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**Report on budget performance
of the International Criminal Court as at 31 March 2010*****I. Introduction**

1. The Assembly of States Parties (“the Assembly”), by its resolution ICC-ASP/8 Res.7 of 26 November 2009, approved a budget of €103,623,300 for the International Criminal Court (“the Court”) for the year 2010. In accordance with the request of the Committee on Budget and Finance (“the Committee”)¹, the Registrar presents herewith the report on the budget performance of the Court for the first three months of the year 2010.

II. Overview of budget performance of the International Criminal Court

2. The programme budget for 2010 is based on the assumption that the Prosecutor will conduct five active investigations in three of the situations currently before the Court. The Court envisages up to three trials during 2010: *Prosecutor v. Thomas Lubanga Dyilo*, *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, and *Prosecutor v. Jean-Pierre Bemba Gombo*.

3. Table 1 shows the Court’s budget implementation performance as at 31 March 2010 by items of expenditure. As indicated, the overall implementation rate is 30.7 per cent or a total of €31.8 million, against an approved budget of €103.6 million. This is in line with the implementation rate of 30.0 per cent in the first quarter of 2009.² Including the Contingency Fund expenditure for simultaneous trials, the Court has implemented at 32.2 per cent or a total of €33.4 million.

4. The higher implementation rate of 30.7 percent is mainly due to the fact that obligations of annual contracts entered into at the beginning of the year, commitments in respect of legal counsel fees in non-staff costs, and Judges’ annual pension premiums are all recorded in the accounts for the first quarter. Staff costs are implemented at 21.0 per cent, which reflects the 77 vacant posts or a 10.1 per cent vacancy rate as at 31 March 2010. Staff costs are implemented slightly lower than the quarterly average implementation rate of 25.0 per cent, since common staff costs are not incurred evenly in the year because of the effects of costs such as education and repatriation grants incurred later in the year.

* Previously issued as ICC-ASP/9/CBF.1/6 and Add.1.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November - 3 December 2005* (ICC-ASP/4/32), part II.B.6(a), para. 14.

² SAP data status is as at 31 March 2010.

5. On 18 December 2009, the Court submitted a request to the Committee for access to its Contingency Fund in the amount of €3,316,100 on account of conducting parallel trial hearings for six months for the cases of Thomas Lubanga Dyilo and of Germain Katanga and Mathieu Ngudjolo Chui. The trials started in late January 2010. Major costs are associated with additional staff requirements. As at 31 March 2010, the Court has implemented at 46.0 per cent, or a total of €1.5 million.

Table 1: Total ICC Budget performance as at 31 March 2010 by item of expenditure (thousands of euros)

Item	Approved Budget 2010	Expenditure ** as at 31 March 2010	Unencumbered Balance as at 31 March 2010	Implementation rate in % as at 31 March 2010
	[1]	[2]	[1]-[2]=[3]	[2]/[1]=[4]
Judges	5,634	2,992	2,643	53.1
<i>Sub-total judges</i>	<i>5,634</i>	<i>2,992</i>	<i>2,643</i>	<i>53.1</i>
Staff costs	60,172	12,651	47,521	21.0
General temporary assistance	8,535	1,892	6,643	22.2
Temporary assistance for meetings	1,151	188	963	16.3
Overtime	406	65	341	16.0
Consultants	393	106	287	27.0
<i>Sub-total staff costs</i>	<i>70,657</i>	<i>14,902</i>	<i>55,754</i>	<i>21.1</i>
Travel *	5,251	1,014	4,237	19.3
Hospitality	58	29	29	49.5
Contractual services incl. training	7,787	4,042	3,745	51.9
General operating expenses	12,198	7,602	4,596	62.3
Supplies and materials	1,248	766	481	61.4
Furniture and equipment	790	477	313	60.4
<i>Sub-total non-staff costs</i>	<i>27,333</i>	<i>13,930</i>	<i>13,403</i>	<i>51.0</i>
Total ICC	103,623	31,824	71,799	30.7

* Travel includes Judges' travel.

