spain	4
		United Kingdom	4
		United States of America	1
		<i>WEOG Total</i>	<i>30</i>
		<i>P-5 Total</i>	<i>43</i>
P-4	African	Burkina Faso	1
		Cote d'Ivoire	1
		Egypt	1
		Nigeria	2
		Senegal	1
		Sierra Leone	1
		South Africa	3
		Uganda	1
		United Republic of Tanzania	1
		<i>African Total</i>	<i>12</i>
	Asian	Iran (Islamic Republic of)	3
		Japan	2
		Lebanon	1
		Philippines	1
		<i>Asian Total</i>	<i>7</i>
	Eastern European	Croatia	1
		Georgia	1
		Romania	2
		Serbia	1
		Ukraine	1
		<i>Eastern European Total</i>	<i>6</i>
	GRULAC	Colombia	1
		Ecuador	1
		Mexico	1
		Trinidad and Tobago	2
		<i>GRULAC Total</i>	<i>5</i>
	WEOG	Belgium	2
		Canada	1
		Denmark	1
		Finland	3
		France	7
		Germany	4

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Ireland	1
		Italy	3
		Netherlands	1
		New Zealand	1
		Portugal	1
		Spain	2
		Sweden	1
		United Kingdom	8
		United States of America	3
		<i>WEOG Total</i>	<i>39</i>
		<i>P-4 Total</i>	<i>69</i>
P-3	African	Algeria	1
		Benin	1
		Botswana	1
		Cameroon	2
		Congo	1
		Congo, Democratic Republic of the	3
		Cote d'Ivoire	1
		Egypt	1
		Gambia	2
		Ghana	1
		Kenya	2
		Madagascar	1
		Mali	1
		Mauritania	1
		Mauritius	1
		Niger	1
		Nigeria	1
		Rwanda	1
		Senegal	1
		Sierra Leone	1
		South Africa	2
		Togo	1
		Uganda	1
		United Republic of Tanzania	1
		Zimbabwe	1
		<i>African Total</i>	<i>31</i>
	Asian	China	1
		India	1
		Japan	1

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Mongolia	1
		Pakistan	1
		Palestine	1
		Philippines	2
		Republic of Korea	1
		Sri Lanka	1
		<i>Asian Total</i>	<i>10</i>
	Eastern European	Albania	1
		Bosnia and Herzegovina	1
		Croatia	3
		Georgia	1
		Poland	1
		Republic of Moldova	1
		Romania	2
		Slovenia	1
		<i>Eastern European Total</i>	<i>11</i>
	GRULAC	Argentina	2
		Brazil	2
		Chile	1
		Colombia	3
		Costa Rica	1
		Guatemala	1
		Jamaica	1
		Mexico	1
		Peru	1
		Venezuela	1
		<i>GRULAC Total</i>	<i>14</i>
	WEOG	Australia	7
		Belgium	6
		Canada	5
		Finland	1
		France	16
		Germany	5
		Greece	2
		Ireland	5
		Italy	4
		Netherlands	9
		New Zealand	4
		Portugal	3
		Spain	4

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Sweden	1
		Switzerland	1
		United Kingdom	13
		United States of America	5
		<i>WEOG Total</i>	<i>91</i>
	<i>P-3 Total</i>		<i>157</i>
P-2	African	Cameroon	5
		Congo, Democratic Republic of the	2
		Egypt	2
		Ethiopia	1
		Ghana	1
		Malawi	1
		Mali	1
		Niger	1
		Nigeria	1
		Rwanda	1
		Senegal	1
		Sierra Leone	1
		South Africa	2
		Uganda	1
		Zambia	1
		<i>African Total</i>	<i>22</i>
	Asian	Afghanistan	1
		China	1
		Cyprus	1
		Indonesia	1
		Japan	2
		Lebanon	1
		Uzbekistan	1
		<i>Asian Total</i>	<i>8</i>
	Eastern European	Albania	1
		Belarus	2
		Bosnia and Herzegovina	2
		Croatia	1
		Georgia	3
		Poland	3
		Romania	3
		Russian Federation	2
		Slovenia	2
		<i>Eastern European Total</i>	<i>19</i>

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>	
	GRULAC	Argentina	2	
		Brazil	1	
		Colombia	1	
		Mexico	2	
		Peru	2	
		Venezuela	1	
			<i>GRULAC Total</i>	9
	WEOG	Australia	5	
		Belgium	6	
		Canada	10	
		Finland	1	
		France	25	
		Germany	6	
		Ireland	4	
		Israel	1	
Italy		9		
Netherlands		10		
Portugal		1		
Spain		5		
Sweden		1		
Switzerland		1		
United Kingdom		7		
United States of America	4			
		<i>WEOG Total</i>	96	
		<i>P-2 Total</i>	154	
P-1	African	Cameroon	1	
		Ethiopia	1	
		Gambia	1	
		Guinea	1	
		Uganda	2	
			<i>African Total</i>	6
	Asian	China	1	
		India	1	
		Palestine	1	
		Singapore	1	
		Viet Nam	1	
			<i>Asian Total</i>	5
	Eastern European	Albania	1	
		Belarus	1	
		Bosnia and Herzegovina	1	

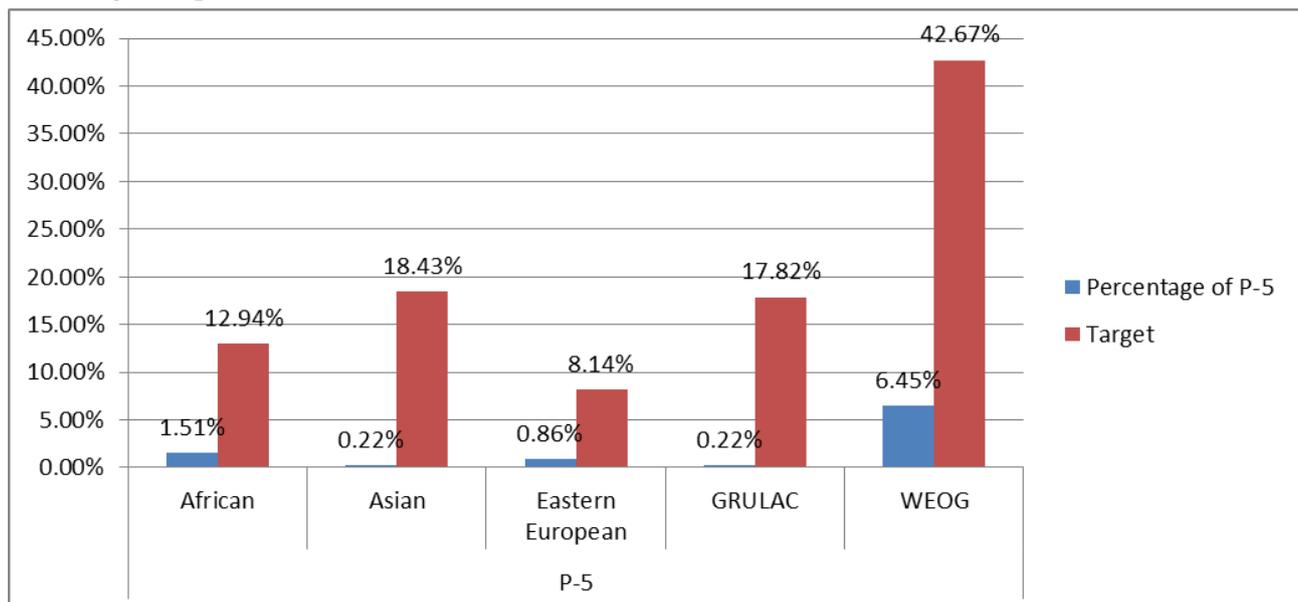
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Croatia	1
		Poland	1
		Republic of Moldova	2
		Romania	1
		Ukraine	1
	<i>Eastern European Total</i>		9
	WEOG	Belgium	1
		Canada	2
		France	3
		Greece	1
		Ireland	1
		Italy	2
		Netherlands	1
		Spain	1
		United Kingdom	1
	<i>WEOG Total</i>		13
<i>P-I Total</i>			33
Grand Total			465

