

International Criminal Court

ICC-ASP/4/27

Assembly of States Parties

Distr.: General
21 October 2005

Original: English

Fourth Session

The Hague

28 November to 3 December 2005

**Report of the Committee on Budget and Finance
on the work of its fifth session**

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....		4
A. Opening of the session, election of officers and adoption of the agenda	1-7	4
B. Participation of observers.....	8	6
C. Statement by a representative of the host State.....	9	6
II. Consideration of issues on the agenda of the Committee at its fifth session		6
A. Financial and operational performance of the Court.....	10-16	6
B. Status of contributions.....	17	7
C. Consideration of the proposed programme budget for 2006.....	18-21	7
1. Recommendations of a general nature		8
(a) General considerations	22-23	8
(b) Strategic Plan.....	24-25	8
(c) Results-based budgeting and presentation.....	26-29	9
2. Recommendations relating to major programmes.....		10
(a) The Judiciary – the Presidency and Chambers		10
Introduction of Major Programme I: The Judiciary – the Presidency and Chambers.....	30-34	10
Observations and recommendations of the Committee	35	10
(b) Office of the Prosecutor.....		11
Introduction of Major Programme II: Office of the Prosecutor.....	36-42	11
Observations and recommendations of the Committee	43-46	12
(c) Registry.....		13
Introduction of Major Programme III: Registry	47-49	13
Observations and recommendations of the Committee	50-70	13
(d) Secretariat of the Assembly of States Parties		17
Introduction of Major Programme IV: Secretariat of the Assembly of States Parties	71-73	17
Observations and recommendations of the Committee	74-75	17
(e) Investment in the premises of the Court.....		18
Introduction of Major Programme V: Investment in the Court’s premises.....	76-78	18
Observations and recommendations of the Committee	79	18
D. Permanent Premises of the Court	80-87	19
E. Interim Premises.....	88-89	20

	<i>Paragraphs</i>	<i>Page</i>
F. Other reports with budgetary implications		21
1. Long-term budgetary consequences of the pension scheme regulations for judges	90-99	21
2. Consideration of the proposal regarding the conditions of service and compensation of the Prosecutor and Deputy Prosecutors.....	100	22
3. Legal Aid.....	101-102	22
4. Report on the establishment of a New York Liaison Office for the Court.....	103-104	23
5. Report on the impact of staff increases on the Information Technology Section.....	105	23
6. Draft Code of Professional Conduct for counsel.....	106	23
G. Other reports.....		23
1. Report on the relationship between the Secretariat of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Court.....	107-108	23
2. Report on amendments to the Financial Regulations and Rules.....	109	23
3. Draft Regulations of the Trust Fund for Victims	110	24
4. Report on standard operating procedures for travel of Committee members	111	24
5. Strategic Plan of the Court (including the integrated strategy for external relations, public information and outreach)	112	24
H. Other matters		24
1. Report on draft guidelines for the selection and engagement of gratis personnel at the International Criminal Court.....	113	24
2. Future meetings	114	24
 Annexes*		
I. List of documents		25
II. Organigramme of the Court.....		
III. Budgetary implications of implementation of the recommendations of the Committee on Budget and Finance.....		
IV. Status of expenditure (by cost category) – budget 2005.....		
V. Status of contributions		

* Annexes II, III, IV and V are under preparation and will be issued as an addendum to this report.

I. Introduction

A. Opening of the session, election of officers and adoption of the agenda

1. The fifth session of the Committee on Budget and Finance (the Committee) was convened in accordance with a decision of the Assembly of States Parties (the Assembly) taken at the 5th plenary meeting of its third session on 10 September 2004. The Committee held its fifth session, comprising 10 meetings, from 10 to 14 October 2005. The President of the Court, Mr. Philippe Kirsch, delivered welcoming remarks at the opening of the session.

2. For the fifth session, the Committee re-elected Mr. Karl Paschke (Germany) as Chairperson and elected Mr. Eduardo Gallardo Aparicio (Bolivia) as Vice-Chairperson. The Committee also appointed Mr. Peter Lovell (United Kingdom of Great Britain and Northern Ireland) as Rapporteur for the session.

3. The Secretariat of the Assembly of States Parties (the Secretariat) provided the substantive servicing for the Committee, and its Director, Mr. Medard Rwelamira, acted as Secretary of the Committee.

4. At its 1st meeting, the Committee adopted the following agenda (ICC-ASP/4/CBF.2/L.1):

1. Opening of the session.
2. Election of the Chairperson and Vice-Chairperson
3. Adoption of the agenda.
4. Participation of observers.
5. Organization of work.
6. Budgetary matters:
 - (a) Performance reports data on financial performance and results 2004 and 2005;
 - (b) Consideration of the proposed programme budget for 2006;
 - (c) Report regarding long-term budgetary consequences of the pension scheme regulations for judges;
 - (d) Consideration of the proposal regarding the conditions of service and compensation of the Prosecutor and Deputy Prosecutors;
 - (e) Report on the establishment of a New York Liaison Office for the Court;
 - (f) Report on the impact of staff increases on the Information Technology Section;
 - (g) Report on the implementation of activities financed by the Contingency Fund;
 - (h) Report on amendments to the Financial Regulations and Rules.
7. Audit reports:
 - (a) Financial Statements of the International Criminal Court for the period 1 January to 31 December 2004;
 - (b) Financial Statements of the Trust Fund for Victims for the period 1 January to 31 December 2004;

- (c) Report of the Office of Internal Audit.
 8. Permanent Premises of the Court:
 - (a) Report on permanent premises: estimates of the costs over a 25 year period;
 - (b) Report on permanent premises: financing methods used for the new premises of other international organisations;
 - (c) Report on permanent premises: composition of staffing estimates for permanent premises.
 9. Strategic Plan of the Court (including the integrated strategy for external relations, public information and outreach).
 10. Legal aid.

Report on the formal procedure to evaluate the legal aid system.
 11. Other reports:
 - (a) Report on the relationship between the Secretariat of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Court;
 - (b) Draft Regulations of the Trust Fund for Victims;
 - (c) Report on standard operating procedures for travel of Committee members.
 12. Other matters.
 13. Approval of the report of the session.
 14. Closing of the session.
5. The following members attended the fifth session of the Committee:
1. Lambert Dah Kindji (Benin)
 2. Eduardo Gallardo Aparicio (Bolivia)
 3. Fawzi A. Gharaibeh (Jordan)
 4. Myung-jae Hahn (Republic of Korea)
 5. Peter Lovell (United Kingdom of Great Britain and Northern Ireland)
 6. John F.S. Muwanga (Uganda)
 7. Karl Paschke (Germany)
 8. Elena Sopková (Slovakia)
 9. Michel-Etienne Tilemans (Belgium)
 10. Santiago Wins (Uruguay)
6. The Committee took note of the resignation of Ms. Inna Šteinbuka (Latvia) from her position as member of the Committee following her appointment as Director of the Department of Economic and Regional Statistics at EUROSTAT. Mr. David Dutton (Australia) was unable to attend the session and sent his apologies.
7. The following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry.

