


Twelfth session

The Hague, 20-28 November 2013

**Report on activities and programme performance of the
International Criminal Court for the year 2012***

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* Previously issued as CBF/20/15.

I. Introduction

1. This report details the main activities conducted by the International Criminal Court (“the Court”) in 2012 and provides an overview of its budgetary performance for that year. In addition, a detailed review of performance, by major programme, with reference to objectives, expected results, performance indicators, targets and achievements, is included in annexes I to VII. Annex VIII provides further details on the Court’s realization of its budgetary assumptions. Annexes IX and X provide indicators on the number of defendants, victims’ applications and duration of stay of witnesses managed by the Registry, as well as on the number of missions, documents and pages filed by the Office of the Prosecutor (the “OTP” or “the Office”) respectively.

2. The detailed descriptions of the activities in the first section of the report show that the Court undertook the activities projected for 2012, and managed to carry out various unforeseen activities, support for which was initially requested from the Contingency Fund but which will be entirely absorbed by the regular programme budget, as explained in Section IV of this report. These activities included the provision of legal aid for the defence of Mr Laurent Gbagbo in the situation in Côte d’Ivoire as well as the establishment of a small field presence; additional judicial activities in the situation in the Democratic Republic of the Congo (DRC) requiring the extension of the mandate of judges; activities in the situation in the Republic of Kenya (Kenya) related to the decision on the Confirmation of Charges, as well as a series of additional activities due to developments in the situations in the DRC (additional indictments), Libya, the Central African Republic (CAR) and Côte d’Ivoire. The work carried out by the Court as a result of these unforeseen activities is detailed in Section IV.

II. Main activities of the Major Programmes

A. Major Programme I – Judiciary

1. The Presidency

3. In 2012, the Presidency continued exercising its functions in its three main areas of responsibility: legal and judicial tasks, external relations and administration.

4. The Presidency Legal and Enforcement Unit (PLEU) was set up in early 2012, coinciding with a significant increase in legal and judicial tasks compared to the level of 2011. This included almost double the number of Presidency decisions issued, most of which were confidential. In addition, one enforcement agreement was concluded with a State and four Court-wide agreements were concluded with international organizations and States. The PLEU also facilitated the constitution of Chambers and supported meetings and plenaries of the judges. It also supported the administrative functions of the Presidency in the context of The Hague Working Group, Study Group on Governance (“SGG”), Cluster I: “Expediting the Judicial Process”, which included the successful adoption by the Assembly of States Parties (“the Assembly”) of the first ever Court-proposed amendment to the Rules of Procedure and Evidence (RPE). Finally, the Presidency continued its review of all inter-organ draft administrative policies.

5. In the area of external relations, the Presidency engaged intensively with States, with the Assembly and its subsidiary organs, intergovernmental and regional organizations and civil society in order to enhance cooperation with, awareness of, and support for the Court. The Presidency also led the inter-organ coordination of Court-wide external relations matters, for instance representation of the Court in discussions with the Assembly and its organs. As the public face of the Court, the President (or one of the Vice-Presidents acting on his behalf) conducted numerous high-level meetings with representatives of governments, legal communities and civil society from a wide range of countries and regions, mainly at the seat of the Court but also while on official missions. During the reporting period, members of the Presidency delivered speeches at several public events themed around the 10th anniversary of the entry into force of the Rome Statute. On 17 October 2012, the President addressed the United Nations Security Council during an open debate on “Peace and Justice with a Special Focus on the Role of the International Criminal

Court” – in what was the first ever appearance of a President of the Court before the Council.

6. In the area of administration, the Presidency continued its engagement in an inter-organ effort to create a comprehensive risk identification and management structure which will become fully operational in 2013. The Presidency also contributed to the revision and updating of the Court’s Strategic Plan which was shared with States and other external stakeholders towards the end of 2012. The Presidency remains heavily engaged, together with the other Organs of the Court, in synchronisation of the Court’s Programme Budget with its updated Strategic Plan. As regards strategic oversight of the Registry and coordination of inter-organ issues, the administrative team continued to engage with the Registry to further improve the Corporate Governance framework, including the continued development of the Management Control System (“MCS”). The administrative team, alongside the other Organs of the Court, also engaged extensively with the Assembly’s Study Group on Governance (“SGG”) throughout the year on a number of legal, administrative and managerial topics relevant to the Court’s operations, in particular Cluster II concerning the Court’s budget process. As in previous years, the administrative team remained actively involved in all inter-organ matters at the Court, coordinating and working alongside the other Organs on matters including, *inter alia*, preparation of the Court’s programme budget and a number of related reports and documents as well as the discussion of other budgetary matters in the Court’s Budget Working Group; cooperation with the Committee on Budget and Finance (“the Committee”) and the Assembly’s Budget Facilitator on a number of budgetary items; discussion and facilitation of strategic issues in Tricomm; and the coordination and facilitation of the monthly Coordination Council meetings.

2. Pre-Trial Division

7. Pre-Trial Chambers are currently seized of eight situations.¹ One new situation, in the Republic of Mali, was assigned to Pre-Trial Chamber II in July 2012. Although six judges are currently assigned to the Pre-Trial Division, one judge has not been called to serve on a full-time basis so the two Pre-Trial Chambers are composed of only five judges, one judge being assigned to both Pre-Trial Chambers. Two other judges are currently also assigned to Trial Chambers, one being assigned to two Trial Chambers and the other also participating in interlocutory appeals. The two remaining judges are also participating in interlocutory appeals and/or appeals on merits. It is therefore to be noted that only one judge in the Pre-Trial Division is involved solely in pre-trial issues, but in both Pre-Trial Chambers.

8. With regard to the situation in DRC, on 13 July 2012, Pre-Trial Chamber II issued a warrant of arrest against Sylvestre Mudacumura, alleged supreme commander of the *Forces Démocratiques pour la Libération du Rwanda* (FDLR), for war crimes committed in the Kivus (DRC), between January 2009 and September 2010. On the same day, Pre-Trial Chamber II also issued a second warrant of arrest, following the one already issued in August 2006, against Bosco Ntaganda, former alleged Deputy Chief of Staff of the *Forces Patriotiques pour la Libération du Congo* (FPLC), for war crimes committed in Ituri (DRC) between September 2002 and September 2003.

9. With regard to the situation in Uganda, on 9 March 2012, Pre-Trial Chamber II issued a decision on victims’ participation in proceedings related to the situation in Uganda, albeit not linked to the *Kony et al.* case.

10. With regard to the situation in the Central African Republic, on 23 October 2012, Pre-Trial Chamber II issued a decision authorizing the Board of Directors of the Trust Fund for Victims to proceed with specific activities with respect to victims of sexual and gender-based crimes in CAR.

¹Uganda, Democratic Republic of the Congo, Central African Republic, Darfur/Sudan, Kenya, Libya, Côte d’Ivoire and Mali.

11. With regard to the situation in Darfur/Sudan, on 1 March 2012, Pre-Trial Chamber I issued a warrant of arrest against Abdel Raheem Muhammed Hussein, Minister of National Defence in the Sudanese Government and former Sudanese President's Special Representative in Darfur, for war crimes and crimes against humanity.

12. With regard to the situation in Kenya, in the case against *William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*, Pre-Trial Chamber II issued its decision on the confirmation of charges on 23 January 2012, declining to confirm the charges against Mr Kosgey and confirming in part the charges against Messrs. Ruto and Sang. The requests by Messrs. Ruto and Sang for leave to appeal the decision were rejected by the Pre-Trial Chamber on 9 March 2012 and the case was sent to trial. With regard to the case against *Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, Pre-Trial Chamber II issued its decision on the confirmation of charges on 23 January 2012, declining to confirm all charges against Mr Ali and confirming in part the charges against Messrs. Muthaura and Kenyatta. The requests by Messrs. Muthaura and Kenyatta for leave to appeal the decision were rejected on 9 March 2012 and the case was sent to trial.

13. With regard to the situation in Libya, on 24 January 2012, Pre-Trial Chamber I issued a decision on victims' participation in proceedings related to the situation in Libya, not linked to the *Saif Al-Islam Gaddafi and Abdullah Al-Senussi* case. With regard to the *Saif Al-Islam Gaddafi and Abdullah Al-Senussi* case, on 3 February 2012, Pre-Trial Chamber I instructed the Registry to make arrangements with the Libyan authorities for a visit by court personnel to Mr Gaddafi. This visit took place on 3 March 2012. On 1 May 2012, Libya lodged an admissibility challenge and requested postponement of the surrender request concerning Mr Gaddafi. That postponement request was granted by Pre-Trial Chamber I on 1 June 2012.

14. Meanwhile on 17 April 2012, for the purposes of proceedings before the Court, Pre-Trial Chamber I appointed two counsels from the Office of Public Counsel for the Defence (OPCD) for Saif Al-Islam Gaddafi. At their request, on 27 April 2012, Pre-Trial Chamber I instructed the Registry to make arrangements with the Libyan authorities for a visit to Mr Gaddafi in Libya by a delegation from the Court, composed of members of the Registry and members of the OPCD. That delegation met with him on 7 June 2012 and was thereafter detained in Libya until 2 July 2012.

15. On 9 August 2012, Pre-Trial Chamber I requested Libya to file, no later than 7 September 2012, an update as to, *inter alia*, the status of the appointment of the Minister of Justice, Attorney-General and Prosecutor-General in Libya.

16. On 7 September 2012, Libya presented an interim report and requested leave to submit a more complete report on 28 September 2012. On 14 September 2012, Pre-Trial Chamber I decided to convene a hearing on 9 and 10 October 2012 on Libya's admissibility challenge. On 21 November 2012, Pre-Trial Chamber I rejected the request by Libya to revoke the appointment of counsel from the OPCD as counsel for Saif Al-Islam Gaddafi. On 7 December 2012, Pre-Trial Chamber I requested Libya to provide by 23 January 2013 the evidence on which it intended to rely for the purposes of its admissibility challenge and its submissions on a variety of issues, such as the domestic investigative steps and capacities of the Libyan authorities, the timeline for the proceedings and the anticipated contours of the case at the national level.

17. On 10 December 2012, Pre-Trial Chamber I instructed the Registrar to remind Libya of its obligation to surrender Abdullah Al-Senussi to the Court and requested Libya to confirm the extradition of Mr Al-Senussi from Mauritania to Libya and to provide the name of the detention centre in which he was being held and information about his state of health.

18. With regard to the situation in Côte d'Ivoire, following provision by the Prosecutor of further information regarding potentially relevant crimes committed between 2002 and 2010, on 22 February 2012, Pre-Trial Chamber III decided to expand its authorization for the investigation in Côte d'Ivoire to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010.

19. With regard to the case against Laurent Gbagbo, on 24 January 2012, after establishing a disclosure system between the parties, Pre-Trial Chamber I issued several decisions establishing a system of collective applications for victims to apply to participate

in the proceedings and subsequently, on 4 June 2012, granted participatory rights to 139 victims, represented by the Office of Public Counsel for Victims (OPCV), in relation to the confirmation of charges hearing. On 15 August 2012, Pre-Trial Chamber I rejected the jurisdiction challenge presented by the Defence on 29 May 2012.

20. The confirmation of charges hearing was initially set to start on 18 June 2012 but was postponed twice at the request of the Defence to ensure proper preparation and to consider whether Mr Gbagbo was fit to take part in proceedings before the Court. Three experts were appointed by the Chamber to that effect in June 2012 and participants were asked to present their observations on the expert reports submitted in July 2012. A hearing on the specific issue of fitness took place on 24 and 25 September and on 2 November 2012, Pre-Trial Chamber I decided that Mr Gbagbo was fit to take part in the proceedings before the Court. A Defence application for leave to appeal that decision was rejected on 29 November 2012 and on 14 December 2012, Pre-Trial Chamber I decided that the confirmation of charges hearing would start on 19 February 2013.

21. With regard to the case against Simone Gbagbo, Pre-Trial Chamber III issued a warrant of arrest under seal against her on 29 February 2012. That warrant was unsealed on 22 November 2012. Simone Gbagbo continues, for the moment, to be detained in Côte d'Ivoire.

3. Trial Division

22. Some important developments took place in 2012: the first two judgments pursuant to article 74 of the Statute were delivered in the *Lubanga* and *Ngudjolo* cases. The first decision on reparations was issued (*Lubanga* case). In addition, a Trial Chamber conducted a judicial site visit in the *Katanga and Ngudjolo* case and three victims were authorised to present their views and concerns in person in the *Bemba* case.

