

Resolution ICC-ASP/21/Res.1

Adopted at the 9th plenary meeting, on 9 December 2022, by consensus

ICC-ASP/21/Res.1

Resolution of the Assembly of States Parties on the proposed programme budget for 2023, the Working Capital Fund for 2023, the scale of assessment for the apportionment of expenses of the International Criminal Court, financing appropriations for 2023 and the Contingency Fund

The Assembly of States Parties,

Having considered the 2023 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the reports of the Committee on Budget and Finance (“the Committee”) on the work of its thirty-eighth session,¹ its resumed thirty-eighth session,² and its thirty-ninth³ session,

Taking note of the recommendations in the final report of the Independent Expert Review on the International Criminal Court and the Rome Statute system,⁴ in particular as they relate to the budget process, without prejudice to the resolution on the review of the International Criminal Court and the Rome Statute system,

A. Programme budget for 2023

1. Approves appropriations totalling €173,234,300 in the appropriation sections described in the following table:

Appropriation section			Thousands of euros
Major Programme	I	Judiciary	14,352.7
Major Programme	II	Office of the Prosecutor	54,676.1
Major Programme	III	Registry	89,574.0
Major Programme	IV	Secretariat of the Assembly of States Parties	2,798.5
Major Programme	V	Premises	2,537.0
Major Programme	VI	Secretariat of the Trust Fund for Victims	3,889.1
Major Programme	VII-5	Independent Oversight Mechanism	987.0
Major Programme	VII-6	Office of Internal Audit	834.8
<i>Subtotal</i>			<i>169,649.2</i>
Major Programme	VII-2	Host State Loan	3,585.1
Total			173,234.3

2. Notes that those States Parties that have opted for the one-time payment in respect of the permanent premises and have made such payments in full will not be assessed for the contributions corresponding to Major Programme VII-2 Host State Loan, amounting to €3,585,100;

3. Further notes that these contributions will bring down the level of the 2023 programme budget appropriations that need to be assessed for contributions by States Parties from €173,234,300 to €169,649,200, and that this amount will be assessed following the principles described in section E; and

¹ Official Records ... Twenty-first session ... 2022 (ICC-ASP/21/20), vol. II, part B.1.

² Ibid., part B.2.

³ Ibid., part B.3.

⁴ ICC-ASP/19/16.

4. *Further approves* the following staffing tables for each of the above appropriation sections:

	<i>Office of the Judiciary</i>	<i>Prosecutor</i>	<i>Registry</i>	<i>Secretariat, Assembly of States Parties</i>	<i>Secretariat, Trust Fund for Victims</i>	<i>Independent Oversight Mechanism</i>	<i>Office of Internal Audit</i>	<i>Total</i>
USG	-	1	-	-	-	-	-	1
ASG	-	2	1	-	-	-	-	3
D-2	-	-	-	-	-	-	-	-
D-1	-	3	3	1	1	-	1	9
P-5	3	18	21	1	-	1	-	44
P-4	3	37	45	1	4	1	1	92
P-3	21	82	83	2	2	-	1	191
P-2	12	84	92	1	2	1	-	192
P-1	-	23	5	-	-	-	-	28
<i>Subtotal</i>	<i>39</i>	<i>250</i>	<i>250</i>	<i>6</i>	<i>9</i>	<i>3</i>	<i>3</i>	<i>560</i>
GS-PL	1	1	15	1	-	-	-	18
GS-OL	11	81	292	3	3	1	1	392
<i>Subtotal</i>	<i>12</i>	<i>82</i>	<i>307</i>	<i>4</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>410</i>
Total	51	332	557	10	12	4	4	970

B. Working Capital Fund for 2023

The Assembly of States Parties,

Recalling that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,⁵

Noting the recommendation of the Committee at its thirty-eighth resumed session to approve the level of the Working Capital Fund at one-twelfth of the approved budget appropriations for the previous year,⁶

