
Assembly of States Parties

Distr.: General
19 January 2006

Original: English

Resumed fourth session

New York
26 and 27 January 2006

Report on interim premises

Note by the Secretariat

The Secretariat of the Assembly of States Parties has received the following report, which is submitted by the Court to the Assembly of States Parties for its consideration.*

* Received by the Secretariat on 18 January 2006.

Introduction

1. At its fourth session, the Assembly of States Parties considered the issue of the Court's interim premises.¹ This report contains information on the progress attained in finding a solution to the issue.

2. The International Criminal Court is currently housed at the ARC building in The Hague, the Netherlands. While at the outset the Court only occupied the A wing of the ARC, the organisation gradually grew into the C wing. The host State envisaged that the Court could also avail itself of the B wing should the need for more office space arise. With the steady development of the Court's activities it became clear in 2003 that by the end of 2005 the A and C wing would no longer be sufficient to cover the space requirements at the Court's headquarters². The Court began expressing its need to expand into the B wing in 2002. In agreement with the host State, expansion into the B wing was scheduled for 2006 and budgeted for accordingly³. However, in the second half of 2005 the host State informed the Court that it would not be possible to put the B wing at the disposal of the Court by 2006, as its current tenant, Eurojust, would not agree to be relocated. During the fourth session of the Assembly of States Parties ("Assembly"), the Court reported to the Assembly on the matter of interim premises.

3. It is urgent to find a solution to the pressing need for sufficient office space. The surface area of the allocated ARC building is suitable for about 550 employees, according to standard United Nations practices. As of January 2006, more than 600 persons are attached to the Court, while over 200 approved positions are still open. Full recruitment of established posts for 2005 and 2006 will therefore bring the total number of employees far beyond the capacity of the ARC building. Freezing recruitment would not be acceptable, as it would affect the ability of the Court to perform its functions adequately and thereby compromise the mission of the Court.

4. The Assembly tasked the Court to work towards a solution on this matter together with the host State. Discussions took place between the European Troika (i.e. representatives of the previous, present and future presidencies of the European Union) and Eurojust, the current tenant of the B wing. Subsequently, the host State confirmed at the end of 2005 that the B wing will not be available before 2010. As an alternative solution, the host State proposed to relocate part of the ICC staff to premises at a second location. In order to avoid duplication and thereby minimize costs, the Court implements the 'One Court' principle as directed by the Committee on Budget and Finance and the Assembly. To achieve these objectives, the Court's favoured solution with regards to premises, whether interim or permanent, is based on the idea of a single location for which flexibility and scalability apply, i.e., with the possibility to expand or reduce capacity of the single location according to the needs. The alternative solution with multiple premises will increase duplication and consequently costs, in contradiction of the 'One Court' principle.

5. As mentioned in the statement of the Head of the ICC Task Force at the fourth session of the Assembly, both the host State and the ICC are concerned about the inefficiencies entailed by maintaining office space in multiple locations⁴. Relocation of a significant part of the ICC

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November-3 December 2005*, part II, paragraphs 35 to 37.

² In addition the Court makes use of facilities at Saturnusstraat, which is in approximately five minutes walking distance from the Court's current headquarters. Furthermore the Court already had to make use of more than 30 working stations at the Mali Toren for a period of four and a half months.

³ The budget 2006 includes a special programme for 'Interim premises', to cover the expenses linked to the expansion into the B wing.

⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November-3 December 2005*, annex III.A.