Percentage of staff per post, per region

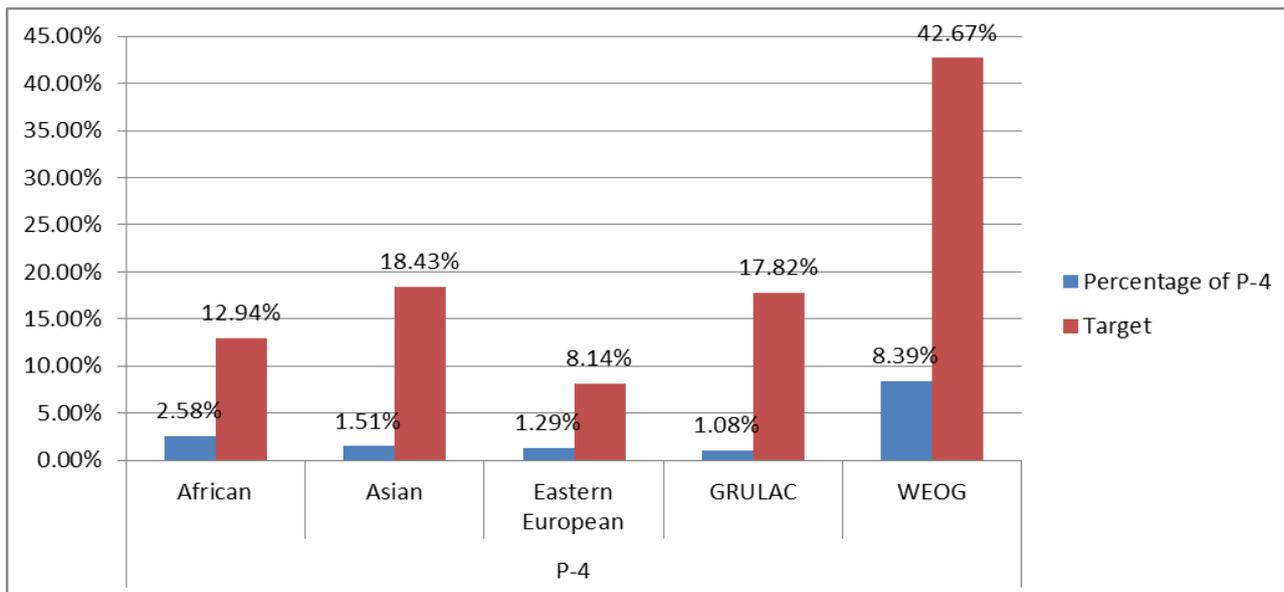
Percentage – D1 posts

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

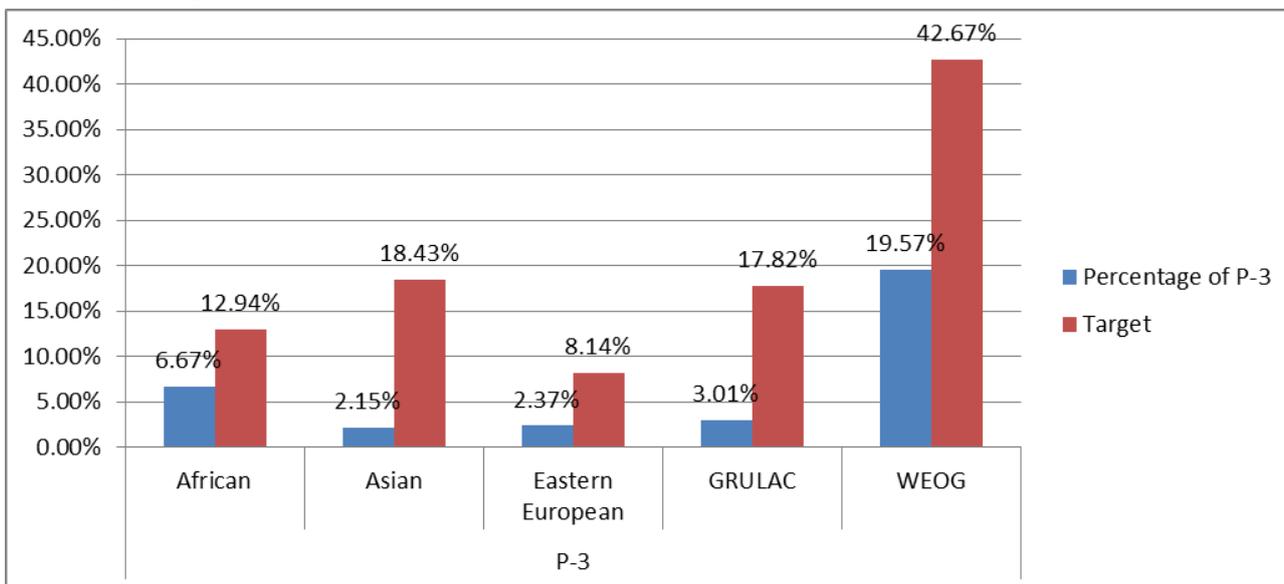
Percentage - P5 posts



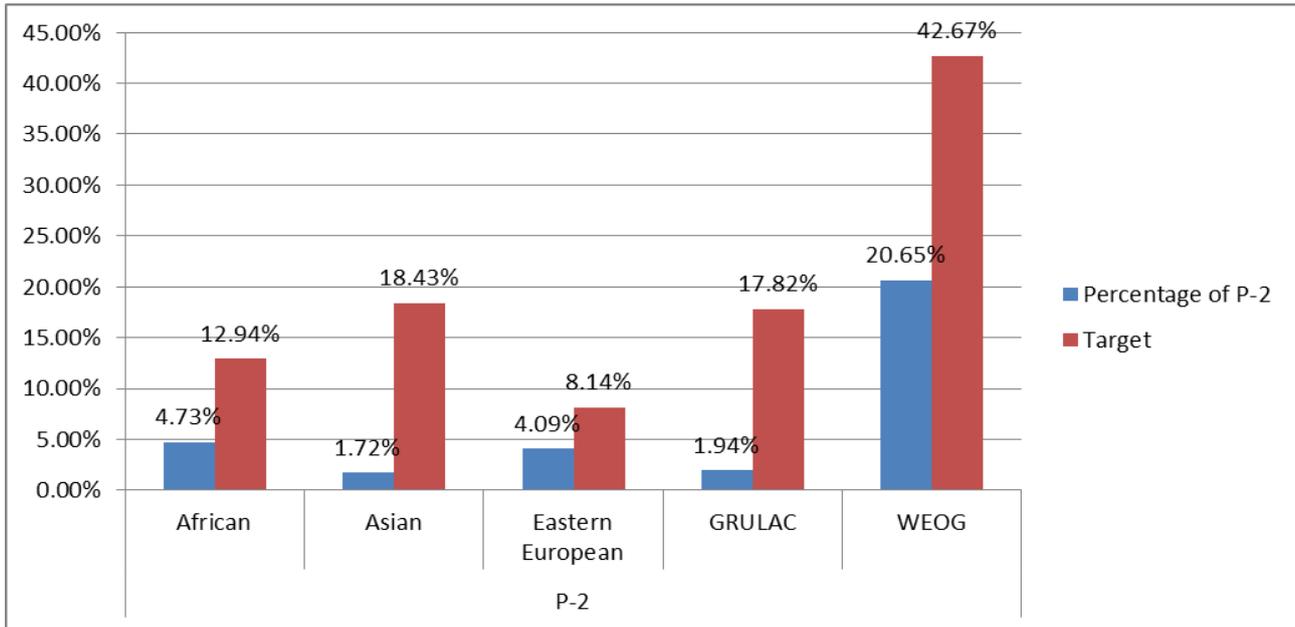
Percentage - P4 posts



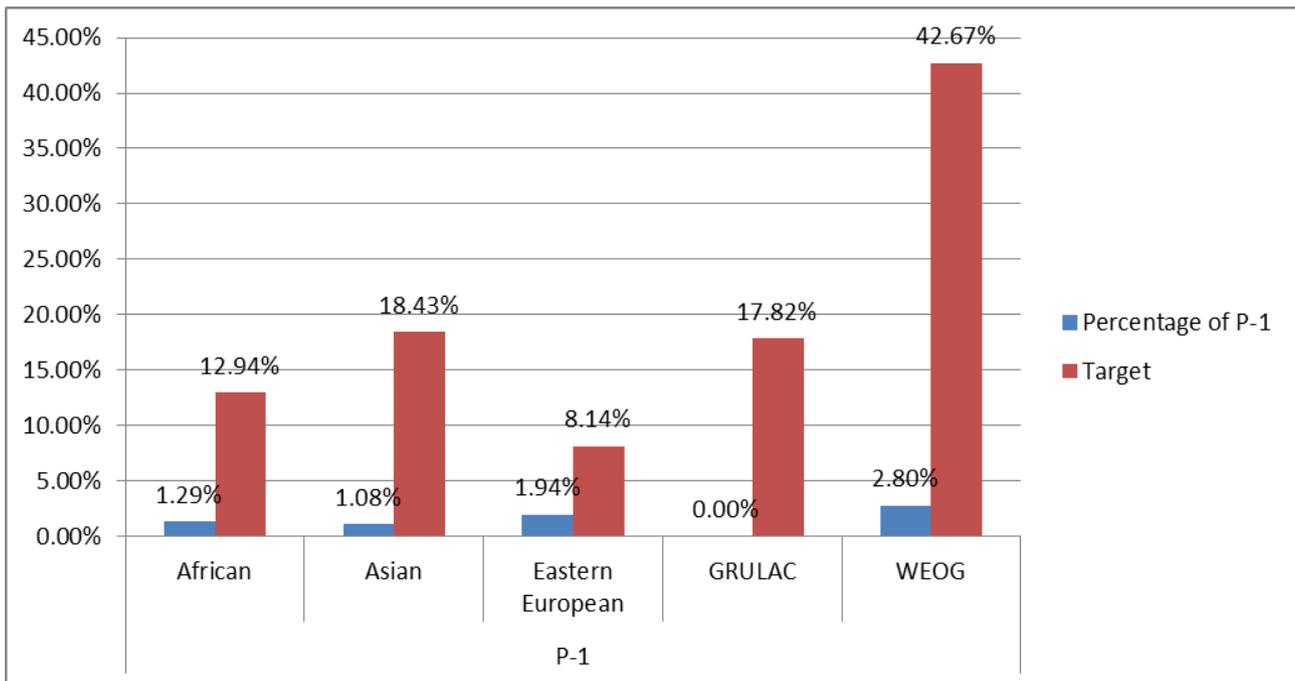
Percentage - P3 posts



Percentage - P2 posts



Percentage - P1 posts



Desirable range by country – 2019

Situation as of 31 March 2019

Region	Country	Assessment 2019	Desirable Range		Target	Actual rep.	Category	Under/Over
			Lower	Upper				
African	Algeria	0.00000%	0	0	0	1	Non Ratified	+1
	Benin	0.00550%	1	2	2	1	In balance	
	Botswana	0.02560%	1	2	2	1	In balance	
	Burkina Faso	0.00550%	2	2	2	1	Under Represented	-1
	Cameroon	0.00000%	0	0	0	8	Non Ratified	+8
	Cape Verde	0.00180%	1	2	2	0	Non Represented	-1
	Central African Republic	0.00180%	1	2	2	0	Non Represented	-1
	Chad	0.00730%	2	2	2	0	Non Represented	-2
	Comoros	0.00180%	1	2	2	0	Non Represented	-1
	Congo	0.01100%	1	2	2	1	In balance	
	Côte d'Ivoire	0.02380%	2	2	2	2	In balance	
	Democratic Republic of the Congo	0.01000%	2	3	2	6	Over Represented	+3
	Djibouti	0.00180%	1	2	2	0	Non Represented	-1
	Egypt	0.00000%	0	0	0	4	Non Ratified	+4
