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Report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council

I. Background

1. The Registry of the International Criminal Court (“ICC” or “the Court”) has been reporting annually¹ on the approximate costs allocated within the Court in relation to referrals by the United Nations (“UN”) Security Council,² at the request of the Assembly of States Parties (“the Assembly”),³ since its fourteenth session.

2. At its eighteenth session, the Assembly “request[ed] the Registry to update its report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council ahead of the nineteenth session of the Assembly”.⁴

3. Article 115 of the Rome Statute provides that “the expenses of the Court and the Assembly of States Parties, including its Bureau and subsidiary bodies, as provided for in the budget decided by the Assembly of States Parties, shall be provided by the following sources:

- (a) Assessed contributions made by States Parties;
- (b) Funds provided by the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council.”

4. In operative paragraph 39 of resolution ICC-ASP/18/Res.6, titled “Strengthening the International Criminal Court and the Assembly of States Parties”, the Assembly “[n]otes with concern that, to date, expenses incurred by the Court due to referrals by the [United Nations] Security Council continue to be borne exclusively by States Parties, and notes that, to date, the approved budget allocated so far within the Court in relation to referrals made by the Security Council amounts to approximately €65 million”.

*Re-issued for technical reasons.

¹ ICC-ASP/15/30, ICC-ASP/16/23, ICC-ASP/17/27 and ICC-ASP/18/28.

² United Nations Security Council resolution 1593 (2005) and 1970 (2011).

³ ICC-ASP/14/Res.4, annex I, para. 3(b), ICC-ASP/15/Res.5, annex I, para. 4(b), ICC-ASP/16/Res.6, annex I, para. 4(b), ICC-ASP/17/Res.5, annex I, para. 4(b).

⁴ ICC-ASP/18/Res.6, annex I, para. 4(b).

II. Background

5. It needs to be noted that the approximate cost allocations indicated below exclude limited cross-cutting costs associated with operational support activities for all the different situations and cases in the Court. The Court's budget methodology does not include distribution of support costs to its operations.⁵ The estimate below can therefore not be considered to be a fully accurate costing of the situations referred by the Security Council,⁶ following a standard cost accounting methodology; rather, it is an approximate budgetary indication of the direct financial impact of these situations as allotted in the Court's yearly budgets.

6. To date, the approved budgets allocated so far within the Court in relation to the referrals made by the Security Council amount to approximately €69,862.8 thousand over the years, as illustrated by the table below:

Regular budget costs ⁷ – approved budget (in thousands of euros)						
Year	Situation Darfur	Situation Darfur OTP	Situation Darfur Registry	Situation Libya	Situation Libya OTP	Situation Libya Registry
2006	5,755.2	4,253.2	1,468.3	N/A	N/A	N/A
2007	6,158.6	4,480.5	1,678.1	N/A	N/A	N/A
2008	7,080.8	4,182.6	2,861.5	N/A	N/A	N/A
2009	7,575.6	4,344.1	3,225.3	N/A	N/A	N/A
2010	6,602.6	4,050.5	2,552.1	N/A	N/A	N/A
2011	4,728.9	2,375.0	2,353.9	N/A	N/A	N/A
2012	3,185.1	2,310.2	874.9	6,487.9	4,890.8	1,597.1
2013	1,659.5	1,519.9	139.6	1,659.5	1,406.7	252.8
2014	1,265.2	1,058.1	207.1	584.3	340.2	244.1
2015	336.0	167.1	168.9	622.8	594.4	28.5
2016	519.4	336.4	183.0	733.6	528.7	203.1
2017	1,399.9	1,158.7	241.3	1,568.0	1,393.4	174.6
2018	1,270.3	1,065.3	205.0	1,689.5	1,455.7	233.8
2019	1,464.0	1,160.5	303.5	2,286.9	2,084.2	202.7
2020	1,457.5	1,223.3	234.2	3,771.7	3,591.5	180.2
Total	50,458.7	33,685.4	16,696.7	19,404.2	16,285.5	3,116.8
Grand total	69,862.8					

7. The approximate costs have been determined based on the planned budgetary allocation included in the Court's yearly budgets, as approved by the Assembly of States Parties. The figures in the above table specify all Court budgeted costs foreseen for the situations in Darfur and Libya. A breakdown is also provided for OTP and Registry related budget allocation per situation.

8. Notably, the above allocation of resources consists of those funds directly associated with the situations in Libya and Darfur, Sudan. These funds have covered, *inter alia*, the different cost allocations related to investigative and cooperation-related missions, the allocations related to judicial proceedings in both situations (particularly regarding the pre-trial proceedings, including initial appearances and confirmation of charges,⁸ in the cases of *The*

⁵ For example, the generic cost of IT equipment is borne by the Registry section responsible for IT and such costs do not appear under the budget of teams operating in a particular situation, such as Libya or Sudan.

⁶ United Nations Security Council resolution 1593 (2005) and 1970 (2011).

⁷ The 'costs' presented in the table are planned expenditures as included in the Court's yearly budgets and do not reflect actual expenditures.

⁸ The opening of the confirmation of charges concerning the case of *The Prosecutor v. Abd-Al-Rahman* is scheduled for 7 December 2020.

*Prosecutor v. Ahmad Harun, The Prosecutor v. Abd-Al-Rahman (“Ali Kushayb”), The Prosecutor v. Omar Hassan Ahmad Al Bashir, The Prosecutor v. Abu Garda, The Prosecutor v. Abdallah Banda and Saleh Jerbo, The Prosecutor v. Abdel Raheem Muhammad Hussein, The Prosecutor v. Muammar Mohammed Abu Minyar Gaddafi, The Prosecutor v. Abdullah Al-Senussi, The Prosecutor v. Saif Al-Islam Gaddafi, The Prosecutor v. Al-Tuhamy Mohamed Khaled and The Prosecutor v. Mahmoud Mustafa Busayf Al-Werfalli*⁹), as well as the allocations related to field operations (such as a transfer operation on 9 June 2020 regarding Mr Abd-Al-Rahman, as well as witness protection, outreach activities, security). In the situation in Darfur, Sudan, these costs also include the creation and running of two field offices (in N’Djamena and Abeché, from 2005 to 2011).¹⁰

⁹ Arrest warrants in *The Prosecutor v. Al-Tuhamy Mohamed Khaled* and *The Prosecutor v. Mahmoud Mustafa Busayf Al-Werfalli* cases were unsealed and issued, respectively, during the course of 2017 (a second arrest warrant was issued against Mr Al-Werfalli on 4 July 2018), as further indications of the Court’s activity in this situation.

¹⁰ More information on these activities can be found in the annual reports on activities and on cooperation the Court produces for the ASP.