23. The Trial Chambers are seized of six cases. Although five judges are currently assigned to the Trial Division, two judges have not yet been called to serve on a full time basis; two judges of the Pre-Trial Division have been assigned to a Trial Chamber and the mandate of five judges was extended to enable them to complete ongoing trials in the *Lubanga*, *Katanga*, *Ngudjolo* and *Bemba* cases. This brings the number of judges involved in trials to eight and the number of Trial Chambers to five. It should be noted that five judges are currently members of more than one Chamber simultaneously (either as members of two Trial Chambers or as member of a Pre-Trial Chamber and a Trial Chamber, or two Trial Chambers and a Pre-Trial Chamber).

24. In the *Lubanga* trial (DRC Situation), Trial Chamber I delivered its judgment (Decision pursuant to Article 74 of the Statute) on 14 March 2012. The Chamber found that Mr Thomas Lubanga Dyilo, as the President and Commander-in-Chief of the *Union des patriotes congolais*, was criminally responsible, as a co-perpetrator, for the crimes of enlisting and conscripting children under the age of fifteen years and using them to participate actively in hostilities in the context of an armed conflict not of an international character in Ituri between September 2002 and August 2003. On 10 July 2012, Trial Chamber I sentenced Mr Lubanga to 14 years imprisonment pursuant to article 76 of the Statute. The decision establishing the reparations principles and procedures pursuant to article 75 of the Statute was issued on 7 August 2012.

25. The trial of *Germain. Katanga and Mathieu Ngudjolo* (DRC situation) started on 24 November 2009. Mr Katanga and Mr Ngudjolo Chui are two alleged former leaders of armed groups active in the Ituri region of the DRC. They are both charged with seven counts of war crimes and three counts of crimes against humanity. The crimes were allegedly committed in connection with the attack on the village of Bogoro on 24 February 2003.

26. Following the close of the presentation of evidence by the defence on 11 November 2011, Trial Chamber II conducted a judicial site visit to Bogoro and its surroundings in the Ituri region of the DRC on 18 and 19 January 2012, the first visit of this kind undertaken by a Chamber of the Court. The presentation of the evidence was formally declared closed on 7 February 2012. The prosecution and the legal representatives of victims submitted their written closing briefs on 24 February, and the defence on 30 March 2012. The Trial

Chamber heard closing oral statements in public between 15 and 23 May 2012. During the course of the trial, the prosecution called 24 witnesses and presented 261 pieces of evidence. Two victims testified at the request of one of the common legal representatives. The first accused, Mr Katanga, called 17 witnesses to testify, including three witnesses in common with the second accused, and tendered 240 items of evidence. Mr Ngudjolo called 11 witnesses to testify and tendered 132 items of evidence. Both accused testified during the presentation of their defence case. The Chamber issued a total of 168 oral and 387 written decisions during the course of the trial. In 2012, Trial Chamber II issued 33 written decisions and orders (including the judgment but excluding annexes, transcript redaction orders, corrigenda and redacted versions) and delivered two oral decisions. 366 victims, represented by two teams of legal representatives, participated in the proceedings.

27. On 21 November 2012, Trial Chamber II issued a majority decision notifying the parties and participants that it was contemplating recharacterizing the mode of liability under which Mr Katanga stood accused, on the basis of regulation 55 of the Regulations of the Court (RoC). The same decision severed the case against Mr Ngudjolo. The Judgment pursuant to Article 74 of the Statute in respect of Mr Ngudjolo was delivered on 18 December 2012. The Chamber acquitted Mr Ngudjolo of all the charges against him and ordered his immediate release.

28. The presentation of evidence in the *Bemba* trial (CAR situation), which started on 22 November 2010 before Trial Chamber III, continued in 2012. Mr Bemba, as President of the *Mouvement de Libération du Congo*, is allegedly responsible, under article 28(a) of the Statute, for murder and rape (constituting crimes against humanity and war crimes), and pillaging (constituting a war crime), allegedly committed in the CAR between 26 October 2002 and 15 March 2003. Following the close of the prosecution's presentation of evidence on 20 March 2012, two victims were authorised to testify in May 2012. Three further victims presented their views and concerns by video-link in June 2012, a first at the Court. The defence started presenting its evidence on 14 August 2012. The defence plans to call approximately 60 witnesses within a total timeframe of up to eight months set by the Trial Chamber. By the end of 2012, the Chamber had heard 14 defence witnesses.

29. On 21 September 2012, the Chamber gave notice to the parties and participants that, pursuant to regulation 55 of the RoC, the Chamber may modify the legal characterization of the facts to consider the alternate form of knowledge contained in article 28(a)(i) of the Statute. On 13 December 2012, the Chamber decided to suspend the hearings until 4 March 2013, pursuant to regulation 55 of the RoC, in order to give the accused sufficient time for the effective preparation of his defence.

30. On 5 November 2012, the Chamber issued its last decision on applications by victims to participate in the proceedings. A total of 5,229 victims, represented by two teams of legal representatives, are participating in the *Bemba* case.

31. In 2012, Trial Chamber III issued 97 decisions and orders (including annexes but excluding transcript redaction orders, corrigenda and redacted versions) and delivered 67 oral decisions. A total of 20 witnesses (four prosecution witnesses, two victims and 14 defence witnesses) testified. The Chamber sat for 82 days.

32. In the *Banda and Jerbo* case (situation in Darfur, Sudan), Trial Chamber IV was recomposed on 16 March 2012. It is alleged that Mr Banda and Mr Jerbo, as commanders of the Justice and Equality Movement Splinter Group and the Sudan Liberation Army-Unity, were responsible as co-perpetrators under article 25(3)(a) of the Statute for the crimes of violence to life, intentionally directing attacks against a peacekeeping mission and pillaging (constituting war crimes), committed during the attack on the African Union Mission in Sudan site "MGS Haskanita" in Darfur on 29 September 2007. On 6 January 2012, the defence requested a temporary stay of the proceedings, submitting that the political and security situation in Darfur, Sudan, made it impossible for the accused to present an effective defence. On 11 and 12 July 2012, the Chamber held a hearing and status conference with both parties and the Registry in order to deal with a number of issues relating to the defence request for a stay of the proceedings and other relevant matters. On 26 October 2012, following extensive submissions by the parties and victims' legal representatives, Trial Chamber IV issued a decision rejecting the defence request for a temporary stay of proceedings.

33. The Chamber issued a decision on the common legal representation of victims on 25 May 2012, confirming the Registrar's choice of common legal representatives in the case.

34. The Chamber held six status conferences, issued 23 written decisions and orders and delivered four oral decisions in 2012. Preparation continued with a view to setting a realistic trial date. However, given the existing issues concerning disclosure, Zaghawa translation/interpretation and cooperation, a trial date could not be determined in 2012.

35. On 29 March 2012, the Presidency constituted Trial Chamber V and referred to it the *Ruto and Sang* case (Kenya situation). Mr Ruto is the former Minister of Higher Education, Science and Technology of the Republic of Kenya, and Mr Sang, the former head of operations at Kass FM in Nairobi. Mr Ruto is charged with responsibility as an indirect co-perpetrator under article 25(3)(a) of the Statute and Mr Sang as a contributor to a group acting with a common purpose under article 25(3)(d) of the Statute for the following crimes against humanity which were allegedly committed in Kenya in the context of post-election violence from 30 December 2007 to 16 January 2008: murder, deportation or forcible transfer and persecution. Trial Chamber V held the initial status conference pursuant to rule 132(1) of the Rules of procedure and Evidence (RPE) on 11 June 2012, in order to set the date for trial. On 9 July 2012, the Chamber issued a decision on the schedule leading up to trial, setting a number of interim deadlines for filings required from the parties before trial and fixing the date for the commencement of trial as 10 April 2013. The Trial Chamber issued decisions dealing, *inter alia*, with the protocol on contacts with opposing party witnesses, a protocol on redactions, witness preparation ("proofing"), the amended Document Containing the Charges, and a number of decisions on redactions and disclosure. In addition, the Chamber received submissions from the parties on a number of issues, including the law of indirect co-perpetration under article 25(3)(a) of the Statute and regulation 55 of the RoC.

36. On 3 October 2012, the Chamber issued a decision establishing a differentiated procedure for victims' participation in the proceedings and modalities for their representation. A decision appointing a common legal representative was issued on 23 November 2012. As at the end of 2012, 327 victims are participating in the proceedings. Trial Chamber V held three status conferences in 2012 and issued 26 written decisions or orders and nine oral decisions.

37. The *Muthaura and Kenyatta* case (Kenya situation) was referred to Trial Chamber V on 29 March 2012. Mr Muthaura is the former Head of the Public Service and Secretary to the Cabinet of the Republic of Kenya, and Mr Kenyatta, the Deputy Prime Minister and former Minister for Finance of the Republic of Kenya. They are charged with responsibility as indirect co-perpetrators under article 25(3)(a) of the Statute for the following crimes against humanity which were allegedly committed in Kenya in the context of post-election violence from 24 to 27 January 2008: murder, deportation or forcible transfer, rape, other inhumane acts and persecution. On 12 June 2012, Trial Chamber V held the initial status conference pursuant to rule 132(1) of the RPE in order to set the date for trial. On 9 July 2012, the Chamber issued a decision on the schedule leading up to trial, setting a number of interim deadlines for filings required from the parties before trial and fixing the date for the commencement of trial as 11 April 2013. The Trial Chamber has issued decisions dealing, *inter alia*, with the protocol on contacts with opposing party witnesses, a protocol on redactions, witness preparation ("proofing"), the amended Document Containing the Charges, and a number of decisions on redactions and disclosure. As in the *Ruto and Sang* case, the Chamber received submissions from the parties on a number of additional issues, including the law of indirect co-perpetration under article 25(3)(a) of the Statute and regulation 55 of the RoC.

38. On 3 October 2012, the Chamber issued a decision establishing a differentiated application procedure for victims' participation in the proceedings and modalities for their representation. A decision appointing a common legal representative was issued 20 November 2012. As at the end of 2012, 233 victims were participating in the proceedings. Trial Chamber V held four status conferences in 2012 and issued 41 written decisions or orders and nine oral decisions.

4. Appeals Division

39. In 2012, the Appeals Chamber heard 12 interlocutory appeals, resulting in a workload that was comparable to 2011 (in 2011, 19 interlocutory or similar proceedings were lodged). The efficiency of the Appeals Chamber in addressing interlocutory appeals remained at a high level. On average, in 2012, it took 58 days from the filing of the document in support of the appeal to delivery of the judgment, compared to averages of 133 days in 2009, 92 days in 2010 and 47 days in 2011.

40. In addition, the first appeals against decisions on acquittal, conviction, sentencing and reparations reached the Appeals Chamber in 2012, marking an important development and leading to a significant increase of the overall workload of the Appeals Chamber.

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

41. In the case of *Thomas Lubanga Dyilo*, the Appeals Chamber received appeals against the Trial Chamber's "Judgment pursuant to Article 74 of the Statute" of 14 March 2012 and against the "Decision on Sentence pursuant to Article 76 of the Statute" of 10 July 2012 (note that the Trial Chamber had ordered that for the defence, the time limit for appealing those decisions should commence only with the notification of their translations into French). The Appeals Chamber has ruled on preliminary matters in respect of these appeals and will consider the merits once the responses to the documents in support and the victims' observations and responses thereto have been filed.

42. In addition, the Appeals Chamber received appeals against the Trial Chamber's decision in relation to reparations of 7 August 2012. On 14 December 2012, the Appeals Chamber ruled on the admissibility of those appeals and determined the further conduct of the proceedings.

(b) ***The Prosecutor v. Mathieu Ngudjolo Chui (ICC-01/04-02/12)***

43. In the case of *Mathieu Ngudjolo Chui*, the Appeals Chamber was seized of an appeal lodged by the Prosecutor against the Trial Chamber's decision of 18 December 2012 to acquit Mr Ngudjolo Chui. The appeal is currently pending before the Appeals Chamber. Furthermore, the Prosecutor appealed against the Trial Chamber's decision rejecting her request that Mr Ngudjolo Chui remain in detention pending the appeal against the acquittal; this appeal, however, was subsequently discontinued by the Prosecutor.

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

44. In the case of *Jean-Pierre Bemba Gombo*, on 5 March 2012, the Appeals Chamber rejected Mr Bemba Gombo's appeal against the decision of Trial Chamber III of 6 January 2012 and further rejected his request for interim release.

