


Eleventh session

The Hague, 14-22 November 2012

**Report on activities and programme performance of the
International Criminal Court for the year 2011***

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* Previously issued as CBF/18/11.

I. Introduction

1. This report details the main activities conducted by the International Criminal Court (“the Court”) in 2011 and provides an overview of its budgetary performance for that year. In addition, a detailed review of programme performance with reference to objectives, expected results, performance indicators, targets and achievements is included in annexes I to VI. Annex VII provides further details on the Court’s realization of its budgetary assumptions

2. The detailed descriptions of the activities in the first section of the report show that the Court undertook not only the activities projected for 2011, but also additional unforeseen activities, support for which was requested from the Contingency Fund. These included: investigative, prosecutorial and supporting activities relating to the situation in the Libyan Arab Jamahiriya, which resulted from a United Nations Security Council referral; pre-trial activities in the situation in Kenya; a significant increase in trial activities in ongoing cases during the second semester of the year; and active investigations in Côte d’Ivoire. Out of the €8.5 million requested notified by the Court to cover these and other unforeseen activities, €5.13 million has been spent.¹

II. Main activities of the Major Programmes

A. Major Programme I – Judiciary

1. The Presidency

3. In 2011, the Presidency continued exercising its functions in its three main areas of responsibility: legal and judicial tasks, external relations and administration. The amount of legal and judicial tasks remained at the same high level in terms of the number of decisions issued, most of them being confidential. In addition, two enforcement agreements were concluded with States and two Court-wide agreements were concluded with international organizations. The legal team of the Presidency also had a significant workload in constituting Chambers, supporting meetings and plenaries of the judges, as well as supporting the administrative functions of the Presidency on some items in the context of the Hague Working Group. Finally, the Presidency continued its review of all inter-organ draft administrative policies.

4. In the area of external relations, the Presidency engaged intensively with States Parties, as well as with States not party to the Rome Statute, and with the Assembly of States Parties (“the Assembly”) and its subsidiary organs, intergovernmental and regional organizations and civil society. As the public face of the Court, the President (or one of the Vice-Presidents acting on his behalf) raised awareness about the ICC and the wider Rome Statute system in strategic communications with political decision-makers, legal communities and civil society in various regions. The President invested particular effort in urging greater involvement of the Asia-Pacific region as the least-represented group of States at the ICC. The Presidency took the lead in increasing cooperation and synergies in the promotion of universality of the Rome Statute together with other key actors, in particular the European Union, Parliamentarians for Global Action and the Coalition for the International Criminal Court. The President and the Vice-Presidents held approximately 50 bilateral meetings with non-State Parties at ambassadorial or higher level, mainly in The Hague and New York, in order to encourage informed consideration of accession/ratification of the Rome Statute by the countries concerned. The President communicated frequently with the highest officials of the United Nations to maintain and deepen the cooperative relationship between the Court and the Organization. Through high-level meetings and speeches, the Presidency drew attention to the principle of positive complementarity and urged greater involvement of development agencies in strengthening national capacity to combat impunity for Rome Statute crimes.

5. In the area of administration too, the Presidency contributed to an inter-organ effort aimed at a comprehensive risk-mapping exercise and the subsequent creation of a

¹ Expenditure for 2011 is based on preliminary unaudited figures, which are subject to change.

comprehensive risk identification and management structure. This structure will be finalized in 2012. The Presidency initiated a substantial revision and updating of the Court's Strategic Plan, on which inter-organ work and wider consultation will be finalized in 2012. Further, the Presidency engaged in the implementation of the Corporate Governance Statement of the Court, including strategic oversight of the Registry and the coordination of inter-organ issues. The Presidency also engaged extensively with the Study Group on Governance of the Assembly of States Parties throughout the year on a number of legal, administrative and managerial topics relevant to the Court's operations. Furthermore, the Presidency is actively involved in all inter-organ matters at the Court, including, inter alia, the preparation of the Court's programme budget as well as the discussion of other budgetary matters in the Court's Budget Working Group; the discussion and facilitation of strategic issues in Tricomm; and the coordination and facilitation of the monthly Coordination Council meetings.

2. Pre-Trial Division

6. Pre-Trial Chambers are currently seized of seven situations (two new situations, Libya and Côte d'Ivoire, were assigned to Pre-Trial Chambers in 2011). The situations in the Democratic Republic of the Congo (DRC), Darfur/Sudan and Libya are assigned to Pre-Trial Chamber I; the situations in Uganda, the Central African Republic (CAR) and Kenya are assigned to Pre-Trial Chamber II; and the situation in Côte d'Ivoire is assigned to Pre-Trial Chamber III. Six judges are currently assigned to the Pre-Trial Division, but two of them are also assigned to Trial Chambers, one being the Presiding Judge of Trial Chamber III. One Judge was assigned to both Pre-Trial Chamber I and Pre-Trial Chamber II throughout 2011. One pre-trial judge also participated in two interlocutory appeals in 2011.

7. With regard to the situation in Kenya, as foreseen in the 2011 budget submission, Pre-Trial Chamber II was seized with requests by the Prosecutor for the issuance of six summonses to appear. After due consideration, the Chamber issued those six summonses in March 2011 and the six suspects voluntarily appeared before the Pre-Trial Chamber on 7 and 8 April 2011. Pre-Trial Chamber II accordingly conducted separate confirmation of charges procedures in two cases comprising three suspects each, during which around 250 decisions were issued by the Chamber. The confirmation of charges hearings took place from 1 to 8 September 2011 and from 21 September till 5 October 2011 respectively. The parties submitted 15,000 pages of evidence in the first case and 14,600 pages of evidence in the second case, which the Chamber had to review for purposes of its decisions. A total of 560 victims participated in the proceedings.

8. With regard to the situation in DRC, Callixte Mbarushimana made his initial appearance before Pre-Trial Chamber I on 28 January 2011, after his surrender by the French authorities. The confirmation of charges hearing took place from 16 to 21 September 2011. The parties to the proceedings submitted 15,200 pages of evidence, which the Chamber had to review for purposes of the confirmation of the charges. On 16 December 2011, Pre-Trial Chamber I decided by majority not to confirm the charges against Callixte Mbarushimana. During this confirmation of charges procedure, Pre-Trial Chamber I issued around 120 decisions and orders and 130 victims participated. Pre-Trial Chamber I also issued two decisions in 2011 with regard to the participation of victims in the investigation of the situation in the DRC, irrespective of any particular case.

9. With regard to the situation in Darfur/Sudan, on 7 March 2011 Pre-Trial Chamber I unanimously decided to confirm the charges against Abdallah Banda Abakaer Nourain and Saleh Mohamed Jerbo Jamus and committed them to trial. Furthermore, Pre-Trial Chamber I issued seven decisions in 2011 with regard to the Al Bashir case, in particular in relation to the non-cooperation of States for the arrest and surrender of Omar Al Bashir.

10. With regard to the situation in Libya, on 27 June 2011 Pre-Trial Chamber I issued three warrants of arrest, against Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi. For this purpose, the Chamber reviewed 2700 pages of evidence and information submitted by the Prosecutor. On 22 November 2011, Pre-Trial Chamber I terminated the case against Muammar Gaddafi due to his death, but the other suspects remain at large. In December, the Chamber issued requests for information from Libya in order to initiate a procedure on admissibility of the cases.

11. With regard to the situation in Côte d'Ivoire, on 3 October 2011 Pre-Trial Chamber III authorized the Prosecutor's request to open an investigation pursuant to article 15 of the Rome Statute. In the course of the proceedings, the Chamber had to review 1200 pages of evidence and information submitted by the Prosecutor and almost 700 victims' representations amounting to 5000 pages. This has represented a significant increase in the workload of the Pre-Trial Division. On 23 November 2011, Pre-Trial Chamber III, at the request of the Prosecutor, issued a warrant of arrest against Laurent Gbagbo. For this purpose, the Chamber had to review 2000 pages of evidence submitted by the Prosecutor. Laurent Gbagbo was surrendered to the Court on 30 November 2011. His initial appearance took place on 5 December 2011 and the confirmation of charges hearing was set to start on 18 June 2012.

12. The overall workload of the Pre-Trial Chambers in 2011 reached an unprecedented high level: they issued two decisions on the confirmation of charges, six summonses to appear and four warrants of arrest. In addition, Pre-Trial Chambers held initial appearance hearings for eight suspects and three confirmation of charges hearings for a total of seven suspects. Furthermore, throughout 2011 Pre-Trial Chambers also held numerous hearings in relation to disclosure, protective measures for witnesses and victims and defence related issues, among others.

3. Trial Division

13. The Trial Division is composed of eight judges and four Chambers (the mandate of Judge Blattmann was extended to enable him to complete the *Lubanga* trial). In addition, two judges of the Pre-Trial Division have been assigned to a Trial Chamber, which brings the number of judges involved in trials to 10. Six judges are currently members of two Chambers simultaneously (one is a member of Trial Chambers II and IV as well as being the 1st Vice-President, another is a member of Trial Chamber III while presiding over Trial Chamber IV, one is presiding over Trial Chamber III whilst being the President of the Pre-Trial Division and a member of Pre-Trial Chamber I, and three other judges are members of both a Trial and a Pre-Trial Chamber).

14. As noted in previous years, criminal proceedings are organic; unexpected developments, although dealt with as expeditiously as possible by the respective Chambers, cause unavoidable delays. Nonetheless, all four Chambers have ensured that the cases advanced as fast as possible, while at the same time guaranteeing the integrity of the proceedings and the accused's right to a fair trial.

15. In the *Lubanga* trial, Trial Chamber I² finished hearing evidence presented by the parties in the course of 2011: five witnesses called by the defence testified following the Chamber's decision on the "Defence application seeking a permanent stay of the proceedings" (abuse of process) issued on 23 February 2011. The latter decision, issued less than 2 weeks after the last submission was filed, totalled 93 pages and, inter alia, involved the review of 364 pages of submissions and several hundred pages of transcript testimony. The presentation of evidence was declared closed on 20 May 2011. The written closing briefs of the parties and participants were filed between 1 June and 15 August 2011, totalling 759 pages of submissions. Oral closing statements were made by the Prosecutor, the Defence, and the legal representatives of the victims on 25 and 26 August 2011. In addition, the Chamber issued a number of decisions on various issues such as the admission of documents, the presentation of rebuttal evidence by the prosecution, translation issues related to the judgment, legal assistance for the defence and legal representatives of victims, and issues related to asylum requests made by a detained witness. The Chamber issued 57 written decisions and orders (including annexes but excluding transcript redaction orders, corrigendum and redacted versions), and delivered 10 oral decisions. In total, 438 documents³ were filed in the record of the case in 2011 and the Chamber sat for 21 days. Following the issue of a decision authorising additional victims to participate in the proceedings, the total number of victims participating in the proceedings is 129. Although it was originally anticipated that the judgment (decision issued pursuant to Article 74 of the

² Trial Chamber I is composed of Judge Fulford, presiding, Judge Odio Benito and Judge Blattmann; Judges Fulford and Odio Benito are also members of Pre-Trial Chamber III.

³ Including annexes.

Rome Statute) would be delivered by the end of 2011, the scope of the evidence to be reviewed (namely 1373 exhibits, the evidence of 67 witnesses heard over approximately 190 days of hearings, over 10000 transcript pages) and other issues to be considered, including whether witnesses contacted by intermediaries may be relied upon, rendered the achievement of this goal unrealistic.⁴

16. In the trial of *Germain Katanga and Mathieu Ngudjolo*, Trial Chamber II⁵ heard the evidence of two victims authorized by the Chamber to be called by the legal representatives between 21 February and 25 February 2011, following the close of the presentation of evidence by the prosecution on 8 December 2010 and an adjournment. Two status conferences were held on 10 and 23 March 2011 to prepare for the presentation of the defence cases. The presentation of evidence by the defence started on 24 March 2011. Mr Katanga called 17 witnesses (including three witnesses common to the defence for Mr Ngudjolo), who were heard until 12 July 2011. After the judicial recess, on 15 August 2011 the presentation of the defence case for Mr Ngudjolo began. Eight witnesses were heard until 16 September 2011. From 27 September to 19 October 2011, Germain Katanga testified on his behalf. Mathieu Ngudjolo also gave evidence in his own defence from 27 October until 11 November 2011. The Chamber issued decisions on a number of issues in the course of 2011, including on requests for variation of the order of witnesses or on the late disclosure of evidence throughout the defence phase, on issues relating to asylum requests to The Netherlands presented by three detained witnesses, on the protection and the detention conditions of the three detained witnesses, the admission of documents, and on requests to introduce additional evidence. Following its decision of 18 November 2011 to conduct a judicial site-visit in the DRC in January 2012, the Chamber held a status conference on 25 November 2011 to address the practical and procedural modalities, as well as the final itinerary of the visit, which were decided upon in a decision of 1 December 2011. On 14 December 2011, the Chamber held a status conference to resolve issues concerning the translation of the closing briefs. Following the hearing, the Chamber issued an order on the timetable for both written and oral closing submissions in 2012. Two more victims were allowed to participate in the proceedings (decision of 9 February 2011) and the participating status of two victims was revoked following the submission of substantiated allegations that they had provided misleading information. As a result, 364 victims, represented by two teams of legal representatives, participated in the proceedings. Trial Chamber II issued 81 decisions and orders (including annexes but excluding transcript redaction orders, corrigendum and redacted versions), and delivered 49 oral decisions. In total, 332 documents⁶ were filed in the record of the case in 2011 and the Chamber sat for 101 days.

17. The *Bemba* trial commenced on 22 November 2010 before Trial Chamber III⁷ and the presentation of evidence by the prosecution continued in 2011. From 11 January to 9 December 2011, the Chamber heard 33 out of 40 prosecution witnesses. One witness was authorized to give his testimony via video-link. In this context, the Chamber issued four written and 28 oral decisions on protective and/or special measures for witnesses as well as two written and 31 oral decisions on requests by legal representatives to question witnesses. The Chamber issued a number of decisions over the course of the year, inter alia on seven applications for provisional release, and on the presentation and admission of evidence (ruling on 15 December 2011 on the admissibility of documents submitted in the course of the testimonies of the first 32 prosecution witnesses). On 21 November and 21 December 2011, the Chamber issued two orders regarding applications by victims to present their views or concerns in person or to present evidence. The Chamber issued three decisions (on 21 July, 25 October and 15 December 2011), which dealt with 1089 applications by victims to participate in the proceedings, and authorized 975 applicants to participate, deferring its decision with regard to 71 applicants and rejecting the applications of 43 applicants. As a result, as at the end of 2011 a total of 2287 victims, represented by two teams of legal representatives, were

⁴ The Court rendered its judgment on 14 March 2012, deciding unanimously that the defendant was guilty, as co-perpetrator, of the war crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities from 1 September 2002 to 13 August 2003. See Judgment pursuant to Article 74 of the Statute, ICC-01/04-01/06 of 14 March 2012.

⁵ Trial Chamber II is composed of Judge Cotte, presiding, Judge Diarra and Judge Van den Wyngaert; Judge Diarra is also the first Vice-President of the Court and a member of Trial Chamber IV.

⁶ Including annexes.

⁷ Trial Chamber III is composed of Judge Steiner, presiding, Judge Aluoch and Judge Ozaki; Judges Steiner and Aluoch are also members of Pre-Trial Chamber I and Trial Chamber IV (Judge Aluoch presiding), respectively.

participating in the Bemba case. The Chamber issued 84 written decisions and orders (including annexes but excluding transcript redaction orders, corrigendum and redacted versions), and delivered 107 oral decisions. In total, 6234 documents⁸ were filed in the record of the case in 2011 and the Chamber sat for 131 days. Due to unforeseen issues which arose in relation to the scheduling of the last prosecution witnesses, the presentation of evidence by the prosecution was not completed in 2011 as initially expected. On 11 November 2011, the Chamber issued a decision regarding the prosecution's witness schedule, which approved the prosecution's request that its four last witnesses be heard in January and February 2012.

18. Trial Chamber IV⁹ was constituted and the *Banda and Jerbo* case was referred to it on 16 March 2011. A number of decisions to prepare the case for trial were issued, inter alia on the re-interview of six witnesses by the prosecution, on disclosure issues, including witness security and applications for redactions, on Article 54(3)(e) material, on the prosecution's request to invalidate the appointment of counsel for the defence, on requests for the cooperation of a non-State Party and an international organization, on the procedure to be adopted following the filing of an agreement on facts between the parties, on translation issues and the training of Zaghawa interpreters, on common legal representation, and on issues related to the voluntary appearance and presence of the accused during trial. The Chamber held three status conferences and issued 24 written decisions and orders in 2011. Preparation continued with a view to setting a realistic trial date. However, given the continuing issues concerning disclosure, Zaghawa translation/interpretation and cooperation, a trial date could not be determined in 2011.

19. In 2011, the three Trial Chambers sat for a total of 253 hearing days, a figure comparable to the number of days sat in 2010 (259 days). A total of 222 written decisions were issued (211 in 2010) and 166 oral decisions delivered (255 in 2010). Overall, the workload of the Chambers, especially taking into consideration the number of witnesses heard by the Trial Chambers and the corresponding number of transcript pages to review, did not decrease in 2011 as compared to 2010. It is important to note that, as cases progress, preparatory work for the final judgment needs to be undertaken, so that the final decision may be issued as speedily as feasible after the conclusion of the presentation of evidence and final submissions. A greater number of written decisions, which are more resource-intensive to prepare than oral decisions, were issued. In order to absorb the increased workload, and taking into account the fact that a number of the staff assisting the judges, and a majority of the judges themselves, were involved in several cases at the same time, staff were assigned flexibly and working methods streamlined to the extent possible. In addition, recourse was had to the Contingency Fund to hire additional staff when the existing staffing levels and framework were assessed as insufficient to undertake the additional work necessary. It should also be noted that, while Trial Chambers I, II, and IV did not sit continuously over the last year, significant work continued to be required of the Chambers and their staff during the periods when the Chambers were not sitting.

4. Appeals Division

20. In 2011, the Appeals Chamber saw a significant increase in its workload. Nineteen interlocutory appeals or similar proceedings were lodged, compared to seven in 2009 and six in 2010. As no final decision was delivered by a Trial Chamber in 2011, the Appeals Chamber did not hear any appeals from a final verdict.

21. Despite this increase in the Appeals Chamber's workload, the efficiency of the Appeals Chamber continued to improve. On average, it took 49 days from the filing of the document in support of the appeal to the delivery of the judgment/decision, compared to averages of 133 days in 2009 and 92 days in 2010.

(a) *The Prosecutor v. Thomas Lubanga Dyilo (ICC-01/04-01/06)*

22. In the case of *Thomas Lubanga Dyilo*, on 26 August 2011 the Appeals Chamber rejected an "Urgent Request for Directions" of the Kingdom of the Netherlands of 17

⁸ Including annexes (victims applications account for the majority of annexes).