	Ethiopia	0.00000%	0	0	0	2	Non Ratified	+2
	Gabon	0.02750%	1	2	2	0	Non Represented	-1
	Gambia	0.00180%	1	2	2	3	Over Represented	+1
	Ghana	0.02750%	2	2	2	3	Over Represented	+1
	Guinea	0.00550%	1	2	2	1	In balance	
	Kenya	0.04390%	2	3	2	3	Over Represented	+1
	Lesotho	0.00180%	1	2	2	1	In balance	
	Liberia	0.00180%	1	2	2	0	Non Represented	-1
	Madagascar	0.00730%	2	2	2	1	Under Represented	-1
	Malawi	0.00370%	2	2	2	1	Under Represented	-1
	Mali	0.00730%	2	2	2	4	Over Represented	+2
	Mauritania	0.00000%	0	0	0	1	Non Ratified	+1
	Mauritius	0.02010%	1	2	2	1	In balance	
	Namibia	0.01650%	1	2	2	0	Non Represented	-1
	Niger	0.00370%	2	2	2	2	In balance	
	Nigeria	0.45770%	4	6	5	4	In balance	
	Rwanda	0.00000%	0	0	0	2	Non Ratified	+2
	Senegal	0.01000%	2	2	2	4	Over Represented	+2
	Seychelles	0.00370%	1	2	2	0	Non Represented	-1
	Sierra Leone	0.00180%	1	2	2	3	Over Represented	+2
	South Africa	0.49790%	3	4	4	8	Over Represented	+4
	Togo	0.00000%	0	0	0	1	Non Ratified	+1
	Tunisia	0.04580%	2	2	2	0	Non Represented	-2
	Uganda	0.01000%	2	2	2	5	Over Represented	+3
	United Republic of Tanzania	0.01000%	2	3	2	2	In balance	
	Zambia	0.01000%	2	2	2	1	Under Represented	-1
	Zimbabwe	0.00000%	0	0	0	1	Non Ratified	+1