(d) ***The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang (ICC-01/09-01/11)***

45. In the case of *William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*, on 24 May 2012, the Appeals Chamber rejected the appeals lodged against Pre-Trial Chamber II's decision of 23 January 2012 on the confirmation of charges. The Appeals Chamber found that the appeals, which claimed to be directed against a "decision with respect to jurisdiction", did not, in fact, raise matters relating to the jurisdiction of the Court and were therefore inadmissible.

(e) ***The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali (ICC-01/09-02/11)***

46. In the case of *Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, on 24 May 2012, the Appeals Chamber rejected the appeal lodged against Pre-Trial Chamber II's decision of 23 January 2012 on the confirmation of charges. The Appeals Chamber found that the appeal, which claimed to be directed against a "decision

with respect to jurisdiction”, did not, in fact, raise matters relating to the jurisdiction of the Court and was therefore inadmissible.

(f) *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi (ICC-01/11-01/11)*

47. In the case of *Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, on 9 March 2012, the Appeals Chamber rejected as inadmissible an appeal lodged by Ms Mishana Hosseinioun against the decision of Pre-Trial Chamber I of 2 February 2012, rejecting her request to make submissions on the case under rule 103 of the RPE.

48. On 25 April 2012, the Appeals Chamber rejected as inadmissible an appeal brought by Libya against the decision of Pre-Trial Chamber I of 4 April 2012 on the request to postpone the surrender of Mr Gaddafi.

49. On 12 June 2012, the Appeals Chamber rejected the request of Mr Gaddafi to disqualify from the case against him the then-Prosecutor, Mr Luis Moreno-Ocampo. The Appeals Chamber found, *inter alia*, that while some of the Prosecutor’s behaviour relied upon by Mr Gaddafi in support of the request was inappropriate, it did not amount to grounds for his disqualification.

(g) *The Prosecutor v. Laurent Koudou Gbagbo (ICC-02/11-01/11)*

50. In the case of *Laurent Koudou Gbagbo*, on 26 October 2012, the Appeals Chamber rejected, by a majority vote, Mr Gbagbo’s appeal against the decision of Pre-Trial Chamber I of 13 July 2012, rejecting his request for interim release.

51. On 12 December 2012, the Appeals Chamber rejected Mr Gbagbo’s appeal against the decision of Pre-Trial Chamber I of 15 August 2012 on the challenge to the Court’s jurisdiction and the request to stay the proceedings. Notably, the Appeals Chamber found that the Pre-Trial Chamber had not erred in finding that the Court had jurisdiction over the case against Mr Gbagbo, based on Côte d’Ivoire’s 2003 declaration accepting the Court’s jurisdiction

5. Liaison Offices

52. The New York Liaison Office (NYLO) continued to provide support to all organs of the Court, including the subsidiary bodies of the Assembly in New York. The Office participated in numerous United Nations meetings of relevance to the Court and held consultations with Organization officials, the Court’s stakeholders and other interested parties in New York. The Office assisted in organizing the annual UN-ICC Roundtable 2012, and represented the Court in the working groups and annual meeting of the World Bank Partners in Law Justice and Development.

53. The Office’s most significant activities included:

(a) Corresponding with and disseminating information to the UN Secretariat, its organs and agencies as well as Permanent Missions to the United Nations, intergovernmental organisations and non-governmental organisations based in New York on matters relating to the work of the Court;

(b) Representing the Court at various conferences, workshops and seminars held in New York and Washington DC, in which issues relevant to the work of the Court were discussed.

(c) Liaising with States Parties to ensure mainstreaming of the Court in the work of the United Nations, by means, for instance, of the inclusion of references to the Court and justice in General Assembly and Security Council reports, resolutions and decisions;

(d) Providing technical support to meetings of the Bureau and the New York working group;

(e) Transmitting relevant Court decisions to the United Nations Secretary-General and to the Permanent Missions in New York; and

(f) Following up and reporting back to the Court on the status of various requests for cooperation from the United Nations.

B. Major Programme II – The Office of the Prosecutor

54. The Office of the Prosecutor (“the OTP”) had its most active year in 2012 and has, as in previous years, exceeded its assumptions. In 2012, the Investigation Division advanced seven active investigations, maintained nine residual investigations and met deadlines and collection objectives as feasible with the available resources. As regards preliminary examination of potential situations, the Office of the Prosecutor analysed a total of nine situations. In the area of trials, the assumptions were met in full.

55. The Prosecutor exercised utmost care in his financial planning in accordance with the recommendations of the Committee and the Assembly resolutions, carefully prioritizing activities and exercising due diligence so as to contribute, through savings, to reducing the additional financial needs of the Court as a whole.

56. The Office of the Prosecutor performed all the activities that were foreseen in the assumptions, although the budget cuts approved by the Assembly led to a tangible strain on operations, stretching the Office to the very limit. The ideal situation would have been to have full teams and to move at maximum pace on all the cases simultaneously but that would have required more resources than those that were approved.

57. The rotational model that moves staff between teams depending on phases, workload and case priorities represented significant savings. In addition, the OTP has made recurring efficiency savings. Transcription has been outsourced, thus making savings in the region of €600,000 to offset other needs. Economy class for flights of over nine hours has resulted in savings in the region of €1 million compared to UN business class standards. Longer missions save the costs of more frequent flights and this measure brought savings in the region of €150,000.

58. The rotational model is, however, at the limit of flexibility for the caseload and has not been without its hidden costs in 2012. The eight per cent General temporary Assistance (GTA) vacancy rate and lack of funds to honour UN Common System commitments caused the OTP to freeze recruitment across the board. This resulted in reduced staffing by, for example, 4.7 per cent in the investigation division in addition to the eight per cent vacancy rate for budgeted posts. The result was a slowing down of investigations and prosecutions. Staff have spent more time in the field and working more weekends, resulting in compensatory time off to prevent burn-out and maintain wellbeing. The hidden cost, however, is that accrued annual leave has increased by six per cent since 2010.

59. The Office of the Prosecutor continued in 2012 to actively monitor national proceedings in various countries so as to ensure that alleged crimes were investigated and, where warranted, subsequently prosecuted and tried. This contributes to efforts to end impunity for core international crimes without expanding the Court’s activities and financial resources. The Office intends to continue this strategy in the current and following years.

60. Information on the number of missions, documents and pages filed in the cases of the Office of the Prosecutor in 2012 is given in annex X.

1. Preliminary examination activities

61. During 2012, the Office completed its preliminary examination of the situation in Palestine and opened one preliminary examination on the situation in Mali, based on the referral of the situation by the government of Mali in July 2012.

62. In addition to monitoring open-source material, the Office of the Prosecutor received, acknowledged and analysed 509 new communications received under article 15 of the Rome Statute.

63. On 22 November 2012, the Office published a comprehensive report on its preliminary examination activities. On 14 November 2012, the Office published an interim report on its preliminary examination of the situation in Colombia.

64. The Office of the Prosecutor conducted in-depth examinations of situations in various countries, including:

2. Afghanistan

65. The Office continued to gather and analyze information from multiple sources on alleged crimes committed in Afghanistan since 1 May 2003. The Office sought to verify the seriousness of information received in connection with a large number of alleged crimes, including killings, torture, attacks on humanitarian targets and the UN, attacks on protected objects, and the recruitment of child soldiers. The Office has encountered challenges in obtaining the detailed information required to conduct a proper legal assessment of each reported incident and to attribute responsibility to specific perpetrators.

66. The Office maintains contact with experts, civil society organisations, Afghan Government officials, UN officials, and States contributing to the International Security Assistance Force (ISAF) with a view to gathering additional information.

3. Colombia

67. On 14 November 2012, the Office published an interim report on the situation in Colombia. During 2012, the Office continued to gather and analyze information on national investigations and prosecutions in Colombia, in particular concerning leaders of illegal armed groups, senior paramilitary leaders, police and army officials, and politicians with alleged links to armed groups. In each case, the Office seeks to determine whether the proceedings focus on or include persons bearing the greatest responsibility for the crimes committed, and whether the proceedings are genuine, in accordance with article 17 of the Rome Statute. The Office also gathered and analyzed information in connection with the alleged commission of additional crimes in Colombia, seeking to ascertain, in particular, whether various groups may be responsible for committing war crimes since 1 November 2009, the date on which the Court assumed jurisdiction over war crimes committed on the territory of Colombia or by its nationals.

68. The Office has been in close contact with the Colombian authorities, which have provided a significant volume of information on national proceedings. The Office has also been in contact with various non-governmental organizations (“NGOs”) working on the situation in Colombia. In the context of the ongoing examination, the Office continues to engage the Colombian authorities in line with its positive approach to complementarity, and to encourage other states, international organizations and civil society to do so as well.

4. Georgia

69. The Office continued to gather and analyze information regarding progress made in national proceedings in connection with alleged crimes committed during the August 2008 conflict in Georgia. The Investigative Committee of the Russian Federation and the Chief Prosecutor of Georgia have been conducting separate investigations into incidents that could constitute crimes falling within the Court’s jurisdiction. The proceedings have been the subject of regular consultations between the Office and the competent national authorities, with a view to assessing whether they are actually willing and able to bring the perpetrators of crimes to justice. Both authorities have provided the Office with a significant amount of information and evidence concerning the progress made in these investigations, the methodology followed, and their preliminary findings.

5. Palestine

70. On 3 April 2012, the Office made public its determination on whether the declaration lodged by the Palestinian National Authority under article 12(3) of the Rome Statute on 22 January 2009 accepting the jurisdiction of the Court met statutory requirements.

71. In interpreting and applying article 12 of the Rome Statute, the Office assessed that it was for the relevant bodies at the United Nations or the Assembly of States Parties to

make the legal determination as to whether Palestine qualified as a State for the purpose of acceding to the Rome Statute, thereby enabling the exercise of jurisdiction by the Court. In its view, the Rome Statute gives the Office of the Prosecutor no authority to adopt a method to define the term “State” under article 12(3) which would be at variance with that established for the purpose of article 12(1).

6. Nigeria

72. The Office of the Prosecutor has been focusing on alleged crimes committed in the Delta region of central Nigeria (in particular Plateau State and Kaduna State) and more recently in northern Nigeria and Abuja (in relation to attacks attributed to the Islamist militant group, Boko Haram). The Office is analysing whether the alleged crimes fall within the Court’s subject-matter jurisdiction. The Office has engaged constructively with the Nigerian authorities and with local and international NGOs. The Prosecutor and senior officials from the Office of the Prosecutor visited Nigeria in July 2012 and met with President Jonathan, the Federal Justice Minister and Attorney General, the Inspector General of Police, officials from Plateau and Kaduna States as well as the various panels investigating sectarian violence in Nigeria.

73. The Office has determined that there is a reasonable basis to believe that crimes against humanity have been committed in Nigeria, namely acts of murder and persecution attributed to Boko Haram. Therefore, the Prosecutor has decided that the preliminary examination of the situation in Nigeria should advance to phase 3 (admissibility) with a view to assessing whether the national authorities are conducting genuine proceedings in relation to those who appear to bear the greatest responsibility for such crimes, and the gravity of such crimes.

7. Republic of Korea

74. The Office has continued to seek additional information from relevant sources, focusing its activities on ascertaining factual issues that are necessary to determine whether the sinking of the *Cheonan* and the attack on Yeonpyeong Island could amount to war crimes under the Rome Statute, and whether they derive from a policy. The Office has considered in particular the findings of international investigations into the two incidents, including two reports by the UN Command.

8. Guinea

75. In accordance with its policy on positive complementarity, the Office has sought to encourage national proceedings in order to bring to account those bearing the greatest responsibility for the alleged crimes committed on 28 September 2009 in Conakry. On 1 February 2012, judicial authorities in Guinea indicted Lt-Col Tiegboro Camara, Minister for the Special Services, Drug Control and Organized Crime units, for the crimes committed on 28 September 2009. That indictment came after four other indictments issued against other suspected perpetrators.

76. The Office conducted a mission to Guinea in April 2012, to examine progress made in the national investigation being carried out by Guinean judges. The former Deputy Prosecutor, as well as senior officials of the Office, met with Government officials, representatives of the judiciary and civil society, as well as victims and victims’ associations

9. Honduras

77. The Office continued to gather and analyze information in order to determine whether the alleged human rights violations following the 28 June 2009 coup d’etat constituted crimes falling within the Court’s jurisdiction. The Office has gathered information on the situation in Honduras from multiple sources, including the Truth and Reconciliation Commission, the Inter-American Commission of Human Rights, the Office of the High Commissioner for Human Rights as well as international and national NGOs. .

