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**Financial statements
for the period 1 January to 31 December 2009**

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Letter of transmittal

5th of July, 2010

In accordance with Financial Regulation 11.1, I have the honour to submit the financial statements of the International Criminal Court for the financial period 1 January to 31 December 2009.

(Signed) Silvana Arbia
Registrar

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Statement of Internal Control

The Registrar's Responsibilities

In accordance with Financial Rule 101.1, in my capacity as the principle administrative officer of the Court, I am responsible and accountable for ensuring that the Financial Rules and Regulations are administered in a coherent manner by all organs of the Court. Under Rule 111.1 responsibility for the financial statements is assigned to me and I have prescribed and maintained financial and subsidiary records; established appropriate accounting procedures for the Court; and designated officials responsible for performing the accounting functions.

Statement on Internal Control

As Registrar I have responsibility for maintaining a sound system of internal control that supports the achievement of Registry and Court objectives, and operates as one component of the Court's developing wider governance and audit environment.

The system of internal control is based on an ongoing process designed to identify the principal risks to the achievement of strategic objectives and the operation of key controls; it can therefore only provide reasonable and not absolute assurance of effectiveness.

Risk assessment

Although there was no systematic process of risk management during the period, the Court has made significant progress in establishing an Enterprise Risk Management project. As part of this process the Court has identified and prioritised its major strategic risks. 22 major risks have been identified which encompass 7 key areas of activity: Cooperation, Human Resources, Regulatory Compliance, External communication, Security, Operational management, Permanent premises. The Court is in the process of transferring these strategic risks into operational risk registers. As part of this process Inter-organ working groups have been established. Once their work is completed, a report will be delivered to the Coordination Council, which will review the operational risks, assess the organisation's risk appetite, select risk mitigation strategies and address residual risks.

The Court has also established an Audit Committee with four external members, which met for the first time in March 2010. According to the terms of reference of the Audit Committee, members of the Committee are responsible for reviewing and advising on the existence of an appropriate mechanism for the identification, reporting and management of risks. They should also consider the adequacy of the internal controls set up by the Court to address these risks. Good progress has been made with the establishment of this Committee, which will make a significant contribution in providing advice and guidance on the overall internal control environment over the coming year.

Review of effectiveness of the system of internal control

The effectiveness of the system of internal control and of compliance with the Court's Financial Rules and Regulations is informed by the work of the operational managers within the Registry. Confirmation of compliance by budget holders from the other Organs has not been organized yet.

Assurance is gained from the performance of audit and assurance work by the Office of Internal Audit, and is also informed by the work and reports of the External Auditor.

During the period the Office of Internal Audit undertook a number of audit and assurance assignments, the results of which were reported to the Co-ordination Council. During the period the Office of Internal Audit reviewed the management of Court Trust Funds, the Court's budget preparation and the Court's budget expenditure processes, including SAP controls. Overall, Internal Audit obtained substantial assurance on the effectiveness of controls in these activities.

In addition to its auditing work, the Office of Internal Audit annually undertakes a review of the Court's financial control environment. The scope of this review includes the areas of procurement and finance and assesses the attitude of the Court's senior management in respect of financial controls. A self assessment questionnaire is provided to senior management and managers within these areas. These documents form the basis of OIA's risk-based testing of the key controls in these areas.

For 2009, controls were reviewed according to the following framework:

- (a) Internal environment: Governance included the Audit Committee, Delegations of authority systems, management's operating style, conflict of interest (ethics);
- (b) Risk assessment;
- (c) Control activities (SAP controls and the separation of duties within the system);
- (d) Information systems and communication; and
- (e) Monitoring of controls.

From the work performed some significant weaknesses were noted:

The review of SAP controls identified weaknesses in the monitoring and awarding of access rights which might impact on the separation of duties within the accounting system. Recommendations have been made for the improvement of these arrangements and ICT management has committed to address this issue in its 2011 work plan.

The Court has not yet implemented a Disaster Recovery Plan. Initiatives were taken to identify major risks and areas where the impact of failure of the systems would be significant. The development of this plan is in progress. It should be completed end of 2011, subject to availability of resources.

Whilst recognising the above issues, action plans have been set up to resolve them and there are plans in place to further enhance financial control systems and improve practice.

Although the audit activities undertaken showed some scope for improvement in controls the overall conclusions from the results of these reviews is that the Court has maintained an adequate framework of internal control framework during the period and that no significant weakness have been identified which would impact on the operation of the internal control framework during this period. I am satisfied that I have received the necessary assurances to confirm that an adequate framework of internal control was in place during the year and up to the date of signature of this Statement.

Ms Silvana Arbia
Registrar

External Auditor's Report 2009

Audit of the Financial Statements of the International Criminal Court

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Executive summary

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Executive summary

We have provided an unqualified audit opinion on the 2009 financial statements – which present fairly in all material respects the financial position of the Court as at 31 December 2009 and confirm that our audit revealed no weaknesses or errors which are considered to be material to the accuracy, completeness and validity of the financial statements.

In addition to comments on the Court's financial performance our audit report focuses on:

(a) Permanent Premises project – Our initial review of high-level governance has identified issues around the reporting and accountability arrangements resulting from the split between the division of responsibilities between the ASP Project Office and the Registry Project Office. This has led to some lack of clarity in respect of the responsibilities of the Project Director and Registrar, especially with regard to information flows. Around 10 percent of the Project's contingency had been utilised by April 2010, despite the project not yet having completed the design stage and there will be a need to carefully monitor and contain the deployment of project contingency. We also noted that the Project did not have a benefits realisation plan, which will make it harder for States Parties to measure the success of the project and its value for money.

(b) IPSAS implementation - We have highlighted the key actions that the Court needs to consider in developing a project plan for the adoption of these standards which we continue to encourage. We have highlighted the main areas where action is needed including the review of financial rules, regulations and accounting policies. The Court is well placed to begin to plan the transition to IPSAS, and we have set out the key areas of difference from the current accounting policies.

(c) Governance matters - We commend the Court for establishing an Audit Committee with a majority of independent members. We provide further comment on the process required to strengthen the evidence base supporting the Statement of Internal Control, and highlight a number of areas where control improvements could be secured.

Overall results of the audit

1. We have audited the financial statements of the International Criminal Court in accordance with the Financial Regulations and in compliance with International Standards on Auditing.
2. The audit revealed no weaknesses or errors which we considered material to the accuracy, completeness and validity of the financial statements. In our opinion, these financial statements present fairly, in all material respects, the financial position as at 31 December 2009 and the results of operations and cash flows for the period then ended. They have been prepared in accordance with the United Nations System Accounting Standards (UNSAS) and, in all material respects, the transactions have been made in accordance with regulations and applied to the purposes intended.
3. The audit included a general review of the Court's accounting procedures; an assessment of internal controls and such tests of the accounting records and other supporting evidence as we considered necessary in the circumstances.
4. Our audit procedures are designed primarily for the purpose of forming an audit opinion. Consequently, the work did not involve a detailed review of all aspects of the financial information systems, and the results should not be regarded as a comprehensive statement on them. Finally, an examination was carried out to ensure that the financial statements accurately reflected the Court's accounting records and were fairly presented.
5. The main observations from our audit are set out below and the recommendations are summarised in Annex A. Action taken by management in response to our 2008 recommendations is set out at **Annex B**.

Financial Matters

Overall Financial Performance

6. An analysis of income and expenditure for the Court and how this compares to prior years is shown at Table 1, covering the General Fund, the Working Capital Fund and Trust Funds.

Table 1: Analysis of total income and expenditure

	2009 Euro 000s	2008 Euro 000s	2007 Euro 000s	2006 Euro 000s
Assessed Contributions	96,230	90,382	88,872	80,417
Voluntary Contributions	1,652	1,216	1,339	1,641
Interest Income	1,297	4,582	3,128	1,703
Miscellaneous Income	294	338	204	104
Total Income	99,473	96,518	93,543	83,865
Total Expenditure	(96,235)	(84,854)	(78,738)	(66,431)
Excess/(shortfall) of income over Expenditure	3,238	11,664	14,805	17,434

Income and expenditure

7. The Court had a surplus of income over expenditure of €3.3 million in 2009, and total expenditure represented some 92 percent of the approved appropriations. Other key points to note are:

(a) Assessed contributions increased by €5.8 million to fund the continued growth of the Court, where four trial proceedings are now underway;

(b) Total outstanding assessed contributions as at 31 December 2009 were €1.09 million of which €0.33 million related to prior years. The Court collected 99.2 percent of assessed contributions, and this continues to reflect the efficiency of the Court's finance department in collecting contributions;

(c) Voluntary contributions increased by €0.44 million as a result of increased fund raising activities;

(d) There was a significant decline in interest income, which was €3.3 million lower than in 2008, reflecting low interest rates offered by commercial banks; and

(e) Expenditure increased significantly from €4.9 million to €6.2 million primarily as a result of the Court's increased trial and investigation activity. Approved expenditure on the permanent premises project has also been charged against appropriations, totalling €1.3 million in 2009.

Assets and liabilities

8. Although there has been an overall fall in total assets over the period, which now stand at €34 million (2008: €47.8 million), the Court continues to have a strong balance sheet position, providing assurance in respect of its financial health. There are a number of features reported within the financial statements of particular interest to States Parties:

(a) Cash and term deposits declined from €7.8 million to €1.9 million, largely as a result of a significant reduction in advanced assessed contributions from States Parties which decreased from €13 million in 2008 to €3.7 million in 2009 and the €12 million increase in expenditure;

(b) Advanced contributions declined from €13.3 million in 2008 to €7 million in 2009, as a result of agreement amongst States Parties to reduce the amount of contributions advanced;

(c) The provision for potential payments in respect of cases brought before the International Labour Organisation Tribunal by staff members increased from €35,000 to €240,000;

(d) Unliquidated obligations continue to decline falling from €9.2 million to €7.9 million in 2009, which represents an improved position. We have continued to carry out a detailed examination to ensure that funds are being properly obligated for the purposes intended and are supported by valid legal commitments at the year end (contracts or purchase orders);

(e) The Working Capital Fund remained at €7.4 million and once again the Court has not drawn on the Contingency Fund which retains a balance of €9.2 million.

Treasury management

9. The Court continues to have considerable cash reserves invested to make returns on surplus funds. Following up on work undertaken in 2008 we have reviewed the operation of the Investment Committee and the Court's application of its treasury management policies. Although no formal meetings were held in 2009, a meeting was held in March 2010, which considered the current cash and investment position.

10. Our examination of cash balances identified that the Registrar's Administrative Instruction of 2004, which states that the Court should not hold more than one third of its cash with one institution, had not been fully applied. For example, the Court held 93 percent of their cash holdings with ABN Amro in August 2009. The Court has made progress over the period but the cash holdings at 31 December were still in non-compliance with the Administrative Instruction, although this had been addressed at the time of our audit in April 2010.

Table 2: Percentage of cash holdings by banking institution.

Bank Investment	December 2009	April 2010
ABN AMRO	56%	32%
Rabobank	43%	32%
BNP Parisbas	-	29%
Deutsche Bank	-	7%
Other	1%	-

11. Although action has been taken to reduce individual holdings, we encourage the Committee to meet more regularly to monitor compliance in view of the continued instability in the financial markets. We would also continue to advise that the Court consider external expertise to supplement the membership of the Committee, this could help management identify opportunities to maximise return for the level of accepted risk.

Internal controls

12. We routinely review the system of internal control to confirm that internal control processes are sufficient for the purposes of our audit; we did not identify any material weaknesses in controls in 2009. We have noted the improvements to the arrangements for the provision of internal audit over the period, and we continue to stress the importance of this work in providing assurance over financial and control risk.

13. We have separately reported to management on internal control improvements which could be made and have noted the weaknesses detailed in the Statement on Internal Control in respect of the separation of duties within the financial system, although we were

able to obtain sufficient alternative assurance to confirm that this did not impact on our opinion.

Fraud, losses and special payments

14. Primary responsibility for the prevention and detection of fraud rests with the Registry. International Standards on Auditing require us to consider the risk of fraud or presumptive fraud as part of our audit procedures, and our audit provides assurance in respect of material fraud. The Registrar informed us of one minor case of fraud identified during 2009, with a value of €2,095. During the course of our audit we did not identify any instances of fraud.

15. Approved writes-offs of assets during the year were €42,799 in respect of receivables, and a total of €292,644 of non-expendable property was written off following the Court's approved disposal procedure.

Permanent Premises

Background

16. In December 2007 the Assembly of States Parties approved the project to construct new permanent premises in The Hague. A budget of €190 million was established by the Assembly of States Parties to fund construction of premises with a total gross floor area of 46,000 square metres, to include three courtrooms and 1200 workplaces. In 2008 a competition was undertaken to appoint an architect with the proposal that the building would be constructed by 2014.

Scope of our audit

17. The Permanent Premises project is in its early stages, activity to date has focused on the finalisation of the design and only €3.1 million had been spent on the project as at 31 December 2009, this is in addition to other project related costs included within other programme appropriations. It is too early for us to form a view on the progress of the project but we have undertaken a high level review of the overall governance arrangements at the time of our audit in May 2010, and highlighted a number of potential risk areas which could impact on the efficient delivery of the project. We would intend to provide an update on progress in future reports to the Assembly.

18. Successful projects have effective oversight mechanisms and clear lines of accountability, with well defined budgets and outcomes against which the success of the project can be determined. These arrangements are important mechanisms through which progress and costs are tracked and considered. Within the context of project governance and planning we have focused on whether the Project has:

- (a) Clearly assigned accountabilities;
- (b) Ensured that clear and adequate communications are in place to co-ordinate stakeholder and user views;
- (c) Clearly articulated success and benefit realisation criteria against which to assess success;
- (d) Established a realistic and well monitored budget and plan; and
- (e) Has appropriately engaged expertise.

Project governance

Oversight mechanisms

19. In approving the project, the Assembly established the following governance arrangements:

(a) An Oversight Committee of States Parties has been established as a subsidiary body of the Assembly of States Parties. The mandate of the Oversight Committee is to provide a standing body to act on behalf of the Assembly in the construction of the permanent premises. This includes obtaining support from an ad hoc committee of experts from States Parties. The role of the Committee is to provide strategic oversight, with management of the project resting with the ASP Project Director, and his Project Office, which report directly to the Committee;

(b) Although the Project Office has overall responsibility for the project, and reports to the Registrar in respect of terms and conditions, the Registrar retains many operational responsibilities. These include approval and contract administration and payment, supplying necessary information to the ASP Project Director, and for co-ordinating the requirements of the Court. She is supported in this role by the Registry's own Project Director and Office; and

(c) Creation of a Project Board with the mandate to provide a cooperative and consultative structure for the overall management of the project, bringing together the key stakeholders. The Board is chaired by the ASP Project Director and includes representatives of The Court and the Dutch Government as host state.

Project accountability

20. For a project to be successful there needs to be a clearly identified project sponsor or senior responsible owner (SRO) whose role it is to have overall accountability and responsibility for the design, approval and compliance with the decisions of the Assembly. The Assembly made a decision that this role should sit outside of the Court's current management structures and rest with a separate Project Director, reporting directly to the ASP Oversight Committee. The governance of this project is unusual in that there are three senior key stakeholders: the Host State, the Assembly (which provides the resources and oversight) and the Registrar (the person responsible for defining the requirements of the project and the legal entity executing contracts).

21. Project arrangements are complicated by a lack of clarity and agreement in respect of roles and responsibilities. The Registrar should have sufficient evidence and input to enable her to meet responsibilities for certifying expenditures and approving contracts. This might include specific letters of assurance on which she might base her approval. For example the Oversight Committee makes decisions which then have to be approved by the Registrar, who will be required to implement them. From our observations the lines of accountability and the responsibility for decision making lack clarity.