Region	Country	Assessment 2019	Desirable Range		Target	Actual rep.	Category	Under/Over
			Lower	Upper				
Asian	Afghanistan	0.01000%	2	2	2	1	Under Represented	-1
	Bangladesh	0.01000%	3	4	3	0	Non Represented	-3
	Cambodia	0.01000%	2	2	2	0	Non Represented	-2
	China	0.00000%	0	0	0	3	Non Ratified	+3
	Cook Islands	0.00180%	1	2	2	0	Non Represented	-1
	Cyprus	0.06590%	2	2	2	1	Under Represented	-1
	Fiji	0.00550%	1	2	2	0	Non Represented	-1
	India	0.00000%	0	0	0	2	Non Ratified	+2
	Indonesia	0.00000%	0	0	0	1	Non Ratified	+1
	Iran (Islamic Republic of)	0.00000%	0	0	0	3	Non Ratified	+3
	Japan	15.67790%	39	53	46	6	Under Represented	-33
	Jordan	0.03840%	2	2	2	1	Under Represented	-1
	Lebanon	0.00000%	0	0	0	2	Non Ratified	+2
	Maldives	0.00730%	1	2	2	0	Non Represented	-1
	Marshall Islands	0.00180%	1	2	2	0	Non Represented	-1
	Mongolia	0.00920%	1	2	2	1	In balance	
	Nauru	0.00180%	1	2	2	0	Non Represented	-1
	Pakistan	0.00000%	0	0	0	1	Non Ratified	+1
	Palestine	0.01460%	1	2	2	2	In balance	
	Philippines	0.07710%	2	3	3	3	In balance	
	Republic of Korea	4.15010%	11	15	13	1	Under Represented	-10
	Samoa	0.00180%	1	2	2	0	Non Represented	-1
	Singapore	0.00000%	0	0	0	1	Non Ratified	+1
	Sri Lanka	0.00000%	0	0	0	1	Non Ratified	+1
	Tajikistan	0.00730%	1	2	2	0	Non Represented	-1
	Timor-Leste	0.00370%	1	2	2	0	Non Represented	-1
Uzbekistan	0.00000%	0	0	0	1	Non Ratified	+1	
Vanuatu	0.00180%	1	2	2	0	Non Represented	-1	
Viet Nam	0.00000%	0	0	0	1	Non Ratified	+1	
Eastern European	Albania	0.01460%	1	2	2	3	Over Represented	+1
	Belarus	0.00000%	0	0	0	3	Non Ratified	+3
	Bosnia & Herzegovina	0.02200%	1	2	2	4	Over Represented	+2
	Bulgaria	0.08420%	2	2	2	0	Non Represented	-2
	Croatia	0.14100%	2	2	2	6	Over Represented	+4
	Czech Republic	0.56930%	3	4	3	0	Non Represented	-3
	Estonia	0.07140%	2	2	2	1	Under Represented	-1
	Georgia	0.01460%	1	2	2	6	Over Represented	+4
	Hungary	0.37710%	2	3	3	0	Non Represented	-2
	Latvia	0.08600%	2	2	2	0	Non Represented	-2
	Lithuania	0.13000%	2	2	2	0	Non Represented	-2

Region	Country	Assessment 2019	Desirable Range		Target	Actual rep.	Category	Under/Over
			Lower	Upper				
	Montenegro	0.00730%	1	2	2	0	Non Represented	-1
	Poland	1.46820%	5	7	6	5	In balance	
	Republic of Moldova	0.00550%	1	2	2	3	Over Represented	+1
	Romania	0.36250%	2	3	3	8	Over Represented	+5
	Russian Federation	0.00000%	0	0	0	2	Non Ratified	+2
	Serbia	0.05130%	2	2	2	3	Over Represented	+1
	Slovakia	0.28010%	2	3	2	0	Non Represented	-2
	Slovenia	0.13910%	2	2	2	3	Over Represented	+1
	North Macedonia	0.01280%	1	2	2	0	Non Represented	-1
	Ukraine	0.00000%	0	0	0	2	Non Ratified	+2
GRULAC	Antigua and Barbuda	0.00370%	1	2	2	0	Non Represented	-1
	Argentina	1.67510%	6	8	7	5	Under Represented	-1
	Barbados	0.01280%	1	2	2	0	Non Represented	-1
	Belize	0.00180%	1	2	2	0	Non Represented	-1
	Bolivia	0.02930%	2	2	2	0	Non Represented	-2
	Brazil	5.39680%	16	21	18	3	Under Represented	-13
	Chile	0.74510%	3	4	4	1	Under Represented	-2
	Colombia	0.52720%	3	4	4	5	Over Represented	+1
	Costa Rica	0.11350%	2	2	2	1	Under Represented	-1
	Dominica	0.00180%	1	2	2	0	Non Represented	-1
	Dominican Republic	0.09700%	2	2	2	0	Non Represented	-2
	Ecuador	0.14650%	2	3	2	2	In balance	
	El Salvador	0.02200%	1	2	2	0	Non Represented	-1
	Grenada	0.00180%	1	2	2	0	Non Represented	-1
	Guatemala	0.06590%	2	2	2	1	Under Represented	-1
	Guyana	0.00370%	1	2	2	0	Non Represented	-1
	Honduras	0.01650%	1	2	2	0	Non Represented	-1
	Jamaica	0.00000%	0	0	0	2	Non Ratified	+2
	Mexico	2.36520%	8	11	9	4	Under Represented	-4
	Panama	0.08240%	2	2	2	0	Non Represented	-2
	Paraguay	0.02930%	1	2	2	0	Non Represented	-1
	Peru	0.27830%	2	3	3	3	In balance	
	Saint Kitts and Nevis	0.00180%	1	2	2	0	Non Represented	-1
	Saint Lucia	0.00180%	1	2	2	0	Non Represented	-1
	Saint Vincent and the Grenadines	0.00180%	1	2	2	0	Non Represented	-1
	Suriname	0.00920%	1	2	2	0	Non Represented	-1
	Trinidad and Tobago	0.07320%	2	2	2	2	In balance	
	Uruguay	0.15930%	2	2	2	0	Non Represented	-2
	Venezuela	1.33270%	5	6	6	2	Under Represented	-3

