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Report of the Committee on Budget and Finance on the work of its twentieth session

Contents

		<i>Paragraphs</i>	<i>Page</i>
I.	Introduction.....	1-8	4
A.	Opening of the session and adoption of the agenda.....	1-7	4
B.	Participation of observers.....	8	5
II.	Consideration of issues on the agenda of the Committee at its twentieth session.....	9-126	5
A.	Review of financial issues.....	9-26	5
1.	Status of contributions.....	9	5
2.	States in arrears	10	5
3.	Cash balances and investment of liquid funds	11-14	5
4.	Replenishment of the Contingency Fund: Amendment to the regulations	15-20	6
5.	Working Capital Fund.....	21-26	6
B.	Audit matters.....	27-29	7
C.	Budgetary matters	30-45	7
1.	Programme performance of the 2012 budget	30-37	7
2.	Programme performance of the 2013 budget: first quarter	38	8
3.	Budget process (transition programme)	39-42	9
4.	Zero-based budgeting.....	43-45	9
D.	Administrative matters.....	46-65	10
1.	Efficiency measures	46-47	10
2.	Analytic accountability	48	10
3.	Replacement of capital investment.....	49-51	10
4.	International Public Sector Accounting Standards (IPSAS)	52-54	10
5.	Procurement: Administrative Instruction on anti-fraud and whistleblower policies.....	55-58	11
6.	Organizational structure of the Court.....	59-65	11
E.	Human resources.....	66-80	12
1.	Recruitment: Terms of reference on the Selection Committee	67-69	12
2.	General Temporary Assistance (GTA).....	70-72	12
3.	Consultants.....	73	13
4.	Managerial accountability	74-79	13
5.	Junior Professional Officer (JPO) Programme.....	80	14
F.	Legal aid	81-84	14
G.	Premises of the Court.....	85-111	15
1.	Interim Premises	85	15
2.	Office space for translation teams	86	15
3.	Permanent premises.....	87	15

	4.	Status of the project.....	88	15
	5.	Questions to the Committee	89-111	16
H.		Trust Fund for Victims.....	112-117	19
	1.	Management of exchange rate risks of the Trust Fund for Victims: Options for mitigating currency risks	112-117	19
I.		Other matters.....	118-126	20
	1.	Working methods.....	118-120	20
	2.	Documentation on intermediaries	121-123	20
	3.	Organization of the Secretariat.....	124	20
	4.	Visit to the Detention Centre.....	125	21
	5.	Dates for the 21 st session of the Committee	126	21
Annex I		Status of contributions as at 25 April 2013		22
Annex II		Human resources tables		24
Annex III		List of documents.....		38
Annex IV		Report of the Court on Contingency Fund Notifications 2013		39

I. Introduction

A. Opening of the session and adoption of the agenda

1. The twentieth session of the Committee on Budget and Finance (“the Committee”), comprising ten meetings, was held at the seat of the International Criminal Court (“the Court”) in The Hague, from 22 to 26 April 2013. The President of the Court, Mr. Sang-Hyun Song, delivered welcoming remarks at the opening of the session.

2. For the twentieth session, the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at the 8th plenary meeting of its eleventh session on 21 November 2012.

Election of officers

3. For the twentieth session, the Committee re-elected Mr. Gilles Finkelstein as Chairperson, and elected Ms. Monica Sanchez as Vice-Chairperson by consensus, in accordance with rule 10 of its Rules of Procedure and following the practice of the yearly rotation of the Vice-Chairperson. The Committee expressed its appreciation to the former Vice-Chairperson, Mr. David Banyanka (Burundi) for his dedicated work. In accordance with rule 13, the Committee appointed Mr. Hugh Adsett (Canada) as Rapporteur.

4. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and the Executive Secretary to the Committee acted as Secretary of the Committee.

5. At its first meeting, the Committee adopted the following agenda (CBF/20/1):

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Participation of observers
5. Organization of work
6. Review of financial issues
7. Audit matters
8. Budgetary matters
9. Administrative matters
10. Human resources
11. Legal aid
12. Premises of the Court
13. Trust Fund for Victims
14. Other matters

6. The following members attended the twentieth session of the Committee:

1. Hugh Adsett (Canada)
2. David Banyanka (Burundi)
3. Carolina María Fernández Opazo (Mexico)
4. Gilles Finkelstein (France)
5. Fawzi A. Gharaibeh (Jordan)
6. Samuel P.O. Itam (Sierra Leone)
7. Juhani Lemmik (Estonia)

8. Mónica Sánchez (Ecuador)
9. Gerd Saupe (Germany)
10. Ugo Sessi (Italy)
11. Elena Sopková (Slovakia)
12. Masatoshi Sugiura (Japan)

7. The following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry.

B. Participation of observers

8. The Committee accepted the request of the Coalition for the International Criminal Court, and the representatives of the Staff Union Council to make a presentation to the Committee.

II. Consideration of issues on the agenda of the Committee at its twentieth session

A. Review of financial issues

1. Status of contributions

9. The Committee reviewed the status of contributions as at 25 April 2013 (annex I) and noted that the outstanding contributions from previous years were €491,080, the outstanding contributions for 2013 were €59,745,216 and the outstanding contributions for the replenishment of the Contingency Fund were €367,421, for a total of outstanding contributions of €60,603,717. In addition, the Committee noted that as at 25 April 2013, only 46.7 per cent of the contributions due in 2013 had been paid, while 47.2 per cent in 2012 had been paid, and expressed concern that only 38 States Parties had fully paid their contributions. The Committee urged all States Parties to make best efforts to ensure that the Court had sufficient funds throughout the year, in accordance with regulation 5.6 of the Financial Regulations and Rules.

2. States in arrears

10. According to article 112, paragraph 8 of the Rome Statute, “A State Party which is in arrears in the payment of its financial contributions toward the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.” The Committee observed that, as at 22 April 2013, twelve States Parties were in arrears and would therefore not be able to vote, in accordance with article 112, paragraph 8. The Committee noted that the Secretariat had informed States Parties in arrears twice in 2012, of the minimum payment required to avoid application of article 112, paragraph 8, of the Statute, and of the procedure for requesting an exemption from the loss of voting rights. **The Committee requested the Secretariat to again notify States Parties in arrears. The Committee recommended that all States Parties in arrears settle their accounts with the Court as soon as possible.**

3. Cash balances and investment of liquid funds

11. The Committee considered the report of the Court on its Investment of Liquid Funds.¹ The Committee noted that, as at mid-March 2013, the Court held cash balances of approximately €82 million. The funds are spread amongst five large banking institutions in The Netherlands, France, Germany, Sweden and the United Kingdom. The preliminary figure for the yearly return on liquid funds in 2012 was €0.67 million, giving an interest rate of approximately 0.9 per cent.

12. The Committee noted that substantial parts of the cash reserves (such as the Working Capital Fund (€7,406,000) and the Contingency Fund (€9,910,000), as well as part of the Trust Fund for

¹ CBF/20/10.

Victims and the General Fund) are concentrated in one bank, which would increase the risk factor. **Therefore, the Committee recommended that the Court reconsider, as appropriate, distributing its cash reserves (The Working Capital Fund and the Contingency Fund) in more than one banking institution.**

13. The Committee was provided with the new Administrative Instruction (AI) on Investment of Surplus Funds (ICC/AI/2012/002, promulgated in July 2012), which had replaced previous AI ICC/AI/2004/007. The Committee noted that the new AI would allow for temporary relaxation of the bank selection and investment criteria during times of market instability. It also noted that the Investments Review Committee had relaxed its bank credit rating requirement from a minimum of AA to A.

14. **The Committee requested the Court to submit to its 21st session a comprehensive report explaining the changes made to the Administrative Instruction on the Investment of Surplus Funds by the new Administrative Instruction. The Committee also requested the Court to inform the Committee if any substantial changes were being made in respect of the investment of liquid funds in the future, preferably prior to the changes being adopted.**

4. Replenishment of the Contingency Fund: Amendment to the regulations

15. In resolution ICC-ASP/11/Res.1 section F,² the Assembly decided to replenish the Contingency Fund in the amount of €500,000.

16. The Committee was informed during its session that, at present, there was no likelihood that access to the Contingency Fund for the amount originally envisaged in the Assembly's resolution above mentioned would be required.

17. However, States Parties had been assessed for 2013 on the basis of the regular budget and replenishment of the Contingency Fund. The Court therefore requested the Committee's guidance on the approach to be taken in its final assessment letters to be sent out after the final financial statements are given, advising States Parties of the actual assessment of amounts to be paid pertaining to the Contingency Fund.

18. **The Committee recommended that the Court send the assessment letters in full compliance with ICC-ASP/11/Res.1 sections E and F. The Committee was also of the view that, in order to ensure consistency and transparency in the operation of the Contingency Fund, the policy regarding its replenishment should be reviewed, and agreed to do so during its 21st session.**

19. Access to the Contingency Fund is governed by Regulation 6 of the Financial Regulations and Rules (FRR) of the Court. The current text has remained essentially unchanged since 2004 when the Contingency Fund was established.³

20. Since that time, experience with the Contingency Fund has been gained and safeguards to ensure its prudent use have been established which are not clearly reflected in the original text of the FRR. The Court informed the Committee that further amendments to the FRR might anyway become necessary because of the transition to IPSAS. In the view of the Committee, this would provide an opportunity also to bring the regulations related to the Contingency Fund up to date.

5. Working Capital Fund

21. The Working Capital Fund (WCF) was established in accordance with Resolution ICC-ASP/1/Res.13⁴ to ensure capital for the Court in order to meet short-term liquidity problems pending the receipt of assessed contributions.

22. In 2011, the External Auditors recommended that the Court review its WCF requirements⁵ and consider whether the current level of its WCF of €7.4 million remains sufficient. The Committee was informed that the average monthly operating costs currently stand at approximately €9 million, and

² *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), vol. I, part III, ICC-ASP/11/Res.1, section F.

³ Following the adoption of the ICC-ASP/9/Res.4, the need for the Registrar to submit a "short" supplementary budget notification was substituted by the requirement for a "detailed" notification.

⁴ *Official Records... First session... 2002* (ICC-ASP/1/3), part IV, ICC-ASP/1/Res.13.

⁵ *Official Records... Eleventh session... 2012* (ICC-ASP/11/20), vol. II, part C.1, para. 22.

thus the current level of the WCF represents less than one month of expenditure and therefore is not sufficient to cover one month of average operational costs of the Court.

23. The Committee considered the Report of the Court on its WCF⁶ and noted the risks associated with the current level of the WCF as identified by the Court, for example, delay in the payments of assessed contributions; a trend of some States Parties towards paying in two instalments spread over the budget year; and timing of the future repayment of the host-State loan.

24. The Court informed the Committee that, so far, it has never had to resort to the WCF.

25. The Committee was of the view that the information available was not sufficient to recommend any particular course of action. **Therefore, the Committee asked the Court to provide more information on the cash position of the Court on a monthly basis throughout the years 2011-2013, as well as information indicating when States Parties have paid their contributions. The Committee also requested that future projections of the timing and amount of cash outflows be provided, especially in relation to the repayment of the host-State loan and interest, in order to determine future cash needs. Such information should be provided to the Committee by its 21st session.**

26. **The Committee also advised the Court to look into the possibility, whenever it enters into contractual relationship, to postpone any financial obligations until later in the financial year to lower the liquidity risk during the first months of the year.**

B. Audit matters

27. At its nineteenth session, the Committee recommended the adoption of measures to ensure greater transparency, objectivity and fair geographical representation when appointing external members.⁷ The terms of office of three Audit Committee members were due to expire on 31 January 2013.

28. **The Committee received information on the last day of its session, which made it difficult to analyse. It recommended that a report be produced before its 21st session setting out the composition of the Audit Committee since January 2013 and the rules which govern the appointment of the members, the instructions currently in force regarding the organisation and operation of the Audit Committee and also up-to-date information on remuneration arrangements.**

29. The Committee noted an oral progress report by the Director of the Office of the Internal Audit. **The Committee invited the Office to provide sufficient information on its work plan and workload in the context of the 2014 proposed programme budget and to submit a written report on its work plan to its 22nd session.**

C. Budgetary matters

1. Programme performance of the 2012 budget

30. The Committee considered the report on activities and programme performance of the International Criminal Court for the year 2012.⁸ Based on preliminary and unaudited numbers, the overall implementation rate of the regular budget had been 96.6 per cent, or a total of €105.14 million, against an approved budget of €108.80 million. Contingency Fund applications had been implemented at 61.8 per cent, or a total of €2.35 million, against the total notified amount of €3.80 million. Thus, the Court's actual expenditures, taking together the regular budget and the total Contingency Fund applications, had been €107.50 million, representing an under-spending of €1.30 million against the 2012 approved budget. The Committee noted that the implementation rates of both the regular budget and the combined expenditure had been lower than those of 2011.