22. Good practice would suggest that accountability should rest with a single nominated individual. From our initial discussions with staff involved in the project it was unclear where responsibility will lie for cost overruns, whether these will sit with the Project Director with operational responsibility, with the Oversight Committee who have the ability to make key strategic decisions which drive cost or with the Registrar who is accountable for authorisation of transactions and value for money. We would encourage the Oversight Committee to review the governance and accountability arrangements in place to provide greater clarity on accountabilities between the ASP and ICC Project Offices, and to take account of the initial experience of operating these arrangements.

Effectiveness of communications

23. Effective communication of key project information is essential to ensure that appropriate decisions are made, and to ensure that project risks are appropriately managed. From our initial review and discussions we identified some deficiencies in the way in which information was communicated to the Project Board, and there was scope for improvement in the timeliness and adequacy of the information provided. These are areas which require development as the project enters the build phase. The Board as well as the Oversight Committee should receive regular financial and progress updates, and a regular discussion and sharing of the project risk registers. We understand the process for compiling a project risk register will be completed in July.

24. The Registry's Project Director co-ordinates user groups, but we noted that some users did not feel fully engaged in the project due to a lack of information on which to provide comment and feedback. It is important that proper consideration is given to user needs as the design phase nears completion, and this will require a regular flow of appropriate information to users from both Project Offices. Without on-going engagement there is a risk that the project may not deliver what is reasonably required for the stakeholders and may give rise to expensive and late contract variations.

Benefit realisation

25. In order to assess whether the project meets its objectives it is essential to have a clear articulation of project benefits. A benefit realisation plan will facilitate assessment and monitoring of the delivery of benefits from the outset of the project, and should represent the agreement of the key stakeholders on the project's expected benefits. An agreed plan is essential in demonstrating that the project has met its objectives and to provide assurance to the Assembly that value for money has been achieved. As a result of our work management have begun to take steps to follow this practice and we have shared experiences with the project team. However, at present there is no formal benefits realisation plan and outcomes have not been fully agreed or recorded. A successful plan will:

- (a) Be integrated into the overall project plan;
- (b) Establish the expected outcomes;
- (c) Demonstrate where and when the project benefits can be expected; and
- (d) Detail the staff responsible for the delivery of these benefits.

26. Benefits realisation should also include a tracking mechanism which monitors achievement of benefits against the expectations and targets. The tracking process must be capable of tracking both 'hard' (e.g. cost, headcount) and 'soft' (e.g. image and reputational) benefits. In addition, there should be evidence of realisation of benefits, which should be defensible against third party scrutiny in order to provide States Parties with assurance.

Recommendation 1:

We recommend that, following the initial period of operation, the Oversight Committee should review the governance arrangements relating to the Project, to confirm they are fit for purpose, and provide for full and clear accountability.

Recommendation 2:

We recommend that delegations and authorities are set at an appropriate level and that authorising officers have sufficient information, authority and oversight to discharge their responsibilities. Authorisation should ultimately sit with the project sponsor.

Recommendation 3:

We recommend that effective channels of communication should be developed between the Project Board, Oversight Committee and the Court's Co-Ordination Council to ensure that all relevant information is communicated freely and openly to all of the organs within the Court.

Recommendation 4:

We recommend that the Court build on the development of communications between the project team and users to ensure that the project will meet their needs; manage their expectations and to communicate progress. And that the Board might consider a survey of key users on whether they feel these are effective.

Recommendation 5:

We recommend that the project team develop a benefits realisation plan which is included in the project manual in order to demonstrate the achievement of agreed objectives and benefits to enable the assessment of value for money.

Project planning

Budget cost risks

27. In December 2007, on passing the resolution to construct permanent premises, the Assembly of States Parties set out a user requirement for the premises, this has formed the basis of design plans and assumptions, based on a total area of 45,552 m².

28. The overall budget for this project has been set at €190 million at 2014 prices (Table 3), with a planned completion date now extending to 2015 as a result of delays in the design process. Additional resources have been made available in the Court's approved budget for Project Office and Registry costs associated with the Project, these are disclosed within the notes to the Project's financial statements, but are not included within the Statement of Income and Expenditure. The separation of these costs from the main project budget will mean that aggregate project related costs will not be easily identified. We would encourage the Court to provide a clear disclosure of the overall full costs of the project within one table in future financial statements.

Table 3: The budget of the ICC permanent premises project

Costs	Total budget approved (Euro million)
Construction Costs	115
Other costs:	
- Escalation (cost increases)	29
- Fees (designers, engineers, consultants)	19
- Project Management Fees	5
- Permits and dues (including consultancy permits)	4
- Integrated specialised features	1
- <i>Financial Contingency</i>	<i>17</i>
Total Costs	190

29. The original specification for the design competition did not include two specifications relating to technical and security requirements. Rather than delay the competition a decision was taken to reduce the cost estimation for design by 10 percent to reflect this omission, and to retain these funds to cover the new specifications. In future tenders should be clearly reviewed to ensure that they are fully complete. Risks will always remain if a specification has to be varied, although the retention of budget for this purpose will minimise risk.

30. We identified some concerns that the approach to calculating the cost of the project lacked sufficient rigour and detail for a project of this complexity and specification, noting that the original estimate did not allow for the external security perimeter – and this had to be added in later. There is a risk therefore that costs may become difficult to control as the project develops and as variations to specification are requested. It will therefore be important for close cost control on contract variations.

31. The delays in the design stage and the protracted procurement process have resulted in extra unplanned costs. At May 2010 €1.65 million of the €17 million contingency had already been accessed, and this related to unplanned design stage costs. This equated to an expenditure of around ten percent of the contingency, which is more than would normally

be expected at the design stage. Careful on-going management of the contingency will be required to ensure that it can absorb further significant risks if they should arise.

Appointment of project experts

32. The ASP Project Director's office recognised that they were too small to manage a project of this size and complexity. The Court therefore appointed a specific project management firm, Brink Consultancy, to aid with the management and control of the project. To date there has been positive feedback on this appointment, with the consultants acting in the role of a third party, co-ordinating the functionality requirements of the users with the design of the architect, and monitoring the budget on a daily basis. Their appointment has also resulted in the introduction of new processes such as the adoption of a project manual approach. This facilitates adaptation of the approach to meet the circumstances. This is a welcome development in terms of strengthening the governance arrangements of this project.

33. Another key source of expertise is clearly the design architects. The Assembly initially established a timetable for the completion of the appointment of the architect by January 2009. Our review of the project has shown that there were considerable delays with the completion of the design competition. While there is no definitive norm for the appointment of an architect for such a project, such a process should have been completed in less than the 18 months taken.

34. Three architects were invited to deliver a detailed proposal for the building project with an associated cost. On appraising the various tenders and reaching a decision one of the bidders raised an objection on process. As a consequence, in the summer of 2009 a decision was taken to include all three architects within phase two of the design competition, with a clear understanding that proposals must be within the stipulated budget. Ultimately the proposal submitted by Schmidt Hammer Lassen, which was within budget, was accepted by the Project Board. These delays have resulted in significant additional design phase costs and there are clearly lessons which are important for the Court to learn in respect of project procurement processes, and we would recommend that these lessons are widely communicated.

Recommendation 6:

We recommend that following appointment of an architect the Project Board should undertake a process review to identify any lessons learned to inform future procurements.

Recommendation 7:

We recommend that the budget and financial contingency set aside for the project should be re-appraised in the light of the current level of drawdown at the design stage, and to undertake an assessment of the risk of further cost overruns.

Governance Matters

Implementing IPSAS

Background

35. In July 2006, the General Assembly of the United Nations (UN) decided to approve the adoption of International Public Sector Accounting Standards (IPSAS) as the basis for the preparation of financial statements. These will replace the existing United Nations System Accounting Standards (UNSAS) and a number of UN entities have now committed to implementation over the next few years.

36. In both our 2007 and 2008 reports we recommended that the Court make a formal decision to move from its current financial reporting framework to IPSAS. Although an initial plan for the transition has been prepared, no decision has been taken and the

Committee on Budget and Finance proposed a year's deferral when we reported on this issue in 2009.

37. We continue to emphasise the benefits of adopting IPSAS as a means of implementing high quality reporting standards and recommend that the Court endorse this change. We believe that IPSAS will provide enhanced financial oversight and the quality of financial management and decision making. It will also demonstrate the Court's commitment to transparency and sound financial stewardship.

Benefits of IPSAS

38. A major benefit of adopting IPSAS is that the annual financial statements will provide a complete statement of assets and liabilities under control of the Court, and reflect the true costs of carrying out activities. This information will assist management and States Parties in making long-term strategic decisions based on more complete and transparent financial information. IPSAS requires full accruals accounting, matching income and expenditure to the period when it is incurred rather than paid. It also requires that all assets and liabilities owned or incurred by the Court are captured within the financial statements.

39. To meet these reporting requirements, underlying financial information systems must be sufficiently robust to capture the relevant information and staff must have a good understanding of the transactions and business processes. IPSAS works to drive improvements to the basic financial systems, supporting the preparation of financial reports on an ongoing basis, rather than just at the year end. A more accurate and frequent monthly management reporting regime, based on the resource utilisation is an additional benefit of adopting IPSAS.

40. Management and the Audit Committee have begun early consideration of the impact of IPSAS implementation, our report is intended to aid management in focusing on the key issues around implementation. We have conducted a preliminary review to determine the practical challenges the Court would face if IPSAS was adopted, and set out an indication of the key steps for a successful IPSAS implementation.

Key Stages for the adoption of IPSAS

41. The NAO has unique experience in helping international clients move to IPSAS, and we have supported the World Food Programme's transition in 2008, and in 2010 we are supporting the transitions at the World Meteorological Organization and the Pan-American Health Organization. From our experience of working with these organisations we have identified a number of key steps which need to take place in order to support a successful transition. The Court will need to:

- (a) Develop an overarching project plan and establish an agreed date for the adoption of IPSAS for approval by the Assembly of States Parties (ASP);
- (b) Review and assess whether the financial information systems are adequate to provide the information required for financial reporting against IPSAS standards and to upgrade any necessary elements;
- (c) Review the financial rules and regulations to ensure that they are compliant with IPSAS, in particular the changes from commitment to accruals accounting and seek approval of the ASP;
- (d) Consider and adapt accounting policies to incorporate the requirements of IPSAS, and agreeing these accounting treatments with the external auditor as early as possible;
- (e) Produce a set of mock financial statements showing the format and structure of the IPSAS financial statements, incorporating the re-statement of opening balances to be audited on an interim basis and provided for information of the Audit Committee; and
- (f) Undertake a review of the budgeting process with the aim of preparing budgets on an IPSAS basis to ensure that budgets and financial reporting are in alignment.

42. These stages should form the basis of a detailed project plan to facilitate an efficient implementation. The newly established Audit Committee would take an active role in monitoring progress against the plan.

Recommendation 8:

We recommend that the Court should develop a project plan for the adoption of IPSAS and make proposals to the Assembly of States Parties for their agreement.

Recommendation 9:

We further recommend that the project plan should include an internal review of financial rules, regulations and accounting policies using the information presented in this report. This should consider whether the financial systems are sufficient to support IPSAS.

Consideration of Accounting Issues

43. IPSAS will require accounting policies to be compliant with relevant standards and this exercise is a key stage of any implementation plan. It will require the Court to systematically assess its business processes, consider the appropriateness of existing accounting treatments and identify where they need amendment.

44. Our own initial review of income, expenditure, assets and liabilities of the Court indicates that IPSAS may have the following impact:

(a) A substantial part of the Court's income in respect of the general fund arises from assessed contributions and should not be affected by IPSAS, other income will be recognised when it is due to the Court rather than when it is received, we would not consider this to be significantly material to the accounts;

(b) Expenditure will no longer be recorded when committed, but will instead be accrued when goods and services have been received. IPSAS will enable State Parties to match the use of resources to the period of activity, and it is likely that this change will have a significant impact on expenditure profiles;

(c) Expenditure on property, plant and equipment will no longer be expensed on acquisition. Instead costs will be capitalised and depreciated as they are consumed over the life of the asset. This is likely to be significant in respect of the capitalisation of costs relating to the new Court Premises, providing a more accurate measure to aid with the assessment of trial costs;

(d) The change in expenditure recognition policy will also affect liabilities. The financial statements will no longer report unliquidated obligations, and only include accruals where the goods and services have been delivered but not yet paid;

(e) The Court already makes provision for some end of service liabilities, these include the costs of repatriation grants. Other liabilities such as the cost of the accrual for accumulated staff leave entitlements are shown as a disclosure note in the financial statements. All these liabilities will need to be fully reported within the Statement of Financial Position and will require more detailed evidence to support them. Consequently IPSAS will provide a more accurate measure of the Court's liabilities; and

(f) Additional disclosures will be required to report any related party transactions, including the total remuneration of senior management personnel.

45. While there are a number of areas of the financial statements which will be affected by IPSAS, our view is that the existing accounting software used by the Court, SAP, with the addition of some further modules should be sufficient. At this stage, it does not appear that the Court will need a major customisation of its existing accounting system. Some additional costs will be incurred to provide valuations of the Court buildings and to provide staff training.

Audit Committee

46. We have promoted the positive benefits of an Audit Committee as part of the effective governance of an international organisation, we therefore welcome the establishment of an independent and expert Audit Committee. We were pleased to attend the first meeting in April and to provide an induction on our audit approach and assessment of overall governance and financial reporting.

47. The Committee will be able to make a valuable contribution to monitoring the effectiveness of internal control, risk management and financial reporting, bringing practical experience and examples from their own areas of expertise to provide advice and support to management. The Committee's challenge and review of both management and the adequacy of internal and external audit will significantly strengthen assurance. This will provide valuable support to management and help States Parties in discharging their governance responsibilities. Over the coming year it will be important for the Committee to consider:

(a) A review of its terms of reference to ensure that its mandate is in line with best practice – we will support this by providing assessment tools and by sharing best practice from other international organisations;

(b) Its position with regard to the functions of the Committee on Budget and Finance and the Permanent Premises Oversight Committee, to minimise duplication of effort;

(c) Providing advice in respect of any potential transition to IPSAS based financial reporting;

(d) Planning meetings to match the audit cycle to enable comment on audit plans, annual reporting of both internal and external audit and in order to review management's draft financial statements; and

(e) Advise and approve the content of the Statement on Internal Control.

48. The Audit Committee will also have an important function in supporting management in the development of effective risk management arrangements. Progress in this area has been reported within the Statement on Internal Control, but further work remains to ensure the processes are systematic and properly embedded within the Court.

Statement on Internal Control

49. The Court adopted best practice with the inclusion of a Statement on Internal Control for the first time in 2008. The Statement represents a commitment to publicly comment on the systems of control, and to provide details on effectiveness, and the assurances which underpin management's responsibility for maintaining effective internal controls.

50. Having considered the Statement this year in the light of our audit work we made a number of suggestions to improve disclosure, and we are content that the Statement reflects fairly the overall control environment. However, we believe there is further scope to develop the Statement and to consider the adequacy of the assurances which the Registrar receives in support of this. Following the creation of an expert Audit Committee we believe there is much greater scope to drive improvement, particularly in relation to describing the substance of the roles and responsibilities of the Registrar and the other heads of organs. This particularly relates to the need to ensure that the Court's governance arrangements, as operated on a day to day basis, are fully and accurately described.