B. Participation of observers

8. The Committee decided to accept the request of the Coalition for the International Criminal Court to make a presentation to the Committee. The Committee appreciated the presentation and welcomed the insight that the Coalition was able to give on many of the issues facing the Court.

C. Statement by a representative of the host State

9. At the 1st meeting on 10 October, Ambassador Edmond Wellenstein, Director General, ICC Task Force, Ministry of Foreign Affairs of the Netherlands, made a statement on behalf of the host State outlining recent developments in the transfer of material in the diplomatic pouch, detention cells and the interim and permanent premises.

II. Consideration of issues on the agenda of the Committee at its fifth session

A. Financial and operational performance of the Court

10. The Committee considered five reports on the performance and achievements of the Court in 2004 and 2005:

- Report on the activities of the Court (ICC-ASP/4/16);
- Report on programme performance of the International Criminal Court for the year 2004 (ICC-ASP/4/13);
- Financial Statements for the period 1 January to 31 December 2004 (including the report of the External Auditor) (ICC-ASP/4/9);
- Report on budget performance of the International Criminal Court as at 31 August 2005 (ICC-ASP/4/20);
- Report of the Office of Internal Audit (ICC-ASP/4/4).

11. The first two reports on the Court's activities and performance outlined the major steps forward that the Court had made in developing its capacity during 2004 and into 2005, upon which it should be congratulated. This progress has enabled the Court to embark upon the significant level of operational activity now being undertaken.

12. The Committee considered the report of the External Auditor, in particular the recommendations therein, on:

- Procurement;
- Budgetary planning control and monitoring;
- Transfers within major programmes and between staff and non-staff appropriations;
- Establishment of the Property Survey Board in accordance with the Financial Regulations and Rules;

- Lack of clarity in accountability arrangements;
- Establishment of financial control statement;
- Establishment of an Audit Committee;
- Establishment of a risk assessment framework;
- Alignment of the Information Technology strategy to the Court's core business;
- Plan to review and monitor how audit recommendations are addressed.

13. The Committee welcomed the opportunity to discuss the report with the External Auditor and **endorsed the recommendations therein, many of which coincided with the Committee's own findings, in particular in the areas of budgetary planning and control, transfers within programmes, accountability arrangements and the establishment of an audit committee with full independence.**

14. The Committee noted that as at 31 August the Court had spent 48.4 per cent of its total programme budget. The Court anticipated spending 83 per cent of the total budget for 2005. Whilst the Committee appreciated the approach taken by the Court to contain actual expenditure to the minimum, it felt that scope existed for improving the planning and procurement activities as underlined by the External Auditor.

15. The Committee heard a presentation of the report from the internal auditor and received information on the 2005-2006 operational audit plan. The Committee welcomed the progress made in the set up of the Office of Internal Audit and the adoption of the Audit Charter.

16. **The Committee recommends that future reports of the Office of Internal Audit be more substantiated and contain tangible information, whilst maintaining the necessary confidentiality.** The Committee noted the need for the internal auditor to be given access at all times to the officials of the Court and have timely receipt of information requested. **The Committee reiterates that the internal auditor should be fully independent in choosing what subjects to audit, with greater emphasis on a risk based audit approach.**

B. Status of contributions

17. The Committee reviewed the status of contributions as at 31 August 2005. It noted that a total of €890,000 (2.88 per cent) was outstanding from 2002/03, €3,606,000 (6.79 per cent) from 2004, and €13,300,000 (19.88 per cent) for the current 2005 period. The issue remained a matter of concern for the Committee. As the Court moves from the development stage to full operational capacity, budgetary issues will become clearer and the likelihood of under-spending, that has enabled the Court to cope with the shortfall in contributions, will diminish. The Committee considered the Report of the Bureau on the arrears of States Parties (ICC-ASP/4/14) and noted the recommendations therein. The Committee will consider how it will approach the role outlined for it in recommendations 7 and 8 at its next session in 2006, following the pertinent decision of the Assembly.

C. Consideration of the proposed programme budget for 2006

18. The Committee heard a general presentation by the Court of the budgetary estimates for 2006, regarding basic expenses, situation-related costs, and the major areas of budgetary growth.

19. It was understood that the process of developing the Strategic Plan for the Court was still evolving and would only be completed in 2006. Nevertheless, this process had already impacted on the preparation of the budget for 2006 and enabled the Court to strive for more coherence. To achieve this purpose, a Budget Coordination Committee had been created in which representatives of all organs had interacted to ensure transparency, predictability, and a clear delineation of basic and situation-related costs.

20. As regards the assumptions for 2006, it was pointed out that further progress in Situation I will largely depend on the likelihood of making arrests and on the ensuing judicial process. The Committee was further informed that unlike in Situation I, where only one group of people was being investigated, investigations in Situation II concerned several groups. In Situation III, there is a likelihood that there will be two investigations.

21. The presentation also highlighted the difficulties and specific challenges involved in the field operations of the Court. It was pointed out that these difficulties led to significant costs in the various activities performed, such as the basic repairs in temporary local premises, the translation and transcriptions of evidence gathered in the field, the purchasing of appropriate vehicles for negotiating inadequate local roads, the purchasing of satellite time for communications, the need to ensure the security of staff and witnesses in hostile environments, etc.

1. Recommendations of a general nature

(a) General considerations

22. The Committee welcomed the update by the Prosecutor on progress in his work regarding the situations in Darfur (Sudan), the Democratic Republic of the Congo and Uganda, as well as the implications for the budget. The assumptions were premised on the Court examining four situations during 2006 and having trial activity commence in the first half of 2006. Pre-trial activity, which was already taking place, would be intensified even more in 2006.

23. As in its review of the 2005 programme budget, the Committee concluded that the assumptions, although reasonable, were still contingent upon the Court receiving adequate cooperation on the part of national and international authorities, upon conditions on the ground and upon whether indictees were arrested and transferred to the custody of the Court.

(b) Strategic Plan

24. The Committee recalled that at its third session in 2004, it had recommended that the Court prepare a set of overarching objectives and expected accomplishments for the Court as a whole, reflecting the collective plans for advancing the aims of the Rome Statute.¹ The Committee had considered the matter further at its fourth session when it had endorsed the approach outlined by the Court. The Committee noted that the pace of progress in developing such a plan by the Court had been disappointingly slow over the past year. The most recent report, which had been taken note of by the Committee (see paragraph 112 below), only reflected

¹ ICC-ASP/3/25, part II, A.8 (b), para. 46.

a provisional set of three strategic goals.² In this connection the Committee was of the view that it was difficult to link the proposed programme budget with the strategic goals.

25. The Committee therefore again recommends that the issue of developing the Strategic Plan should be afforded a higher level of priority together with a greater level of involvement by the senior management of the Court.

(c) Results-based budgeting and presentation

26. The Committee welcomed the implementation of its recommendation concerning the categorization of resources in the proposed programme budget, which used the categories of “basic” and “situation-related” to differentiate between core costs, which were likely to remain relatively constant, and other resources which are likely to vary depending on the number of situations and the phases of work in each situation. The Committee re-emphasised that situation-related resources should only be used when the situation really warrants it.