31. The Committee noted that the implementation rates of the regular budget by the major programmes had been 95.9 per cent for the Judiciary, 99.0 per cent for the Office of the Prosecutor, 97.1 per cent for the Registry, 94.9 per cent for the Secretariat of the Assembly of States Parties, 90.5

⁶ CBF/20/9.

⁷ *Official Records... Eleventh session... 2012* (ICC-ASP/11/20), vol. II, part B.2, para.85.

⁸ CBF/20/15.

per cent for the Secretariat of the Trust Fund for Victims, 43.9 per cent for the Project Director's Office and 75.4 per cent for the Independent Oversight Mechanism, and that the implementation rates of the combined expenditure for the Judiciary and the Registry had been 101.9 and 99.8 per cent respectively.

32. The Assembly, during its eleventh session in November 2012, had been advised that the estimated implementation rates of the regular budget and the Contingency Fund had been 98.5 per cent, equivalent to €107.1 million and 58 per cent, or €2.2 million respectively. Thus, the combined estimated expenditure of €109.3 million, representing an excess of €0.5 million, had led to the decision by the Assembly to replenish the Contingency Fund in the amount of €0.5 million.

33. The Committee noted that there had been a difference of about €2 million between the estimated expenditure at the time of the Assembly and the numbers in the activities and programme performance report, mainly due to lower expenditures in legal aid, victim and witness related-costs (Democratic Republic of the Congo) and permanent premises and transition programme, thus representing a less than 2 per cent of the estimated figure.

34. The Committee noted that the implementation rates of the Chambers and the Division of Court Services for 2012 were 96.0 per cent and 95.6 per cent respectively, while the number of Court days was 123 against 215 in the budget assumptions. Upon inquiry, the Committee was informed that the number of Court days was only one of the key workload indicators of the Court's judicial activities and that the Judges, legal officers, and other Court staff also worked outside the courtroom dealing with voluminous documents for preparations and follow-up. **In this regard, the Committee recommended that the Court refine its budget assumptions by including appropriate workload indicators.** The Committee was of the view that refined assumptions and workload indicators would not only enhance transparency and accountability of the budget submission but also enable the Assembly and the Court to better assess the programme performance and the budget implementation.

35. The Committee noted that the extended judges are entitled to the same remuneration and other benefits as the judges in their normal service, with the exception of accrual of pensions after nine years. The Committee was informed by the Court, upon inquiry, that current workloads of the extended judges who were assigned to one case were not significantly lower than those of the judges in their normal service, who could be assigned to two or more cases because the work of extended judges during the final phase before decisions or judgements was normally very intense. The Committee could not make any recommendation at this stage due to the absence of appropriate workload indicators but concluded that it would remain seized of the matter.

36. In this context, the Committee also noted that the Assembly, at its eleventh session, had requested the Bureau, in consultation with the Court and relevant bodies, to continue to consider the proper arrangement of salary and all allowances for judges, whose terms have been extended in accordance with article 36(1), and to report thereon to the Assembly at its twelfth session.⁹

37. The Committee noted that the budget performance for the Contingency Fund applications showed higher implementation rates in Judges' Costs and Staff Costs and lower implementation in Other Staff Costs, Contractual Services, General Operating Expenses, Supplies and Materials and Equipment including Furniture. **The Committee understood that the budget items subject to recruitment and procurement were generally underspent. In this regard, the Committee recommended that this reality be reflected in future applications to the Contingency Fund, and possible adjustments after notifications.**

2. Programme performance of the 2013 budget: first quarter

38. The Committee had before it the Report on programme performance of the International Criminal Court as at 31 March 2013.¹⁰ The Committee observed that the implementation rate was at 32.8 per cent, or €7.75 million, against the 2013 approved budget of €15.12 million, and agreed to continue to monitor the situation at its 21st session.

⁹ *Official Records... Eleventh session... 2012* (ICC-ASP/11//20), vol. I, part III, ICC-ASP/11/Res.8, para. 34.

¹⁰ CBF/20/19.

3. Budget process (transition programme)

39. The Committee received a discussion paper prepared by the Court on the funding of multi-year projects.¹¹ This report aimed to establish a first reflection of the Court on the terms of budgeting and financing of projects that might extend over several years ("multi-year projects"). The financial breakdown of projects that extend over several years could be difficult and subject to external factors beyond the control of the Court. According to the report, the regular budget is characterized by a lack of flexibility, as unused budgetary appropriations must be returned at the end of each year, thus causing a source of disturbance in the execution of projects.

40. The establishment of funding over several years through a special account would allow the annual allotment of funds on the basis of an overall financing plan, and unspent appropriations would each year be carried over to subsequent years' unspent appropriations. The Court described the transition programme (dedicated to the transfer, between 2014 and 2016, of operations to the new building) as having all of the characteristics of a multi-year project.

41. While having noted with interest the discussion paper, the Committee believed that such a procedure raised, at this stage, two sets of questions:

- a) **First, the variety of terms used in the discussion paper showed that the outlines of what was called a "project" were yet to be defined, and must be clearly linked to the specific programming operations. Although the concept is applied in national budget systems, it is necessary for the Court to determine its objectives in advance, define precisely what is likely to be included in the scope of the multi-year projects, and develop a set of rules enabling appropriate control mechanisms; and**
- b) **Second, the logic in support of such a procedure must be based on funding arrangements that justify exceptions to the rule of an annual budget. It is up to the Court to make progress in the preparation of a very precise and formalized draft in order to ensure reliable operations.**

42. **Given the ongoing financial reforms (IPSAS, analytical accounting), the Committee requested that a report be provided on this matter at its 21st session on the transition programme (in the context of the 2014 budget).**

4. Zero-based budgeting

43. The Committee was provided with a detailed report¹² prepared by the Public Information and Documentation Section (PIDS) containing a factual overview of the current outreach and public information activities, in the context of the exercise aimed at consideration of the feasibility of zero-based budgeting (ZBB). The Court noted some benefits of the ZBB approach, but also noted that it would require a great deal of time and effort.

44. The report included an overview of the main activities undertaken by different sections, together with descriptions of its activity, actions, purpose, target groups and the costs. It further contained estimations of the time devoted by the staff of PIDS to those activities and their breakdown by situations.

45. **The Committee welcomed with satisfaction the detailed exercise and analysis, and advised the Court to complete the review of its organizational structure before drawing any finite conclusions on its modified resource needs. The Committee requested the Court to report to it on the outcome of this review as soon as it is completed.**

¹¹ CBF/20/23.

¹² CBF/20/20.

D. Administrative matters

1. Efficiency measures

46. The Committee analysed the report entitled “Eighth Status Report on the Court’s progress regarding efficiency measures”.¹³ The Committee found that the savings achieved by the Court in 2012 were reduced in comparison to 2011 due to different factors; such as the freezing of the 2012 approved budget for staff salary costs at the 2011 approved budget while paying staff at the 2012 salary level due to contractual obligations. The Court informed the Committee that in light of the foreseeable workload in 2013, it would be harder for the Court to achieve further efficiency savings. However, the Court will continue to do so.

47. **In accordance with resolution ICC-ASP/7/Res.4 of the Assembly,¹⁴ the Committee called on the Court to try to identify efficiency savings despite pressure on the Court’s current resources and report to its 22nd session.**

2. Analytic accountability

48. The Court presented a report on analytic accountability.¹⁵ The Committee noted that the Court had made good progress and had opted for an Activity Based Costing (ABC) model and functionality, which would provide information on costs of a situation, case or phase of trial on periodic basis (e.g., a year, or six months), as opposed to more costly real-time information. **The Committee noted that at this stage, there was no need to account for the working time of individual employees by activity on an ongoing basis (i.e. by introducing time-sheets), since the costing model would not need information on such a detailed level to provide adequate information on where each person’s working time was spent.** The Court informed the Committee in its report that the project should be completed by the end of 2013.

3. Replacement of capital investment

49. The Committee reviewed the Court’s report on the assessment and review of asset replacement and write-off policies.¹⁶ The Court has decided to use Price Waterhouse Coopers (PwC) as an external firm of consultants to examine its policy in this area with a view to improving output and managing assets effectively.

50. PwC examined the organisational policies and practices for tangible assets and their replacement and transfer. Following this initial work, the Court set up a team responsible for monitoring this issue whose task was to ensure that the proposals complied with internal rules.

51. **The Committee recommended that these various efforts should be incorporated when drawing up the 2014 proposed programme budget. In view of the financial impact of this policy, the Committee also requested that a report be submitted at its 21st session.**

4. International Public Sector Accounting Standards (IPSAS)

52. The Committee was informed of the progress on the implementation of IPSAS, and noted the proposed reallocation of the budget between years and items of expenditure due to adjustments in the timing of training activities, which were scheduled to take place closer to actual implementation date and in the post-implementation period. The Committee further noted that scheduling training closer to the actual implementation date and in the post-implementation period had been identified as a best practice by other UN system IPSAS implementers, in order to sustain and stabilize IPSAS implementation activities.

53. The Committee was assured by the Court that the project would be completed on time and within budget.

¹³ CBF/20/16.

¹⁴ *Official Records... Seventh session... 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.4, section D.

¹⁵ CBF/20/14.

¹⁶ CBF/20/17.

54. **The Committee requested the Court to submit at its 21st session, and after consultation with the External Auditors, any amendments that might be needed to the Financial Regulations and Rules (Contingency Fund, depreciation policy, etc.) related to the implementation of IPSAS.¹⁷**

5. Procurement: Administrative Instruction on anti-fraud and whistleblower policies

55. The Committee considered the report of the Court on the development of its Anti-Fraud and Whistleblower Policies.¹⁸ During its work during the seventeenth and eighteenth sessions, the Committee had requested that the Court develop and publish its policy in this area. The Assembly endorsed this concern and invited the Court to adopt the policies as soon as possible.

56. The Court reported that, following close collaboration between the Independent Oversight Mechanism, the Staff Union Council, other partners and the Court, the Anti-Fraud and Whistleblower policies should soon be implemented through presidential instructions. The Court reported that these policies were specifically designed to be generally accessible and to be understood by non-lawyers. **The Committee noted these developments and requested a report, together with a copy of the presidential instructions and any statements provided on this issue, at its 22nd session.**

57. At its seventeenth session, “The Committee strongly recommended that the Court implement the personal declaration of assets for all staff in the Procurement Unit and in the Permanent Premises Project as a matter of priority especially in light on the ongoing Permanent Premises Project.”¹⁹ **In this regard, the Committee noted that, to date, this recommendation had not been implemented, and thus it would expect that, as part of the anti-fraud and conflict of interest procedures that were being discussed, the personal declaration of assets recommendation would be included in the respective administrative instructions. The Committee requested the Court to report on the implementation at the Committee’s 22nd session.**

58. The Committee took note of the Procurement’s Unit involvement in the joint procurement activities with other international organizations based in The Hague. **The Committee expressed its support for this ongoing cooperation and requested that at its 21st session, a report detailing the Court’s practice and experience to date, as well as the scope for enhanced Joint Procurement in accordance with Rule 110.18 on the Financial Regulations and Rules, be presented with the view to find opportunities for further recourse to procurement cooperation with international organizations, local government agencies and/or private sector partners.**

6. Organizational structure of the Court

59. The Committee received the report on the organisational structure of the Court.²⁰ The study was conducted by an external consultants firm (PwC).

60. The Committee noted that the documents submitted only involved the Registry, the Presidency and the Chambers. The report will be supplemented by a review of the Office of the Prosecutor before being consolidated in June 2013.

61. Based on the data gathered so far, the consultants were able to draw up an initial list of issues relating to organisational performance and governance between the various organs of the Court. Far from being a “restructuring”, a term which does not adequately reflect the purpose of this review, and subject to assumptions regarding the Office of the Prosecutor, the work suggested directions for change to the organizational structure of the Court required by changes in the activities of the Court.

62. In particular, it was noted that changes to the organizational structure of the Court must enhance internal mobility, overhaul internal procedures and redefine tasks. The Court must modernise its methods to achieve a Court model which meets the expectations of the community of States Parties.

¹⁷ *Official Records... Eleventh session... 2012* (ICC-ASP/11//20), vol. I, part III, ICC-ASP/11/Res.1, section K.

¹⁸ CBF/20/11.

¹⁹ *Official Records... Tenth session... 2011* (ICC-ASP/10//20), vol. II, part B.2, para.40.

²⁰ CBF/20/21.