Region	Country	Assessment 2019	Desirable Range		Target	Actual rep.	Category	Under/Over
			Lower	Upper				
WEOG	Andorra	0.00920%	1	2	2	0	Non Represented	-1
	Australia	4.04580%	11	15	13	14	In balance	
	Austria	1.23940%	4	6	5	0	Non Represented	-4
	Belgium	1.50300%	5	7	6	17	Over Represented	+10
	Canada	5.00510%	13	18	16	23	Over Represented	+5
	Denmark	1.01420%	4	5	4	2	Under Represented	-2
	Finland	0.77070%	3	4	4	6	Over Represented	+2
	France	8.10440%	21	28	24	57	Over Represented	+29
	Germany	11.14880%	28	38	33	16	Under Represented	-12
	Greece	0.67000%	3	4	4	3	In balance	
	Iceland	0.05130%	1	2	2	0	Non Represented	-1
	Ireland	0.67920%	3	4	4	12	Over Represented	+8
	Israel	0.00000%	0	0	0	1	Non Ratified	+1
	Italy	6.05400%	16	22	19	21	In balance	
	Liechtenstein	0.01650%	1	2	2	0	Non Represented	-1
	Luxembourg	0.12270%	2	2	2	0	Non Represented	-2
	Malta	0.03110%	1	2	2	0	Non Represented	-1
	Netherlands	2.48240%	7	10	9	23	Over Represented	+13
	New Zealand	0.53270%	3	4	3	6	Over Represented	+2
	Norway	1.38030%	5	6	5	0	Non Represented	-5
	Portugal	0.64070%	3	4	3	6	Over Represented	+2
	San Marino	0.00370%	1	2	2	0	Non Represented	-1
	Spain	3.92860%	11	15	13	16	Over Represented	+1
	Sweden	1.65860%	5	7	6	3	Under Represented	-2
	Switzerland	2.10710%	6	9	7	2	Under Represented	-4
	United Kingdom	8.36070%	21	29	25	33	Over Represented	+4
	United States of America	0.00000%	0	0	0	13	Non Ratified	+13
Total		100.00%				465		

Gender balance - ICC Professional Staff

Status as at 31 March 2019.

Number of Professional Staff by Gender*

* Including Elected Officials and Language Staff.

Judiciary:

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	0	1	1
P-4	1	2	3
P-3	12	9	21
P-2	6	6	12
Total	19	18	37

Office of the Prosecutor:

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
USG	1	0	1
ASG	0	1	1
D-1	0	3	3
P-5	4	13	17
P-4	11	23	34
P-3	23	49	72
P-2	44	24	68
P-1	25	4	29
Total	108	117	225

Registry:

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG	0	1	1
D-1	0	3	3
P-5	9	14	23
P-4	14	26	40
P-3	43	38	81
P-2	51	31	82
P-1	1	3	4
Total	118	116	234

Secretariat of the Assembly of States Parties:

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-5	0	1	1
P-4	1	0	1
P-3	0	1	1
Total	1	3	4

Secretariat of the Trust Fund for Victims:

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-4	0	1	1
P-3	1	1	2
Total	1	3	4

Independent Oversight Mechanism:

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	0	1	1
P-4	1	0	1
P-2	1	0	1
Total	2	1	3

Office of Internal Audit:

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	1	0	1
P-4	0	1	1
P-3	1	0	1
Total	2	1	3

Grand Total:

	<i>F</i>	<i>M</i>	<i>Total</i>
	251	259	510

Staff count - Actual

As at 31 March 2019, the actual situation regarding the Court's staff count is as follows:

	<i>Staff count</i>
Established posts	897 ¹
Approved GTA	155
Short Term Appointments	61
Junior Professional Programme (JPOs)	6
Interns	95
Visiting professionals	22
Individual Contractors and Consultants	146
Elected officials / Judges	21
Total	1,403

Staff count - Projected

Based on the approved budget of 2019 and taking into account averages for interns, visiting professionals, individual contractors and consultants as per 2018, the Court's headcount at the end of 2019 could be expected to be as follows:

	<i>Staff count</i>
Established posts ²	970
Approved GTA ³	191
Short-Term Appointments	68
Interns	96
Visiting professionals	11
Individual Contractors and Consultants	104
Elected officials / Judges	21
Total	1,461

¹ Figures include as Filled the post of Staff Council Representative in the Registry.

² Vacancy rate not taken into account in the projection.

³ Ibid.

Vacant Posts - ICC Established Posts

Status as at 31 March 2019.

<i>MP</i>	<i>Programme</i>	<i>Sub-Programme</i>	<i>Post Level</i>	<i>Post Title</i>	<i>Total</i>	<i>Comments</i>	
MP I	Judiciary	Presidency	P-3	Special Assistant to the President	1	Post expected to be filled in Q4.	
			GS-OL	Administrative Coordinator to Judiciary	1	Post expected to be filled in Q3.	
MP II	Office of the Prosecutor	Legal Advisory Section	P-4	Senior Legal Adviser	1	Post expected to be filled in Q4.	
		Jurisdiction, Complementarity and Cooperation Division	GS-OL	Legal Assistant	1	Post expected to be filled in Q4.	
		Investigation Division	GS-OL	Protection Strategies Assistant	2	Post functions under review.	
		Prosecution Division	P-1	Assistant Trial Lawyer	4	Post functions under review.	
MP III	Registry	Division of Management Services	General Services Section	GS-OL	Supply Coordinator	1	Post functions under review.
			GS-OL	Correspondence and Freight Clerk	1	Post functions under review.	
	Division of Judicial Services	Court Management Section	GS-OL	Court Clerk	2	Post functions under review.	
			P-2	Court Reporters (English)	1	Post expected to be filled in Q4.	
			GS-OL	Audio-Visual Technician	1	Post functions under review.	
	Division of External Operations	Victims and Witnesses Section	Language Services Section	P-4	Reviser (French)	1	Post expected to be filled in Q3.
				P-2	Associate Field Case Officer (UGA and CIV)	2	Post functions under review.
				GS-OL	Senior Case Management Assistant	1	Post functions under review.
				GS-PL	Senior Welfare Assistant	1	Post expected to be filled in Q4.
				P-2	Associate Welfare Officer	2	Post expected to be filled in Q4.
			External Operations and Support Section	GS-OL	Field Case Management Assistant (DRC)	3	Post functions under review.
				GS-OL	Analyst Assistant	1	Post functions under review.
				GS-OL	Situation Desk Assistant	1	Post expected to be filled in Q4.
				GS-OL	Online Communications Assistant	1	Post functions under review.
				GS-OL	Administrative Assistant	1	Post functions under review.
	Country Office (Uganda)	GS-OL	Driver	1	Post functions under review.		
		GS-OL	Field Assistant (VPR)	1	Post expected to be filled in Q3.		
		P-3	Field Officer (Outreach/VPR)	2	Post expected to be filled in Q3.		
	Grand Total:					33	

72 posts are: under recruitment/recruitment completed (36), advertised (3) or vacant, not advertised (33) as of 31 March 2019.

Staffing: Approved versus filled posts (excluding Elected Officials)

Status as at 31 March 2019.

<i>Major Programme</i>	<i>Approved</i>	<i>Filled</i>	<i>Recruitment completed¹</i>	<i>Under recruitment</i>	<i>Advertised not under recruitment</i>	<i>Vacant not advertised</i>	<i>% of established posts vacant</i>	<i>Vacancy Rate (% of established posts)</i>
<i>[1]</i>	<i>[2]</i>	<i>[3]</i>	<i>[4]</i>	<i>[5]</i>	<i>[6]</i>	<i>[7]</i>	<i>[(2-3)/2]x100</i>	<i>[(AVG(3)-2)/2]x100</i>
Judiciary								
Major Programme I	51	46	0	2	1	2	9.80%	9.80%
Office of the Prosecutor								
Major Programme II	318	297	2	9	2	8	6.60%	6.29%
Registry²								
Major Programme III	574	533	0	18	0	23	7.14%	6.97%
Secretariat of the ASP								
Major Programme IV	10	9	0	1	0	0	10.00%	10.00%
Secretariat of the TFV								
Major Programme VI	9	5	1	3	0	0	44.44%	44.44%
Independent Oversight Mechanism								
Major Programme VII.5	4	4	0	0	0	0	0.00%	0.00%
Office of Internal Audit								
Major Programme VII.6	4	4	0	0	0	0	0.00%	0.00%
Total ICC	970	898	3	33	3	33	7.42%	7.22%
Target recruitment			72					
Under recruitment / Recruitment completed			36					
Percentage of target			50.0%					

¹Recruitment completed: Indicates that the selected candidate has accepted the offer. Recruitment process has been finalised and the post is blocked until the arrival of the incumbent.