27. Overall the Committee welcomed the shorter, more concise presentation of the budget and noted some improvement in the expected accomplishments relating to the sub-programmes. Generally, the performance indicators were fewer in number with some good examples of well-framed measures and associated targets, particularly on timeliness and throughput. Although this was not consistent throughout the budget, the Committee hoped that these good examples would help to improve the quality further in future years. **The Committee requests that expected accomplishments and performance indicators be better delineated, and that the latter should be the standards of quantifiable measurement of expected accomplishments. Likewise, the Committee would appreciate it if the presentation of future budgets would clearly indicate in the comparative tables for each programme and sub-programme the redeployment of staff and non-staff costs during the current year and provide data on current staffing levels.**

28. The Committee further **recalled its recommendation that, in the medium term, with the installation of a more sophisticated accounting system, the Court would seek to structure the budget by situation.**³ The Committee recalled the recommendation of the External Auditor relating to transfers between budgets and considered whether the programme structure, which reflected the organizational structure of the Court, needed to be revised as the Court moved further into its operational mode. It was apparent to the Committee that in areas such as mobile telephones and desktop computers, the service provider was expected to manage budgetary implications rather than the person authorizing the expenditure. The Committee felt that increased financial control would be achieved with a closer alignment of authority and budgetary responsibility.

29. Although Committee members welcomed the realistic approach of recruitment lead-in times by only seeking 50 per cent of the annual cost of additional posts, they were concerned that this could mask the full extent of the financial commitment being made. The full year cost of the

² (1) To investigate, prosecute and conduct fair trials, in an effective and impartial manner, and in accordance with high legal standards; (2) To fulfil its judicial activities, as well as the activities in support thereof, in a transparent and efficient manner; and (3) To contribute to long-lasting respect for and enforcement of international criminal justice, the prevention of crime, and the fight against impunity (ICC-ASP/4/CBF.2/2, para. 9).

³ ICC-ASP/3/25, part II, A.8 (b), para. 42.

additional posts approved in the 2005 budget increased the Court's budget by €2.8 million, while the full cost of the additional posts sought for 2006 would increase the budget by some €5 million in 2007 and thereafter. **The Committee felt that it would be helpful if the full year cost of new posts was also included. The Committee also felt that where material amounts are sought for travel, General Temporary Assistance (GTA), contractual services and general operating expenses a breakdown or description should be provided. The Committee requests that these two changes be adopted in future budgets.**

2. Recommendations relating to major programmes⁴

(a) The Judiciary – the Presidency and Chambers

Introduction of Major Programme I: The Judiciary –the Presidency and Chambers

30. The Committee noted that no new professional posts were being requested. The only request was for a new post at the general service level to provide administrative support to the staff of the Immediate Office of the President. It was further pointed out that although there was a general increase in the Programme, this was largely offset by some reductions like those relating to judges' salaries and fewer consultancies.

31. The Committee was also informed that the pre-trial activity of the Judiciary had increased significantly not only because of the frequent requests by the Prosecutor and victims to participate in the proceedings, but also because the Chambers had to decide for the first time on a wide variety of matters. The Appeals Chambers also met regularly to discuss matters such as the rules for the conduct of future proceedings and the principles which should guide the drafting of future judgements.

32. As regards the budgetary request concerning travel for site visits, it was pointed out that this was based on the need for the Chambers to get to know the relevant situation on a first-hand basis, as well as the need to ensure that essential evidence which is at risk of being lost is secured and available at any subsequent stage of the proceedings.

33. The Committee also took note of the Presidency's objective to strengthen the "One Court" principle both internally and in its external relations and expressed its hope that this objective will be fully achieved in the course of the next budgetary term.

34. The Committee welcomed the close cooperation that the Court had been developing with international organizations, particularly the United Nations and the African Union, as regards logistics, communications, security and transportation, as well as in procurement.

Observations and recommendations of the Committee

35. The Committee welcomed the concise and succinct presentation given on this Major Programme. **It was of the view that the budgetary proposals contained in Major Programme I were well founded and recommends their approval.**

⁴ Unless otherwise indicated, the references to paragraphs in Part II.C.2 (a) to (e) relate to the proposed programme budget for 2006 (ICC-ASP/4/5 and Corr.1).

(b) Office of the Prosecutor

Introduction of Major Programme II: Office of the Prosecutor

36. The Committee reviewed Major Programme II: Office of the Prosecutor. In introducing Major Programme II, the Office of the Prosecutor stressed that the Office was now working fully on the investigations in the three situations.

37. It was also pointed out that no major structural changes of the Office of the Prosecutor were being proposed except those emanating from the implementation of recommendations of the Committee on Budget and Finance and the Assembly of States Parties. In this regard the Committee was informed that the Staff Strategy Unit had been abolished, as the initial stage of creating staff policies and guidelines was nearing its end. Similarly, the functions of Director of the Jurisdiction, Complementarity and Cooperation Division and of Chef de Cabinet, would be separated, the latter to be performed by the incumbent of the redeployed P-5 post from the abolished Unit.

38. The Committee was also informed that the major increase in the proposed budget for Major Programme II was clearly related to situation expenditures. In this connection, the point was made that some of the proposed new posts were justified by the fact that a number of situations were under full investigation at the same time.

39. As regards increases in the proposed travel missions, some missions within Europe were intended to obtain broad international support for the Court, to give briefings on its work, develop partnerships and joint research projects, or legal tools and build networks with academic institutions. Other proposed travel expenses outside Europe were related to the need to have trial lawyers in the field from the beginning of an investigation in order to ensure that the evidence being gathered (e.g. witness statements) was appropriate and valuable for the trial. They were also justified by the difficulties and attendant costs involved in travel to the remote regions where most of the investigations were being conducted.

40. The Committee was informed that for the foreseeable future, the restructuring of the Office had been completed, and future variations in staff would only be related to the needs of actual situations.

41. The Committee welcomed the presentations made by the Office of the Prosecutor outlining the work of the investigation teams. This gave the Committee a vivid insight into the practical issues faced by the investigation teams in performing their critical work. The Committee expressed their admiration for the dedication shown by the investigation teams often working in extremely harsh conditions.

42. The Committee expressed appreciation for the fact that the recommendations it had made at the previous session concerning the restructuring of the Office had been implemented and this had been done without unduly affecting the operational capacity of the Programme.

Observations and recommendations of the Committee

Programme 2200: Jurisdiction, Complementarity and Cooperation Division

43. The Committee considered the request of the Division for the creation of two additional posts, one P-2 (Associate Situation Analyst) (sub-programme 2220, para. 115) and one P-3 (International Cooperation Advisor) (sub-programme 2230, para. 224). After careful consideration of the justifications, **the Committee decides to recommend the creation of the additional P-3 post. As regards the P-2 post, it recommends that at this stage the proposed post should be reconverted into temporary assistance, without prejudice to the proposal being resubmitted at a later instance, if the situation should warrant it.**

Programme 2300: Investigation Division

44. The Committee was impressed by the presentation **and recommends the approval of the proposals made in the Programme.** At the same time, the Committee took note of the correction made by the Office of the Prosecutor concerning the number of additional data entry clerks (from five to seven) (sub-programme 2320, para. 144), **but it deemed advisable to keep the number of additional data entry clerks at five.** It was also the understanding of the Committee that the considerable budgetary requirements of the Division were an indication of the progress being achieved. At the same time, the Committee expected that for the foreseeable future, new developments arising within the area of competence of the Division would be sufficiently covered by the resources already allocated to it.

