

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**

**ADDRESS BY REGISTRAR BRUNO CATHALA**

**THIRD SESSION OF THE ASSEMBLY OF STATES PARTIES  
TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

The Hague, 6 September 2004

Mr. President,

It is with great pleasure that I am addressing your Assembly today to introduce the 2005 draft budget of the International Criminal Court.

The current budget submission appeared to us the best estimate of the financial resources required by the Court to effectively and efficiently perform the work anticipated for 2005.

The annual report of the Court and the submission are self-explanatory. Therefore, in my address, I would like to avoid any unnecessary repetition and to save the precious time of the Assembly by concentrating on three main issues.

Firstly, I would like to place the current submission in the context of the two previous budgets. Secondly, and very briefly, I would like to touch on the process which, within the court itself, resulted in the 2005 draft budget submission. Thirdly, I would like to share with you the core concepts upon which the present submission has been built.

1. The present draft budget follows the logic of the considerations of the Assembly of States Parties when it approved the previous budget submissions.

As you are aware, the budget for the first financial period focused entirely on meeting the Court's essential needs. It was truly a budget which enabled the institution that you created to emerge. That submission was followed by a second budget which added the resources needed to further complete the setting up of the Court and to lay the foundation for the premises to commence judicial activity, meaning conducting investigations and pre-trial, trial and appeals procedures to organise a minimum support for the defence, victims and witnesses, etc.

This third budget submission clearly bears the hallmark of judicial and prosecutorial activities and enables us to foresee the final stages in building the administrative and operational support structures for the Court as a whole.

In other words, the Court has now clearly shifted the focus of its work from an operational and administrative establishment with some judicial activities to a fully-functioning judicial institution, whose activities will be determined by the work of the investigators, those responsible for prosecutions and the Judges.

These judicial activities can now begin, barely two years after you entrusted me with the honour of leading the Common Services Division and one year after the judges of the Court placed their confidence in me to continue the work undertaken. I can now stand before you and say that the Court is ready, logistically and judicially, to deal with its first case.

As pointed out in the report of the external auditors, the Court has, in order to reach this stage, successfully overcome the first critical phases of its establishment. For this, much is owed to the quality and dedication of the staff of the Court, to the support of the Member States and particularly to the assistance and steady support provided of the Government of the Netherlands. I would like to take this opportunity to convey in public, on behalf of the Court, my deep gratitude to the host State.

2. I would now like to briefly refer to the process which, within the Court, enabled us to produce the current draft budget submission.

This submission is the result of a comprehensive, though not always easy, process which has been underway over the past months and which was at times difficult because it involved making choices.

Extensive, intense and detailed discussions involving representatives of all organs of the Court have been pursued in order to ensure that the end result would be an efficient, cost-effective and unified organisation, the funds of which are being used judiciously and sparingly. Moreover, particular attention has been paid to guaranteeing that this submission reflects the coherency of a judicial institution.

3. As indicated, the third part of my statement is dedicated to the key overriding concepts of the budget for this third financial period.

Our goal has been to build an **efficient, coherent, unified** judicial institution, making judicious and prudent use of the funds available. Thus the financial resources that we are seeking solely reflect those items which are strictly necessary to enable the Court to fulfil its mandate.

The draft budget that I present to you is based on this set of principles which I shall now explain.

The 2005 draft budget is first and foremost **efficient** because it assumes that there will be common approaches for all the organs of the Court where and if necessary, without infringing upon the division of powers as stated in the Rome Statute.

The underlying principle is: no duplication of administrative services, but rather the placing of the bulk of common administrative and operational support structures at Registry level. The rationale behind this principle is the division between **technical responsibility** and responsibility for **content-related** aspects. Whereas the technical responsibility lies with the Registry, the various organs of the Court are, at times, responsible for content-related aspects.

Thus the resources allocated to the Office of the Prosecutor (OTP) are realistic, allowing it to strengthen its operational capacity and fulfil its statutory mandate while, at the same time, reducing to the minimum the administrative resources which are the guarantee of its independence.

In this respect, the Registry remains the critical element in the Court's endeavours to maximise efficiency, as not only does it continue to provide the vast majority of administrative and operational services to all organs of the Court, but it has to devote resources to three functions which it is responsible for: defence, victims and witnesses.

In its recommendations, the Committee on Budget and Finance (CBF) has proposed a number of cuts. Whereas at first glance these reductions directly impact on each Major Programme, it is essential to underline that such cuts go largely beyond these Programmes themselves.

The CBF in fact has recommended redeploying administrative posts in the Office of the Prosecutor, including some specifically approved in last year budget. However, it did not consider the negative impact of its recommendation on the efficiency of the Office as a whole and the impact on the Registry. Careful re-examination of the basis for these recommendations may be warranted.