51. We have identified a number of areas where we believe the Statement might be enhanced, and some progress has been made on these disclosures this year:

(a) The scope of responsibility, outlining the Registrar's responsibility for maintaining a sound system of financial control, should disclose where the Registrar must rely on the assurance provided by the other heads of organs or the actions requested by the Permanent Premises Committees;

(b) The SIC could more fully describe the purpose of the system of internal control, explaining that it is designed to manage the risk of control failure throughout the year;

(c) The risk and control framework should describe the key elements of the control framework and risk management strategy as they actually operate, and to reflect the Court's capacity to handle risk, setting out how the Court is equipped to manage changing risk profiles;

(d) A review of effectiveness, identifying what assurances have been received in forming the conclusion, including the opinion of the Office of Internal Audit and the assurances received from senior management; and

(e) Any significant control weaknesses, in summary form, and how these will be addressed.

52. We have emphasised to management the importance of the Registrar having a sufficient process in place to obtain the necessary assurances to support the representation disclosed within the SIC. The Registrar should seek written assurances from all senior management personnel with responsibility for a key activity within the Court.

53. In some areas, such as Office of the Prosecutor and the Project Office, the Registrar has limited oversight of transactions and the decisions which underpin them. As a consequence she is dependent on processes applied by management within these areas of operations. The assurances of these managers should either confirm that there have been no control weaknesses that have come to their attention or highlight what these are and how these are being managed. These assurances will need to be underpinned by evidence of due consideration. Assurances would also be received from the Head of the Office of Internal Oversight and from the Investigations Officer as part of their annual assurance statement and reporting processes.

Recommendation 10:

We recommend that, with input from the assurance functions and the new Audit Committee, the Registrar reviews the processes which underpin the Statement on Internal Control to ensure it is supported by appropriate evidence.

Recommendation 11:

We recommend that the Registrar establishes a process to receive written representations on the risk and control environment from heads of organs, and from senior managers in respect of compliance with rules and regulations.

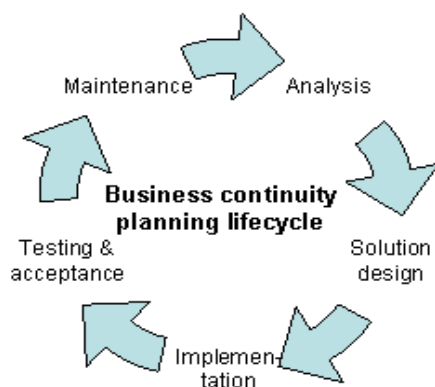
Business Continuity Planning

54. The Court has a high public profile and its success will be judged by its ability to efficiently and effectively discharge justice in accordance with the Rome Statute. As a result the Court needs to ensure that it is able to mitigate against disruption to its activities as a result of physical damage or systems failure. Although steps have been taken to address physical security, only limited progress has been achieved in respect of the development and testing of business continuity plans.

55. Effective business continuity planning establishes clear and documented procedures and resources to ensure operational continuity in the event of an accident, disaster, or a failure in key systems. It will also include regular assessments of adequacy by stress testing and reviewing risk. A clear plan would enable the Court to react positively to unforeseen events, thereby limiting disruption from any particular incident.

56. Business continuity planning needs to be an ongoing process, embedded within the Court's governance and operational processes. There are typically five stages to the lifecycle for such plans and these are shown in the diagram below. The process starts with an initial analysis of risks to business continuity, through to an ongoing maintenance plan to ensure the continuity arrangements are regularly tested. The Court is currently at this first

Business Impact Analysis stage, which given the Court now has on-going cases, gives rise to cause for concern.



57. Although there has been some informal assessment of the potential impact on the core information and technology systems, the likely impact has not been subject to independent scrutiny or agreed by management. Accordingly, a detailed plan and adequate response strategies have not been developed.

Recommendation 12:

We recommend that the Court should establish a clear timeline for the implementation of a full business continuity plan for all processes and areas identified as part of the business impact assessment, focusing resources on functions and systems deemed critical to the Court's operations.

Ethical conduct

58. As a legal institution the Court has to operate to a very high standard of integrity in order to maintain its reputation. The Court has developed mechanisms to review and ensure the quality of its legal processes but our audit work continues to identify areas of ethical conduct which do not meet current best practice for non-profit organisations.

59. Some progress has been made in promoting a culture of ethical conduct and to prevent and detect fraud. This has included the planned appointment of an Investigator, whose role will be to follow up any reported suspicions of fraudulent or inappropriate conduct. However, such a post can only be effective if there are appropriate systems and processes in place to clearly establish management's expectations, and a culture which emphasises the importance of reporting suspicions of impropriety.

60. The Court should develop a clear and comprehensive fraud policy to establish its commitment to a zero-tolerance approach, and to clearly communicate the actions which will be taken in the event that fraud or impropriety is identified. This policy should be made available on the website and communicated to all staff through processes such as induction. The policy itself cannot guarantee protection against fraud, but it can help to strengthen an anti-fraud culture by ensuring that all parties are clear about the Court's approach and attitude to impropriety.

61. In our experience, the majority of fraudulent activity is discovered by staff raising concerns with appropriate management or auditors. All staff should be made aware that they are able to report concerns without recourse to their direct line manager, and that if concerns are made in genuine good faith that they will not be subject to reprisal or detrimental treatment. More specifically, the policy should include a process by which employees or external parties are able to report suspicions or cases of fraud anonymously. An appropriate process can protect the Court by identifying impropriety and protecting it from reputational damage. If staff felt unable to use internal processes they may use other means such as reporting concerns to external parties such as the media.

62. In previous years we have stressed the importance of senior managers and staff in posts such as procurement, making declarations of interests on a regular annual basis, we have noted that the Court has made little progress in this area. Without a systematic process to capture information the Court will be unable to gain assurance that staff do not have conflicting interests. A comprehensive and well maintained register of interests is another important part of creating an effective anti-fraud culture and to ensure that staff consider their obligations on a regular basis.

Recommendation 13:

We recommend that following the appointment of an Investigations Officer, the Court should develop and communicate a clear anti-fraud policy and that this should include an approved process to enable staff to report concerns.

Recommendation 14:

We recommend that the Court establish a process to record and retain a register of interests for senior management and for those making procurement decisions. These declarations should be updated on an annual basis.

Follow up of Previous Audit Recommendations

63. In our 2008 Report, we made a number of recommendations on financial and governance matters. As part of our work we have followed up the progress that the Court has made in implementing these. The detailed follow up, including both the response from the Court and our observations on these are set out in **Annex B**.

64. A number of these recommendations have only been partially implemented to date as they are currently in progress. The introduction of the new audit committee arrangements will provide an opportunity to review progress on implementation of recommendations in greater detail, and to provide guidance to management on the prioritisation of their implementation.

Acknowledgement

65. We wish to record our appreciation for the co-operation and assistance provided by the Registrar and the staff of the Court during the course of our audit.

Amyas C E Morse
Comptroller and Auditor General, United Kingdom
External Auditor

Annex A

Summary of Audit Recommendations

Recommendation 1:

We recommend that, following the initial period of operation, the Oversight Committee should review the governance arrangements relating to the Project, to confirm they are fit for purpose, and provide for full and clear accountability.

Recommendation 2:

We recommend that delegations and authorities are set at an appropriate level and that authorising officers have sufficient information, authority and oversight to discharge their responsibilities. Authorisation should ultimately sit with the project sponsor.

Recommendation 3:

We recommend that effective channels of communication should be developed between the Project Board, Oversight Committee and the Court's Co-Ordination Council to ensure that all relevant information is communicated freely and openly to all of the organs within the Court.

Recommendation 4:

We recommend that the Court build on the development of communications between the project team and users to ensure that the project will meet their needs; manage their expectations and to communicate progress and that the Board might consider a survey of key users on whether they feel these are effective.

Recommendation 5:

We recommend that the project team develop a benefits realisation plan which is included in the project manual in order to demonstrate the achievement of agreed objectives and benefits to enable the assessment of value for money.

Recommendation 6:

We recommend that following appointment of an architect the Project Board should undertake a process review to identify any lessons learned to inform future procurements in respect of the project.

Recommendation 7:

We recommend that the budget and financial contingency set aside for the project should be re-appraised in the light of the current level of drawdown at the design stage, and to undertake an assessment of the risk of cost overruns.

Recommendation 8:

We recommend that the Court should develop a project plan for the adoption of IPSAS and make proposals to the Assembly of States Parties for their agreement.

Recommendation 9:

We further recommend that the project plan should include an internal review of financial rules, regulations and accounting policies using the information presented in this report. This should consider whether the financial systems are sufficient to support IPSAS.

Recommendation 10:

We recommend that, with input from the assurance functions and the new Audit Committee, the Registrar reviews the processes which underpin the Statement on Internal Control to ensure it is supported by appropriate evidence.

Recommendation 11:

We recommend that the Registrar establishes a process to receive written representations on the risk and control environment from heads of organs, and from senior managers in respect of compliance with rules and regulations.

Recommendation 12:

We recommend that the Court should establish a clear timeline for the implementation of a full business continuity plan for all processes and areas identified as part of the business impact assessment, focusing resources on functions and systems deemed critical to the Court's operations.

Recommendation 13:

We recommend that following the appointment of an Investigations Officer, the Court should develop and communicate a clear anti-fraud policy and that this should include an approved process to enable staff to report concerns.

Recommendation 14:

We recommend that the Court establish a process to record and retain a register of interests for senior management and for those making procurement decisions. These declarations should be updated on an annual basis.

Annex B

Follow up to audit recommendations for 2008

Audit Recommendation	Management Response	External Auditor's Comments
<p>We recommended that periodically, staff be required to confirm awareness and compliance with the IT security policy.</p>	<p>Staff are briefed on controls like passwords etc. during inductions and now all new staff are made aware of the risks associated with the use of information and information technology. Since 2009, a weekly awareness poster is displayed on every corridor display. Also in 2009 the Information Security Unit started with the Court-wide training program is being rolled out (starting with the OTP) which deals again with the risks associated with the use of information and information technology. Controls have been implemented in the log-on procedure of Windows to put users on notice with regards to the applicable ICC regulations. Outgoing e-mails now have an e-mail disclaimer and sites with inappropriate content is blocked.</p>	<p>We welcome the positive action taken to implement our recommendation.</p>
<p>We recommend that the Court consider the potential cost of disability payments that may have to be made for judges over 65 years of age if they were to become disabled, and whether any financial provision should be established for this liability.</p>	<p>The Court made enquiries regarding insuring against this risk, but no companies in the Netherlands were prepared to provide insurance for this risk.</p>	<p>We note the comments and will examine any provision that is made for disability payments in the future.</p>
<p>A risk register containing the information set out above should be used by the Court as an active diagnostic tool to manage risks on an ongoing basis. The risk register should be reviewed by the Oversight Committee and an annual submission should be made to the Court's governing body to bring key risks to their attention.</p>	<p>Risk Register finalised. Analysis and risk mitigation strategy in process. Finalisation of mitigation strategy planned for 2010 Q2 or Q3. Implementation to follow, including review process proposals.</p>	<p>We recommend that the Risk Register and mitigation strategies are completed as a matter of priority and shared with the Audit Committee for their review and consideration.</p>
<p>We recommend that the ICT division implement the recommendations of the external investigations into the SAP crash as a matter of urgency and in particular ensure that contingency plans for a similar systems failure are in place to ensure business continuity. Such plans may help to mitigate the risk that key financial information may be lost through system failure.</p>	<p>The recommendations contain a series of technical issues but can be categorised as follows:</p> <p>(a) Improve the SAP infrastructure (Status: complete. A new SAP cluster has been installed and signed off); and</p> <p>(b) Improve the backup infrastructure (Status: complete. The backup software has been upgraded and the hardware improved. Recovery has been tested from disk and it is successful). The risk has been mitigated in that financial information will not be lost through system failure. An ongoing project is underway for a full Disaster Recovery Plan of all IT systems in case of fire.</p>	<p>We welcome the action taken.</p> <p>We are commenting on the need to take more urgent action in respect of establishing effective disaster recovery processes in place in our report this year.</p>

Audit Recommendation	Management Response	External Auditor's Comments
<p>We also recommend that the Court ensure that its IT strategy reflects the arrangements set down in the IT disaster recovery plan once it has been developed. The IT strategy should show how contingency arrangements are to be achieved and maintained.</p>	<p>ICTS has a strategic plan approved by its governing body (ITSB). Plan was presented and accepted by ITSB Q1 2009. Implementation ongoing. The Disaster Recovery Plan is still in the phase of a Business Impact Analysis. All heads of organs and their direct reports have been consulted on the project. The final report of the Business Impact Analysis has been delivered by the external consultants. The ICT Section will put the report forward to the ITSB and senior management for final consultation.</p>	<p>We are commenting on the need to take more urgent action in respect of establishing effective disaster recovery processes in place in our report this year.</p>
<p>We recommend that the Court ensure that it review carefully the upcoming OIA report on annual leave and ensure that recommended improvements are implemented to ensure that annual leave balances for all staff are accurately recorded, complete and available at the year end. These figures should be collated, reviewed and available for audit ensuring that this figure is fully supported when it becomes a balance sheet liability on the adoption of IPSAS accounting standards.</p>	<p>As of 27 October 2008, the Court implemented the time management in SAP.</p>	<p>The Office of Internal Audit identified some issues regarding the accuracy of the data held in the time management system.</p> <p>Our audit of the untaken annual leave identified that the figure was not fully supported by underlying annual leave records.</p> <p>If the Court wishes to include annual leave balances within its financial statements it will need to undertake further work to ensure that the balances provided are supported by more robust evidence.</p>
<p>We recommend that the Court take a view on the financial consequences and risks of drawing funds from the Working Capital Fund to fund budgeted expenditure rather than short term operational requirements. In doing so the Court should ensure that cash flow forecasting procedures are adequate to identify when and for how long advances from the Working Capital Fund will be needed.</p> <p>We further recommend that the Court extend cash flow forecasting to the medium and long term, to inform the funding strategy for future years, where the level of assessed contributions may be lower than approved budgets and alternative sources of funding required to meet higher budget implementation rates.</p>	<p>Cash flow forecasting is one of the activities that the Court's Investment Committee is looking into. Further action will be proposed after the next Investment Committee meeting Q1 2010. Diversification of bank holdings is already well under way.</p>	<p>We note the comments and planned action.</p> <p>Our report refers to several instances in 2009 when balances exceeded the guidance issued by the Registrar.</p> <p>We have not yet seen the Court's proposals to develop a more robust management of cashflow planning.</p>
<p>We recommend that an investment committee, meeting regularly, should be used to provide continuous oversight of the status and strategy of the Court's financial investments. Discussions in the meetings should be documented to support any strategic decisions that need to be made. We also recommend that the Committee should include external members with relevant experience and expertise.</p>	<p>The Investment Committee has been set up and met once in 2009. The Committee met again on 29 March 2010 and agreed that the next meeting take place once the new Director of CASD and new Chief of Budget & Finance are on board.</p>	<p>We note the comments and planned action. We will continue to monitor this, although we feel that Investment Committee meetings should be held more frequently during the period of financial instability, and that the Court might benefit from external expertise to secure the best investment returns in the context of its level of risk.</p>