10. Mali

78. On 18 July 2012, the Government of Mali wrote to the Office of the Prosecutor to refer “the situation in Mali since January 2012” and requesting an investigation to determine whether one or more persons should be charged for crimes committed. The Government of Mali also provided documentation in support of the referral. Accordingly, the Office initiated a preliminary examination to assess whether the Rome Statute criteria for the opening of an investigation were fulfilled. The Office conducted two missions to Mali, in August and October 2012, in order to evaluate information and sources in accordance with article 15, and to evaluate and enhance cooperation prospects with Malian stakeholders. On 16 January 2013, as a result of the preliminary examination, the Prosecutor announced the opening of an investigation into the situation.

11. Investigative and prosecutorial activities

79. In the context of the Uganda situation, the Office of the Prosecutor continued to monitor, gather information and analyze crimes allegedly committed since arrest warrants were issued in July 2005 against Lord’s Resistance Army (“LRA”) leaders Joseph Kony, Okot Odhiambo and Dominic Ongwen, including reports of crimes committed by other parties such as the Ugandan People’s Defence Force (“UPDF”). The Office continues to encourage proceedings in relation to both parties to the conflict and to promote action to implement the Court’s warrants against LRA leaders Joseph Kony, Okot Odhiambo and Dominic Ongwen.

80. In the situation in the Democratic Republic of the Congo, the Office of the Prosecutor has continued to litigate in two ongoing cases, finalized the litigation in another, successfully applied for an arrest warrant in another case, and continued to investigate in other cases and to campaign for the arrest of two fugitives.

81. In *The Prosecutor v. T. Lubanga Dyilo*, the Chamber delivered its judgment on 14 March 2012, convicting the Accused of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities. On 10 July 2012, the Chamber sentenced the Accused to a term of imprisonment of 14 years. On 3 December 2012, the Office filed its appeal against the sentence.

82. In *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, the closing statements were held from 15 to 23 May 2012. On 21 November 2012, the Chamber severed the cases against the two Accused and issued a notice pursuant to regulation 55 of the Regulations of the Court indicating that it might change the legal characterization of the facts in the case against Germain Katanga. The Office will continue to litigate the issues arising in this case during 2013. On 18 December 2012, the Chamber delivered its judgment in the case against Mathieu Ngudjolo, acquitting him of all the charges. The Office is presently preparing an appeal of that decision which is due on 18 March 2013.

83. In *The Prosecutor v. Callixte Mbarushimana*, the Office unsuccessfully appealed against the decision of the Pre-Trial Chamber not to confirm the charges against the Accused.

84. In *The Prosecutor v. Sylvestre Mudacumura*, the Office applied for a warrant of arrest on 13 June 2012. The Pre-Trial Chamber issued the warrant on 13 July 2012, charging Mudacumura with nine counts of war crimes, including murder, mutilation, cruel treatment, rape, torture, destruction of property, pillaging and outrages against human dignity.

85. In *The Prosecutor v. Jean-Pierre Bemba Gombo*, the Office continued participating in the trial. The Prosecution finished presenting its case in early 2012 and the Defence began presenting its case in August 2012.

86. In relation to this case and to the ongoing investigations in the Kivu provinces of the DRC, the Office performed 34 investigative missions in seven countries in 2012, including six to the DRC and 22 to Rwanda. The Office further continued assisting the German judicial authorities with their cases against Ignace Murwanashyaka and Straton Musoni and cooperating with regional States – in implementation of its positive complementarity strategy – in their efforts to bring to justice the perpetrators of the crimes under its

jurisdiction. The continued investigative activities in the Kivus led to the request of an arrest warrant for Sylvestre Mudacumura, which the Pre-Trial Chamber granted on 13 July 2012.

87. While the charges brought by the Prosecution against Callixte Mbarushimana were not confirmed, the Prosecution continues its investigation in the region in relation to the FDLR, as demonstrated by the arrest warrant issued against Sylvestre Mudacumura on 13 July 2012. This investigation continues to be conducted in cooperation with several States including the DRC, Rwanda, Germany and France, in a spirit of positive complementarity.

88. The Office's investigation also continued in relation to alleged crimes committed by Bosco Ntaganda, leading to a new arrest warrant issued by the Judges on 13 July 2012.

89. In the context of the situation in Darfur/Sudan, the Office of the Prosecutor continued to monitor crimes committed since arrest warrants were issued for Ahmad Harun and Ali Kushayb on 27 April 2007 and for Omar Hassan Ahmad Al Bashir on 4 March 2009 and 12 July 2010, and Abdelrahman Hussein in March 2012.

90. The Office also continued with preparations for the trial of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus, due to start on 5 May 2014.

91. The Office made 20 missions to eight States in relation to the ongoing investigations in the Darfur situation.

92. In accordance with United Nations Security Council Resolution 1593 (2005), the Prosecutor reported twice to the United Nations Security Council, in June and December 2012, on the progress of his Office's investigation.

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

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

95. In the situation in the Republic of Kenya, following the 23 January 2012 decision of Pre-Trial Chamber II confirming the charges against Francis Kirimi Muthaura, Uhuru Muigai Kenyatta, Joshua Sang and William Samoei Ruto for crimes against humanity committed in the context of the 2007-2008 post-election violence in Kenya, the Office of the Prosecutor continued its investigation. Pursuant to Trial Chamber V's decision of 9 July 2012, the trial is expected to commence on 10 April 2013.

96. The OTP, in cooperation with a wide range of partners, is monitoring and investigating attempts to expose, intimidate or otherwise tamper with perceived International Criminal Court witnesses.

97. The Office of the Prosecutor continued with the investigation in Libya, referred by the United Nations Security Council on 26 February 2011 and continues to identify compelling evidence of crimes committed by individuals, many of whom have since fled Libya.

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

99. On 19 November 2011, Saif Al-Islam Gaddafi was arrested by forces associated with the National Transitional Council, in whose custody he remains. The National Transitional Council has maintained its public and private stance that it intends to investigate and prosecute Saif Al-Islam Gaddafi, including for crimes which are the subject of the arrest warrant issued by the International Criminal Court.

100. During the reporting period, the OTP reported twice to the Security Council, in May and November 2012, on the progress of his Office's investigation in the situation in Libya.

101. The Office has remained in contact with the Libyan authorities to monitor their progress in the national proceedings against Saif Al-Islam; there have been several filings

by the parties and it will be for the Chamber to decide on the issue. Abdullah Al-Senussi was arrested and transferred to Libya in September 2012. As at the date of this report, no submissions have been filed with the Chamber.

102. In the Côte d'Ivoire situation, the Office of the Prosecutor continued its investigations following the decision of Pre-Trial Chamber III of 3 October 2011 to grant the OTP authorization to open an investigation into war crimes and crimes against humanity allegedly committed in Côte d'Ivoire since 28 November 2010, and the decision of Pre-Trial Chamber III of 22 February 2012 to expand the authorization to investigate in Côte d'Ivoire to include crimes allegedly committed between 19 September 2002 and 28 November 2012. In 2012, the Office conducted a total of 117 missions both in Côte d'Ivoire and 16 other countries, including investigative missions and missions to secure cooperation and protection. Following its investigations, the Prosecutor applied for a warrant of arrest against Simone Gbagbo on 7 February 2012. Pre-Trial Chamber I granted the application on 29 February 2012 and issued an arrest warrant against Simone Gbagbo for her alleged criminal responsibility for crimes against humanity. The warrant remains in force.

12. International cooperation and judicial assistance

103. In connection with its investigative and prosecutorial activities, in 2012 the Office addressed a total of 403 requests for assistance (including notifications regarding investigative activities) to 42 States Parties, 11 non-State Parties and 20 international and regional organizations, in addition to following up on the execution of pending requests.

104. This figure, dictated by investigative and prosecutorial requirements, represents an increase of 34 per cent in communications since 2011. Furthermore, throughout 2012 the Office engaged with nine new non-States Parties and six new States Parties, and concluded a memorandum of understanding concerning cooperation between the United Nations Operation in Côte d'Ivoire (UNOCI) and the Office of the Prosecutor to facilitate investigations pending the conclusion of a court-wide agreement.

105. The Office continues to emphasise to states and other partners the significance and importance of timely positive responses to its requests for assistance and the consequent effect on investigations and preparation for trial

13. External relations

106. The Office of the Prosecutor participated in relevant diplomatic activities, including by actively engaging in all meetings and consultations of The Hague Working Group and the Study Group on Governance to provide information and disseminate key messages of the Office during discussions on various issues with a view to ensuring a successful eleventh session of the Assembly of States Parties. The Prosecutor, the Director of the Jurisdiction, Complementarity and Cooperation Division (JCCD) and other senior members of the Office of the Prosecutor, with the support of and preparation by the International Relations Task Force, also engaged in a number of external relations activities, including missions abroad and meetings with senior government and international organisation officials to provide up-dates to States, international organisations and civil society, to explain the work of the Office and seek cooperation for its activities, and in particular to galvanize arrest efforts. During the reporting period, the International Relations Task Force produced, *inter alia*, more than 80 speeches for the Prosecutor's use in external speaking engagements in The Hague and abroad.

C. Major Programme III – The Registry

107. The support functions performed by the Registry in 2012 exceeded the level of activities planned for the year, since it had to provide additional non-judicial services arising from unforeseen activities. This section provides an overview of the Registry's main activities in 2012.

108. The Registry engaged heavily with the Committee on Budget and Finance, The Hague and The New York Working Groups, as well as with relevant Assembly groups.

1. Court Management

109. A total of 42 documents were registered and notified in the situation in Uganda. No hearing was held, therefore no transcripts or hearing support was provided.

110. In the situation in the Democratic Republic of the Congo, a total of 1,545 documents and 44 transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for 13 hearings. During 2012, two new cases (*Mudacumura and Ngudjolo*) were created in the said situation.

111. In the situation in Darfur/Sudan, a total of 597 documents and 25 transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for seven hearings. During 2012, one new case (*Hussein* case) was created in the said situation.

112. In the situation in the Central African Republic, a total of 3,310 documents and 309 transcripts of hearings were registered and notified, as well as translations. Support (both procedural and technical) was provided for 82 hearings.

113. In the situation in Kenya, a total of 878 documents and 30 transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for eight hearings.

114. In the situation in Côte d'Ivoire, a total of 1,639 documents and 36 transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for ten hearings. During 2012, one new case (*Simone Gbagbo* case) was created in the said situation.

115. In the situation in Libya a total of 735 documents and 12 transcripts of hearings were registered and notified. Support (both procedural and technical) was provided for three hearings.

116. In July 2012, the Presidency assigned the situation in the Republic of Mali to Pre-Trial Chamber II. In the said situation, a total of two documents were registered and notified. No hearing was held, therefore no transcripts or hearing support was provided.

117. Less Judicial activity throughout 2012 resulted in fewer Court documents registered and notified and fewer hearings. In addition to routine activities, the Court Management Section (CMS) was engaged in the following multiple projects and staff were cross-trained and assigned tasks to support the activities of their sister sub-units.

(a) Court records; Projects deriving from upgrades of our systems currently in use and executing administrative and operational requests made by Chambers over 2011, still on the roster due to the exceptionally large volume of documents to be registered and notified in 2012. In addition, in 2012 CMS was able to establish and implement relationships between court records, adding victim codes to the registered victim applications, rescanning and re-registering documents in obsolete PDF- versions to make them searchable, hence accessible. TRIM indexes were created, statistics were prepared and submitted and those submitting documentation were trained and advised as regards required formats to prevent errors arising in submissions prior to their registration, thus enhancing efficiency.

(b) English and French transcripts: In 2012, Transcript Coordination (TC), in close cooperation with the French and English in-house Court Reporting teams and after intensive cross-training, were able to successfully engage in and complete a multitude of projects referred to them with specific and mandatory deadlines imposed by Chambers. Those projects included:

(i) Reclassification of all transcripts in the *Lubanga* and *Katanga/Ngudjolo* cases (before the severance of the two cases), involving, but not limited to, reviewing all closed and private sessions, redacting confidential information from each transcript and thereafter lifting the confidentiality of the remaining initial passages. This activity is extremely labour intensive and requires a high level of precision due to confidentiality levels and the severe consequences of any potential errors. To further strengthen the TC team and make it possible to meet tight deadlines a court clerk was cross-trained to be assigned to the team to provide

support in periods of lower judicial activity, thus enabling the team to deliver designated work-batches within the imposed and extremely tight deadlines. As instructed by Chambers, a similar exercise is planned for the *Bemba* case in 2013.