Programme 2400: Prosecution Division

45. The Committee was of the view that it was not likely that Trial Team 3 would be faced with demanding trial activities in the course of the next budgetary period. Consequently, as regards sub-programme 2420 (para. 191), **the Committee recommends the creation of one P-3 Legal Officer post and one P-2 Legal Officer post, but not the GS-OL Prosecution Assistant post. It also recommends the creation of a P-1 Case Manager post, one of the two GS-OL Trial Support Staff for trial team (Situation I) and only one of the two GS-OL Trial Support Staff for trial team 2 (Situation II). As regards the one full trial team requested for Situation III, the Committee recommends the creation of one P-5 Senior Trial Lawyer post; one P-4 Trial Lawyer post (redeployed from sub-programme 2320); one P-2 Associate Trial Lawyer post and two GS-OL Trial Support Staff posts. It recommends not to establish the other P-4 Pre-Trial Lawyer post, the P-1 Case Manager post and the GS-OL Prosecution Assistant post.**

Travel

46. The Committee was not entirely convinced of the rationale behind certain proposed travel expenditures and was of the view that some of the proposals were insufficiently justified. **It recommends a reduction of €50,000 of basic travel within the Office of the Prosecutor. This reduction was not intended to apply to situation-related travel.**

(c) **Registry**

Introduction of Major Programme III: Registry

47. The Committee considered in detail the proposals and welcomed the opportunity to discuss them thoroughly with the Registrar and each of his divisional Directors and Section Heads. The Committee particularly appreciated this dialogue and the explanations provided by all concerned.

48. The Committee concluded that increases in certain areas are necessary for the effective functioning of the Court, in particular in those Sections servicing directly the pre-trials and trials proceedings and the activities and operations of the Office of the Prosecutor in the field, such as security, information and communication technologies, court management interpretation and translation, and victims and witnesses.

49. However, the rate of growth of personnel, travel not related to situations, contractual services, temporary personnel and general operating expenses was a cause for concern. In certain cases lapses were noted or the proposals were based on very ambitious assumptions regarding the activities of the Registry and the support required for the other sections of the Court. The Committee felt that more experience of field operations and trial proceedings would be necessary to set the correct level of required resources. The Committee was of the opinion that an increase in projected workload should not automatically entail a commensurate increase in resources. Nonetheless, the Committee took into account the need to leave to the Registrar a sufficient margin of manoeuvre to meet the needs of the Court in 2006.

Observations and recommendations of the Committee

50. As in the previous budgets programmes, the Committee observed that in many instances requests for travel resources in Europe and outside Europe for trips not related to the field operations (situation-related) had very limited or no justification and that the habit of distributing small amounts of travel money to every Section was persisting. **The Committee accordingly recommends that the total travel budget of the Registry falling under basic resources (i.e. €363,200) be reduced by 30 per cent and requests the Registrar to redistribute the funds according to priorities.**

3100: Office of the Registrar

51. The Committee was informed that the Registrar will make a recommendation to the President for a Deputy Registrar at D-1 level (sub-programme 3110, para. 217). **The Committee has no objection to the establishment of that post, provided that it be filled by a professional who is highly skilled in managerial functions, so as to reinforce the relevant capacity of the Registry.** The Committee noted that the Deputy Registrar must be elected by the judges in the same manner as the Registrar.

52. The Deputy Registrar will lend support to the Registrar in carrying out his tasks. Therefore, the Deputy Registrar should not have a separate office structure but should be fully integrated into the Immediate Office of the Registrar, which comprises at present five staff members. **For this reason, the Committee recommends not to approve the one P-2 post nor the one GS-OL post referred to in sub-programme 3110, paras. 220 and 221.**

53. In the Legal Advisory Services Section, an additional P-2 post is proposed under basic resources (sub-programme 3130, para. 236). The Committee noted that the job description of this post corresponds to the general description of the activities of the section, which comprises of seven staff at present. The Committee was not convinced that an additional established post was needed in 2006, in view of the increase in staff in other Divisions and Sections which perform similar legal work. **Accordingly, the Committee recommends that this P-2 post be provided under GTA.**

54. The Committee paid particular attention to the resource requirements of the Security and Safety section (sub-programme 3140), which is in charge of security at the interim premises and in the field offices, and the protection of officials travelling in the various countries where investigations are ongoing. Five additional officers (GS-OL) are required for the security of the new building of the Court (para. 246). **The Committee recommends the approval of one GS-OL (Security Supervisor) post and to provide the four other posts under GTA.** Furthermore, a P-3 Field Support Officer (para. 248) and 15 GS-OL security officers are required for field security (para. 249). **The Committee recommends approving the P-3 post, 12 GS-OL posts and providing three remaining GS-OL posts under GTA.**

55. The Office of the Controller (sub-programme 3150) proposes two GS-PL Budget Control Assistants (para. 263). **The Committee recommends the approval of one GS-PL under basic resources and one GS-PL under situation-related resources.**

56. The Committee was informed that an analysis had been made of the costs and benefits of outsourcing security services compared with having security personnel employed directly by the Court, concluding that the latter is slightly less expensive.

57. Since a final decision must be taken in 2006 on the most efficient way to provide security personnel for the Court, **the Committee recommends that the market survey be presented at its sixth session for consideration.**

3200: Common Administrative Services Division

58. In this Division, one P-2 post is proposed under the Office of the Director (sub-programme 3210, para. 269) and three P-3 Field Office Managers under the new field operation section (sub-programme 3280, para. 331). **The Committee recommends that these posts be approved.** One additional P-2 post is proposed in the Human Resources Section (sub-programme 3220, para. 278) in connection with the establishment of several internal committees and boards. The Committee feels that the tasks described for this position do not warrant the recruitment of an additional professional. **Accordingly, the Committee recommends that this post not be approved.**

59. In the same Division, 16 new GS-OL posts are requested under Human Resources (sub-programme 3220, paras. 279 and 280), Budget and Finance (sub-programme 3240, paras. 292, 293 and 294), General Services (sub-programme 3250, paras. 300, 301, 302, 303 and 304), and Procurement (sub-programme 3270, para. 326). After reviewing each of them, **the Committee recommends approving nine GS-OL posts and requesting the Registrar to allocate those posts according to the priorities.**

60. The Committee paid particular attention to staff and non-staff cost requirements of the Information and Communication Technologies Section (sub-programme 3260). Information provided by the Registry to the Committee was thorough and included a breakdown of the costs for information and communication technologies covered under general operating expenses.