63. **The Committee concluded that changes to the organizational structure of the Court would require discussions and conclusions on several levels, including:**

- **Defining a new organisation chart for the various departments and teams;**
- **Ensuring the involvement and accountability of management;**
- **Maintaining work capabilities at a high level of efficiency;**
- **Defining tasks associated with the strategic plan, and**
- **Ensuring that directorates and sections take ownership of the objectives assigned to them.**

64. **Changes must be based on resource allocation, an essential condition for this project to succeed. The appointment of a new Registrar provides an opportunity to drive through reforms of this nature.**

65. **Finally, the Committee also emphasised that, although all direct or indirect costs must be considered in order to guarantee that changes to the organizational structure were achieved, economic constraints and limited self-financing also needed to be taken into account.**

E. Human resources

66. The Committee had before it the reports of the Court on human resources management²¹ and Junior Professional Officer.²² The Committee welcomed some positive developments, but expressed concern about important issues which had not been addressed. The Committee reiterated its concern about the continued imbalance in geographical representation in the Court, which was evidenced by the statistics on human resources submitted to the Committee. (see annex II)

1. Recruitment: Terms of reference on the Selection Committee

67. The Committee welcomed the development and implementation of guidelines for the determination of grade and step, implementation of an e-recruitment system, briefing sessions for staff with hiring responsibilities conducted jointly by the Human Resources Section and the Staff Union Council and, above all, establishment of the Selection Review Board with the participation of staff representatives. The Committee noted that Recruitment Guidelines were developed and were being converted into an AI, and that a competency-based interview guide and a training programme on competency-based interviewing for hiring managers were under development.

68. The Committee welcomed the inclusion of special provisions for the shortlisting of candidates from non-represented and under-represented countries in the new Recruitment Guidelines and particular attention by the new Selection Review Board to the adherence by hiring managers to the requirement to short-list qualified candidates from non-represented and under-represented countries, but expressed concern about the non-implementation of the planned awareness raising activities in line with the Committee's recommendation.

69. **The Committee recommended that the Court include the measures taken, outcomes and proposals with regard to recruitment in its human resources management report to be submitted to the Committee at its 22nd session.**

2. General Temporary Assistance (GTA)

70. **The Committee welcomed a proposal on the use of GTA in response to its recommendations at its fifteenth, sixteenth, seventeenth and eighteenth sessions, and recommended that the Court implement the proposal. The Committee noted that the Court had not developed the rules for short-term staff and would further study the modalities for temporary appointments. The Committee recommended that the Court provide, in the context of its human resources management report at its 22nd session, information on the implementation of a new policy on GTA with a particular attention to non-approved GTAs, and development of the rules for short-term staff.**

71. The Committee noted that the Court wished to request a conversion to established posts of all long-standing GTA positions that were expected to continue in the long-run in the context of the 2014

²¹ CBF/20/8.

²² CBF/20/6.

proposed programme budget. The Committee was of the view that a continued need for in-house expertise for the function was a key criteria to justify requests to establish posts in the regular budget, and in this regard recalled its repeated requests to the Court to conduct a comprehensive review of the organizational structure of the Court which would form a basis for the consideration of the needs for established posts in the programmes of the Court. The Committee welcomed the on-going review of the Court's organizational structure, and looked forward to considering the results of the review, taking fully into account other related issues such as a review of the Court's strategic planning and the movement into the permanent premises. In addition, the Committee recalled that it had granted some flexibility to the Court, in the absence of the said review, by approving some conversions on an exceptional basis when the overall number and grades of the established posts remained unchanged.

72. The Committee also noted that the Court was of the view that in certain specific cases, it might be both realistic and efficient to operate with a category of "recurrent temporary position" for the purpose of budget approval that might extend beyond the end of the calendar year. The Committee recognized the need for its consideration of this matter, in particular, in the case of multi-year projects, without contradicting the principle behind the creation of temporary positions. **In this regard, the Committee recommended that the Court propose a draft modality, including the possible application of vacancy rates to established posts, in the exceptional cases of fixed-term contracts for GTA beyond the calendar year, in the context of its human resources management report for its 22nd session.**

3. Consultants

73. The Committee expressed concern that the Court's policy on Special Service Agreements (SSA) had not been finalized. **The Committee recalled its recommendation during its previous session and recommended that the Court finalize the policy on SSA at the earliest time and report thereon to it.**²³ The Committee noted the increased use of "pro bono" consultants and other "pro bono" human resources, and recommended that those gratis personnel be managed properly by clear guidelines. The Committee requested a report on this issue at its 22nd session as part of the human resources management report.

4. Managerial accountability

74. The Committee noted the efforts by the Court to develop and promulgate AI on various human resources management issues and awaited further developments in this area. The Committee welcomed the posting of the Topical Index of AIs on the Intranet and Internet by the Court to enhance transparency. These efforts had been made mainly with in-house capacity and expertise. The Committee was of the view that the developments of policies and AIs remained a priority for the Court and that a good Topical Index of AIs would lead the way to a human resources management manual in the future.

75. The Committee noted the increase in the mandatory age of separation in the participating organizations of the United Nations Joint Pension Fund. **The Committee was of the view that the Court should follow the decision by the General Assembly of the United Nations, and invited the Court to submit a proposal to its 21st session with information on the decision of the General Assembly, other organizations' policy on discretionary elements, and expected impacts on the Court such as demographical structure, working environment and possible financial implications, if any.**

76. The Committee noted the activities of the Court on staff well-being, as well as levels of sick leave, and expressed concern that the results of the latest Staff Survey showed increasing dissatisfaction of the Court's staff in the major organs, as well as the current level of sick leave.

77. **The Committee recommended that the Court be fully aware of the lessons learnt by the United Nations on the introduction of the new administration of justice system when it considers any changes to the current administration of internal justice system of the Court.**

78. The Committee looked forward to considering the Court's proposal on its new performance appraisal system at its 22nd session in line with the Committee's recommendation.²⁴

²³ *Official Records ... Eleventh session 2012* (ICC-ASP/11/20), vol. II, part B.1, para. 47.

²⁴ *Ibid.*, para. 49.

79. The Committee noted the Court's training and learning needs, and would consider proposals in the context of the 2014 proposed programme budget, having the Court's organizational character, staff structure, implementation of its budgets in recent years and other related matters in mind. **The Committee invited the Court to provide sufficient justification in the 2014 proposed programme budget if the Court wished to propose an increase in this regard and, first and foremost, to pursue efficiency savings in conducting training through available means such as information technology, commercial materials and access to other international organizations' training opportunities, which would enable the Court to maximize the training opportunities within its approved budget and without affecting the implementation of its core mandated activities.**

5. Junior Professional Officer (JPO) Programme

80. The Committee considered the proposal by the Court for the JPO Programme.²⁵ The Committee welcomed the developments of the Guidelines, the JPO Request form, and a sample Memorandum of Understanding (MOU) between the Court and a donor country. **The Committee recommended that the Court proceed, on a provisional basis, to take the next steps, such as identifying specific functions and numbers of JPOs and communicating with interested sponsors, including the negotiation of possible MOUs, with the condition that the Court present a refined proposal for final consideration by the Committee during its 21st session, in line with the following recommendations:**

- a. **Ensure that the introduction of the programme would not impact on geographical representation and/or gender balance by:**
 1. **Including the approved GTA positions, in addition to established posts, when the Guidelines and other related documents refer to the prohibition of occupancy of the Court's basic functions normally conducted by staff;**
 2. **Including the approved GTA positions, in addition to established posts, when the Guidelines and other related documents refer to the consideration of applications for jobs in the Court following a JPO assignment, as any other external candidate in accordance with the recruitment guidelines and the terms of reference for the Selection Review Board; and**
 3. **Adding the aspect of improving the geographical representation of non-represented and under-represented States Parties in the Guidelines and other related documents, and encouraging sponsors to take this aspect into account.**
- b. **Ensure that all costs associated with the Programme are identified and fully recovered from the sponsor countries by:**
 1. **Including specific clauses in the MOU between the Court and the donor country in this regard;**
 2. **Including a clear process of payment in the Guidelines and MOU; and**
 3. **Developing a provisional calculation of recovery of all identifiable administrative overhead costs.**

F. Legal aid

81. The Committee took note of three reports of the Court on legal aid.²⁶ The Committee recognized with satisfaction that the updated legal aid system is fully functional and meets the needs of its end-users, keeping the principles of balance between resources and means of the defendant and the prosecution, objective compensation systems, transparency, continuity and flexibility. The Committee noted that the 2012 amendments in particular have remedied certain shortcomings which came to light from the implementation of the system in practice. It also noted that, in the absence of the completion of a full judicial cycle, it was premature to undertake a review of the system in areas where there still was insufficient experience. As the Committee considers legal aid to be one of the main cost drivers, the Committee requested to be informed about any additional review and changes in the existing legal aid system.

²⁵ CBF/20/6.

²⁶ CBF/20/2, CBF/20/5/Rev.1 and CBF/20/22.

82. Examination of the reports showed the first impact of the reform of legal aid. For teams of legal representatives appointed from 1 April 2012, €22,000 was saved over the period 2012/2013 for both the defence teams and for the victims' representatives. The Committee also noted that for the defence teams engaged in cases for which the first hearing had not started, the reform had reduced costs by €148,367 over the period 2012/2013. Finally, with regard to the other 17 teams working before the Court, the Court noted that €34,000 was saved in January and February 2013 due to the reduction from €4,000 to €3,000 in costs awarded to teams. Global savings in the amount of €204,000 were forecast for the current year. The Committee further noted that this did not include other aspects of reform that had not been applicable to date, given the stage of completion of certain files.

83. It was anticipated that the legal aid reforms would reduce the growing impact of requests for participation by victims, including in the reparations proceedings that were expected in 2013. However, the Committee also noted that the overall cost of legal aid would be about €3.5 million for the defence teams and €4.9 million for victims' representatives in 2012, according to appendix I.²⁷ In 2012, there were 11 defence teams (exceeding the projected number of seven), and the same trend can be seen with the 21 representatives of victims (exceeding the projected number of 12).

84. However, legal aid reform can only achieve its objectives if the judicial activity is at the level envisaged by the Court. In 2012, only 123 of 215 scheduled court hearings were held. This has two consequences: first, an extension of procedures; and second, an increased need for legal aid. **The Committee requested the Court provide a report in its 21st session on the gradual implementation of the amended system of legal aid and on savings realized.**

G. Premises of the Court

1. Interim premises

85. The Committee received an oral update from the Court on the status of the interim premises.

2. Office space for translation teams

86. The Committee recalled its prior recommendations that the Court continue to provide the requisite office space for the translation teams of the Secretariat in the Haagse Veste, which had been possible during the prior years, thus avoiding any budgetary implications for the rental of office space.²⁸

3. Permanent premises

87. The Chairperson of the Oversight Committee, Mr. Roberto Bellelli, highlighted the status of the construction and transition projects. He identified key issues upon which the Oversight Committee sought the advice of the Committee. The Committee had before it the Interim report on the activities of the Oversight Committee,²⁹ as well as a supplementary paper. Moreover, the Committee had before it the Progress report of the Court on the Transition Programme to the Permanent Premises.³⁰

4. Status of the project

88. The Chairperson of the Oversight Committee noted that, after the actual construction had started in March 2013, the permanent premises project continued to remain below the approved budget and within its timelines. The new premises were expected to be completed in September 2015 and ready for occupation by the Court at that time. Consequently, the period between September and December 2015 would be fully available for the Court to complete its transition from the interim to the new premises. The governance and management of the construction project had proven key to the positive results achieved so far.

5. Questions to the Committee

²⁷ CBF/20/2.

²⁸ *Official Records ... Eleventh session 2012* (ICC-ASP/11/20), vol. II, part B.1, para. 61.

²⁹ CBF/20/18.

³⁰ CBF/20/13.

89. The Oversight Committee sought the views of the Committee on three questions related to the:
- (i) Governance structure most suitable to ensuring lower costs;
 - (ii) Timelines (timely termination of the current rental agreements for the interim premises); and
 - (iii) Review of “2gv” costs, i.e. the cost of the non-integrated (loose) user equipment of the new premises.

(i) Governance

a. Background

90. At its nineteenth session, the Committee recommended that the Court expeditiously develop a detailed, monitorable scheme for managing the transition to the new premises based on a clear accountability structure.³¹ Subsequently, the Assembly requested the “Court, working in conjunction with the Project Director, to take all preparatory measures needed to ensure its readiness to take occupation of the permanent premises by not later than December 2015 in order to avoid additional expenditures for the States Parties”.³²

91. In response to these requests, the Court has developed a draft governance structure, as outlined in its Progress report on the transition programme, and submitted it to the Oversight Committee for discussion (chapter 5 and annex II). Accordingly, the transition project would be governed at programme level by a Sponsoring Group and a Programme Board that included the major stakeholders. The Court did not explain its concept in more detail. It appeared, however, that the transition project would be managed under the oversight of the Court, whereas the construction project would, as before, be managed by the Project Director, reporting to the Oversight Committee. Both strands of authority would be coordinated but remain distinct and different.