⁹ Trial Chamber IV is composed of Judge Aluoch, presiding, Judge Diarra and Judge Fernandez de Gurmendi; Judges Diarra and Aluoch are also members of Trials Chambers II and III, respectively, and Judge Fernandez de Gurmendi is the Presiding Judge of Pre-Trial Chamber III.

August 2011, finding that “the Trial Chamber’s grant of leave to appeal [a decision relating to asylum proceedings] outside of the context of articles 81 and 82 of the Statute” was ultra vires” as it would require the Appeals Chamber to act “beyond the scope of the powers vested in it by the States Parties in the Statute”.¹⁰

23. On 21 November 2011, the Appeals Chamber rejected the Registrar’s submissions challenging the Trial Chamber’s decision on the scope of legal assistance to be paid to Mr Lubanga Dyilo upon completion of final oral submissions in the trial. The Appeals Chamber noted that it lacked jurisdiction to hear the Registrar’s submissions.

(b) *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui (ICC-01/04-01/07)*

24. In the case of *Germain Katanga and Mathieu Ngudjolo Chui*, on 26 August 2011 the Appeals Chamber rejected a request by The Netherlands for directions as to the procedure to be followed for an appeal against a decision rendered by Trial Chamber II relating to asylum proceedings. The Appeals Chamber found that the State’s request lacked foundation in the Court’s legal instruments and asked the Appeals Chamber to go beyond its jurisdiction.

(c) *The Prosecutor v. Jean-Pierre Bemba Gombo (ICC-01/05-01/08)*

25. In the case of *Jean-Pierre Bemba Gombo*, on 3 May 2011 the Appeals Chamber reversed Trial Chamber III’s “Decision on the admission into evidence of materials contained in the prosecution’s list of evidence”, finding that the Trial Chamber acted outside the legal framework of the Court by admitting into evidence all the items on the Prosecutor’s revised list of evidence based on a “prima facie finding of admissibility”, and that the Trial Chamber’s admission into evidence of the witnesses’ written statements without an item-by-item analysis was incompatible with rule 68 of the Rules of Procedure and Evidence as well as with the principle of orality established by article 69 (2) of the Statute.

26. On 19 August 2011, by majority, the Appeals Chamber partly reversed Trial Chamber III’s “Decision on Applications for Provisional Release”, finding that denying the requested release was based on a misappreciation of facts founding that decision and that the Trial Chamber should have sought further information from the State offering to receive Mr Bemba Gombo on conditional release. The Appeals Chamber also found that the Trial Chamber erred by entering an additional legal basis for Mr Bemba’s detention without showing changed circumstances, as required by article 60 (3) of the Statute. The Appeals Chamber directed the Trial Chamber to reconsider Mr Bemba Gombo’s request in light of its judgment.

27. On 9 September 2011, the Appeals Chamber dismissed the appeal against Trial Chamber III’s “Decision on the ‘Demande de mise en liberté de Mr Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo””, finding that, based on the facts and circumstances of the case, the Trial Chamber committed no error when denying Mr Bemba Gombo’s request for interim release.

28. On 23 November 2011, the Appeals Chamber confirmed Trial Chamber III’s “Decision on the accused’s application for provisional release in light of the Appeals Chamber’s Judgment of 19 August 2011”.

(d) *The Prosecutor v. Callixte Mbarushimana (ICC-01/04-01/10)*

29. In the case of *Callixte Mbarushimana*, on 14 July 2011 the Appeals Chamber confirmed Pre-Trial Chamber I’s “Decision on the Defence Request for Interim Release”.

30. On 21 September 2011, the Appeals Chamber dismissed the appeal against Pre-Trial Chamber I’s “Decision on Second Defence request for interim release” as inadmissible, because Mr Mbarushimana’s request “did not constitute a request for release but rather a request that the Pre-Trial Chamber consider the admissibility of the case”.¹¹

¹⁰ ICC-01/04-01/06-2799-Conf, para. 8. Pursuant to the Appeals Chamber’s Order ICC-01/04-01/06-2837 OA19, dated 27 January 2012, this document has been reclassified as public.

¹¹ ICC-01/04-01/10-438, para. 17.

31. On 20 December 2011, the Appeals Chamber rejected as inadmissible the Prosecutor's appeals against Pre-Trial I's "Decision on the confirmation of the charges" and the "Decision on the Prosecution's Request for stay of order to release Callixte Mbarushimana" and on the victims' request for participation".

(e) The Situation in the Republic of Kenya (ICC-01/09)

32. In the situation in the Republic of Kenya, on 10 August 2011 the Appeals Chamber rejected the appeal of the Government of Kenya against the "Decision on the Request for Assistance Submitted on Behalf of the Government of the Republic of Kenya Pursuant to Article 93(10) of the Statute and Rule 194 of the Rules of Procedure and Evidence" as inadmissible. The Appeals Chamber explained that "the right to appeal a decision on jurisdiction or admissibility is limited only to those instances in which a Pre-Trial or Trial Chamber issues a ruling specifically on the jurisdiction of the Court or the admissibility of the case".¹²

(f) *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang (ICC-01/09-01/11)* and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali (ICC-01/09-02/11)*¹³

33. In separate judgments in the two Kenya cases, on 17 August 2011 the Appeals Chamber dismissed as inadmissible the appeal against the Single Judge's decision on the request by Ms. Moraa Gesicho to appear as amicus curiae in the case.

34. On 30 August 2011, in separate judgments in the two Kenya cases, the Appeals Chamber, by majority, confirmed Pre-Trial Chamber II's "Decision[s] on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute", holding that for a case to be inadmissible before the Court, the "national proceedings must cover the same individual and substantially the same conduct as alleged in the proceedings before the Court".¹⁴ The Appeals Chamber further held that, if "a State challenges the admissibility of a case, it must provide the Court with evidence with a sufficient degree of specificity and probative value that demonstrates that it is indeed investigating the case".¹⁵

35. In the case of *Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, on 10 November 2011 the Appeals Chamber reversed Pre-Trial Chamber II's "Decision with Respect to the Question of Invalidating the Appointment of Counsel to the Defence", clarifying the circumstances in which a former staff member of the Office of the Prosecutor is impeded from representing a client before the Court under article 12 (1) (b) of the Code of Professional Conduct for Counsel.

(g) *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus (ICC-02/05-03/09)*

36. In the case of *Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, the Appeals Chamber, citing its judgment delivered the previous day in the case of *Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, confirmed Trial Chamber IV's "Decision on the Prosecution's Request to Invalidate the Appointment of Counsel to the Defence", based on the specific facts and circumstances before it.

37. On 14 November 2011, the Prosecutor filed the "Prosecution's Document in Support of Appeal against Trial Chamber IV's 'Decision on the Prosecution's Application for Leave to Appeal the "Reasons for the Order on the translation of witness statements (ICC-02/05-03/09-199) and additional instructions on translation"'. The judgment on this appeal was rendered on 17 February 2012.

5. Liaison Offices

38. The New York Liaison Office (NYLO) continued to provide support to all organs of the Court, including the subsidiary bodies of the Assembly in New York. The Office

¹² ICC-01/09-78, para. 16.

¹³ Hereinafter: "Kenya cases".

¹⁴ See ICC-01/09-01/11-307, para. 1; and ICC-01/09-02/11-274, para. 1.

¹⁵ See ICC-01/09-01/11-307, para. 2; and ICC-01/09-02/11-274, para. 2.

participated in numerous United Nations meetings of relevance to the Court and held consultations with Organization officials, the Court's stakeholders and other interested parties in New York. The Office rendered efficient support to all organs of the Court during the tenth session of the Assembly in December 2011, and assisted in organizing the annual UN-ICC Roundtable 2011.

B. Major Programme II – The Office of the Prosecutor

39. The Office of the Prosecutor had its most active year in 2011 and has, as in previous years, exceeded its assumptions. While the Office of the Prosecutor had planned to conduct five active investigations, it actually performed six, including two in a new situation which had also not been anticipated. The number of investigations where suspects are at large or the case is on trial met the assumptions. In the area of preliminary examination of potential situations, the assumed number of eight situations was exceeded; the Office of the Prosecutor analyzed a total of nine situations. In the area of trials, the assumptions were met in full.

40. The Office of the Prosecutor was able to perform all the activities that were foreseen in the assumptions underpinning original budget approved by the Assembly. The Office was, in addition, faced with the costs of two additional situations. Following the referral of the situation of Libya to the Court in March 2011, the Office prepared a Contingency Fund notification in the amount of €1.181 million. Due to the events on the ground and the development of the cases as well as efficiency gains, the Office was able to absorb the majority of the costs pertaining to the Libya cases within the approved regular budget resulting in only an additional €90,000 being spent above this amount. Furthermore, the Office absorbed in full the costs of the investigations pertaining to the situation in Côte d'Ivoire within the total 2012 expenditure of €6.88 million (1.1% expenditure above the 2011 approved budget) further illustrating the synergies presented by the rotational staffing model deployed within the Office of the Prosecutor. Being mindful of the fact that other organs of the Court had a need for additional resources, since the activities in their areas also exceeded the level planned, the Prosecutor exercised utmost care in his financial planning in accordance with the recommendations of the Committee as well as the resolutions of the Assembly, carefully prioritizing activities and exercising due diligence so as to contribute through savings to the additional financial needs of the Court as a whole.

41. The Office of the Prosecutor continued in 2011 to actively monitor national proceedings in various countries so as to ensure that alleged crimes are investigated and, where warranted, subsequently prosecuted and tried. This contributes to efforts to end impunity for core international crimes without expanding the activities and financial resources of the Court. The Office intends to continue this strategy in the current and following years.

42. Information with regard to the number of missions, documents and pages filed in the cases of the Office of the Prosecutor in 2011 can be seen in annex IX.

1. Preliminary examination activities

43. During 2011, the Office completed preliminary examinations concerning Libya and Côte d'Ivoire.

44. In addition to the monitoring of open-source material, the Office of the Prosecutor received, acknowledged and analyzed 333 new communications received under Article 15 of the Rome Statute.

45. On 13 December 2011, the Office published a comprehensive report on its preliminary examination activities.

46. The Office of the Prosecutor conducted an in-depth examination of situations in various countries, including:

(a) Afghanistan

47. The Office of the Prosecutor has received two new communications in relation to Afghanistan and has pursued analysis of these in addition to open-source material.

48. The Office has continued to seek and analyse information from multiple sources on alleged crimes committed by all parties.

49. The Office of the Prosecutor has maintained and sought to develop contacts with Afghan officials and organizations, as well as other interested States, including those States contributing to the International Security Assistance Force, United Nations officials and international NGOs, with a view to gathering additional information on crime patterns and complementarity issues.

(b) Colombia

50. The Office of the Prosecutor has received one new communication in relation to Colombia and has pursued analysis of this in addition to open-source material.

51. The Office of the Prosecutor continues to liaise regularly with the Colombian authorities to obtain information on national proceedings against those most responsible for crimes within the Court's jurisdiction. Significantly, the Prosecutor met with the new Attorney-General of Colombia on 21 September 2011.

52. The Office of the Prosecutor also participated in a high-level conference in May 2011 in London with a number of experts, Colombian officials, magistrates and NGO representatives to discuss the impact of the Court on national proceedings.

(c) Georgia

53. The Office of the Prosecutor has received six new communications in relation to Georgia and has pursued analysis of volumes of material provided by Russian and Georgian authorities.

54. The Office of the Prosecutor conducted a second visit to the Russian Federation in February 2011, receiving a comprehensive update on the progress of national investigations.

55. Both the Georgian and Russian Governments have been forthcoming in the provision of information on their own investigations and proceedings. The Office of the Prosecutor has also maintained contacts with NGOs in the region.

(d) Palestine

56. The Office of the Prosecutor pursued analysis of submissions received in relation to the declaration lodged by the Palestinian National Authority under article 12(3) of the Statute.

57. The Office of the Prosecutor also provided updated information to the United Nations Office of the High Commissioner for Human Rights.

(e) Nigeria

58. The Office of the Prosecutor has received nine new communications in relation to Nigeria, and has pursued analysis of those, as well as of open-source material.

59. Following its 2010 public announcement of the preliminary examination of the situation in Nigeria, the Office of the Prosecutor continued its constructive dialogue with the Nigerian authorities in 2011.

60. In April 2011, the Office of the Prosecutor expressed public concern regarding the outbreak of violence in the context of National Assembly and Presidential elections. The Nigerian authorities informed the Office of the establishment of a Panel to investigate the violence.

(f) Republic of Korea

61. The Office of the Prosecutor received one new communication in relation to the Republic of Korea, and has pursued analysis of this along with open-source material.

62. Following the announcement in December 2010 of a preliminary examination, the Office of the Prosecutor has been seeking additional information from relevant sources.

(g) Guinea

63. The Office of the Prosecutor has received three new communications in relation to Guinea and has pursued analysis of those as well as available information on the national proceedings.

64. The Office of the Prosecutor conducted two missions to Guinea in 2011, following up on the national investigations being carried out by Guinean judges into the 2009 events, as well as to deter the commission of new crimes during the election period. Senior officials of the Office met with Government officials, representatives from the judiciary and civil society, as well as victims and victims' associations.

65. The Office of the Prosecutor continued to engage with regional and international partners to maintain and develop the general consensus on bringing to account those most responsible for the alleged crimes of September 2009.

(h) Honduras

66. The Office continued to gather and analyse information on the situation from multiple sources, including the Honduran Truth and Reconciliation Commission.

67. In October 2011, the Office met with the Attorney General, the Human Rights Attorney, the General Prosecutor, the Sub-Secretary of Justice and the Sub-secretary of Human Rights in Tegucigalpa.

2. Investigative and prosecutorial activities

68. In the context of the Uganda situation, the Office of the Prosecutor continued to monitor crimes committed since the issuing of arrest warrants in July 2005 against Joseph Kony et al., including reports of crimes committed by other parties such as the UPDF. In relation to national proceedings, seeking to address the existing impunity gap, and in line with the Office's positive approach to complementarity and in accordance with article 93(10) of the Rome Statute, the Office responded positively to a Ugandan request for assistance to Ugandan investigators and prosecutors in their preparations for their first domestic war-crimes case against an alleged mid-level LRA commander Thomas Kwoyelo. The Office shared lessons learned and best practices, including in relation to witness protection and support, and evidence handling.

69. The Office of the Prosecutor also continued the monitoring of supply networks and direct or indirect assistance that could benefit suspects and help them abscond.

70. The Office of the Prosecutor continued its efforts to galvanize support for the arrest and surrender of the suspects, emphasising the importance of arrest with States and international actors in the region and, more widely, seeking to secure the necessary concerted action to achieve successful arrests.

71. In the situation in the Democratic Republic of the Congo (DRC), the Office of the Prosecutor has continued to litigate in two ongoing trials, led evidence in one confirmation of charges hearing and continued to investigate in other cases and to campaign for the arrest of one fugitive.

72. In *The Prosecutor v. T. Lubanga Dyilo*, the Office delivered its closing statement on 25 August 2011, at the end of a trial during which it participated in 220 hearings, called 36 witnesses, including 3 experts, and cross-examined 19 defence witnesses.

73. In *The Prosecutor v. Germain Katanga and M. Ngudjolo Chui*, the Office continued following the arguments brought by the Defence in the course of the presentation of their case and cross-examining Defence witnesses. The Office started preparing its closing written submissions due on 20 February 2012 and its closing oral statements for the hearing scheduled to start on 15 May 2012.

74. In *The Prosecutor v. Callixte Mbarushimana*, after the surrender of the suspect to the Court on 25 January 2011, the Office filed its Document containing the charges and its list of evidence on 25 July 2011 and presented the charges it intended to bring against the suspect and the bulk of the evidence supporting these charges during the confirmation hearing that took place between 16 and 21 September 2011. Following the non-confirmation of the charges by a majority decision of Pre-Trial Chamber I on 16 December 2011 and the release of Callixte Mbarushimana on 23 December 2011, the Office of the Prosecutor applied on 27 December for leave to appeal. The leave was granted by Pre-Trial Chamber I on 1 March 2012.

75. In relation to this case and to the ongoing investigations in the Kivu provinces of the DRC, the Office performed 26 investigative missions in five countries in 2011, including 13 to the DRC and six to Rwanda. The Office further continued assisting the German judicial authorities with their cases against Ignace Murwanashyaka and Straton Musoni and cooperating with regional States - in implementation of its positive complementarity strategy - in their efforts to bring to justice the perpetrators of the crimes under its jurisdiction. Investigations in the Kivu provinces continued with a view to requesting further arrest warrants.

76. The Office of the Prosecutor also continued its efforts to galvanize support for the arrest and surrender of Bosco Ntaganda, under an arrest warrant issued by the Court which has been in existence since August 2006, continuing to raise the issue at high level with regional States and with key international actors, seeking to secure the necessary concerted action to achieve arrest and surrender.

77. In the context of the situation in Darfur/Sudan, the Office of the Prosecutor continues to monitor crimes committed since the issuance of arrest warrants for Ahmad Harun and Ali Kushayb on 27 April 2007 and for Omar Hassan Ahmad Al Bashir on 4 March 2009 and 12 July 2010.

78. The Office proceeded with an application, filed on 2 December 2011, for an arrest warrant against the current Minister of Defence (and former Minister of the Interior) Abdelrahim Hussein; the arrest warrant was issued by Pre-Trial Chamber I on 1 March 2012. The Office also continued with preparations for the trial of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus, on a date yet to be determined by the Chamber.

79. The Office made six missions to five States, relating to the ongoing investigations in the Darfur situation.

80. In accordance with United Nations Security Council Resolution 1593 (2005), the Prosecutor reported twice to the United Nations Security Council, in June and December 2011, on the progress of his Office's investigation.

81. The Prosecutor continued to highlight the need to secure arrests in discussions with States, and with United Nations, African Union, Arab League and European Union interlocutors, as well as with civil society, seeking to promote support for arrest and surrender and, as part of this process, to secure the necessary marginalization of those named in warrants.

82. In the situation in the Central African Republic (the CAR), in the case of *Jean-Pierre Bemba Gombo*, the Office of the Prosecutor conducted six investigative and witness management missions in the CAR and other countries.

83. The Office of the Prosecutor continued the presentation of the prosecution case before Trial Chamber III.

84. In the situation in Kenya, following the Prosecutor's December 2010 request for summonses to appear against six individuals in two cases, on 8 March 2011 Pre-Trial Chamber II issued summonses to appear before the Court for William Samoei Ruto, Henry Kiprono Kosgey, Joshua Arap Sang, Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, for their alleged responsibility in the commission of crimes against humanity committed in the context of the 2007-2008 post-election violence in Kenya. The suspects appeared before the Court on 7 and 8 April 2011. The confirmation hearing for *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua*

Arap Sang was held from 1 to 8 September 2011, and the confirmation hearing for *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* was held from 21 September to 5 October 2011. In 2011, the Office of the Prosecutor conducted 53 investigative missions, to Kenya and other countries.