** Includes commitments of €2.4 million.

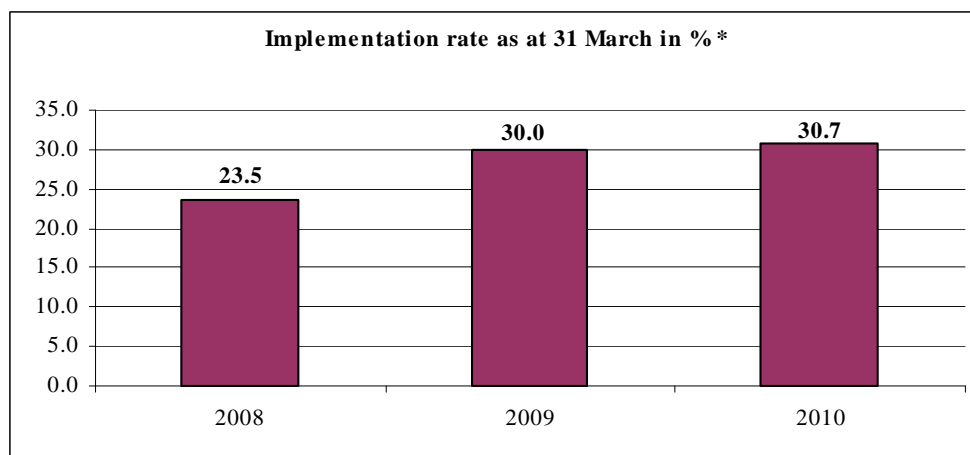
6. Table 2 provides a summary of the budget performance by major programme. Judiciary and the Registry show high implementation rates of 38.4 per cent and 34.8 per cent respectively. Judiciary's high implementation rate is due, as explained above, to the cost of Judges' pension premiums of €2 million being incurred at the start of the year. High implementation rate at the Registry is likewise attributable to the fact that annual contracts for services and goods pertinent to all major programmes are recorded in the first quarter's accounts, as are commitments on account of legal fees for defence teams, which are implemented at 43.7 per cent or €1.2 million. The Office of the Prosecutor is implemented at 20.9 per cent, which is almost on schedule. Secretariat of the Assembly of States Parties is implemented at 22.4 per cent, due to the expenditure on preparations for the Review Conference to be held in early June. Secretariat of the Trust Fund for Victims has an implementation rate of 21.6 per cent. Project Office for the Permanent Premises shows a low implementation rate of 16.0 per cent, because costs such as interest on the Permanent Premises loan in general operating expenses are not expected to be incurred until later in the year. Independent Oversight Mechanism has as yet no expenditure.

Table 2: Budget performance as at 31 March 2010 by Major Programme (thousands of euros)

Major Programme	Approved Budget 2010	Expenditure * as at 31 March 2010	Unencumbered Balance as at 31 March 2010	Implementation rate in % as at 31 March 2010
	[1]	[2]	[1]-[2]=[3]	[2]/[1]=[4]
Major Programme I				
Judiciary	10,744	4,124	6,620	38.4
Major Programme II				
Office of the Prosecutor	26,828	5,611	21,218	20.9
Major Programme III				
Registry	59,631	20,774	38,857	34.8
Major Programme IV				
Secretariat of the Assembly of States Parties	4,273	958	3,315	22.4
Major Programme VI				
Secretariat of the Trust Fund for Victims	1,222	264	957	21.6
Major Programme VII				
Other Major Programme				
Major Programme VII.1				
Project Office for the Permanent Premises	584	93	491	16.0
Major Programme VII.5				
Independent Oversight Mechanism	342			
Total Court	103,623	31,824	71,799	30.7

* Includes commitments of €2.4 million.

7. Figure 1 below compares the implementation rates of the Court in the first quarter from 2008 to 2010. The similarity of implementation rates for the years 2009 and 2010 suggests a similar pattern of expenditure, with costs on account of annual contracts, legal fees and judges' pension premiums being committed at the start of the year.

Figure 1: Comparison of budget performance of the Court at the first quarter of the years 2008-2010

* Data status is at 31 March 2010.

III. Transfer of Funds

8. Amounts of €670,200 and €341,000 have been transferred in the areas of general temporary assistance and contractual services respectively within the Secretariat of the Assembly of States Parties ("ASP"). The sub-programme Special Conference was created for the purpose of the Review Conference in Kampala to be held in 2010 and the funds originally included and approved in the sub-programme Conference needed to be transferred. The purpose of this transfer was to enable funds for the Review Conference to be monitored separately from those for the ASP's regular activities.

9. €260,500 have been transferred from Planning and Operations Section to Deputy Prosecutor for Prosecutions for the purposes of supporting General Temporary Assistance (GTA) requirements in Major Programme II. The transfer was made from within the approved GTA budget.