92. The Oversight Committee, however, recommended that in future the permanent premises project be regarded from a holistic perspective, as an objective which included the full transition from the interim to the new premises, so that this overall goal was achieved within expected timelines and budget. The Oversight Committee noted that the governance of the transition project should be aligned with the governance of the construction project. The Chairperson of the Oversight Committee indicated there might also be a governance issue with the financial responsibility for the transition costs. The Project Director should be given responsibly to revise how these costs were established.

b. Observations of the Committee

93. As the Court had indicated, the discussions between the Oversight Committee and the Court on the governance of the transition project were still ongoing. At this stage, and based on the information and analysis available, the Committee noted that it was not yet in a position to make a final recommendation.

94. It is essential that any governance arrangement should provide for close cooperation between the Project Director and the Court as the user of the new premises. It should be developed within the framework of the relevant resolutions of the Assembly and the Financial Regulations and Rules. Having said this, the Committee acknowledged the advantages of aligning the governance of the transition project with that of the construction project. The one-project approach had also been recommended by the independent experts of the Oversight Committee in view of the intertwined nature of the challenges. It would capitalize on the good experience with the governance of the construction project and facilitate a swift and effective decision-making.

95. **The Committee agreed with the Oversight Committee on the urgency of settling the governance issue. It encouraged the Oversight Committee and the Court to work out an appropriate arrangement as soon as possible.**

(ii) Timelines

³¹ *Official Records ... Eleventh session 2012* (ICC-ASP/11/20), vol. II, part B.2, para. 162.

³² *Ibid.*, vol. I, part III, ICC-ASP/11/Res.3, para. 10.

a. Background

96. The Oversight Committee noted that the lease contracts for the Arc building, which the Court currently occupied, had recently been renewed until the end of March 2016. There was a risk that the Court would still have to pay rent even after it had vacated its current interim premises, although some flexibility in case of unexpected delays could be convenient. Negotiations with the owner of the interim premises of the Court should be resumed with a view to including a flexibility clause in the contract, in order to allow for an earlier (or later) termination date as necessary. There was urgency attached to the matter, as the outcome of this negotiation might depend on its early initiation.

b. Observations of the Committee

97. The Committee agreed with the Oversight Committee that the matter should be addressed in a timely manner. **It invited the Oversight Committee and the Court to seek an understanding on a concept and strategy on how to proceed. It appeared that the lease of the premises in Saturnusstraat would also run into 2016. The Committee invited the Court to submit as soon as possible an analysis of all its current lease agreements with respect to the termination arrangements and the ensuing financial risks.**

(iii) Review of 2gv costs

a. Background

98. At its nineteenth session, the Committee recommended that the Court review again the options for possibly mitigating the forecasted costs, including the suitability and extended use of existing equipment. Subsequently, the Assembly requested the Court to “in consultation with the Project Director and the Oversight Committee, elaborate new options for reducing the 2gv elements, including the suitability and extended use of existing equipment and to report thereon in detail to the Assembly through the Committee on Budget and Finance”.³³

99. The Chairperson of the Oversight Committee noted that “the 2gv cost review conducted by the Court in March 2013 had raised the estimated figure for the 2gv elements from €20.2 million to €20.8 million. The Oversight Committee was not aware of any preparation of “options for reducing 2gv elements, including through the suitability and extended use of existing equipment”. It had been informed by the Court that any cost reduction would only become available at the time of submission of the annual budgets for 2014 and 2015.

b. Observations of the Committee

100. The Court’s explanations appeared to suggest that, in fact, the review of specific options for reducing 2gv costs may not have significantly advanced over the last half year. The matter brooked no further delay, given its scope and complexity. **An actionable plan should be in place before 2gv spending rises in 2014 to peak in 2015. The Committee was looking forward to detailed proposals at its 21st session.**

(iv) Financing 2gv costs

a. Background

101. In its supplementary paper of 12 April 2013, the Oversight Committee outlined a possible strategy for minimizing the impact, if any, of the transition costs on the assessed contributions of States Parties. The Oversight Committee suggested that the transition budget be unified with the construction budget and a maximum target established at the level of €200 million. A minimum and maximum target for reducing the 2gv cost would be established, approximately between €3 and €8 million. It also suggested a funding mechanism designed to avoid any additional contributions by States Parties to be paid against 2gv costs until 2017. The interim period could be bridged by advances from the Court’s cash deposits, budget surpluses, further savings on the construction projects costs or advances from the Working Capital Fund.

³³ Ibid., ICC-ASP/11/Res.3, para. 11.

b. Observations of the Committee

102. **The Committee noted that an appropriate target for 2gv cost reduction could provide an impetus for the Court to develop concrete options. The Committee also took note of the financing mechanism suggested by the Oversight Committee, which required further analysis.**

(v) Transition to the new premises

103. The Committee had before it the Court's Progress report on the Transition Programme to the Permanent Premises.³⁴ In its report, the Court also outlined financing options and a draft governance structure.

104. The Court explained that the transition would be the most complex task the Court will undertake over the next three years. It would involve substantial operational and financial risks. The programme would be managed based on well-established and widely-used methodologies for managing programmes and projects of this level of complexity. A project programme management consultant (IPMMC) had been employed to support the day-to-day management activities. Intensive internal training sessions and workshops were taking place.

105. **The Committee welcomed the efforts of the Court to be well prepared for a timely and smooth transition. It was looking forward to a progress report at its 21st session.**

106. Matters concerning the financing options and governance structure are addressed in the Committee's observations in the other relevant chapters of this report.

(vi) Total Cost of Ownership (TCO)

107. The Committee recalled the significant financial impact of the TCO on future States Parties' contributions. **It welcomed the establishment of the Working Group on the TCO which is to review the range of possible approaches to dealing with these costs. The Committee was looking forward to a progress report at its 21st session.**

(vii) ASP sessions in The Hague

108. The Oversight Committee noted that it was technically feasible to adapt the current design of the new premises to host meetings of the Assembly. The additional construction cost was moderate. It could be absorbed in the construction budget. Holding Assembly meetings in the premises was likely to generate significant savings compared with meetings in the World Forum Convention Center in The Hague or in the United Nations Headquarters in New York. The Committee noted that there were three distinct aspects which merited careful consideration by all the stakeholders: a) political, b) operational and c) financial. The Committee noted that it could only consider this third aspect which falls within its remit. However, the Committee also noted that other factors, including inter alia, the functionality of the facilities and services available at the permanent premises and the operational impact on the Court's core activities would also constitute part of the overall assessment of the matter.

109. **The Committee encouraged the Oversight Committee to develop a financial cost-benefit analysis. Creating the capacity in the new premises to allow for meetings of the Assembly would be a technical measure available during the current window of opportunity while the construction was still at an early stage. It would not pre-empt future policy decision with regard to the actual venue of Assembly meetings.**

(viii) One-time payments

a. Background

110. States Parties can make their contribution to the construction cost of the new premises in one of two ways: (i) through one-time payments up-front or, alternatively, (ii) through a proportional share of the host-State loan repaid over a 30-year-period. In December 2012, the Assembly extended the deadline to select the option of one-time payments until end-December 2014. The Oversight Committee informed the Committee that by March 2013, 38 States Parties had opted for one-time payments for a value of €40 million. More States Parties were considering joining in. To attract as

³⁴ CBF/20/13.

many States Parties as possible, the Oversight Committee has adopted a revised approach. Newly opting-in States Parties would make their payment under the 2013 scale of assessments, instead of the 2009 scale.

b. Observations of the Committee

111. The Committee reiterated its view that attracting one-time payments was a good measure for increasing financial certainty of the project. It recalled that one-time payments would be subject to a final adjustment once the final cost of the project and the amount drawn on the host-State subsidy were known at completion of the project. This will ensure that all States Parties will pay the correct amount.

H. Trust Fund for Victims

1. Management of exchange rate risks of the Trust Fund for Victims: Options for mitigating currency risks

112. The Trust Fund for Victims (TFV) continues to be exposed to open exchange rate positions in two of its countries of operation. At its nineteenth session, the Committee recommended that the Court and the Secretariat of the TFV undertake a thorough review of the available options for mitigating the currency risks.³⁵ It encouraged the Secretariat of the TFV to develop, in cooperation with the Court, a policy defining acceptable levels of currency risks in its operations, as well as procedures to keep these risks within the allowed limits. It invited the Court and Secretariat of the TFV to report back to the Committee at its twentieth session.

113. The Committee had before it the Report of the Court and the Secretariat of the TFV on the Management of Exchange Rate Risk.³⁶ In this report, the Court and the Secretariat presented the results of the requested review. The Director of the Secretariat of the TFV also gave an oral presentation.

114. Accordingly, the loss of €2,218 experienced in 2011 dropped to €4,664 in 2012. This was due to exchange rate movements in 2012 and measures taken to mitigate risk. Total losses from 2006 to 2012 amounted to €12,807.³⁷ Depending on exchange rates, further losses could arise in 2013 and beyond.

115. The Court and the Secretariat of the TFV had identified two options for risk mitigation that appeared to be technically valid. These included forward rate agreements which, however, were not common practice for non-convertible currencies due to the high risk associated with unexpected fluctuations. Another technically valid option would be to shift the exchange rate risk to the TFV's implementing partners. This, however, would overburden the limited administrative capacity of local grass-roots organizations and expose the TFV to operational risks.

116. The Secretariat of the TFV intended further to explore measures for reducing risk, which might include (a) managing the volume of individual transaction; and (b) establishing a risk appetite and quantifying risk costs for different currencies. It also noted that, in line with the recommendations of the External Auditor, it was developing a comprehensive risk management framework. It had engaged the services of Deloitte for this purpose.

117. The Committee acknowledged the difficulties encountered by the TFV in managing its exposure in non-convertible currencies. It was nevertheless concerned that, in the absence of a defined risk policy, the TFV continued to be exposed to unpredictable losses, resulting from random exchange rate swings. It noted that a more in-depth analysis of the risks factors and options for mitigation should be conducted. The planned risk management framework provided the opportunity to carry the matter forward. **The Committee**

³⁵ *Official Records... Eleventh session... 2012* (ICC-ASP/11//20), vol. II, part B.2, para. 45.

³⁶ CBF/20/12.

³⁷ Exchange rate losses incurred:

Year	Euro
2006	1,582
2007	1,388
2008	615
2009	8,017
2010	44,321
2011	42,219
2012	<u>14,665</u>
Total	112,807

encouraged the TFFV and the Court to develop and implement a defined risk management policy as soon as feasible. It was looking forward to an update in time for its 21st session.

I. Other matters

1. Working methods

118. In recent months the Committee has sought to build new links with The Hague Working Group and also with staff representatives. Informal meetings have been held, in line with the independence of all parties, which help to foster a better understanding of the issues facing the Court. These discussions have provided an opportunity to get to know the Court's usual partners better, together with their working methods.

119. In addition, the Committee has also had useful exchanges with the Coalition for the International Criminal Court at each session. The importance of the documentation distributed at these meetings reflects the quality of the discussions.

120. Although the agenda for each session is busy, the Committee is pleased that it can raise miscellaneous subjects on an ad hoc basis with adequate transparency.

2. Documentation on intermediaries

121. The Committee received several documents on draft guidelines governing the relations between the Court and intermediaries, and a draft code of conduct for the intermediaries. These documents aim to set out standards and procedures which are common to the various organs of the Court and counsel. In resolution ICC-ASP/11/Res.8, the Assembly requested that the issue be discussed in greater depth.³⁸ Given the financial implications of the system of intermediaries, the Court submitted these drafts to the Committee for examination.

122. The Committee noted that implementation of the draft guidelines will have budgetary implications for the Registry³⁹ in terms of recruitment, training and travel. However, the Committee did not have sufficient information to evaluate the implications.

123. Given the impact that implementation of the draft guidelines will undoubtedly have on the Court's finances, the Committee recommended that a report be submitted to it for its 21st session on the main mechanisms chosen and their budget implications. The Committee also requested information on whether provisions would need to be made for the remuneration or compensation of intermediaries and, if so, the associated scales of remuneration or compensation.

3. Organization of the Secretariat

124. The Committee discussed the organisation of its Secretariat. At present the Executive Secretary reports directly to the Committee through its Chairperson, and administratively, is located in the Secretariat of the Assembly,⁴⁰ and is involved in various tasks in addition to those which form part of his job description. Nonetheless, the increase in workload means that it is now necessary to plan for a reorganization that would give priority to an increase in the support available both during sessions and during the preparatory phases. Therefore, the Committee indicated its intention to return to this issue at its 21st session, and continues reviewing the organizational structure of the Secretariat as necessary, based on its function, workload and relations with other organs.

