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Report on programme performance of the International Criminal Court for the year 2009*

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I. Introduction

1. This report contains a list of significant achievements of each organ of the Court and the Secretariat of the Assembly of States Parties for 2009. The report includes a breakdown of expenditure¹ by major programme and programme and a staffing table that details actual vs. budgeted staffing levels as requested by the Committee on Budget and Finance² (“the Committee”). In addition, a detailed review of programme performance by section of the annual budget programme with reference to objectives, expected accomplishments, indicators of achievement and performance indicators is included in annexes I to V.

2. The detailed descriptions of significant events and achievements reported in the first section of the report illustrate that the Court undertook all activities it had planned for in 2009. Additional unplanned activities, specifically in the case of *The Prosecutor v. Bahar Idriss Abu Garda*, have all been addressed within the constraints of the Court’s approved budget. Although some activities had been earmarked as potentially to be covered by the Contingency Fund at the end of 2009, the Court managed to absorb all costs within its regular budget. For more details on the Court’s realization of budgetary assumptions, please see Annex VI below.

II. Significant events and achievements of the Court

A. Situation in Uganda

1. Analytical, investigative and prosecutorial activities

The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen

(a) The Prosecutor continued the monitoring of crimes committed after the issuance of the arrest warrants against Joseph Kony et al. in July 2005;

(b) Monitored the supply networks, direct or indirect assistance that could benefit the indictees and help them abscond;

(c) Continuously monitored the situation of its witnesses in the Uganda situation, conducted 14 missions in this context and proceeded in coordination with the Court’s victims and Witness Unit when necessary to take measures to ensure their protection and avoid, consistent with the strategic plan of the Court “any foreseeable risk” for them;

(d) Filed four documents with a total of 34 pages in to the court records of the case;

(e) Continued contacts with the witnesses;

(f) Continued preparation for disclosure;

(g) The Prosecutor continued to monitor crimes committed by other parties such as the UPDF and requested information from the Government on national proceedings; and

(h) The Office of the Prosecutor continued its efforts to galvanize support for the arrest and surrender of the suspects, emphasising the importance of arrest with States and international actors in the region and more widely, and regularly highlighting the continuing problem in key international meetings.

2. Judicial proceedings

The Prosecutor v Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen

(a) On 9 February 2009, Pre-Trial Chamber II appointed two counsel from the Office of Public Counsel for Victims to represent the interests of 51 victims in the case.

¹ Expenditure 2009 is based on preliminary, unaudited figures, which are subject to change.

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November – 1 December 2006* (ICC-ASP/5/32/Corr. 1), part II.D.6(a), para. 23.

(b) On 23 February 2009, the Appeals Chamber confirmed Pre-Trial Chamber II's decision of 14 March 2008, in which it granted victim status to four applicants.

(c) A decision on the admissibility of the case pursuant to article 19(1) of the Rome Statute, declaring the case admissible before the Court, was issued by Pre-Trial Chamber II on 10 March 2009.

(d) Pre-Trial Chamber II's decision on the admissibility of the case was upheld on appeal on 16 September 2009. It was held that the role of Counsel for the Defence representing suspects at large was to safeguard the interests of the Defence. It was further confirmed that the Pre-Trial Chamber can decide on the admissibility of a case *proprio motu*.

3. Registry activities

(a) Filed a total of 110 documents (including annexes), of which 28 related to the situation and 82 to the case *The Prosecutor vs Joseph Kony, et al* on issues pertaining, *inter alia*, to witness protection, victim participation and detention; a total of 1,115 pages was filed;

(b) During 162 interactive sessions the Outreach Unit engaged 22,965 people from the most war-affected communities of the country, while a potential audience of over 8,000,000 received information via radio. The Court held several consultative and bi-lateral meetings with over 89 civil society organizations to explore possibilities of partnership that would increase the impact of outreach to complement its efforts. The School Outreach Programme was expanded to reach schools in Kampala city;

(c) Processed 272 applications from victims to participate in proceedings;

(d) The Field Office supported 134 missions; and

(e) The Registry executed the different notifications of the decision regarding the "admissibility of the case under article 19(1) of the Statute" and subsequent proceedings on Appeal to the Government of the Republic of Uganda.

B. Situation in the DRC

1. Analytical, investigative and prosecutorial activities

(a) The Office of the Prosecutor conducted 52 investigative missions in relation to the DRC situation;

(b) The Office continuously monitored the situation of its witnesses in the DRC and conducted 36 missions in this context. It proceeded, in coordination with the Court's Victims and Witnesses Unit when necessary, to take measures to ensure the protection of victims and witnesses and, consistent with the strategic plan of the Court, to avoid "any foreseeable risk" for them;

(c) The Office conducted seven Missions to the DRC to secure cooperation in support of witness protection, investigation and prosecutions; regular meetings were held between the Prosecutor and the Minister of Justice of the DRC and other high officials, in particular in New York in September 2009; and

(d) The Office briefed MONUC, the EU Great Lake representatives and other stakeholders on arrest efforts and other activities.

The Prosecutor v. Thomas Lubanga Dyilo

(a) The Office finalized the presentation of its case to the Trial Chamber;

(b) Finalized the disclosure of incriminatory and potentially exculpatory evidence to the defence; and

(c) Filed 450 documents with a total of 5,619 pages with the Trial Chamber and the Appeals Chamber.

The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui

- (a) The Office started the presentation of its case against Germain Katanga and Mathieu Ngudjolo Chui before the Trial Chamber;
- (b) Filed 1347 documents with a total of 50,885 pages with the Chamber; and
- (c) Disclosed incriminating and exculpatory evidence to the Defence.

The Prosecutor v. Bosco Ntaganda

- (a) The Office continued to galvanize support for the arrest and surrender of the suspect, emphasising the importance of arrest in meetings with the DRC authorities and with States in the region, raising the issue with UN authorities and in key international meetings.

Investigation in the Kivus

- (a) The Office conducted investigative missions to different countries, including the DRC, regional and European States; and
- (b) Continued contacts with witnesses.

2. Judicial proceedings**The Prosecutor v Thomas Lubanga Dyilo**

(a) On 26 January 2009, the hearings on the merits commenced with the opening statements of the Prosecution and the Defence, as well as those of the Legal Representatives of Victims representing 91 victims in the case. The Prosecution opened its case against the accused on day three of the hearings;

(b) Having called 34 witnesses, including expert witnesses, the Prosecution closed its case on 14 July 2009. The same day, Trial Chamber I issued a decision in which the majority decided that the legal characterisation of facts may be subject to change in accordance with regulation 55(2) of the Regulations of the Court. Mr Lubanga Dyilo and the Prosecution sought leave to appeal this decision on 11 August and 12 August respectively;

(c) On 10 July 2009, Trial Chamber I rendered a decision on the application of seven victims to participate in the proceedings. A further decision on two subsequent applications to participate in the proceedings filed by two victims was issued on 11 September 2009;

(d) Leave to appeal the decision of 14 July 2009 was granted on 3 September 2009. Pursuant to Trial Chamber I's decision of 2 October 2009, the hearings on the evidence were adjourned pending the judgment of the Appeals Chamber on the matter;

(e) On 16 September 2009, Trial Chamber I issued a decision on the manner of questioning witnesses by the Legal Representatives of Victims;

(f) On 20 October 2009, the Appeals Chamber issued a decision granting 27 victims the right to participate in the appeals brought by the Prosecutor and Mr. Lubanga Dyilo against the decision of Trial Chamber I of 14 July 2009;

(g) On 8 December 2009, the Appeals Chamber delivered its judgment on the aforementioned decision of Trial Chamber I, unanimously reversing it; and

(h) In an oral decision delivered during the status conference held on 9 December 2009, Trial Chamber I decided that the hearings recommence on 7 January 2010.

The Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui

- (a) A total of 359 victims have been authorised to participate in the proceedings;
- (b) On 24 April 2009, Judge Fumiko Saiga passed away. She was temporarily replaced by Judge Hans-Peter Kaul. On 1 September 2009, Judge Christine Van den Wyngaert was assigned to Trial Chamber II;
- (c) On 13 March 2009, Trial Chamber II ordered the Prosecution to produce a Table of Incriminating Evidence, containing a detailed and systematic analysis of the evidence it intended to rely on at trial;
- (d) On 12 June 2009, Trial Chamber II issued an oral decision on the challenge to the admissibility of the case brought by Germain Katanga, dismissing the challenge and declaring the case admissible before the Court. The written motivation of the decision was issued on 16 June 2009;
- (e) An order on the organisation of common legal representation of victims was issued by Trial Chamber II on 22 July 2009. In this order, the Trial Chamber reorganised victim representation into two groups of victims, each represented by one legal representative, as opposed to the previous system of representation by nine legal representatives;
- (f) On 3 September 2009, the Appeals Chamber rendered its judgment on the appeal brought by Mr. Katanga against Trial Chamber II's oral decision on the admissibility of the case against him. The appeal was dismissed on all grounds;
- (g) On 21 October 2009, Trial Chamber II rendered a decision of principle on the notification of charges, detailing the related responsibilities of the Prosecution and the Pre-Trial Chambers;
- (h) On 20 November 2009, Trial Chamber II rendered its decision on a motion concerning the legality of detention of Mr. Katanga;
- (i) On 20 November 2009, the Presiding Judge of Trial Chamber II issued directions for the conduct of the proceedings and testimony;
- (j) The hearings on the merits of the case commenced with the opening statements of the parties on 24 November 2009;
- (k) Trial Chamber II rendered fourteen decisions on applications for the late disclosure of evidence;
- (l) Trial Chamber II rendered two general decisions of principle on redactions, among numerous decisions dealing with specific redactions;
- (m) Three decisions respectively were rendered on the maintenance in detention of the two suspects. Hearings for the purposes of detention review pursuant to rule 118(3) of the Rules of Procedure and Evidence in respect of each accused were held on 23 and 17 March 2009; and
- (n) Trial Chamber II held 25 hearings in total, the majority of which were closed session *ex parte* hearings.

The Prosecutor v Bosco Ntaganda

- (a) On 16 November 2009, Pre-Trial Chamber I issued a decision lifting the seal on the proceedings against Mr. Ntaganda.