(ii) Transcript correction. A substantial number of corrections, suggested by interpretation, was processed. We were unable to fully absorb this activity earlier, due to the high level of judicial activity in 2011.

(iii) A substantial reduction in the volume of transcripts pending processing, in particular website publication, accumulated over 2011 as a result of the aforementioned high level of judicial activity and prioritization of the issue of Court produced transcripts after sessions. The high number of redaction requests increased the workload. The availability of resources made it possible to reduce the volume of pending transcripts.

(c) Evidence management: CMS receives and is responsible for processing material and/or evidence in electronic format, to be uploaded and registered into the E-court system, for all cases and situations before the Court. In 2012, 88 packages containing multiple documents and or material were uploaded, processed and stored in the Courts' E-court system. Simultaneously, parties must submit the originals of material disclosed, enabling mandatory storage by CMS in the Registry vault. This includes meetings with parties and participants, verification, registration and establishment of all originals and chain of custody procedures. During periods of lower judicial activity, court clerks were able to:

(i) assist the Transcript Coordinators' team, leading to the timely implementation and execution of the instructions of the Chambers with respect to the reclassification of Transcripts.

(ii) organize the original evidence items stored in the Registry vault. That activity included the creation and maintenance of an official log and a location data-base and system to ensure expeditious tracking and production of evidence for consultation upon request.

(iii) retrieve records from the Registry vault and return them to the Special Court for Sierra Leone.

(d) CMS Audio Visual: 123 hearings successfully supported with all required technical and operational abilities. In addition, due to the lower than unexpected level of judicial activity CMS AV was able to:

(i) continue work to update, expand and reprogramme the CMS database, incorporating a routine for filing, archiving and retrieving material in and from the vault;

(ii) complete the FTR back-up (Audio-Visual Court record) project. The files were analysed, reorganized, restored and completed. Hard copy backups were created and stored in the Registry vault. All sessions/hearings were brought into an archive database system for easy tracing and retrieval. The project is nearing completion. To date, for both Courtrooms, 3,463 LIVE Files (separate sessions) and 2,940 DELAYED files have been processed;

(iii) upgrade and install new equipment and software in the CMS AV copy and editing facility. Staff were trained in preparation for the deployment of the new systems. Special attention was given to the upgrade of FTR systems and copy equipment. The facility is now the main provider of copied material.

118. CMS AV was able to absorb and execute a much higher number of AV and Data copy requests over 2012: 266 separate copy requests were executed and provided to Court clients.

2. Detention

119. The International Criminal Court Detention Centre (ICC DC) made significant progress during the year in respect of strategic planning, creating extra resilience and making extra cell capacity available at short notice, should it be required in future. Due to the downsizing of the International Criminal Tribunal for the former Yugoslavia United Nations Detention Unit (ICTY UNDU), the ICC DC took over 25 per cent of the shared search and security functions at the DC, necessitating the recruitment of three additional custody officers (COs).

120. The Court had budgeted for six cells during 2012. However, during the course of 2012, the ICC DC housed four detained witnesses (DWs) in addition to the six detained persons (DPs) requiring the Court to pay for ten cells. In September 2012, the ICC DC moved to another wing which has a larger living space for the DPs and an improved working environment for the COs. The move will allow for expansion should the number of detainees increase in the future. At present, the Host Prison is in the process of refurbishing and repainting Building 4 - which contains the ICC DC and ICTY UNDU. No cost to the Court is involved.

121. In April 2012, Mr Lubanga was found guilty of the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities. He was sentenced to a total of 14 years' imprisonment. In July, Mr Lubanga lodged an appeal. In April 2012, Mr Taylor was found guilty on 11 counts by the Special Court for Sierra Leone. In May, Mr Taylor was sentenced to 50 years' imprisonment. Mr Taylor lodged an appeal. Currently, both Mr Lubanga and Mr Taylor remain in the ICC DC.

122. In October 2012, one DW returned to the Democratic Republic of the Congo and in December 2012, Mr Ngudjolo was released from the ICC DC following his acquittal. In late 2012, two of the three DWs had their Dutch asylum requests rejected on appeal, while the third DW was appealing his first rejection. During 2012, approximately €49,000 from the Trust Fund for Family Visits was spent on organizing three family visits to detainees for a total of 16 family members.

3. Translation and interpretation

123. In 2012, the Interpretation Unit provided interpretation for 160 events (judicial: hearings, missions with high court officials and non-judicial: seminars, round tables, visits from delegations) from and into French, English, Swahili, Lingala, Sango and Arabic. Unlike in 2011, no parallel trials were held in 2012.

124. The Zaghawa paraprofessional interpreters trained by the unit did not exercise their skills as the start of the *Banda and Jerbo* trial scheduled in 2012 has been postponed until May 2014.

125. In 2012, the Terminology and Reference Unit (TRU) produced Terminology Bulletin 11 on Phraseology in the Courtroom in Arabic, English, French, Lingala, Sango, Swahili (Congo) and Swahili (Standard). Its primary purpose is to document language used in the courtroom. It is of great value for Court staff in general but also for the wider public.

126. The French Translation Unit dealt with a number of key documents including the judgment in the *Lubanga* case and documents arising therefrom (sentencing, appeals and reparations). Other key documents included the non-confirmation of charges against Callixte Mbarushimana, the closing briefs in the *Katanga* case and the severance of the proceedings in the case of *Germain Katanga and Mathieu Ngudjolo Chui*. The Unit also translated a number of administrative documents including rebuttals, disciplinary proceedings and appeals. The English Translation Unit dealt mainly with requests from the Chambers, in particular the Appeals Chamber. The Unit translated the closing submissions in the case of *Katanga and Ngudjolo* (before the severance of the two cases). It also provided translations for other units and sections in the Court as well as editing services, primarily in relation to the Court's budget. The Unit worked largely with in-house resources (including interpreters when not on assignment), but also called upon external

translators/revisers. Two interns provided further support. The Arabic Unit continued to support the two situations where Arabic is used.

127. The Field & Operational Interpretation Unit (FOIU) provided interpretation for meetings in the field and at the seat of the Court in eight different language combinations in six situations, totalling 218 field interpreter days. Operational interpretation services were provided, *inter alia*, for facilitating defence counsel telephone conversations, witness familiarisation, psychological and protection assessments, security interviews and transcript translation. Supported field missions included those conducted by the Victims' Participation and Reparations Section (VPRS) the Counsel Support Section (CSS), the Victims and Witnesses Unit (VWU) and the Office of Public Counsel for Victims (OPCV) to DRC, Kenya, Chad, CAR and Libya.

128. In total, 40 requests for field and operational interpretation services were received, three of which were cancelled by the requester. FOIU conducted one field interpreter induction and basic training mission in the field and another at the headquarters of the Court. Throughout the year, FOIU implemented the field interpreter recruitment and accreditation programme, expanding the roster of accredited field interpreters for new situational languages, mainly for the Kenyan and Côte d'Ivoire situations. The TRU and the FOIU conducted one joint mission to source linguistic experts and field interpreter candidates for additional situational languages pertinent to the Côte d'Ivoire situation.

4. Legal aid and counsel issues

Counsel Support Section

129. The assumptions used to establish the budget for 2012 included seven indigent defendants (no assumption was included regarding the number of victims). In practice however, in 2012, the legal aid system was employed for nine defendants found by the Registrar to be indigent. In addition, the section received 1,755 victim applications.

130. As in previous years, in accordance with the Chamber's order, the Registry advanced the necessary funds to cover the legal representation of Jean-Pierre Bemba Gombo who, though declared non-indigent by the Registrar, continues to experience problems concerning his assets (i.e. access to frozen assets, progress on other assets identified). The Registrar has continued with the investigation of Mr Bemba's assets. It is expected that amounts will be recovered out of Mr Bemba's assets to cover 2012 obligations. A breakdown of indigent defendants and victim applications is given in annex IX.

131. CSS provided administrative support and assistance to all legal teams representing suspects, accused persons or victims involved in the Court's proceedings. By the end of 2012, 75 team members paid exclusively out of the Court's legal aid system were receiving assistance from CSS. This number is higher (125) when the number of team members who assist in the representation of non-indigent clients before the Court, and who also receive services from CSS, is added.

132. CSS held several consultations and conducted various activities with members of the legal profession, national bar associations and members of the Court's List of Counsel, *inter alia*. This included consultation on proposed amendments to the Court's legal aid system, culminating in two reports, ultimately adopted by the Assembly of States Parties (*Decision of the Bureau on legal aid*, 22 March 2012, and the *Supplementary report of the Registry on four aspects of the Court's legal aid system*, 1 November 2012, ICC-ASP/11/43). The newly adopted amendments will result in substantial savings while at the same time ensuring that sufficient funds are in place for effective and efficient legal representation for beneficiaries of the Court's legal aid system.

133. CSS once again organized a Seminar of Counsel – in 2012 on the occasion of the 10th anniversary of the entry into force of the Rome Statute – complemented once again by an intense three-day training programme for lawyers on the List of Counsel eligible to act as counsel before the Court. The 2012 Seminar was a resounding success with record attendance.

134. In 2012, the Registry received 80 new applications for inclusion on the List of Counsel. Of the complete dossiers processed, 28 persons were added to the list, bringing the total number of admitted counsel to 446. A further 57 applications for admission to the List of Assistants to Counsel were processed. With the processed dossiers from 2011 and those received in the preceding years, admissions to the List of Assistants to Counsel by the end of 2012 totalled 140. The List of Professional Investigators saw nominal activity in 2012, with one application and the corresponding admission. This latter list now comprises 29 members.

135. In this context, the campaign running up until 2012 to encourage African female and Arab lawyers to apply for admission to the List of Counsel and the List of Assistants to Counsel has continued to produce results in the number of applications received by the Section.

5. Office of Public Counsel for the Defence

136. The work of the Office of Public Counsel for the Defence significantly increased in 2012, due to its appointment in the case of *The Prosecutor v. Saif Al Islam Gaddafi*, and the pre-trial proceedings in the Kenya cases.

137. During 2012, the OPCD:

(a) provided legal advice, memoranda and real-time assistance during court hearings to 12 defence teams through access to real-time transcripts;

(b) in accordance with the instruction of Trial Chamber III, assisted the Bemba defence team to review and file observations on 1,149 victim applications;

(c) provided assistance to the Kenya 1, Kenya 2 and Laurent Gbagbo defence teams, collecting disclosure and uploading and downloading evidence;

(d) was appointed by Pre-Trial Chamber I to represent the interests of Mr Saif Al-Islam Gaddafi in proceedings before the Court, until such time as he is in a position to appoint his own counsel, and in that capacity, submitted 54 filings;

(e) participated in the Working Group on the Strategic Plan for Victims, the E-court working group, and the Review of the System for Victims to Apply to Participate in Proceedings;

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

(g) provided ongoing training to defence teams on ringtail, i-Transcend, the download and upload of evidence, and case map.

6. Office of Public Counsel for Victims

138. The work of the Office of Public Counsel for Victims significantly increased in 2012. The Office continued to seek to protect the interests of victims by attempting to raise general awareness on victims' issues, including participation in conferences and seminars and contribution to publications. Moreover, the Office has continued to offer its legal expertise to potential victims and/or to external legal representatives of victims when evaluating the possibility of requesting participation and/or reparations in the proceedings before the Court.

139. During 2012, the Office assisted 42 external legal representatives in the different situations and related cases before the Court by providing advice on a variety of legal issues, both in preparation for and during hearings. The Office has provided legal advice and/or research to counsel on 300 occasions.

140. In relation to the task of providing support and assistance to victims, during the year 2012 the Office has represented almost 4,000 victims in the different situations and cases before the Court with an increase in its workload of 68.9 per cent. To these numbers must

be added the number of victims from countries under examination – around 100 – who contacted the Office for information on participation in the proceedings before the Court, and to whom the OPCV provided advice. In representing victims, the Office submitted written submissions and has undertaken several field missions in order to meet its clients and be able to effectively represent their interests.