²In MP-III, figures include as Filled the post of Staff Council Representative.

Geographical Representation of ICC GTA Professional Staff

Status as at 31 March 2019.

Total number of professionals: 104

Total number of nationalities: 43

Distribution per region:

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
African	Cameroon	1
	Congo, Democratic Republic of the	3
	Egypt	1
	Kenya	1
	Senegal	1
	South Africa	2
	Sudan	1
	Uganda	6
	<i>African Total</i>	
Asian	India	1
	Indonesia	1
	Japan	2
	Lebanon	1
	Republic of Korea	1
	Singapore	1
	Sri Lanka	1
	Uzbekistan	1
	<i>Asian Total</i>	
Eastern European	Bosnia and Herzegovina	1
	Georgia	2
	Hungary	1
	Poland	1
	Romania	3
	Serbia	1
<i>Eastern European Total</i>		<i>9</i>
GRULAC	Argentina	1
	Brazil	2
	Colombia	2
	Peru	1
	Venezuela	2
<i>GRULAC Total</i>		<i>8</i>

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
WEOG	Australia	3
	Austria	2
	Belgium	3
	Canada	9
	France	8
	Germany	5
	Greece	2
	Iceland	1
	Ireland	4
	Italy	3
	Netherlands	5
	New Zealand	1
	Spain	1
	Switzerland	2
	United Kingdom	8
	United States of America	5
<i>WEOG Total</i>		62

Annex III

Legal aid for defence and victims (2013-2018)¹

	<i>Approved Budget 2013 incl. CF²</i>	<i>Expen- diture 2013 incl. CF</i>	<i>IR 2013 incl. CF</i>	<i>Approved Budget 2014 incl. CF</i>	<i>Expen- diture 2014 incl. CF</i>	<i>IR 2014 incl. CF</i>	<i>Approved Budget 2015 incl. CF</i>	<i>Expen- diture 2015 incl. CF</i>	<i>IR 2015 incl. CF</i>	<i>Approved Budget 2016 incl. CF</i>	<i>Expen- diture 2016 incl. CF</i>	<i>IR 2016 incl. CF</i>	<i>Approved Budget 2017 incl. CF</i>	<i>Expen- diture 2017 incl. CF</i>	<i>IR 2017 incl. CF</i>	<i>Approved Budget 2018 incl. CF</i>	<i>Expen- diture 2018 incl. CF</i>	<i>IR 2018 incl. CF</i>
Legal aid for defence	2,358,400	3,021,528	128.1%	2,616,400	2,805,610	107.2%	2,155,600	2,786,737	129.3%	4,339,900	4,770,824	109.9%	3,328,190	3,628,583	109.0%	2,883,000	3,628,307	125.9%
Ad-hoc counsel	250,000	118,000	47.2%	250,000	154,132	61.7%	200,000	244,642	122.3%	181,500	179,179	98.7%	200,000	284,678	142.3%	500,000	352,975	70.6%
CF defence ³	819,700	493,568	60.2%	675,500	618,414	91.5%	1,551,100	1,847,290	119.1%	0	0	0.0%	926,200	925,221	99.9%	262,700	250,693	95.4%
<i>Sub-total legal aid for defence</i>	<i>3,428,100</i>	<i>3,633,096</i>	<i>106.0%</i>	<i>3,541,900</i>	<i>3,578,156</i>	<i>101.0%</i>	<i>3,906,700</i>	<i>4,878,669</i>	<i>124.9%</i>	<i>4,521,400</i>	<i>4,950,003</i>	<i>109.5%</i>	<i>4,454,390</i>	<i>4,838,482</i>	<i>108.6%</i>	<i>3,645,700</i>	<i>4,231,975</i>	<i>116.1%</i>
Legal aid for victims	3,448,200	1,735,107	50.3%	3,000,700	1,745,744	58.2%	1,862,100	1,233,556	66.2%	1,963,200	1,344,596	68.5%	1,002,800	942,750	94.0%	1,165,000	1,466,223	125.9%
CF victims ³	39,300	21,758	55.4%	26,700	0	0.0%	0	0	0.0%	0	0	0.0%	425,260	398,660	93.7%	0	0	0.0%
<i>Sub-total legal aid for victims</i>	<i>3,487,500</i>	<i>1,756,865</i>	<i>50.4%</i>	<i>3,027,400</i>	<i>1,745,744</i>	<i>57.7%</i>	<i>1,862,100</i>	<i>1,233,556</i>	<i>66.2%</i>	<i>1,963,200</i>	<i>1,344,596</i>	<i>68.5%</i>	<i>1,428,060</i>	<i>1,341,410</i>	<i>93.9%</i>	<i>1,165,000</i>	<i>1,466,223</i>	<i>125.9%</i>
Total legal aid incl. CF	6,915,600	5,389,961	77.9%	6,569,300	5,323,900	81.0%	5,768,800	6,112,225	106.0%	6,484,600	6,294,599	97.1%	5,882,450	6,179,892	105.1%	4,810,700	5,698,198	118.4%

IR = Implementation rate.

¹ Based on information provided by the Court.² For 2013, the updated total approved budget including the revised CF notification (defence €819,700 and victims €39,300) amounts to €6,915,600. This reflects a reduction of €105,225 for defence and €31,100 for victims from the original CF notification amounts of €924,925 for defence and €70,400 for victims that resulted in a total of €7,051,925.³ CF defence and victims for the years 2013, 2014 and 2018 are based on Revised CF Notifications.

Annex IV

Amendments to the Rules of Procedure of the Committee on Budget and Finance

Annex IV (a)

Additional background information on the amendments to the Rules of Procedure of the Committee on Budget and Finance

1. This document addresses the request of the Assembly of States Parties¹ concerning the proposed amendments to the Rules of Procedure of the Committee on Budget and Finance (the Committee), which presents: (a) background information (b) the need for and scope of the amendments to the Rules of Procedure; (c) the financial implications of the proposed amendments; and (d) the way forward concerning their adoption.

A. Background

2. In September 2002, the Assembly approved the establishment of the Committee.
3. The Rules of Procedure for the Committee were approved by the Assembly at its second session in September 2003.² The first amendment of the Rules of Procedure was approved at the seventh session of the Assembly in 2008.³
4. At its twenty-sixth session in April 2016, the Committee had a preliminary discussion on its internal processes and procedures and concluded that its Rules of Procedure require further amendments to keep up with the developments that had taken place since the last amendment in 2008. As a result, the Committee set-up an internal working group to undertake the task of reviewing its working practices and procedures in order to update the Rules of Procedure.
5. At its twenty-eighth session in May 2017, the Committee was briefed by the internal working group on the progress and suggested areas for amendments to the Rules of Procedure. The Committee then decided to consider possible amendments to its Rules of Procedure at its thirtieth session.⁴
6. At its thirtieth session in 2018, the Committee agreed on the necessary amendments and proposed them to the Assembly for approval. However, the Assembly, at its seventeenth session in December 2018, requested that the Committee provide more detailed background information on the proposed amendments.