Visit to the Detention Centre

125. The Committee visited the ICC Detention Centre, which is located within a Dutch prison complex in Scheveningen on the outskirts of The Hague. The Committee was briefed by the Chief Custody Officer on the services provided by the Court and on recent improvements to the service quality. The Committee was informed on this occasion that the host State plans to close down the prison complex in Scheveningen in 2015 as a result of the decision of the Dutch Ministry of Justice to close 30 prison establishments throughout the Netherlands.

³⁸ *Official Records... Eleventh session... 2012* (ICC-ASP/11//20), vol. I, part III, ICC-ASP/11/Res.8, para. 50.

³⁹ Note: Victims Participation and Reparations Section, the Victims and Witnesses Unit and the Security Section.

⁴⁰ *Official Records... Tenth session... 2011* (ICC-ASP/10//20), vol. II, part B.2, paras. 122 and 123.

4. Dates for the 21st session of the Committee

126. The Committee decided to hold its 21st session in The Hague from 9 to 19 September 2013.

Annex I

Status of contributions as at 25 April 2013

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts and Refunds</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2013 Assessed Contributions</i>	<i>2013 Receipts and Refunds</i>	<i>2013 Outstanding Contributions</i>	<i>Outstanding Contributions Contingency Fund</i>	<i>Total Outstanding Contributions</i>
1 Afghanistan	31,598	25,146	6,452	8,851	-	8,851	82	15,385
2 Albania	94,584	94,584	-	17,814	17,814	-	10	10
3 Andorra	90,707	90,707	-	14,229	14,229	-	34	34
4 Antigua and Barbuda	31,602	22,973	8,629	3,585	-	3,585	92	12,306
5 Argentina	7,297,111	7,297,111	-	769,376	-	769,376	3,434	772,810
6 Australia	24,387,158	24,387,158	-	3,693,497	3,693,497	-	-	-
7 Austria	11,963,213	11,963,213	-	1,421,110	1,421,110	-	-	-
8 Bangladesh	40,473	-	40,473	11,204	-	11,204	430	52,107
9 Barbados	121,142	121,142	-	14,229	13,333	896	64	960
10 Belgium	14,924,036	14,924,036	-	1,777,284	1,777,284	-	-	-
11 Belize	13,762	13,762	-	1,793	18	1,775	8	1,783
12 Benin	27,832	23,027	4,805	5,378	-	5,378	24	10,207
13 Bolivia	100,740	100,740	-	16,022	-	16,022	72	16,094
14 Bosnia & Herzegovina	106,610	106,610	-	30,251	30,251	-	-	-
15 Botswana	200,811	172,073	28,738	30,251	-	30,251	135	59,124
16 Brazil	19,030,288	19,030,288	-	5,225,079	-	5,225,079	23,318	5,248,397
17 Bulgaria	343,088	343,088	-	83,694	83,694	-	-	-
18 Burkina Faso	29,876	25,045	4,831	5,378	-	5,378	64	10,273
19 Burundi	12,138	12,138	-	1,793	23	1,770	8	1,778
20 Cambodia	27,832	27,832	-	7,171	4,810	2,361	32	2,393
21 Canada	41,126,985	41,126,985	-	5,314,150	5,314,150	-	-	-
22 Cape Verde	1,610	1,603	7	1,793	-	1,793	8	1,808
Central African Republic	13,762	11,742	2,020	1,793	-	1,793	46	3,859
24 Chad	13,750	13,750	-	3,585	40	3,545	16	3,561
25 Chile	1,183,118	1,183,118	-	594,818	296,606	298,212	2,655	300,867
26 Colombia	1,872,973	1,872,973	-	461,267	225,352	235,915	2,059	237,974
27 Comoros	9,332	603	8,729	1,793	-	1,793	46	10,568
28 Congo	21,877	17,046	4,831	8,851	-	8,851	73	13,755
29 Cook Islands	6,452	6,452	-	1,793	1,662	131	8	139
30 Costa Rica	434,224	434,224	-	67,672	59,818	7,854	302	8,156
31 Côte d'Ivoire	-	-	-	-	-	-	-	-
32 Croatia	848,674	848,672	2	224,415	-	224,415	1,002	225,419
33 Cyprus	590,852	590,852	-	83,694	76,155	7,539	374	7,913
34 Czech Republic	1,736,583	1,736,583	-	687,363	687,363	-	-	-
Democratic Republic of the Congo	41,904	41,904	-	5,378	57	5,321	24	5,345
36 Denmark	10,078,459	10,078,459	-	1,202,073	1,202,073	-	-	-
37 Djibouti	13,566	5,243	8,323	1,793	-	1,793	46	10,162
38 Dominica	13,762	9,366	4,396	1,793	-	1,793	46	6,235
39 Dominican Republic	378,099	249,980	128,119	80,108	-	80,108	1,955	210,182
40 Ecuador	372,412	372,412	-	78,316	318	77,998	350	78,348
41 Estonia	312,702	312,702	-	71,257	71,257	-	-	-
42 Fiji	50,679	50,679	-	5,378	2,630	2,748	24	2,772
43 Finland	7,620,082	7,620,082	-	924,327	924,327	-	-	-
44 France	84,892,253	84,892,253	-	9,960,432	5,220,541	4,739,891	44,451	4,784,342
45 Gabon	146,018	73,928	72,090	35,629	-	35,629	691	108,410
46 Gambia	13,762	13,762	-	1,793	1,793	-	-	-
47 Georgia	53,693	53,693	-	12,436	12,436	-	-	-
48 Germany	116,522,250	116,522,250	-	12,717,167	7,260,273	5,456,894	56,753	5,513,647
49 Ghana	65,048	55,376	9,672	24,985	-	24,985	178	34,835
50 Greece	8,344,460	8,344,460	-	1,136,194	19,769	1,116,425	5,071	1,121,496
51 Grenada	2,251	-	2,251	1,793	-	1,793	24	4,068
52 Guatemala	22,565	-	232	48,065	-	48,065	215	48,512
53 Guinea	27,137	21,094	6,043	1,793	-	1,793	84	7,920
54 Guyana	12,138	12,138	-	1,793	1,793	-	-	-
55 Honduras	82,721	82,721	-	14,229	744	13,485	64	13,549
56 Hungary	3,020,742	3,020,742	-	473,703	473,703	-	-	-
57 Iceland	517,976	517,976	-	48,065	48,065	-	-	-
58 Ireland	5,892,756	5,892,756	-	744,391	744,391	-	-	-
59 Italy	68,734,639	68,734,639	-	7,921,312	1,366,163	6,555,149	35,351	6,590,500
60 Japan	104,685,721	104,685,721	-	19,292,211	3,598,826	15,693,385	86,096	15,779,481

61	Jordan	167,985	167,985	-	39,214	-	39,214	175	39,389
62	Kenya	121,688	121,688	-	23,192	19,818	3,374	104	3,478
63	Latvia	324,321	324,321	-	83,694	61,998	21,696	374	22,070
64	Lesotho	13,762	13,762	-	1,793	1,683	110	8	118
65	Liberia	12,138	6,525	5,613	1,793	-	1,793	46	7,452
66	Liechtenstein	110,071	110,071	-	16,022	16,022	-	-	-
67	Lithuania	541,601	541,601	-	129,966	110,450	19,516	580	20,096
68	Luxembourg	1,157,592	1,157,592	-	144,195	144,195	-	-	-
69	Madagascar	18,488	13,566	4,922	5,378	-	5,378	138	10,438
70	Malawi	14,143	12,533	1,610	3,585	-	3,585	26	5,221
71	Maldives	1,738	1,738	-	1,793	-	1,793	8	1,801
72	Mali	27,832	20,467	7,365	7,171	-	7,171	146	14,682
73	Malta	217,553	217,553	-	28,458	28,458	-	-	-
74	Marshall Islands	13,762	8,443	5,319	1,793	-	1,793	46	7,158
75	Mauritius	151,400	151,400	-	23,192	18,016	5,176	104	5,280
76	Mexico	23,937,199	23,937,199	-	3,280,407	3,280,407	-	-	-
77	Mongolia	18,447	18,447	-	5,378	-	5,378	24	5,402
78	Montenegro	24,067	24,067	-	8,851	8,851	-	10	10
79	Namibia	92,571	92,571	-	17,814	13,092	4,722	80	4,802
80	Nauru	13,762	13,762	-	1,793	1,706	87	8	95
81	Netherlands	24,866,342	24,866,342	-	2,945,521	2,945,521	-	-	-
82	New Zealand	3,451,359	3,451,359	-	450,511	450,511	-	-	-
83	Niger	18,447	7,943	10,504	3,585	-	3,585	92	14,181
84	Nigeria	787,256	787,256	-	160,329	42,456	117,873	716	118,589
85	Norway	10,676,869	10,676,869	-	1,515,560	1,515,560	-	-	-
86	Panama	292,466	292,466	-	46,272	3,089	43,183	207	43,390
87	Paraguay	113,545	91,880	21,665	17,814	-	17,814	346	39,825
88	Peru	1,211,776	1,196,349	15,427	208,394	-	208,394	930	224,751
89	Philippines	168,138	168,138	-	274,273	139,929	134,344	1,224	135,568
90	Poland	8,179,920	8,179,920	-	1,640,148	1,640,148	-	-	-
91	Portugal	6,906,175	6,906,175	-	844,106	14,718	829,388	3,767	833,155
92	Republic of Korea	28,214,381	28,214,381	-	3,551,095	77,109	3,473,986	15,848	3,489,834
93	Republic of Moldova	6,295	6,295	-	5,378	-	5,378	24	5,402
94	Romania	1,417,014	1,417,014	-	402,446	287,895	114,551	1,796	116,347
95	Saint Kitts and Nevis	9,332	9,332	-	1,793	1,793	-	-	-
96	Saint Lucia	3,404	-	3,404	1,793	-	1,793	46	5,243
97	Saint Vincent and the Grenadines	13,566	11,956	1,610	1,793	-	1,793	13	3,416
98	Samoa	13,644	13,644	-	1,793	1,681	112	8	120
99	San Marino	40,668	40,668	-	5,378	5,378	-	-	-
100	Senegal	69,128	59,508	9,620	10,644	-	10,644	48	20,312
101	Serbia	355,264	355,264	-	71,257	61,025	10,232	318	10,550
102	Seychelles	6,808	6,808	-	1,793	156	1,637	8	1,645
103	Sierra Leone	13,762	9,365	4,397	1,793	-	1,793	46	6,236
104	Slovakia	1,176,147	1,176,147	-	304,524	304,524	-	-	-
105	Slovenia	1,287,707	1,287,707	-	178,143	178,143	-	-	-
106	South Africa	4,518,268	4,518,268	-	662,490	9,336	653,154	2,957	656,111
107	Spain	39,727,262	39,727,262	-	5,294,543	86,234	5,208,309	23,628	5,231,937
108	Suriname	15,825	15,825	-	7,171	4,808	2,363	32	2,395
109	Sweden	14,383,826	14,383,826	-	1,709,612	1,709,612	-	-	-
110	Switzerland	16,291,293	16,291,293	-	1,864,563	1,864,563	-	-	-
111	Tajikistan	18,447	18,447	-	5,378	3,207	2,171	24	2,195
112	The FYR of Macedonia	82,889	51,687	31,202	14,229	-	14,229	330	45,761
113	Timor-Leste	13,644	13,603	41	3,585	-	3,585	16	3,642
114	Trinidad and Tobago	424,114	424,114	-	78,316	78,316	-	-	-
115	Tunisia	63,738	63,738	-	64,087	5,659	58,428	286	58,714
116	Uganda	68,829	68,829	-	10,644	35	10,609	48	10,657
117	United Kingdom	88,460,083	88,460,083	-	9,223,100	2,316,065	6,907,035	41,160	6,948,195
118	United Republic of Tanzania	90,401	65,945	24,456	11,204	-	11,204	354	36,014
119	Uruguay	490,180	488,378	1,802	92,657	-	92,657	414	94,873
120	Vanuatu	1,480	-	1,480	1,793	-	1,793	8	3,281
121	Venezuela	3,174,062	3,174,062	-	1,116,587	175,860	940,727	4,983	945,710
122	Zambia	32,134	32,134	-	10,644	-	10,644	48	10,692
<i>Rounding diff.</i>				-	11				
		822,788,596	822,275,183	491,080	112,039,600	52,294,395	59,745,216	367,421	60,603,717

Note: concerns outstanding assessed programme budget contributions and replenishments of the Contingency Fund; does not include outstanding advances to the Working Capital Fund

Annex II

Human resources tables

Table 1: Geographical Representation of ICC Professional Staff

Status as at 31 March 2013

Total number of professionals: 319*

Total number of nationalities: 76

Distribution per region:

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
African	Algeria	1
	Benin	1
	Burkina Faso	1
	Cameroon	1
	Congo, Democratic Republic of the	2
	Cote d'Ivoire	2
	Egypt	4
	Gambia	2
	Ghana	2
	Guinea	1
	Kenya	3
	Lesotho	1
	Malawi	1
	Mali	2
	Mauritius	1
	Niger	3
	Nigeria	3
	Rwanda	1
	Senegal	3
	Sierra Leone	3
	South Africa	10
	Togo	1
	Uganda	2
	United Republic of Tanzania	2
	Zimbabwe	1
Total		54
Asian	China	1
	Cyprus	1
	Iran (Islamic Republic of)	4
	Japan	3
	Jordan	1
	Lebanon	2
	Mongolia	1
	Palestinian Territory, Occupied	1
	Philippines	2
	Republic of Korea	1
	Singapore	2
	Sri Lanka	1

* Excluding Elected Officials and 37 language staff.