141. The Office has been appointed to protect the rights and interests of victims within the framework of the proceedings under article 19 of the Rome Statute in the *Gaddafi* case and in the framework of the reparations proceedings in the *Lubanga* case. It has also been appointed as common legal representative in the *Gbagbo* case. Moreover, in accordance with a decision issued by Trial Chamber V on 3 October 2012, two members of the Office have been seconded to the common legal representative appointed respectively in the *Ruto and Sang* case and in the *Kenyatta* case which trials are due to start in May and July 2013 respectively.

142. The Office has also published an updated version as at December 2012 of its Manual for Legal Representatives in both English and French.

7. Victim participation and reparation

143. A total of 1,287 new applications for participation in proceedings were received in 2012 by the Victims Participation and Reparations Section, which acts as the entry point for victim applications. A breakdown of applications for participation and reparations is shown in annex IX. The number of applications received is lower than the previous year because fewer applications were received from the Central African Republic, the deadline fixed by the Chambers in the *Bemba* case to apply to participate in trial proceedings having passed. Furthermore, although the Kenya cases had reached preparation for trial phase, the Trial Chamber decided not to consider individual applications (other than for victims who would appear in person). During the year the VPRS also received 1,146 applications for reparations, mainly in relation to Kenya and the Central African Republic. In 2012, Chambers granted a total of 3,083 victims leave to participate in the various proceedings (2,944 in the *Bemba* case and 139 in the *Gbagbo* case).

144. In addition to processing applications received from victims and filing them, together with reports, with the relevant Chambers in accordance with Chambers' instructions, the Section's staff in The Hague carried out numerous other activities. These included managing documentation received and filing documents in the record when so ordered, organising common legal representation and providing support to victims' legal representatives, assessing new situations and cases opened and providing information and recommendations to Chambers in response to judicial developments and orders. Due to lack of staff resources, it was not possible to achieve all the performance indicators set. For example, as indicated in Annex 3, it was only possible to acknowledge receipt of applications to the applicants' legal representatives within seven days of receipt in a quarter of cases rather than 95 per cent as targeted. During 2012, the Victims Participation and Reparations Section filed 88 reports on victims' applications and other reports and documents with Chambers, and prepared 112 other communications relating to the proceedings intended for legal representatives of victims and others. During 2012, the VPRS organized field activities in Northern Uganda, the DRC, Central African Republic, Kenya and Côte d'Ivoire. A total of 53 missions took place this year. The Section's field activities focused on identifying potential victims of the situations and cases, providing accurate information on victims' participation and reparations before the Court, making available copies of the standard application forms, collecting completed applications and following up on incomplete applications, providing training and support to intermediaries assisting victims who have engaged with the Court and providing support to legal representatives of victims. Staff based in the field and in The Hague participated in preparing key messages to be disseminated in the field in response to judicial developments and took part in a number of field missions.

145. However, a number of missions and activities planned for 2012 could not be conducted for security reasons and had to be cancelled, particularly in the DRC. No field activities were conducted in Libya. Nor were any field activities conducted in Chad or elsewhere relating to the Darfur situation, due to logistical challenges and the uncertainty

that existed for most of the year as to whether there would be sufficient resources available to support such missions. Finally, it was not possible to carry out all planned field activities due to staff shortages and competing priorities. Available staff resources were therefore focused on implementing Court orders relating to specific judicial proceedings within time limits set by Chambers.

146. A major activity for the VPRS during the year was facilitating victim participation in the pre-trial proceedings relating to the *Gbagbo* case (Côte d'Ivoire). The Pre-Trial Chamber decided to encourage victims wishing to participate in the confirmation of charges proceedings to make their applications collectively, and after inviting a proposal from the Registry and observations from the parties and participants, decided on the procedure to be followed. The procedure involved the VPRS itself administering collective applications in the field, thus necessitating extended missions. As a result, six collective applications were filed (encompassing 101 victims), in addition to individual applications. The Section also conducted a selection process in order to recommend qualified common legal representatives.

147. Kenya was another major focus of VPRS activities during 2012. Efforts were focused initially on completing the large number of incomplete applications that had previously been received. Following the Trial Chamber's decision on victim representation and participation of 3 October 2012, the VPRS focused on providing information on the ground on the new procedure introduced, and preparing a victim registration system to comply with the Chamber's decision. The new victim participation procedure introduced by the Chamber combines an application process for victims wishing to appear in person before the Court and a simplified voluntary registration process for other victims. Under the scheme, the legal representative is responsible for ensuring that the individuals whose views and concerns he or she presents fall within the definition of victim laid down by the Chamber. The Registry conducted a selection process so as to submit to the Chamber recommendations regarding the appointment of common legal representatives, and worked with the new legal representatives, once appointed, to establish a framework for cooperation in reporting to the Chamber on victims, as envisaged in the Chamber's decision. During the year, a total of 882 new applications for participation were received, bringing the total number of applications to 3,518. Once applications had been assessed and any missing information identified, supplementary information was requested in relation to a large number of applications, some of which was received by the end of the year.

148. As for the Central African Republic, the VPRS completed the processing and filing of applications received by the deadline set by the Chamber to apply to participate in the trial proceedings in the case of *Jean-Pierre Bemba Gombo* during the first quarter of the year. Trial Chamber III granted 2,944 new applicants victim status, bringing the total number of victims granted leave to participate in this case to 5,231. The VPRS also transmitted applications for reparations to the defence. Missions were conducted to inform victims of their status and inform and support intermediaries, with whom a training seminar was held, and key messages relating to the later stages of the trial were developed and conveyed.

149. In the DRC proceedings, the conclusion of the trial of *Thomas Lubanga Dyilo* and the reparations proceedings that followed were, as expected, a major focus for the VPRS in 2012. The Registry was asked to provide observations to the Chamber on specific issues relating to reparations, and also started to engage in constructive dialogue with the Trust Fund for Victims regarding implementation of the Trial Chamber's decision on reparations, before the suspension pending appeal. Strategies and key messages relating to the judicial decisions and the suspension were developed and missions undertaken, though these were affected by security restrictions. Missions to deliver key messages were also planned in response to judicial developments in the other cases relating to the DRC, though security concerns in both Ituri and the Kivus limited the VPRS's ability to reach victims and intermediaries and carry out activities outside the main centres of Bunia and Bukavu.

150. The VPRS continued to carry out its routine activities. It provided support to the common legal representatives of the 89 participating victims in the case of *Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* in the Darfur situation. As instructed by the Pre-Trial Chamber, the VPRS sought supplementary information to complete a number of pending applications received from Uganda, where the total number of

applications received to date is 1,141, and made a major effort to complete other incomplete applications. As regards the Libya situation, the VPRS carried out no field activities but received and assessed six new applications for participation in the proceedings.

151. In 2012, the VPRS continued its efforts to improve the efficiency and reliability of its systems. A task force was set up to conduct an overall review, analysis and quality control of applications received (following that review of the database, some of the figures on applications received have been slightly amended). A new functionality was then developed, built and integrated, using internal resources, into the database and the Court document management system (TRIM), enabling faster and more automated processing and reporting of supplementary information received. Lastly, the VPRS was able to comply with the Chamber's requirements laid down in the *Gbagbo* case by creating a new application processing model (groups of individual applications dealt with collectively).

8. Victims and Witnesses

152. Victims and Witnesses Unit (VWU) Operations facilitated the appearance of a total of 20 witnesses and five victims who testified before the court in 2012. Administrative and logistical support was provided to 18 witnesses and five victims in the *Bemba* trial. Of those 18 witnesses, four were OTP witnesses who appeared in the first quarter of the year 2012.

153. Fourteen Defence witnesses appeared in the period from August to December 2012. Additionally, two Defence witnesses appeared before the Court for the sentencing hearing in the *Lubanga* trial.

154. The maximum duration per stay per victim/witness at the Court's headquarters during 2012 was 37 days – in the case of one witness who came to testify in the *Bemba* case.

155. The Initial Response System has been maintained in the DRC, CAR and Kenya situations. One additional system was established in Côte d'Ivoire.

156. In 2012, the VWU support team provided psycho-social and medical support to five victims and 18 witnesses appearing before the Court in the *Bemba* trial, including the provision of audio video link for in-court familiarisation.

157. Medical, psycho-social and educational support was provided at the Court's headquarters to six International Criminal Court Protection Programme (ICCPP) participants and their family members.

158. Support staff in the field (Associate Support Officers and Field Support Assistants) delivered in situ psycho-social and medical support to approximately 50 ICCPP participants and 200 dependants, and implemented exit strategies for a number of those ICCPP participants.

159. Both VWU Associate Support Officers participated in joint VPRS/VWU missions to various situations to provide training and advice to a VPRS team in the field regarding interaction with victims.

160. Furthermore, one Support Assistant joined a VPRS field mission to assist with victim applications. One Support Assistant joined an ICCPP relocation mission to ensure that the medical and psycho-social needs of witness were addressed.

161. The support staff ensured the continuity of support services to detained witnesses and assisted with the relocation of one such witness, including family reunification.

162. In its interaction with Chambers during 2012, VWU submitted 41 filings: *Lubanga* case – one filing; *Katanga/Ngudjolo Chui* case – four filings; *Katanga* case – one filing; *Ngudjolo* case – one filing; *Bemba* case – 21 filings; *Banda/Jerbo* case – three filings; *Ruto/Sang* case – five filings; *Muthaura/Kenyatta* case – three filings; *Gbagbo* case – two filings. VWU submitted a further 20 formal reports to the Chambers by email.

163. VWU representatives attended 19 hearings in total. As regards relocation agreements, VWU has collected voluntary contributions to the Special Fund for Relocations from one more State and is currently negotiating with 31 States with a view to the conclusion of additional relocation agreements.

164. The Protection Sub-Unit of VWU provided expert advice to the various Chambers, parties and participants. In total the unit dealt with 19 new referrals. For all 19 referrals a protection assessment of the applicants and in some cases, their dependants was conducted in the field by an Associate Protection Officer and a Psychologist. 16 internal assisted moves and three external moves were carried out in 2012 and eight exit strategies for ICCPP participants in the different situations were initiated.

9. Public Information and Outreach

165. The Public Information and Documentation Section (PIDS) contributes to raising awareness and promoting understanding of the Court's mandate and its work, primarily among communities affected by cases heard before it. It also engages with key stakeholders such as legal communities, academics, non-governmental organisations, journalists and global audiences through specific programmes, with the ultimate objective of increasing international support for the Court and the Court's Public Information Strategy.

166. In 2012, the Section's capacity to achieve its goals and fully implement its budget was affected by both internal and external circumstances. Five recruitments that had been initiated were put on hold as part of the remedial actions adopted by senior management to absorb the Court's budget shortages. Furthermore, some activities had to be interrupted and others cancelled due to security conditions in the field. Other plans were also cancelled because various judicial activities included in the assumptions for the 2012 budget preparation did not actually occur. The impact was significant in operations related to Libya, Côte d'Ivoire and the DRC.

167. The ICC Outreach Programme continued its efforts to engage with affected communities, prioritizing situations with cases at the trial stage. Judicial proceedings were made accessible to local audiences in face to face meetings, through radio and television broadcasts in local languages and via traditional communication means. In the DRC and CAR, groups of women, child soldiers and members of regular army and police were engaged. In Kenya, the main focus of activity was on training journalists and paving the way to engaging displaced populations at grass-roots level. In Côte d'Ivoire, the Programme conducted a few outreach sessions by The Hague based staff, making initial contacts with local actors.

168. The Court dealt with increased publicity of judicial activity and issued 145 press releases and media advisories through the Court's website, which had 998,000 visitors, compared to 956,000 in the previous period. PIDS also produced and broadcast 46 radio programmes and 48 videos for international audiences through the Court's YouTube channel with 103,805 views. To absorb a higher workload while simultaneously increasing its impact, the Section has constantly reviewed its internal procedures and policies and uses the most advanced technologies whenever and wherever possible.

169. The Court continued to support the final rounds of existing moot courts organized by implementing partners in Chinese, English, Russian and Spanish. Due to budgetary constraints, the Court suspended several public information projects such as the campaigns "Calling African Female Lawyers" and "Calling Arab Lawyers".

170. The number of requests to visit the Court's headquarters is increasing, most probably as a result of the court's enhanced international prominence. PIDS supported an increased number of VIP/high-level visits (51) interacting with the Court to support efforts towards universality, increase cooperation and strengthen national capacities in different areas. PIDS also supported the increased number of stakeholder visits (67). The purpose of stakeholder visits is to brief key groups that come to the Court as part of training programs organized and funded by national governments, embassies, NGO's and other relevant third parties.