Further noting that the Committee recommended a consideration of a multi-year funding timetable,⁷

1. *Notes* that the Working Capital Fund for 2022 was established in the amount of €11.6 million;
2. *Further notes* that the current level of the Working Capital Fund is €11.5 million;
3. *Resolves* that the Working Capital Fund for each year shall be established in the amount of one-twelfth of the approved budget appropriations for the previous year, and *authorizes* the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court;
4. *Takes note* of the recommendation of the Committee⁸ at its thirty-second session that the Working Capital Fund be maintained at one month of the Court's expenditure, therefore recommending an increase of the notional level to €12.3 million, *notes* that the Committee recommended at its thirty-fifth session, in light of the liquidity risk faced by the Court, that the Bureau and the Assembly keep the level of the Working Capital Fund under review, and

⁵ Financial Regulations and Rules 6.2.

⁶ *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.2, para. 28.

⁷ *Ibid.*, para. 148.

⁸ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.1, para. 66.

further notes that States Parties will continue to consider this important and urgent matter in The Hague Working Group facilitation on the budget; and

5. *Decides* that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

C. Outstanding contributions

The Assembly of States Parties,

Welcoming the report of the Independent Expert Review,⁹ as well as the report of the Bureau on the arrears of States Parties,¹⁰ and in particular the conclusions and recommendations contained in that report,¹¹

Recalling paragraphs 42, 43 and 44 of resolution ICC-ASP/4/Res.4,

1. *Notes with serious concern* the state of arrears and the liquidity issues facing the Court, and the associated operational risk, *underlines* the importance of endowing the Court with the necessary financial resources and the relevant provisions of resolution ICC-ASP/4/Res.4 concerning timely payments of assessed contributions and arrears, *urges* all States Parties to pay their assessed contributions in full and on time in accordance with the Financial Regulations and Rules of the Court, and *decides* to keep the issue under review and continue to consider the relevant recommendations of the report of the Independent Expert Review, the Committee, the External Auditor and other bodies; and

2. *Welcomes* the Court's development of guidelines,¹² consistent with existing rules and regulations, for States Parties which are in arrears and subject to the provisions of article 112, paragraph 8, of the Rome Statute, and which face significant economic hardship, to enter into voluntary and sustainable payment plans, *strongly encourages* States Parties in arrears and subject to the provisions of article 112, paragraph 8, to work voluntarily, in coordination with the Court, to develop such payment plans, and *further requests* the Court to keep States Parties informed of any such payment plans and their implementation through The Hague Working Group facilitation on the budget, including via the monthly financial reports provided to States Parties.

D. Contingency Fund

The Assembly of States Parties,

Recalling its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

Recalling further that the Contingency Fund was established to ensure that the Court can meet: (a) costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; (b) unavoidable expenses for developments in existing situations that could not be accurately estimated at the time of the adoption of the budget; and (c) costs associated with an unforeseen meeting of the Assembly,¹³

Taking note of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

Recalling that the Assembly, at its sixteenth session, decided that, should the Contingency Fund fall below €5.8 million by its seventeenth session, the Assembly would assess the need for its replenishment, bearing in mind the report of the Committee on Budget and Finance,¹⁴ and regulation 6.6 of the Financial Regulations and Rules,

⁹ ICC-ASP/19/16, recommendation 140.

¹⁰ ICC-ASP/20/27.

¹¹ *Ibid.*, paras. 16 to 17.

¹² ICC-ASP/18/6.

¹³ Financial Regulations and Rules 6.6.

¹⁴ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2.

1. *Notes* that the current level of the Contingency Fund is €5.2 million;
2. *Decides* to maintain the Contingency Fund at the notional level of €7.0 million for 2023; and
3. *Requests* the Bureau to keep the €7.0 million threshold under review in light of further experience on the functioning of the Contingency Fund.