85. On 26 February 2011, the United Nations Security Council referred the situation in Libya to the Prosecutor. On 3 March, the Prosecutor announced the opening of an investigation into the Libya situation. On 16 May 2011, the Office filed an application to Pre-Trial I for arrest warrants for Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi, and Abdullah Al-Senussi. The Pre-Trial Chamber issued arrest warrants for all three individuals on 27 June 2011.

86. On 22 November 2011, the arrest warrant against Muammar Gaddafi was terminated, on account of his death, reported on 20 October and confirmed in writing by the Libyan National Transitional Council.

87. On 19 November 2011, Saif Al-Islam Gaddafi was arrested by forces associated with the National Transitional Council, in whose custody he remains, as confirmed by a filing made by Libyan authorities to the Pre-Trial Chamber in advance of a 23 January 2012 deadline set by the Pre-Trial Chamber. The National Transitional Council has maintained its public and private stance that it intends to investigate and prosecute Saif Al-Islam Gaddafi, including for crimes subject of the arrest warrant issued by the International Criminal Court.

88. Following the issue of warrants against Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi, the Office of the Prosecutor emphasized the importance of international support for action to implement the warrants. The Office has remained in contact with the Libyan authorities to monitor their progress in the national proceedings against Saif Al-Islam, and to further cooperation in the Court's ongoing investigation of those most responsible for the most serious crimes.

89. In accordance with United Nations Security Council Resolution 1970 (2011), the Prosecutor reported twice to the Security Council, in May and November 2011, on the progress of his Office's investigation.

90. In the Côte d'Ivoire situation, following its preliminary examination activities, where it closely monitored the situation and liaised with the main protagonists of the ongoing crisis with a view to preventing the commission of new crimes, the Office of the Prosecutor requested Pre-Trial Chamber III for authorization to open an investigation into war crimes and crimes against humanity allegedly committed in Côte d'Ivoire since 28 November 2010. This request was granted on 3 October 2011. At the same time, Pre-Trial Chamber III also requested the Prosecutor to revert to the Chamber within one month with any additional information available to him on potentially relevant crimes committed between 2002 and 2010. On 3 November 2011, the Prosecutor submitted further information relating to this period. On 22 February 2012, Pre-Trial Chamber III decided to expand its authorisation for the investigation in Côte d'Ivoire to include crimes allegedly committed between 19 September 2002 and 28 November 2010.

91. In the case of *Laurent Gbagbo*, the Prosecutor advanced the investigation and applied for a warrant of arrest on 25 October 2011, which was issued on 23 November 2011 by Pre-Trial Chamber III. Laurent Gbagbo was arrested and transferred into the Court's custody on 30 November 2011. Since the opening of the investigation, the Office has conducted a total of 12 missions, including investigative missions as well as missions to secure cooperation.

3. International cooperation and judicial assistance

92. In connection with its investigative and prosecutorial activities, in 2011 the Office addressed a total of 263 requests for assistance (including notifications regarding investigative activities) to 34 States Parties, 10 non-State Parties and 13 international and regional organizations, in addition to following up on the execution of pending requests. This figure, dictated by investigative and prosecutorial requirements, represents an increase of 46 % in communications since 2010. Furthermore, throughout 2011 the OTP engaged with nine new non-States Parties and six new States Parties.

4. External relations

93. The Office of the Prosecutor participated in relevant diplomatic activities, including by actively engaging in all meetings and consultations of The Hague Working Group and the Study Group on Governance to provide information and disseminate key messages of the Office during discussions on various issues with a view to ensuring a successful tenth session of the Assembly of States Parties. The Prosecutor, Deputy Prosecutor and Director of JCCD, with the support of the International Relations Task Force, also engaged in a number of external relations activities, including meetings with senior government and international organisation officials to up-date States international organisations and explain the work of the Office and seek cooperation for its activities, and in particular to galvanize arrest efforts.

C. Major Programme III – The Registry

94. The support functions performed by the Registry in 2011 exceeded the level of activities planned for the year, as it had to provide additional services arising from unforeseen activities. This section provides an overview of the main activities carried out by the Registry in 2011.

Court Management¹⁶

95. In the situation in Uganda, a total of 14 documents were registered and notified. No hearing was held, therefore no transcripts or hearing support was provided.

96. In the situation in the Democratic Republic of the Congo, a total of 2,971 documents and 750 transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for 131 hearings.

97. In the situation in Darfur/Sudan, a total of 526 documents and 15 transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for 4 hearings.

98. In the situation in the Central African Republic, a total of 8461 documents and 704 transcripts of hearings were registered and notified, as well as translations. Support (both procedural and technical) was provided for 153 hearings.

99. In the situation in Kenya, a total of 4,408 documents and 86 transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for 27 hearings.

100. In the situation in Côte d'Ivoire, a total of 1,604 documents and eight transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for four hearings.

101. In the situation in Libya a total of a total of 593 documents and two transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for one hearing.

102. The following trends can be observed when comparing figures for 2010 and 2011:

(a) In total, the number of documents registered and notified in 2011 has almost doubled in 2011 (increase of 98%); the number of transcripts registered has increased by 12% and the number of hearings supported by 21%;

(b) A slight fall in the number of documents registered and notified in the DRC situation;

(c) A decrease in the amount of hearings supported and transcripts created in the DRC situation (almost 50% less);

(d) A significant increase in the amount of hearings supported and transcripts created in the CAR situation (almost ten times more transcripts created and seven times more hearings held);

¹⁶ The numbers quoted in this section relate to the following: i) originals and translations of filings, and ii) documents concerning the situation and all the related cases.

(e) An increase in hearing activity in the Kenya, Libya and Côte d'Ivoire situations. No hearing activity in 2010, while 32 hearings in total have been held and supported in the three situations in 2011; and

(f) A substantial number of documents registered and notified in the situation in Côte d'Ivoire (new situation).

Digital forensics – new function for CMS

103. The need for in-house skills in the field of digital forensics was identified early in 2011. This need was fulfilled by December of that year. This included creation of an industry-standard laboratory and the training of a current staff member to the level of competency and expertise required to process Registry digital evidence.

104. In *The Prosecutor vs. Callixte Mbarushimana*, a total of 42 electronic evidence devices were processed. 1.7 Terabytes of digital media were acquired using forensic best practices. For the purposes of quarantining privileged communications, the entire case-file was subjected to rigorous forensic redaction.

105. For e-discovery purposes, several terabytes of evidential data were provided to the Chamber, the Defence team and the Office of the Prosecutor; to facilitate this process, the detainee, several members of the Defence team, OPCD and Chambers were trained in the use of forensic software (Forensic Toolkit).

106. The detainee was provided with a secure evidence workstation to facilitate identification of privileged communications. Purchase of forensic software was completed and the detainee was fully trained and assisted throughout the process.

1. Translation and interpretation

107. In 2011, the Interpretation Unit provided interpretation for seven parallel trials from and into French, English, Swahili, Lingala, Sango and Arabic. The Unit fulfilled 189 interpretation requests during the period under consideration.

108. Staff interpreters worked with freelance interpreters to interpret events in situation-related languages such as Alur and Zaghawa for the initial appearance in the *Banda and Jerbo* case. The Unit has been training Zaghawa trainee interpreters in preparation for the start of the *Banda and Jerbo* trial in 2012, using its in-house expertise and training curriculum.

2. Legal aid and counsel issues

(a) Counsel Support Section

109. While the assumptions used to establish the budget for 2011 included three indigent defendants (no assumption was included regarding the number of victims), the legal aid system accepted six defendants and 3,360 victims, and advanced the necessary funds to cover legal assistance to Jean-Pierre Bemba Gombo, who had been declared non-indigent by the Registrar. The Registrar has continued to implement the order of the Chamber to advance the necessary funds for the legal representation of Jean-Pierre Bemba Gombo and has continued with the investigation of Mr. Bemba's assets, which resulted in the recovery of €68,852.32 in 2011. A breakdown of indigent defendants and victim applications is given in annex VIII.

110. The Registry also provided administrative support and assistance to all legal teams representing accused or victims.

111. The Registry held several consultations and activities with members of the legal profession, including a new Seminar of Counsel, complemented for the third time by a training programme targeting lawyers who might be interested in acting as counsel before the Court.

112. In respect of its list of counsel, the Registry received 154 new applications. Of the complete dossiers processed, 54 persons were added to the list, bringing the total number of admitted counsel to 418. It further handled 87 applications for admission to the list of

assistants to counsel. With the dossiers treated from 2011 and those received in the preceding years, the total number of admissions to the list of assistants to counsel is currently 123. The list of professional investigators comprises 28 members.

113. In this context, the campaign to encourage African female lawyers to apply for admission to the list of counsel and the list of assistants has started to bear fruit, with 36 applications for addition to the list of counsel, resulting so far in seven admissions, as well as 36 applications for the list of assistants, resulting so far in three admissions.

(b) Office of Public Counsel for the Defence

114. The work of the Office of Public Counsel for the Defence (OPCD) significantly increased in 2011, due the increase by 75% in the number of defence teams, assisted by the OPCD.

115. During 2011, the OPCD:

(a) provided legal advice, memoranda and real-time assistance during court hearings to all 14 defence teams through access to real-time transcripts;

(b) in accordance with the instruction of Trial Chamber III, assisted the Bemba defence team to review and file observations on 2287 victim applications;

(c) in accordance with the order of Pre-Trial Chamber I, assisted the Mbarushimana defence team to review over 105,000 documents seized from the defendant's house to determine which documents were privileged, and which documents could be disclosed to the Prosecution as potential evidence for the confirmation hearing;

(d) provided assistance to the Mbarushimana and Kenya 1 and Kenya 2 defence teams with collecting disclosure and the upload and download of evidence;

(e) filed legal observations in the Libya and Kenya situations in connection with its mandate to uphold the interests of the defence at the initial stages of the investigation;

(f) was appointed by Pre-Trial Chamber I to represent the interests of Mr. Saif Al-Islam Gaddafi in proceedings before the ICC, until such time as he is in a position to appoint his own counsel;

(g) participated in the working group on the strategic plan for intermediaries, the working group on the strategic plan for victims, and the E-Court working group;

(h) issued updated versions of the OPCD manual on all jurisprudence related to the confirmation stage, the OPCD manual on evidential and procedural decisions, the OPCD manual on victim participation, the OPCD manual on interlocutory appeals and the OPCD manual for duty counsel; and

(i) organized training for the OPCD and all defence teams on interviewing witnesses and taking statements, and provided ongoing training to defence teams on ringtail, i-Transcend, the download and upload of evidence, and case map.

(c) Office of Public Counsel for Victims

116. As in 2010, the work of the Office of Public Counsel for Victims (OPCV) significantly increased in 2011. The Office continued to seek to protect the interests of victims by attempting to raise general awareness on victims' issues, including participation in conferences and seminars and contribution to publications. Moreover, the Office has continued to offer its legal expertise to potential victims and/or to potential external legal representatives of victims when evaluating the possibility of requesting participation in the proceedings before the Court.

117. During 2011, the Office assisted 41 external legal representatives in the different situations and related cases before the Court by providing advice on a variety of legal issues, both in preparation for and during hearings. The Office has provided a total of 300 items of legal advice and/or research to counsel.

118. In relation to the task of providing support and assistance to victims, including legal representation in the proceedings, the total number of victims assisted by the Office during

the year 2011 was 2,654: 748 in the DRC situation and the related cases; 117 in the Uganda situation and the *Kony et al.* case, 1,530 in the CAR situation and in the *Bemba* case, 37 in the Darfur (Sudan) situation and related cases and 222 in the Kenya situation and related cases. To these numbers must be added the number of victims – around 100 – who contacted the Office to gather information on participation in the proceedings before the Court, particularly in the context of the Libya and Côte d’Ivoire situations, and to whom the OPCV provided advice. In the course of the legal representation of victims, the Office submitted almost 100 written submissions and it has undertaken several missions in the field in order to be able to effectively represent the interests of its clients.

119. Finally, the Office has also been appointed to protect the rights and interests of victims having communicated with the Court (independently of the fact that they have requested or have been admitted to participate in the proceedings) within the framework of the proceedings under article 19 of the Rome Statute in the *Ruto et al.*; *Muthaura et al.*; and *Mbarushimana* cases; and for specific matters, for example the issue of the location for the confirmation of charges hearings in the *Ruto et al.* and *Muthaura et al.* cases.

120. The Office has also published an update as at December 2011 of its Manual for Legal Representatives.

3. Victim participation

121. A total of 6,771 applications for participation in proceedings were received in 2011 by the Victims Participation and Reparations Section (VPRS), which acts as the entry point for applications from victims. This is more than three times the number received in 2010. Over the same period, the number of applications for reparation has increased more than five-fold, bringing the total number of applications for reparations received to 7,032. During the year a total of 4,203 victims were authorized by Chambers to participate in the different proceedings, the largest number being, similarly to last year, in the *Bemba* case during the trial phase. A breakdown of victim participation applications is shown in annex VIII.

122. In the Uganda situation, a further 27 applications for participation from victims were received, bringing the total number of applications received to 1,039.

123. In the situation in the DRC, a further 1,160 applications for participation from victims were received, bringing the total number of applications received to 2,228. This was mainly due to the confirmation of charges proceedings in *The Prosecutor v. Callixte Mbarushimana*. In the case of *Thomas Lubanga Dyilo*, no new applicants were granted the status of victims by Trial Chamber I, as the trial proceedings are reaching their end. In the case of *German Katanga and Mathieu Ngudjolo Chui*, two new applicants have been granted the status of victims by Trial Chamber II, bringing the total number of victims accepted in this case to 626.

124. In the situation in Darfur/Sudan, five new applications for participation from victims were received, bringing the total number of applications received to 209. The Chambers did not issue any decision on victim participation. The total number of participating victims in each of the cases related to the situation in Darfur/Sudan, therefore remains unchanged since the previous year. In the case of *Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*, there is a total of six participating victims. In the case of *Omar Hassan Ahmad Al Bashir*, there are 12 participating victims. In the case of *Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, there are 89 participating victims.

125. In the situation in the CAR, 3,065 new applications from victims wishing to participate in the proceedings were received, bringing the total number of applications received to 4,993. In the case of *Jean-Pierre Bemba Gombo*, 1,239 new applicants have been granted the status of victims by Trial Chamber III, bringing the total of victims accepted in this case to 2,251.

126. In the Kenya situation, 2,513 applications for participation from victims wishing to participate in the proceedings were received, bringing the total number of applications received to 2,572.

127. The VPRS undertook 48 missions during the year. The section’s field activities were aimed primarily at providing accurate information on victim participation and reparation

before the Court, making available copies of the standard application forms, following up on incomplete applications, and providing training and support to intermediaries assisting victims with their applications and to legal representatives of victims.

128. The Prosecutor's request for authorization of an investigation relating to Côte d'Ivoire gave rise to the possibility (envisaged under rule 50(3) of the Rules) for victims to make representations to the Pre-Trial Chamber. In this connection, the VPRS received 1,089 representations from victims.

4. Victims and Witnesses

129. The Victims and Witnesses Unit (VWU) provided expert advice to the various Chambers, parties and participants on the protection of victims and witnesses. 6 new requests for access to the ICC Protection Programme (ICCPP) and 14 new requests for local protection measures were received. All 20 requests resulted in protection and psychological assessments of the applicants and their dependants, conducted in the field by Associate Protection Officers and the VWU (GTA) Psychologist.

130. In total, in 2011 the VWU facilitated the appearance of 75 victims and witnesses. Of these, five victims and witnesses appeared in the *Lubanga* case (DRC I), 29 witnesses in the *Katanga/Ngudjolo* case (DRC II) and 32 witnesses in the *Bemba* case (CAR). For the confirmation of charges hearing in the *Ruto/Kosgey/Sang* case, during September and October 2011 9 witnesses appeared before the court. For 2011, the Court had assumed 42 witnesses and five experts.

131. The maximum duration of stay per witness at HQ was 13 days for DRC I, 25 days for DRC II and 33 days for the CAR. In its 2011 budget submission, the Court had assumed a maximum duration of stay per witness of 15 days. A breakdown of stay per witness at HQ appears in annex VIII.

132. The VWU (GTA) Psychologist assessed 24 vulnerable witnesses and victims during trials.

133. In 2011, the VWU support team provided psycho-social support to witnesses appearing in two simultaneous trials; and during September and October to witnesses appearing in three simultaneous trials, using the resources allocated for two trials. In total, such support was provided to 75 witnesses appearing before the court. In-court assistance was provided to 13 vulnerable witnesses.

134. Further, support was provided to 6 new ICCPP participants and their family members, including monitoring and implementing the necessary psycho-social and medical services.

135. In the field, the Associate Support Officer (ASO) in the DRC offered local, psycho-social support to 30 ICCPP participants and their families and advised on witness management and exit strategies on an ongoing basis. Additionally, the ASO in DRC conducted training for the VPRS on vulnerable victims.

136. The support staff also provided services to detained witnesses on an ongoing basis.

137. In its interaction with Chambers, during 2011 the VWU submitted 61 filings to Chambers: *Lubanga* case – six filings; *Katanga/Ngudjolo Chui* case – 20 filings; *Bemba* case – six filings; *Banda/Jerbo* case - five filings; *Ruto/Kosgey/Sang* case - 22 filings; Libya situation – one filing before Pre-Trial Chamber I; and in the *Gbagbo* case – one filing. In addition, the VWU submitted to the Chambers by email 76 other formal reports.

138. VWU representatives also attended 11 hearings in total. In relation to relocation agreements, the VWU collected voluntary contributions to the Special Fund for Relocations from one more State, and is currently negotiating with 21 States with regard to the conclusion of additional relocation agreements.

139. Operationally, the VWU maintained local response measures in Uganda, DRC, the Darfur situation, the Central African Republic and Kenya.

140. One of the VWU staff suffered a service-incurred accident, and it is proposed that additional funding should be sought in order to provide our staff with additional insurance coverage beyond "Appendix D" for staff members.

5. Public Information and Outreach

141. The main aim of the Public Information and Documentation Section (PIDS) is to contribute to ensuring that the Court is a well-recognized, properly understood and adequately supported institution. During the reporting period, to reach this goal the section engaged directly and through media with key target audiences, both in countries where the Court is operational as well as in non-situation-related countries. A further major activity of the section is publicising the Court's judicial activities, thereby building the public's confidence in the fairness of trials and enabling people worldwide to see that justice is being done.