61. The Committee noted that seven additional GS-OL technicians are requested (sub-programme 3260, paras. 311, 312, 313, 315, 316 and 317). **The Committee recommends that five GS-OL posts be approved and consideration on the establishment of the remaining two GS-OL posts be deferred to the next programme budget, based on workload indicators.**

62. Regarding non-staff costs, the Committee observed that information and communication technologies costs would increase from €1 million to €4.4 million (313 per cent). Furthermore, a credit of €860,000 would remain under contractual services (including training) also for expenses and purchases relating to information and communication technologies. The Committee recognized that expenses for hardware, software, and maintenance related to information and communication technologies were largely fixed costs that could not be compressed without compromising the service to the staff and the activities of the Court, or postponing development of projects in that area. Nonetheless, the Committee was concerned by the steep increase of costs for software applications (SAP, TRIM, e-court, Oracle, etc). Likewise, the Committee observed that the increase in communication costs mainly related to requirements in the field, which are essential. However, the Committee also observed that a substantial amount of these communication costs would be incurred for calls made on mobile phones and fixed lines from Headquarters of the Court to the field and other locations around the world and from these locations to The Hague. The Committee understood that there was no particular restriction on staff regarding communication for professional purposes and that the telephones were provided to staff on mission on a regular basis. The Committee noted the need to maintain financial prudence over the expenditure whilst, at the same time, maintaining the morale of the staff working in the field under adverse conditions. Still, the Committee was seriously concerned by the projected information and communication technologies costs in 2006, which could spiral out of control. **Accordingly, the Committee recommends that the budget of the Information and Communication Technologies Section be reduced by €600,000 under general operating expenses and contractual services, and requests the Registrar, through the Controller, to develop urgently procedures on the use of communication tools by staff of all sections at the Headquarters of the Court, on travel and in the field, in order to control those costs and achieve maximum efficiency.**

63. In the Office of the Director (sub-programme 3210, para. 272) an amount of €150,000 is budgeted for GTA for unforeseen circumstances, including cost overruns on information and communication technologies applications and field operations. The Committee is of the opinion that this is not an adequate justification for the use of GTA. Cost overruns should be avoided and there are other means at the disposal of the Court to cover unforeseen events. Additional resources for those events should only be required as a measure of last resort and in exceptional and fully justified circumstances. The Committee also points out that a provision for €100,000 of GTA is foreseen under the Immediate Office of the Registrar. **Accordingly, the Committee recommends that the €150,000 not be approved.**

3300: Division of Court Services

64. Under this Division, three P-4, eight P-3 and three P-2 posts are requested for the Court Management (sub-programme 3320), Court Interpretation and Translation (sub-programme 3340), Victims and Witnesses Unit (sub-programme 3350). **The Committee recommends the approval of those posts, except for the following:**

- **One P-4 and one P-3 for interpretation and translation, to be converted into GTA. More experience should be gained of the exact requirements of resources in this section in view of the actual Court proceedings, before establishing all requested posts.**
- **Two P-2 posts in the Victims and Witnesses Unit, in view of the establishment of two P-2 field officers in the Victims Participation and Reparations Section (sub-programme 3530, under Division of Victims and Counsel). While these two Units are located in different Divisions and their responsibilities and tasks are clearly delineated and separated, their staff in the field should work closely together and coordinate their efforts and activities.**

65. Under the same Division, 21 GS-PL and GS-OL posts are requested for all the Sections (paras. 345 to 350, 357, 358, 374, 375 and 386 to 388). **The Committee recommends approving 15 GS-PL and GS-OL posts and converting six GS-OL posts into GTA. The Committee requests to allocate the established posts primarily in the Court Management Section and the Victims and Witnesses Unit.**

66. In the Detention Section (sub-programme 3300), an amount of €1,633,600 is budgeted for the costs of detention, in particular for renting a block of 12 cells from the host State at the rate of €378.82 per cell, per day. This price does not correspond to the rates applied by the host State to the International Criminal Tribunal for the former Yugoslavia (ICTY). **The Committee recommends that the Assembly encourage the Court and the host State to conclude an agreement in line with the prices for ICTY (€216 per cell, per day) and that the corresponding amount be budgeted in this Section.**

3400: Public Information and Documentation Section

67. This Section proposes one P-3 protocol and conference officer (sub-programme 3430, para. 410), one GS-OL clerk assistant for protocol (sub-programme 3430, para. 413) and one GS-OL Library assistant (sub-programme 3420, para. 403). The Committee is not convinced that the P-3 and GS-OL posts should be established at this time. Likewise, the Committee feels that consideration on the Library Assistant post should be deferred to the next programme budget. Accordingly **the Committee recommends that the P-3 post and two GS-OL posts for protocol and library not be established at this time.**

68. Three GS-PL Public information and Outreach Coordinators (sub-programme 3430, para. 414), and eight GS-OL public information assistants and administrative assistants (sub-programme 3430, paras. 415 and 416) are proposed as new posts. Regarding field activities, the Committee agrees that outreach is essential for the work of the Court to be understood and supported by the countries where investigations are ongoing. The Committee was informed that the work of this section would rely to a large extent on the non-governmental organisations (NGOs) present in the field to increase the outreach activities to the local population primarily in the countries where field offices are located. In view of the difficult conditions in the field and the

necessity to acquire more experience in the ways and means of reaching local populations, a more prudent approach should be followed as a first step. **It recommends the approval of the three GS-PL posts and five GS-OL posts for field activities and a review of the workload of field officers and assistants for the next programme budget.**

3500: Division of Victims and Counsel.

69. The Committee had no objection to the proposals for professional and general service staff. The Committee noted however that a considerable amount of €3,392,100 of non-staff costs had been budgeted under contractual services (including training). A large part of these costs had been approved under the previous programme budget and could be necessary for defence representation and legal representation of victims. However, the Committee felt that the amounts allocated respectively to defence and to victims representation should be more balanced and considered that the total amount under contractual services is slightly excessive, and based on ambitious assumptions on the participation of witnesses and victims in 2006 (see annex III of the proposed budget programme for 2006). **Accordingly, the Committee recommends that this amount should be decreased by 10 per cent.**

3600: Secretariat of the Trust Fund for Victims

70. The Committee **recommends that the proposed budget for the Secretariat of the Trust Fund for Victims contained in annex A of the report of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005 (ICC-ASP/4/12) be approved.**

(d) Secretariat of the Assembly of States Parties

Introduction of Major Programme IV: Secretariat of the Assembly of States Parties

71. The Committee heard the presentation by the Director of the Secretariat of the proposed programme budget for 2006 for Major Programme IV regarding the Secretariat of the Assembly of States Parties.

72. The Committee was informed that the budgetary proposals concerning Major Programme IV had been prepared on the assumption that in 2006 one single session of the Assembly of States Parties and two sessions of the Committee on Budget and Finance would be held and that the Secretariat would have to service some working groups established by the Assembly.

73. The Committee was informed that the actual growth was 20 per cent and this percentage included increases due to higher per diem rates for translators, increases in air travel costs for business-class tickets for the Committee members, price-indexation of general operating costs, etc.

Observations and recommendations of the Committee

74. The Committee noted that under the Financial Regulations and Rules the Court was required to submit the proposed programme budget to the Committee and States Parties at least 45 days before the session of the Committee. Given the current scheduling of the session of the Assembly, the Court has had to finalize the preparation of the budget by July so that it could be transmitted to the Assembly of States Parties sufficiently ahead of time. In this regard, the Committee also noted the recommendation by the External Auditor in which he encouraged the

Court to consider the need to extend the timetable for the submission of the draft budget to allow sufficient time for management review. The Committee also recognized the need to present the budget in good time to enable the Secretariat to undertake the necessary processes relating to editing, translation and reproduction. To this effect, the Committee requested an indication from the Secretariat as to the additional costs which might be involved in shortening the period of preparation of the budget and, in particular, in completing the translation of the document in 22 calendar days. This would enable the Committee to make the appropriate recommendation at its next session.