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
	Total	20
Eastern European	Albania	1
	Bosnia and Herzegovina	1
	Bulgaria	1
	Croatia	4
	Georgia	1
	Poland	1
	Romania	7
	Russian Federation	2
	Serbia	4
	Ukraine	1
	Total	23
GRULAC	Argentina	4
	Brazil	1
	Chile	2
	Colombia	6
	Costa Rica	1
	Ecuador	3
	Mexico	2
	Peru	3
	Trinidad and Tobago	2
	Venezuela (Bolivarian Republic of)	2
	Total	26
WEOG	Australia	12
	Austria	2
	Belgium	10
	Canada	13
	Denmark	1
	Finland	3
	France	46
	Germany	12
	Greece	3
	Ireland	6
	Italy	11
	Netherlands	19
	New Zealand	4
	Portugal	4
	Spain	11
	Sweden	1
	Switzerland	1
	United Kingdom	28
	United States of America	9
	Total	196

Table 2: Geographical Representation of professional staff per post, per region*

Status as at 31 March 2013

Number of Staff per post, per region[†]

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
D-1	African	Lesotho	1
		<i>Africa Total</i>	1
	GRULAC	Ecuador	1
		<i>GRULAC Total</i>	1
	WEOG	Belgium	2
		France	1
		Italy	1
		Netherlands	1
		United Kingdom	1
		<i>WEOG Total</i>	6
	D-1 Total		8
P-5	African	Kenya	1
		Mali	1
		Senegal	1
		South Africa	3
		<i>African Total</i>	6
	Asian	Jordan	1
		Philippines	1
		Singapore	1
		<i>Asian Total</i>	3
	Eastern European	Russian Federation	1
		Serbia	1
		<i>Eastern European Total</i>	2
	GRULAC	Argentina	1
		Ecuador	1
		<i>GRULAC Total</i>	2
	WEOG	Australia	1
		Canada	1
		Finland	1
		France	3
		Germany	3
		Ireland	1
		Italy	2
		Portugal	1
		Spain	2
		United Kingdom	2
		United States of America	2
		<i>WEOG Total</i>	19
	P-5 Total		32
P-4	Africa	Congo, Democratic Republic of the	1
		Cote d'Ivoire	1
		Ghana	1
		Niger	1
		Nigeria	1
		Sierra Leone	1

* Excluding 33 language staff.

* Excluding Elected Officials and 37 language staff.

		South Africa	1
		United Republic of Tanzania	1
		<i>African Total</i>	<i>8</i>
Asian		Iran (Islamic Republic of)	3
		Lebanon	1
		<i>Asian Total</i>	<i>4</i>
Eastern European		Croatia	1
		Romania	1
		Ukraine	1
		<i>Eastern European Total</i>	<i>3</i>
GRULAC		Colombia	1
		Trinidad and Tobago	2
		Venezuela	1
		<i>GRULAC Total</i>	<i>4</i>
WEOG		Australia	3
		Belgium	1
		Canada	1
		Denmark	1
		Finland	1
		France	7
		Germany	3
		Ireland	1
		Italy	3
		Netherlands	6
		Portugal	1
		Spain	1
		United Kingdom	8
		United States of America	1
		<i>WEOG Total</i>	<i>38</i>
		P-4 Total	57
P-3	African	Algeria	1
		Benin	1
		Burkina Faso	1
		Cote d'Ivoire	1
		Egypt	1
		Kenya	1
		Malawi	1
		Mali	1
		Niger	2
		Nigeria	1
		South Africa	6
		United Republic of Tanzania	1
		<i>African Total</i>	<i>18</i>
	Asian	Iran (Islamic Republic of)	1
		Mongolia	1
		Palestinian Territory, Occupied	1
		Philippines	1
		Singapore	1
		<i>Asian Total</i>	<i>5</i>
	Eastern European	Albania	1
		Georgia	1
		Poland	1
		Romania	1
		Serbia	1
		<i>Eastern European Total</i>	<i>5</i>

	GRULAC	Argentina	1
		Chile	1
		Colombia	4
		Costa Rica	1
		Ecuador	1
		Mexico	1
		Peru	1
		GRULAC Total	10
	WEOG	Australia	5
		Austria	2
		Belgium	6
		Canada	4
		Finland	1
		France	13
		Germany	5
		Greece	1
		Ireland	3
		Italy	3
		Netherlands	3
		New Zealand	2
		Portugal	2
		Spain	3
		Switzerland	1
		United Kingdom	8
		United States of America	4
		WEOG Total	66
		P-3 Total	104
P-2	African	Cameroon	1
		Congo, Democratic Republic of the	1
		Egypt	3
		Gambia	1
		Ghana	1
		Kenya	1
		Rwanda	1
		Senegal	2
		Sierra Leone	2
		Togo	1
		Uganda	1
		Zimbabwe	1
		African Total	16
	Asian	China	1
		Cyprus	1
		Japan	3
		Lebanon	1
		Republic of Korea	1
		Sri Lanka	1
		Asian Total	8
	Eastern European	Bulgaria	1
		Croatia	2
		Romania	4
		Serbia	2
		Eastern European Total	9
	GRULAC	Argentina	2
		Brazil	1
		Colombia	1

		Mexico	1
		Peru	2
		<i>GRULAC Total</i>	<i>7</i>
WEOG		Australia	3
		Canada	6
		France	18
		Germany	1
		Greece	2
		Italy	1
		Netherlands	8
		New Zealand	2
		Spain	3
		Sweden	1
		United Kingdom	8
		United States of America	2
		<i>WEOG Total</i>	<i>55</i>
		P-2 Total	95
P-1	African	Gambia	1
		Guinea	1
		Mauritius	1
		Nigeria	1
		Uganda	1
		<i>African Total</i>	<i>5</i>
	Eastern European	Bosnia and Herzegovina	1
		Croatia	1
		Romania	1
		Russian Federation	1
		<i>Eastern European Total</i>	<i>4</i>
	GRULAC	Chile	1
		Venezuela	1
		<i>GRULAC Total</i>	<i>2</i>
	WEOG	Belgium	1
		Canada	1
		France	4
		Ireland	1
		Italy	1
		Netherlands	1
		Spain	2
		United Kingdom	1
		<i>WEOG Total</i>	<i>12</i>
		P-1 Total	23
		Grand Total	319

Percentage of staff per post, per region

Chart 1: Percentage – D1 posts

Due to the limited number of only 8 positions concerned, statistic and graphic representations could be misleading, please refer to the exact numbers in table above.