142. Public information and outreach programmes were implemented in connection with judicial developments in seven situations before the Court — two more than in 2010 — 19 warrants of arrest and nine summonses to appear, as well as three ongoing trials. Outreach activities increased in countries with cases at a trial stage or at pre-trial stage following confirmation of charges hearings (Democratic Republic of the Congo, Central African Republic and Kenya), and decreased in countries with cases with outstanding warrants of arrest or little judicial development (Uganda and Sudan). Overall 32,821 individuals were engaged in the course of 581 sessions, 44 more sessions than in the previous year. Outreach impact was enhanced through radio and television broadcasts in local languages, with an estimated audience of 70 million. The section produced 607 hours of summaries of judicial proceedings that were broadcast by local and community radio stations; 266 hours of TV programmes were broadcast by national television channels; and 55 hours of special editions of both radio and TV programmes were prepared. The latter included interviews with the Principals (President, Prosecutor and Registrar), and there was also coverage of non-judicial events at the Court, including ceremonies to welcome new States Parties and the celebration of 17 July, International Criminal Justice Day. In Libya and Côte d'Ivoire, the most recent situations brought before the Court, the basis was laid for beginning implementation of the Outreach Programme in 2012.

143. With regard to victims' applications submitted to the Court by members of the most affected communities from situations before the Court, a substantial proportion were completed correctly: 90% in the Central African Republic, DRC 40% and Kenya 50%. As regards other situations, the number of applications submitted was negligible for Darfur and Libya, while for Uganda no resources were allocated to the assessment of applications, and hence no data are available for this situation and the related cases.

144. In line with the Court-wide public information strategy for the period 2011-2013 endorsed by the Assembly at its ninth session,¹⁷ PIDS increased significantly the use of social networks (such as Twitter, Flickr, YouTube, etc.) and other digital means to inform a broader range of groups at the international level and in a most cost-effective manner. In 2011, more than 1 million people visited the Court's website, 100,000 visitors more than in 2010. At the same time, 10,500 visitors were received at the seat of the Court, a figure that represents an increase of 40% compared to 2010.

6. External Relations and Cooperation

145. The Immediate Office of the Registrar, transmitted and followed up on all requests for cooperation issued by the Chambers at both pre-trial and trial stages, including the transfer of Mr. Gbagbo to the Detention Centre with the assistance of the Ivorian authorities. The Registry assisted defence teams and the legal representatives in drafting, transmitting and following up on their requests for assistance in the context of their investigations, or when meeting with their clients.

146. In terms of voluntary cooperation, the Registry intensified its efforts to identify States willing to sign relocation agreements, including on a neutral-cost basis. The Registry also prepared a draft agreement on interim release, which was circulated to States for comments.

147. The Registry also prepared requests for assistance to States and international organizations in the context of its mandate in areas such as the protection of victims

¹⁷ See *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Ninth session, New York, 6-10 December 2010* (ICC-ASP/9/20), vol. I, part III, Resolution ICC-ASP/9/Res.3, para. 39.

and witnesses and logistical assistance and financial investigations in the framework of legal aid. It maintained a constant dialogue with States in the framework of the different working groups and coordinated inputs submitted by the organs of the Court in the reports submitted to the Assembly, the Committee on Budget and Finance and the United Nations. Finally, it further developed its contacts with relevant States, NGOs and international and regional organizations with a view to strengthening their support for the Court.

7. Field Operations

148. In 2011, the Field Operations Section implemented its mandate in full compliance with the 2011 budget assumptions as follows:

(a) The section continued to consolidate its coordination and planning capacity through training programmes and the issue of strategic SOPs.

(b) The Abeche Field Office was closed by 31 July 2011. Redeployments of posts to the field presence in N'Djamena, to the situations in Kenya and to the Democratic Republic of the Congo, were undertaken as announced.

(c) As anticipated in para. 257 of the 2011 proposed budget, the section completed its analysis of the operational needs of the Registry in relation to the implementation of its responsibilities in Kenya and, with the approval of the President, opened a task-force field presence in Nairobi in the UNON compound. In addition, a Memorandum of Understanding with UNON was concluded on 13 June 2011.

(d) As anticipated in para. 260 of the 2011 proposed budget, the section issued two SOPs related to the strategic review of field presences and operational planning. The SOP on the review of the Registry's field presences linked the review of these field presences to the budget cycle, its judicial assumptions and the Court's strategic planning. A report on field operations strategy and the field strategic review was submitted to the tenth session of the Assembly of States Parties¹⁸

149. With respect to the situation countries, the Field Operations Section coordinated and assisted its clients in the implementation of their respective mandates. In this regard, the statistics below show the volume of mission days (external and internal) per situation country and per client undertaken during 2011. Additionally, Field Operations Section had to coordinate and support work in relation to two new situations, namely Libya and Côte d'Ivoire.

Clients	2011 mission days (internal and external)						
	Uganda	DRC	CAR	Sudan	Kenya	Côte d'Ivoire	Libya
Registry (VWU, VPRS, PIDS)	413	894	283	94	278	22	9
OTP	166	562	283	94	85	99	191
TFV	101	332	9	-	-	-	-
Counsel ¹⁹	15	220	23	16	54	-	-

150. The Field Offices continued to be active on issues related to judicial cooperation and assistance through, inter alia, the notification of orders, decisions and documents issued by the Chambers. Details are shown in the table below.

Total no. of notifications	Uganda	DRC	CAR	Kenya ²⁰
194	15	154	22	3

8. E-court and ICT

151. E-court User Group (ECUG): the main achievement of the ECUG in 2012 was to adopt a new generic eCourt protocol suitable for processing electronic items of evidence.

¹⁸Report of the Court on the Field Operations Strategy, ICC-ASP/10/26.

¹⁹Data refers to both counsel for victims and defence.

²⁰The task-force field presence was fully established in September 2011 when the Registry Field Coordinator was accredited in the country.

This protocol was the basis of evidence disclosure in *The Prosecutor v. Callixte Mbarushimana*. It will serve as the basic generic protocol in all future cases heard by the Court.

152. ECOS development: ECOS enhancements have also progressed, with the deployment of the module supporting scheduling and notification of court activities being deployed in August 2011. To date the module has processed in excess of 150 individual activities.

153. Development of the document management module started in late 2011 and is projected to be deployed at the end of the second quarter of 2012; development is being conducted in-house, with the assistance of the ICT Section. Development of the interpretation module started in the summer of 2010 and is still ongoing; it is due to be deployed at the end of the first quarter of 2012. Testing of the module supporting VWU activities started as of late December 2010 and is in the final acceptance testing phases.

154. Development of ECOS continues to be monitored by the Court Management Section (CMS). All project planning and management is contained within the section. Improvements to the translation and detention modules are scheduled for the second quarter of 2012.

155. Provision of specific ecourt training and assistance:

(a) 32 members of Chambers were trained in the use of ecourt systems Ringtail and Transcend.; and

(b) During 2011, 24 requests by Chambers staff members for advanced ecourt assistance were responded to.

156. Access management to ecourt suite: in 2011 CMS continued to maintain security within TRIM, Ringtail and Ecourt. This includes creation of new situations and cases, new security groups and new members.

9. Human Resources

157. In 2011, the Court continued to focus on a number of strategic human resources areas. A total number of 104 vacancies were filled, with 55 of these filled by internal staff members. Twenty-eight of the internal movements represented advancement of staff, through a competitive process, to a higher level, thus providing opportunities for career development. A number of new human resources policies were promulgated and the Court continued to place priority on the development of a more comprehensive human resources policy framework. Staff wellbeing included group sessions, workshops, training and information sessions in the area of staff health and welfare. Strategic learning plans were implemented across the Court and the Court's first managerial leadership training programme took place in the second half of 2011.

Security and Safety

158. In 2010, the Security and Safety Section continued to manage and ensure the security and safety of Court personnel, assets and information, both at Headquarters and for operations in the field. The section has provided security and safety for Court proceedings in accordance with the hearing schedule and with decisions of the Chamber. In the field, the section has ensured that all relevant security and safety risks to Court personnel, assets, information and premises are managed appropriately following the Court's protocols and relevant security and safety frameworks. Notably, the section has completed Court-specific Security Risk Assessments (SRAs) and an emergency plan for each area of Court operations. The section has further developed its information gathering and analysis capability by training relevant personnel and reorganizing the areas of responsibility of its analysts.

159. In the area of information security, the section has implemented and delivered information security awareness training and initiated the development of additional Administrative Instructions regarding remote access and the use of social media by staff. The section continued the monitoring and testing of information assurance practices and the security of information systems. The section has also continued to work towards improving information security in the field by conducting assessments of information security infrastructure and practices in the Court's field offices.

D. Major Programme IV – The Secretariat of the Assembly of States Parties

160. The Secretariat continued to provide substantive and conference servicing to the Assembly and its subsidiary bodies in 2011.

161. Significant achievements of the Secretariat in 2011 included:

1. Assembly of States Parties and its subsidiary bodies

(a) Organized and serviced the tenth session of the Assembly, held in New York, for a period of eight working days;

(b) Provided legal and substantive secretariat services, such as the provision of documentation, reports and analytical summaries, to the Assembly and its subsidiary bodies, including the preparation of documentation relating to the election of six judges, the Prosecutor and six members of the Committee on Budget and Finance;

(c) Serviced the subsidiary bodies of the Assembly, in particular the Bureau and its Working Groups, the Committee on Budget and Finance, the Study Group on Governance, and the Oversight Committee on permanent premises;

(d) Organized and serviced two sessions of the Committee on Budget and Finance in The Hague, for a period of 14 working days;

(e) Provided advice to the Assembly, the Bureau and their subsidiary bodies on legal and substantive issues relating to the work of the Assembly;

(f) Discharged its mandate regarding the Plan of Action pursuant to resolutions ICC-ASP/5/Res.3, ICC-ASP/6/Res.2, ICC-ASP/7/Res.3, ICC-ASP/8/Res.3 and ICC-ASP/9/Res.3, resulting in the accessibility of information provided on the website of the Assembly;

(g) Discharged its mandate relating to complementarity, as set out in resolutions RC/1 and ICC-ASP/9/Res.3. This involved acting as liaison among States, the Court, international organizations and civil society, as well as the establishment of an Extranet on complementarity, in consultation with the facilitators, States, the Court and civil society;

(h) Secured contributions to and managed the Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly, thus facilitating the participation of a total of 16 representatives in the tenth session of the Assembly; and

(i) Corresponded with governments, the Court, intergovernmental organizations, other relevant bodies, individuals and non-governmental organizations on matters relating to the work of the Assembly.

162. In addition to the plenary meetings of the Assembly and the related informal consultations, the Secretariat serviced 134 meetings as follows:

- | | |
|------------------------------------|----|
| (a) Bureau..... | 24 |
| (b) The Hague Working Group | 59 |
| (c) New York Working Group | 14 |
| (d) Study Group on Governance..... | 15 |
| (e) Oversight Committee..... | 23 |

163. The Secretariat processed a total of 165 documents and 2,501 pages (in the six official languages) for the tenth session as follows:

- | |
|--|
| (a) Pre-session: 222 documents and 4,042 pages; |
| (b) In-session: 119 documents and 554 pages; and |
| (c) Post-session: 11 documents and 1,807 pages. |

164. For the two sessions of the Committee on Budget and Finance, the Secretariat also processed a total of 555 documents and 5,149 pages, in three official languages.

E. Major Programme VII-1 – Project Director’s Office (permanent premises)

165. The final design was completed and consequently the project entered the tendering stage, which will end on 1 September 2012 with the signature of the construction contract.

166. After completion of the final design stage the construction budget continues to be within the approved budget of EUR 190 million.

III. Cross-cutting issues

A. Strategic Plan

167. In 2012 the Court developed two strategies that are very important to a number of constituencies. The Draft Guidelines Governing the Relations between the Court and Intermediaries sets out guidelines on how the Court and its different elements will deal with intermediaries and harmonizes approaches to make the process fairer and more transparent for all concerned.

168. The Court has also presented its Revised Strategy in Relation to Victims, as well as a report outlining its experience over the past two year of implementing the strategy and its plans for the future. Discussions with States and wide variety of other stakeholders are scheduled for 2012 to further refine the drafts and finalize them in anticipation of the eleventh session of the Assembly.

169. With a view to further strengthening is operational and strategic framework, the Court has implemented a review of its policy structure in order to identify and address gaps. The findings have indicated that a robust structure exists. At the same time, with the evolving operating environment of the Court, the development of the Court’s jurisprudence and the ongoing dialogue with States, there is some need for adjustments. The exercise is planned to continue in 2012.

170. In anticipation of the 2012 review of the Court’s Strategic Plan, the Court, in dialogue with States Parties through The Hague Working Group, has put forward a preliminary process for conducting the 2012 Review. The review itself will be conducted internally through a cooperative and consultative process. That same spirit will inform the dialogue the Court will hold with States and other stakeholders as part of the review and revision process.

171. The 2012 review process is planned to proceed in a manner that will result in a Strategic Plan specifically designed to be used as a tool to strategically guide the Court’s budget planning cycle. The Court has also begun the process of bringing together its planning cycles.

172. The Court continues its work to harmonize the strategic planning, risk management and budget planning processes. The Court’s 2012 Programme Budget was the first to include some elements of risk management. This process will continue as the Court takes additional steps to bring all of these processes even closer together in order to produce a more comprehensive, strategically driven process.

B. Risk management

173. In 2011, the Court completed its initial risk management project and adopted a set of recommendations designed to manage the identified risks. The Court proceeded to begin the implementation phase.

174. The Court’s risk management exercise was complemented by the States initiative to have the OIOS perform an Assurance Mapping Study. The Court’s previous work on managing risk was an integral part of the process, and the result gave both the States and the Court an overview of the internal and external controls in place.

175. Building on its work last year, as well as the recommendations from the OIOS assurance mapping study, the Court has developed an updated approach to risk management. The implementation phase will proceed in 2012 as before, in consultation with the Audit Committee and the Office of Internal Audit.

C. Transfers of funds

176. A redeployment of €200,000 was made in January 2011 within the general temporary assistance (“GTA”) budget line from sub-programme 2320 to sub-programme 2410. This transfer was made to support the changed requirements of the OTP resulting from developments in the Kenya and DRC III cases. This redeployment was made in the context of the GTA Plan for 2011 as approved by the OTP Executive Committee to meet the most exigent needs of the Office as foreseen at that time.

177. €250,000 was transferred within the Counsel Support Section from Counsel for Victims to Counsel for Defence.

D. Annual inventories

178. A full physical check of assets was performed by the General Services Section at Headquarters during November and December 2011. Results from the inventory at the seat of the Court in 2010, as well as results from visits to the field offices in December 2010 (with the exception of Kinshasa, Bangui and Kenya, where the inventory took place in February 2012) have been processed and the database has been updated. Follow-up procedures on discrepancies identified are ongoing. This will increase the accuracy of the database and ensure full asset management and control.

179. As of 31 December 2011, the total number of assets in use was 8,798 pieces, with an acquisition value of €15.8 million, representing an increase of €0.68 million by comparison with 2010. This includes actual acquisition of assets in 2011 amounting to €1.18 million, after adjusting actual write-off against acquisition value due to obsolescence, damage, loss or theft. As a result of this phase of the asset management control exercise, 502 items have been written-off, with a corresponding original acquisition value of €0.57 million; while 321 items (€0.33 million), which were discussed at the last Property Survey Board meeting on 20 December 2011, are recommended for write-off. This exercise will continue in 2012.

IV. Budgetary performance 2011

A. Overview of the budgetary performance of the Court

180. The actual implementation rate for the Court in the programme budget is 98.7 per cent, or €102.28 million, against the approved budget of €103.61 million. The Court’s implementation rate has increased significantly compared to last year’s 95.7 per cent, excluding expenditure for the Review Conference, largely due to the increase in trial activities.

181. The Court submitted a total of six notifications to the Committee on Budget and Finance (“the Committee”) for potential access to the Contingency Fund (“the Contingency Fund application”) pending full utilization of the Court’s regular budget, in a total amount of €8.54 million. The notifications are detailed in paragraph 205 below and related mainly to new situations and unforeseen judicial activities. The Contingency Fund application was implemented at 60.0 per cent, or a total of €5.13 million.

182. On a consolidated basis, the Court implemented 95.8 per cent, or €107.41 million, against the consolidated budget amount of €112.15 million, including the Contingency Fund application of €8.54 million. In the context of the approved budget of €103.61 million, the expenditure of €107.41 million indicates 103.7 per cent implementation.

183. For the year 2011, the Court’s overall expenditure including Contingency amounted to €107.41 million, resulting in a net deficit of €3.8 million to be absorbed by the Contingency Fund, without adjustments of interest income of €0.5 million and other income of €0.4 million, subject to completion of the external audit certification. However, in light of the top-up threshold of €7.0 million, the actual top-up will amount to €2.1 million, as forecast earlier by the Court and agreed by the Assembly in resolution ICC-ASP/10/Res.4 of 21 December 2011.²¹

²¹ See ICC-ASP/10/Res.4, para. E.2.

B. Budget performance for the programme budget

184. As stated in para. 183 above, for the year 2011 the Court implemented at 98.7 per cent, or a total of €102.28 million, of the approved budget of €103.61 million. This represents an increase of 3.0 per cent compared to last year's implementation rate of 95.7 per cent, excluding the expenditure for the Review Conference.

185. The major component of the Court's budget, established posts, implemented at 95.4 per cent, an increase of 2.8 per cent compared to 2010. The Court's recorded annual average vacancy rate for 2011 fell to 8.3 per cent. Major programmes experienced lower vacancy rates throughout the year. In particular, Judiciary's annual average vacancy rate went down to 2.1 per cent, with a staff costs implementation rate of 91.9 per cent. Annual average vacancy rate for the Office of the Prosecutor was 7.9 per cent and staff costs implementation rate was 94.1 per cent. The Registry's annual average vacancy rate fell to 8.2 per cent, and its staff costs implementation rate reached 97.2 per cent.

186. The Judiciary almost fully implemented its budget, reaching a 99.9 per cent implementation rate, which corresponds to a total of €10.66 million expenditure against an approved budget of €10.67 million. Due to the shortfall in the overall budget, the Judiciary could not include the liability in respect of annual leave, amounting to €154.8 thousand.

187. The implementation rate of the Office of the Prosecutor rose to 96.8 per cent, an increase of 2.6 per cent from last year. Expenditure totalled €25.7 million, against an approved budget of €26.6 million.