75. The Committee **recommends that the budgetary proposals contained in Major Programme IV be approved.**

(e) Investment in the premises of the Court

Introduction of Major Programme V: Investment in the Court's Premises

76. The Committee heard the presentation by the Registrar of the proposed programme budget for 2006 for Major Programme V.

77. The Committee was informed of the Court's intention during 2006 to construct a second courtroom that had earlier been approved by the Assembly. The Committee noted that the allocation that the Court was seeking for construction did not have new financial implications for States Parties. However, the Committee was informed that since the allocation would entail transferring funds from Major Programme III (Registry) to Major Programme V, authorization of the Assembly was required. Savings would actually be achieved by carrying out the construction of both courtrooms concurrently.

78. As regards permanent premises, the Committee was informed that the Court continued to be involved in their planning which entailed, *inter alia*, finalization of the architectural brief, the identification of appropriate financing options and modalities of the future site and buildings, as well as the convening of an architectural competition for the design of the premises. In this regard, it noted that it would be important for the Court to seek expert assistance in the planning stage of the premises project and in the preparatory work for them, so as to depend on an adequate, independent and neutral verification of all the work involved, in particular, aspects of a technical nature concerning design and construction.

Observations and recommendations of the Committee

79. The Committee noted that the level of funding sought for this Programme was substantially reduced from 2005 and recognised that the Court would require advice from independent experts. **The Committee recommends that this Major Programme and the transfer of funds between Major Programmes be approved.**

D. Permanent Premises of the Court

80. The Committee was addressed by Ambassador Edmond Wellenstein, Director-General, ICC Task Force, Ministry of Foreign Affairs of the host State, Ambassador Gilberto Vergne Saboia (Brazil), Coordinator of the Hague Working Group of the Bureau and the Registrar of the Court and his officials. Discussions focused on the three reports provided by the Court at the request of the Committee at its fourth session.⁵ These covered:

- Financial comparisons of the three housing options (ICC-ASP/4/23);
- Financing methods used for the premises of other international organisations (ICC-ASP/4/25);
- Composition of estimated staffing levels. (ICC-ASP/4/24).

81. At the outset, the Court indicated that it would not be seeking definitive recommendations or decisions on the permanent premises this year by the Committee or Assembly. At this stage the Court was seeking:

- Recommendations on one of the three housing options;
- Comments on the financing issues;
- Awareness of the implications of the time schedule;
- Support for the necessary preparatory and planning work.

82. The Committee noted that the Court had not yet provided a substantive response to the request made at its fourth session for more detailed information on the composition of its staffing estimates. The Court indicated that this information would be provided as part of the work in developing a Court Capacity Model. This model is being developed alongside the Court's strategic plan which will outline the Court's strategies for delivering its goals. The draft plan will not be completed until next year.

83. In view of this, the Committee did not feel that it could make any further progress from the position set out in the report from its fourth session. The Committee felt that of the options available, the Alexanderkazerne would probably offer most flexibility in being able to match the requirements of all interested parties when they are finally settled. However, until the work on staffing levels and the Court's strategic plan has been developed, and approved by the Assembly, the Committee was unable to advance this substantively. In particular, the Court's future approach to hearings away from the seat of the Court, as provided by article 3, paragraph 3, of the Rome Statute, will need to be taken into account.

84. On the issue of financing the permanent premises, the Committee noted that there was no apparent development on the position of the host State with regard to land, building and maintenance costs and that these would still need to be financed on commercial terms. The Committee considered the paper outlining the financing methods adopted for other similar international organisations. The Committee hoped that this could be helpful in advancing this issue to a conclusion that would be acceptable to all parties. After allowing for any assistance that the host State felt able to make, the permanent premises represented a significant commitment

⁵ The Committee decided to forward these three reports, as well as a fourth one considered at its fourth session, which were originally issued as documents ICC-ASP/4/CBF.2/4, ICC-ASP/4/CBF.2/5, ICC ASP/4/CBF.2/6 and ICC-ASP/4/CBF.1/3, respectively, to the Assembly.

that would result in a steep change to the Court's budget. In view of this, the Committee felt that consideration should also be given by States and other interested parties to exploring whether some of the cost of the permanent premises could be met through donations or interest free loans.

85. The Committee also considered the governance and assurance arrangements that would need to be put in place.

86. The permanent premises will represent the biggest single investment that States Parties will make in the Court for the foreseeable future. Its design and capacity will be major enablers in the achievement of the Court's strategic goals. As a result, considerable challenges and risks arise that need to be effectively managed, and assurance provided to States Parties. The Committee **recommends that the Assembly consider the establishment of expert committees on buildings and finance to meet this need.**

87. The Committee reviewed the timetable for the permanent premises. It recognised that further deferment of a decision on the permanent premises would impact on the Court's ability to vacate the interim premises when the rent-free period ends in 2012. Although this was an important factor to be borne in mind, the Committee felt that it should not prevent the Assembly from making a timely and well-informed decision in due course.

E. Interim premises

88. In addition to considering the impact that the decision on the permanent premises would have on the continuing use of the interim premises, the Committee also considered the immediate situation. As the caseload of the Court starts to enter the judicial stage, the need for accommodation at the interim premises increases (the total number of staff working for the Court is at present 560, including interns, GTA personnel, consultants, general service and professional staff). The Committee heard from both Ambassador Edmond Wellenstein and officials of the Court on this issue. Although consultations with the host State had given the impression that the matter would be resolved by giving the Court use of some floors in the B-Wing of the ARC building that Eurojust was scheduled to vacate before the end of 2005, the Court had been informed that this would no longer be feasible. The Committee welcomed the regular dialogue that has taken place between the Court and the host State, ensuring that the host State was aware of planned growth of 500 to 600 staff by the end of the year and able to plan accordingly. Despite this, the Committee was concerned about the impasse that now appears to exist over the next stage of the Court's growth. The Committee was reminded of the generous commitment of the host State to support the Court with secure interim premises up to 2012, and the arrangements that seem to have been agreed upon between the Court and the host State for the occupation of the B-Wing. The Committee hoped that a solution could be found by the host State to enable Eurojust to vacate the B-Wing, as previously agreed.

89. **The Committee urges the host State to do the utmost to make sure that, by 2006, the Court can expand in accordance with the staffing estimates provided.**

F. Other reports with budgetary implications

1. Long-term budgetary consequences of the pension scheme regulations for judges

90. At its third session, the Assembly of States Parties agreed upon the pension scheme regulations for the judges of the International Criminal Court (ICC-ASP/3/Res.3, operative paragraphs 22 to 25). By this resolution, the Assembly decided that judges shall not contribute to financing the pension scheme. This will have significant financial implications. The Assembly requested the Committee to consider the long term budgetary consequences of the pension scheme, and to report thereon before the fourth session of the Assembly with a view to ensuring that the appropriate budgetary arrangements might be made.