Chart 2: Percentage P5 posts

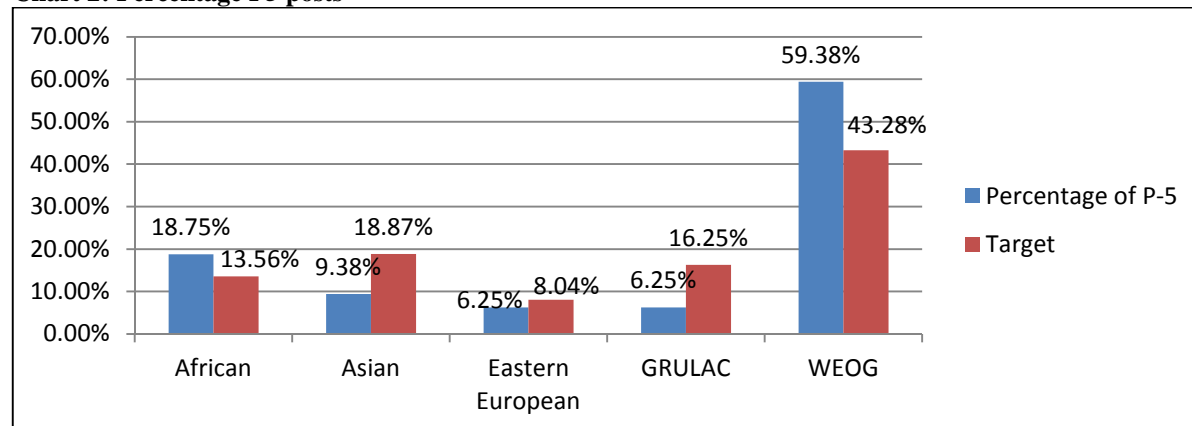


Chart 3: Percentage - P4 posts

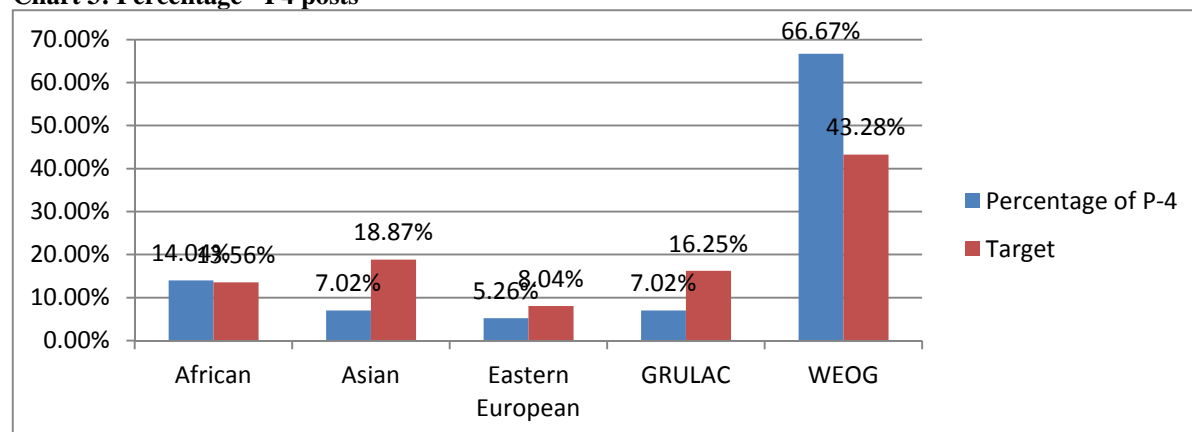


Chart 4: Percentage - P3 posts

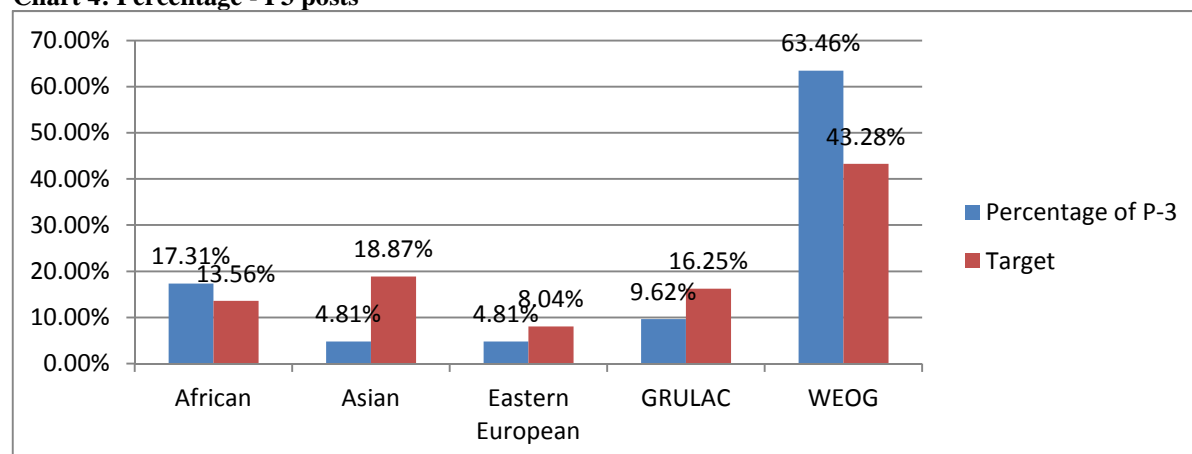


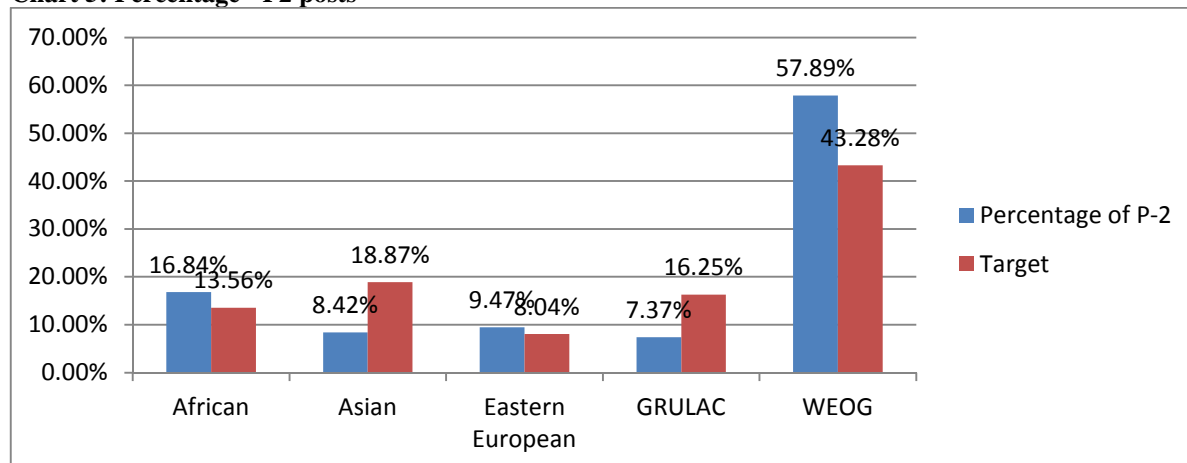
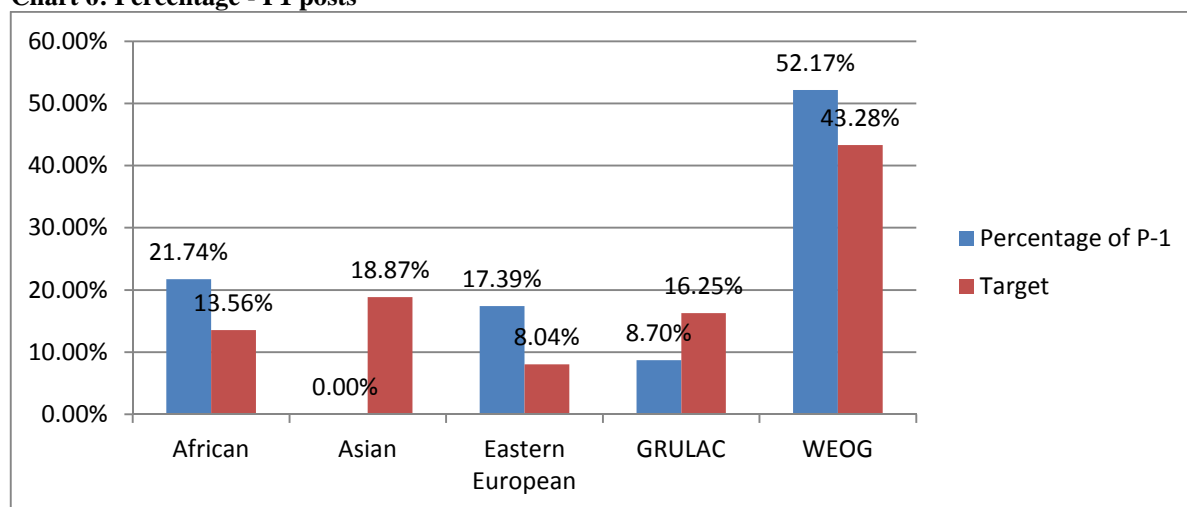
Chart 5: Percentage - P2 posts**Chart 6: Percentage - P1 posts**

Table 3: Geographical representation of Professional staff

Status effective 31 March 2013

<i>Region</i>	<i>Country</i>	<i>Assessment 2011</i>	<i>Desirable range</i>		<i>Midpoint</i>	<i>No. of staff^a</i>
African	Benin	0.00005%	1.05-	1.42	1.24	1
	Botswana	0.00027%	1.04-	1.41	1.22	0
	Burkina Faso	0.00005%	1.10-	1.49	1.29	1
	Burundi	0.00002%	1.04-	1.41	1.23	0
	Cape Verde	0.00002%	0.99-	1.34	1.16	0
	Central African Republic	0.00002%	1.02-	1.37	1.20	0
	Chad	0.00003%	1.06-	1.44	1.25	0
	Comoros	0.00002%	0.99-	1.34	1.17	0
	Congo	0.00008%	1.02-	1.38	1.20	0
	Democratic Republic of the Congo	0.00005%	1.44-	1.95	1.69	2
	Djibouti	0.00002%	0.99-	1.34	1.17	0
	Gabon	0.00032%	1.05-	1.41	1.23	0
	Gambia	0.00002%	1.00-	1.35	1.17	2
	Ghana	0.00022%	1.18-	1.60	1.39	2
	Guinea	0.00002%	1.05-	1.43	1.24	1
	Kenya	0.00021%	1.29-	1.74	1.51	3
	Lesotho	0.00002%	1.00-	1.35	1.18	1
	Liberia	0.00002%	1.01-	1.37	1.19	0
	Madagascar	0.00005%	1.12-	1.52	1.32	0
	Malawi	0.00003%	1.09-	1.48	1.28	1
	Mali	0.00006%	1.08-	1.46	1.27	2
	Mauritius	0.00021%	1.03-	1.39	1.21	1
	Namibia	0.00002%	1.00-	1.35	1.18	0
	Niger	0.00143%	1.32-	1.79	1.56	3
	Nigeria	0.01353%	4.24-	5.74	4.99	3
	Senegal	0.00010%	1.08-	1.47	1.27	3
	Seychelles	0.00002%	0.99-	1.33	1.16	0
	Sierra Leone	0.00002%	1.02-	1.39	1.21	3
	South Africa	0.00591%	2.28-	3.09	2.69	10
	Tunisia	0.00057%	1.15-	1.55	1.35	0
	Uganda	0.00010%	1.22-	1.65	1.44	2
	United Republic of Tanzania	0.00010%	1.30-	1.75	1.53	2
	Zambia	0.00010%	1.09-	1.47	1.28	0
Asian	Afghanistan	0.00008%	1.19-	1.61	1.40	0
	Bangladesh	0.00010%	2.08-	2.82	2.45	0
	Cambodia	0.00006%	1.09-	1.48	1.29	0
	Cook Islands	0.00002%	0.99-	1.33	1.16	0
	Cyprus	0.00075%	1.11-	1.50	1.31	1
	Fiji	0.00005%	1.00-	1.35	1.17	0
	Japan	0.17219%	29.99-	40.58	35.29	3
	Jordan	0.00035%	1.08-	1.47	1.27	1
	Maldives	0.00002%	0.99-	1.34	1.16	0
	Marshall Islands	0.00002%	0.99-	1.33	1.16	0
	Mongolia	0.00008%	1.01-	1.37	1.19	1
	Nauru	0.02629%	5.29-	7.15	6.22	0
	Philippines	0.01464%	4.00-	5.41	4.70	2
	Republic of Korea	0.00005%	1.31-	1.77	1.54	1
	Samoa	0.00002%	0.99-	1.34	1.16	0
	Tajikistan	0.00005%	1.04-	1.40	1.22	0
	Timor-Leste	0.00003%	1.00-	1.35	1.17	0
	Vanuatu	0.00002%	0.99-	1.34	1.16	0
Eastern European	Albania	0.00016%	-	1.39	1.21	1
	Bosnia & Herzegovina	0.00027%	1.05-	1.42	1.24	1
	Bulgaria	0.00075%	1.16-	1.56	1.36	1
	Croatia	0.00200%	1.34-	1.81	1.58	4
	Czech Republic	0.00614%	2.06-	2.78	2.42	0
	Estonia	0.00064%	1.10-	1.48	1.29	0
	Georgia	0.00011%	1.03-	1.39	1.21	1
	Hungary	0.00423%	1.74-	2.36	2.05	0

^a Situation effective 31 March 2013. Established Professional posts, excluding Elected Officials and Language Staff. 34 other professional staff members are nationals of non-States Parties.

	Latvia	0.00075%	1.12-	1.52	1.32	0
	Lithuania	0.00116%	1.19-	1.62	1.41	0
	Moldova	0.00005%	1.01-	1.37	1.19	0
	Montenegro	0.00016%	1.01-	1.37	1.19	0
	Poland	0.00753%	2.47-	3.34	2.90	1
	Romania	0.00359%	1.71-	2.31	2.01	7
	Serbia	0.00064%	1.15-	1.56	1.36	4
	Slovakia	0.00272%	1.46-	1.98	1.72	0
	Slovenia	0.00159%	1.26-	1.70	1.48	0
	The Former Yugoslav Rep. of Macedonia	0.00013%	1.02-	1.38	1.20	0
GRULAC	Antigua and Barbuda	0.00003%	0.99-	1.34	1.16	0
	Argentina	0.00687%	2.37-	3.21	2.79	4
	Barbados	0.00013%	1.01-	1.36	1.18	0
	Belize	0.00002%	0.99-	1.34	1.16	0
	Bolivia	0.00014%	1.07-	1.45	1.26	0
	Brazil	0.04664%	9.90-	13.40	11.65	1
	Chile	0.00531%	1.97-	2.66	2.31	2
	Colombia	0.00412%	1.96-	2.65	2.31	6
	Costa Rica	0.00060%	1.11-	1.51	1.31	1
	Dominica	0.00002%	0.99-	1.33	1.16	0
	Dominican Republic	0.00072%	1.17-	1.58	1.37	0
	Ecuador	0.00070%	1.19-	1.61	1.40	3
	Grenada	0.00002%	0.99-	1.34	1.16	0
	Guatemala	0.00043%	1.15-	1.55	1.35	0
	Guyana	0.00002%	0.99-	1.34	1.17	0
	Honduras	0.00013%	1.05-	1.43	1.24	0
	Mexico	0.02928%	6.50-	8.80	7.65	2
	Panama	0.00016%	1.03-	1.40	1.21	0
	Paraguay	0.00186%	1.33-	1.80	1.57	0
	Peru	0.00245%	1.58-	2.14	1.86	3
	Saint Kitts and Nevis	0.00002%	0.99-	1.33	1.16	0
	Saint Lucia	0.00002%	0.99-	1.34	1.16	0
	Saint Vincent and the Grenadines	0.00002%	0.99-	1.34	1.16	0
	Suriname	0.00006%	1.00-	1.35	1.17	0
	Trinidad and Tobago	0.00070%	1.11-	1.50	1.30	2
	Uruguay	0.00083%	1.14-	1.54	1.34	0
	Venezuela	0.00997%	2.81-	3.80	3.30	2
WEOG	Andorra	0.00013%	1.00-	1.36	1.18	0
	Australia	0.03297%	6.52-	8.82	7.67	12
	Austria	0.01268%	3.11-	4.21	3.66	2
	Belgium	0.01586%	3.65-	4.94	4.29	10
	Canada	0.04743%	8.97-	12.13	10.55	13
	Denmark	0.01073%	2.78-	3.76	3.27	1
	Finland	0.00825%	2.37-	3.20	2.79	3
	France	0.08890%	15.96-	21.59	18.78	46
	Germany	0.11351%	20.10-	27.19	23.64	12
	Greece	0.01014%	2.72-	3.68	3.20	3
	Iceland	0.00043%	1.06-	1.43	1.24	0
	Ireland	0.00664%	2.10-	2.84	2.47	6
	Italy	0.07070%	12.95-	17.52	15.23	11
	Liechtenstein	0.00014%	1.01-	1.36	1.18	0
	Luxembourg	0.00129%	1.20-	1.62	1.41	0
	Malta	0.00025%	1.03-	1.39	1.21	0
	Netherlands	0.00402%	1.75-	2.37	2.06	19
	New Zealand	0.00003%	1.02-	1.38	1.20	4
	Norway	0.00041%	1.08-	1.47	1.27	0
	Portugal	0.03170%	6.24-	8.44	7.34	4
	San Marino	0.00005%	0.99-	1.34	1.17	0
	Spain	0.04726%	9.01-	12.20	10.61	11
	Sweden	0.01526%	3.54-	4.79	4.17	1
	Switzerland	0.01664%	3.76-	5.08	4.42	1
	United Kingdom	0.08232%	14.86	20.11	17.49	28
		100.00%			350	285

Table 4: Gender balance of Professional Staff by Gender*

Status as at 31 March 2013

Judiciary			
<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	1	2	3
P-4	1	2	3
P-3	12	8	20
P-2	3	0	3
Office of the Prosecutor			
<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
USG	1	0	1
ASG	0	1	1
D-1	0	2	2
P-5	3	8	11
P-4	6	19	25
P-3	17	24	41
P-2	26	18	44
P-1	12	5	17
Registry			
<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG	1	0	1
D-1	1	3	4
P-5	7	9	16
P-4	16	23	39
P-3	25	31	56
P-2	37	19	56
P-1	4	2	6
Secretariat of the Assembly of States Parties			
<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-5	0	1	1
P-4	1	0	1
P-3	1	0	1
Secretariat of the Trust Fund for Victims			
<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-5	1	0	1
P-3	1	2	3
Project Director's Office			
<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-4	1	0	1
Grand Total			
	<i>F</i>	<i>M</i>	<i>Grand Total</i>
	178	182	360

* Including Elected Officials and Language Staff.