188. The Registry fully implemented its approved budget of €61.61 million. Among divisions, the Office of the Registrar showed an overspend at 107.7 per cent, or €1.36 million, due to the payment of legal fees for counsel for defence and victims. On the other hand, the Division of Court Services (DCS) showed an underspend of €0.8 million, representing a 96.0 per cent implementation rate. The underspend is linked to the postponement until 2012 of the downsizing of cell rental by the United Nations Detention Unit of the International Criminal Tribunal for the former Yugoslavia (ICTY) which resulted in the delayed takeover of shared functions by the Court. Consequently, the Court only needed to pay for six cells for the first five months and for 12 cells for the remaining months, instead of the planned 12 cells for the full 12 months. The rest of the underspend is attributable to the Victims and Witnesses Unit, where certain assumptions regarding witness relocation did not fully materialize.

189. The Secretariat of the Assembly of State Parties had a 97.2 per cent implementation rate. Within this figure, contractual services were over-implemented and staff costs under-implemented, as a result of funds having been redeployed to cover an unforeseen increase in actual costs incurred for the ninth session of the Assembly, as well as costs for the tenth session and a payment to the assessment centre, Saville and Holdsworth Limited (SHL) Canada, approved by the Oversight Committee, in connection with recruitment of the Project Director for the Permanent Premises Project.

190. The implementation rate of the Secretariat of the Trust Fund for Victims was influenced by changes in the planned assumptions which resulted in a lower at 92.4 per cent due to fund redeployment to GTA and consultancy, the cancellation of planned trips and delays in planned activities in the areas of contractual services and general operating expenses.

191. The low implementation rate at 78.5 per cent for the Project Director's Office for the Permanent Premises was due to underspend in contractual services as a result of delays in the tendering procedure for the final design document, reducing the requirement for external printing and translation, which in the end was covered by in-house translation services. The postponement of furniture procurement for the new Project Director also contributed to the underspend.

192. The Independent Oversight Mechanism (IOM) has been in the process of setting up office since the middle of the year 2010. In the year 2011, its expenditure was for the staff costs of two officials on reimbursable loan from the United Nations Office of Internal Oversight Services in New York for a total of eight months, plus contractual services incurred for the IOM assurance mapping study project, resulting in a 39.3 per cent implementation rate.

193. Table 1 provides a summary of overall implementation of the programme budget by major programme and programme.

Table 1: Budget Performance 2011 by Major Programme and Programme (thousand euros)

<i>Major Programme / Programme</i>	<i>Approved Budget 2011</i>	<i>Actual Expenditure* 2011</i>	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Major Programme I				
Judiciary	10,670	10,664	6	99.9
The Presidency	2,379	2,222	157	93.4
Chambers	8,022	8,185	-164	102.0
Liaison Offices	269	256	13	95.3
Major Programme II				
Office of the Prosecutor	26,598	25,735	863	96.8
The Prosecutor	6,416	5,764	652	89.8
Jurisdiction, Complementarity & Cooperation Division	2,205	2,234	-30	101.3
Investigation Division	12,904	11,801	1,103	91.5
Prosecution Division	5,073	5,935	-862	117.0
Major Programme III				
Registry	61,611	61,610	1	100.0
Office of the Registrar	17,743	19,106	-1,363	107.7
Common Administrative Services Division	20,675	20,391	285	98.6
Division of Court Services	19,731	18,944	787	96.0
Public Information and Documentation Section	3,461	3,169	293	91.5
Major Programme IV				
Secretariat of the Assembly of States Parties	2,728	2,653	75	97.2
Major Programme VI				
Secretariat of the Trust Fund for Victims	1,205	1,114	92	92.4
Major Programme VII-1				
Project Director's Office	492	386	106	78.5
Major Programme VII-5				
Independent Oversight Mechanism	303	119	184	39.3
Total ICC	103,608	102,281	1,327	98.7

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

194. Table 2 below shows the budget performance by item of expenditure.

195. The implementation rate for general temporary assistance (GTA) exceeded the approved budget at 135.6 per cent. As compared to 2010, the implementation rate increased by 24.6 per cent (excluding expenditure for the Review Conference). The increase in activities related to judicial activities was a major contribution to this overspend. However, a like-to-like comparison of this expenditure item against the approved GTA is distorted by the Court's current accounting practice, which books expenditure for the costs of GTA performing the functions of vacant established posts against the GTA budget line. Furthermore, the cost of the IPSAS project was originally booked under General Operating

Expenses but has been, as planned, used to cover for GTA expenses of the project staff which adds to the over implementation .

196. The consultant's slight overspend at 100.8 per cent was in large part due to OTP's hiring of special advisers and expert witnesses to provide legal advice and training on a number of issues, such as trial strategy, gender issues, investigation techniques and forensic evidence.

197. Travel shows underspend in part due to the cancellation of missions because of changes in operational needs in the OTP. Similarly in the Registry, changes in operational requirements resulted in redeployed of funds to other areas such as counsel.

198. Legal counsel shows overspend for both defence and victims at 275.9 per cent (€1.9 million) and 105.7 per cent (€0.1 million), respectively. The possibility of a need for additional resources in defence counsel had been communicated to the Committee, which, nevertheless, did not approve the Court's request for additional funds for legal aid during the budget review. The overspend was due unforeseen activities, as well as to the impossibility for the Court to notify possible expenses to the Contingency Fund as it had already been notified to full capacity at a certain stage during the year. The main issues related to the need to engage additional legal assistance for Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui and to engage legal assistance following confirmation of the charges against Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus in March 2011. Also, as in 2010, the amount of €215 thousand is included as a doubtful receivable for legal defence fees for Jean-Pierre Bemba Gombo.

199. As compared to 2010, general operating expenses decreased by 8.2 per cent, achieving an 83.1 per cent implementation rate. In addition to the underspend on detention and witness relocation costs as referred to in paragraph 188 above, the Information and Communication Technologies Section (ICT) underspent due to cancellations and delays in certain projects and activities (development of the Electronic Court System Database; upgrade of e-mail and AV software in eCourt systems; consultancy for the redistribution of information systems and the maintenance of smaller systems). Similarly, projects were cancelled or postponed within the General Services Section., including refurbishment of the Court's car-park surface, replacement ceilings in the Arc restaurant and 1st floor of A-wing, replacement of lock cylinders due to expiration of security certification and replacement of floor aggregate in D-wing. These cancellations or delays resulted in an underspend of 0.3K for the Division of Common Administrative Services.

200. The underspend of 77.7 per cent on supplies and materials is mainly due to the cancellation of the purchase of audiovisual materials in the Court Management Section, and the redeployment of funds to other prioritized projects in the ICT Section. In the Office of the Prosecutor, close to 10 per cent of the approved amount was redeployed to cover equipment needs in the Investigations Division. In addition, the Office planned to reserve certain funds to meet shortfalls and did not procure the OTP-specific database as planned, or take out the envisaged professional subscriptions.

Table 2: Budget Performance 2011 by item of expenditure (thousand euros)

<i>Items</i>	<i>Approved Budget 2011</i>	<i>Actual Expenditure*</i> 2011	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Judges	5,757	5,702	55	99.0
Judges' travel	171	76	95	44.3
<i>Sub-total judges</i>	<i>5,928</i>	<i>5,778</i>	<i>151</i>	<i>97.5</i>
Staff costs	59,849	57,095	2,754	95.4
General temporary assistance	8,950	12,134	-3,184	135.6
Temporary assistance for meetings	1,353	1,267	86	93.7
Overtime	444	407	37	91.6
Consultants	483	486	-4	100.8
<i>Sub-total staff costs</i>	<i>71,079</i>	<i>71,390</i>	<i>-311</i>	<i>100.4</i>

<i>Items</i>	<i>Approved Budget 2011</i>	<i>Actual Expenditure*</i> 2011	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Travel	4,431	3,822	608	86.3
Hospitality	57	52	5	92.1
Contractual services	3,517.0	3,368	149	95.8
Training	950	677	273	71.2
Counsel for defence	1,099	3,033	-1,933	275.9
Counsel for victims	1,612	1,703	-92	105.7
General operating expenses	12,644	10,508	2,136	83.1
Supplies and materials	1,281	995	286	77.7
Equipment incl furniture	1,010	955	55	94.5
<i>Sub-total non-staff costs</i>	<i>26,601</i>	<i>25,114</i>	<i>1,487</i>	<i>94.4</i>
Total ICC	103,608	102,281	1,327	98.7

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

201. Table 3 illustrates budget performance by item of expenditure for the four-year International Public Sector Accounting Standards (IPSAS) project, which commenced in July 2011. The project is slightly over-implemented at 117.9 per cent because certain contractual services were brought forward, such as an earlier consideration of changes to the Financial Regulation and Rules and SAP customization. Training, on the other hand, is under-implemented at 25.0 per cent due to rescheduling and postponement of certain training activities as per the revised training plans.

Table 3: Budget Performance for the IPSAS Project 2011 by item of expenditure (thousand euros)

<i>Items</i>	<i>Approved Budget 2011</i>	<i>Actual Expenditure*</i> 2011	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Judges				
Judges' travel				
<i>Subtotal Judges</i>				
Staff costs				
General temporary assistance	143	134	9	93.7
Temporary assistance for meetings				
Overtime				
Consultants				
<i>Subtotal other staff</i>	<i>143</i>	<i>134</i>	<i>9</i>	<i>93.7</i>
Travel	10	5	5	
Hospitality				
Contractual services	150	246	-96	164.2
Training	30	8	23	25.0
Counsel for defence				
Counsel for victims				
General operating expenses				
Supplies and materials				
Equipment incl furniture				
<i>Subtotal non-staff</i>	<i>190</i>	<i>259</i>	<i>-69</i>	<i>136.1</i>
Total ICC	333	392	-60	117.9

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

202. Table 4 shows an overview split for the programme budget by basic and situation-related expenditure. The basic component shows a 97.7 per cent implementation rate, whereas the situation-related component shows 99.7 per cent implementation rate.

Table 4: Budget Implementation 2011 by Basic and Situation-related expenditure (thousand euros)

Major Programme / Programme	Basic			Situation-related (SRF)		
	Approved Basic Budget 2011 [1]	Actual Basic Expenditure* 2011 [2]	Implementation rate in % [3]=[2]/[1]	Approved SRF Budget 2011 [4]	Actual SRF Expenditure* 2011 [5]	Implementation rate in % [6]=[5]/[4]
Major Programme I						
Judiciary	9,745	9,871	101.3	925	793	85.7
The Presidency	2,359	2,223	94.2	20	-1	-3.2
Chambers	7,117	7,392	103.9	905	793	87.7
Liaison Offices	269	256	95.3			
Major Programme II						
Office of the Prosecutor	5,082	5,115	100.7	21,516	20,620	95.8
The Prosecutor	2,922	2,740	93.8	3,494	3,024	86.5
Jurisdiction, Complementarity & Cooperation Division	977	961	98.3	1,228	1,273	103.7
Investigation Division	408	431	105.8	12,497	11,370	91.0
Prosecution Division	775	983	126.7	4,298	4,953	115.2
Major Programme III						
Registry	31,618	30,685	97.0	29,993	30,925	103.1
Office of the Registrar	8,121	7,784	95.8	9,622	11,322	117.7
Common Administrative Services Division	14,811	15,009	101.3	5,865	5,382	91.8
Division of Court Services	6,785	6,174	91.0	12,946	12,770	98.6
Public Information & Documentation Section	1,901	1,718	90.4	1,561	1,451	93.0
Major Programme IV						
Secretariat of the Assembly of States Parties	2,728	2,653	97.2			
Major Programme VI						
Secretariat of the Trust Fund for Victims	437	404	92.5	769	710	92.4
Major Programme VII-1						
Project Director's Office	492	386	78.5			
Major Programme VII-5						
Independent Oversight Mechanism	303	119	39.3			
Total ICC	50,405	49,233	97.7	53,203	53,048	99.7

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

C. Field activity

203. Table 5 shows a summary of actual expenditure for field operations per situation in the year 2011. The Court was investigating seven situations, including two new situations commenced during the year, namely Uganda, the Democratic Republic of the Congo (DRC), Sudan, Central African Republic (CAR), the Republic of Kenya (Kenya), Libya and Côte d'Ivoire (CIV). Operational Support is for all situations taken together, rather than for specific situations. The total actual expenditure for all the situations is €29.1 million, which

is 54.7 per cent of the approved situation-related budget of €3.2 million. Out of the total actual expenditure of €29.1 million, €16.0 million was spent by the OTP and €12.7 million by the Registry, leaving a balance of €0.35 million accounted for by other programmes.

Table 5: Actual expenditure on field operations per situation 2011 (thousand euros)*

<i>Major Programme / Programme / Sub-programme</i>	<i>Uganda situation</i>	<i>DRC situation</i>	<i>Sudan situation</i>	<i>CAR situation</i>	<i>Kenya situation</i>	<i>Libya situation</i>	<i>CIV situation</i>	<i>Operational support</i>	<i>Total</i>
Judiciary					-1				-1
The Presidency					-1				-1
Office of the Prosecutor	14	3,104	1,753	274	3,514	968	135	6,263	16,026
The Prosecutor	7	441	200	81	100	98	4	1,325	2,256
Immediate Office of the Prosecutor		3	12		9	7	1	229	261
Services Section	7	438	189	81	91	91	3	1,096	1,996
JCCD		205	110	17	221	37	16	460	1,066
Jurisdiction, Complementarity and Cooperation Division		205	110	17	221	37	16	460	1,066
Investigation Division	8	2,065	715	174	2,315	821	116	4,373	10,586
Planning and Operation	5	989	203	257	435	202	30	3,489	5,610
Investigation Teams	2	1,077	512	-83	1,880	619	85	884	4,976
Prosecution Division		393	728	3	877	12		105	2,118
Prosecution Division		393	728	3	877	12		105	2,118
Registry	1,384	4,156	1,349	1,388	863	14	5	3,569	12,727
Office of the Registrar	559	1,488	738	756	245	1		1,304	5,091
Immediate Office of the Registrar				5	6			-4	7
Office of Internal Audit		5							5
Security and Safety Section	170	629	314	333	26	1		400	1,873
Field Operations Section	389	723	419	404	202			705	2,843
Counsel Support Section		109	5		3			203	319
Counsel for Victims		23		14	8				45
Common Administrative Services Division	82	319	36	90	25			1,604	2,156
Human Resources Section	-7							355	348
Budget and Finance Section								292	292
General Services Section								123	123
ICT Section	89	319	36	90	25			834	1,393
Division of Court Services	555	1,975	432	345	531	8	5	460	4,309
Office of the Head		3					5		8
Court Management Section		98							98

<i>Major Programme / Programme / Sub-programme</i>	<i>Uganda situation</i>	<i>DRC situation</i>	<i>Sudan situation</i>	<i>CAR situation</i>	<i>Kenya situation</i>	<i>Libya situation</i>	<i>CIV Operational support</i>	<i>Total</i>
Court Interpretation and Translation Section	337	599	181	7	2	4	55	1,186
Victims and Witnesses Unit	188	1,189	243	276	468	4	308	2,676
Victims Participation and Reparation	30	86	8	62	60		96	342
Public Information & Documentation Section	188	374	143	197	63	5	202	1,172
Public Affairs Unit						5	102	106
Outreach Unit	188	374	143	197	63		100	1,065
Secretariat of TFV	139	91		7			111	347
Secretariat TFV	139	91		7			111	347
Total ICC	1,537	7,351	3,103	1,669	4,376	982	140	9,943

*Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

D. Recruitment

204. Table 6 provides a summary of staffing per major programme. As at 31 December 2011, a total of 702 posts or 92.2 per cent were filled, against the approved total of 761, excluding five elected officials.

Table 6: Staffing - Approved versus filled posts by post type (P and G staff)*

	<i>Approved</i>	<i>Filled</i>	<i>Under recruitment</i>	<i>Advertised not under recruitment</i>	<i>Vacant not advertised</i>
	[1]	[2]	[3]	[4]	[5]
Major programme I	48	47	0	0	1
Major programme II	215	199	12	0	4
Major programme III**	477	439	20	1	17
Major programme IV	9	7	1	0	1
Major programme VI	7	7	0	0	0
Major programme VII-1	3	3	0	0	0
Major programme VII-5	2	0	2	0	0
Total ICC	761	702	35	1	23

* The above table excludes five elected official posts (three in MP II and two in MP III).

** In MP-III, one post not vacant as such but funding a Staff Council Representative.

E. Budget performance for Contingency Fund applications

205. In the year 2011, the Court submitted the following six notifications to the Committee for potential access to the Contingency Fund, pending full utilization of the Court's regular budget, in a total amount of €8,544,384:

(a) Notification of 28 February 2011 for €229,295 to transfer four detained witnesses from the Democratic Republic of the Congo (DRC) to The Netherlands;

(b) Notification of 1 March 2011 for €400,263 to cover the costs of legal aid for Mr. Callixte Mbarushimana in the situation in the DRC;

- (c) Notification of 4 May 2011 for €4,072,600 for the new situation in Libya, referred to the Court by the United Nations Security Council;
- (d) Notification of 8 June 2011 for €2,616,000 for the Kenya situation;
- (e) Notification of 15 June 2011 for €1,098,000 in respect of expenses arising from simultaneous trial activities during the second half of 2011; and
- (f) Notification of 20 October 2011 for €128,226 for the new situation in Côte d'Ivoire.

F. Budget performance for the total Contingency Fund application

206. Table 7 provides overall budget performance for a total of six Contingency Fund notifications submitted to the Committee. Actual implementation rate is 60.0 per cent, or €5.13 million, against the total Contingency Fund application of €8.54 million.

Table 7: Budget Performance of the total of six Contingency Fund applications 2011 by item of expenditure (thousand euros)

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
2000	<i>Staff Costs</i>			
	<i>Sub Total</i>			
3000	<i>Other Staff Costs</i>			
3100	General temporary assistance	4,244	2,236	52.7
3200	Temporary assistance for meeting	626	481	76.8
3300	Overtime			
3400	Consultants	208	27	13.2
	<i>Sub Total</i>	5,079	2,744	54.0
4000	<i>Travel & Hospitality</i>			
4100	Travel	599	318	53.0
	<i>Sub Total</i>	599	318	53.0
5000	<i>Contractual Services (incl training)</i>			
5200	External translation	192	66	34.4
5510	Counsel for defence	666	522	78.3
5520	Counsel for victims	110	307	279.2
5600	External printing	4		
5700	Public Information & Production Costs	80	154	192.6
5800	Outsourcing Services	106	9	8.0
5900	Other Contractual Services	324	99	30.7
	<i>Sub Total</i>	1,482	1,157	78.1
6000	<i>General Operating Expenses</i>			
6100	Rental of Premises	10		
6300	Utilities	1		
6400	Rental of Equipment & Furniture	14		
6800	Other Miscellaneous Operating Costs	467	339	72.8
	<i>Sub Total</i>	492	339	69.1

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
7000	<i>Supplies and Materials</i>			
	<i>Sub Total</i>	55	12	22.2
8000	<i>Equipment including Furniture</i>			
	<i>Sub Total</i>	839	555	66.2
	Total	8,544	5,125	60.0

* Expenditure 2011 is based on preliminary, unaudited figures which are subject to change.