Similarly, it did not apparently foresee the implications of its proposed cuts as regards Judiciary.

With respect to the Registry, the Committee's recommendations in our view underestimated the far-reaching consequences of budgetary reductions in the areas of finance and IT. Diminishing the resources allocated to these areas, as recommended by the CBF, will ultimately contribute to undermining the efficiency of the entire organization and its information security, as these functions support, on a daily basis, all organs of the Court. Furthermore, the substantial decrease of means placed in the budget to support victims is detrimental to the Court, as it will not allow it to fulfil all the obligations the you conferred upon it when you adopted its Statute.

I have just attempted to demonstrate that the draft Budget was effective. It is also intended to be fundamentally coherent because it is founded throughout on the working hypotheses of the OTP. In this way, the requirements put forward by the Judiciary and the Registry have been directly related to these assumptions.

With this budget, the ICC continues the process of establishing a strong analytical and strategic core capacity. Likewise, we continue to build in flexible and scalable modes of operation, which may be adapted to changing local realities. There are, however, limits to the flexibility and scalability incorporated in the draft budget. The Court is and remains first and foremost a judicial institution, and, to that end, when submitting a budget, it cannot underestimate questions linked to the independence of the Judges and the Prosecutor and, furthermore, it is a permanent institution which will necessitate certain functions being carried out by officials who can ensure continuity in its work.

In addition to the key concepts explained above, there are a few points to which I would like to draw your attention.

As you are aware, the last budget submission of the Court itself, excluding the financial resources for, at that time, the future Secretariat of the Assembly of States Parties, amounted to 52,211,100 euros. The 2005 draft budget amounts to 69,564,000 euros. Of this total, 66,503,700 euros is allocated to the Court itself and 3,060,300 euros represents the necessary funding for the Secretariat of the Assembly of States Parties.

The increase in the present submission is due, to a large extent, to the increase in general operational expenses (supply of gas, electricity and water to the interim premises of the Court), salary costs and ITC maintenance costs absolutely necessary to sustain the e-profile of the Court.

Moreover, this budget submission introduces a new major programme: Major Programme V – Investment in the Court's premises. This Major Programme has included the costs necessary to provide the Court with adequate interim premises, including two courtrooms meeting the standard requirements and the costs related to a proper preparation of the process leading to the construction of the permanent premises. The capacity of these premises taking into account the needs of the Court remains to be evaluated.

As also indicated in this Major Programme, on detention matters, I would like to report that we have sought interim solutions for the accommodation of detainees with the host State, and concrete arrangements are being negotiated. As regards the permanent penitentiary facilities, an offer has been made for the Court to participate in a more general reconstruction project of an existing detention compound. In our view, this proposal adequately accommodates the Court's needs. In the months to come, the Court will take the necessary preparatory measures. As set out in the budget for the first financial period, the permanent penitentiary facilities have financial implications for the future. These will be reflected in the ICC budget proposal for 2006.

Lastly, based on the CBF recommendation of last year (para. 13), in view of the increase in cases and an anticipated third situation for 2005, this draft budget introduced the concepts of core and conditional requirements. In order to cover unforeseen and extraordinary expenses, the Court had followed the provisions of the Financial Rules and Regulations. The Committee on Budget and Finance, in its recommendations, adopted a different approach based on the creating of a contingency fund. Whatever the solution that you wish to adopt, it remains of utmost importance that the independence of the Court and the Office of the Prosecutor be fully preserved, as the President stated in his speech this morning.

Throughout this budgetary process, the Committee on Budget and Finance has continued to be the key interlocutor for our interaction with States Parties. Its recommendations on the Court's draft budget have been carefully considered by the Court. Moreover, the ICC has prepared its comments. I will not take up

your time by elaborating on the Court's responses. However, they are reflected in a document in both working languages of the Court which is now available for your consultation.

Before concluding, I would like to mention the Court's amended proposal on field offices as previously mentioned by the President in his statement.

As cases develop and the Court is in a position to more accurately evaluate the concrete realities on the ground, we are finding that it may be necessary to slightly adjust the working assumptions that relate to the need for a presence of the Court in the field. In August, the OTP and the Registry together carried out two reconnaissance missions in the field in the Countries which are the subject of investigations by the Prosecutor. They concluded that, in some instances a more permanent presence of the Court may be required than initially anticipated. We ask the Assembly to mindfully take this proposal into account when considering the budget submission. A detailed paper on this matter will be circulated. I hope that this document will receive your consideration.

I thank you for your attention and am at your disposal for further questions.