Audit Recommendation	Management Response	External Auditor's Comments
<p>To reflect best practice in the operation of audit committees, we recommend that the Court give consideration to:</p> <ul style="list-style-type: none"> - A membership for the committee which consists mainly of independent non-executive members, with the heads of Organs in attendance at each meeting in line with their executive responsibilities; - The chairing of the Audit Committee by a non-executive independent member of the Committee, without prejudice to the authority of the President and Prosecutor; - At least two meetings a year are held for the Audit Committee to consider the draft financial statements of the Court and to receive the audit plans and results of the External Auditor and the Office of Internal Oversight; - The Chairperson of the Audit Committee should report annually to the Court's governing body level on the work of the Audit Committee, and bring to attention any significant issues arising from the Audit Committee's deliberations. 	<p>An Audit Committee has been set up and four independent non-executive members have been appointed. The Audit Committee is chaired by one of these external members. The first meeting of the Committee with the external members has been scheduled on April 2010.</p>	<p>We welcome the action taken and can confirm that we attended the meeting with the external members in April 2010.</p>
<p>We recommend that improved risk assessment and risk management arrangements be taken forward as a matter of priority, to ensure that the Court maintains momentum on this important aspect of governance and is able to actively manage significant risks, ensuring that both external and internal risks are recognised and prioritised.</p> <p>This should lead to the production of a risk register with prioritised risks, the identification of risk owners, and actions to mitigate key risks; reviewed and updated regularly by senior management and submitted to the Audit Committee for review and further action as necessary.</p>	<p>The third phase of the project, risk treatment planning and implementation, was started in the second quarter of 2009 with the identification of focal points from all major programmes who will work together in working groups on their assigned risks. Project management put together a work programme for these focal points to ensure coordination of actions. At the end of the exercise, which is planned for the beginning of 2010, the Court will have performed a thorough review and prioritisation of its risks, determined its preferred strategy to handle the risks and implemented the first measures accordingly. The final phase of the project will be started in 2010: implementation of project monitoring and residual risks reviews.</p>	<p>We recommend that the Risk Register and mitigation strategies are completed as a matter of priority and shared with the Court's governing body and Audit Committee for review and further action as necessary.</p>
<p>We recommend that the Court recruit a senior auditor as a matter of priority to enable the Office of Internal Audit to function at full capacity and deliver all planned reports.</p> <p>We also recommend that the Court consider the need for IT audit expertise to ensure effective coverage in this specialised area.</p>	<p>A senior auditor has been recruited and has started at the end of September 2009. An established post of ICT auditor was requested in the proposed budget 2010 for the Office of the Internal Audit. However, further to the recommendation of the Committee on Budget and Finance at its 13th session, the post has not been approved.</p> <p>It is the intention of the Internal Audit to request additional contractual services (40.000 euros) in the budget 2011 in order to undertake at least one audit in this area.</p> <p>Further to the Registrar's request, and with the assistance of the Internal Audit Office, a consultancy has been made by the company "Management Consulting GmbH" to review the ICC's eCourt systems and processes; the conclusions are expected in the course of April – May 2010.</p>	<p>Our audit work has identified some issues regarding IT internal controls such as a lack of review of user access rights to the SAP accounting system. The Office of Internal Audit has not had the required expertise to undertake the necessary IT audit work and we re-enforce our 2008 recommendation that the Court ensure that there is adequate expertise to enable specialist IT audit work to be performed.</p>

Audit Recommendation	Management Response	External Auditor's Comments
<p>We recommend that the Court's decision to appoint a project management firm be implemented as early as practical, so that the procedures for monthly financial reporting can be established promptly. As the loan for this project is now being drawn down, it is important that accountability arrangements for the use of these funds are in place as quickly as possible.</p>	<p>A Project Management firm has been selected by means of a competitive Request for Proposal process, led by the ICC Procurement Unit. The firm that was appointed is Brink Groep. This firm has been operational since March 2009.</p> <p>With regard to the regular financial reporting, a set of proposed financial reporting templates have been endorsed by the Oversight Committee.</p>	<p>We welcome the action taken and have made some high-level observations as part of our first review of the Permanent Premises Project.</p>
<p>We recommend that the Court further develop SAP system capability so as to be able to report on the cost of each trial. Such information would help to better inform the Court, both for the purposes of future budgeting and also to assess the cash flow implications of each trial. This would facilitate the identification of risks (such as areas susceptible to cost overruns) and help support efficient and effective financial management.</p>	<p>The Court is in the process of implementing an SAP Business Intelligence module which will provide clearer budget and financial analysis of the Court's implementation. Specific 'Trial' costing is not yet being developed by CASD/ICT team. Clearer definition of the different phases of a trial across all organs of the Court first need to be available.</p>	<p>We note the comments made and encourage the Court to continue progress in this area.</p>
<p>We reiterate our recommendation that the Assembly of States Parties takes a decision in principle at the earliest opportunity for the adoption of IPSAS, to support the establishment of an overall time frame for adoption and to allow sufficient time for changes to systems and financial regulations to be made.</p>	<p>The Court presented to the CBF (13th session) a report on the implications of implementation of IPSAS. The report provided general guidance on the implication of implementations of IPSAS in the Court (impact on accounting and financial reporting; impact on budgeting; impact on IT systems; financial impact; and impact on the FRR), together with a detailed project plan, timeline for transition to IPSAS and budget. The ASP approved the CBF recommendation that the project be put on hold for reasons of cost. (CBF recommendation: <i>Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009 (ICC-ASP/8/20)</i>, vol. II, part B.2, para. 13).</p>	<p>We encourage the Court to reconsider the decision to delay the IPSAS project.</p> <p>We have commented further in our report on the importance of IPSAS and that the cost increases involved would primarily stem from obtaining more useful information and systems to aid more efficient management of assets and liabilities.</p>

International Criminal Court
Statement of income and expenditure and changes in fund balances for the period ending 31 December 2009
(in thousands of euros)

	General Fund & Working Capital Fund		Notes ref.	Trust Funds		Notes ref.	Permanent Premises	Notes ref.	Total	
	2009	2008		2009	2008		2009		2009	(re-stated) 2008
Income										
Assessed contributions	96,230	90,382	4.1	-	-		-		96,230	90,382
Voluntary contributions	-	-		1,652	1,216	5.1	-		1,652	1,216
Interest income	1,292	4,537	4.2	4	45	5.2	1		1,297	4,582
Other/miscellaneous income	294	338	4.3	-	-		-		294	338
Total income	97,816	95,257		1,656	1,261		1		99,473	96,518
Expenditure										
Disbursed expenditures	84,399	73,713	4.4	1,292	994	5.7	1,274	16.5	86,965	74,707
Unliquidated obligations	7,714	9,000	4.4	172	200	5.7	5	16.5	7,891	9,200
Provision for pension liabilities	-	-	4.5	-	-		-		-	-
Provision for US tax liability	60	74	4.5	-	-		-		60	74
Provision for ILO cases	224	35	4.6	-	-		-		224	35
Provision for Repatriation Grant	1,095	838		-	-		-		1,095	838
Total expenditure	93,492	83,660		1,464	1,194		1,279		96,235	84,854
Excess/(shortfall) of income over expenditure	4,324	11,597		192	67		(1,278)		3,238	11,664
Savings on, or cancellation of, prior periods' obligations	2,162	2,433	4.7	13	24		-		2,175	2,457
Credits to States Parties	(19,195)	(23,217)	4.8	-	-		-		(19,195)	(23,217)
Refund to donors	-	-		(19)	(73)	5.3	-		(19)	(73)
Net increase in Working Capital Fund	-	-	4.9	-	-		-		-	-
Fund balances at beginning of financial period	47,619	56,806		275	464		-		47,894	57,270
Fund balances as at 31 December	34,910	47,619		461	482		(1,278)		34,093	48,101

Date:

Signed: Chief of Budget and Finance Section.....

Statement II

International Criminal Court
Statement of assets, liabilities, reserves and fund balances as at 31 December 2009
(in thousands of euros)

	General Fund & Working Capital Fund		Notes ref.	Trust Funds		Notes ref.	Permanent Premises	Notes ref.	Total	
	2009	(re-stated) 2008		2009	(re-stated) 2008		2009		2009	(re-stated) 2008
Assets										
Cash and term deposits	46,760	66,977		2,005	835		3,144		51,909	67,812
Assessed contributions receivable from States Parties	1,093	557	4,10	-	-		-		1,093	557
Voluntary contributions receivable	-	-		26	79		-		26	79
Other contributions receivable	-	1	4,11	-	-		-		-	1
Interfund balances receivable	140	561	4,12	-	-		-		140	561
Other accounts receivable	2,811	4,584	4,13	1	8	5,4	206	16,7	3,018	4,592
Prepaid expenses – education grants	688	787	4,14	-	-		-		688	787
Total assets	51,492	73,467		2,032	922		3,350		56,874	74,389
Liabilities										
Contributions/payments received in advance	3,672	13,090	4,15	1,259	299	5,5	2,092	16,9	7,023	13,389
Unliquidated obligations	7,714	9,000		172	200		5	16,5	7,891	9,200
Interfund balances payable	40	14		140	148	5,6	-		180	162
Host State Loan	-	-	4,5	-	-		1,425	16,10	1,425	-
Provision for US Tax Liability	60	74	4,5	-	-		-		60	74
Provision for ILO cases	245	35	4,6	-	-		-		245	35
Provisions for Repatriation Grant	3,512	2,844		-	-		-		3,512	2,844
Other accounts payable	1,339	791	4,16	-	-		1,106	16,8	2,445	791
Total liabilities	16,582	25,848		1,571	647		4,628		22,781	26,495
Reserves and fund balances										
Working Capital Fund	7,406	7,406	4,9	-	-		-		7,406	7,406
Contingency Fund	9,169	9,169	4,17	-	-		-		9,169	9,169
Reserve for unpaid contributions	332	252	4,18	-	-		-		332	252
Cumulative surplus	18,003	30,792	5,4	461	275		(1,278)		17,186	31,067
Total reserves and fund balances	34,910	47,619		461	275		(1,278)		34,093	47,894
Total liabilities, reserves and fund balances	51,492	73,467		2,032	922		3,350		56,874	74,389

Date:

Signed: Chief of Budget and Finance Section.....

International Criminal Court
Statement of cash flow as at 31 December 2009
(in thousands of euros)

	General Fund & Working Capital Fund		Trust Funds		Permanent Premises	Total	
	2009	2008	2009	2008	2009	2009	2008
<i>Cash flows from operating activities</i>							
Net excess/(shortfall) of income over expenditure (Statement I)	4,324	11,597	192	67	(1,278)	3,238	11,664
Contributions receivable (increase)/decrease	(535)	7,610	53	(79)	-	(482)	7,531
Interfund balances receivable (increase)/decrease	421	(535)	-	-	-	421	(535)
Other accounts receivable (increase)/decrease	1,773	(158)	7	-	(206)	1,574	(158)
Prepaid expenses (increase)/decrease	99	(457)	-	-	-	99	(457)
Contributions received in advance increase/(decrease)	(9,418)	3,929	960	76	2,092	(6,366)	4,005
Unliquidated obligations increase/(decrease)	(1,286)	(1,914)	(28)	7	5	(1,309)	(1,907)
Interfund balances payable increase/(decrease)	26	14	(8)	126	-	18	140
Host State Loan	-	-	-	-	1,425	1,425	-
Provision for accrued pension of judges increase/(decrease)	-	(9,715)	-	-	-	-	(9,715)
Provision for US Tax liability increase /(decrease)	(14)	74	-	-	-	(14)	74
Provision for ILO cases increase/(decrease)	210	(39)	-	-	-	210	(39)
Provision for Repatriation Grant	668	532	-	-	-	668	532
Accounts payable increase/(decrease)	548	(413)	-	-	1,106	1,654	(413)
Less: interest income	(1,292)	(4,537)	(4)	(45)	(1)	(1,297)	(4,582)
Net cash from operating activities	(4,476)	5,988	1,172	152	3,143	(161)	6,140
<i>Cash flows from investing and financing activities</i>							
Plus: interest income	1,292	4,537	4	45	1	1,297	4,582
Net cash from investing and financing activities	1,292	4,537	4	45	1	1,297	4,582
<i>Cash flows from other sources</i>							
Net increase/(decrease) in Working Capital Fund	-	-	-	-	-	-	-
Savings on, or cancellation of, prior periods' obligations	2,162	2,433	13	24	-	2,175	2,457
Credits to States Parties	(19,195)	(23,217)	-	-	-	(19,195)	(23,217)
Refund to donors	-	-	(19)	(73)	-	(19)	(73)
Net cash from other resources	(17,033)	(20,784)	(6)	(49)	-	(17,039)	(20,833)
Net increase/(decrease) in cash and term deposits	(20,217)	(10,259)	1,170	148	3,144	(15,903)	(10,111)
Cash and term deposits at beginning of financial period	66,977	77,236	835	687	-	67,812	77,923
Cash and term deposits at 31 December (Statement II)	46,760	66,977	2,005	835	3,144	51,909	67,812

International Criminal Court
Statement of appropriations for the period 1 January to 31 December 2009
(in thousands of euros)

Major Programme	Appropriation approved	Disbursements	Unliquidated obligations	Provisions	Total expenditures	Unencumbered balance
Judiciary	10,332	9,275	221	299	9,795	537
Office of the Prosecutor	25,529	22,601	868	440	23,909	1,620
Registry	60,223	48,642	6,098	374	55,114	5,109
Secretariat of the Assembly of States Parties	3,343	2,632	450	10	3,092	251
Secretariat of the Trust Fund for Victims	1,301	946	71	247	1,264	37
Permanent Premises Project Office	502	303	6	9	318	184
Total	101,230	84,399	7,714	1,379	93,492	7,738

International Criminal Court
Status of contributions as at 31 December 2009
(in euros)

States Parties	Outstanding as at 1 January 2009	Collections a/	Outstanding	Assessed	Credits from 2008	Collections b/	Outstanding	Total outstanding	Credit on 2009 receipts	Receipts relating to 2010
	Prior years			2009						
Afghanistan	4,427	3,231	1,196	1,430	-	1	1,429	2,625	-	-
Albania	-	-	-	8,575	2,304	6,271	-	-	-	488
Andorra	-	-	-	11,433	2,310	9,123	-	-	658	-
Antigua and Barbuda	-	-	-	2,858	1,353	1,505	-	-	165	-
Argentina	-	-	-	464,477	90,830	373,647	-	-	176,491	-
Australia	-	-	-	2,553,905	735,133	1,818,772	-	-	-	146,978
Austria	-	-	-	1,267,662	45	1,267,617	-	-	-	3,817
Barbados	-	-	-	12,863	-	12,863	-	-	-	739
Belgium	-	-	-	1,574,931	8,059	1,566,872	-	-	90,637	-
Belize	-	-	-	1,430	462	347	621	621	-	-
Benin	-	-	-	1,430	1,430	-	-	-	5,218	-
Bolivia	31,701	31,701	-	8,575	-	6	8,569	8,569	-	-
Bosnia & Herzegovina	-	-	-	8,575	1,385	7,190	-	-	493	-
Botswana	-	-	-	20,009	91	19,918	-	-	-	1,150
Brazil	71,066	71,066	-	1,251,943	-	1,251,943	-	-	3,769	-
Bulgaria	-	-	-	28,583	128	28,455	-	-	1,644	-
Burkina Faso	1,255	1,255	-	2,858	-	1,768	1,090	1,090	-	-
Burundi	4,533	346	4,187	1,430	-	-	1,430	5,617	-	-
Cambodia	-	-	-	1,430	14	1,416	-	-	82	-
Canada	-	-	-	4,254,605	1,298,942	2,955,663	-	-	244,854	-
Central African Republic	5,321	346	4,975	1,430	-	-	1,430	6,405	-	-
Chad	2,949	1,401	1,548	1,430	-	1	1,429	2,977	-	-
Chile	-	-	-	76,698	-	76,698	-	-	-	-

