

**Twelfth session**

The Hague, 20-28 November 2013

**Report of the Court on impact of measures to bring the level of the International Criminal Court's budget for 2014 in line with the level of the 2013 approved budget****A. Introduction**

1. At its tenth session, the Assembly of States Parties (“the Assembly”) requested the International Criminal Court (“the Court”) “to prepare, if it proposes any increase of the 2013 approved budget, a paper which details the Court’s options where reductions would be made in order to bring the level of the 2013 approved budget in line with the level of the approved budget for 2012, as well as how those reductions would impact on the Court’s activities”.<sup>1</sup>

2. At its eleventh session, the Assembly noted the Court’s paper, “Impact of measures to bring the level of the International Criminal Court’s budget for 2013 in line with the level of the approved budget for 2012”, which detailed the Court’s options where reductions would be made in order to bring the level of the 2013 approved budget in line with the level of the 2012 approved budget as a reference, as well as how those reductions would impact on the Court’s activities.<sup>2</sup> The Assembly invited the Court to prepare such a report again in 2013 by incorporating its budgetary priorities, and to submit it in conjunction with its submission of the 2014 proposed programme budget.<sup>3</sup>

3. As in previous years, during 2013 the Court has continued to make its best efforts to achieve greater efficiency. Activities are closely monitored, and prioritization, reductions and redeployment of resources take place whenever and wherever possible.

4. The major focus areas remain the management of fair, effective and efficient investigative, prosecutorial and judicial activities, as well as other activities, including streamlining coordination mechanisms and assessing the impact of the current relationships between the Court and its external stakeholders. In this regard, the Court has communicated its efforts to the Committee on Budget and Finance (“the Committee”) in the eight previous reports on efficiency measures. In parallel, the Court’s monitoring and reporting on efficiency activities has been further developed. In particular, the categories of efficiencies have been formalized, in an effort to ensure consistency on the measurement of improvements, which will allow all Court stakeholders to monitor the Court’s efforts in that matter more efficiently.

<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Tenth Session, New York, 12-21 December 2011* (ICC-ASP/10/20), volume I, part III, resolution ICC-ASP/10/Res.4 paragraph H.2.

<sup>2</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eleventh Session, The Hague, 14-22 November 2012* (ICC-ASP/11/20), volume I, part III, resolution ICC-ASP/11/Res.1 paragraph I.4.

<sup>3</sup> *Official Records ... Eleventh session ... 2012* (ICC-ASP/11/20), vol. I, part III, resolution ICC-ASP/11/Res.1 paragraph I.5.

## B. Overview of the Court's 2014 proposed programme budget

5. The International Criminal Court's 2014 proposed programme budget amounts to €26.07 million. This represents an increase of €10.95 million, or 9.5 per cent, over the 2013 approved budget (€15.12 million). This is mainly the result of the following factors:

- a) a notable increase in judicial activities foreseen in 2014;
- b) an increase in the number of situations in which investigative and prosecutorial activities will be undertaken, combined with the need to enhance the capacity of investigate and prosecutorial teams to deliver high quality and timely investigations and prosecutions;
- c) an increase in services to be provided by the Registry in relation to the increase in investigative, prosecutorial and judicial activities; and
- d) built-in increases such as forward commitments in relation to staff costs and the application of the UN common system.

6. Taking into account the abovementioned cost drivers and the corresponding resource requirements, the level of resources initially identified for the Court's 2014 proposed programme budget, including efficiencies gains and a reduced number of active investigations, reached €31.01 million representing an increase of almost €16 million from the 2013 approved budget. After a far-going and stringent internal review, in which all activities were closely examined, and in some cases reprioritised or cut, and resources reduced or redeployed accordingly, a substantial reduction of almost €5 million was achieved, thus lowering the level of the net increase in the proposed programme budget to €10.95 million.<sup>4</sup>

**Table 1: Budget development**

▪ <i>Baseline (2013 approved budget)</i>	<i>€ 115.12 million</i>
▪ <i>Identified resource requirements</i>	<i>€ 131.01 million</i>
▪ <i>Growth linked to cost drivers</i>	<i>€ 15.89 million</i>
▪ <i>Internal review</i>	<i>- € 4.94 million</i>
▪ <b><i>Net 2014 proposed increase</i></b>	<b><i>€ 10.95 million</i></b>

7. The 2014 budget assumptions have been developed based on judicial and prosecutorial work plans for the following year, insofar as these could be accurately estimated as at the date of the official submission of the proposed budget. However, the unpredictable nature of the Court's judicial work makes it difficult to produce fully reliable assumptions well in advance of the financial period for which the Court is budgeting.

8. As the Court has previously stated,<sup>5</sup> its budgetary policy is one of strict reliance on established facts; it does not budget for any activity unless its occurrence in the following year is clearly foreseeable and quantifiable. This commitment to an accurate and lean budgeting approach in the Court's regular programme budget has been endorsed by the Committee.<sup>6</sup>

<sup>4</sup> Moreover, allowing for the fact that €1.4 million of the increase corresponds to the in-built staff cost increase and inflationary costs, the effective growth of the Court's proposed programme budget for 2014 is of €9.55 million, or 8.3 per cent, over the 2013 approved budget.