E. Scale of assessment for the apportionment of expenses of the Court

The Assembly of States Parties,

1. *Decides* that for 2023, the contributions of States Parties shall be assessed in accordance with an agreed scale of assessment, based on the scale adopted by the United Nations for its regular budget applied for 2022-2024,¹⁵ and adjusted in accordance with the principles on which the scale is based;¹⁶ and
2. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

F. Financing of appropriations for 2023

The Assembly of States Parties,

1. *Notes* that the payments corresponding to Major Programme VII-2 Host State Loan will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €169,649,200; and
2. *Resolves* that, for 2023, assessed contributions for the budget amounting to €173,234,300 of the budget appropriations approved by the Assembly under section A, paragraph 1, of the present resolution, will be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court.

G. Premises of the Court

The Assembly of States Parties,

Noting the recommendations of the Committee on Budget and Finance regarding maintenance and capital replacement for the premises of the Court,¹⁷

1. *Approves* capital replacement for the premises of the Court at the level of €364.8 thousand in 2023, while underlining the need to see maintenance and capital replacement in conjunction;
2. *Reiterates* the need for the capital replacement to be fully justified and limited only to those elements which are absolutely necessary and *requests* the Court to continue to ensure that all measures are taken to achieve savings and efficiencies, including using alternatives to capital replacement whenever possible;
3. *Notes* that any capital replacement needs arising in the foreseeable future should be financed within the scope of the regular budget process, taking into account the possible need for a multi-year approach, as appropriate;
4. *Welcomes* the Committee's review of estimates for capital replacement, the advice of the pro bono expert on a fully impartial evaluation of the building and the establishment of a medium- and long-term plan, as well as of possible financial and administrative mechanisms including possible alternatives to current contractual arrangements, at its resumed thirty-eighth and thirty-ninth sessions, and *invites* the Committee to continue to undertake a

¹⁵ A/RES/76/238.

¹⁶ Rome Statute of the International Criminal Court, article 117.

¹⁷ *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.3, paras. 156-162.

detailed analysis and evaluation of the proposed budget taking into account the need for prioritization;

5. *Recalls* the recommendations of the Committee regarding a mechanism for pro bono expert advice from States Parties in the planning and implementation of capital replacement, and *invites* States Parties to put forward further suggestions in this regard;

6. *Welcomes* the engagement of Mr. Michael Rotter (Austria) as a pro bono expert and *invites* the Court to continue its cooperation with him and benefit from his advice in its future work on capital replacement;

7. *Emphasizes* the importance of availability of adequate space and unimpeded/facilitated/priority access of States Parties to the premises and within the public areas of the Court, including the conference rooms,¹⁸ cafeterias and library, and *encourages* the Court to seek and provide appropriate solutions in this regard; and

8. *Reaffirms* that the Bureau is entrusted with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget, and *requests* that a report on the topic be submitted for consideration by the twenty-second session of the Assembly.

H. Transfer of funds between major programmes under the 2022 approved programme budget

The Assembly of States Parties,

Recognizing that under regulation 4.8 of the Financial Regulations and Rules no transfer between appropriation sections may be made without authorization by the Assembly,

1. *Decides* that, in line with established practice, the Court may transfer any remaining funds between major programmes at the conclusion of 2022 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund; and

2. *Decides also* that the Court may transfer any remaining funds between major programmes at the conclusion of 2022 should some major programmes¹⁹ not be able to absorb the additional costs relating to salary adjustments notified by the International Civil Service Commission whilst a surplus exists in other major programmes.

I. Audit

The Assembly of States Parties,

Having regard to the Charter of the Audit Committee, adopted at its fourteenth session,²⁰ as amended,

Taking note of the proposed amendments to the Charter of the Audit Committee,

Further noting the recommendations of the Committee on Budget and Finance concerning audit matters,²¹

Taking note of the findings and recommendations in the final report of the Independent Expert Review of the International Criminal Court and the Rome Statute system related to internal and external oversight mechanisms,²² including the positive assessment

¹⁸ Cluster 1.