States Parties	Outstanding as at 1 January 2009	Collections a/	Outstanding	Assessed	Credits from 2008	Collections b/	Outstanding	Total outstanding	Credit on 2009 receipts	Receipts relating to 2010
	Prior years			2009						
Colombia	-	-	-	150,062	72,236	36,450	41,376	41,376	-	-
Comoros	3,216	313	2,903	1,430	-	1	1,429	4,332	-	-
Congo	884	346	538	1,430	-	1	1,429	1,967	-	-
Cook Islands	336	-	336	1,430	-	-	1,430	1,766	-	-
Costa Rica	-	-	-	45,733	2,714	37,204	5,815	5,815	-	-
Croatia	-	-	-	71,457	17,085	54,372	-	-	-	4,111
Cyprus	-	-	-	62,883	295	62,588	-	-	190	-
Czech Republic	-	-	-	100,398	-	100,398	-	-	1	-
Democratic Republic of the Congo	-	-	-	4,288	1,688	2,600	-	-	-	-
Denmark	-	-	-	1,056,148	331,545	724,603	-	-	-	60,784
Djibouti	3,743	1,246	2,497	1,430	-	1	1,429	3,926	-	-
Dominica	3,857	3,857	-	1,430	-	1,430	-	-	-	-
Dominican Republic	70,503	8,309	62,194	34,300	-	22	34,278	96,472	-	-
Ecuador	-	-	-	30,012	-	7,290	22,722	22,722	-	-
Estonia	-	-	-	22,867	5,541	17,326	-	-	1,315	-
Fiji	6,303	1,039	5,264	4,288	-	3	4,285	9,549	-	-
Finland	-	-	-	806,046	30	806,016	-	-	2,426	-
France	-	-	-	9,005,130	1,378,151	7,626,979	-	-	518,247	-
Gabon	22,751	2,770	19,981	11,433	-	7	11,426	31,407	-	-
Gambia	-	-	-	1,430	8	1,422	-	-	4	-
Georgia	-	-	-	4,288	1,385	2,903	-	-	247	-
Germany	-	-	-	12,257,897	439	12,257,458	-	-	-	705,448
Ghana	-	-	-	5,716	5,716	-	-	-	-	2,809
Greece	-	-	-	851,778	3,998	847,780	-	-	49,019	-
Guinea	12,577	346	12,231	1,430	-	-	1,430	13,661	-	-
Guyana	-	-	-	1,430	1,430	-	-	-	-	5,946

States Parties	Outstanding as at 1 January 2009	Collections a/	Outstanding	Assessed	Credits from 2008	Collections b/	Outstanding	Total outstanding	Credit on 2009 receipts	Receipts relating to 2010
	Prior years			2009						
Honduras	14,621	7,487	7,134	7,146	-	5	7,141	14,275	-	-
Hungary	-	-	-	348,715	58,187	84,703	205,825	205,825	-	-
Iceland	-	-	-	52,879	15,700	37,179	-	-	-	-
Ireland	-	-	-	635,976	161,621	474,355	-	-	-	36,599
Italy	-	-	-	7,258,697	2,255,714	5,002,983	-	-	-	417,741
Japan	-	-	-	21,170,577	-	21,170,577	-	-	-	63,925
Jordan	-	-	-	17,149	1	17,148	-	-	989	-
Kenya	-	-	-	14,291	67	14,224	-	-	-	3,505
Latvia	-	-	-	25,725	6,927	18,798	-	-	-	1,481
Lesotho	618	346	272	1,430	-	1	1,429	1,701	-	-
Liberia	884	346	538	1,430	-	1	1,429	1,967	-	-
Liechtenstein	-	-	-	14,291	2,309	11,982	-	-	821	-
Lithuania	-	-	-	44,304	11,082	33,222	-	-	2,550	-
Luxembourg	-	-	-	121,479	35,557	85,922	-	-	-	6,991
Madagascar	43	-	43	2,858	-	2	2,856	2,899	-	-
Malawi	884	884	-	1,430	-	1,128	302	302	-	-
Mali	-	-	-	1,430	1,430	-	-	-	6,590	-
Malta	-	-	-	24,295	6,465	17,830	-	-	-	1,400
Marshall Islands	5,432	2,888	2,544	1,430	-	1	1,429	3,973	-	-
Mauritius	-	-	-	15,721	-	15,721	-	-	-	905
Mexico	-	-	-	3,225,611	869,516	2,356,095	-	-	-	-
Mongolia	-	-	-	1,430	462	968	-	-	82	-
Montenegro	-	-	-	1,430	269	1,161	-	-	-	82
Namibia	-	-	-	8,575	2,771	5,804	-	-	495	-
Nauru	5,131	2,548	2,583	1,430	-	-	1,430	4,013	-	-
Netherlands	-	-	-	2,676,813	96	2,676,717	-	-	8,059	-
New Zealand	-	-	-	365,865	102,050	263,815	-	-	21,053	-

States Parties	Outstanding as at 1 January 2009	Collections a/	Outstanding	Assessed	Credits from 2008	Collections b/	Outstanding	Total outstanding	Credit on 2009 receipts	Receipts relating to 2010
	Prior years			2009						
Niger	6,915	6,915	-	1,430	-	52	1,378	1,378	-	-
Nigeria	40,067	40,067	-	68,600	-	8,145	60,455	60,455	-	-
Norway	-	-	-	1,117,603	313,541	804,062	-	-	-	64,317
Panama	-	-	-	32,870	918	31,952	-	-	3,832	-
Paraguay	418	418	-	7,146	-	1,318	5,828	5,828	-	-
Peru	223,925	27,005	196,920	111,474	-	72	111,402	308,322	-	-
Poland	-	-	-	716,009	26	715,983	-	-	2,155	-
Portugal	-	-	-	753,167	217,031	536,136	-	-	-	43,346
Republic of Korea	-	-	-	3,105,562	829,342	2,276,220	-	-	9,349	-
Romania	-	-	-	100,041	453	99,588	-	-	-	5,757
Saint Kitts and Nevis	-	-	-	1,430	-	1,430	-	-	82	-
Saint Vincent and the Grenadines	918	918	-	1,430	-	333	1,097	1,097	-	-
Samoa	2	2	-	1,430	-	1,430	-	-	80	-
San Marino	-	-	-	4,288	1,385	2,903	-	-	247	-
Senegal	2,483	2,483	-	5,716	-	3,563	2,153	2,153	-	-
Serbia	-	-	-	30,012	142	29,870	-	-	1,727	-
Sierra Leone	4,899	346	4,553	1,430	-	-	1,430	5,983	-	-
Slovakia	-	-	-	90,037	23,551	66,486	-	-	-	5,183
Slovenia	-	-	-	137,200	617	136,583	-	-	7,896	-
South Africa	-	-	-	414,456	134,833	279,623	-	-	23,850	-
Spain	-	-	-	4,241,742	1,163,661	3,078,081	-	-	244,116	-
Suriname	336	336	-	1,430	-	1,430	-	-	4	-
Sweden	-	-	-	1,530,628	7,527	1,523,101	-	-	88,088	-
Switzerland	-	-	-	1,737,857	62	1,737,795	-	-	-	5,231
Tajikistan	458	458	-	1,430	-	990	440	440	-	-
The Former Yugoslav Rep, of Macedonia	-	-	-	7,146	4,003	3,143	-	-	-	412

States Parties	Outstanding as at 1 January 2009	Collections a/	Outstanding	Assessed	Credits from 2008	Collections b/	Outstanding	Total outstanding	Credit on 2009 receipts	Receipts relating to 2010
	Prior years			2009						
Timor-Leste	-	-	-	1,430	577	710	143	143	-	-
Trinidad and Tobago	-	-	-	38,588	166	38,422	-	-	2,220	-
Uganda	-	-	-	4,288	232	4,056	-	-	3,879	-
United Kingdom	-	-	-	9,492,474	2,829,237	6,663,237	-	-	-	546,298
United Republic of Tanzania	-	-	-	8,575	21	2,082	6,472	6,472	-	-
Uruguay	-	-	-	38,589	38,589	-	-	-	-	12,567
Venezuela	-	-	-	285,832	11,515	69,428	204,889	204,889	-	-
Zambia	4,005	4,005	-	1,430	-	1,430	-	-	82	-
Total (110 States Parties)	557,461	225,024	332,437	96,229,900	13,072,400	82,396,925	760,575	1,093,012	1,523,706	2,148,010

Schedule 2

International Criminal Court
Status of Working Capital Fund as at 31 December 2009
(in euros)

	2009	2008
Balance at beginning of financial period	7,405,382	7,386,629
<i>Receipts/(refunds)</i>		
Receipts from States Parties	331	18,753
<i>Withdrawals</i>		
	-	-
Balance as at 31 December	7,405,713	7,405,382
Established level	7,405,983	7,405,983
Less: due from States Parties (Schedule 3)	270	601
Balance as at 31 December	7,405,713	7,405,382

Schedule 3

International Criminal Court
Status of advances to the Working Capital Fund as at 31 December 2009
(in euros)

States Parties	Working Capital Fund	Cumulative payments	Outstanding	Receipts relating to 2010
Afghanistan	109	109	-	-
Albania	655	655	-	-
Andorra	874	874	-	-
Antigua and Barbuda	219	219	-	-
Argentina	35,532	35,532	-	-
Australia	195,370	195,370	-	-
Austria	96,976	96,976	-	-
Barbados	984	984	-	-
Belgium	120,480	120,480	-	-
Belize	108	108	-	-
Benin	110	110	-	-
Bolivia	655	655	-	-
Bosnia & Herzegovina	655	655	-	-
Botswana	1,531	1,531	-	-
Brazil	95,772	95,772	-	-
Bulgaria	2,186	2,186	-	-
Burkina Faso	219	219	-	-
Burundi	110	110	-	-
Cambodia	110	110	-	-
Canada	325,470	325,470	-	-
Central African Republic	109	91	18	-
Chad	109	109	-	-
Chile	17,602	17,602	-	-
Colombia	11,478	11,478	-	-
Comoros	109	109	-	-
Congo	109	109	-	-
Cook Islands	109	0	109	-
Costa Rica	3,498	3,498	-	-
Croatia	5,466	5,466	-	-
Cyprus	4,810	4,810	-	-
Czech Republic	30,721	30,721	-	-
Democratic Republic of the Congo	327	327	-	-
Denmark	80,794	80,794	-	-
Djibouti	108	108	-	-
Dominica	108	108	-	-
Dominican Republic	2,624	2,624	-	-
Ecuador	2,295	2,295	-	-
Estonia	1,749	1,749	-	-
Fiji	328	328	-	-

States Parties	Working Capital Fund	Cumulative payments	Outstanding	Receipts relating to 2010
Finland	61,663	61,663	-	-
France	688,876	688,876	-	-
Gabon	875	875	-	-
Gambia	108	108	-	-
Georgia	327	327	-	-
Germany	937,705	937,705	-	-
Ghana	437	437	-	-
Greece	65,159	65,159	-	-
Guinea *)	110	-15	125	-
Guyana	109	109	-	-
Honduras	546	546	-	-
Hungary	26,675	26,675	-	-
Iceland	4,046	4,046	-	-
Ireland	48,652	48,652	-	-
Italy	555,278	555,278	-	-
Japan	1,629,316	1,629,316	-	-
Jordan	1,312	1,312	-	-
Kenya	1,094	1,094	-	-
Latvia	1,968	1,968	-	-
Lesotho	108	108	-	-
Liberia	109	109	-	-
Liechtenstein	1,093	1,093	-	-
Lithuania	3,389	3,389	-	-
Luxembourg	9,294	9,294	-	-
Madagascar	219	219	-	-
Malawi	109	109	-	-
Mali	110	110	-	-
Malta	1,858	1,858	-	-
Marshall Islands	108	108	-	-
Mauritius	1,202	1,202	-	-
Mexico	246,753	246,753	-	-
Mongolia	108	108	-	-
Montenegro	109	109	-	-
Namibia	656	656	-	-
Nauru	109	109	-	-
Netherlands	204,773	204,773	-	-
New Zealand	27,988	27,988	-	-
Niger	109	109	-	-
Nigeria	5,249	5,249	-	-
Norway	85,496	85,496	-	-
Panama	2,515	2,515	-	-
Paraguay	546	546	-	-
Peru	8,527	8,527	-	-
Poland	54,773	54,773	-	-

States Parties	Working Capital Fund	Cumulative payments	Outstanding	Receipts relating to 2010
Portugal	57,616	57,616	-	-
Republic of Korea	237,571	237,571	-	-
Romania	7,653	7,653	-	-
Saint Kitts and Nevis	109	109	-	-
Saint Vincent and the Grenadines	108	108	-	-
Samoa	108	108	-	-
San Marino	328	328	-	-
Senegal	436	436	-	-
Serbia	2,296	2,296	-	-
Sierra Leone	109	91	18	-
Slovakia	6,887	6,887	-	-
Slovenia	10,495	10,495	-	-
South Africa	31,706	31,706	-	-
Spain	324,487	324,487	-	-
Suriname	109	109	-	-
Sweden	117,091	117,091	-	-
Switzerland	132,944	132,944	-	-
Tajikistan	108	108	-	-
The Former Yugoslav Rep. of Macedonia	547	547	-	-
Timor-Leste	108	108	-	-
Trinidad and Tobago	2,952	2,952	-	-
Uganda	327	327	-	-
United Kingdom	726,157	726,157	-	-
United Republic of Tanzania	656	656	-	-
Uruguay	2,952	2,952	-	-
Venezuela	21,866	21,866	-	-
Zambia	110	110	-	-
Total (110 States Parties)	7,405,983	7,405,713	270	-

**) the negative amount for the cumulative payments for Guinea is caused by the refund of the WCF portion of the cash surplus for 2005, being €290; this decreased the total assessed WCF for Guinea from €400 to €110.*

Schedule 4

International Criminal Court
Status of cash surplus as at 31 December 2009
(in euros)

	2009	2008
Current year		
<i>Credits</i>		
Receipts of assessed contributions	95,469,325	90,077,103
Miscellaneous income	1,586,097	4,875,171
	97,055,422	94,952,274
<i>Charges</i>		
Disbursed expenditures	84,398,821	73,712,446
Unliquidated obligations	7,714,050	8,999,929
Provision for US Tax liability	60,161	73,945
Provision for ILO cases	223,700	34,947
Provision for Repatriation Grant Accrual	1,095,487	838,414
	93,492,219	83,659,681
Provisional cash surplus/(deficit)	3,563,203	11,292,593
<hr/>		
Contributions receivable	760,575	304,997
Excess/(shortfall) of income over expenditure (Statement I)	4,323,778	11,597,590
<hr/>		
Disposition of prior year's provisional surplus/(deficit)		
Prior year's provisional surplus/(deficit)	11,292,593	8,865,630
Plus: Receipt of prior periods' assessed contributions	225,024	7,896,065
Savings on, or cancellation of, prior periods' obligations	2,161,500	2,433,169
	13,679,117	19,194,864
Prior year's cash surplus/(deficit)	13,679,117	19,194,864
Total cash surplus (Statement II)	18,002,895	30,792,454

Schedule 5

International Criminal Court
Shares of States Parties in the 2008 cash surplus
(in euros)