3. Registry activities

- (a) In 2009, the Registry facilitated the appearance of 31 witnesses in the Lubanga case (DRC I) proceedings and 2 witnesses in the Katanga/Ngudjolo case (DRC II);
- (b) Filed a total of 1,192 documents (including annexes), altogether a total of 12,049 pages, on matters within its purview in the Lubanga case;

(c) Filed a total of 3,422 documents (including annexes), altogether a total of 82,675 pages, on matters within its purview in the Katanga/Ngudjolo case;

(d) During 192 interactive sessions organized in Ituri, Kisangani, the Kivus and Kinshasa, the Outreach Unit engaged 19,407 people. A potential audience of 25 million received information via television and radio. In Bunia, press briefings were held every other Tuesday and were attended by an average of 15 journalists. Press briefings were held in Kinshasa on Fridays, attended by an average of 25 journalists. The Outreach Unit has established a strong network of human rights NGOs, and has launched several activities in partnership with them. Emphasis on the training of local lawyers and journalists was increased, with the launching of new programmes aimed at training both target groups on human rights issues and the ICC. Importance was also given to outreach activities with students, with a project currently underway involving the addition of material on the ICC to university curricula;

(e) Processed 331 applications from victims to participate in proceedings;

(f) The Field Office supported 467 missions;

(g) A catalogue of “special measures” was developed; Chambers were informed of special needs of particularly vulnerable witnesses in advance (reading assistance, breaks etc.), in order to facilitate testimony;

(h) The “familiarization” package was finalized and each witness received familiarization, including “walk through” the courtroom. Also, a protocol of the courtesy meetings of the parties before court appearance, witnesses reviewing statements, and “thank you” meetings after completion of testimony was established and performed;

(i) The evaluation program is functional and first data was collected from the witnesses before testifying, after testimony and some witnesses have been contacted since their court appearance for the “long-term follow up” questionnaire;

(j) The Registry also participated in several status conferences and hearings related to the ongoing proceedings in the different cases (Katanga/Ngudjolo case: 14 hearings; Lubanga case: 19 hearings). Following the respective proceedings, over 20 requests for cooperation were sent to different States parties;

(k) Furthermore, two Lingala paraprofessional interpreters were trained in order to accommodate the need for the Lingala booth during trial proceedings; and

(l) The Standard Operating Procedure governing all aspects of the daily life at the Court Detention centre was finalised.

C. Situation in Darfur, Sudan

1. Analytical, investigative and prosecutorial activities

(a) The Office of the Prosecutor continuously monitored the situation of its witnesses in the Darfur situation, and proceeded, in coordination with the Court's Victims and Witnesses Unit when necessary, to take measures to ensure the protection of victims and witnesses and to avoid, consistent with the strategic plan of the Court, “any foreseeable risk” for them;

(b) Conducted 35 investigative missions in various countries in relation to the situation;

(c) The Prosecutor reported twice to the United Nations Security Council in accordance with UNSC 1593 in June and December 2009 on the progress of his Office's investigation; and

(d) The Prosecutor continued consultations with Governments, the African Union, the Arab League, the European Union and NGO coalitions to enhance efforts relating to marginalisation and arrest in cases where arrest warrants have been issued.

The Prosecutor v. Omar Hassan Ahmad Al-Bashir

(a) The Office appealed the decision of Pre-Trial Chamber I of 4 March 2009 not to issue a warrant of arrest with regard to the crime of genocide; and

(b) The Prosecution filed 17 documents with a total of 148 pages into the court records of the case.

The Prosecutor v. Bahar Idriss Abu Garda

(a) After the issuance of a summons to appear, the Office ensured the appearance of Abu Garda arranging with intermediaries of Abu Garda to facilitate his departure from Darfur and his travel onward to The Hague. The Office coordinated with the Registry in the process;

(b) The Office litigated the case before Pre-Trial Chamber I in status conference and at the hearing on the Confirmation of Charges;

(c) Disclosed incriminating and exculpatory evidence to the Defence;

(d) Filed 207 documents with a total of 3,889 pages into the court records of the case; and

(e) Maintained contact with other relevant Governments, including the Governments of Libya, Egypt and Kenya, to facilitate official Court contact with Abu Garda, including with his chosen counsel, and to facilitate his successful travel to The Hague.

2. Judicial proceedings

(a) On 4 February 2009, Pre-Trial Chamber I rejected the application of the Sudan Workers Trade Unions Federation and the Sudan International Defence Group to appear as *amicus curiae* in the proceedings relating to the Prosecutor's request for a warrant of arrest of Omar Hassan Ahmad Al Bashir; and

(b) By its judgment of 2 February 2009, the Appeals Chamber reversed two pre-trial decisions which granted victims general participatory rights in the investigation phase of crimes committed within the Sudan situation.

The Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-al-Rahman ("Ali Kushayb")

(a) Public information on the judicial activity in the abovementioned cases is unavailable.

The Prosecutor v Omar Hassan Ahmad Al Bashir

(a) A total of 12 victims are currently authorised to participate in the pre-trial proceedings in the case against Mr. Al Bashir;

(b) On 4 March 2009, Pre-Trial Chamber I issued its decision on the Prosecutor's application for a warrant of arrest of Mr. Al Bashir for five counts of crimes against humanity and two counts of war crimes;

(c) Leave to appeal the decision of 4 March 2009 was granted to the Prosecutor on 24 June 2009;

(d) On 18 September 2009, the Appeals Chamber granted two Sudanese NGOs leave to present submissions in relation to the Prosecutor's appeal against the decision of Pre-Trial Chamber I not to issue a warrant of arrest of Mr. Al Bashir in respect of the crime of genocide;

(e) On 23 October 2009, the Appeals Chamber instructed the Registrar to submit to Pre-Trial Chamber I victims' applications for participation in the appeal against the

aforementioned decision on the warrant of arrest, since the requests in fact related to the right to participate in the entirety of the proceedings against Mr. Al Bashir; and

(f) On 10 December 2009, Pre-Trial Chamber I issued a decision authorising 12 victims to participate in the pre-trial phase of the proceedings.

The Prosecutor v Bahar Idriss Abu Garda

(a) A total of 78 victims have been granted participatory rights in the pre-trial stage of the case.

(b) On 7 May 2009, Pre-Trial Chamber I issued a decision on the Prosecutor's application for a summons to appear before the Court for Bahar Idriss Abu Garda for three counts of war crimes;

(c) Mr. Abu Garda made his initial appearance before the Court at a hearing convened by Pre-Trial Chamber I on 18 May 2009;

(d) Pre-Trial Chamber I dealt with disclosure matters in a hearing held on 9 June 2009. A decision on the system of disclosure to be adopted between the parties was subsequently rendered on 15 July 2009. A second hearing on disclosure matters was held on 26 August 2009;

(e) On 14 August 2009, Pre-Trial Chamber I issued its first decision on the Prosecutor's request for redactions to be applied in the case. A second decision on the matter was issued on 7 September 2009;

(f) On 31 August 2009 Pre-Trial Chamber I issued a decision on the Prosecutor's request for the non-disclosure of the identity of witnesses in the case;

(g) Two separate ex parte hearings were held with the Prosecutor as well as the Defence on 23 September 2009;

(h) By its decision of 25 September 2009, Pre-Trial Chamber I authorised 34 victims to participate in the pre-trial stage of the proceedings against Mr. Abu Garda. A further 44 victims were given authorisation to participate in the proceedings by a second decision dated 6 October 2009. All 78 authorised victims have subsequently been represented by four legal representatives during the confirmation hearing of the case;

(i) On 6 October 2009, Pre-Trial Chamber I issued a decision on the modalities of victim participation relating to the pre-trial stage of the case;

(j) On 19 October 2009, Pre-Trial Chamber I rendered a decision on a Defence application to call a witness at the confirmation of charges hearing; and

(k) The hearing on the confirmation of charges against Mr. Abu Garda was held from 19 until 30 October 2009.

3. Registry activities

(a) Filed a total of 1,255 documents (including annexes), totalling 18,177 pages, on matters within its purview;

(b) In connection with the situation in Darfur, Sudan, outreach activities continued to be held in a confidential manner due to volatile security conditions and high risks for the population in Darfur, especially after the issuance of the warrant of arrest for the current President of Sudan, Omar Al-Bashir. The Outreach Unit communicates with the Sudanese public through traditional regional and international media, as well as independent radio stations and websites. During 13 outreach activities, nearly 300 Sudanese communities outside the country were directly engaged. In Eastern Chad, the Registrar held interactive sessions with camp leaders, mostly Massalit refugees and women's groups. Through InterNews radio, a potential audience of 250,000 Sudanese refugees continued to receive information on the ICC;

(c) Processed 118 applications from victims to participate in proceedings. The Field Office supported 102 missions

(d) The Registry participated in several hearings related to the ongoing proceedings in the different cases in the Darfur Sudan situation (Abu Garda case: 6 hearings);

(e) The Registry notified the Request for the arrest and surrender of Omar Al Bashir to a total of 116 States Parties to the Rome Statute and to all United Nations Security Council Members that are not States Parties to the Rome Statute. Follow up to these notifications is ongoing;

(f) The relevant Registry services organised all aspects, together with the Host State authorities, of the initial appearance and the confirmation of charges hearings in the case of The Prosecutor v. Bahar Idriss Abu Garda;

(g) The Registry facilitated the appearance of four witnesses and experts in the Abu Garda case (DAR III) confirmation of charges hearing; and

(h) In the 2009 proceedings in the case of The Prosecutor v. Bahar Idriss Abu Garda, in addition to Court staff, a total of 11 external interpreters were used, inter alia providing services in Arabic and Mandinka.