10. External Relations and Cooperation

171. The Immediate Office of the Registrar transmitted and followed up on the 221 requests for cooperation issued by the Chambers in 2012. The Office also drafted and transmitted 79 requests for cooperation to States regarding matters pertaining to its mandate. Finally, the Office assisted defence teams and legal representatives in transmitting and following up on 16 requests for assistance in the context of their investigations or their appearance before the Court. The Office worked closely with the field operation section for the situation countries.

172. With regard to voluntary cooperation, the Office continued its efforts to enter into more relocation agreements and emphasized the importance of such agreements in different fora including The Hague Working Group, the diplomatic briefing, the Assembly of States Parties and bilateral meetings with States. The Office also started negotiations with one State on the agreement on interim release.

173. The Office maintained a constant dialogue with States in the framework of the different working groups and coordinated inputs submitted by the different sections of the Registry in the reports of the Court submitted to the Assembly, the Committee and the United Nations. Finally, it is in regular contact with the Host State to discuss matters of common interest and remains in contact with relevant NGOs, other tribunals and international and regional organizations with a view to strengthening their support for the Court.

11. Field Operations

174. In 2012, the Field Operations Section (FOS) implemented its budget in accordance with the forecast assumptions yet was still able, through improved planning and coordination, to respond to unforeseen operational needs, as explained below:

(a) As anticipated in paragraph 219 of the 2012 proposed budget, five field presences were maintained.

(b) A number of strategic reviews were conducted in order to ensure appropriate planning and use of resources in accordance with the Standard Operating procedures (SOP) on the strategic review of the field presences, namely the 2013 field review and a comprehensive feasibility study on the best and most cost-effective way of implementing the Registry's mandate in Côte d'Ivoire. The latter served as basis for the Registrar's decision to establish a field presence in Côte d'Ivoire, operational as of early 2013, and the President's subsequent approval.

(c) Task Force Kenya, a novel field model, has successfully coordinated the Office's activities, achieving a number of efficiencies including as a result of cooperation with the United Nations and the enhancement of synergies amongst all Registry field-based sections and external partners.

(d) In line with the anticipated 2012 field work days, FOS coordinated assistance and support to the Court in all situation countries irrespective of the existence of a field presence.

(e) Additional training resources were required to develop basic procedures for the Registrar to allow the establishment of an operational tool for crisis management.

(f) In line with judicial developments in the situations and cases before the Court, field presences were instrumental in the timely notification and follow up of orders, decisions issued by the Chambers and other requests for cooperation and assistance generated by the Registry. Details are shown in the table below.

<i>Total number of notifications, decisions, requests for assistance and cooperation</i>	<i>Uganda</i>	<i>DRC</i>	<i>CAR</i>	<i>Kenya</i>	<i>Côte d'Ivoire</i>
124	10	83	7	15	9

175. Under the guidance of the Registrar, FOS coordinated a number of initiatives directed at improving the operational aspects of crisis management in the field. That entailed the organisation of specialised training focused on the development of procedural guidelines and an operational framework to enable the Registry to manage crisis situations effectively.

176. As a result of this training, the crisis situation in Central African Republic of December 2012, which necessitated the evacuation of the Court's field-based personnel, was managed efficiently and effectively within existing budgetary resources and such that the safety and security of personnel, as well as the integrity of the Field Office assets, was assured.

12. E-court

E-Filing Module:

177. Development of the Document Management Module has progressed. Preliminary release of the first phase, the e-filing portal, took place in Q3 2012. This system was designed and developed entirely in-house as a joint venture between the Court Management Section (CMS) and Information and Communications Technologies (ICT). The tool is now in its second revision and is planned for Court-wide release during 2013.

Interpretation module:

178. The Interpretation module was released into production in Q4 2012. By close of 2012, the system had been used to make 36 interpretation requests.

VWU module:

179. The VWU module has completed development and acceptance testing and was released into production in Q4 2012. Its integration into the daily workflow of VWU staff is ongoing, with completion planned for the end of Q1 2013.

Future ECOS Development:

180. Development of ECOS continues to be monitored by CMS. All project planning and management is contained within the section. Various plans for change requests and module upgrades are planned for 2013, with various in-house capabilities being combined with external expertise where needed.

E-court Access Management:

181. Access management to the E-court suite: in 2012, CMS continued to maintain security within TRIM, Ringtail and Transcend and ECOS. That included the creation of new situations and cases, new security groups and new members.

Provision of specific E-court training and assistance:

182. Six members of Chambers were trained in the use of E-court systems Ringtail and Transcend. A video suite training package was published and has also been used by Chambers staff for self-training purposes.

183. During 2012, 46 requests by Chambers staff members for advanced E-court assistance were responded to.

13. Human Resources

184. In 2012, the Court continued to focus on a number of strategic human resources areas. A total of 32 vacancies were filled, nine by internal staff members. Eight of the internal movements represented advancement of staff, through a competitive process, to a higher level, thus providing opportunities for career development.

185. Emphasis on the development of a comprehensive human resources policy framework was maintained and the Court implemented a number of new human resources policies. The Court's performance appraisal system (PAS) was revised and is ready for implementation in 2013, following a comprehensive training programme for all supervisors. Staff well-being included group sessions, workshops, training and information sessions on staff health and welfare. Strategic learning plans were implemented across the Court.

Security and Safety

186. In 2012, the Security and Safety Section continued to manage and ensure the security and safety of Court personnel, assets and information, both at Headquarters and for operations in the field. The section has provided security and safety for Court proceedings in accordance with the hearing schedule and with decisions of the Chambers. The Personnel Security and Investigations Office (PSIO) processed 410 files relating to the issuance of Personnel Security Clearances (PSC) and assisted in several internal investigations. In the field, the section has ensured that all relevant security and safety risks to Court personnel, assets, information and premises are managed appropriately following the Court's protocols and relevant security and safety frameworks. Security support was provided to 132 missions in the six situation countries and close protection and security liaison was provided for Court elected officials during five missions. The section continued to develop its information gathering and analysis capability by training relevant personnel and reorganizing the areas of responsibility of its analysts. A revised training "Safe and Secure Approaches in Field Environments" (SSAFE) was implemented in 2012. Two SSAFE courses have been delivered in collaboration with the Host State military in the Netherlands and have effectively become part of the regular and comprehensive staff awareness and safety program.

187. As regards Information Security, the section has assessed a number of projects, processes and practices to identify potential risks to the confidentiality of sensitive information. Furthermore, information security incidents regarding data leaks were investigated. Within the financial constraints of the Court, a number of 'low and now cost projects' were identified that would enhance the Court's control over the reproduction and dissemination of sensitive information. New training was developed to train relevant staff on the consequences of security related regulations for business practices.

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

188. The Secretariat continued to provide substantive and conference servicing to the Assembly and its subsidiary bodies in 2012.

189. Significant achievements of the Secretariat in 2012 included:

Assembly of States Parties and its subsidiary bodies

(a) Organized and serviced the eleventh session of the Assembly, held in The Hague, for a period of seven working days, i.e. one day less than the eight working days foreseen and planned for.

(b) Provided legal and substantive secretariat services, such as the provision of documentation, reports and analytical summaries, to the Assembly and its subsidiary bodies, including the preparation of documentation relating to the election of the Deputy Prosecutor, the five members of the Board of Directors of the Trust Fund for Victims, and the nine members of the Advisory Committee on Nomination of Judges;

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

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

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

(f) Discharged its mandate regarding the Plan of Action pursuant to relevant resolutions, resulting in the accessibility of information provided on the website of the Assembly;

(g) Discharged its mandate relating to complementarity, as set out in the relevant resolutions including RC/1, ICC-ASP/9/Res.3² and ICC-ASP/10/Res.5³. This involved acting as liaison among States, the Court, international organizations and civil society, as well as the establishment of an Extranet on complementarity, in consultation with the facilitators, States, the Court and civil society;

(h) Secured contributions to and managed the Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly, thus facilitating the participation of a total of 26 representatives in the eleventh session of the Assembly; and

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

190. In addition to the plenary meetings of the Assembly and the related informal consultations, the Secretariat serviced 121 meetings as follows:

- (a) Bureau..... 21
- (b) The Hague Working Group 63
- (c) New York Working Group 7
- (d) Study Group on Governance..... 13
- (e) Oversight Committee..... 17

191. The Secretariat processed a total of 355 documents and 7,114 pages (in the six official languages) for the eleventh session as follows:

- (a) Pre-session: 211 documents and 4,587 pages;
- (b) In-session: 131 documents and 596 pages; and
- (c) Post-session: 13 documents and 1,931 pages.

192. For the two sessions of the Committee on Budget and Finance, the Secretariat also processed a total of 603 documents and 4,732 pages, in three official languages.

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

193. Following a pre-selection phase in the tender procedure for the general contractor, four contenders were selected to participate in the award stage.

194. The tender procedure was concluded with the award of the construction of the Court’s permanent premises to Courtys (a syndicate comprised of Visser & Smit/Boele van Eesteren) on 1 October 2012. The contract involves a Guaranteed Maximum Price contract in the value of €147,044,700. A risk reserve of €12.9 million under the responsibility of the Project Director is also held to cover any risks remaining during the operation of the contract.

195. The following positive financial results were achieved:

- (a) the “3gv” costs (integrated user equipment), originally €22.1 million, have been entirely absorbed in the construction budget of €190 million;

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Ninth session, New York, 6-10 December 2010 (ICC-ASP/9/20)*, vol. I, part III, ICC-ASP/9/Res. 3, section II, para. 47.

³ *Official Records ... Tenth session, ... 2011 (ICC-ASP/10/20)*, vol. I, part III, ICC-ASP/10/Res. 5, section II, para. 61.

(b) additional savings of €6.3 million were made at the award stage of the contract and are held in reserve under the authority of the Oversight Committee. On signature of the contract, the technical design moved into its second phase and will be finalised in February 2013. The actual construction work is expected to start in February 2013 and to be completed in September 2015.

III. Cross-cutting issues

A. Strategic Plan and risk management

196. The Court undertook a review and revision of its Strategic Plan in 2012 with a focus on further refining the plan as a management tool and strengthening its operational and strategic framework. The review was undertaken by way of a cooperative and consultative process between the Court's organs. The Court also engaged in a dialogue with States Parties through The Hague Working Group ("HWG") as well as civil society, soliciting input from these stakeholders as part of the review and revision process. The draft revised Strategic Plan for 2013-2017 ("Plan") was presented at the eleventh session of the Assembly which took note of it.

197. The Plan was designed specifically to enable the Court to further its work in more closely linking the strategic planning, risk management and budgeting cycles. Moreover, it was developed so as to better serve as a strategic guide in the budgeting process. The impact of the Plan as a tool in this regard will become more apparent during the drafting process of the Court's 2014 programme budget. The Plan contains a statement of the Court's mission, its strategic goals for 2013-2017 and its priority objectives for 2013 and 2014. The priority objectives also include performance measures which will enable the Court to engage annually in a review of the link between the Plan and the budget.

198. The Court also continued its discussion with the States of its Revised Strategy in Relation to Victims and the related report outlining its experience over the past two years of implementing the strategy. These discussions, as well as others which were held with a wide variety of different stakeholders, led to further refinements and finalization of the Revised Strategy and report, both of which were presented at the eleventh session of the Assembly.

199. A comprehensive risk management strategy was also adopted by the Court, based on years of past work including the 2011 OIOS study⁴, the Court's contributions to that study and its experience with the previous risk management exercise. The Court formalised a risk management process to ensure better control and the risk management system will feed into the budget and strategic planning process. All three processes are meant to inform each other so that the budget process in particular continues to evolve into a more comprehensive and strategically-guided enterprise.,

200. While the risk management strategy included an implementation plan, implementation by the Court was limited, as no funding was available for a consultant to assist management in fully setting up the risk management programme. However, aware of the crucial importance of the risk management project, the Court has developed an interim plan whereby a more limited approach to risk management can still be implemented. This approach was set in motion towards the end of the calendar year.

B. Transfers of funds

201. As at year-end 2012, one transfer over €200,000 had been made.

202. An amount of €200,000 was transferred within the Counsel Support Section from Counsel for Victims to Counsel for Defence to pay for legal fees and travel of defence teams.