States Parties	States Parties to the Rome Statute since	2008 Scale of assessment	Surplus
Afghanistan	May-03	0,00149	203
Albania	Apr-03	0,00893	1,222
Andorra	Dec-02	0,01191	1,629
Antigua and Barbuda	Dec-02	0,00298	407
Argentina	Dec-02	0,48384	66,185
Australia	Dec-02	2,66036	363,914
Austria	Dec-02	1,32050	180,633
Barbados	Mar-03	0,01340	1,833
Belgium	Dec-02	1,64058	224,417
Belize	Dec-02	0,00149	203
Benin	Dec-02	0,00149	203
Bolivia	Dec-02	0,00893	1,222
Bosnia & Herzegovina	Dec-02	0,00893	1,222
Botswana	Dec-02	0,02084	2,851
Brazil	Dec-02	1,30413	178,393
Bulgaria	Dec-02	0,02977	4,073
Burkina Faso	Jul-04	0,00298	407
Burundi	Dec-04	0,00149	203
Cambodia	Dec-02	0,00149	203
Canada	Dec-02	4,43195	606,251
Central African Republic	Dec-02	0,00149	203
Chad	Jan-07	0,00149	203
Colombia	Dec-02	0,15632	21,383
Comoros	Nov-06	0,00149	203
Congo	Aug-04	0,00149	204
Cook Islands	Oct-08	0,00037	50
Costa Rica	Dec-02	0,04764	6,517
Croatia	Dec-02	0,07444	10,182
Cyprus	Dec-02	0,06550	8,960
Democratic Republic of the Congo	Dec-02	0,00447	611
Denmark	Dec-02	1,10017	150,494
Djibouti	Feb-03	0,00149	204
Dominica	Dec-02	0,00149	204
Dominican Republic	Aug-05	0,03573	4,887
Ecuador	Dec-02	0,03126	4,277
Estonia	Dec-02	0,02382	3,258
Fiji	Dec-02	0,00447	611
Finland	Dec-02	0,83964	114,856

States Parties	States Parties to the Rome Statute since	2008 Scale of assessment	Surplus
France	Dec-02	9,38048	1,283,167
Gabon	Dec-02	0,01191	1,629
Gambia	Dec-02	0,00149	204
Georgia	Dec-02	0,00447	611
Germany	Dec-02	12,76883	1,746,664
Ghana	Dec-02	0,00595	815
Greece	Dec-02	0,88728	121,372
Guinea	Dec-02	0,00149	204
Guyana	Dec-04	0,00149	204
Honduras	Dec-02	0,00744	1,018
Hungary	Dec-02	0,36325	49,689
Iceland	Dec-02	0,05508	7,535
Ireland	Dec-02	0,66248	90,622
Italy	Dec-02	7,56126	1,034,313
Japan	Oct-07	22,00000	3,009,406
Jordan	Dec-02	0,01786	2,444
Kenya	Jun-05	0,01489	2,036
Latvia	Dec-02	0,02680	3,666
Lesotho	Dec-02	0,00149	204
Liberia	Dec-04	0,00149	204
Liechtenstein	Dec-02	0,01489	2,036
Lithuania	Dec-02	0,04615	6,313
Luxembourg	Dec-02	0,12654	17,310
Madagascar	Jun-08	0,00174	238
Malawi	Dec-02	0,00149	204
Mali	Dec-02	0,00149	204
Malta	Dec-02	0,02531	3,462
Marshall Islands	Dec-02	0,00149	204
Mauritius	Dec-02	0,01638	2,240
Mexico	Jan-06	3,36006	459,627
Mongolia	Dec-02	0,00149	204
Montenegro	Jun-06	0,00149	204
Namibia	Dec-02	0,00893	1,222
Nauru	Dec-02	0,00149	204
Netherlands	Dec-02	2,78839	381,427
New Zealand	Dec-02	0,38111	52,133
Niger	Dec-02	0,00149	204
Nigeria	Dec-02	0,07146	9,775
Norway	Dec-02	1,16419	159,250
Panama	Dec-02	0,03424	4,684
Paraguay	Dec-02	0,00744	1,018
Peru	Dec-02	0,11612	15,884
Poland	Dec-02	0,74585	102,026

States Parties	States Parties to the Rome Statute since	2008 Scale of assessment	Surplus
Portugal	Dec-02	0,78456	107,321
Republic of Korea	Dec-02	3,23501	442,521
Romania	Dec-02	0,10421	14,255
Saint Kitts and Nevis	Nov-06	0,00149	204
Saint Vincent and the Grenadines	Dec-02	0,00149	204
Samoa	Dec-02	0,00149	204
San Marino	Dec-02	0,00447	611
Senegal	Dec-02	0,00595	815
Serbia	Dec-02	0,03126	4,277
Sierra Leone	Dec-02	0,00149	204
Slovakia	Dec-02	0,09379	12,830
Slovenia	Dec-02	0,14292	19,550
South Africa	Dec-02	0,43173	59,057
Spain	Dec-02	4,41855	604,419
Suriname	Oct-08	0,00037	50
Sweden	Dec-02	1,59443	218,104
Switzerland	Dec-02	1,81030	247,632
Tajikistan	Dec-02	0,00149	204
The Former Yugoslav Rep. of Macedonia	Dec-02	0,00744	1,018
Timor-Leste	Dec-02	0,00149	204
Trinidad and Tobago	Dec-02	0,04020	5,498
Uganda	Dec-02	0,00447	611
United Kingdom	Dec-02	9,88814	1,352,610
United Republic of Tanzania	Dec-02	0,00893	1,222
Uruguay	Dec-02	0,04020	5,498
Venezuela	Dec-02	0,29775	40,729
Zambia	Dec-02	0,00149	204
Total (108 States Parties)		100,00000	13,679,117

Schedule 6

International Criminal Court
Status of voluntary contributions as at 31 December 2009
(in euros)

Project	Contributor	Pledges	Received	Outstanding	Receipts for future periods	Refund to donors
Internship and Visiting Professionals Programme	European Commission	879,020	876,648	26,166	1,170,010	-
	MacArthur Foundation	76,493	76,493	-	-	7,302
	Finland	18,901	18,900	-	-	-
	Norway	60,000	60,000	-	20,000	-
	Australia	37,500	37,500	-	12,500	-
	Netherlands	15,000	15,000	-	5,000	-
	Belgium	40,000	40,000	-	-	-
	Korea	0	0	-	31,218	-
	Switzerland	6,250	6,250	-	-	-
Sub-total		1,133,164	1,130,791	26,166	1,238,728	7,302
Least Developed Countries	Australia	-	35,000	-	-	-
	Austria	-	10,000	-	-	-
	Croatia	-	3,000	-	-	-
	Finland	-	20,000	-	-	-
	Germany	-	20,000	-	-	-
	Ireland	-	25,000	-	-	-
	Netherlands	-	25,000	-	-	-
	Poland	-	10,000	-	-	-
	United Kingdom	-	21,954	-	-	-
Sub-total		-	169,954	-	-	-
Dakar Seminar	France	46,700	46,700	-	-	-
	Organisation Internationales de la Francophonie	14,320	14,320	-	-	-
Sub-total		61,020	61,020	-	-	-
ICC Legal Tools Project (Case Matrix)	Canada	59,528	59,528	-	-	-
	Finland	35,876	35,876	-	-	876
	Germany	23,052	23,052	-	-	15
	Netherlands	20,000	20,000	-	-	-
Sub-total		138,456	138,456	-	-	891
Defence Counsel Seminar	Belgium	20,000	20,000	-	-	6,459
	Finland	29,099	29,099	-	-	-
	MacArthur Foundation	38,247	38,247	-	-	-
	Netherlands	38,764	38,764	-	-	4,551
Sub-total		126,110	126,110	-	-	11,010
General Trust Fund	Austria	-	-	-	10,549	-
	Korea	-	-	-	10,000	-
Sub-total		-	-	-	20,549	-
Total voluntary contributions		1,458,750	1,626,333	26,166	1,259,277	19,203

International Criminal Court
Status of trust funds as at 31 December 2009
(in euros)

Trust Fund	Balances brought forward as at 1 January	Receipts	Disbursements	Unliquidate d obligations	Total expenditures	Interest Earned	Savings on, or cancellation of, prior periods' obligations	Refunds to donors	Unencumbere d balances
Internship and Visiting Professionals Programme	-70,253	1,130,793	973,105	85,899	1,059,004	2,523	4,311	-7,302	1,068
Least Developed Countries	83,846	169,954	43,852	57,436	101,288	569	8,266	-	161,347
ICC Legal Tools Project (Case Matrix)	9,086	138,456	128,590	1,922	130,512	337	-	-891	16,476
Judicial Capacity Strengthening Programme	2,119	-	-	-	-	21	540	-	2,680
Dakar Seminar	-	61,020	35,510	27,203	62,713	20	-	-	-1,673
Defence Counsel Seminar	6,905	126,110	110,714	-	110,714	227	-	-11,010	11,518
Total	31,703	1,626,333	1,291,771	172,460	1,464,231	3,697	13,117	-19,203	191,416

Notes to the financial statements

1. The International Criminal Court and its objectives

1.1 The International Criminal Court (ICC) is a permanent institution with the power to exercise jurisdiction over perpetrators of the most serious crimes of international concern (genocide, crimes against humanity, war crimes and crimes of aggression once formally defined). The Court has four organs: the Presidency, Chambers (consisting of an Appeals Division, a Trial Division and a Pre-Trial Division), the Office of the Prosecutor and the Registry. In its resolution ICC-ASP/2/Res.3, adopted in September 2003, the Assembly of States Parties established the Secretariat of the Assembly of States Parties (the Secretariat), to begin its operations on 1 January 2004. In undertaking their tasks, the organs of the Court are guided by the framework set out in the Rome Statute, the Rules of Procedure and Evidence, and other relevant instruments.

The objectives pursued by each organ of the Court are as follows:

(a) **Presidency**

- (i) To ensure the proper administration of the Court through means of managerial oversight, coordination and cooperation;
- (ii) To oversee and support the fair, open and effective conduct of proceedings and to fulfil all exclusive judicial functions assigned to the Presidency; and
- (iii) To broaden global understanding of and support for the work of the Court by representing it in the international arena.

(b) **Chambers**

- (i) To ensure the conduct of fair, effective and open proceedings, safeguarding the rights of all parties.

(c) **Office of the Prosecutor**

- (i) To promote national efforts and international cooperation to prevent and punish genocide, crimes against humanity and war crimes;
- (ii) To investigate and prosecute genocide, crimes against humanity and war crimes; and
- (iii) To build universal consensus on the principles and purposes of the Rome Statute.

(d) **Registry**

- (i) To provide efficient, effective and high-quality judicial and administrative support services to the Presidency and Chambers, the Office of the Prosecutor, the defence, and victims and witnesses.

(e) **Secretariat of the Assembly of States Parties**

- (i) To organise conferences of the Assembly and meetings of the subsidiary bodies of the Assembly, including the Bureau and the Committee on Budget and Finance;
- (ii) To assist the Assembly, including its Bureau and subsidiary bodies in all matters relating to their work, with particular emphasis on the effective scheduling and procedurally correct conduct of meetings as well as consultations; and
- (iii) To enable the Assembly and its subsidiary bodies to carry out their mandate more effectively by providing them with high-quality substantive Secretariat servicing and support, including technical Secretariat services.

(f) **Secretariat of the Trust Fund for Victims:**

- (i) The Secretariat of the Trust Fund for Victims administers the Trust Fund for Victims and offers administrative support to the Board and its meetings. For more

information regarding the Trust Fund for Victims, please refer to the Financial Statements of 2009 for the Trust Fund for Victims.

(g) **Permanent Premises Project Office:**

(i) In annex IV and V of resolution ICC-ASP/6/Res.1, the Assembly of States Parties decided to establish the Project Director's Office within the annual proposed programme budget of the Court to cover the Staff costs and other operational costs related to the Permanent Premises Project. The Project Director's Office operates under the full authority of the Assembly of States Parties and report directly and be accountable to the Assembly through the Oversight Committee. For more information regarding the Permanent Premises Project, please refer to point 14 of the present report.

2. Summary of significant accounting and financial reporting policies

2.1 The accounts of the International Criminal Court are maintained in accordance with the Financial Regulations and Rules of the Court, as adopted by the Assembly of States Parties at its first session in September 2002, and amendments thereto. The accounts of the ICC are currently in conformity with the United Nations system accounting standards. These notes form an integral part of the ICC's financial statements.

2.2 **Fund accounting:** the Organisation's accounts are maintained on a fund accounting basis. Separate funds for general or special purposes may be established by the Assembly of States Parties. Trust funds and special accounts funded wholly by voluntary contributions may be established and closed by the Registrar.

2.3 **Financial period:** the financial period of the Organisation is one calendar year, unless otherwise decided by the Assembly of States Parties.

2.4 **Accrual basis:** with the exception of voluntary contributions, as defined in subparagraph 2.15 (b) below, income, expenditure, assets and liabilities are recognised on the modified accrual basis of accounting.

2.5 **Historical cost basis:** the accounts are prepared on the historical cost basis of accounting and are not adjusted to reflect the effects of changing prices for goods and services.

2.6 **Currency of accounts and treatment of exchange rate movements:** the accounts of the Organisation are presented in euros. Accounting records kept in other currencies are converted into euros at the United Nations operational rate of exchange in effect at the date of the financial statement. Transactions in other currencies are converted into euros at the United Nations operational rate of exchange in effect at the date of transaction.

Exchange rate gains and losses are treated as follows:

(a) Realised gains and losses resulting from the purchase of other currencies are recorded as miscellaneous income;

(b) Realised losses on transactions are reflected in the expenditures of the main programme;

(c) Unrealised gains and losses resulting from the revaluation of cash and other assets and liabilities are recorded as a provision in the balance sheet. At year-end, a cumulative net gain is left as a provision in the balance sheet, whereas a net loss is specifically provided for and recorded as expenditure; and

(d) Unrealised gains and losses relating to the revaluation of unliquidated obligations are recorded as expenditure and adjusted in the corresponding programme budgets.

2.7 **The General Fund** was established for the purpose of accounting for the expenditures of the Court. The General Fund includes assessed contributions, funds provided by the United Nations, voluntary contributions, miscellaneous income and advances made from the Working Capital Fund to finance expenditures.

2.8 **The Working Capital Fund** is the fund established to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions. The amount of the Working Capital Fund is determined by the Assembly of States Parties for each financial period and is assessed in accordance with the scale of assessments used for the appropriations of the Court, in accordance with financial regulation 6.2.

2.9 **Trust Funds and special accounts** are established and closed by the Registrar, and are reported to the Presidency and, through the Committee on Budget and Finance, to the Assembly of States Parties. They are funded wholly by voluntary contributions in accordance with specific terms and agreements with the donors.

Reserve accounts and special accounts funded wholly or in part by assessed contributions may be established by the Assembly of States Parties.

2.10 **The Contingency Fund** in the maximum amount of €10,000,000 was established by the Assembly of States Parties in September 2004 to be effective 1 January 2005, 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 foreseen or could not be accurately estimated at the time of adoption of the budget; or
- (c) Costs associated with an unforeseen meeting of the Assembly of States Parties.

The level of the Contingency Fund is determined by the Assembly of States Parties and is financed by assessed contributions or by applying cash surpluses, as determined by the Assembly of States Parties.

2.11 **Assessed contributions:**

- (a) In accordance with financial regulation 5.2, the appropriations are assessed to States Parties in accordance with the scale of assessments adopted by the United Nations for its regular budget, adjusted to reflect differences in membership between the United Nations and the Court;
- (b) In accordance with financial regulation 5.8, payments made by a State Party are credited first to the Working Capital Fund and then to the contributions due to the General Fund, and then to the Contingency Fund, in the order in which the State Party was assessed;
- (c) Contributions paid in other currencies are converted into euros at the rate of exchange in effect at the date of payment; and
- (d) New States Parties to the Rome Statute are assessed for the year in which they became States Parties for the Working Capital Fund and the regular budget, in accordance with financial regulation 5.10.

2.12 **Surpluses due to States Parties** for a given financial period are funds arising from:

- (a) Unencumbered balances of appropriations;
- (b) Savings on, or cancellation of, prior periods' obligations;
- (c) Contributions resulting from the assessment of new States Parties;
- (d) Revisions to the scale of assessments taking effect during the financial year; and
- (e) Miscellaneous income as defined in subparagraph 2.15(d) below.