IV. Recruitment

10. As indicated in the 2009 performance reports, recruitment activities have been very positive in the last months. As a result, the Court's present staffing position is for the most part well balanced, with budgeted and actual vacancy rates at the same level. Despite a small net decrease in the first quarter, mainly due to separations and internal placements, recruitment activities are expected to continue unabated in 2010.

Table 3: Staffing - Approved versus filled posts by post type (P and GS staff)

	Approved *	Filled	Under recruitment	Advertised not under recruitment	Vacant not advertised
	[1]	[2]	[3]	[4]	[5]
Major programme I	50	46	2	1	1
Major programme II	215	203	7	2	3
Major programme III	477	427	30	3	17
Major programme IV	9	3	6	0	0
Major programme VI	7	4	2	0	1
Major programme VII.1	3	3	0	0	0
Major programme VII.5	2	0	0	0	2
Total ICC	763	686	47	6	24

* The table excludes five Elected Official posts (three in MP II and two in MP III).

Recruitment Status and Trends

First quarter 2010

(a) 21 vacancies filled in first quarter 2010; 8 in January, 6 in February, 7 in March;

(a) 17 separations; 7 in January, 1 in February, 9 in March;

(b) 7 internal placements against vacancies; 5 in January, 1 in February, 1 in March; and

(c) Net decrease of staff for first quarter is 3.

V. Overview of resource utilization for basic and situation-related activities

11. Tables 3 and 4 show the Court's basic and situation-related budget performance by items of expenditure. The basic budget component shows a 33.6 per cent implementation rate, which amounts to €17.4 million, whereas the situation-related budget component shows a 27.8 per cent implementation, amounting to €4.4 million. Basic budget activities reflect above-mentioned expenditure such as annual contracts and judges' pension premiums. Situation-related budget activities reflect legal fees and continuing operations in Chad (Darfur case), the Democratic Republic of the Congo, Uganda and the Central African Republic.

Table 4: Basic budget performance as at 31 March 2010 by item of expenditure (thousands of euros)

Item	Approved Budget 2010	Expenditure ** as at 31 March 2010	Unencumbered Balance as at 31 March 2010	Implementation rate in % as at 31 March 2010
	[1]	[2]	[1]-[2]=[3]	[2]/[1]=[4]
Judges	5,634	2,992	2,643	53.1
<i>Sub-total judges</i>	<i>5,634</i>	<i>2,992</i>	<i>2,643</i>	<i>53.1</i>
Staff costs	29,596	6,257	23,340	21.1
General temporary assistance	2,981	789	2,192	26.5
Temporary assistance for meetings	1,080	132	948	12.2
Overtime	269	52	217	19.4
Consultants	84	55	29	65.7
<i>Sub-total staff costs</i>	<i>34,010</i>	<i>7,285</i>	<i>26,725</i>	<i>21.4</i>
Travel *	1,265	358	908	28.3
Hospitality	58	29	29	49.5
Contractual services incl. training	3,125	1,640	1,485	52.5
General operating expenses	6,288	4,251	2,037	67.6
Supplies and materials	796	523	273	65.7
Furniture and equipment	524	298	226	56.8
<i>Sub-total non-staff costs</i>	<i>12,057</i>	<i>7,098</i>	<i>4,959</i>	<i>58.9</i>
Total ICC	51,700	17,375	34,326	33.6

* Travel includes Judges' travel.

** Includes commitments of €1.3 million.

Table 5: Situation-related budget performance as at 31 March 2010 by item of expenditure (thousands of euros)

Item	Approved Budget 2010 [1]	Expenditure ** as at 31 March 2010 [2]	Unencumbered Balance as at 31 March 2010 [1]-[2]=[3]	Implementation rate in % as at 31 March 2010 [2]/[1]=[4]
Judges				
<i>Sub-total judges</i>				
Staff costs	30,576	6,395	24,181	20.9
General temporary assistance	5,554	1,103	4,450	19.9
Temporary assistance for meetings	71	56	16	78.2
Overtime	137	13	125	9.3
Consultants	309	51	258	16.5
<i>Sub-total staff costs</i>	36,647	7,617	29,030	20.8
Travel *	3,986	656	3,329	16.5
Hospitality				
Contractual services incl. training	4,662	2,402	2,260	51.5
General operating expenses	5,910	3,351	2,559	56.7
Supplies and materials	452	243	209	53.8
Furniture and equipment	266	179	87	67.4
<i>Sub-total non-staff costs</i>	15,276	6,832	8,444	44.7
Total ICC	51,923	14,449	37,474	27.8

* Travel includes Judges' travel.

** Includes commitments of €1.1 million.