207. The budget performance for each contingency fund application is detailed below in the order of the notifications to the Committee.

1. Contingency Fund application for the transfer of four detained witnesses from the DRC to The Netherlands

208. Table 8 shows actual expenditure on the Contingency Fund application in the DRC case for the transfer of four detained witnesses, which took place in mid-March 2011. Actual expenditure is 52.6 per cent, or €0.12 million, against the Contingency Fund application of €0.23 million.

209. As explained in detail in the report to the Committee,²² the costs for the rental of cells in the Detention Centre was expected to exceed the application amount of €0.23 million, since, instead of returning to the DRC in May 2011 as had been assumed, the detained witnesses filed applications for political asylum in The Netherlands, and were transferred to the Court's Detention Centre on 31 May 2011, where they remained until the end of the year. The initial estimate had been based on the usual terms and conditions in place, but negotiations with the host State resulted in lower costs than expected and the under implementation reported below..

Table 8: Budget Performance of the Contingency Fund application for the transfer of four witnesses 2011 by item of expenditure (thousand euros)

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
2000	<i>Staff Costs</i>			
	<i>Sub Total</i>			
3000	<i>Other Staff Costs</i>			
3100	General temporary assistance			
3200	Temporary assistance for meeting			
3300	Overtime			
	<i>Sub Total</i>			
4000	<i>Travel & Hospitality</i>			
4100	Travel	26	14	52.9
	<i>Sub Total</i>	26	14	52.9

²² ICC-ASP/10/11, paras. 32 and 33.

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
5000	<i>Contractual Services (incl training)</i>			
5200	External translation			
5510	Counsel for defence			
5520	Counsel for victims			
5600	External printing			
5700	Public Information & Production Costs			
5800	Outsourcing Services			
5900	Other Contractual Services	108	42	38.9
	<i>Sub Total</i>	<i>108</i>	<i>42</i>	<i>38.9</i>
6000	<i>General Operating Expenses</i>			
6100	Rental of Premises	92	65	70.3
	<i>Sub Total</i>	<i>92</i>	<i>65</i>	<i>70.3</i>
7000	<i>Supplies and Materials</i>			
	<i>Sub Total</i>	<i>4</i>		
8000	<i>Equipment including Furniture</i>			
	<i>Sub Total</i>			
	Total	229	121	52.6

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

2. Contingency Fund application for legal aid for the defence of Mr Callixte Mbarushimana

210. Table 9 shows actual expenditure for the Contingency Fund application for legal aid in respect of the defence team of Mr Callixte Mbarushimana.

211. The amount of €0.32 million was incurred to pay for legal fees against the requested Contingency Fund application of €0.40 million, corresponding to an 80.6 per cent implementation rate. The underspend is due to the late incorporation of the members of the defence team and less usage of investigation costs than planned. Costs of travel and other contractual services have been consolidated in defence counsel costs for purposes of like-to-like comparison with actual expenditure.

Table 9: Budget Performance of the Contingency Fund application for legal aid for the defence of Mr. Callixte Mbarushimana 2011 by item of expenditure (thousand euros)

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
2000	<i>Staff Costs</i>			
	<i>Sub Total</i>			
3000	<i>Other Staff Costs</i>			
3100	General temporary assistance			
3200	Temporary assistance for meeting			
3400	Consultants			
	<i>Sub Total</i>			

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
4000	<i>Travel & Hospitality</i>			
4100	Travel			
	<i>Sub Total</i>			
5000	<i>Contractual Services (incl training)</i>			
5510	Counsel for defence	400	262	65.6
5520	Counsel for victims		60	
5900	Other Contractual Services			
	<i>Sub Total</i>	400	322	80.6
6000	<i>General Operating Expenses</i>			
6800	Other Miscellaneous Operating Costs			
	<i>Sub Total</i>			
7000	<i>Supplies and Materials</i>			
	<i>Sub Total</i>			
8000	<i>Equipment including Furniture</i>			
	<i>Sub Total</i>			
	Total	400	322	80.6

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

3. Contingency Fund application for the situation in Libya

212. Table 10 shows actual expenditure for the Contingency Fund application for the situation in Libya. Only 44.6 per cent of the requested application was used, representing €1.82 million expenditure against the application of €4.07 million, and the Court's forecast as at 30 June 2011 of total expenditure to year-end 2011 of €3.78 million, or 92.8 per cent.²³

213. The drastic change in the expected budget performance is in large part due to late and unexpected political developments, and in particular the death in mid-October of Colonel Muammar Gaddafi. No proceedings were started against the three indicted individuals against whom arrest warrants had been issued and the resultant changes in operational needs affected all of the major programmes involved.

214. Judiciary has a 60.7 per cent implementation rate due to changed needs in Chambers, as a result of which only one GTA was hired instead of the two that had been anticipated. The resources for Libya were requested to assist the Pre-Trial Chamber with the preparation of its decision on the Prosecutor's application for arrest warrants against two to three suspects, as well as potential follow-up work in the event of a surrender of one or more suspects to the jurisdiction of the Court. Given the uncertainties at the time over how developments in Libya would unfold, the Chamber decided to engage only one GTA staff member initially, while maintaining the possibility of engaging a second at a later stage if the overall workload grew sufficiently to require this. In the event, the way the case continued to require the support of only one GTA staff member, resulting in the final implementation rate of 60.7%.

215. The Office of the Prosecutor implemented at 44.7 per cent, as a result of the under-implementation rate of 47.4 per cent for GTA, which was the single major item in the application. In addition to the change in operational needs, the underspend resulted from the delay in the recruitment of GTA, which was later frozen, and from efforts made to absorb costs within the regular programme budget.

²³ ICC-ASP/10/11, para 36.

216. The Registry was also affected by the change in operational needs, resulting in €0.6 million expenditure against the €1.8 million requested, representing a 36.1 per cent implementation rate.

Table 10: Budget Performance of the Contingency Fund application for the situation in Libya 2011 by item of expenditure (thousand euros)

Object Code	Expenditure Item	CF share (Non-Registry)		CF share (Registry)		CF Total		
		As per Notification Support services to core activities	Actual Expenditure for Support services to core activities 2011	As per Notification Registry's activities	Actual Expenditure for Registry's activities 2011	Total Contingency Fund Application	Total Actual Expenditure* 2011	Implementation rate in %
		[1]	[2]	[3]	[4]	[5]=[1]+[3]	[6]=[2]+[4]	[7]=[6]/[5]
2000	<i>Staff Costs</i>							
	<i>Sub Total</i>							
3000	<i>Other Staff Costs</i>							
3100	General temporary assistance	2,168	1,102	302	72	2,469	1,174	47.5
3200	Temporary assistance for meeting	24	15	70	45	94	60	64.2
3400	Consultants	50	3	48	1	98	4	4.2
	<i>Sub Total</i>	<i>2,241</i>	<i>1,120</i>	<i>420</i>	<i>118</i>	<i>2,661</i>	<i>1,238</i>	<i>46.5</i>
4000	<i>Travel & Hospitality</i>							
4100	Travel	271	164	85	1	356	165	46.3
	<i>Sub Total</i>	<i>271</i>	<i>164</i>	<i>85</i>	<i>1</i>	<i>356</i>	<i>165</i>	<i>46.3</i>
5000	<i>Contractual Services (incl training)</i>							
5200	External translation		5	72	12	72	17	23.1
5510	Counsel for defence			10		10		
5520	Counsel for victims			10		10		
5600	External printing			2		2		
5700	Public Information & Production Costs			10	18	10	18	180.0
5800	Outsourcing Services	41	9			41	9	20.7
5900	Other Contractual Services	25		20		45		0.0
	<i>Sub Total</i>	<i>66</i>	<i>13</i>	<i>124</i>	<i>30</i>	<i>190</i>	<i>43</i>	<i>22.7</i>
6000	<i>General Operating Expenses</i>							
6800	Other Miscellaneous Operating Costs	213	24			213	24	11.3
	<i>Sub Total</i>	<i>213</i>	<i>24</i>			<i>213</i>	<i>24</i>	<i>11.3</i>
7000	<i>Supplies and Materials</i>							
	<i>Sub Total</i>	<i>13</i>		<i>11</i>		<i>24</i>		
8000	<i>Equipment including Furniture</i>							
	<i>Sub Total</i>	<i>515</i>	<i>286</i>	<i>113</i>	<i>63</i>	<i>628</i>	<i>348</i>	<i>55.5</i>
	Total	3,319	1,607	754	212	4,073	1,818	44.6

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

4. Contingency Fund application for the situation in Kenya

217. Table 11 shows actual expenditure for the Contingency Fund application for the situation in Kenya to support unforeseen activities until the Confirmation of Charges. Expenditure totalled €1.9 million, against the application amount of €2.6 million, representing a 72.7 per cent implementation rate.

218. There were two major underspend areas: GTA and consultancy services. GTA recruitment in general was affected by time constraints, since Contingency Fund sums only became effectively available in mid-June. This particularly affected the VWU, which was only able to recruit two out of the nine GTA requested.

219. Chambers revised its need for consultancy services to review victims' applications and ultimately decided that it did not need them. Underspend in the outsourcing services category is attributable to the review of the services required for support activities in the field by the Security and Safety Section.

Table 11: Budget Performance of the Contingency Fund application for the situation in Kenya 2011 by item of expenditure (thousand euros)

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
2000	<i>Staff Costs</i>			
	<i>Sub Total</i>			
3000	<i>Other Staff Costs</i>			
3100	General temporary assistance	977	444	45.4
3200	Temporary assistance for meeting	226	139	61.4
3400	Consultants	95	23	24.5
	<i>Sub Total</i>	<i>1,297</i>	<i>606</i>	<i>46.7</i>
4000	<i>Travel & Hospitality</i>			
4100	Travel	149	97	64.9
	<i>Sub Total</i>	<i>149</i>	<i>97</i>	<i>64.9</i>
5000	<i>Contractual Services (incl training)</i>			
5200	External translation	120	50	41.3
5510	Counsel for defence	251	243	97.0
5520	Counsel for victims	100	247	247.1
5600	External printing	2		
5700	Public Information & Production Costs	60	135	224.3
5800	Outsourcing Services	58		
5900	Other Contractual Services	157	56	35.5
	<i>Sub Total</i>	<i>748</i>	<i>730</i>	<i>97.6</i>
6000	<i>General Operating Expenses</i>			
6100	Rental of Premises	10		
6300	Utilities	1		
6400	Rental of Equipment & Furniture	12		
6800	Other Miscellaneous Operating Costs	162	250	155.1
	<i>Sub Total</i>	<i>185</i>	<i>250</i>	<i>135.8</i>
7000	<i>Supplies and Materials</i>			
	<i>Sub Total</i>	<i>27</i>	<i>12</i>	<i>45.1</i>
8000	<i>Equipment including Furniture</i>			
	<i>Sub Total</i>	<i>211</i>	<i>207</i>	<i>98.2</i>
	Total	2,616	1,902	72.7

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

5. Contingency Fund application to meet expenses arising from trial activities from July to December 2011

220. Table 12 shows actual expenditure for the Contingency Fund application to meet expenses arising from trial activities in the second half of the year 2011. Actual implementation rate is 82.0 per cent, or €0.9 million against the application of €1.1 million. The lower implementation at 77.5 per cent in the GTA category is accounted for by the time required for the recruitment process for certain replacements.

Table 12: Budget Performance of the Contingency Fund application to meet expenses arising from trial activities 2011 by item of expenditure (thousand euros)

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
2000	<i>Staff Costs</i>			
	<i>Sub Total</i>			
3000	<i>Other Staff Costs</i>			
3100	General temporary assistance	798	619	77.5
3200	Temporary assistance for meeting	300	282	94.0
3400	Consultants			
	<i>Sub Total</i>	1,098	901	82.0
4000	<i>Travel & Hospitality</i>			
4100	Travel			
	<i>Sub Total</i>			
5000	<i>Contractual Services (incl training)</i>			
5200	External translation			
5510	Counsel for defence			
5520	Counsel for victims			
5600	External printing			
5700	Public Information & Production Costs			
5800	Outsourcing Services			
5900	Other Contractual Services			
	<i>Sub Total</i>			
6000	<i>General Operating Expenses</i>			
6800	Other Miscellaneous Operating Costs			
	<i>Sub Total</i>			
7000	<i>Supplies and Materials</i>			
	<i>Sub Total</i>			
8000	<i>Equipment including Furniture</i>			
	<i>Sub Total</i>			
	Total	1,098	901	82.0

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

221. Table 13 shows actual expenditure for the new situation in Côte d'Ivoire. Expenditure is €0.062 million, against the application amount of €0.128 million, which corresponds to a 48.1 per cent implementation rate. There was a major underspend in the operations planned in the Victims Participation and Reparations Section (VPRS): for security reasons, planned visits and related missions in other contractual services did not take place.

Table 13: Budget Performance of the Contingency Fund application for the situation in Côte d'Ivoire 2011 by item of expenditure (thousand euros)

<i>Object Code</i>	<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
		[1]	[2]	[3]=[2]/[1]
2000	<i>Staff Costs</i>			
	<i>Sub Total</i>			
3000	<i>Other Staff Costs</i>			
3100	General temporary assistance			
3200	Temporary assistance for meeting	7		
3400	Consultants	15		
	<i>Sub Total</i>	22		
4000	<i>Travel & Hospitality</i>			
4100	Travel	68	42	62.3
	<i>Sub Total</i>	68	42	62.3
5000	<i>Contractual Services (incl training)</i>			
5200	External translation			
5510	Counsel for defence	5	16	311.9
5520	Counsel for victims			
5600	External printing			
5700	Public Information & Production Costs	10	2	15.3
5800	Outsourcing Services	7		
5900	Other Contractual Services	15	2	13.8
	<i>Sub Total</i>	37	20	53.3
6000	<i>General Operating Expenses</i>			
6400	Rental of Equipment & Furniture	2		
6800	Other Miscellaneous Operating Costs			
	<i>Sub Total</i>	2		
7000	<i>Supplies and Materials</i>			
	<i>Sub Total</i>			
8000	<i>Equipment including Furniture</i>			
	<i>Sub Total</i>			
	Total	128	62	48.1

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

G. Consolidated Budget Performance of the Court - Regular programme budget and contingency fund application

222. Table 14 shows the Court's consolidated budget performance, taking together the regular programme budget and the total Contingency Fund application as referred to in paragraph 183. The Court's actual expenditure including Contingency Fund expenditure is €107.41 million against the consolidated budget of €112.15 million including Contingency Fund application of €8.54 million. This represents a 95.8 per cent implementation rate. This would be 103.7 per cent if set against the approved budget of €103.61 million.

Table 14: ICC Consolidated budget Performance 2011 by item of expenditure (thousand euros)

Items	Approved Budget 2011	Total Contingency Fund (CF) Application 2011	Total Consolidated Budget and CF Application 2011	Actual Expenditure* 2011	Actual Expenditure* for CF 2011	Total Actual Expenditure incl CF 2011	Total Actual incl CF Implementation rate 2011 against Approved Budget in %	Total Actual incl CF Implementation rate 2011 against Total Consolidated Budget and CF Application in %
							[9]=[8]/[1]	[10]=[8]/[3]
	[1]	[2]	[3]=[1]+[2]	[4]	[6]	[8]=[4]+[6]	[9]=[8]/[1]	[10]=[8]/[3]
Judges	5,757		5,757	5,702		5,701.8	99.0	99.0
Judges' travel	171		171	76		75.7	44.3	44.3
<i>Sub-total judges</i>	<i>5,928</i>		<i>5,928</i>	<i>5,778</i>		<i>5,777.6</i>	<i>97.5</i>	<i>97.5</i>
Staff costs	59,849		59,849	57,095		57,095.3	95.4	95.4
General temporary assistance	8,950	4,244	13,194	12,134	2,236	14,370.0	160.6	108.9
Temporary assistance for meetings	1,353	626	1,980	1,267	481	1,748.3	129.2	88.3
Overtime	444	0	444	407	0	406.9	91.6	91.6
Consultants	483	208	691	486	27	513.6	106.4	74.3
<i>Sub-total staff costs</i>	<i>71,079</i>	<i>5,079</i>	<i>76,158</i>	<i>71,390</i>	<i>2,744</i>	<i>74,134.0</i>	<i>104.3</i>	<i>97.3</i>
Travel	4,431	599	5,030	3,822	318	4,139.7	93.4	82.3
Hospitality	57		57	52		52.5	92.1	92.1
Contractual services	3,517.0	705.8	4,223	3,368	328	3,696.1	105.1	87.5
Training	950		950	677		676.5	71.2	71.2
Counsel for defence	1,099	666	1,766	3,033	522	3,554.4	323.3	201.3
Counsel for victims	1,612	110	1,722	1,703	307	2,010.5	124.7	116.8
General operating expenses	12,644	492	13,135	10,508	339	10,847.8	85.8	82.6
Supplies and materials	1,281	55	1,335	995	12	1,007.0	78.6	75.4
Equipment incl Furniture	1,010	839	1,849	955	555	1,510.3	149.5	81.7
<i>Sub-total non-staff costs</i>	<i>26,601</i>	<i>3,466</i>	<i>30,066</i>	<i>25,114</i>	<i>2,381</i>	<i>27,494.9</i>	<i>103.4</i>	<i>91.4</i>
Total ICC	103,608	8,544	112,152	102,281	5,125	107,406.5	103.7	95.8

* Expenditure 2011 is based on preliminary, unaudited figures, which are subject to change.

223. Table 15 shows a summary of the status of trust funds at year-end 2011. It is followed by a brief description of each trust fund.

Table 15: Status of trust funds 2011*

<i>2011</i>	<i>Trust Funds</i>	<i>Allotment</i>	<i>Total Expenditure</i>	<i>Variance</i>
T002	Addendum Internship programme	440,039	382,440	57,599
T202	Legal Tools Project	248,341	202,304	46,037
T001 & T305	Strengthening the ICC - reinforcing the principle of complementarity and universality and building a high quality defence	898,728	896,525	2,203
T307	Special Fund for relocation			
T308	Seminar of Counsel	27,581	23,642	3,939
T309	Family visits	27,297	27,297	0
T401	Least developed countries	95,681	95,557	124
	Total	1,737,667	1,627,765	109,902

* Since account closing is still in process, this table is based on preliminary data, which are subject to change.

224. T002 The trust fund financed the training of ICC focal points appointed by Ministries of Justice and/or Foreign Affairs from situation countries, as well as the participation of 24 law professors, also from situation countries, in a specialized education project on international criminal law and the ICC.