¹⁹ Excluding Major Programmes I, II and III.

²⁰ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, annex IV.

²¹ *Official Records ... Twentieth session ... 2020* (ICC-ASP/20/20), vol. II, part B.1, paras. 109-111 and part B.2, paras. 257-274.

²² ICC-ASP/19/16.

given to recommendation R367²³ and the subsequent technical deliberations on the determination of the appropriate international audit standards,

Taking note of the External Auditor final report on International Criminal Court Governance Oversight,²⁴

1. *Welcomes* the reports of the Audit Committee on the work of its fifteenth and sixteenth sessions;
2. *Welcomes* the performance audit report on temporary personnel submitted by the External Auditor,²⁵ and the conclusions and recommendations contained therein, *notes* the request of the Committee on Budget and Finance to the Court to submit an action plan on the implementation of the recommendations made by the External Auditor,²⁶ *decides* to continue the consideration of the outcome of the evaluation with a view to further improving the use of General Temporary Assistance (GTA) contracts, and *requests* all organs of the Court to make best efforts to further improve the use of GTA contracts;
3. *Decides* to appoint Mr. Werner Druml (Austria) and Mr. Daniel McDonnell (United Kingdom of Great Britain and Northern Ireland) as members of the Audit Committee for a term of three years starting on 1 January 2023, while serving as active members of the Committee on Budget and Finance;²⁷
4. *Takes note* of the recommendation made by the ad hoc selection panel and *decides* to re-appoint Ms. Clarissa van Heerden (South Africa) and appoint Mr. Fayezul H. Choudhury (Bangladesh) as members of the Audit Committee for a term of three years starting on 1 January 2023; and
5. *Welcomes* the initial consideration of the proposed amendments to the Charter of the Audit Committee and *requests* the Bureau through the Budget Management Oversight facilitation to continue discussions on these amendments in the first quarter of 2023, taking into account both the positive assessment of the relevant recommendation of the Independent Expert Review report²⁸ as reflected in a separate report submitted to the Bureau of the Assembly on 27 June 2022 by the facilitation,²⁹ and the subsequent technical deliberations on the determination of the appropriate international audit standards.

J. Budget Management Oversight

The Assembly of States Parties,

1. *Notes* that the Strategic Plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims are dynamic and updated on a regular basis;
2. *Notes* the Strategic Plans of the Court, the Office of the Prosecutor and the Registry for the period 2019-2021 and of the Trust Fund for Victims for the period 2020-2021 and *also notes* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims;
3. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach;
4. *Invites* the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims to report annually to the Assembly on the implementation of the Strategic Plans in writing, and *invites* the Court to hold annual consultations with the working groups of

²³ “As a work unit located in the Registry, the OIA would more properly report to the Principals rather than to the Audit Committee, a subsidiary of the ASP. This would not prevent the OIA from appearing before the new budgetary control and audit body as required, and responding to its requests. The new body’s role towards the OIA would be overseeing the adequacy of the framework set up for the Court’s internal audit function, rather than oversight of the substance of the OIA’s work.” (ICC-ASP/19/16, recommendation R367, page 212).

²⁴ ICC-ASP/20/6.

²⁵ ICC-ASP/21/3.

²⁶ *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.3, para. 309.

²⁷ *Ibid.*, para. 299.

²⁸ *Supra* note 23.