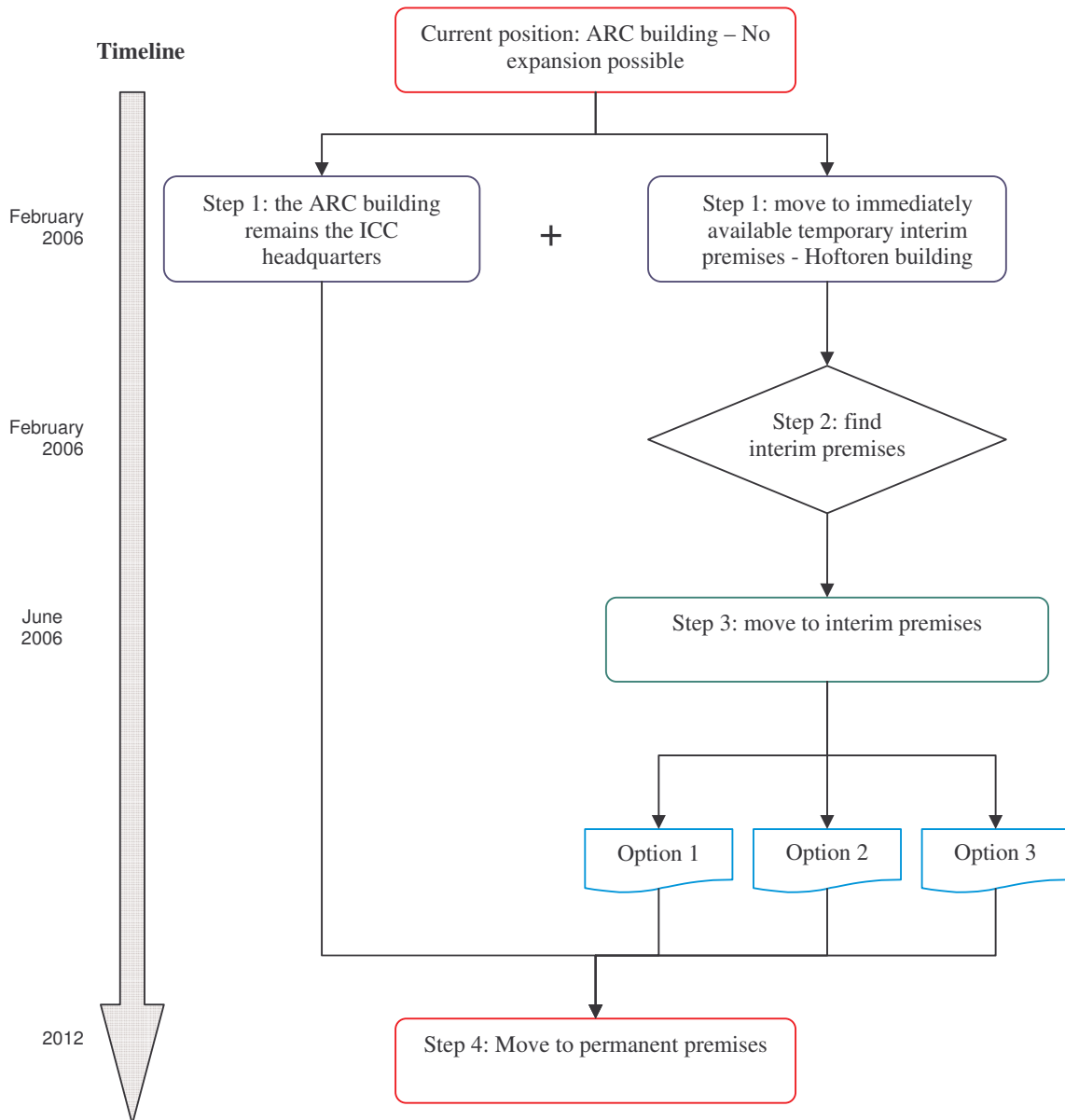
workforce entails extra infrastructural alterations and administrative and logistic processes, resulting in additional costs. Moreover it creates a high risk of business interruption of the Court's standard operating processes. Such disruptions are particularly worrying with the first trial scheduled to start at approximately the same time the relocation would take place. Although business interruptions are difficult to quantify, the Court is concerned about the hidden costs of business interruption that it could have to bear as a consequence of the relocation of part of the Court.

6. Notwithstanding the arguments against relocation, the urgent need for additional office space is such that further delays could compromise the proper functioning of the Court. It was therefore decided to relocate part of the Court to a separate building, starting in February 2006.