<sup>5</sup> *Official Records ... Sixth session ... 2007* (ICC-ASP/6/20), vol. II, part A.I, para. 55. Also see CBF/18/8 para. 7.

<sup>6</sup> Delegates of States Parties have welcomed the Court's initiative to provide budget assumptions for scenarios of additional Court activities which are, while foreseeable, not adequately quantifiable at the time of setting the Court's budget assumptions.

**Table 2: Resource growth by major programme in the 2014 proposed programme budget as compared to the 2013 approved budget**

<i>Resource growth 2014 vs. 2013 (thousands of euro)</i>				
	<i>Proposed 2014 budget</i>	<i>Approved 2013 budget</i>	<i>Resource growth €</i>	<i>%</i>
MP I: Judiciary	10,214.9	10,697.9	-483.0	-4.5
MP II: Office of the Prosecutor	35,744.5	28,265.7	7,478.8	26.5
MP III: Registry	68,111.6	64,520.9	3,590.7	5.6
MP IV: Secretariat of the Assembly of States Parties	2,836.3	2,951.7	-115.4	-3.9
MP V: Rent and Maintenance (Interim Premises)	5,900.7	5,901.5	-0.8	0.0
MP VI: Secretariat of the Trust Fund for Victims	1,595.2	1,580.0	15.2	1.0
MP VII-1: Project Director's Office (Permanent Premises)	1,289.1	996.7	292.4	29.3
MP VII-2: Permanent Premises Project - Interest	170.3	0.0	170.3	n/a
MP VII-5: Independent Oversight Mechanism	209.1	205.9	3.2	1.6
<b>Total</b>	<b>126,071.7</b>	<b>115,120.3</b>	<b>10,951.4</b>	<b>9.5</b>

### C. Growth Analysis

9. The Court has aimed, wherever possible, to limit the growth of its budget, or even implement further reductions. As explained, out of the almost €16 million increase initially identified on the basis of the anticipated additional cost drivers, it was possible to achieve a reduction of close to €5 million. It has also been possible to absorb to a large extent, within the 2013 approved level of resources, the additional resources required to support the increased level of judicial activities and providing services to parties and participants in the different pre-trials, trials and appeals, as well as the in-built increase in staff costs.

10. Essentially, the proposed increase of €10.95 million is therefore indispensable to manage the surge in preliminary examinations, investigative and prosecutorial activities and to improve OTP's capacity to conduct high-quality, timely preliminary examinations, investigations, and prosecutions. Further, additional funds will be necessary to render the required timely quality services and support, in particular in regard to security, field operations and protection and support of witnesses, in order to sustain and ensure the level of quality and efficiency. In other words, further reductions cannot be achieved without significantly impairing the Court's effectiveness, and in particular that of the OTP, to conduct timely, high quality efficient and effective investigations and prosecutions, thus affecting the Court's very *raison d'être*.

### D. Impact of additional reductions

11. The requested increase in resources is needed in order to enable the Court to reach the high standard expected of an international judicial institution, in particular in light of the standards developed in the Court's recent case law. These standards, which, *inter alia*, necessitate more intensive activities and support during the early stages of the judicial process, entail changes in the basic composition of teams, as well as the level of support required by such teams to enable them effectively to carry out their functions. A reduction in the 2014 proposed programme budget to the 2013 approved level would entail scaling down the number of teams and the support they require, thus reducing the level of core activities, which in turn would force the ICC to further reduce the number of investigations and prosecutions. Without this increase, all other investments in resources risk not being cost effective. Delays in responding quickly to unfolding situations could result in loss of evidence (e.g. due to death or disappearance of witnesses), creating other hidden costs elsewhere in the Court's budget (e.g. witness protection). Moreover, such delays would cause further inefficiencies and additional costs in terms of legal aid and detention costs, and could even, in some cases, require the extension of judges' mandates.

12. In this context, bringing the 2014 proposed programme budget down to the 2013 approved level or any further substantive reductions to the 2014 proposed programme budget is not possible without seriously impacting on the number of preliminary examinations, investigations and judicial proceedings carried by the Court.

### **E. Conclusion**

13. By bringing the level of the Court's 2014 proposed programme budget into line with the level of its 2013 approved budget, the Assembly would inevitably be depriving the Court of the additional resources needed to sustain and ensure the level of quality and efficiency required for investigative, prosecutorial and/or judicial activities, thus affecting its ability effectively to fulfil its mandate. Without increased resources, the Court cannot achieve the success it hopes for, and that the international community, victims and affected communities expect. As a result, the impact for the Court of bringing the 2014 proposed programme budget down to the 2013 approved level would be the equivalent of having to stop all of its operations in two or three of the situations actively under the jurisdiction of the Court.