²⁹ <https://asp.icc-cpi.int/sites/asp/files/2022-11/2022-RM-report-progress.pdf>.

the Bureau in the first trimester on the implementation of its strategic plans during the previous calendar year;

5. *Recalls* the management oversight responsibility entrusted to the Assembly of States Parties and the mandates of the Audit Committee, the Committee on Budget and Finance, the External Auditor and the Independent Oversight Mechanism as well as the Office of Internal Audit, and *encourages* these bodies to further intensify their coordination in order to optimize oversight capacity and reporting, ensure an effective division of labour and avoid duplication of competence and work, in conformity with the resolution on the review of the International Criminal Court and the Rome Statute system;³⁰

6. *Welcomes* the continuous efforts of the oversight bodies to streamline their activities and *invites* them to continue their efforts in that regard;

7. *Welcomes* the increased interaction between these bodies and States Parties, and the initiatives to continue to improve such interactions including via informal meetings; and

8. *Recalls* relevant decisions of the Assembly of States Parties concerning the Secretariat of the Assembly of States Parties,³¹ as well as the respective recommendations of the External Auditor³² and *welcomes* efforts to further improve synergies and flexibility as regards the human resources of the Secretariat of the Assembly.

K. Development of budget proposals

The Assembly of States Parties,

1. *Requests* the Court to present a sustainable budget proposal for its 2024 programme budget, based on transparent and strict financial assessments and needs-analysis. Proposed increases above the level of the 2023 approved budget should be requested only when necessary for the purpose of mandated activities and after all possible steps have been taken to finance such increases through savings and efficiencies;

2. *Recalls* that the proposed programme budget should present the costs for the following year by first highlighting the costs of maintaining current activities, then proposing changes to those activities, including full costings of such changes;

3. *Invites* the Court to continue to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly, *encourages* the Court to make all efforts to ensure a balanced budget, as appropriate, across organs, and *emphasizes* that the Court should strive to present accurate and sustainable budget proposals based on robust forecasts;

4. *Welcomes* the recommendation of the External Auditor³³ that the Court question the nature of current appropriations when preparing the annual budget proposal, to avoid a gradual drift in budget appropriations;

5. *Recalls* the conclusions of the External Auditor with regard to financial trade-offs³⁴ and *further recalls* that States Parties support the Court in many ways, also outside the normal budgetary process;

6. *Welcomes* the savings and efficiencies achieved by the Court in 2022 and projected for 2023, as set out in the annex to the proposed programme budget for 2023,³⁵ as well as the Court's commitment to continue this practice, *takes note* of the fact that instead of setting annual efficiency targets as requested by the Assembly, the Court promotes a culture of continuous improvement in identifying and implementing efficiencies and savings,³⁶ and *requests* the Committee, in consultation with the Court, to consider the feasibility of setting

³⁰ Resolution ICC-ASP/20/Res.3.

³¹ Resolution ICC-ASP/2/Res.3; *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part 2, footnote 9; and resolution ICC-ASP/18/Res.1, annex, rule 16, para. 1. See also ICC-ASP/18/INF.7, Amendments to the Rules of Procedure of the Committee on Budget and Finance, rule 16, para. 1.

³² External Auditor: Final report on the International Criminal Court governance oversight (ICC-ASP/20/6).

³³ Final audit report on the budget process of the International Criminal Court (ICC-ASP/18/2/Rev.1), recommendation 2.

³⁴ *Ibid.*, para. 213.

³⁵ *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part A, annex XVI.

³⁶ *Ibid.*, para. 36.

Court- or Programme-wide annual efficiency targets and to report on achievements in combination with the Court's efforts for continuous improvement;

7. *Further welcomes* the recommendations of the Committee in relation to the presentation of the budget proposals and the efforts made by the Court in this regard, *encourages* continued improvement, and *notes* that the Committee will be updated ahead of its fortieth session on the measures taken by the Court and will include its comments in its reports to the Assembly of States Parties;

8. *Requests* the Court to provide, as an annex to the draft budget proposal, an organigram with the number of full-time equivalent posts by section and office indicated, as a way to increase transparency on the organizational structure of the Court; and

9. *Requests* the Court to provide, as an annex to the proposed programme budget, a table presenting the total costs by field office and a breakdown of costs, for each field office, directly related to the different stages of prosecutorial and judicial activities and workload with a view to increasing transparency, *underlines* that some Independent Expert Review recommendations address the issue of use of resources in the field and were assessed positively in 2022,³⁷ and *urges* the Court to continue to make full use of resources modulation and flexibility, including related to staff, in order to adapt to changes in activity and workload.