D. Situation in the Central African Republic (“the CAR”)

1. Analytical, investigative and prosecutorial activities

The Prosecutor v. Jean-Pierre Bemba Gombo

(a) The Office of the Prosecutor conducted 47 investigative missions in CAR and other countries;

(b) Litigated the case before Pre-Trial Chamber II during the hearing on the confirmation of charges;

(c) Appealed the decision of Pre-Trial Chamber II on the conditional release of the person charged and obtained a reversal of this decision;

(d) Filed 369 documents with a total of 6,802 pages into the court records of the case;

(e) Continued the disclosure of incriminatory and potentially exculpatory evidence to the defence;

(f) Continuously monitored the situation of its witnesses in the CAR situation and proceeded, in coordination with the Court's Victims and Witnesses Unit when necessary, to take measures to ensure the protection of victims and witnesses and, consistent with the strategic plan of the Court, to avoid “any foreseeable risk” for them;

(g) The Prosecutor continued the monitoring of other acts of violence committed more recently on the territory of the Central African Republic and requested information on the status of national proceedings; and

(h) The Office conducted 5 missions to secure the cooperation of the CAR authorities and ensure that the political dialogue under way excluded any amnesty for crimes within the jurisdiction of the ICC.

2. Judicial proceedings

(a) On 16 November 2009, Pre-Trial Chamber II issued a decision on the submission presented by the Trust Fund on 30 October 2009. In its decision the Chamber requested the Board of Directors of the Trust Fund to submit particulars of its intended activities in the Central African Republic.

The Prosecutor v. Jean-Pierre Bemba Gombo

(a) Pre-Trial Chamber III held the oral sessions of the hearing on the confirmation of charges against Mr. Bemba Gombo from 12 to 15 January 2009;

(b) By a written decision of 3 March 2009, Pre-Trial Chamber III decided to adjourn the hearing in accordance with article 61(7)(c) of the Statute, requesting the Prosecutor to reconsider amending the charges. Pre-Trial Chamber III was merged into Pre-Trial Chamber II pursuant to a decision of the Presidency of 19 March 2009. The CAR situation was assigned to Pre-Trial Chamber II by the same decision;

(c) On 9 April 2009, Pre-Trial Chamber II granted Amnesty International's application to appear as *amicus curiae*;

(d) The defence application for the interim release of Mr. Bemba Gombo was rejected by Pre-Trial Chamber II on 14 April 2009;

(e) An application presented by the Association pour la promotion de la démocratie et du développement de la République Démocratique du Congo ("Aprodec asbl") to appear as *amicus curiae* was rejected by Pre-Trial Chamber II on 29 May 2009;

(f) On 15 June 2009, Pre-Trial Chamber II rendered its decision on the confirmation of charges, partially confirming the charges brought against Mr. Jean-Pierre Bemba Gombo;

(g) A hearing on the continued pre-trial detention of Mr. Bemba Gombo was convened by Pre-Trial Chamber II on 29 June 2009;

(h) Two applications to appear as *amicus curiae* in the case were rejected by the Chamber on 17 July 2009. The Chamber rejected a further request for leave to appear as *amicus curiae* in the case on 4 September 2009;

(i) On 14 August 2009, the Single Judge of Pre-Trial Chamber II rendered a decision granting interim release to Mr. Bemba Gombo, pending a decision on the conditions to be imposed. Hearings with six different States were convened by the same decision;

(j) On 3 September 2009, the Appeals Chamber granted the Prosecutor's request for suspensive effect of his appeal against the above-mentioned decision of Pre-Trial Chamber II of 14 August 2009. The same day, the Appeals Chamber authorised 54 victims to present their views and concerns in relation to the said appeal;

(k) On 17 September 2009, Pre-Trial Chamber II issued a decision on the request for withdrawal from the case of two Defence counsel;

(l) A decision on the Prosecution's application for leave to appeal the Decision on the confirmation of charges of 15 June 2009 was rendered on 18 September 2009;

(m) Likewise on 18 September 2009, Pre-Trial Chamber II issued a decision rejecting the Defence application to suspend the proceedings, as well as a decision rejecting the Defence application for disclosure of information in relation to the admissibility of the case and a decision on the re-classification and unsealing of documents and decisions relating to the case;

(n) By a decision of 18 September 2009, the Presidency constituted Trial Chamber III, referring the case file to the newly constituted Chamber. The Decision on the confirmation of the charges was transmitted to Trial Chamber III on the same day;

(o) Trial Chamber III held a first status conference on 7 October 2009, setting a timetable for the disclosure of evidence and other preparatory matters preceding the opening of the hearings on the merits;

(p) On 20 October 2009, Trial Chamber III issued a decision ordering that the accused be provided with the means to fund his legal assistance until such time as there would be a material change in circumstances;

(q) Further status conferences were held on 28 and 29 October 2009, as well as two separate status conferences on 8 December 2009. Three of these were *ex parte* hearings. The public status conference of 8 December addressed the renewed detention review of the suspect, as well as matters relating to disclosure of evidence, interpretation and witness familiarisation;

(r) On 4 November 2009, Trial Chamber III ordered that full disclosure of the Prosecutor's evidence be completed by 30 November 2009;

(s) By a decision dated 5 November 2009, Trial Chamber III set the date for the commencement of the trial for 27 April 2009;

(t) Trial Chamber III confirmed the participatory rights in the trial phase of the 54 victims who had been granted victim status at the pre-trial stage. An additional 86 new applications for victim participation in the case had been received in 2009; and

(u) On 9 November 2009, the Appeals Chamber rejected the application for leave to intervene in the Prosecutor's appeal against the Decision of the confirmation of charges presented by Aprodec asbl.

3. Registry activities

(a) Filed a total of 1,097 submissions with a total of 24,642 pages into the court records of the case;

(b) During 89 interactive sessions the Outreach Unit was in contact with 5,050 people, while a potential audience of 700,000 received information via radio. The initial phase of activities focused on providing basic information about the ICC and the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, and on making the proceedings accessible to the most affected communities in Bangui. The second phase of the programme consisted of enhancing outreach impact through the radio serial *Understanding the ICC* (13 episodes), produced in the local language Sango, containing answers to 1000 questions put to it by the people of Bangui. The third phase has been to hold outreach activities outside the capital, specifically in Bimbo and Mougoumba;

(c) Processed 34 applications from victims to participate in the proceedings;

(d) The Field Office supported 55 missions;

(e) The Registry also participated in several status conferences and hearings held before Trial Chamber III;

(f) In the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, the Registry sent over 100 communications and requests for cooperation to various States Parties, *inter alia* related to the application for interim release; and

(g) The Registrar was ordered, pursuant to the "Decision on the defence application to lift Order iii) of the "Decision on legal assistance for the accused" dated 20 October 2009" (ICC-01/05-01/08-596-Red), to pay for the legal aid for Jean-Pierre Bemba Gombo. For this purpose, the Registry has been active in tracing and freezing the assets of Mr. Bemba.

E. Situation in Kenya

1. Analytical, investigative and prosecutorial activities

(a) The Prosecutor met a high-level delegation at the seat of the Court on 3 July 2009 and met with the Kenyan President and Prime Minister on 5 November 2009, securing their commitment to cooperate fully with the Court;

(b) Finalized the preliminary analysis of information reported to his Office from various sources, including States, inter-governmental and non-governmental organizations;

(c) Requested in accordance with Article 15 (3) of the Rome Statute the authorization of an investigation into crimes committed on the territory of Kenya in early 2008; and

(d) Filed 40 documents with a total of 1,459 pages into the court records of the case.

2. Judicial proceedings

(a) On 10 December 2009, Pre-Trial Chamber II ordered the Victims Participation and Reparations Section of the Registry to organise the representation of victims before the Chamber.

F. Other situations

3. In addition to the monitoring of open-source material, the Office of the Prosecutor received, acknowledged and analyzed 5,473 new communications received under Article 15 of the Rome Statute. The Office conducted an in-depth analysis of situations in various countries, including:

Colombia

(a) The Office met with Colombian authorities to obtain information on prosecutions against those most responsible for crimes within ICC Jurisdiction ; and

(b) The Office requested information from States in the Americas and in Europe on domestic investigations into networks of support to groups such as the FARC.

Georgia

(a) The Office received some 3,800 communications from Russia on the August 2008 conflict (about two-thirds via the Russian Embassy and the rest directly from lawyers who collected statements);

(b) In April 2009 the Office received 28 volumes of material generated by the investigative committee of the Prosecution Service of Russia relating to what they called 'genocide and massive killings of Russian nationals and peacekeepers'; and

(c) The Office sent letters on 10 and 14 December 2009 to both the Georgian and Russian embassies announcing the wish of the Office to visit Georgia and Russia in order to meet with relevant authorities and to receive further information from them. The two authorities answered positively and welcomed the principle of such visits.

Afghanistan

(a) The OTP met outside Afghanistan with Afghan officials and organizations. The OTP sent requests for information to the Government of Afghanistan and has not yet received an answer.

Cote d'Ivoire

(a) On 17-18 July 2009, high-level representatives of the OTP visited Abidjan.

Palestine

(a) On 22 January 2009, the Palestinian National Authority lodged a declaration accepting jurisdiction of the Court in accordance with Article 12(3);

(b) Between 28 December 2008 and 30 June 2009, the Office of the Prosecutor received 358 Article 15 communications related to the situation of Israel and the Palestinian Territories;

(c) The Office received a number of communications, including a report entitled "No Safe Place" of 30 April 2009, sent to the Prosecutor by the Secretary-General of the Arab League, Mr. Amr Musa;

(d) A delegation from the Palestinian National Authority and Representatives of the Arab League visited the Court on 15-16 October 2009 to present a report in support of the PNA's ability to delegate its jurisdiction to the ICC; and

(e) On 11 January, the OTP sent a letter summarizing its activities to the United Nations at their request, in the context of following up on the Goldstone Report.

G. Judicial and other support services

1. Legal aid/counsel issues

4. The legal aid system guaranteed that four defendants in cases before the Court would receive legal representation, as well as victims participating in the proceedings who were found to be indigent. Furthermore, the system ensured that assistance by counsel was available whenever necessary according to the legal framework, and in one case advanced required funding to ensure the legal assistance to a non-indigent person whose assets were not accessible. The Registrar issued one decision declaring a defendant indigent. Similarly, the Registrar issued 9 decisions on legal aid for a total of 74 victims out of the 78 applicants. The Court provided administrative support and assistance to all legal teams representing accused or victims.

5. The Court held several consultations and activities with members of the legal profession, including a new Seminar of Counsel complemented for a second time by a training programme targeting lawyers who might act as counsel before the Court.