Table 5: Staff count, actual

As at 31 March 2013, the Court's staff count is as follows:

<i>Staff count</i>	
Established posts	690
Approved GTA	152
Interns	70
Visiting professionals	12
Consultants	47
Elected officials / Judges	21
Total	992

Table 6: Staff count, projected

Based on the approved budget for 2013, the current projection as at 31 March 2013 and on averages for interns, visiting professionals and consultants in previous years, the Court's headcount at the end of 2013 could be expected to be as follows:

<i>Staff count</i>	
Established posts ⁴¹	761
Approved GTA ⁴²	194
Interns ⁴³	78
Visiting professionals	6
Consultants	42
Elected officials / Judges	21
Total	1102

⁴¹ Vacancy rate not taken into account in the projection.

⁴² *Ibid.*

Table 7: Vacant posts - established posts

Status as at 31 March 2013

<i>Major Programme</i>	<i>Programme</i>	<i>Sub-Programme</i>	<i>Post Level</i>	<i>Post Title</i>	<i>Total</i>	<i>Comments</i>
MP I	Judiciary	Chambers	P-3	Legal Officer	1	Post vacated due to resignation.
			GS-OL	Research Assistant	1	Post vacated due to resignation.
MP II	Investigation Division	Planning & Operations Section	GS-OL	Field Operations Assistant	1	Post to be filled in 2013.
		Investigation Teams	P-3	Investigator (Financial and Arm Dealing)	1	Post to be filled in 2013.
			P-4	Financial Analyst	1	Post vacated due to resignation. Post to be redeployed. Post to be filled in 2013.
MP III	Office of the Registrar	Security and Safety Section	GS-OL	Personnel Security Officer	1	Post vacated due to resignation.
		Legal Advisory Services Section	P-2	Associate Legal Officer	1	Post vacated due to internal move.
		Office of Internal Audit	P-3	Internal Auditor	1	Post vacated due to internal move.
		Field Operations Section	GS-OL	Driver (CIV)	2	Post frozen in 2013 due to budgetary constraints.
			GS-OL	Driver (CAR)	1	Post frozen in 2013 due to budgetary constraints.
		Counsel Support Section	P-2	Legal Aid Fund Monitoring Specialist	1	Post vacated due to internal move.
	Common Administrative Services Division	Information and Communication Technologies Section	P-3	Systems Analyst	1	Post vacated due to internal move.
	Division of Court Services	Court Management Section	GS-PL	Senior Audio-Visual Assistant	1	Post blocked until further notice.
		Victims and Witnesses Unit	GS-OL	Field Protection/Operations Assistant (currently in CAR)	1	Post to be redeployed to Kenya. Post to be filled in 2013.
			GS-OL	Field Confidential Accounts Assistant (currently in CAR)	1	Post to be redeployed to Kenya. Post to be filled in 2013.
			GS-OL	Field Protection/Operations Assistant (currently in DRC)	1	Posts to be filled in 2013.
		Public Information and Documentation Section	GS-OL	Field Protection/Operations Assistant (currently in DRC)	1	Post to be redeployed to Uganda and reprofiled to Field Support Assistant. Post to be filled in 2013.
			P-3	Field Witness Officer	1	Post to be advertised and filled in 2013.
			P-2	Field Outreach Coordinator (CAR)	1	Post vacated due to resignation.
MP IV	Secretariat of the ASP	Secretariat of the ASP	P-2	Special Assistant to the Director	1	Post to be filled in 2013.
			GS-OL	Administrative Assistant	2	Posts vacated due to resignation.

Grand Total: 24 (1*)

Note: 47 posts are: under recruitment/recruitment completed (44) or advertised (3) as of 31 March 2013. 1 ASG post under MP2 is not currently under recruitment.

* 1 post, (Staff Council Officer) funding the Staff Council Representative, is no longer reported as vacant.

Table 8: Staffing: approved versus filled posts (excluding elected officials)

Status as at 31 March 2013

<i>Major Programme</i>	<i>Approved</i>	<i>Filled</i>	<i>Recruitment complete¹:</i>	<i>Under recruitment</i>	<i>Advertised not under recruitment</i>	<i>Vacant not advertised</i>	<i>% of established posts vacant</i>	<i>Vacancy Rate (%) of established posts</i>
[1]	[2]	[3]	[4]	[5]	[6]	[7]	$[(2-3)/2] \times 100$	$[(AVG(3)-2)/2] \times 100$
Judiciary								
Major Programme I	48	44	0	2	0	2	8.33%	8.33%
Office of the Prosecutor								
Major Programme II	214	200	0	11	0	3	6.54%	6.07%
Registry								
Major Programme III**	478	430	0	28	3	17	10.04%	10.04%
Secretariat of the ASP								
Major Programme IV	9	6	0	0	0	3	33.33%	33.33%
Secretariat of the TFV								
Major Programme VI	7	7	0	0	0	0	0.00%	0.00%
Project Director's Office								
Major Programme VII.1	3	3	0	0	0	0	0.00%	0.00%
Independent Oversight Mechanism								
Major Programme VII.5	2	0	0	2	0	0	100.00%	100.00%
Total ICC	761	690	0	43	3	25	9.33%	9.07%

Target recruitment	71
Under recruitment / Recruitment completed	43
Percentage of target	60.6%

* Recruitment completed: Indicates that the selected candidate has accepted the offer. Recruitment process has been finalised and the post is blocked until the arrival of the incumbent.

** In MP-III, 1 post not vacant as such but funding a Staff Council Representative.

Annex III

List of Documents

CBF/20/1	Provisional agenda
CBF/20/1/Add.1/Rev.2	Annotated list of items included in the provisional agenda
CBF/20/2	Registry's first quarterly report on monitoring and assessing the implementation performance of legal aid
CBF/20/3	Report of the Court on Procurement
CBF/20/4	Report of the Court on Contingency Fund Notifications 2013
CBF/20/5/Rev.1	Registry's single policy document on the Court's legal aid system
CBF/20/6	Report of the Court on Junior Professional Officers (JPO)
CBF/20/7	Report of the Court on the implementation of International Public Sector Accounting Standards
CBF/20/8	Report of the Court on human resources management
CBF/20/9	Report of the Court on its Working Capital Fund
CBF/20/10	Report of the Court on its Investment of Liquid Funds
CBF/20/11	Report of the Court on its Anti-Fraud and Whistleblower Policies
CBF/20/12	Report of the Court and the Secretariat of the Trust Fund for Victims on the Management of Exchange Rate Risks
CBF/20/13	Progress Report on the Transition Programme to the Permanent Premises
CBF/20/14	Report of the Court on analytic accountability
CBF/20/15	Report on activities and programme performance of the International Criminal Court for the year 2012
CBF/20/16	Eighth Status Report on the Court's progress regarding efficiency measures
CBF/20/17	Report of the Court on the assessment and review of asset replacement and write-off policies
CBF/20/18	Interim report on the activities of the Oversight Committee
CBF/20/19	Report on programme performance of the International Criminal Court as at 31 March 2013
CBF/20/20	Report of the Court on Public Information and Outreach Activities
CBF/20/21	Progress report of the Court on its organizational structure
CBF/20/21/Add.1	Review of Asset Replacement Policy
CBF/20/22	Report of the Court on the comprehensive review of the legal aid system
CBF/20/23	Concept paper of the Court on multi-year project funding

Annex IV

Report of the Court on Contingency Fund Notifications 2013⁴⁴

I. Extension of mandates of two judges and support staff and additional legal aid for the defence in the case of *Mr Germain Katanga and Mr Mathieu Ngudjolo Chui* in the situation in the Democratic Republic of the Congo, dated 17 December 2012

II. Continuation of pre-trial proceedings in the case of *Mr Laurent Gbagbo* in the situation in Côte d'Ivoire, dated 18 December 2012

A. Introduction

1. The Assembly of State Parties ("the Assembly") endorsed in its resolution ICC-ASP/11/Res.1 the recommendation of the Committee on Budget and Finance ("the Committee") that the International Criminal Court ("the Court") should, within 60 calendar days following a notification to access the Contingency Fund, send a written report to the Committee through its Chair, providing an update on the use of the resources requested in the notification.⁴⁵

2. The Court submitted the following notifications to the Committee:

(a) Notification of 17 December 2012 amounting to €311,087 for the further extension of the mandates of two judges and for support staff and additional legal aid for the defence in the case of *Mr Germain Katanga and Mr Mathieu Ngudjolo Chui* in the situation in the Democratic Republic of the Congo (Katanga/Ngudjolo notification); and

(b) Notification of 18 December 2012 amounting to €509,100 for the need to cater for the continuation of pre-trial proceedings in the case of *Mr Laurent Gbagbo* in the situation in Côte d'Ivoire (Gbagbo notification).

B. Budget performance for the Contingency Fund application

3. Two Contingency Fund notifications came into effect on 1 January 2013. The budget performance for each Contingency Fund application as at 28 February, within 60 days calendar days following the notifications, is detailed below in the order of the notifications to the Committee.

1. Katanga/Ngudjolo notification

4. Table 1 below provides actual expenditure as at 28 February in connection with the Contingency Fund application requested to further extend the mandates of two judges and for a limited number of support staff and additional requirements for legal aid for the defence teams in the case of *Mr Germain Katanga and Mr Mathieu Ngudjolo Chui* in the situation in the Democratic Republic of the Congo. Actual expenditure incurred as at 28 February is €0.07 million against the notified application amount of €0.31 million, or an implementation rate of 23.9 per cent. Legal aid has not yet been utilized because bills were not received in January and February.

⁴⁴ CBF/20/4.

⁴⁵ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eleventh session, The Hague, 4-22 November 2012* (ICC-ASP/11/20), vol.1, part III. A, ICC-ASP/11/Res. 1, section I para. 2. According to Regulation 6 of the Financial Regulations and Rules, two weeks after having notified the Chairperson of the Committee, the Registrar may enter into the corresponding commitments. Therefore, the expiry of the two-week period has been taken to represent the starting point for the reporting period.

Table 1: Budget performance for the Contingency Fund application for extension of the mandates of two judges and for support staff and additional legal aid for the defence in the case of Mr Germain Katanga and Mr Mathieu Ngudjolo Chui in the situation in the Democratic Republic of the Congo as at 28 February 2013 by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Actual Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs	168.2	61.4	36.5
Staff Costs			
General temporary assistance	31.1	13.1	42.1
Temporary assistance for meetings			
<i>Subtotal Other Staff Costs</i>	<i>31.1</i>	<i>13.1</i>	<i>42.1</i>
Travel			
Counsel for defence	111.8		
Counsel for victims			
<i>Subtotal Contractual Services</i>	<i>111.8</i>		
Other Miscellaneous Operating Costs			
<i>Subtotal General Operating Expenses</i>			
Supplies and Materials			
Equipment including Furniture			
Total	311.1	74.4	23.9

* Figures are subject to change.

2. Gbagbo notification

5. Table 2 below shows the actual expenditure as at 28 February 2013 in connection with the Contingency Fund application requested for support staff for seven months and legal aid for the defence and victims' teams needed to continue pre-trial proceedings in the case of *Mr Laurent Gbagbo* in the situation in Côte d'Ivoire. An amount of €0.25 million was incurred against the notified application amount of €0.51 million, translating into an implementation rate of 48.8 per cent. Support staff have been on board in Chambers since the beginning of January. Legal aid fees for the defence and victims' teams have been committed for the first six months.

Table 2: Budget performance for the Contingency Fund application for continuation of pre-trial proceedings in the case of Mr Laurent Gbagbo in the situation in Côte d'Ivoire as at 28 February 2013 by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Actual Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs			
Staff Costs			
General temporary assistance	108.7	21.3	19.6
Temporary assistance for meetings			
<i>Subtotal Other Staff Costs</i>	<i>108.7</i>	<i>21.3</i>	<i>19.6</i>
Travel			
Counsel for defence	330.0	193.4	58.6
Counsel for victims	70.4	33.7	47.9

<i>Subtotal Contractual Services</i>	<i>400.4</i>	<i>227.2</i>	<i>56.7</i>
Other Miscellaneous Operating Costs			
<i>Subtotal General Operating Expenses</i>			
Supplies and Materials			
Equipment including Furniture			
Total	509.1	248.4	48.8

* Figures are subject to change.