B. Need for and scope of the amendment to the Rules of Procedure

7. The Committee was of the view that its Rules of Procedure needed to be kept updated in line with the various decisions made by the Assembly in the past decade. Specifically, the current Rules of Procedure do not reflect the developments that took place after 2008. Thus, the proposed amendments incorporate these developments in the Rules of Procedure of the Committee.
8. Based on the Assembly's request to the Committee to provide a more strategic approach for the benefit of the Court and the Assembly, in 2011, the post of the Executive Secretary to the Committee on Budget and Finance was approved by the Assembly to

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, seventeenth session, The Hague... 2018* (ICC-ASP/17/20), ICC-ASP/17/Res.4, Section Q.

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

³ *Official Records ... Seventh session ... 2008*(ICC-ASP/7/20). Amended by resolution ICC-ASP/7/Res.7.

⁴ *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, paras. 33-38.

provide the Committee with technical and administrative assistance. In addition, in 2015, the Assembly approved the re-establishment of the Audit Committee, where its technical and servicing duties had been entrusted to the Executive Secretary.

9. The proposed amendments also help to expedite and clarify some of the procedural aspects, such as the elections of officers. Certain aspects are already reflected in the practice of the Committee but require explicit formalization within the Rules of Procedure.

10. In addition, and as good practice in accordance with international standards, the situation of a potential “conflict of interest” is now proposed to be included in the Rules of Procedure.

C. Financial implications of the proposed amendments

11. In financial terms, the proposed amendments to the Rules of Procedure of the Committee are cost-neutral and do not lead to any additional resource requirements. It is worth mentioning that all staffing and non-staffing costs related to the Committee are already captured in the approved budget in Programme-4500 (Committee on Budget and Finance) within Major Programme IV.

D. Way forward

12. The proposed amendments together with the additional background information, will be submitted to the Assembly as requested, and are recommended for approval by the Assembly at its eighteenth session in December 2019.

13. The proposed amendments could be approved by the Assembly through (a) a stand-alone resolution of the Assembly, or (b) the approval of the Report of the Committee on the work of its thirty-third session, as deemed appropriate.

Annex IV (b)

Proposed amendments to the Rules of Procedure of the Committee on Budget and Finance

I. Sessions

Rule 1

Frequency of sessions

The Committee on Budget and Finance (hereafter referred to as “the Committee”) shall meet when required and at least ~~one~~twice a year.¹

Rule 2

Place of sessions

In general, Tthe Committee shall ~~normally~~ meet at the seat of the Court. Sessions of the Committee may be held at another place, if the Committee and/or the Assembly of States Parties (hereafter referred to as “the Assembly”) so decides.

Rule 3

Convening of sessions

1. Sessions of the Committee shall be convened at the request of:
 - (a) The Assembly ~~of States Parties~~;
 - (b) The majority of the members of the Committee; or
 - (c) The Chairperson of the Committee.
2. Before the Chairperson ~~makes a request to convene~~ organizes a session of the Committee, he/she shall consult the members of the Committee, including on the date and duration of the session.
3. Any session of the Committee called pursuant to a request of the Assembly ~~of States Parties~~ shall be convened as soon as possible but no later than sixty days from the date of the request, unless the Assembly decides otherwise.

Rule 4

Notification of members

On behalf of Tthe Chairperson, the Executive Secretary to the Committee on Budget and Finance (hereafter referred to as “the Executive Secretary”) shall notify the members of the Committee as early as possible of the date and duration of each session.

II. Agenda

Rule 5

Drawing up of the provisional agenda

The provisional agenda for each session of the Committee shall be drawn up by the ~~Secretariat of the Assembly of States Parties (hereinafter referred to as “the Secretariat”)~~ Executive Secretary in consultation with the Chairperson of the Committee, whenever possible, and shall include:

- (a) All items proposed by the Assembly;
- (b) All items proposed by the Committee members;

¹ Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-7 February 2003 (ICC-ASP/1/3/Add.1), ICC-ASP/1/Res.4, annex, para. 4.

- (c) All items proposed by the Chairperson; and
~~(d) All items proposed by any members of the Committee;~~
~~(e)~~(d) All items proposed by the Court.

Rule 6

Communication of the provisional agenda

The provisional agenda for each session of the Committee shall be communicated to the members of the Committee and the Court as early as possible in advance of the session, but at least twenty-one days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Committee, the Court and to the ~~States Parties of the~~ Assembly sufficiently in advance of the session.

Rule 7

Adoption of the agenda

1. At the beginning of each session, the Committee shall adopt its agenda for the session, on the basis of the provisional agenda.
2. The Committee may, if necessary, amend the agenda, provided that no item referred to it by the Assembly be deleted or modified.

III. Functions of the Committee

Rule 8

Incompatible activities and confidentiality Functions

- ~~1. Members of the Committee shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations. They shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Committee.~~
- ~~2. Members of the Committee shall not be eligible to assume any other functions at the International Criminal Court during their term.~~

The Committee is a subsidiary body of the Assembly composed of independent experts elected by the Assembly.² The Committee shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature, as may be entrusted to it by the Assembly. In particular, the Committee shall review the proposed programme budget of the Court and shall make the relevant recommendations to the Assembly. The Committee shall also consider reports of the Audit Committee³ and the External Auditors concerning the financial operations of the Court and shall transmit them to the Assembly together with any comments, which it may deem appropriate.

Rule 9

Functions Incompatible activities and confidentiality

1. Members of the Committee shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations. They shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Committee.
2. Members of the Committee shall not be eligible to assume any other functions at the International Criminal Court during their term.

² ICC-ASP/1/Res.4.

³ At its fourteenth session, the Assembly approved the re-establishment of the Audit Committee. *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 140-145 and annex IV.

3. Members of the Committee shall inform the Chairperson about any potential conflict of interest they might have or that may arise. Members finding themselves in such a situation shall not participate in the consideration of matters to which the conflict relates and shall not vote on such matters. If the Chairperson has any conflict of interest, the Committee members should be informed and the Vice-Chairperson will chair the consideration of the matter.

IV. ~~Officers~~Members of the Committee

Rule 10

Election and term of the Chairperson and the Vice-Chairperson

1. Each year at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.
2. The Chairperson and the Vice-Chairperson shall be elected for a term of one year-~~They ending on the day before the first session in the following calendar year and~~ shall be eligible for re-election twice.

Rule 11

Acting Chairperson

1. In the absence of the Chairperson, the Vice-Chairperson shall take his/her place and exercise his/her functions.
2. If the Chairperson ceases to hold office pursuant to rule 15, the Vice-Chairperson shall take his/her place and exercise his/her functions until the election of a new Chairperson.

Rule 12

~~Powers of the Acting Chairperson~~General Powers of the Chairperson

~~A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.~~

1. The Chairperson, in the exercise of his/her functions, remains under the authority of the Committee.
2. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson may declare the opening and closing of each meeting of the Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.
3. The Chairperson shall represent the Committee at relevant meetings to support the work of the Committee or may delegate another member to do so. The Chairperson shall report to all members on any such meetings.