6. The Office of Public Counsel for the Defence provided ongoing representation of the interests of the defence in connection with the Darfur, DRC and Uganda situations. The Appeals Chamber granted the two appeals of the Office of Public Counsel for the Defence which were filed in the DRC situation concerning victim participation during this phase.

7. The Office of Public Counsel for Victims provided ongoing representation and assistance to 397 victims who applied to participate in the proceedings in connection with the Darfur, DRC and Uganda situations and related cases and were authorized to do so.

8. Finally, the Court received 54 applications to the list of counsel. Of the complete dossiers processed, 29 were added to the list bringing the total number of admitted counsel to 326; it further handled 19 additional applications to the list of assistants to counsel. With the dossiers treated from 2009 and those received in the preceding year, the total number of admissions to the list of assistants to counsel is currently 61. The list of professional investigators comprises 24 members.

2. Outreach

9. During 2009, the Court consolidated the Outreach Programme in situation-related countries, becoming better known and more relevant for the groups engaged. This has been demonstrated in responses to ICC surveys provided voluntarily by participants attending interactive sessions. Data collated from ICC polls is input to an internal ICC website, and serves to analyse the impact of activities, adjust plans if required, and prepare monthly progress reports and a more comprehensive annual report presented on the occasion of the sessions of the Assembly of States Parties. Another significant development has been an extended approach to efficiently and effectively linking on a cross-country basis judicial developments in all situations and cases heard before the Court. This has helped to increase the understanding of targeted groups in situations in which judicial proceedings are low due to a lack of arrests, such as in Uganda and to a lesser extent in Darfur, Sudan. Lastly, the use of audio-visual materials for outreach and public information purposes, such as weekly summaries of proceedings and Q & A format radio and television programmes, prepared in-house, has contributed immensely to making the judicial process understandable.

3. Victim participation

10. The Court was able to process 757 new applications from victims and to continue training and support to persons assisting victims to further enhance the quality of applications received in terms of completeness. A total of 23 missions was conducted to the field by the relevant section of the Registry in order to assist victims in understanding the process of participation in proceedings before the Court.

11. The Court responded to numerous orders of different Chambers to assist, consult, or inform victims; including organizing, within a short time period, arrangements for community leaders of affected group in Kenya to be informed of article 15 proceedings and to provide for their representation. A total of 125 documents was filed with the Chambers.

4. Witness protection

12. In 2009 the Protection Unit continued to maintain participants in the ICC Protection Programme (ICCPP) in order to meet their protection and support needs. Participants in the ICCPP played a significant role in Court proceedings in 2009, with some 19 of the 31 witnesses called to testify for the Prosecution in the Lubanga Trial.

13. In addition to this, expert advice and opinion was provided to the parties and various organs of the Court regarding the protection of victims and witnesses. An in-depth security assessment was conducted for all victims participating in the Lubanga Trial. Procedures were developed to assess the risk to victims and witnesses after testimony so as to ensure that it was safe for them to return to their normal place of residence. No victims or witnesses have been harmed as a result of their appearance before the Court.

14. In relation to relocation agreements, the Registry concluded: one Sponsoring Agreement with Belgium and one Relocation Agreement with the Swiss Confederation.

5. Translation and interpretation

15. STIC continued to provide translation and interpretation services to all the situations and case currently before the Court. New language tools were implemented and several terminology bulletins were published.

6. E-Court

16. Like other international tribunals and national courts, the Court has put in place a series of Information Technology products to support its daily judicial and operational management and its proceedings. These technologies are made available to participants to enable them to participate in proceedings, to manage their materials and to exchange information electronically, providing secure remote access to participants not seated at the Court and increasing efficiencies for all parties involved. Throughout 2009, the newly installed transcription software supported the simultaneous distribution of transcripts in both working languages of the Court with only minor setbacks. Equally, the evidence presentation software functioned flawlessly. The Court sees it as its challenge for 2010 to unify and optimise the eCourt protocols used in various situations/cases. To this end an inter-organ working group will be established in the course of 2010. Finally, in the course of 2009 the Court has enhanced the modules of the software supporting translation processes and come close to deploying the modules supporting detention visitors management and the scheduling of court activities.

H. Strategic Plan

17. The Court has decided to move away from a yearly review of its strategic planning and implement a more comprehensive three-year review cycle. In 2009, the Court focused on the implementation of the latest version of its strategic plan. In the process, the Court continued its constructive dialogue with The Hague Working Group on strategic planning, and informed its States Parties of the progress made on related specific strategies in areas of importance for the development of the Court and its activities, such as the adoption of the Court's strategy in relation to victims and its increased focus on communication strategy with the addition of 'Public Information' to the Court's strategy on outreach.

I. Governance

18. In August 2009, the President, in consultation with the Prosecutor, promulgated a Presidential Directive amending the structure of the Audit Committee. As a result, the Audit Committee consists of a majority of independent external members and is chaired by one of these external members. The Court initiated the process of recruiting the external members in 2009.

J. Human resources

19. 2009 has been a successful year for human resources management in the Court, with all heads of organs attaching high strategic importance to the implementation of the human resources strategy. Recruitment activities yielded a record of 203 vacancies filled in established posts alone; the net increase of staff was 102. Measures to strengthen the capabilities of hiring managers and to target under-represented countries through new recruitment activities were successfully launched. Agreements were reached on the implementation of improved conditions of service for internationally-recruited professional staff working at the Court's field locations and on improvements to the Court's social security provisions. Human resources policy development and staff well-being programmes continued to receive priority attention. Particular progress could be noted in the further institutionalization of the performance management system, which now is applied on a mandatory annual cycle throughout the Court, and with regard to the development of a strategic approach to learning and training.

K. Risk management

20. The risk management project of the Court is ongoing. As described earlier to the Committee³, this project consists of three phases: identification of the risks, analysis and strategy selection and risk treatment (planning and implementation).

21. The third phase of the project, risk treatment planning and implementation, was started in the second quarter of 2009 with the identification of focal points from all major programmes who work together in working groups on their assigned risks. Project management put together a work programme for these focal points to ensure coordination of actions. Each working group identified will perform a gap analysis, propose additional measures needed to be taken to ensure proper risk management (if needed), and estimate cost, timing and resources required.

22. Project management gather the results of each working group and ensure that dependencies between the risks are taken into account while implementing further required actions in 2010.

L. Transfers of funds

23. €71,350 have been transferred from Victims Participation and Reparations Section (VPRS) to Defence Support Section (DSS) in contractual services. This transfer was done to advance the necessary funds to guarantee the legal assistance for Mr. Bemba who has been declared non-indigent and whose assets were not accessible.

24. VPRS additionally transferred €25,000 to DSS in contractual services in order to cover legal aid fees for three defence teams.

25. A transfer of €250,000 was effected within the Court Interpretation and Translation Section from staff costs to temporary assistance for meetings. It was implemented to cover the increased costs for interpretation services for judicial proceedings and for other interpreted events, arising from increased use of freelancers due to unfilled vacancies for English in-house interpreters.

³ See for example Report on programme performance of the International Criminal Court for the year 2008, ICC-ASP/8/7, para 24.

26. A net transfer of €295,000 was effected within Major Programme II from Planning and Operations Section and Services Section to Prosecution Section for the purposes of supporting General Temporary Assistance (GTA) requirements. The transfer was made from within the approved GTA budget.

M. Annual Inventories

27. General Services Section has conducted yearly physical checks of all equipment at Headquarters and field offices. As of 31 December 2009, the total number of assets in use is 7,635 for an amount of €14.5 million, an increase of €0.7 million over 2008. Of the increase, the actual acquisition of assets in 2009 amounts to €1.1 million, and the actual write off due to obsolescence, damage, loss or theft is €0.4 million.

III. Significant achievements of the Secretariat of the Assembly of States Parties

28. The Secretariat continued to provide substantive and conference servicing to the Assembly of States Parties (the Assembly) and its organs. Significant achievements of the Secretariat in 2009 included:

(a) Organized and serviced the first and second resumed seventh sessions of the Assembly in New York for five working days each, and the eighth session of the Assembly in The Hague;

(b) Serviced the subsidiary bodies of the Assembly, in particular, the Bureau and its Working Groups, the Special Working Group on the Crime of Aggression, the Oversight Committee on permanent premises;

(c) Organised and serviced two sessions of the Committee on Budget and Finance in The Hague;

(d) Provided legal and substantive secretariat services, such as the provision of documentation, reports and analytical summaries to the Assembly and its subsidiary bodies, including the preparation of documentation relating to the election of judges and members of the Board of Directors of the Trust Fund for Victims;

(e) Provided advice to the Assembly, the Bureau and subsidiary bodies on legal and substantive issues relating to the work of the Assembly;

(f) Discharged its mandate regarding the Plan of Action pursuant to resolutions ICC-ASP/5/Res.3, ICC-ASP/6/Res.2 and ICC-ASP/7/Res.3, resulting in the accessibility of information provided on the website of the Assembly;

(g) Secured contributions to and managed the trust fund for the participation of the least developed countries and other developing States in the work of the Assembly, thus facilitating the participation of 32 representatives in the sessions of the Assembly held in 2009;

(h) Corresponded with governments, the Court, intergovernmental organizations, non-governmental organizations and other relevant bodies and individuals on matters relating to the work of the Assembly;

(i) Started to prepare and to plan for the Review Conference in Kampala that will be held during the period 31 May to 11 June 2010; and

(j) The Secretariat serviced a total of 74 meetings distributed as follows:

- | | |
|------------------------------------|----|
| (i) Bureau | 18 |
| (ii) Hague Working Group | 27 |
| (iii) New York Working Group | 9 |
| (iv) Oversight Committee | 20 |

IV. Significant achievements of the Project Director's Office for the Permanent Premises⁴

- (a) The selection of an architect was concluded, resulting in a decision of the Oversight Committee to finalize negotiations with Schmidt Hammer Lassen;
- (b) Legal and contractual agreements were concluded between the Court and the host State on the loan agreement, the mortgage and the land lease, including the separation of ownership of the land from that of the building;
- (c) Selection and contracting of the legal adviser for both the Court and the Project Director's Office, namely the legal firm Houthoff Buruma;
- (d) Selection and contracting of the Project Management firm, namely Brink Groep;
- (e) Finalised the recruitment of the Deputy Project Director and the Assistant, which completes staffing of the Project Director's Office;
- (f) Developed a first draft of the Project Manual, including risk management system, time management, cost management, etc;
- (g) Developed a cost reporting system to the Project Board and Oversight Committee;
- (h) Developed guidelines for procurement processes in the Court for the Permanent Premises; and
- (i) Developed a procedure for invoicing for the Permanent Premises Project.