91. The Committee considered the position at both its fourth and fifth sessions. The Committee recognized that the pension scheme was generous with significant financial implications for States Parties. Pending the establishment of a permanent basis for funding, the Court had budgeted €75,000 per annum to meet any pension payments that may arise.

92. The Committee considered a report which the Court had prepared at its request⁶ and determined that there are two main options for funding the pension scheme. These are:

- Meet pension payments as they arise from the annual budget (the cash option)
- Set aside the accrued liabilities on an annual basis, which would be placed in a fund to meet pension payments when they arise (the accruals option)

93. The main difference between the two options is that in the cash option payments would initially be low, but as judges retired and became eligible for their pension this would increase. Projections produced by the Court's actuaries suggest that payments would be low until 2008 but would then rise steadily, costing an estimated €2.5 million in 2026 and levelling out at just over €4 million a year in about 2040. The accruals option would cost in the region of €2 million a year initially, levelling out to about €2.5 million a year in 2008. The accruals option would also mean that because payments would be met from the accumulated funds budgeting would be more predictable as unexpected payments would be met from the fund.

94. The Committee took the view that both options have major financial implications for the budget of the Court, but **on balance the accruals approach would be preferable and is recommended accordingly**. This was on the basis that it would ensure that proper financial provision was made for the Court's commitments when the liability arose rather than deferring it for many years, especially in view of the issues this could raise for assessed contributions. This option would also avoid the unpredictability that the cash system could present.

95. If the Assembly accepts this recommendation it would also need to consider whether the administration of the fund should be dealt with internally or placed with an external pension provider. An external provider would charge between 10 per cent to 18 per cent for investment and administration depending on the exact package, but if administered internally the Court would also incur costs as they would need to employ specialist staff to administer a comparatively small pension fund. The internal approach would also place additional oversight

⁶ Report on the long-term budgetary consequences of the pension scheme regulations for judges (ICC-ASP/4/CBF.2/7). The Committee decided to forward this report to the Assembly.

burdens on the President and Registrar in a specialist area that is far from the core business of the Court.

96. Taking this into account **the Committee recommends that using an external provider is the best option in view of the specialist nature and risks that the Court would need to manage.**

97. If these recommendations are adopted by the Assembly they do raise the issue of the pension liabilities that have accrued already since the judges were appointed, and for which only a minimal amount has been set aside in the 2006 budget. **The Committee recommends that the expected under-spent budget for 2005 should be utilized to meet the existing and future liabilities until the requirement can be included in the 2007 budget.** The Committee considers that this is an exceptional solution and should not become a regular method of meeting the Court's commitments.

98. In view of the high uplift required to the gross judicial salary budget to meet the pension arrangements provided for the existing judges, the Assembly may wish, for future judges, to satisfy itself whether it wishes to continue with the current scheme and the high level of pension benefits that it provides.

99. The Committee noted that there are no provisions regarding retirement pensions for judges who have previously served at other international tribunals or organisations and receive a pension therefrom, while serving as judges of the Court. Therefore, the Assembly may wish to revisit the issue of the Pension Scheme Regulations for the judges of the Court in this regard and also to consider a proportional reduction in the pensions to be paid by the Court.

2. Consideration of the proposal regarding the conditions of service and compensation of the Prosecutor and Deputy Prosecutors

100. After taking note of the report of the Court, entitled "Report on the Conditions of Service and Compensation of the Prosecutor and the Deputy Prosecutors pursuant to paragraph 26 of resolution ICC-ASP/3/Res.3" (ICC-ASP/4/11), the Committee was convinced that the solution consisting of participation in the United Nations Joint Staff Pension Fund (UNJSPF) would be inadequate and, consequently, that **a more reasonable scheme should be developed with the advice of a private insurer. The Committee requests the Court to report on this matter, including some costed options, at its next session.**

3. Legal Aid

101. The Committee heard a presentation by the Court of the "Report by the Registry on the formal procedure for assessment and oversight of the Court's system of legal assistance" (ICC-ASP/4/CBF.2/3). The Report underlined internal and external assessment mechanisms. These included procedures for handling counsel's billing arrangements, a computerized financial database to ascertain monthly sums allocated to individual defence teams, as well as a proposed financial investigator for verifying the factual veracity of claims of indigence and of counsel's bills.

102. The Committee took note of the report.

4. Report on the establishment of a New York Liaison Office for the Court

103. The Committee considered a report prepared by the Bureau of the Assembly, entitled “Option paper by the Bureau on the establishment of a New York Liaison Office” (ICC-ASP/4/6) and had an exchange of views with Court officials, both on the need for such an office and on some of the modalities whereby it would be established.

104. The Committee was of the view that the proposal was modest and generally acceptable. The Committee noted that the establishment of such an office would assist in responding to genuine needs of the Court and the cost associated with its establishment appeared reasonable.

5. Report on the impact of staff increases on the Information Technology Section

105. The Committee took note of the document entitled “Report on the impact of staff increases on the Information and Communication Technologies Section pursuant to paragraph 18 of Part II of the official records of the Third Session of the Assembly of States Parties (ICC-ASP/4/8).”

6. Draft Code of Professional Conduct for counsel

106. The Committee took note of the document entitled “Report of the Bureau on the draft Code of Professional Conduct for counsel” (ICC-ASP/4/21) and was of the view that providing the secretariat services for the Disciplinary Board and the Disciplinary Appeals Board, as foreseen in draft articles 36, paragraph 12, and 44, paragraph 12, of the draft Code would have budgetary implications and **requests the Registry to provide information thereon.**

G. Other reports

1. Report on the relationship between the Secretariat of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Court

107. The Committee heard a presentation by the Court of the “Report on the relationship between the Secretariat of the Board of Directors of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Registry and their respective responsibilities pursuant to paragraph 29 of the Report of the Committee on Budget and Finance on the work of its third session” (ICC-ASP/4/CBF.2/8). The report set out the different nature of the responsibilities of the Victims Participation and Reparations Section and those of the Secretariat of the Board of the Trust Fund for Victims, while at the same time outlining some areas of commonality or convergence of responsibilities between the Section and the Board, entailing coordination and cooperation.

108. The Committee took note of the report.

2. Report on amendments to the Financial Regulations and Rules

109. The Committee took note of the document entitled “Report on changes to the Financial Regulations and Rules as a result of the establishment of the Contingency Fund pursuant to paragraph 2 of resolution ICC-ASP/3/Res.4” (ICC-ASP/4/7) and **recommends the adoption of the proposed amendments.**

3. Draft Regulations of the Trust Fund for Victims

110. At its fourth session, the Assembly requested its Bureau to consider further the draft Regulations of the Trust Fund for Victims and to determine criteria for the management of the Trust Fund. Furthermore, the Assembly requested the Committee to review the draft Regulations and to report thereon to the Bureau.⁷ Nonetheless, **since prior to the fifth session of the Committee the Bureau had not yet finalised a report to be submitted to the Assembly on the draft Regulations, the Committee decided to consult with the Bureau in order to determine how the Committee could contribute to the review, if possible through informal inter-sessional communication among its members, prior to the fourth session of the Assembly.**

4. Report on standard operating procedures for travel of Committee members

111. The Committee took note of the document entitled “Report on the Standard Operating Procedures for the travel of members of the Committee on Budget and Finance (ICC-ASP/4/17 and Corr. 1).