Rule 13

~~Rapporteur~~Powers of the Acting Chairperson

The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule 14**General powers of the Chairperson-Rapporteur**

~~1. The Chairperson, in the exercise of his/her functions, remains under the authority of the Committee.~~

~~2. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.~~

~~3. The Chairperson shall represent the Committee at meetings of the Assembly of States Parties.~~

The Committee may appoint one of its members as Rapporteur at each session.

Rule 15**Replacement of the Chairperson or the Vice-Chairperson**

If the Chairperson or the Vice-Chairperson ceases to be able to carry out his/her functions or ceases to be a member of the Committee, he/she shall cease to hold such office and a new Chairperson or Vice-Chairperson shall be elected for the unexpired term.

V. Secretariat/Executive Secretary**Rule 16****Duties of the Head of the Secretariat/Executive Secretary**

~~1. The Head of the Secretariat shall act in that capacity in all meetings of the Committee. He/she may designate a member of the Secretariat to act as his/her representative. He/she shall perform such other functions as are assigned to him/her by the Committee.~~

~~2. The Head of the Secretariat shall provide and direct the staff required by the Committee, taking into account to the greatest extent possible the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.~~

~~3. The Head of the Secretariat shall keep the members of the Committee informed of any questions that may be brought before it for consideration.~~

~~4. The Head of the Secretariat shall provide to the Committee, at its request, information and reports on questions specified by the Committee.~~

1. The Committee is assisted by an Executive Secretary⁴ who shall receive, translate, reproduce and distribute recommendations, reports and other documents of, and provided to, the Committee, interpret statements made at meetings, prepare and circulate, when it is so decided, records of the session, have custody and proper preservation of the archive of the Committee and, generally, perform all other work that the Committee may require. The Executive Secretary will fulfil such duties by coordinating between the Committee members and the respective units of the Court.

2. The Executive Secretary shall act in his/her capacity in all meetings of the Committee. He/she shall perform such other functions assigned to him/her by the Committee.

⁴ Official Records ... Tenth session ... 2011 (ICC-ASP/10/20), vol. II, part B.2, para. 122.

3. The Executive Secretary shall provide and direct the staff required by the Committee, taking into account, to the greatest extent possible, the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.

4. The Executive Secretary shall keep the members of the Committee informed of any questions that may be brought before it for consideration.

5. The Executive Secretary shall provide to the Committee, at its request, information and reports on questions specified by the Committee.

Rule 17

Duties of the Secretariat

~~The Secretariat shall receive, translate, reproduce and distribute recommendations, reports and other documents of, and provided to, the Committee, interpret statements made at meetings, prepare and circulate, when it is so decided, records of the session, have custody and proper preservation of the documents in the archives of the Committee and, generally, perform all other work that the Committee may require.~~

VI. Conduct of business

Rule 187

Conduct of business

As far as conduct of business is concerned and without prejudice to these rules, the proceedings of the Committee shall be governed by general practice as reflected in the Rules of Procedure of the Assembly ~~of States Parties~~.

VII. Decision-making

Rule 198

Voting rights

Each member of the Committee, including the Chairperson, shall have one vote.

Rule 2019

Decision-making

1. As a general rule, decision-making in the Committee should be by consensus. If all efforts to reach a decision by consensus have been exhausted, decisions shall be taken by a majority of members present and voting.
2. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Rule 210

Meaning of the phrase “members present and voting”

For the purposes of these rules, the phrase “members present and voting” means members present and casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

Rule 221

Conduct of voting

Without prejudice to these rules, ~~t~~The Committee shall apply *mutatis mutandis* the rules relating to the conduct of voting in the Rules of Procedure of the Assembly ~~of States Parties~~.

Rule 232
Elections

1. All elections shall be held by secret ballot.
2. The Executive Secretary shall contact each Committee member, no later than six weeks before the start of the first session of the year, inviting them to nominate themselves or other Committee members for the position of the Chairperson and/or Vice-Chairperson of the Committee within a period of two weeks. The Executive Secretary shall then inform the nominated candidates for confirmation and shall make the list of candidates available to members of the Committee, at least one week before the session.
3. The Executive Secretary shall carry out a secret ballot at the beginning of the following session. Elections will continue by secret ballot until agreement is reached.

Rule 243
Conduct of elections

Without prejudice to these rules, the Committee shall apply *mutatis mutandis* the rules relating to elections in the Rules of Procedure of the Assembly ~~of States Parties~~.

VIII. Languages

Rule 254
Languages of the Committee

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Committee. The Committee can decide which language(s) to use among these six languages as working languages.

Rule 265
Interpretation

Statements made in any of the six languages of the Committee ~~shall~~may be interpreted into the other five languages.

Rule 276
Other languages

Any member may make a statement in a language other than the languages of the Committee. In this case, he/she shall himself/herself provide for interpretation into one of the languages of the Committee. Interpretation into the other languages of the Committee ~~by the interpreters of the Secretariat~~ may be based on the interpretation given in the first such language.

Rule 287
~~Languages of recommendations and documents~~ Translation of documents

All recommendations and other documents of the Committee shall be published in the languages of the Committee, which are also the official languages of at least one State Party to the Rome Statute, unless otherwise decided by the Chairperson of the Committee.⁵

⁵ ICC-ASP/7/Res.7.

IX. Meetings

Rule 298

~~Private and public meetings~~ Meetings

1. The meetings of the Committee shall be held in private closed session, unless the Committee decides otherwise.
2. ~~At the close of a private meeting of the Committee, the Chairperson may, if the Committee so decides, The Committee may decide to~~ issue a communiqué through the ~~Secretariat~~ Executive Secretary.

X. Review of the Rules

Rule 29

Review of the Rules

The Rules of Procedure will be reviewed periodically, and any proposed amendments will be sent to the Assembly for its approval.

Annex V

List of documents

<i>CBF document symbol</i>	<i>Title</i>	<i>ASP document symbol (if converted)</i>
CBF/32/1	Provisional agenda for the thirty-second session	
CBF/32/1/Add.1	Annotated agenda for the thirty-second session	
CBF/32/2/Rev.1	Report of the Court on its precautionary reserves	
CBF/32/3	Report on existing internal controls of the reparations awards	
CBF/32/4	Report of the Court on the establishment of a special account for the Five-Year IT/IM Strategy	
CBF/32/6	Report of the Court on assessment of litigation risks	
CBF/32/7	Report of the Court on the review of the legal aid policy	
CBF/32/8	Trust Fund for Victims Progress Report on Modalities of Private Fundraising	
CBF/32/9	Update on a voluntary contribution from one State Party for a Special Project in Uganda	
CBF/32/10	Report of the Court on the development of medium-term and long-term cost projections for capital replacements and the inclusion of performance indicators in the new maintenance contract	
CBF/32/11	Report on the performance of the Court's legal aid system in 2018	
CBF/32/12	Report of the Court on payment plans for assessed contributions	ICC-ASP/18/6
CBF/32/13	Report of the Court on the proposed amendments to the Staff Rules on the education grant, the special education grant and related benefits	
CBF/32/14	Report on activities and programme performance of the International Criminal Court for the year 2018	ICC-ASP/18/3
CBF/32/15	Report on budget performance of the International Criminal Court as at 31 March 2019	
CBF/32/16	Report of the Court on Human Resources Management	ICC-ASP/18/4
CBF/32/17	Report of the Court on specific matters related to Human Resources Management: Reclassification of Posts in the 2020 Proposed Programme Budget	