Solution proposed by host State to cover office space requirement of the Court

7. The host State has proposed a solution regarding the ICC premises possibilities that can be depicted as follows:

Figure 1: ICC Premises evolution process



8. **Step 1** has the main goal of temporarily addressing the immediate office space needs. The host State proposes two floors of the Hoftoren building as temporary interim premises. This building is one of the high-profile towers in the skyline of The Hague, located in the centre of the city. The ICC would share the facilities with the current tenants, the Dutch Ministry of Education, Culture and Science and the National Coordinator for Counterterrorism. Office space is immediately available and functional for 105 people. Security is an issue for this location, as several particularities make standard security levels very difficult to implement. Use of these premises is therefore entirely dependent on a security clearance from the host State.

9. According to standard practices (c.f. I.C.T.Y.), different locations of the same institution require the same security standards. The assumption is therefore that interim premises will require the same security standard as headquarters. Lower security levels, such as the ones that would have to be implemented at the Hoftoren, would shorten the time required to move and lower the costs. Reducing the security levels for ICC employees would only be possible based on informed threat assessments from the host State. So far, no such assessment has been made.

10. The main shortcoming of the Hoftoren location is its lack of scalability (according to our current information). This lack of scalability might be overcome with the removal of some of the current tenants of the building. This decision belongs to the host State.

11. Hoftoren temporary interim premises pre-requisites include:

- Installation and moving costs to Hoftoren must be kept as low as possible, even if we need a limited number of support staff to allow core activities to take place at headquarters in 2006.
- A shuttle bus service has to be available between both locations (every half-hour).

12. The Court needs to find interim premises that will cover the Court's expansion needs until the permanent premises are ready. Immediately moving part of the Court to the Hoftoren building (temporary interim premises) would win some time to find and prepare the optimal supplement to the ARC building. Temporary relocation to these premises will start in February 2006, and will be sufficient to cover the requirements for additional office space for a period of 3 to 6 months.

13. **Step 2:** The host State will propose different options for the location of the supplementary interim premises. One location in an industrial area has already been presented. The ICC is waiting for other proposals, preferably within the immediate vicinity of the Court headquarters.

Financial information

14. Expansion to a separate building produces important additional costs, independently of the number of people relocated. For example, location-specific staff, such as Security staff, needs to be available on site, regardless of the number of persons located in the new building. The main additional costs of relocation are location-specific staff, infrastructure installation and office set-up. An estimate of the additional costs can be found in table 1 below.

15. As mentioned above, the budget for 2006 is based on the assumption that the Court would expand into the B wing of the current premises. As operations of the Court are matching the expectations in the approved budget, there are no available resources to meet the additional costs of relocation. Additional funds will therefore need to be collected in order to cover these costs.

16. The Court does not submit a budget nor seeks a definitive decision from the Assembly, but requests the Assembly's guidance on the financing of interim premises.

Table 1: Interim Premises - Additional Costs Comparison

	1	2	3 (=1 + 2)	4	5 (=3-4)
	<u>Costs Hoftoren</u>	<u>Extra costs for new location</u>	Total costs to finance relocation to and from Hoftoren to new location	<u>Budgeted</u>	Additional costs to finance relocation to and from Hoftoren to new location
Staff	€ 1,250,000	€ 350,000	€ 1,600,000	€ 0	€ 1,600,000
Security (int. building alterations)	€ 500,000	€ 1,300,000	€ 1,800,000	€ 0	€ 1,800,000
IT infrastructure	€ 200,000	€ 900,000	€ 1,100,000	€ 250,000	€ 850,000
Facilities / cafeteria	€ 50,000	€ 1,100,000	€ 1,150,000	€ 340,000	€ 810,000
Other	€ 350,000	€ 950,000	€ 1,300,000	€ 300,000	€ 1,000,000
Total	<u>€ 2,350,000</u>	<u>€ 4,600,000</u>	€ 6,950,000	€ 890,000	€ 6,060,000

--- 0 ---