V. Budgetary performance 2009

A. Overview of the budgetary performance of the International Criminal Court

29. The overall implementation rate of the Court, including the Contingency Fund expenditure, is 92.5 per cent or a total of €93.6 million, against an approved budget of €101.23 million.

30. Main issues which have influenced the Court's ability to implement fully the 2009 programme budget include the delay in trials, which has led to a significantly lower number of witnesses appearing before the Court and a reduction in the number of detention cells rented.

31. The Registry is among the major programmes affected by delayed trials, resulting in a lower number of victims and witnesses participating in trials. The delay in trials has led to an underspend in trial-related costs, witness relocation and resettlement costs, as well as staff travel costs, in an amount of €1.78 million in the Division of Court Services. Another major underspend in the Division of Court Services is for cell rental costs, which were lower by €30,000 due to a reduction in the number of rental cells from twelve to six.

32. The Court has shown an annual average vacancy rate of 10.15 per cent, which corresponds to an implementation rate of 92.0 per cent in staff salary costs and indicates an underspend of €4.4 million. The overall vacancy rate of 10.15 per cent in 2009 has significantly improved compared to 16 per cent in 2008. The Registry has achieved an annual average vacancy rate of 11.63 per cent as against the 12 per cent budgeted vacancy rate. The Office of the Prosecutor has experienced an annual average vacancy rate of 3.72 per cent as against the budgeted 10 per cent vacancy rate, which corresponds to an implementation rate of 95.6 per cent in staff salary costs.

33. The implementation rate for General Temporary Assistance (GTA) has exceeded the approved budget at 113.0 per cent for the Court, with the exception of the Office of the

⁴ Activities took place in cooperation with the Registry's Project Office Permanent Premises.

Prosecutor which implemented at 94.0 per cent. The over-expenditure has decreased from last year by 22.1 per cent, due to tighter control in this area.

34. The Judiciary and Office of the Prosecutor have achieved 94.8 per cent and 94.2 per cent implementation rates respectively.

35. The Secretariat of the Assembly of State Parties has a 92.4 per cent implementation rate. The high vacancy rate due to delayed recruitment, offset by GTA usage, contributes to the lower implementation rate.

36. The Secretariat of the Trust Fund for Victims has achieved an implementation rate of 96.9 per cent.

37. For the Project Office for the Permanent Premises, the low implementation rate of 66.2 per cent is attributable to delays in the Permanent Premises processes, leading to an underspend in contractual services.

38. Table 1 provides a summary of appropriation, expenditure, variance and implementation rates by major programme and programme.

Table 1: Budget Performance 2009 by Major Programme and Programme (€000)

<i>Major Programme/Programme</i>	<i>Appropriation</i>	<i>Expenditure **</i>	<i>Variance</i>	<i>Implementation rate in %</i>
Major Programme I				
Judiciary	10,332	9,800	533	94.8
Presidency *	2,355	2,377	-22	100.9
Chambers	7,977	7,423	554	93.1
Major Programme II				
Office of the Prosecutor	25,529	24,042	1,487	94.2
Prosecutor	6,201	5,402	799	87.1
Jurisdiction, Complementarity & Coop. Division	2,121	2,104	16	99.2
Investigation Division	12,362	11,329	1,033	91.6
Prosecution Division	4,846	5,207	-361	107.5
Major Programme III				
Registry	60,223	55,069	5,153	91.4
Office of the Registrar	9,298	8,202	1,095	88.2
Common Administrative Services Division	23,431	23,149	282	98.8
Division of Court Services	17,543	14,498	3,045	82.6
Public Information and Documentation Section	3,012	2,995	17	99.4
Division of Victims and Counsel	6,939	6,225	715	89.7
Major Programme IV				
Secretariat of the Assembly of States Parties	3,343	3,087	255	92.4
Major Programme VI				
Secretariat of the Trust Fund for Victims	1,301	1,262	40	96.9
Major Programme VII				
Project Office for the Permanent Premises	502	332	170	66.2
Total Court	101,230	93,592	7,638	92.5

* The Presidency includes provision for the New York Liaison Office.

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

Note: If software maintenance were distributed from the Registry to all organs according to their respective headcount, the appropriations would be: Judiciary €10,501K; Office of the Prosecutor €26,271K; Registry €59,243K; Secretariat of the Assembly of States €3,377K; Secretariat of the Trust Fund for Victims €1,325K; and Project Office for the Permanent Premises €13K.

39. Table 2 provides an overview split by basic and situation-related expenditure. The basic component shows a 95.4 per cent implementation rate, whereas the situation-related element is lower at 89.7 per cent. The relative unbalance in expenditure as between basic and situation-related reflects the impact of delayed trials as mentioned above, which have led to lower witness-related costs in the Registry's situation-related expenditure.

Table 2: Budget Implementation 2009 by Basic and Situation-related Expenditure (€000)

<i>Major Programme and Programme</i>	<i>Basic</i>			<i>Situation-related</i>		
	<i>Appropriation</i>	<i>Expenditure</i>	<i>Implementation rate in %</i>	<i>Appropriation</i>	<i>Expenditure**</i>	<i>Implementation rate in %</i>
Major Programme I: Judiciary						
Judiciary	9,672	9,293	96.1	660	507	76.7
Presidency *	2,355	2,377	100.9			
Chambers	7,317	6,916	94.5	660	507	76.7
Major Programme II						
Office of the Prosecutor	4,725	4,722	99.9	20,804	19,320	92.9
Prosecutor	2,861	2,721	95.1	3,340	2,681	80.3
Jurisdiction, Complementarity & Cooperation Division	864	829	96.0	1,257	1,275	101.5
Investigation Division	393	427	108.8	11,969	10,902	91.1
Prosecution Division	608	744	122.5	4,238	4,462	105.3
Major Programme III						
Registry	30,213	29,159	96.5	30,010	25,910	86.3
Office of the Registrar	6,742	6,191	91.8	2,555	2,011	78.7
Common Administrative Services Division	15,054	14,972	99.5	8,377	8,177	97.6
Division of Court Services	5,311	5,044	95.0	12,232	9,454	77.3
Public Information & Documentation Section	1,562	1,546	99.0	1,450	1,449	100.0
Division of Victims and Counsel	1,544	1,406	91.1	5,395	4,819	89.3
Major Programme IV						
Secretariat of the Assembly of States Parties	3,343	3,087	92.4			
Major Programme VI						
Secretariat of the Trust Fund for Victims	902	473	52.5	400	788	197.2
Major Programme VII						
Project Office Permanent Premises	502	332	66.2			
Total Court	49,356	47,067	95.4	51,874	46,525	89.7

* The Presidency includes provision for the New York Liaison Office.

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

40. Table 3 illustrates the implementation of the budget performance for 2009 by expenditure type. Overspend in Furniture and equipment at 151.8 per cent is due to the purchase of ICT equipment, including replacement PCs and satellite equipment in the field, and of office furniture for the Haagse Veste building. The underspend in travel at 76.0 per cent is mainly attributable to delayed trials, which resulted in lower witness and staff travel costs in the Registry. The overspend in temporary assistance for meetings is due to a severe lack of staff interpreters in the Court Interpretation and Translation Section in the first six months of 2009, with the start of the Lubanga trial, in particular, resulting in a substantial increase in the recruitment of freelance interpreters.

Table 3: Budget Implementation 2009 by Expenditure Type (€000)

<i>Item</i>	<i>Expenditure</i>		<i>Unencumbered</i>	<i>Implementation Rate in %</i>
	<i>Planned</i>	<i>Actual **</i>		
Judges	5,812	5,517	296	94.9
<i>Salaries & allowances of Judges</i>	5,812	5,517	296	94.9
Professional staff	n/a	n/a	n/a	n/a
General Service staff	n/a	n/a	n/a	n/a
<i>Subtotal staff</i>	55,191	50,769	4,422	92.0
General temporary assistance	8,322	9,407	-1,086	113.0
Temporary assistance for meetings	1,237	1,646	-409	133.0
Overtime	343	370	-27	107.9
Consultants	553	287	265	52.0
<i>Subtotal other staff</i>	10,454	11,710	-1,256	112.0
Travel *	5,053	3,842	1,211	76.0
Hospitality	70	40	30	57.0
Contractual services including training	8,986	8,222	764	91.5
General operating expenses	13,207	10,537	2,670	79.8
Supplies and materials	1,278	1,168	111	91.3
Furniture and equipment	1,179	1,789	-611	151.8
<i>Subtotal non-staff</i>	29,773	25,597	4,176	86.0
Total	101,230	93,592	7,638	92.5

* Travel includes judges' travel.

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

41. Table 4 shows the staffing status as at December 2009, indicating the vacancy rate for the main major programmes at the end of the year, the number of posts under advertisement and the percentage of separations. Recruitment activities have been very positive in 2009, yielding a record of 203 vacancies filled in established posts alone; the net increase in staff was 102.

Table 4: Staffing status as at 31 December 2009

	<i>Budgeted Posts</i>	<i>Recruitment Performance *</i>			
		<i>Headcount</i>	<i>Vacancy Rate</i>	<i>Under Recruitment</i>	<i>Separation (%)</i>
ICC	739	679	10.15%	40	9.80%
Judiciary	43	38	11.63%	5	18.72%
OTP	215	205	3.72%	4	8.22%
Registry	461	425	11.28%	25	9.63%

* Above figures exclude five budgeted posts for elected officials (three in OTP and two in the Registry).

B. Overview of the Court's trust funds

Table 5: Status of trust funds at December 2009

2009	Trust Funds	Allotment	Total Expenditures*	Variance
T001	Internship and visiting professionals programme	1,565,279	1,059,003	506,275
T202	Legal tools project	138,465	130,512	7,953
T205	Regional Programme	64,600	63,928	672
T305	Seminar for Counsel	124,045	110,714	13,331
T401	Least developed countries	165,369	101,288	64,081
	Total	2,057,758	1,465,446	592,312

* Expenditure 2009 is based on preliminary, unaudited figures which are subject to change.