L. A strategic approach to an improved budgetary process

The Assembly of States Parties,

Bearing in mind the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out their duties,

Considering that the Court was able to mitigate the detrimental effects of the COVID-19 pandemic, and ensure business continuity through flexibility and versatility in its sound management of operations, and *noting* that, in part, cost reductions in the budget were related to these exceptional circumstances,

1. *Reiterates* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee in both working languages of the Court, *emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, and *strongly encourages* the Committee to ensure that its reports are published no more than one month after its session;

2. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying potential duplications and promoting synergies within as well as between the different organs of the Court;

3. *Welcomes* the Court's continued efforts to fully implement the "One-Court principle" when establishing the proposed programme budget, which has resulted in improvements to the budgetary process;

4. *Welcomes* the continued work of the Court on the topic of performance indicators as an important tool to fulfil its functions, in particular with regard to effective leadership and management, and *encourages* the Court to continue this work in light of the recommendations of the External Auditor and to share with States Parties any update on the development of performance indicators;

5. *Recalls* the recommendations of the Independent Expert Review concerning the Trust Fund for Victims and the report of the Independent Oversight Mechanism (November 2019) on the evaluation of the Secretariat of the Trust Fund for Victims, *welcomes* the steps already taken by the Board of Directors and the Secretariat of the Trust Fund in addressing the issues identified by the Independent Expert Review and the Independent Oversight Mechanism,³⁸ and *encourages* the Board and Secretariat to continue pursuing measures to improve the performance of the Fund and increase its efficiency and effectiveness in implementing its

³⁷ ICC-ASP/21/18, para. 57.

³⁸ ICC-ASP/20/14.

mandate and Strategic Plan, in accordance with the resolution on the review of the International Criminal Court and the Rome Statute system;³⁹

6. *Notes* the importance of frequently reconsidering the value of current activity, including any opportunities for redeployment,⁴⁰ and *recalls* that careful prioritization is an important principle of efficient and effective management and is key to achieving successful outcomes;

7. *Requests* the Court, in consultation with the Committee, to continue to develop its budgetary process, guided by the Registry, by:

(a) Further strengthening the “One-Court principle” by ensuring that the budget process and its underlying assumptions and objectives are based on coordinated and robust strategic planning and prioritization;

(b) Further enhancing dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage;

(c) Employing maximum flexibility in the management of its human resources in reacting to unexpected situations, and to the extent possible redeploying resources based on actual workload requirements;

(d) Continuing to explore ways to preserve the Court’s long-term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties; and

(e) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium-term cost drivers with a view to enhancing budget predictability;

8. *Requests* the Court to continue submitting its annual report on activities and programme performance including, as appropriate, relevant information on the approved budget, expenditure and variance at the sub-programme level with all budget lines, as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;

9. *Notes* the Court’s technical assessment on the feasibility of and modalities for employing a medium-term rolling budget forecast based on existing budget assumptions, *further notes* the recommendation of the Committee at its thirty-ninth session,⁴¹ and *requests* that the Court consider adopting an internal process for developing and implementing a financial forecast system with a view to improving budgetary predictability and report to the Committee at its forty-first session, and to the Assembly at its twenty-second session;

10. *Welcomes* the monthly financial reports provided by the Court to States Parties, showing monthly figures on cash flow, balances of the General Fund, the Working Capital Fund and the Contingency Fund, the status of assessed contributions, and monthly and annual cash flow forecasts, and *emphasizes* the usefulness of these reports; and

11. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle.

M. Human Resources

The Assembly of States Parties,

1. *Requests* the Court, in its consideration of relevant Independent Expert Review recommendations, to be guided by the importance of ensuring flexibility in the management of its human resources, notably in reacting to evolving situations, needs and workload, within and between organs, including by, as appropriate, reviewing the relevant administrative instructions related, but not limited, to recruitments and mobility of staff, and *notes in this regard* the amendments to the Financial Regulations and Rules contained in section Q of the present resolution;

³⁹ Resolution ICC-ASP/20/Res.3.