Unless otherwise determined by the Assembly of States Parties, surpluses at the end of the financial period, after deducting there from any assessed contributions for that financial period which remain unpaid, are apportioned to the States Parties based on the scale of assessments applicable for the financial period to which the surplus relates. As of 1 January following the year in which the audit of the accounts of the financial period is completed, the amount of surplus apportioned to a State Party is surrendered if its contribution for that

financial period has been paid in full. In such cases, the credit is used to offset, in whole or in part, contributions due to the Working Capital Fund and assessed contributions due for the calendar year following the financial period to which the surplus relates.

2.13 Reserve for unpaid assessed contributions: a reserve in the amount of assessed contributions remaining unpaid for prior financial periods is shown on the balance sheet as a deduction from the cumulative surplus.

2.14 Contributions received in advance: contributions received in advance are shown on the balance sheet as a liability. Contributions received in advance are applied in the following financial period, first against any advances due to the Working Capital Fund and second, to the assessed contributions.

2.15 Income: the organisation's income consists of:

(a) Assessed contributions: for the purposes of the financial statements, income is recognised when the assessments to the States Parties of the adopted programme budget have been approved by the Assembly of States Parties;

(b) Voluntary contributions are recorded as income on the basis of a written commitment to pay monetary contributions during the current financial year, except where contributions are not preceded by a pledge. For these funds, income is recorded at the time that the actual contributions are received from the donors;

(c) Funds provided by the United Nations in accordance with article 115, subparagraph (b), of the Rome Statute; and

(d) Miscellaneous income includes:

(i) Refunds of actual expenditures incurred in prior financial periods;

(ii) Interest income: includes all interest earned on deposits in interest-bearing bank accounts and time deposits;

(iii) Income derived from investments of the General Fund, the Working Capital Fund and the Contingency Fund;

(iv) At the end of the financial period, a net positive balance of the account for loss or gain on exchange resulting from currency exchange, or revaluation and devaluation of currency is credited to miscellaneous income. A net negative balance is charged to the relevant expenditure account;

(v) Proceeds from the sale of property; and

(vi) Voluntary contributions for which no purpose is specified.

2.16 Expenditure:

(a) Expenditures are incurred against authorised allotments in accordance with financial rule 104.1. Total expenditures reported include disbursement expenditures and unliquidated obligations;

(b) Expenditures incurred for non-expendable property are charged to the budget of the period when acquired and are not capitalised. Inventory of such non-expendable property is maintained at the historical cost; and

(c) Obligations pertaining to future financial periods are recorded against a deferred charge account, in accordance with financial rule 111.7.

2.17 Unliquidated obligations are commitments entered into that have not been disbursed during the financial period. Obligations are based on a formal contract, agreement, purchase order or other form of undertaking, or on a liability recognised by the Court. Current period obligations remain valid for 12 months after the end of the financial year to which they relate.

2.18 Provision for pension liabilities for judges:

During its seventh session held from 9 to 13 October 2006, the CBF recommended that the Court should accept the tender of Allianz/NL to insure the judges' pension scheme. The CBF recommendation was accepted by the ASP during its fifth session (see ICC-ASP/5/32,

para. 31). Allianz have been appointed as the Judges Pension Scheme Administrators and the commencement date for the contract is 31 December 2008.

The ICC pays Allianz an annual premium of €1,975,611. Based on the premium paid the scheme is a defined benefit scheme which provides the following benefits for scheme members:

- (a) a defined retirement pension for judges after the completion of the 9-year term (pro-rated if 9-year term is not completed);
- (b) surviving spouse pension is 50 percent; and
- (c) disability pension for judges aged 65 and under.

2.19 **Cash and term deposits** comprise funds held in interest-bearing bank accounts, time deposits and call accounts.

2.20 **Deferred income** includes pledged contributions for future financial periods and other income received but not yet earned.

2.21 **Prepaid expenses comprise:** That portion of the education grant advance which is assumed to pertain to the scholastic year completed at the date of the financial statement is reported as prepaid expenses for the purposes of the balance sheet statement only. The full amount of the advance is maintained in the accounts receivable of staff members and officials of the Court until the required evidence of entitlement is produced, at which time the budgetary account is charged and the advance settled. Compared to last year these costs were presented under deferred charges. Prepaid expenses seem to be a more appropriate accounting treatment, as the education costs are paid in advance of the school year. To keep the figures comparable a restatement of the 2008 figures was made to reflect the prepaid expenses for education grants.

2.22 **Repatriation grant liability:** internationally recruited staff members who separate become entitled to repatriation grants after one year of service. Similarly, judges become entitled to receive a relocation allowance after five years of service, upon termination of duty.

This method of estimating the liability is more prudent and in line with current best practice for employee benefits, where the underlying principle is that the cost of providing employee benefits should be recognised in the period in which the benefit is earned by the employee, rather than when it is paid or payable.

2.23 **Contingent liabilities**, if any, are disclosed in the notes to the financial statements.

2.24 **United Nations Joint Staff Pension Fund (UNJSPF):** in accordance with decision ICC-ASP/1/Decision 3 of the Assembly of States Parties and United Nations General Assembly resolution 58/262 adopted on 23 December 2003, the ICC became a member organisation of the UNJSPF with effect from 1 January 2004. The UNJSPF provides retirement, death, disability and related benefits to ICC staff.

The Pension Fund is a funded defined benefit plan. The financial obligation of the organisation to the Fund consists of its mandated contribution at the rate established by the United Nations General Assembly of 15.8 per cent of pensionable remuneration, together with any share of any actuarial deficiency payments under Article 26 of the Regulations of the Fund. Such deficiency payments are only payable if and when the United Nations General Assembly has invoked the provision of article 26, following determination that there is a requirement for deficiency payments based on an assessment of the actuarial sufficiency of the Fund as of the valuation date. At the time of this report, the United Nations General Assembly has not invoked this provision.

3. The International Criminal Court (statements I-IV)

3.1 The International Criminal Court was established by the Rome Statute of the International Criminal Court on 17 July 1998, when 120 States participating in the "United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court" adopted the Statute. The Court is an independent permanent judicial institution composed of the following organs:

- (a) The Presidency, comprising the President and the First and Second Vice-Presidents;
- (b) The Chambers, comprising an Appeals Division, a Trial Division and a Pre-Trial Division. The Appeals Division is composed of the President and four other judges; the Trial Division is composed of not less than six judges, as is the Pre-Trial Division;
- (c) The Office of the Prosecutor, which acts independently as a separate organ of the Court, is responsible for the investigation and prosecution of crimes within the jurisdiction of the Court;
- (d) The Registry, which is responsible for:
 - (i) Non-judicial support and administrative services for the Court;
 - (ii) The provision of judicial support for court services;
 - (iii) Management of the internal security of the Court; and
 - (iv) The implementation of mechanisms to assist and safeguard the rights of victims, witnesses and defence; and
- (e) The Secretariat, which provides the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance, the Special Group on the Crime of Aggression, as well as, upon explicit decision by the Assembly, any subsidiary body that may be established by the Assembly, with independent substantive servicing as well as administrative and technical assistance.

The seat of the Court has been established at The Hague in the Netherlands in accordance with article 3 of the Rome Statute. The Court has also established six field offices to enable it to conduct its field operations. These field offices are operational in Uganda, Democratic Republic of the Congo (2), Chad (2) and Central African Republic.

For the purposes of the 2009 financial period, the appropriations were divided into six major programmes: the Judiciary (Presidency and Chambers), the Office of the Prosecutor, the Registry, the Secretariat of the Assembly of States Parties, the Secretariat of the Trust Fund for Victims and the Permanent Premises Project Office.

3.2 The financial period of the organisation is one calendar year unless otherwise decided by the Assembly of States Parties.

3.3 **Statement I** reports the income and expenditure and changes in reserve and fund balances during the financial period. It includes the calculation of the excess of income over expenditure for the current period and prior period adjustments of income or expenditure.

3.4 **Statement II** shows the assets, liabilities, reserves and fund balances as at 31 December 2009. The value of non-expendable property is excluded from the assets (see note 6).

3.5 **Statement III** is the cash flow summary statement prepared using the indirect method of International Accounting Standard 7.

3.6 **Statement IV** reports on expenditures against the appropriation approved for the financial period.

4. General Fund, Working Capital Fund and Contingency Fund

4.1 **Assessed contributions:** the Assembly of States Parties, in its resolution ICC-ASP/7/Res.4, approved the funding of the appropriations of the Court for the financial period 1 January to 31 December 2009 in the total amount of €101,229,900. As at 31 December 2009, there were 110 States Parties to the Rome Statute.

4.2 **Interest income:** interest in the amount of €1,291,713 represents interest earned on the Court's bank accounts for the General Fund, the Working Capital Fund and the Contingency Fund.

4.3 **Miscellaneous income:** the total miscellaneous income of €94,384 represents the following:

Table 1: Details of miscellaneous income

Miscellaneous income	Amount (euros)
Refund of expenditures incurred in prior financial periods	221,577
Miscellaneous income	72,807
Total	294,384

4.4 **Expenditures:** the total amount of expenditures, €3,492,219, comprises total disbursements of €84,398,821, outstanding obligations of €7,714,050 and provisions for liabilities of €1,379,348. The expenditures are detailed in table 2 below.

Table 2: Details of expenditures (in euros)

Category of expenditure	Appropriation Amount	Disbursed expenditures	Unliquidated Obligations	Provisions ^{a)}	Total Expenditures
Salaries & other staff costs	71,457,300	65,457,575	933,529	1,379,348	67,770,452
Travel & hospitality	5,122,200	3,102,344	857,863	-	3,960,207
Contractual services	8,986,000	5,787,185	2,417,987	-	8,205,172
Operating expenses	13,207,300	7,706,166	2,893,409	-	10,599,575
Acquisitions	2,457,100	2,345,551	611,262	-	2,956,813
Total	101,229,900	84,398,821	7,714,050	1,379,348	93,492,219

a) The amount of €1,379,348 is recorded in the accounts as the sum of the following provisions: a provision for US Tax Liability for staff of €60,161; provision for ILO cases of €23,700; and an accrual for repatriation grant of €1,095,487 as stated in notes 4.5 and 4.6 below.

Pension expenditures:

During its seventh session held from 9 to 13 October 2006, the CBF recommended that the Court should accept the tender of Allianz/NL to insure the judges' pension scheme. The CBF recommendation followed the earlier ASP request to the CBF (ICC-ASP/4/Res.9) for the latter to advise on the most cost effective option of administering the judge's pension scheme. The CBF recommendation was accepted by the ASP during its fifth session (See ICC-ASP/5/32, para. 31).

The Commencement Date for the contract between ICC and Allianz/NL is 31 December 2008.

The pension scheme of the judges' pension will change from an accrual basis system to the payment of an annual premium to Allianz. The accrual amount premium for 2009 was paid to Allianz and recorded as disbursed expenditure for €2,280,263.

4.5 Provisions

(a) **Repatriation Grant Accrual:** The Repatriation Grant Liability has been subdivided into a Repatriation Grant accrual of €3,512,533 and Repatriation Grant Liability of €283,544 under Other Accounts Payable, The distinction being that the Repatriation Grant Liability refers to amounts owed to staff as of 31 December 2009 who have already left the Court and the amounts are therefore due and payable. The Repatriation Grant Accrual refers to amounts earned by eligible employees as at 31 December 2009 but are not payable as at 31 December as the staff are still employed by the Court. The amount charged to the budget in 2009 for Repatriation Grant accrual was €1,095,487 which was split between the different organs of ICC; and

(b) **Provision for US Tax Liability:** According to the practice and fundamental principles of the International Civil Service, as adjudicated upon by the International Labour Organization Administrative Tribunal (ILOAT), all employees of the Court are entitled to exemption from taxation on Court salaries, emoluments and allowances paid by the Court. The calculated tax liability is €60,161 that estimated for the year 2009 for 10 United States taxpayers on the payroll of the Court during this period.

4.6 **Provision for ILO cases:**

During 2009 one case has been filed with the International Labour Organization Administrative Tribunal (ILOAT) by a former staff member of the ICC. The ICC Legal Department have assessed that it is probable that a payment will have to be made to this staff member and based upon ICC's experience of such cases an amount has been provided for in 2009.

4.7 **Savings on, or cancellation of, prior periods' obligations:** actual disbursements of prior periods' obligations of €8,999,929 amounted to €6,838,429 due to savings on or cancellation of obligations in the amount of €2,161,500.

4.8 **Credits to States Parties:** cash surplus credited to eligible States Parties amounted to €19,194,864. This comprises cash surpluses from 2007 and had been apportioned to States Parties in accordance with their respective assessments for that financial period. The sum of €96,357 of this cash surplus had been returned to States Parties and the remaining amount of €18,798,507 was credited towards assessed contributions due and is included in the total amount of collections during 2009 (Schedule 1).

4.9 **Working Capital Fund:** the Assembly of States Parties, in its resolution ICC-ASP/7/Res.4, established the Working Capital Fund for the financial period 1 January to 31 December 2009 in the amount of €7,405,983 at the same level compared to the previous financial period.

4.10 **Assessed contributions receivable:** the outstanding balance of contributions of €1,093,012 comprises €32,437 due for prior financial periods and €760,575 due for 2009 (Schedule 1). Contributions received from States Parties in excess of contributions due in the amount of €1,523,706 are reported as contributions received in advance (see note 4.15(b) below).

4.11 **Other contributions receivable** refer to the outstanding balance due to the Working Capital Fund. The outstanding balance as at 31 December 2009 was €270 (Schedules 2 and 3).

4.12 **Interfund balances receivable** to the General Fund as at 31 December 2009 amount to €140,150, from the trust funds for which there are separate accounts.

4.13 **Other accounts receivable** in the total amount of €2,811,247 are detailed in table 3 below.

Table 3: Details of other accounts receivable

Accounts receivable	2009 Amount (euros)	2008 Amount (euros)
Governments (value-added tax) ^{a)}	1,127,297	989,495
Staff	277,681	665,523
Vendors	9,921	77,871
Interest accrued	97,439	1,715,624
Travel advances (other than cash advances) ^{b)}	513,251	495,306
Advances to vendors for travel-related expenses ^{c)}	565,848	507,269
Others ^{d)}	219,810	132,673
Total	2,811,247	4,583,761

^{a)} **Value-added tax:** the amount of €1,127,297 recorded in the accounts as receivable from government for value-added tax (VAT) paid on goods and services does include the amount of €215,019 representing VAT for purchases in Uganda during 2005, 2006, 2007, 2008 and 2009. This amount is a receivable from the Ugandan government. It is not certain whether the amount of €215,019 will be fully recoverable, as the law granting VAT exemption status to ICC in Uganda was signed on 18 October 2008 and entered into force on 1st July 2008. Efforts are made for retroactive VAT reimbursement on the basis that the ICC was entitled to VAT exemption status from the beginning of its operations in Uganda and that the delays in formally recognizing that status were not caused by ICC.

^{b)} **Travel advances (other than cash advances):** represent the amount of travel advances for which the travellers had not submitted travel expense claims to be recorded in the accounts as expenditure in 2009. This is the amount of travel advances with the exception of those paid in the form of cash. Cash advances are recorded as receivables from the travellers and are included in the total amounts for "Staff", "Vendors", or "Others" receivables.

^{c)} **Advances to vendors for travel-related expenses:** represent the amounts paid to vendors for travel-related expenses such as tickets and shipments for which the travel claims had not been submitted by the travellers to be recorded as expenditure in the accounts as at 31 December 2009.

^{d)} **Within the others accounts receivable** an amount of €109,293 is included related to the Defence Counsel Costs of an accused. As a result of a judicial decision dated 20 October 2009 (Trial chamber III, number ICC-01/05-01/08-568), the Court advanced an amount of €178,872 for legal costs to cover the legal representation of an accused person whose assets have been frozen. At the closing of the financial statements an amount of €69,579 was retrieved by the Court from the frozen assets. It is likely but cannot be guaranteed that a full recovery of the amount will be possible when the Court applies for all the assets to be released.