(a) T001 Programme to support interns and visiting professional in Judiciary, Office of the Prosecutor and Registry. This programme runs from April through March of the following year. Allotment covers two periods: January-March and April-December. The remaining balance will be carried forward to the period of January through March 2010.

(b) T202 Project run by the Office of the Prosecutor to facilitate and coordinate the introduction, implementation and use of the Legal tools project, in particular the Case matrix, by users outside the Court.

(c) T205 Programme run by the Court to support the organisation of Regional seminars for targeted audiences (judges, ministry officials, NGOs) to raise awareness and knowledge of the Court and to create an effective network of cooperation. The first seminar took place in Senegal at the end of 2009.

(d) T305 Seminar run by the Registry to finance consultations between the Court and the legal profession as represented by the counsel on the Court's List of Counsel.

(e) T401 Programme run by the Secretariat of the Assembly of State Parties, covers travel costs related to the participation of representatives of least developed countries and other developing States at the Assembly. Since this is an ongoing programme, any remaining balance will be carried forward to next year.

Annex I

Major programme I: Judiciary

Programme 1100: Presidency

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Conduct five investigations into cases and one trial, subject to external cooperation received (SO 1)	<ul style="list-style-type: none"> Improved awareness and understanding of the Court through communication with the diplomatic community. 	<ul style="list-style-type: none"> Number of briefings and meetings. 	3 diplomatic briefings	Two in the Hague One in Brussels

Programme 1200: Chambers

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Conduct five investigations into cases and one trial, subject to external cooperation received (SO 1)	<ul style="list-style-type: none"> Improved efficiency of proceedings. 	<ul style="list-style-type: none"> Number of measures taken to improve efficiency of proceedings and workflow. 	3	<p>Implemented preliminary pooling of resources within Divisions.</p> <p>Reduced number of legal representatives for victims appearing in a given case by ordering common legal representation.</p> <p>Increased expeditiousness of proceedings by imposing strict disclosure deadlines.</p>

Annex II

Major programme II: Office of the Prosecutor

Program 2100: The Prosecutor

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity. (SO 3)	<p>Objective 1</p> <ul style="list-style-type: none"> All protocols and standard operating procedures planned for 2009 finalized and implemented. 	<ul style="list-style-type: none"> Actual proportion of planned protocols/standard operating procedures (SOPs) developed and implemented. 	100%	All protocols and Standard Operating procedures (SOPs) developed, implemented and consolidated into the Operations Manual.
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights and minimize risks. (SO 11)	<p>Objective 2</p> <ul style="list-style-type: none"> Delivery of at least the level of service indicated in the service-level agreements (SLAs) relevant to the units. All OTP-specific language, administrative, budgetary and technical development and improvement objectives for 2009 implemented. 	<ul style="list-style-type: none"> Actual service standards compared to published service standards. Actual proportion of improvements/developments implemented. 	<p>100% > SLA</p> <p>100%</p>	<p>Service level agreements pending establishment. Services provided at or above standard service levels for all Units of the Services Section.</p> <p>All improvement initiatives were implemented in accordance with plans.</p>

Programme 2200: Jurisdiction, Complementarity and Cooperation Division

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Conduct investigations into cases and trials, subject to external cooperation received. (SO 1)	<p>Objective 1</p> <ul style="list-style-type: none"> All requested and periodic analytical reports on situations of interest or admissibility or interests of justice for situations under investigation delivered on time and substantiated by the Executive Committee. Efficient and compliant requests for assistance. 	<ul style="list-style-type: none"> Actual percentage of reports delivered on time and substantiated by the Executive Committee. Proportion of requests that are not timely or where conformity issues are identified; rate of compliance. 	<p>100%</p> <p><5%</p>	<p>All reports delivered on time and substantiated.</p> <p>0.5%</p>
	<ul style="list-style-type: none"> Expanded range of providers of information and other support (through general and situation-specific agreements) including assistance for investigative/trial purposes. Conclusion of expected 2009 cooperation agreements. 	<ul style="list-style-type: none"> Range available in 2009 vs. range in 2008. Proportion of expected cooperation agreements established. 	<p>>10% increase</p> <p>100%</p>	<p>16% increase (due to requests addressed to countries outside of Europe and Africa)</p> <p>50% increase in the number of organizations (non-UN organs)</p> <p>100%</p>
Develop situation-specific mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons. (SO 7)	<p>Objective 2</p> <ul style="list-style-type: none"> Adequate progress made in the implementation of cooperation and arrest strategies developed for each situation. 	<ul style="list-style-type: none"> Actual implementation vs. planned implementation. 	<p>100%</p>	<p>90%</p>
Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence. (SO 8)	<p>Objective 3</p> <ul style="list-style-type: none"> At least 85% implementation of annual objectives contained within cooperation and external relations strategies directly involving OTP. 	<ul style="list-style-type: none"> Actual implementation rate of annual objectives. 	<p>>85%</p>	<p>85%</p>

Programme 2300: Investigation Division

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
<ul style="list-style-type: none"> Conduct investigations into cases and trials, subject to external cooperation received. (SO 1) 	<ul style="list-style-type: none"> Collection and analysis objectives set out in the joint team investigation plan reached for the five investigations. Provision of support to trial provided with satisfactory timeliness and quality. 	<ul style="list-style-type: none"> Planned collection vs. actual collection. Half-yearly survey of satisfaction (Prosecution Division): number of collection products requested vs. number of products delivered in time and with required quality. 	<p>0% deviation</p> <p>>90% satisfaction</p>	<p>Investigations conducted as planned, with 206 missions carried out for witness interviews and collection of evidence.</p> <p>The development of products, collection & analysis of evidence, and support to trials provided to the Prosecution Division were considered satisfactory and within target.</p>

Programme 2400: Prosecution Division

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
<p>1. Conduct investigations into cases and trials, subject to external cooperation received. (SO 1)</p>	<ul style="list-style-type: none"> High-quality and compact applications delivered within the stipulated time frames (on time and approved by peer review / Deputy Prosecutor). Efficient presentation of evidence before the Pre-Trial and Trial Chambers. 	<ul style="list-style-type: none"> Proportion of draft submissions approved by a peer review board and delivered on time. Proportion of bi-monthly reviews of case progress and updates to case-approach approved by the Prosecutor and Deputy Prosecutor. 	<p>100%</p> <p>100%</p>	<p>All draft submissions were approved by peer review and delivered on time.</p> <p>All bi-monthly reviews were approved by the Prosecutor.</p>

Annex III

Major Programme III: Registry

Programme 3100: Office of the Registrar

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Conduct investigations into cases and trials, subject to external cooperation received. (SO 1)	<ul style="list-style-type: none"> Support of investigations and trials delivered in keeping with the statutory framework. 	<ul style="list-style-type: none"> Regular assessments with stakeholders conducted as foreseen in the bi-annual plan. 	(*)	3 Diplomatic briefings, 2 in The Hague and 1 in Brussels were conducted in 2009. Also, 2 NGO roundtables were conducted. All stakeholders were satisfactorily engaged and provided positive feedback.
Put in place a system to address all security risks, striving for maximum security of all participants consistent with the Rome Statute. (SO 2)	<ul style="list-style-type: none"> Maintenance of a secure and safe environment at the seat of the Court. Field security management system in accordance with UN/international standards. Controlled and consistent information security management process. 	<ul style="list-style-type: none"> Screening of all persons and items entering the Court's premises. Response by a security officer to all emergencies within two minutes. Compliance with UN Field Security training programmes (both Basic and Advanced Security in the Field). Compliance with Minimum Operating Security Standards (MOSS) and Minimum Operating Residential Security Standards (MORSS). Increased maturity score during periodic ISO 27001 assessment. 	<p>100%</p> <p>100%</p> <p>100%</p> <p>100%</p> <p>(*)</p>	<p>100%</p> <p>98.6 % response in time to all qualifying incidents.</p> <p>85%</p> <p>85 – 94 % in the field depending on location. 98 % at Headquarters.</p> <p>Assessed all Field Offices Rollout training to whole OTP Participated in high profile investigations Organised security tests for ICTS Introduced Internet content filter.</p>
(Objectives above)	<ul style="list-style-type: none"> Protection of the Court's legal interests. 	<ul style="list-style-type: none"> Number of framework agreements concluded in support of the Court's operations. 	10	3 agreements concluded. While there has been increased awareness of the need for cooperation, financial and infrastructure resource constraints continue to militate against conclusion of cooperation agreements.

		<ul style="list-style-type: none"> Number of cases resolved satisfactorily. 	50	15 Review cases were handled, 9 appeals to the Appeals Board, 1 appeal to ILOAT and 5 disciplinary cases; 20 cases of general staff issues involving entitlements and benefits were satisfactorily resolved.
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks. (SO 11)	<ul style="list-style-type: none"> Reduced financial risks. 	<ul style="list-style-type: none"> Percentage of issues identified by internal audit. Delivery of independent, assurance-based performance audits, objective information and advice. 	0 (*)	100%

(*) The Court is continuing its work to develop realistic baselines for these objectives.