⁴⁰ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 27.

⁴¹ *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.3, para. 238.

2. *Underlines* the inherent value of multilingualism in promoting and preserving the diversity of languages and cultures and its contribution to efficiency, effectiveness and transparency in the activities of the Court, *calls for* greater emphasis to be placed on staff knowledge of the Court's official and working languages, as appropriate, and *recalls* the principles of equitable geographical representation and gender balance in the recruitment of staff;⁴²

3. *Invites* the Court to expand its training for staff sitting on recruitment panels to avoid any undue disadvantage or unconscious bias against applicants interviewed in a language other than their mother tongue, *requests* the Court to develop its language training policies to promote continuous improvement of the proficiency of staff in the official and working languages of the Court and other languages, as appropriate, including training for newly recruited staff proficient in only one of the working languages, and to consider ways to ensure adequate funding for this purpose; and

4. *Invites* States Parties to positively consider making contributions to the Trust Fund for the Development of Interns and Visiting Professionals in order to allow applicants who are nationals from a country that is a State Party to the Rome Statute and appears on the United Nations Statistics Division's list of developing regions to gain transferable experience in a multicultural, international workplace, and to allow the Court to benefit from the input of interns and professionals.

N. Referrals by the Security Council

The Assembly of States Parties,

Noting with concern that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council⁴³ have been borne exclusively by States Parties,

Recalling that, pursuant to article 115 of the Rome Statute, expenses of the Court and the Assembly shall be provided, inter alia, by funds of the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council,

Mindful that, pursuant to article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, the conditions under which any funds may be provided to the Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements,

1. *Notes* the report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,⁴⁴ and *notes* that to date the approved budget allocated in relation to the referrals amounts to approximately €81.43 million, borne exclusively by States Parties;

2. *Encourages* States Parties to continue discussions on a possible way forward on this issue; and

3. *Invites* the Court to continue including this matter in its institutional dialogue with the United Nations and to report thereon to the twenty-second session of the Assembly.

O. Information Technology and Information Management Strategy

The Assembly of States Parties,

Noting that the Five-Year Information Technology and Information Management Strategy launched in 2017 was completed at the end of 2022,

Bearing in mind the recommendations of the Committee at its thirty-ninth session on the subject of Information Technology and Information Management at the Court,⁴⁵

⁴² Resolution ICC-ASP/20/Res.5, preambular paragraph 26, para. 88, paras. 122-131.

⁴³ United Nations Security Council resolutions 1593 (2005) and 1970 (2011).

⁴⁴ ICC-ASP/21/6.

⁴⁵ *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.3, paras. 267-275.

1. *Takes note of* the recommendation of the Committee at its thirty-ninth session⁴⁶ that the Court submit to the Committee, at its forty-second session, a revised Information Technology and Information Management Strategy 2023-2025, updated to include the Court's overall new strategic goals, where Information and Communications Technology capital replacement needs are also aligned with the strategic ambitions of the Court.

P. Judicial remuneration

The Assembly of States Parties,

Recalling its resolution ICC-ASP/18/Res.2, by which it adopted the Terms of Reference for the Review of the Judges' Remuneration (Terms of Reference),⁴⁷ and resolution ICC-ASP/19/Res.3, by which it amended the conditions of service and compensation of full-time and non-full-time judges⁴⁸ of the International Criminal Court, including the allowances as set out in the annexes to resolution ICC-ASP/19/Res.3,

Noting that the new conditions of service and compensation for full-time judges and non-full-time judges entered into force on 11 March 2021, and that all the sitting judges opted, for the remainder of their terms of office, to be subject to the new conditions of service and compensation as amended by resolution ICC-ASP/19/Res.3,⁴⁹