4.14 **Education grant advances:** prepaid expenses contain the amount of €688,312 which is the portion of the education grant advance that is assumed to pertain to the scholastic years completed as at 31 December 2009 and 2010. To keep the figures comparable a restatement of the 2008 figures was made to reflect the prepaid expenses for education grants for the amount of €787,308.

4.15 **Contributions or payments received in advance:** a total of €3,671,716 was received from States Parties to be applied to the next financial period. This comprises:

(a) €1,523,706 received from States Parties in advance for 2009 assessed contributions (Schedule 1); and

(b) €2,148,010 representing contributions received in excess of assessed contributions for 2009 resulting from assessment of new States Parties, overpayments or the distribution of 2007 cash surplus (Schedule 1).

4.16 **Other accounts payable** in the total amount of €1,338,759 are detailed in table 4 below.

Table 4: Details of other accounts payable

Accounts payable	2009 Amount (euros)	2008 Amount (euros)
Staff	161,520	41,780
Vendors	447,034	130,304
Deferred payment from Special Court for Sierra Leone ^{a)}	386,039	356,870
Repatriation grant liability ^{b)}	283,544	197,433
Others	50,745	64,596
Interest accrued (Loan from MFA Netherlands) ^{c)}	9,877	
Total	1,338,759	790,983

^{a)} **Deferred payment from the Special Court of Sierra Leone:** on 29 March 2006, the ICC received a request from the President of the Special Court of Sierra Leone (Special Court) to provide temporary assistance with regard to the provision of courtroom and detention services and facilities and support for the conduct of the trial of Charles Taylor. After consultations with the Bureau of the Assembly of States Parties, the ICC agreed to provide the services and facilities on condition that full payment in advance would be made before services are rendered. Based on this decision, the ICC and the Special Court signed a Memorandum of Understanding (MOU) on 13 April 2006 regarding the administrative arrangements between the two Courts.

Following this agreement, the Special Court made advance payments to the ICC to cover its expenditures. The amount of €386,039 is the balance of the advance payments received from the Special Court less the expenditures incurred by the Special Court as at 31 December 2009.

^{b)} **Repatriation grant liability:** The accounting for repatriation grants has been adjusted in 2008 to increase financial statement transparency. The Repatriation Grant Liability has been subdivided into a Repatriation Grant accrual of €512,533 and Repatriation Grant Liability of €283,544 under Other Accounts Payable. The distinction being that the Repatriation Grant Liability refers to amounts owed to staff as of 31 December 2009 who have already left the Court and the amounts are therefore due and payable. The Repatriation Grant Accrual refers to amounts earned by eligible employees as at 31 December 2009 but are not payable as at 31 December as the staff are still employed by the Court.

^{c)} **Interest Accrued:** the amount of €9,877 is the Interest accrued on the utilisation of the Host State Loan of €1,425,000 during 2009. Those interests were paid to the MFA Netherlands in February 2010 in accordance with annex II to Resolution ICC-ASP/7/Res.1. The Interest is to be paid annually, as of the first utilization of the host State loan. Repayment of the loan, through regular annual instalments, will commence after expiration of the existing or future leases of the interim premises. For more information regarding the Permanent Premises Project, please refer to point 14, of the present report.

4.17 **Contingency Fund:** the amount of €1,168,567 representing the cash surplus for 2002-2003 financial period had been credited to establish the Contingency Fund in accordance with resolution ICC-ASP/ICC/Res.4 (b). The fund had not been used in 2009.

4.18 **Reserve for unpaid assessed contributions:** an amount of €32,437, being the amount of outstanding assessed contributions for prior financial periods (Schedule 1), is deducted from the cumulative surplus to derive the cash surplus for 2008 for distribution to States Parties (Schedule 4).

5. Trust Funds

5.1 **Voluntary contributions:** contributions in the amount of €1,652,499 have been pledged and/or received for 2009 projects.

5.2 **Interest income:** interest in the amount of €3,697 represents interest earned on the Court's bank account for the Trust Funds.

5.3 **Refund to donors:** the amount of €9,203 was refunded to donors, being the amount in excess of the requirements of the specific projects completed (Schedules 6 and 7).

5.4 **Other accounts receivable:** the amount of €754 is the interest earned but not received with regard to the bank account of the Trust Funds.

5.5 **Contributions or payments received in advance:** the ICC received voluntary contributions in the total amount of €1,259,277 for projects starting after 31 December 2009 (Schedule 6).

5.6 **Interfund balances payable:** as at 31 December 2009, interfund balances between the Trust Fund and the General Fund amounted to a payable of €140,150.

5.7 **Restatement of 2008:** In the financial Statements for the period ending 31 December 2007, the ICC erroneously reported €207,256 as voluntary contributions outstanding pledged from the European Commission in schedule 6. This pledge was received and to correct the Trust Fund balance it has been reduced by €207,256 in the comparative figure for 2008 as this is the earliest year of account disclosed in these financial statements.

6. Non-expendable property

6.1 A summary of non-expendable property, at historical cost, as at 31 December 2009 is provided in table 6 below. In accordance with the current ICC accounting policies, non-expendable property is not included in the fixed assets of the organisation, but is directly charged to the budget upon acquisition.

Table 5: Summary of non-expendable property (in euros)

Asset management category	Opening balance as at 1 January 2009	Acquisitions adjustments	Written-off items ^{a)}	Closing balance as at 31 December 2009
Information, technology and communications equipment	6,809,746	704,828	(253,559)	7,261,015
Security and safety equipment	814,865	7,844	(798)	821,911
General services equipment	1,029,438	49,441	(3,047)	1,075,832
Vehicles and transportation equipment	811,106	82,491	(29,054)	864,543
Office of the Prosecutor equipment	1,334,178	20,049	(6,186)	1,348,041
Other equipment	1,175,624	250,616	-	1,426,240
Courtrooms and Pre-Trial Chamber*	1,362,918	-	-	1,362,918
Total	13,337,875	1,115,269	(292,644)	14,160,500

* Courtrooms and Pre-Trial chamber – Courtroom elements constituting an integral part of the installation.

In addition to the above, the ICC's records include the following non-expendable property acquired from voluntary contributions:

Table 6: Summary of non-expendable property funded by other sources (in euros)

Asset management category	Opening balance as at 1 January 2009	Written-off items ^{a)}	Closing balance as at 31 December 2009
Advance team budget	18,277	(717)	17,560
Donations to the ICC	419,557	(91,382)	328,175
Total	437,834	(92,099)	345,735

^{a)} During 2009, items valued at a total amount of €384,743 had been written off.

7. Write-off losses of cash, receivables and property

7.1 In addition to the items written off during 2009 as stated in 6.1 above, a total amount of €2,095 had been written off as loss of cash; a total amount of €56,613 had been written off as irrecoverable accounts receivable since 2005.

8. *Ex-gratia* payments

8.1 No *ex-gratia* payments were made by the Court during the financial period.

9. *Gratis* personnel

9.1 No services of *gratis* personnel were received during the financial period.

10. Contingent liabilities

10.1 During 2009 three potential cases have been identified where a former staff member of the ICC may consider filing actions with the International Labour Organization Administrative Tribunal (ILOAT). In such an eventuality the ICC will attempt to establish the likely outcome of these cases and take action to account for them accordingly.

11. Service-incurred injury

11.1 The ICC entered into an agreement with an insurance company to offer coverage for service-incurred injuries for ICC staff, judges, consultants and temporary assistants. The insurance premium, calculated as a percentage of the pensionable remuneration for the staff members and a comparable percentage for judges, consultants and temporary assistants, is charged to the organisation's budget and is reflected in the accounts under expenditures. The total premium paid during 2009 for this insurance was €71,244.

12. Contributions in kind

12.1 The following are the significant (higher than €25,000) contributions in kind received by the Court during the financial period:

(a) As reported in the financial statements for the prior financial periods, the Court continues to receive the following contributions from the host State:

- (i) Premises to the Court free of rent for a period of 10 years, starting 1 July 2002; and
- (ii) Costs associated with the interim premises of the Court to a maximum of €33 million, including the costs of building a courtroom.

13. Contributions to the Trust Fund for Victims

13.1 In its resolution ICC-ASP/1/Res.6, the Assembly of States Parties established the Trust Fund for Victims for the benefit of victims of crimes within the jurisdiction of the ICC, and the families of such victims.

In the annex to that resolution, the Assembly established a Board of Directors, which is responsible for the management of the Trust Fund, and decided that the Registrar of the Court should be responsible for providing such assistance as is necessary for the proper functioning of the Board in carrying out its tasks and should participate in the meetings of the Board in an advisory capacity.

In 2009, the ASP approved an appropriation of €1,301,400 for the Secretariat of the Trust Fund for Victims which administers the Trust Fund and offers administrative support to the Board and its meetings. Expenditures recorded in the accounts for the Secretariat during the financial period are €1,263,964.

14. The Permanent Premises Project: General description

14.1 The Permanent Premises Project was established by the Assembly of States Parties (ASP), in its resolution ICC-ASP/4/Res.2, which emphasized that "the Court is a permanent judicial institution and as such requires functional permanent premises to enable the Court to discharge its duties effectively and to reflect the significance of the Court for the fight

against impunity”, and reiterating the importance of permanent premises to the future of the Court.

14.2 In its Resolution ICC-ASP/6/Res.1 the ASP further recalled that the overall construction costs, which include a contingency reserve, fees for the consultants and contractors, pre-tender and post-tender inflation, any fees for permits and dues and a fund for integrated, specialized representational features were estimated to be no more than €190 million at the 2014 price level. In the annex II to Resolution ICC-ASP/6/Res.1, the Assembly of States Parties established an Oversight Committee of State Parties which is established as a subsidiary body of the Assembly of States Parties pursuant to article 112, para. 4, of the Rome Statute.

14.3 The mandate of the Oversight Committee is to provide a standing body to act on behalf of the Assembly in the construction of the permanent premises of the International Criminal Court. The role of the Oversight Committee will be strategic oversight, with routine management of the project resting with the Project Director. The Oversight Committee is a body consisting of 10 State Parties, with at least one member from each regional group.

15. The Permanent Premises Project: Accounting and financial reporting policies

15.1 The accounts of the Permanent Premises Project are maintained in accordance with the Financial Regulations and Rules of the ICC, as established by the Assembly of States Parties in the annex to resolution ICC-ASP/1/Res.6. Therefore, the accounts of the Permanent Premises Project are currently in conformity with the United Nations system accounting standards. These notes form an integral part of the Permanent Premises Project’s financial statements.

15.2 **Fund accounting:** the Permanent Premises Project’s accounts are maintained on a fund accounting basis.

15.3 **Financial period:** the financial period of the Permanent Premises Project is one calendar year, unless otherwise decided by the Assembly of States Parties.

15.4 **Historical cost basis:** the accounts are prepared on the historical cost basis of accounting and are not adjusted to reflect the effects of changing prices for goods and services.

15.5 **Currency of accounts:** the accounts of the Permanent Premises Project are presented in euros. Accounting records kept in other currencies are converted into euros at the United Nations operational rate of exchange in effect at the date of the financial statement. Transactions in other currencies are converted into euros at the United Nations operational rate of exchange in effect at the date of transaction.

15.6 **Funding:** the Permanent Premises Project is funded by:

(a) Ministry of Foreign Affairs of the Host State Netherlands: through the provision to the Court of a loan of up to a maximum of €200 million, to be repaid over a period of 30 years at an interest rate of 2.5 per cent, on the basis of annex II to Resolution ICC-ASP/7/Res.1. The Interest is to be paid annually, as of the first utilization of the host State loan. Repayment of the loan, through regular annual instalments, will commence after expiration of the existing or future leases of the interim premises;

(b) Assessed Contributions based on the principles laid out in Resolution ICC-ASP/7/Res.1 Annex III for one-time payments of the assessed share;

(c) Voluntary contributions from governments, international organisations, individuals, corporations and other entities, in accordance with annex VI of ICC-ASP/6/Res.1 adopted by the Assembly of States Parties on the establishment of a permanent premises construction trust fund; and

(d) Alternative resources as the Assembly of States Parties may decide to allocate.

15.7 **Income:** assessed and voluntary contributions are recorded as income on the basis of a written commitment to pay monetary contributions during the current financial year, except where contributions are not preceded by a pledge. For these funds, income is recorded at the time that the actual contributions are received from the donors.

15.8 **Cash and term deposits** comprise funds held in interest-bearing bank accounts, time deposits, and call accounts.

16. The Permanent Premises Project: Notes to Statements (I-III)

16.1 **Statement I** reports the income and expenditure and changes in reserve and fund balances during the financial period. It includes the calculation of the excess of income over expenditure for the current period and prior-period adjustments of income or expenditure.

16.2 **Statement II** shows the assets, liabilities, reserves and fund balances as at 31 December 2009.

16.3 **Statement III** is the cash flow summary statement prepared using the indirect method of International Accounting Standard 7.

16.4 **Assessed Contributions and Voluntary contributions** in the total amount of € were received from governments, individuals, organisations and other entities.

16.5 **Expenditures:** the total amount of expenditures of €1,279,471 comprises disbursements of €1,274,082 and outstanding obligations of €5,389.

16.6 **Savings on, or cancellation of, prior periods' obligations:** actual disbursements of prior periods' obligations of € amounted to € due to savings on or cancellation of obligations in the amount of €.

16.7 **Other accounts receivable** in the amount of €54 represent interest earned but not yet received as at 31 December 2009 and €205,304 represent Value-added tax paid on goods and services to be received from the Dutch government.

16.8 **Other accounts payable** in the amount of €1,105,903 represent invoices booked in the accounts but not yet paid as at 31 December 2009. Those invoices were paid in January and February 2010.

16.9 **Contributions received in advance** in the amount of €2,092,090 is an advance payment issued by the Embassy of Italy for 2010 contribution to the Permanent Premises Project in relation to one-time payments option as referred to resolution ICC-ASP/7/Res.1.

16.10 **Host State Loan** in the amount of €1,425,000 was utilized during 2009 to finance costs related to the construction of the permanent premises. The Interests accrued on the utilisation of the loan of €9,877 are included in the annual programme budget of the Court for 2009 and paid to the MFA Netherlands in February 2010.

16.11 **Project Director's Office:** in annex IV and V of resolution ICC-ASP/6/Res.1, the Assembly of States Parties decided to establish the Project Director's Office within the annual proposed programme budget of the Court under major programme VII to cover the Staff costs and other operational costs related to the premises project. The Project Director's Office operates under the full authority of the Assembly of Sate Parties and report directly and be accountable to the Assembly through the Oversight Committee.

Without prejudice to the paragraph above, the Project Director's Office is an integral part of the International Criminal Court; for administrative and staff purposes, the Project Director's Office and its staff are attached to the Registry of the Court.

In 2009, the Assembly of States Parties approved an appropriation of €502,000 for the Project Director's Office which is responsible for the management of the Permanent Premises Project. Expenditures recorded in the accounts for the Project Director's Office during the financial period are €17,410.

16.12 Contributions in kind

The following are the significant contributions in kind received by the Permanent Premises Project during the financial period:

- a) Administrative Services are provided by ICC sections mainly by the Budget and Finance Section (accounts preparation, bank reconciliations, recording and payment of invoices); Legal Advisory Services Section (contract negotiation and other legal matters); General Services Section (Procurement services : preparation of Purchase Orders and Facilities management services); Information Communication and Technology Section (provision of ICT services); and
 - b) Host state contribution to architect selection.
-