5. Strategic Plan of the Court (including the integrated strategy for external relations, public information and outreach).

112. The Committee took note of the documents entitled “Report on the Integrated Strategy for External Relations, Public Information and Outreach pursuant to paragraph 44 of the Report of the Committee on the work of its fourth session” (ICC-ASP/4/CBF.2/1) and “Strategic Planning Project Group: Project progress and planning report pursuant to paragraph 42 of the report of the Committee on the work of its fourth session” (ICC-ASP/4/CBF.2/2). See also in this connection paragraph 24 above.

H. Other matters

1. Report on draft guidelines for the selection and engagement of gratis personnel at the International Criminal Court

113. The Committee took note of the document entitled “Report on draft guidelines for the selection and engagement of gratis personnel at the International Criminal Court” (ICC-ASP/4/15), which (pursuant to article 44, paragraph 4, of the Rome Statute) had been prepared by the Court, regarding possible employment of gratis personnel in accordance with guidelines to be established by the Assembly.⁸

2. Future meetings

114. The Committee decided to hold its sixth session in The Hague from 24 to 26 April 2006.

⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third Session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), Part III, resolution ICC-ASP/3/Res.7, operative paras 6 and 8.

⁸ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court Rome, 15 June - 17 July 1998*, (UN doc.A/CONF.183/13, vol. 1).

Annex I

List of documents

Documents of the fifth session of the Committee on Budget and Finance

ICC-ASP/4/CBF.2/L.1	Provisional agenda
ICC-ASP/4/CBF.2/L.2	Annotated list of items included in the provisional agenda
ICC-ASP/4/CBF.2/1	Report on the Integrated Strategy for External Relations, Public Information and Outreach pursuant to paragraph 44 of the Report of the Committee on the work of its fourth session
ICC-ASP/4/CBF.2/2	Strategic Planning Project Group: Project progress and planning report pursuant to paragraph 42 of the report of the Committee on the work of its fourth session
ICC-ASP/4/CBF.2/3	Report by the Registry on the Formal Procedure for Assessment and Oversight of the Court's System of Legal Assistance
ICC-ASP/4/CBF.2/3/Corr.1	Report by the Registry on the Formal Procedure for Assessment and Oversight of the Court's System of Legal Assistance - Corrigendum
ICC-ASP/4/CBF.2/4*	Report on the Future Permanent Premises of the International Criminal Court - Financial Comparison of Housing Options
ICC-ASP/4/CBF.2/5*	Report on the Future Permanent Premises of the International Criminal Court - Interim Report on the Composition of Estimated Staffing Levels
ICC-ASP/4/CBF.2/6*	Report on the Future Permanent Premises of the International Criminal Court - Financing Methods Used for the Premises of Other International Organizations
ICC-ASP/4/CBF.2/7	Report on the long-term budgetary consequences of the pension scheme regulations for judges
ICC-ASP/4/CBF.2/8	Report on the relationship between the Secretariat of the Board of Directors of the Trust Fund for Victims and the Victims Participation and Reparations Section of the Registry and their respective responsibilities pursuant to paragraph 99 of the Report of the Committee on Budget and Finance on the work of its third session

Selected documents of the fourth session of the Assembly of States Parties

ICC-ASP/4/1	Report to the Assembly of States Parties on the Future Permanent Premises of the International Criminal Court: Housing Options
ICC-ASP/4/2	Report of the Committee on Budget and Finance on the work of its fourth session
ICC-ASP/4/3	Staff rules of the International Criminal Court (Annex to ICC/AI/2005/003)

ICC-ASP/4/4	Report of the Office of Internal Audit
ICC-ASP/4/5	Proposed Programme Budget for 2006 of the International Criminal Court
ICC-ASP/4/6	Option paper by the Bureau on the establishment of a New York Liaison Office
ICC-ASP/4/7	Report on changes to the Financial Regulations and Rules as a result of the establishment of the Contingency Fund pursuant to paragraph 2 of resolution ICC-ASP/3/Res. 4
ICC-ASP/4/8	Report on the impact of staff increases on the Information and Communication Technologies Section pursuant to paragraph 18 of Part II of the Official Records of the Third Session of the Assembly
ICC-ASP/4/9	Financial statements for the period 1 January to 31 December 2004
ICC-ASP/4/10	Trust Fund for Victims - financial statements for the period 1 January to 31 December 2004
ICC-ASP/4/11	Report on the Conditions of Service and Compensation of the Prosecutor and the Deputy Prosecutors pursuant to paragraph 26 of resolution ICC-ASP/3/Res. 3
ICC-ASP/4/12	Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005
ICC-ASP/4/13	Report on programme performance of the International Criminal Court for the year 2004
ICC-ASP/4/14	Report of the Bureau on the arrears of States Parties
ICC-ASP/4/15	Report on draft guidelines for the selection and engagement of gratis personnel at the International Criminal Court
ICC-ASP/4/17	Report on the Standard Operating Procedures for the travel of members of the Committee on Budget and Finance
ICC-ASP/4/17/Corr.1	Report on the Standard Operating Procedures for the travel of – Corrigendum
ICC-ASP/4/20	Report on budget performance of the International Criminal Court as at 31 August 2005
ICC-ASP/4/21	Report of the Bureau on the Draft Code of Professional Conduct for Counsel

Selected documents of the fourth session of the Committee on Budget and Finance

ICC-ASP/4/CBF.1/2	Report on the principles and criteria for the determination of indigence for the purposes of legal aid (pursuant to paragraph 116 of the Report of the Committee on Budget and Finance of 13 August 2004)
-------------------	---

ICC-ASP/4/CBF.1/3	Report on the future permanent premises of the International Criminal Court: Project Presentation
ICC-ASP/4/CBF.1/8	Report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons (ICC-ASP/3/CBF.2/3) Update to Annex 2: Payment details of the ICC legal aid scheme
ICC-ASP/4/CBF.1/8/Corr.1	Report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons (ICC-ASP/3/CBF.2/3) Update to Annex 2: Payment details of the ICC legal aid scheme - Corrigendum
ICC-ASP/4/CBF.1/INF.1	Future Permanent Premises of the International Criminal Court: Financing Models

Selected documents of the third session of the Assembly of States Parties

ICC-ASP/3/6	Establishment of a New York Liaison Office for the International Criminal Court and the Secretariat of the Assembly of States Parties – report pursuant to paragraph 11 of resolution ICC-ASP/2/Res.7
ICC-ASP/3/12 (annex II)	Proposal regarding conditions of service and compensation of judges and elected officials
ICC-ASP/3/18	Report of the Committee on Budget and Finance

Selected documents of the third session of the Committee on Budget and Finance

ICC-ASP/3/CBF.2/2	Report on participation of and reparations to victims (pursuant to paragraph 49 of the Report of the Committee on Budget and Finance of 8 August 2003)
ICC-ASP/3/CBF.2/3	Report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons (pursuant to paragraph 52 of the Report of the Committee on Budget and Finance of 8 August 2003)

Other documents

ICC-BD/01-01-04	Regulations of the Court
-----------------	--------------------------