Recalling also that all judges elected during the nineteenth session of the Assembly, and subsequent sessions, are subject during their terms of office exclusively to the new conditions of service and compensation as amended by resolution ICC-ASP/19/Res.3,⁵⁰

Welcoming that the Court adopted the necessary transitional measures, including to ensure compliance with article 49 of the Rome Statute of the International Criminal Court, in relation to the sitting judges who opted for the new conditions of service and compensation, and also made any necessary operational arrangements, in consultation with those sitting judges, for their transition to the new conditions of service and compensation as of 11 March 2021,⁵¹

Welcoming the report of the Judicial Remuneration Panel⁵² ("the Panel") submitted to the Bureau of the Assembly of States Parties in accordance with the Terms of Reference,

Bearing in mind the recommendations⁵³ of the Panel,

1. *Decides* that the mandate of the Panel has been completed and therefore there is no need for any subsequent report from the Panel to the Bureau with a recommendation for a possible adjustment of the remuneration of the judges of the Court; and
2. *Decides also* to abolish the Panel and to revoke the Terms of Reference accordingly.

Q. Amendments to Financial Regulations and Rules

The Assembly of States Parties,

Having regard to the Financial Regulations and Rules⁵⁴ adopted at its first session on 9 September 2002, as amended,

Noting the recommendation of the Committee on Budget and Finance at its resumed thirty-eighth session that the Assembly approve amendments to the Financial Regulations and Rules regarding inter-organ mobility of staff,⁵⁵

⁴⁶ Ibid., para. 274.

⁴⁷ Resolution ICC-ASP/18/Res.2, annex I.

⁴⁸ As adopted by the Assembly in resolution ICC-ASP/3/Res.3 and amended by resolution ICC-ASP/6/Res.6 and resolution ICC-ASP/18/Res.2.

⁴⁹ Resolution ICC-ASP/19/Res.3, para. 4.

⁵⁰ Resolution ICC-ASP/19/Res.3, para. 5.

⁵¹ Resolution ICC-ASP/19/Res.3, paras. 6 and 7.

⁵² ICC-ASP/21/17.

⁵³ Ibid., para. 9.

⁵⁴ *Official Records ... First session ... 3-10 September 2002* (ICC-ASP/1/3 and Corr.1), part II.D.

⁵⁵ *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.2, para. 75.

1. *Decides* to amend the Financial Regulations and Rules as set forth in the annex to the present resolution.

R. Family visits for indigent detainees

The Assembly of States Parties,

Recalling resolutions ICC-ASP/8/Res. 4 and ICC-ASP/9/Res.4 on family visits for indigent detainees and the principle of funding such visits through voluntary donations into the Trust Fund for Family Visits,

1. *Urges* States Parties, other States, non-governmental organizations, civil society and other entities to continue making immediate voluntary contributions to the Trust Fund for Family Visits and *calls on* other potential contributors to positively consider making contributions;
2. *Recalls* that the Trust Fund for Family Visits shall continue to be administered on a budget neutral basis; and
3. *Notes* that the recurrent inability of the Court to meet the qualifying needs for family visits for indigent detainees can lead to more onerous situations, financially and legally, and *decides* that the Court may, within existing resources, subsidize family visits for indigent detainees using its regular budget in the exceptional and unavoidable situations where the Trust Fund for the Family Visits is depleted or its available resources are insufficient to do so, in a manner fully consistent with all applicable administrative and judicial criteria.

Annex

Amendments to the Financial Regulations and Rules

At the beginning of regulation 4.8, insert the following:

“Without prejudice to regulation 4.8 *bis*,”

After regulation 4.8, insert the following:

“4.8 *bis* The Registrar or the Prosecutor, as appropriate, may authorize temporary assignments of staff members between appropriation sections while the costs related to the salaries, entitlements and allowances of the concerned staff member remain under the budgetary administration and responsibility of the releasing appropriation section.”