Programme 3200: Common Administrative Services Division

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks. (SO 11)	<ul style="list-style-type: none"> Implement integrated management information systems with 100% use of Business Intelligence (BI). 	<ul style="list-style-type: none"> Number of information system modules available. Number of available accepted reports. 	38 30	57 47 reports available. 5 pilot reports were integrated with BI.
Develop and implement a structure to ensure publicity of all proceedings for local and global audiences. (SO 9)	<ul style="list-style-type: none"> Implement complete communication infrastructure for all field offices. 	<ul style="list-style-type: none"> Number of field offices allowing public access and use. Number of field offices technically set up for all required communication types. 	5 5	5 5
Offer development and advancement opportunities to well-performing staff. (SO 17)	<ul style="list-style-type: none"> Implement strategy for advancement opportunities. 	<ul style="list-style-type: none"> Number of objectives implemented with no budgetary implications. Number of objectives implemented with budgetary implications. 	80% of all objectives 20% of all objectives	Annual performance appraisal system now mandatory in all organs of the Court; Performance rebuttal guidelines issued; New strategic approach to training and learning, resulting in a yearly ICC Learning Plan; Review of duration of appointments, including longer-term appointments; Review of conditions of service for professional staff working in the field; Improvements in the social security provisions; and 100% of objectives without budgetary implications.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Formulate options for different geographical locations of the Court's resources and activities, including the requirements for the permanent premises. (SO 5)	<ul style="list-style-type: none"> Secure sufficient workspace to support all activities of the Court. 	<ul style="list-style-type: none"> Number of workspaces provided for. 	1,020	100%

Programme 3300: Division of Court Services

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Conduct investigations into cases and trials, subject to external cooperation received. (SO 1)	<ul style="list-style-type: none"> Support to Court sessions in accordance with the Regulations of the Court and the Regulations of the Registry. Support of 200 court days for 2009. Efficient and effective services to requesting parties and to Chambers. 	<ul style="list-style-type: none"> Number of trial days successfully completed. Requests responded to within a week. 	100% 90%	All requested support was successfully provided. All requested services have been provided within the established time frame.
Put in place a system to address all security risks, striving for maximum security of all participants consistent with the Rome Statute. (SO 2) ¹	<ul style="list-style-type: none"> A well-ordered and safe detention community. Efficient and effective support, protection and operational/logistical services to victims, witnesses and others at risk, regardless of location, subject to assessment. 	<ul style="list-style-type: none"> Number of incidents involving serious injuries due to negligence of management. Number of successfully protected witnesses and victims. 	0% 100%	There were no incidents involving serious injuries due to negligence of management. Safe and timely appearance of victims and witnesses for trial. There were 31 witnesses/experts in DRC1, 2 witnesses in DRC2 and 4 witnesses/experts in DAR3 COC. All requested procedural protective measures were successfully implemented by the relevant registry services.
Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence	<ul style="list-style-type: none"> Terminological accuracy and consistency in translated texts and interpreted events in all used languages. 	<ul style="list-style-type: none"> Number of searches performed in language tools per month by active users. 	200 (minimum)	17,900 searches performed by 50 active users per month.

¹ The Court's operations carry an inherent risk and are conducted under certain constraints, not least the general security situation in its area of operations and the fact that it has no police or army of its own. A degree of risk will therefore always remain. However, the Court can put in place a system to minimize and mitigate security risks to an acceptable degree through a variety of measures, striving for security of all participants consistent with the Rome Statute.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity. (SO 3)	<ul style="list-style-type: none"> Comprehensive and resource-effective use of all translation services. Adequate number of staff and freelance interpreters and field interpreters available for assignments. 	<ul style="list-style-type: none"> Number of duplicated requests in the workflow. Number of fulfilled interpretation and field interpretation requests. 	0%	There were no request duplicated.
	<ul style="list-style-type: none"> High standards regarding conditions of detention and management of the detention centre. 	<ul style="list-style-type: none"> Number of positive reviews. 	90%	97 % of all request were executed.
	<ul style="list-style-type: none"> High standards regarding conditions of detention and management of the detention centre. 	<ul style="list-style-type: none"> Number of positive reviews. 	100%	There was a 100% positive review.
Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences. (SO 7)	<ul style="list-style-type: none"> Successful arrest and transfer operations. 	<ul style="list-style-type: none"> Number of actions undertaken by States as a result of a Court request. 	80%	No arrest and transfer operations took place in 2009.

Programme 3400: Public Information and Documentation Section

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities. (SO 6)	<ul style="list-style-type: none"> Increased awareness and understanding of judicial activities among key stakeholders and the general public. 	<ul style="list-style-type: none"> Number of outreach face-to-face activities conducted. Estimated population reached via radio and television. 	24 per situation	DRC:192, UG:162; CAR:89; DARFUR:13 (Staff recruited in Oct. 2009).
	<ul style="list-style-type: none"> Increased applications by victims to participate in proceedings. 	<ul style="list-style-type: none"> Proportion of victims' applications submitted properly. 	80% of affected communities	75%

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
	<ul style="list-style-type: none"> Realistic expectations about the scope of the work of the Court. 	<ul style="list-style-type: none"> Number of publications and outreach materials distributed. 	70,000	45,623 (66% of target met) In situation-related countries where the Court is operating, distribution of printing materials has decreased. Main target groups have already received basic outreach and public information materials.
Constantly increase support for the Court through enhancing communications and mutual understanding with stakeholders, stressing the Court's role and its independence. (SO 8)	<ul style="list-style-type: none"> Increased knowledge and credibility of the work of the Court. 	<p>Performance indicators used to assess Objective 1 will also serve to measure Objective 2 (cross information).</p> <ul style="list-style-type: none"> Number of visitors briefed at Headquarters. 	10,000	3,379 (34% of target met) The actual number reflects decision made to rationalize number of visits organised.
Develop and implement a structure to ensure publicity of all proceedings for local and global audiences. (SO 9)	<ul style="list-style-type: none"> Increased access to Court judicial proceedings. 	<ul style="list-style-type: none"> Number of video and audio court summaries/programmes produced. 	40	176
		<ul style="list-style-type: none"> Number of 'mobile viewing' sites. 	40	106 (DRC:32 and CAR:74)
		<ul style="list-style-type: none"> Number of projections of video summaries in countries concerned. 	50	364 (DRC: 68 and CAR: 296)
		<ul style="list-style-type: none"> Increased number of visitors to the Court's website video-streaming service. 	30%	761,957 (2009 visitors to the Court website). No information is available with respect to the Court's website video streaming.
Put in place a system of programmes to achieve identified optimal levels of quality with maximum efficiency. (SO 12)	Legal and other information resources readily available from the Library.	<ul style="list-style-type: none"> Number of users of the Library services; reference queries, circulation statistics, and usage of electronic services. 	1,500	Number of users of the Library services: 5360 recorded visits to Library Reference queries: 3450 Circulation statistics: 6519 Usage of electronic services via the "Services" Intranet launch page: 14,729
		<ul style="list-style-type: none"> User satisfaction of Library services. 	90%	80%

Programme 3500: Division of Victims and Counsel

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity. (SO 3)	<ul style="list-style-type: none"> Provision of legal representations and/or advice for the purpose of proceedings before the Court. Preparation of suitable material for legal representatives' teams or for defence teams. 	<ul style="list-style-type: none"> Number of appointments of legal representatives. Number of legal advisory services provided. Number of reports, submissions and other applicable documents. Number of justified claims in relation to actions carried out by the Offices on behalf of legal representatives' teams. Policy document prepared. 	30	22 Total number of external LRV and Defence teams assisted: 36
			300	To external counsel for defence and victims: 633 To victims directly: 22
			150	239
			None	None
	<ul style="list-style-type: none"> Compliance with strict confidentiality rules by all staff members of the units within the programme. Availability of transparent criteria for providing legal support to legal teams. 	<ul style="list-style-type: none"> Number of incidents of improper handling of confidential information. Number of justified claims in relation to breach of confidentiality. Policy document prepared. 	None	None
			None	None
			95%	N/A
Cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities. (SO 6)	<ul style="list-style-type: none"> Suspects, accused persons, and victims' communities are made aware of their rights relating to fair trial, participation and reparations. 	<ul style="list-style-type: none"> Number of applications from victims using the standard applications forms. 	>75%	100%
		<ul style="list-style-type: none"> Number of suspect and accused persons using the relevant application forms for legal assistance paid by the Court. 	>95%	100%
		<ul style="list-style-type: none"> Number of intermediaries. 	10	Total of approximately 60.
	<ul style="list-style-type: none"> Effective system for legal assistance paid by the Court. 	<ul style="list-style-type: none"> Number of requests for legal assistance paid by the Court. Number of lawyers in good standing in their national systems. 	(*)	444 victims and 1 accused have applied for legal aid.
			200	326

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
	<ul style="list-style-type: none"> • Effective system to process applications from victims. • Training of legal professionals and lawyers in targeted countries on proceedings before the Court. 	<ul style="list-style-type: none"> • Proportion of payments for legal assistance made within one month. • Number of applications from victims registered and acknowledged within seven days of receipt. • Number of lawyers trained per annum. • Number of international associations receiving briefings from Court representatives per annum. 	<p>95%</p> <p>95%</p> <p>>40</p> <p>>5</p>	<p>100%</p> <p>80 % Forms are acknowledged from Court headquarters only where a legal representative is representing the interest of applicant.</p> <p>100</p> <p>7</p>

(*) As all victims applying for participation in the proceedings are likely to apply for legal assistance, it is not currently possible to reasonably estimate the number of requests.

Annex IV

Major Programme IV: Secretariat of the Assembly of States Parties

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Organize quality conferences by organizing the eighth session of the Assembly in The Hague, as well as the first and second resumptions of the seventh session of the Assembly in New York and two sessions of the Committee on Budget and Finance in The Hague. In addition, the Secretariat will service meetings of a number of subsidiary bodies of the Assembly, in particular, the Special Working Group on the Crime of Aggression and the Oversight Committee for the Permanent Premises. The Secretariat will also be involved in facilitating preparatory work for the Review Conference, scheduled for the first semester of 2010.	<ul style="list-style-type: none"> • Conference held as planned. 	<ul style="list-style-type: none"> • Meetings run smoothly, end on time and adopt reports. • All agenda items are considered. • Participants are supported substantively and logistically at meetings, including with registration, provision of documentation and language services. • Session participants are satisfied with the arrangements and information provided. 	n/a	<p>High-quality conference services were provided to the Assembly and its subsidiary bodies. All pre-session documents, in-session and post-session documents were edited, translated and made available to States in a timely manner, despite delays in receipt of some documents.</p> <p>Positive feedback from participants was received.</p>
Enable the Assembly and its subsidiary organs to carry out its mandate more effectively by: providing it with quality servicing and support, such as planning and coordinating conference services; preparing, coordinating and submitting documentation; monitoring the compliance of various organs of the Court with regulations governing the timely preparation and submission of documents; identifying and acquiring additional resources to enable the Secretariat to carry out its mandate effectively and efficiently; and ensuring that States Parties have access to conference and documentation services in accordance with the Statute.	<ul style="list-style-type: none"> • Quality edited and translated documents released for processing, production and distribution in a timely manner. 	<ul style="list-style-type: none"> • States are provided and satisfied with quality conference services and with the editing, translation and timely issuance of documents, in the six official languages, which fully support them in their functions. 	n/a	<p>For the twelfth and thirteenth sessions of the Committee on Budget and Finance, the Secretariat processed, for each language the following documentation:¹ 51 documents (450 pages) and 60 documents (498 pages), respectively.</p> <p>For the resumed seventh session, the Secretariat processed for each language² the following documentation:</p> <ul style="list-style-type: none"> - Pre-session: 30 documents (402 pages); - In-session: 36 documents (180 pages); and - Post-session: 6 documents (240 pages). <p>For the eighth session of the Assembly, the Secretariat processed the following documentation:³</p> <ul style="list-style-type: none"> - Pre-session: 30 documents (402 pages); - In-session: 36 documents (180 pages); and - Post-session: 6 documents (240 pages).