225. T202 The Legal Tools Project, conceived in 2002 within the Office of the Prosecutor and supported through voluntary contributions since 2005, represents a comprehensive online resource for practice and research in international criminal law.

226. T001 & T305 This fund finances the annual seminar and training for counsel at the seat of the Court, together with the training of 150 young students and professionals in the framework of the internship and visiting professionals programme.

227. T307 The purpose of this special fund is to finance relocations of persons at risk to hosting States and capacity building in eligible States Parties.

228. T308 Regional seminars were organized to raise the awareness of the Rome Statute and the Court within the African Union, the Maghreb and North Africa.

229. T309 Based on a decision of the Assembly, this special fund was established to finance family visits for indigent detainees.

230. T401 Resolution ICC-ASP/2/Res.6 established this trust fund for the participation of the least developed countries in the activities of the Assembly (in order to cover the costs of a return ticket as well as to provide daily subsistence allowance for representatives of the least developed countries).

Annex I

Major programme I: Judiciary

Programme 1100: Presidency

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 1 - A model of international criminal justice.	- Provide legal and logistical support to all plenaries of the judges.	100%	The Presidency provided legal and logistical support to 16 meetings of judges
		- Issue high quality decisions on Presidency appeals and adjudications in a timely manner.	All decisions issued within agreed upon timeframe	The Presidency issued 17 judicial decisions, some of which were confidential by nature
		- Negotiate bilateral enforcement strategies.	2	Five agreements were negotiated and two were concluded
Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the court's role and its independence (SO 6).	Objective 2 - Well-recognized and adequately supported institution.	- Host official visits.	50	Members of the Presidency hosted ca. 90 official visits at the seat of the Court.
		- Conduct foreign visits.	10	Members of the Presidency conducted official visits to 16 countries. ¹
		- Hold diplomatic briefings.	3	The President addressed both diplomatic briefings hosted at the seat of the Court and addressed several other diplomatic gatherings during official missions.
		- Participate in NGO briefings.	2	The President addressed both NGO briefings hosted by the Court in 2011. In addition, eight judges took part in a session with civil society during the October 2011 NGO roundtable. The President furthermore addressed NGO gatherings in the Philippines and Colombia.
		- Grant interviews and press conferences.	12 + 3	Members of the Presidency gave 40 interviews and 10 briefings to the media. In addition, other judges gave a total of 12 interviews.
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 3 - Model of public administration.	- Well-designed, targeted staff trainings within the Judiciary.	1	Members of the Presidency underwent one teambuilding exercise in February 2011.
		- Annual meeting with all Court staff.	1	The President paid a personal visit to staff in every office at the Court and addressed Court staff in ICC field offices via video link conference.

¹ The fact that travel costs associated with several of the visits were covered by external parties such as conference organisers made it possible to exceed the target figure.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
		- Court-wide communications from the President.	3	The President issued several Court-wide communications on a variety of topics of common concern (e.g. 1. season greetings; 2. Day of International Criminal Justice; 3. International Women's Day).

Programme 1200: Chambers

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 1 - A model of international criminal justice.	- Staffing in Chambers recruited.	100%	Continued use of effective administrative approaches (i.e. rosters and GTA contracts); recruitment procedures were further streamlined and staffing levels remained responsive to the workload in Chambers throughout 2011.
		- Specialized training for legal staff in Judiciary.	1	Chambers conducted three substantive trainings relevant to the legal staff in 2011. In addition, individual Chambers staff members also attended language training.

Programme 1300: Liaison Offices

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the court's role and its independence (SO 6).	Objectives 1 and 2 - Well-recognized and adequately supported institution.	- Pursue all requests of the Court for cooperation with relevant interlocutors at United Nations Headquarters until completion of requests.	100%	98% implementation rate achieved. NYLO pursued to completion most requests for cooperation and for information both from the Court as well as from the UN. These included: (i) requests from Registry for transmission of notifications of Court decisions to UNSG, UNSC and to States Parties; (ii) requests from Registry to follow-up on pending MOUs; (iii) requests from OTP to follow-up on information requests from UN; (iv) requests from Presidency to follow-up on universality issues; and (v) requests from UN for information and updates from the Court.
		- Hold briefings for States in New York.	3	The NYLO assisted the UN in organizing the UN-ICC Roundtable in December 2011. The NYLO helped organize and provided support to five briefings by senior court officials to States in New York. The Head of NYLO provided one briefing to African States Parties and one to NGO representatives.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
		- Provide support to visiting Court officials.	6 – 10 visits	The NYLO provided support to 12 high-level visits by Court officials and three visits by the Secretariat of the Assembly.
		- Monitor and participate in relevant United Nations meetings, follow up on items bilaterally and provide weekly reports to the Court.	100%	The NYLO monitored all relevant UN General Assembly and Security Council meetings and held numerous bilateral meetings to follow up on pertinent issues. The NYLO reported key developments to the Court, either through weekly or issue based reports.
		- Provide input for United Nations reports and resolutions on Court-related subjects.	100%	NYLO provided input to two UN reports and lobbied UN member States to support inclusion of ICC language in five UNGA resolutions.
		- Provide logistical support to the Assembly, its Bureau and the New York Working Group.	100% of requests received delivered in the requested timeframe.	The NY Liaison Office provided logistical support to the tenth session of the ASP, and to 20 meetings of the Bureau and nine meetings of the New York Working Group.

Annex II

Major programme II: Office of the Prosecutor

Programme 2100 – The Prosecutor (incl. LAS and Services Section)

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity (SO 3).	Objective 1 Delivery of the annual training plan supporting the full implementation of the Operations Manual	- Proportion of annual training plan implemented - Percentage of the target groups reached by training	> 95% 100% compulsory training elements; 60% optional training elements	80% ¹ 77% (no distinction was made between compulsory versus optional trainings)
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 2 - All OTP-specific language, administrative, budgetary and technical development and improvement objectives for 2011 implemented.	- Actual proportion of improvements/developments implemented.	> 90%	All objectives were implemented as planned and on time.

Programme 2200: Jurisdiction, Complementarity and Cooperation Division

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received (SO 1).	Objective 1 - Provide the Executive Committee with periodic analytical reports on communications received, and issues of jurisdiction, admissibility and/or interests of justice in situations under preliminary examination or investigation. - Efficient and timely compliance with internal processes for requests for assistance.	- Proportion of reports delivered on time and substantiated by the Executive Committee. - Proportion of requests processed in accordance with material, formal and timely requirements: rate of compliance.	100% >95%	All reports delivered on time and substantiated. 98%

¹ Operational Manual training was not included in the Annual Training Plan 2011 as the Operational Manual was in the process of being reviewed.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
	- Further develop range of providers of information and other types of support including in particular cooperation for investigative/trial purposes and conclusion of agreements/arrangements where required.	- Proportion of expected cooperation and support arrangements concluded as required.	100%	100% Range of information providers expanded in accordance with the investigative and prosecutorial requirements, where required through agreements/arrangements.
Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences (SO5).	Objective 2 - Adequate progress made in the implementation of cooperation and arrest strategies developed for each situation.	- Actual implementation vs. planned implementation.	100%	95%
Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the court's role and its independence (SO 6).	Objective 3 - Implementation of annual objectives contained within cooperation and external relations strategies directly involving OTP.	- Actual implementation rate of annual objectives.	100%	All objectives were implemented as planned.

Programme 2300: Investigation Division

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Conduct up to 5 new investigations into cases, within existing or new situations, and maintain seven residual investigations (including providing support to three trials, subject to external cooperation received). (SO 1).	Objective 1 - Collection and analysis objectives set out in the joint team investigation plan reached for the five investigations and preliminary examinations.	- Planned collection vs. actual collection.	0% deviation assuming no unforeseen events	In 2011, the Investigations Division advanced seven active investigations and maintained nine residual investigations and met all deadlines and collection objectives. Two of the investigations resulted in applications to the Pre-Trial Chamber for arrest warrants. The Investigations Division also supported confirmation hearings in three of the investigations as well as three active trials.
		- Half-yearly survey of satisfaction with analytical products (joint team, trial team and Executive Committee).	> 90% satisfaction	The Investigations Division supported all investigations and trials with analytic products that were considered satisfactory and within target.
		- Implement the strategy on victims in relation to investigations.	- Level of implementation of strategy according to plan.	0% deviation assuming no unforeseen events

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute (SO 2).	Objective 2 - No security incident with witness or staff resultant from inadequate exposure or lack of OTP action.	- Number of security incidents caused by inadequate exposure or lack of OTP action.	zero	In 2011, there were zero security incidents caused by inadequate exposure or lack of OTP action

Programme 2400: Prosecution Division

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Conduct 4 to 5 investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received (SO 1).	Objective 1 - High-quality and compact applications delivered within the stipulated timeframes.	- Rate of acceptance of submissions and granting of requests by the Chambers.	>80%	Average acceptance rate in the various cases, including appeal, well over 80%
	- Efficient presentation of evidence before the Pre-Trial and Trial Chambers.	- Time in which Prosecution case is presented (actual court days) for each case. - Number of witnesses per case maintained at lowest levels to minimize exposure.	<6 months Minimum possible – at least comparable to current trial average (30-35)	Prosecution in actual court days on average presented its cases in less than 6 months. Prosecution has successfully managed to reduce the time spent on direct examination. Prosecution maintains low level of witnesses in its trial cases; for pre-trial stages Prosecution in general does not rely on live witnesses.

Annex III

Major programme III: Registry

Programme 3100: Office of the Registrar

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received (SO 1).	Objective 1 - Support of investigations and trials delivered in keeping with the statutory framework. - Ensure effective coordination of support and assistance provided in the field to all parties and participants in the proceedings.	- Regular assessments with stakeholders conducted as foreseen in the bi-annual plan.		100%
		- Number of coordinated initiatives with satisfactory outcome.	80%	80%
Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute (SO 2).	Objective 2 - Maintenance of a secure and safe environment at the seat of the Court. - Field security management system in accordance with UN/international standards.	- Screening of all persons and items entering the Court's premises.	100%	100% Total number of persons screened 337,028; increase of 10.4% Total number of items screened 481,158; increase of 6.3 %
		- Response by a security officer to all emergencies within two minutes.	100%	100% response within 4 minutes to qualifying incidents (legal requirement)
		- Compliance with UN Field Security training programmes (basic + advanced).	100%	99% for all travellers (total completion rate 10-12.5 % basic and advance respectively)
		- Compliance with Minimum Operating Security Standards (MOSS) and Minimum Operating Residential Security Standards (MORSS).	95%	95%
	- Controlled and consistent information security management process.	- Conduct of Network penetration test and decrease in level of vulnerability. - Increased maturity score during periodic ISO 27001 assessment.		A network security test was conducted on the EPN and reported. The network security test for the internet was rescheduled for February 2012 due to a scheduling conflict with the ASP. Recommendations are integrated in ICTS projects and programs. The 2011 risk assessment demonstrated progress in technical measures but also that decision processes on Court-wide risk mitigation are diffuse.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received (SO 1).	Objectives 1 and 3 - Protection of the Court's legal interests.	- Number of framework agreements concluded in support of the Court's operations.	10	69 or 690%
		- Number of cases resolved satisfactorily.	50	85 or 170%
Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity (SO 3).	- Effective system for legal assistance paid by the Court.	- Number of requests for legal assistance paid by the Court.		Three from defendants and 1,164 from victims
		- Number of lawyers in good standing in their national systems.	300	418
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 4 - Reduced financial and management risks.	- Percentage of issues identified by internal audit addressed by action plans.	100%	50% (end of June 2011) 3
		- Delivery of independent, assurance-based performance audits, objective information and advice.		
		- Provide user requirements to the PDO in a timely manner.	100%	100%

Programme 3200: Common Administrative Services Division

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 1 - Continue and widen scope of the business process re-engineering project.	- Number of administrative processes in the Court re-engineered.	10	Evaluation of six re-engineering proposals.
Submit sound, accurate and transparent budget proposals necessitating only minor adjustments to the proposed amount and distribution of resources by the Assembly (SO 9).	Objective 2 - Submit sound, accurate and transparent budget proposals.	- Adjustment to the proposed amount and distribution of resources.	Maximum of 5% reduction or redistribution.	The reduction or redistribution of the Court's budget proposal was within the target for 2011.
Attract, care for, and offer career development and advancement opportunities to a diverse staff of the highest quality (SO 10).	Objective 3 - Attract, care for and offer career development to a diverse staff.	- Number of staff achieving higher grades through competition.	5	28

Programme 3300: Division of Court Services

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received. (SO 1)	Objective 1 - Support to Court sessions in accordance with the Regulations of the Court and the Regulations of the Registry. Support of 200 court days for 2011. - Provision of efficient and effective services to requesting parties and to Chambers.	- Number of trial days successfully completed. - Number of requests responded to within a week.	100% 90%	100% 90%
Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute (SO 2).	Objective 2 - A well-ordered detention community where the detained persons collectively feel safe from harm and are indeed safe. - Efficient and effective support, protection and operational/logistical services to victims, witnesses and others at risk, regardless of location, subject to assessment.	- Number of incidents involving serious injuries due to negligence of managements. - Number of successfully protected witnesses and victims.	0% 100%	0%. 100% successful implementation of procedural protective and special measures
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 3 - Terminological accuracy and consistency in translated texts and interpreted events in all used languages. - Comprehensive and resource-effective use of all translation services. - Adequate number of staff and freelance interpreters and field interpreters available for assignments. - High standards regarding conditions of detention and management of the detention centre.	- Number of searches performed in language tools per month by active users. - Number of duplicated requests in the workflow. - Number of fulfilled interpretation and field interpretation requests. - Number of positive reviews.	200 (minimum) 0% 90% 100%	40,000 (400 searches per user per month). Average of 100 users in 2011 67 duplicated requests cancelled Interpretation: 100% Field interpretation: 79% (difference: 21% = cancelled requests either by requesters or due to visa issues or non-approval) 100%
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 4 Successful arrest and transfer operations.	- Number of actions undertaken by States as a result of a Court request.	80%	100%

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
	- Effective systems to process applications from victims.	- Number of applications received from victims registered and acknowledged within seven days of receipt.	95%	90% of applications registered within seven days of receipt 10% of applications received acknowledged within seven days of receipt due to exponential number of applications received and limited resources available
		- Number of applications from victims entered into the database within 30 days of receipt.	95%	90%

Programme 3400: Public Information and Documentation Section

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Further cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities (SO 4).	Objective 1 - Increased awareness and understanding at grass-roots level of Courts activities.	- Number of interactive sessions conducted.	60 per situation	UG : 120 DRC : 151 SUD : 109 CAR : 123 Kenya : 78
		- Number of people reached directly at interactive sessions.	20% more per situation compared to 2010	UG : 11,159 (-50%) ¹ DRC : 8,701 (-60%) ² SUD : 2,977 (+60%) CAR : 7,539 (+10 %) Kenya : 2,445
		- Estimated population reached via radio and television.	80% of affected communities	UG : 19 million DRC : 25 million SUD : 10 million CAR : 800,000 Kenya : 10 million
		- Number of hours of radio broadcast of the interactive programme <i>Ask the Court</i> .	50 hours per situation	UG : 0 DRC : 0 SUD : 45 CAR : 0 Kenya: 10
		- Increased applications by victims to participate in proceedings.	- Proportion of properly filled victims' applications submitted.	80%

¹ Following the decision to scale down the ICC presence in Uganda, PIDS focused on preparing the Court's maintenance strategy and on strengthening partnerships in a sustainable way.

² With much of the ongoing judicial proceedings related to the DRC being covered within existing resources, the Court decided to diminish the number of general public meetings and to develop its work through the local media and by interaction with radio stations and local partners, in order to ensure proper coverage of the different cases related to this situation, as well as the Jean-Pierre Bemba case. In addition, outreach work was strengthened in the Kivus, with more small groups meetings with representatives and leaders; hence, the decrease in the number of people directly engaged in face-to-face meetings.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Ensure publicity of all proceedings for local and global audiences (SO 7).	Objective 2 - Increased access to Court judicial proceedings.	In countries concerned:	45 hours	UG : N/A DRC : 51 hours SUD : 45 hours CAR : 495 hours Kenya : 16 hours
		- Number of hours of radio broadcast of audio summaries.		
		- Number of hours of TV broadcast of video summaries.	35 hours	UG : N/A DRC : 51 hours SUD : 45 hours CAR : 146 hours Kenya : 24 hours
		- Increased number of interviews given to the media.	20 more than in 2010 per situation	UG : 32 (65 in 2010) DRC : 605 (841 in 2010) SUD : 43 (49 in 2010) CAR : 233 (305 in 2010) Kenya : 54
		- Number of publications distributed.	25,000	UG : 11,017 ³ DRC : 3,243 ⁴ SUD : 9,071 ⁵ CAR : 1,349 ⁶ Kenya : 3,081 ⁷
		- Increased number of visitors to the Court's website video-streaming service.	2,000 more than in 2010	90,000 more than in 2010 (1,022,000 in 2011 – 932,000 in 2010)
Further cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities (SO 4).	Objective 3 - Constantly increase global awareness of the Court through media and campaigns.	- Increased number of visitors attending briefings at the seat of the Court.	1,000 more than in 2010	2,975 more than in 2010 (10,499 in 2011 – 7524 in 2010)
		- Increased number of interviews given to the media by ICC officials based in The Hague.	100 more than in 2010	116 more than in 2010 (1455 in 2011 - 1339 in 2010)
		- Increased number of female lawyers, especially from Africa, submitting applications to the list of Counsels and list of assistants to Counsel following the ICC-IBA campaign Calling Female Lawyers.		Applications received in 2011 for the List of Counsel: - Females: 55 - Females from Africa: 36 Applications received in 2011 for the List of Assistants: - Females: 60 - Females from Africa: 36

³ Of the total texts distributed in Uganda, 10,776 were information kits and 241 ICC Legal compendiums.

⁴ Of the total texts distributed in DRC, 2,955 were information kits and 288 ICC Legal compendiums.

⁵ Of the total texts distributed in connection with the situation in Darfur, 8,860 were information kits and 211 ICC Legal compendiums.

⁶ Of the total texts distributed in the CAR, 1,332 were information kits and 17 ICC Legal compendiums.

⁷ Of the total texts distributed in Kenya, 1,680 were information kits and 1,401 ICC Legal compendiums.