¹ Spanish, English and French.

² All six official languages.

³ All six official languages.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
		<ul style="list-style-type: none"> States are assisted as required, in particular with the provision of information and documentation regarding the Assembly and Court. 		All available information and documentation requested regarding the work of the Assembly and the Court were provided upon request. States were thus facilitated in fulfilling their role. Positive feedback from participants was received.
Research and prepare analytical studies on the application and interpretation of the provisions of the Statute relating to the Assembly and its subsidiary bodies.	<ul style="list-style-type: none"> Quality legal advice provided to the Assembly and its subsidiary bodies. 	<ul style="list-style-type: none"> States are provided with substantive legal services, especially in the form of documentation, which facilitate and support their work. Members of the Assembly and relevant bodies are satisfied with the sessions. 	n/a	This year the Secretariat distributed to the delegations at the Assembly USB flash drives that contained the majority of available pre-session documents, reducing the 300,000 pages of printed documents normally distributed. The Secretariat will continue to adopt all measures and ways to achieve efficiency in documentation. Positive feedback from participants was received.
Enable effective dissemination of documentation and information to States Parties and other interested organizations via, inter alia, the Internet.	<ul style="list-style-type: none"> Effective dissemination of documentation and information to States Parties via, inter alia, the Internet. 	<ul style="list-style-type: none"> Website and Assembly extranet are used frequently. Information and documentation can be accessed without delays. 	n/a	All official documents and useful information were uploaded to the website. In addition, extranet is available for use at all times for ASP and CBF members.

Annex V

Major Programme VI: Secretariat of the Trust Fund for Victims

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
Formulate options for different geographical allocations of the Court's resources and activities, including the requirements for the permanent premises. (SO 5)	<ul style="list-style-type: none"> • TFV staff in place both in the field and at HQ. • Grant management systems, performance monitoring systems, and reporting in place. • Strategic planning process completed and annual work plan developed. • Resources allocated to projects based on the above frameworks. 	<ul style="list-style-type: none"> • All staff on board. • Grants management strengthened and donor reporting procedures put in place by the TFV. • Open tender and proposal review strengthened. • Number of grants issued. • Level of funding earmarked for approved projects. • Development of projects proposed by the Board of Directors to use resources for the benefit of victims under the jurisdiction of the Court (rule 98.5 of the Rules of Procedure and Evidence). • Three-year strategic plan with performance monitoring plan, and annual work plan in place. 	<p>100%</p> <p>(*)</p> <p>(*)</p> <p>(*)</p> <p>(*)</p> <p>(*)</p>	<p>65%</p> <p>The SAP Grants management system has been delayed for reasons beyond the control of the Secretariat.</p> <p>Project grants systems strengthened with draft manual and revised reporting and proposal formats in place.</p> <p>Annual strategic planning meeting conducted w/all staff, annual work plan completed.</p> <p>DRC – 2 new, 7 cost-extensions; N. Uganda – 3 new, 5 cost extensions.</p> <p>€509,200 earmarked cash contributions received during 2009.</p> <p>New situation country approved, open tender for victims of sexual violence support projects in Central African Republic drafted and approved.</p> <p>2009-2011 strategic plan with performance monitoring plan, and annual work plan completed.</p>
Develop situation-specific mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons. (SO 7)	<ul style="list-style-type: none"> • Regular forums with partners. • Expansion of the network of partners. • Increased resource mobilization levels. 	<ul style="list-style-type: none"> • Number of forums/participants. • Number of partners. • Amount of contributions received. 	<p>(*)</p> <p>(*)</p> <p>Double Funds Value</p>	<p>12</p> <p>100%</p> <p>€1,226,253 total cash income received in 2009 (compared to €1,064,643 in 2008).</p>
	<ul style="list-style-type: none"> • New communication materials and website launched. 	<ul style="list-style-type: none"> • Transparent and open communication ensured with the general public. 	<p>(*)</p>	<p>New TFV website launched in November 2009; two public programme reports released.</p>

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2009</i>	<i>Achievements</i>
	<ul style="list-style-type: none"> • Effective cooperation between the Fund and the Court. 	<ul style="list-style-type: none"> • Implementation of effective systems and procedures for cooperation with the Court. 	(*)	All procurement, staffing, financial management & contracts administered through Court's systems.
Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence. (SO 8)	<ul style="list-style-type: none"> • Increase advocacy for the TFV and victims issues through electronic, traditional, political and others forums. 	<ul style="list-style-type: none"> • Effective publicity for the Trust Fund. • Effective social mobilization. • Number of individuals reached. 	(*) (*) (*)	New TFV website launched in November 2009; two public programme reports released. 100% 226,000 – direct & indirect.
Put in place a system of programmes to achieve identified optimal level of quality with maximum efficiency. (SO 12)	<ul style="list-style-type: none"> • Direct participation of victims in the determination of their needs and in the implementation of the solutions. • Assessments conducted in CAR and Darfur. • Targeted but systemic support and project oversight – scaling up existing projects in Northern Uganda and the DRC, new project in CAR and Darfur. • Develop implementation strategy for delivering reparations. • Close coordination with other partners intervening in the area/sector. • Compliance with budget and programme objectives/milestones. 	<ul style="list-style-type: none"> • Number of forums with victims. • Number of monthly visits by TFV staff/partners. • Improved livelihood of victims supported. • New projects launched in two new countries (40 additional projects) including managing Chamber notifications. • Increasing support and technical assistance to current projects (40 projects). • Consultation sessions convened for developing reparations implementation strategy and strategy in place. • Annual compliance with budget limits, programme objectives and donor agreements. 	(*) (*) (*) 40 40 (*) 100%	DRC – 8; N. Uganda - 7 CAR assessment completed, Darfur not possible due to security situation. 100% CAR projects to be added in 2010 pending Chamber approval, Darfur on hold. 100% Various consultations held with Court & NGOs; Board approved Reparations Advisory Committee. 100%

(*) As the TFV is in a start-up phase, it is not currently possible to estimate the level of activities.

Annex VI

Realization of assumptions 2005-2009

<i>Financial year</i>	<i>Approved budget (in million euros)</i>	<i>Budget performance (in %)</i>	<i>Assumptions</i>	<i>Realization of assumptions</i>
2005	66.9	92.9	<ul style="list-style-type: none"> • Monitor eight situations • Two situations in the pre-trial, trial and appeals phase • Two situations in the investigation phase 	<ul style="list-style-type: none"> • Monitored/analysed eight situations • Pre-trial proceedings and interlocutory appeals in three situations • Three situations in the investigation phase – Uganda, DRC I and Darfur (following referral from UNSC)
2006	80.4	80.4	<ul style="list-style-type: none"> • Monitor up to eight situations • Opening of fourth investigation • Start of two trials 	<ul style="list-style-type: none"> • Monitored/analysed five situations • Opening of fourth investigation – DRC II • Pre-trial proceedings and interlocutory appeals in the case of Lubanga Dyilo (DRC I) • Pre-trial proceedings in the other three investigations
2007	88.9	87.2	<ul style="list-style-type: none"> • Monitor at least five situations • No opening of investigations into new situations • Within the four situations, investigation of at least six cases, including the two cases in which arrest warrants have been issued 	<ul style="list-style-type: none"> • Five situations under preliminary/advanced analysis • One new investigation into a new situation opened (CAR) • Seven cases within four situations under investigation (DRC I, DRC II, Darfur I, Darfur II, Uganda, CAR) • Continuation of pre-trial proceedings (Confirmation of charges hearing) in the case of Lubanga Dyilo (DRC I)
2008	90.4	92.6	<ul style="list-style-type: none"> • Monitor at least five situations • No opening of investigations into new situations • In four situations, pursue investigative steps, in a total of at least five cases, including the three cases in which arrest warrants have been issued • At least one trial 	<ul style="list-style-type: none"> • Six situations under preliminary/advanced analysis • No new situations opened • Seven cases within four situations under investigation (Uganda, DRC I, II, Darfur I, II, III, CAR) • Lubanga Dyilo case before the trial chamber; proceedings stayed (DRC I) • Pre-trial proceedings (Confirmation of charges hearing) in case of Katanga Ngudjolo Chui (DRC II) • Pre-trial hearings (status conferences) in case of Bemba (CAR)

<i>Financial year</i>	<i>Approved budget (in million euros)</i>	<i>Budget performance (in %)</i>	<i>Assumptions</i>	<i>Realization of assumptions</i>
2009	101.2	92.5	<ul style="list-style-type: none"> • Five investigations in three existing situations • No opening of investigations into new situations • Analysis of up to eight other situations • Two trials. Not envision to start third trial in 2009 • Consecutive trials 	<ul style="list-style-type: none"> • Five active investigations conducted: DRC II (Katanga/Ngudjolo), DRC III (Kivus), CAR (Bemba), Darfur II (Al Bashir) and III (Haskanita). • One request for Judges' authorization to open an investigation into Kenya (proprio motu). • Situations under preliminary examination, including Kenya, Colombia, Afghanistan, Georgia, Guinea, Cote d'Ivoire and Palestine, have been made public. In order to increase impact, the OTP has systematize publicity of its monitoring activities. • Two trials: Lubanga case, OTP presentation completed; Katanga/Ngudjolo case, OTP presentation commenced. • Two confirmation of charges proceedings completed: Bemba Case and Abu Garda Case.