Annex IV

Major programme IV: Secretariat of the Assembly of States Parties

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
<p>Organize quality conferences, in particular the session of the Assembly in New York, as well as two sessions of the Committee on Budget and Finance in The Hague.</p> <p>In addition, the Secretariat serviced meetings of a number of subsidiary bodies of the Assembly, in particular The Hague Working Group, the Study Group on Governance and the Oversight Committee for the Permanent Premises.</p>	<ul style="list-style-type: none"> - Conferences and sessions held as planned. 	<ul style="list-style-type: none"> - Meetings run smoothly, end on time and adopt reports. - All agenda items are considered. - Participants are supported substantively and logistically at meetings, including with registration, provision of documentation and language services. - Session participants are satisfied with the arrangements and information provided. 	n/a	<p>High-quality conference and meeting services were provided to the Assembly and its subsidiary bodies. All pre-session documents, in-session and post-session documents were edited, translated and made available to States in a timely manner, despite delays in receipt of some documents.</p> <p>Positive feedback from participants was received.</p>
<p>Enable the Assembly and its subsidiary bodies to carry out their mandates more effectively by providing quality servicing and support, such as planning and coordinating conference services; preparing, coordinating and submitting documentation; monitoring the compliance of various organs of the Court with regulations governing the timely preparation and submission of documents; identifying and acquiring additional resources to enable the Secretariat to carry out its mandate effectively and efficiently; and ensuring that States Parties have access to conference and documentation services in accordance with the Statute.</p>	<ul style="list-style-type: none"> - Quality edited and translated documents released for processing, production and distribution in a timely manner. 	<ul style="list-style-type: none"> - States and CBF members are provided and satisfied with quality conference services and with the editing, translation and timely issuance of documents, in the official languages, as appropriate, which fully support them in their functions. - States and CBF members are assisted as required, in particular with the provision of information and documentation regarding the Assembly and Court. 	n/a	<p>For the sixteenth and seventeenth sessions of the Committee on Budget and Finance, the Secretariat processed the pre-session, in-session and post-session documents¹ set out in the table below (5,149 pages).</p> <p>For the tenth session of the Assembly, the Secretariat processed the pre-session, in-session and post-session documents² set out in the table below (6,403 pages).</p> <p>All available information and documentation requested regarding the work of the Assembly and the Court were provided upon request. States and CBF members were thus facilitated in fulfilling their role. Positive feedback from participants was received.</p>
<p>Research and prepare analytical studies on the application and interpretation of the provisions of the Statute relating to the Assembly and its subsidiary bodies.</p>	<ul style="list-style-type: none"> - Quality legal advice provided to the Assembly and its subsidiary bodies. 		n/a	

¹ In three official languages.

² In six official languages.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Enable effective dissemination of documentation and information to States Parties and other interested organizations via, inter alia, the Secretariat's website.	- Effective dissemination of documentation and information to States Parties via, inter alia, the Internet.	- Session participants are satisfied with the arrangements and information provided. - Information and documentation can be accessed without delays.	n/a	All official documents and useful information were uploaded to the website. In addition, extranet is available for use at all times for ASP and CBF members. The Secretariat distributed to the delegations at the tenth session of the Assembly USB flash drives that contained the majority of available pre-session documents, reducing the 11,000 pages of printed documents normally distributed. This resulted in savings of €60,000. The Secretariat will continue to adopt all measures and ways to achieve efficiency in documentation. As regards its new role regarding complementarity, the Secretariat, inter alia, participated in relevant meetings ; Secured the engagement of stakeholders with each other. ; - established an Extranet and posted relevant information High level of visits to the Secretariat's website: Total visits: 167,714 Average per day: 459 International visits: 40.78% Visits from unknown origin: 52.09 % Positive feedback from participants was received.
	-	-		

Number of documents and pages, produced in 2011

	<i>English</i>		<i>French</i>		<i>Spanish</i>		<i>Arabic</i>		<i>Chinese</i>		<i>Russian</i>		<i>Total</i>	
	<i>Documents</i>	<i>Pages</i>												
CBF 16 th session	152	789	58	413	20	262	0	0	0	0	0	0	230	1,464
CBF 17 th session	182	1,700	112	1,274	31	711	0	0	0	0	0	0	325	3,685
<i>CBF total</i>	<i>334</i>	<i>2,489</i>	<i>170</i>	<i>1,687</i>	<i>51</i>	<i>973</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>555</i>	<i>5,149</i>
ASP tenth session:														
Pre-session documentation	55	1,010	55	1,010	55	1,010	55	1,010	1	1	1	1	222	4,042
In-session documentation	74	317	15	79	15	79	15	79	0	0	0	0	119	554
Post-session documentation	3	450	3	450	3	450	2	401	1	28	1	28	13	1,807
<i>ASP tenth session: total</i>	<i>132</i>	<i>1,777</i>	<i>73</i>	<i>1,539</i>	<i>73</i>	<i>1,539</i>	<i>72</i>	<i>1,490</i>	<i>2</i>	<i>29</i>	<i>2</i>	<i>29</i>	<i>354</i>	<i>6,403</i>
2011 total	466	4,266	243	3,226	124	2,512	72	1,490	2	29	2	29	909	11,552

Annex V

Major programme VI: Secretariat of the Trust Fund for Victims

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity (SO 3).	Objective 1 - Individual and collective reparations paid when ordered by Chambers.	- Mechanism in place for timely delivery, control and reporting on reparation payments.	95% implementation rate	Not possible to indicate exact implementation rate. STFV implemented SAP GM module in July 2011 for administering resources from voluntary contributions, including those that will be dedicated to reparations awards. Some adjustment may be needed as & when parameters of actual reparation awards become known.
Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence (SO 6).	Objective 2 - Continuing enhanced communication with the Board of Directors, States Parties, senior management and other stakeholders. - Broader understanding of the role of Fund, its Board of Directors, the Secretariat and its activities.	- Positive feedback received from external stakeholders and staff on quality of communications. - Increased use of communication materials by partner organizations, intermediaries and other stakeholders.	Timely and relevant reports and analysis available to external stakeholders and staff. > 10% increase in number of visitors by the end of the year to the Fund's website.	Bi-annual programme progress reports are produced in a timely manner and receive positive feedback from different stakeholders. Internal quarterly reports from Secretariat to BOD. Regular presentations to Court (Registry & Chambers), HWG, NGO consultation meetings, donor meetings and other audiences, including in situations. Annual report to ASP. 15-minute video on TFV produced and launched at ASP in December 2011. Given budget constraints, limited possibilities for additional external communications. TFV website data not yet available from host, will be shared as & when. See also observations above.
Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks (SO 8).	Objective 3 - Efficient administrative structure and operations in place in conformity with applicable regulations and rules.	- Satisfactory report from the External Auditor and Internal Auditor.	No remarks from the External Auditor or the Internal Auditor concerning the Secretariat's control and management practices.	Achieved and in full compliance with the Court's Financial Regulations and Rules.

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
	- Enhanced effectiveness of functions, including grants management, Chamber notifications, and tendering.	- Significant reduction of processing times compared to the previous year.	> 25% reduction.	Not possible to indicate reduction % - Especially procurement related issues continue to take up much time of both STFV and Registry staff. CAR tender has taken over one year, which is more time than anticipated, as it is the first one for TFV and the Court. -Lessons learned will be documented and shared for deciding on modalities of subsequent tenders. Introduction of SAP GM improves transparency and effectiveness of TFV grants reporting processes.

Annex VI

Major programme VII-1: Project Director's Office (permanent premises)

<i>Objectives</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2011</i>	<i>Achievements</i>
The objective of the Project Director's Office (PDO) is to provide the Court with the necessary permanent premises.	- To provide the Court with the necessary permanent premises to meet the organization's strategic goals and objectives.	- Project performs in line with agreed budget.	100%	100%
		- Final design of the permanent premises finalized.	100%	100%
		- Tender for general contractor initiated (contract award to follow in 2012).	50%	100%
				Expression of Interest for general contractor published, the request for proposal document (second step in the tender procedure) is being prepared

Annex VII

Realization of assumptions 2005-2010

<i>Financial year</i>	<i>Approved budget (in million euros)</i>	<i>Budget performance (in %)</i>	<i>Assumptions</i>	<i>Realization of assumptions</i>
2005	66.9	92.9	<ul style="list-style-type: none"> - Monitor eight situations - Two situations in the pre-trial, trial and appeals phase. - Two situations in the investigation phase. 	<ul style="list-style-type: none"> - Monitored/analysed eight situations. - Pre-trial proceedings and interlocutory appeals in three situations. - Three situations in the investigation phase – Uganda, DRC I and Darfur (following referral from UNSC).
2006	80.4	80.4	<ul style="list-style-type: none"> - Monitor up to eight situations. - Opening of fourth investigation. - Start of two trials. 	<ul style="list-style-type: none"> - Monitored/analysed five situations. - Opening of fourth investigation – DRC II. - Pre-trial proceedings and interlocutory appeals in the case of Lubanga Dyilo (DRC I). - Pre-trial proceedings in the other three investigations.
2007	88.9	87.2	<ul style="list-style-type: none"> - Monitor at least five situations. - No opening of investigations into new situations. - Within the four situations, investigation of at least six cases, including the two cases in which arrest warrants have been issued. 	<ul style="list-style-type: none"> - Five situations under preliminary/advanced analysis. - One new investigation into a new situation opened (CAR). - Seven cases within four situations under investigation (DRC I, DRC II, Darfur I, Darfur II, Uganda, CAR). - Continuation of pre-trial proceedings (Confirmation of charges hearing) in the case of Lubanga Dyilo (DRC I).
2008	90.4	92.6	<ul style="list-style-type: none"> - Monitor at least five situations. - No opening of investigations into new situations. - In four situations, pursue investigative steps, in a total of at least five cases, including the three cases in which arrest warrants have been issued. - At least one trial. 	<ul style="list-style-type: none"> - Six situations under preliminary/advanced analysis. - No new situations opened. - Seven cases within four situations under investigation (Uganda, DRC I, II, Darfur I, II, III, CAR). - Lubanga Dyilo case before the Trial Chamber; proceedings stayed (DRC I). - Pre-trial proceedings (Confirmation of charges hearing) in case of Katanga and Ngudjolo Chui (DRC II). - Pre-trial hearings (status conferences) in case of Bemba (CAR).
2009	101.2	92.5	<ul style="list-style-type: none"> - Five investigations in three existing situations. - No opening of investigations into new situations. - Analysis of up to eight other situations. - Two trials. Not envisioned to start third trial in 2009. - Consecutive trials. 	<ul style="list-style-type: none"> - Five active investigations conducted: DRC II (Katanga/Ngudjolo), DRC III (Kivus), CAR (Bemba), Darfur II (Al Bashir) and III (Haskanita). - One request for Judges' authorization to open an investigation in Kenya (<i>proprio motu</i>). - Situations under preliminary examination, including Kenya, Colombia, Afghanistan, Georgia, Guinea, Côte d'Ivoire and Palestine, have been made public. In order to increase impact, the OTP has systematized publicity of its monitoring activities. - Two trials: Lubanga case, OTP presentation completed; Katanga/Ngudjolo case, OTP presentation commenced. - Two confirmation of charges proceedings completed: Bemba Case and Abu Garda Case.
2010	103.6	100.3	<ul style="list-style-type: none"> - Five active investigations in three situations currently before the Court. - Five residual investigations where either trial proceedings ongoing or where suspects are at large. 	<p>DRCIII, IV and V (Kivus); Darfur III; and Ken I and II.</p> <p>Residual investigations/witness management in cases where suspects are at large:</p> <ul style="list-style-type: none"> - Uganda. - Darfur I and II. <p>Residual investigations in support of cases at trial:</p> <ul style="list-style-type: none"> - DRC I and II. - CAR.

<i>Financial year</i>	<i>Approved budget (in million euros)</i>	<i>Budget performance (in %)</i>	<i>Assumptions</i>	<i>Realization of assumptions</i>
			<ul style="list-style-type: none"> - No investigations in a new situation. - Analyze up to eight potential situations. - Up to three trials consecutively (parallel hearings over several weeks may occur) 	<ul style="list-style-type: none"> - Investigation in the new situation of Kenya authorized by the Pre-trial Chamber on 31 March 2010. - Active investigation of two cases: Ken I and Ken II. - Applications for summons to appear made on 15th December 2010. - Nine situations under preliminary examination (phase 2b), including Afghanistan, Colombia, Côte d'Ivoire, Georgia, Guinea, Honduras, Nigeria, Republic of Korea, and Palestine have been made public - In order to increase impact, the OTP has systematized publicity of its monitoring activities. - Confirmation of charges hearing completed for case of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus – decision pending. - Trials continued in Thomas Lubanga Dyilo case and Germain Katanga/Mathieu Ngudjolo Chui cases. Prosecution cases concluded in both. - The trial in the Jean Pierre Bemba Gombo case commenced 22 November 2010. - 4 months of parallel trials.
2011	103.6	98.7% (programme budget) 60% for the contingency fund ¹	<ul style="list-style-type: none"> - Conduct 4 to 5 new investigations into cases, within existing or new situations, subject to external cooperation received. - Maintain seven residual investigations (including providing support to three trials, subject to external cooperation received). - Analyze up to eight potential situations. - Conduct at least 4 trials, subject to external cooperation received. 	<ul style="list-style-type: none"> - DRCIII, IV; Darfur III; Ken I and II; Libya; Côte d'Ivoire Residual investigations/witness management in cases where suspects are at large: <ul style="list-style-type: none"> - Uganda. - Darfur I and II. Residual investigations in support of cases at trial: <ul style="list-style-type: none"> - DRC I and II. - CAR. - Ten situations were under preliminary examination (phase 2b or later), including Afghanistan, Colombia, Georgia, Guinea, Honduras, Nigeria, Republic of Korea, and Palestine, which were public and two, Côte d'Ivoire and Libya, were brought to the investigation stage in 2011. - In order to increase impact, the OTP has systematized publicity of its monitoring activities, including through the issuance in December of a Comprehensive Public Report on Preliminary Examinations. - Confirmation of charges hearing completed for case of William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap San, and for case of Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali. - Charges confirmed in case of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus – trial date to be set. - Charges declined in case of Callixte Mbarushima – OTP sought leave to appeal. - Arrest warrants requested and issued and initial hearing completed for case of Laurent Gbagbo. - Arrest warrants requested and issued in case of Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al Senussi; case of Muammar Gaddafi terminated. - Arrest warrant requested for Abdel Raheem Muhammad Hussein. - Trials continued in Thomas Lubanga Dyilo case, Germain Katanga/Mathieu Ngudjolo Chui case and Jean Pierre Bemba Gombo case.

¹ Subject to External auditors' recommendations.

Annex VIII

Registry: Consolidation of the number of defendants, victims' applications and duration of stay of witnesses

Number of indigent defendants and victim applications

	<i>Actuals 2011</i>	<i>2011 budget assumptions</i>	<i>Actuals 2010</i>	<i>2010 budget assumptions</i>	<i>Actuals 2009</i>	<i>2009 budget assumptions</i>	<i>Actuals 2008</i>	<i>2008 budget assumptions</i>
Number of indigent defendants	6	3	6	3	4	3	3	1
Victim applications	1,164	no assumption	2,257	no assumption	74	no assumption	66	no assumption

Victim participation applications

	<i>New victim applications for participation in 2011</i>	<i>New victim applications for participation in 2010</i>	<i>New victim applications for participation in 2009</i>	<i>New victim applications for participation in 2008</i>
Uganda	27	311	272	216
DRC	1,160	47	331	270
Darfur - Sudan	5	63	118	0
CAR	3,065	1,761	34	133
Kenya	2,513	57	2	0
Libya	1	-	-	-
Total	6,771	2,239	757	619

Victim reparation applications

	<i>New victim applications for participation in 2011</i>	<i>New victim applications for participation in 2010</i>	<i>New victim applications for participation in 2009</i>	<i>New victim applications for participation in 2008</i>
Uganda	25	381	24	0
DRC	1,160	36	107	4
Darfur - Sudan	54	76	7	0
CAR	2,936	321	23	1
Kenya	2,857	421	116	0
Libya	0	-	-	-
Total	7,032	1,235	277	5

Stay per witness at HQ

	<i>Max. duration per witness at HQ 2011</i>	<i>Budget assumption max. duration stay per witness 2011</i>	<i>Max. duration per witness at HQ 2010</i>	<i>Budget assumption max. duration stay per witness 2010</i>	<i>Max. duration per witness at HQ 2009</i>	<i>Budget assumption max. duration stay per witness 2009</i>	<i>Max. duration per witness at HQ 2008</i>	<i>Budget assumption max. duration stay per witness 2008</i>
DRC I	13	15	22	10	39	10	0	7
DRC II	25	15	41	10	21	10	0	7
CAR	33	15	19	10	0	10	0	7

Annex IX

Office of the Prosecutor: Information with regard to the number of missions, documents and pages filed in the case of the Office of the Prosecutor in 2011

1. Number of missions

804 missions for all OTP staff and non-staff missions (paid on 2011 basic, situation-related and Libya contingency funds)

- (a) Situation-related missions: 748 (for staff and non-staff)
- (b) Basic (non-situation-related) missions: 139 (for staff and non-staff)
- (c) IOP: 33 for staff, 4 for non-staff (TOTAL: 37)
- (d) Services section: 31 for staff, 58 for non-staff (TOTAL: 89)
- (e) ID: 420 for staff, 15 for non-staff (TOTAL: 435)
- (f) PD: 74 for staff, 0 for non-staff (TOTAL: 74)
- (g) JCCD: 158 for staff, 11 for non-staff (TOTAL: 169)
JCCD preliminary examination-related missions: 26

2. Number of documents filed / pages filed

Appeals: 72 main submissions throughout the situations and cases, 866 pages (including annexes)

- (a) Situation in DRC: n/a
 - (i) DRC 1: 19 main submissions, 1,317 pages (including annexes)
 - (ii) DRC2: 67 main submissions, 560 pages (including annexes)
 - (iii) DRC 3: 128 main submissions, 15,004 pages (including annexes)
- (b) Situation in CAR: n/a
CAR 1: 71 main submissions, 1,976 pages (including annexes)
- (c) Situation in UGA: n/a
- (d) Situation in DAR: 3 main submissions, 1,125 pages (including annexes)
 - (i) DAR 1: none
 - (ii) DAR 2: 1 submission, 5 pages (including annexes)
 - (iii) DAR 3:
Abu Garda: none
Banda/Jerbo: 53 main submissions, 7,236 pages (including annexes)
- (e) Situation in KEN: n/a
 - (i) KEN 1: 97 main submissions, 34,196 pages (including annexes)
 - (ii) KEN 2: 102 main submissions, 24,207 pages (including annexes)
- (f) Situation in LIB: 6 main submissions, 3,419 pages (including annexes)
LIB 1: 7 main submissions, 173 pages (including annexes)
- (g) Situation in CIV: 17 main submissions, 4,807 pages (including annexes)
CIV 1: 5 main submissions, 127 pages (including annexes)

Total of main submissions filed by OTP in all situations and cases in 2011: 648

Total of pages (including annexes): 95,018 pages (including annexes)