⁴ Report on the assurance mapping study in the International Criminal Court, Office of Internal Oversight Services United Nations, 25 May 2011

203. In addition to the transfer described in the previous paragraph, an amount of €1,200,000 was transferred within the Counsel Support Section from Counsel for Victims to Counsel for the Defence in order to cover legal fees and travel of defence teams for the remainder of 2012.

204. In order to fund the Court's SAP Non-Profit Organization implementation project, an amount of €350,000 was transferred from the Counsel Support Section, Counsel for Victims, to the Human Resources Section, contractual services.

C. Annual inventories

205. A full physical check of assets was performed by the General Services Section at the Court's headquarters during November and December 2012. Results from the inventory at the seat of the Court in 2012, as well as results from visits to the field offices in December 2012 (with the exception of Chad, where the assets were in storage for transit to Côte d'Ivoire and the Côte d'Ivoire Field Office) have been processed and the database has been updated. Follow-up procedures on discrepancies identified are ongoing. This will increase the accuracy of the database and ensure full asset management and control.

206. As at 31 December 2012, a total of 8,317 asset items were in use, with an acquisition value of €16.26 million, representing an increase of €0.42 million by comparison with 2011. This includes actual acquisition of assets in 2011 amounting to €1.10 million, after adjusting actual write-off against acquisition value due to obsolescence, damage, loss or theft. As a result of this phase of the asset management control exercise, 733 items have been written-off, with a corresponding original acquisition value of €0.75 million.

207. Following the recently published Administrative Instruction on Property and Assets Management reference ICC/AI/2013/0011, and in preparation for the implementation of IPSAS, the threshold value for registration of non-expendable property will be raised from €600 to €1000. In addition, items with a value of less than €100 will not be recorded.

IV. Budgetary performance 2011

A. Overview of the budgetary performance of the Court

208. The actual implementation rate for the Court in the programme budget is 96.6 per cent, or €105.14 million, against the approved budget of €108.80 million. The Court's implementation rate has fallen compared to last year's 99.2 per cent.

209. The Court submitted a total of eight notifications to the Committee on Budget and Finance ("the Committee") for potential access to the Contingency Fund ("the Contingency Fund application") pending full utilization of the Court's programme budget, in a total amount of €3.80 million. The notifications are related to unforeseen judicial developments and activities and are detailed below in paragraph 234. The Contingency Fund application was implemented at 61.8 per cent, or a total of €2.35 million.

210. On a consolidated basis, the Court implemented 95.5 per cent, or €107.50 million, against the consolidated budget amount of €112.60 million, including the Contingency Fund application of €3.80 million. In the context of the approved budget of €108.80 million, the expenditure of €107.50 million indicates 98.8 per cent implementation. Therefore, the Court expects to absorb total expenditure including the Contingency Fund expenditure, within its programme budget, subject to completion of the external audit certification.

211. However, with regard to the replenishment of Contingency Fund, the Assembly resolved "to replenish the Fund in the amount of €500,000 in 2013, based on an estimation provided by the Court consistent with the €7 million threshold decided by the Assembly in resolution ICC-ASP/8/Res.7".⁵ As explained in paragraph 3, updated actual expenditure since the aforementioned Assembly resolution shows that there is no need to replenish the

⁵ *Official Records...Eleventh session ...2012* (ICC-ASP/11/20), vol. I, part III, ICC-ASP/11/Res.1.F.1.

Contingency Fund to meet the minimum threshold requirements. The Court would therefore appreciate clarification as to whether it should continue to proceed with the current practice of including €500,000 in the 2013 assessment letters as issued provisionally, or to remove this amount from the 2013 assessment.

B. Budget performance for the programme budget

212. As stated in the paragraphs above, in 2012 the Court implemented its budget at 96.6 per cent, or a total of €105.14 million, of the approved budget of €108.80 million. This represents a decrease of 2.6 per cent compared to last year's implementation rate of 99.2 per cent. Table 1 below provides a summary of overall implementation of the programme budget by major programme and programme.

213. The Judiciary implemented its budget at 95.9 per cent, which corresponds to total expenditure of €9.86 million against an approved budget of €10.28 million. The underspend is mainly in judges' costs where expenditure fell considerably by 5.5 per cent compared to last year's implementation rate of 101.4 per cent.

214. The Office of the Prosecutor achieved a 99.0 per cent budget implementation rate, an increase of 2.6 per cent over last year. Actual expenditure amounted to €27.45 million, against an approved budget of €27.72 million. The Office balanced the reduced approved budget, in particular in the General Temporary Assistance category, by making savings and redeploying funds. Total Office expenditure shows slight under implementation of the budget in the Immediate Office of the Prosecutor and Investigation Division, as a result of redeployment of funds made to allow the remaining divisions in the Office to meet their operational needs.

215. The Registry's implementation rate fell to 97.1 per cent, representing a decrease of 3.5 per cent compared to last year. Actual expenditure totalled €63.16 million against an approved budget of €65.04 million. The major underspend stems from three different divisions: (i) in the Office of the Registrar as a result of an underspend in legal aid in the Counsel Support Section in the sum of €0.82 million, due in large part to the fact that assumptions in situations and cases did not materialize; (ii) in the Division of Court Services, general operating expenses in the Victim and Witnesses Unit in the sum of €0.65 million due primarily to the fact that various assumptions, namely to have a trial in the DRC situation, the number of protected cases in a few situations and establishment of an Initial Response System in certain situations did not materialize; and (iii) the Public Information and Documentation Section underspent because publications activities related to the Libya situation in the absence of the relevant responsible staff in Libya and the Arab world, and certain outreach related activities such as satellite broadcasting did not materialize.

216. The Secretariat of the Assembly of State Parties (SASP) had a 94.9 per cent implementation rate. SASP had previously forecast, in the Performance Report to the Committee as at 30 June, that its budget would be over implemented at 107.4 per cent. However, it was able to manage the budget by redeploying funds from Temporary Assistance for Meetings to Contractual Services, outsourcing translations rather than utilizing translators for longer periods to assist the Secretariat during the eleventh session of the Assembly of States Parties held in November.

217. The implementation rate of the Secretariat of the Trust Fund for Victims was 90.5 per cent. The low implementation rate was the result of (i) the redeployment of funds to meet obligations for the costs associated with staff shortages affected by a reduced approved budget, 2011 salary scales being applied, and (ii) the redeployment of funds to cover the additional costs for TFV programme evaluation project. The funds were procured from consultancy since no use of funds reserved for reparations was made, the judicial process not having advanced sufficiently, and from travel, due to lack of operational capacity at the Secretariat and the fact that no travel was undertaken in relation to the reparations mandate.

218. The Project Director's Office's low implementation rate of 43.9 per cent was influenced by two major factors: (i) three sections allowed to utilize the funds for the project as specified in the service level agreement finalized in the latter part of the year

started using funds in the last quarter of 2012, and furthermore, two sections absorbed these costs incurred themselves; and (ii) activities related to the transition project did not take place. For the first factor, as in the Committee's recommendation, costs incurred for the project per section, namely the Security and Safety Section, the General Services Section (GSS) and the Information and Communication Technologies (ICT) Section, are provided in Figure 1 below. The Staff Resources and Management Support sub-programme had an approved budget of €0.46 million for GTA. Of that amount, had sections declared the costs incurred, a total amount of €0.19 million would have been charged. However, only SSS charged to the extent of €0.02 million and GSS, €0.03 million.

Figure 1: Project costs incurred for Staff Resources and Management Support in the Project Director's Office (thousand euros)

<i>Major programme / Sub-programme</i>	<i>Items</i>	<i>Approved Budget 2012</i>	<i>Actual Expenditure* 2012</i>	<i>Actual Expenditure equivalent of services provided **</i>	<i>Hours/ person days provided by Sections</i>
Project Director's Office	General temporary assistance	456.3			
Security and Safety Section	General temporary assistance		24.6	75.1	2 staff - 1840 hours (excluding hours recovered in working hours and weekends) - 245 person days
Others	Travel		1.4		
General Services Section	Contractual services		26.6	96.2	12 staff - 2,353 hours (excluding hours recovered in working hours, unpaid overtime or paid overtime) - 314 person days
ICT Section	Contractual services			16.2	Various staff - 400 hours - 53 person days
Others	Contractual services		61.3		Project management services by IPMMC, a project management firm requested by Registry Permanent Premises Office and external audit fees
Total		456.3	113.9	187.6	

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change

** based on service agreements with sections SSS, GSS and ICT for fixed yearly fee of € 80,000 (261 working days per year, 7.5 hours / day - ICC Staff Rules and Regulations)

219. The Independent Oversight Mechanism (IOM) has been in the process of setting up office since the middle of 2010. In 2012, its expenditure was for the staff costs of one official on reimbursable loan from the United Nations Office of Internal Oversight Services in New York for a whole year and for training in evaluation skills. The IOM's implementation rate was 75.4 per cent.

Table 1: Budget Performance 2012 by Major Programme and Programme (thousand euros)

<i>Major Programme / Programme</i>	<i>Approved Budget 2012</i>	<i>Actual Expenditure* 2012</i>	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Major Programme I				
Judiciary	10,284.0	9,860.4	423.6	95.9
The Presidency	1,254.3	1,170.6	83.7	93.3
Chambers	8,746.0	8,398.8	347.2	96.0
Liaison Offices	283.7	291.0	-7.3	102.6

<i>Major Programme / Programme</i>	<i>Approved Budget 2012</i>	<i>Actual Expenditure* 2012</i>	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Major Programme II				
<i>Office of the Prosecutor</i>	27,723.7	27,446.7	277.0	99.0
The Prosecutor	6,566.7	6,224.3	342.4	94.8
Jurisdiction, Complementarity & Cooperation Division	2,261.9	2,450.8	-188.9	108.4
Investigation Division	12,751.6	12,302.7	448.9	96.5
Prosecution Division	6,143.5	6,468.9	-325.4	105.3
Major Programme III				
<i>Registry</i>	65,041.7	63,162.4	1,879.3	97.1
Office of the Registrar	21,214.7	20,275.2	939.5	95.6
Common Administrative Services Division	21,076.9	21,352.0	-275.1	101.3
Division of Court Services	19,080.8	18,234.7	846.1	95.6
Public Information and Documentation Section	3,669.3	3,300.5	368.8	89.9
Major Programme IV				
<i>Secretariat of the Assembly of States Parties</i>	2,777.3	2,635.5	141.8	94.9
Major Programme VI				
<i>Secretariat of the Trust Fund for Victims</i>	1,450.6	1,312.6	138.0	90.5
Major Programme VII-1				
<i>Project Director's Office</i>	1,337.2	586.7	750.5	43.9
Major Programme VII-5				
<i>Independent Oversight Mechanism</i>	185.5	139.8	45.7	75.4
Total ICC	108,800.0	105,144.1	3,655.9	96.6

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

220. Table 2 below provides a summary of the Court's budget performance by item of expenditure.

221. The major component of the Court's budget, staff costs for established posts, has almost fully implemented its approved budget, achieving a 99.4 per cent implementation rate. This represents an increase of 3.9 per cent over the 2011 implementation rate. The Court's annual average vacancy rate rose to 8.7 per cent, an increase of 0.4 per cent over last year. The Judiciary's annual average vacancy rate went up to 6.3 per cent, with a staff costs implementation rate of 93.8 per cent. The annual average vacancy rate for the Office of the Prosecutor was 7.9 per cent and the staff costs implementation rate was 98.2 per cent. The Registry's annual average vacancy rate rose to 9.0 per cent, and its staff costs implementation rate reached 100.9 per cent. The Registry in particular faced having to cope with a reduced approved budget, applying 2011 salary scales to actual 2012 staffing levels. This resulted in over implementation in staff costs.

222. The GTA implementation rate exceeded the approved budget at 108.3 per cent. The implementation rate decreased significantly by 27.3 per cent compared to 2011. As with staff costs for established posts, major programmes had to meet their obligations with the reduced approved budget in addition to supporting trial activities. Furthermore, in line with current accounting practice, the Court books expenditure for the costs of GTA performing the functions of vacant established posts against the GTA budget line, which may distort a like-for-like comparison of this expenditure item against the approved GTA.

223. Temporary assistance for meetings (TAM) shows an underspend of 55.6 per cent due to the changes of the activities in two sections, the Court Interpretation and Translation Section (STIC) and the SASP. STIC's underspend arose because the assumptions of having at least two parallel trials and the need to recruit freelance interpreters to support staff interpreters did not materialize. SASP, as already mentioned in paragraph 216, shortened the periods during which translators assisted the Secretariat during the Assembly's eleventh session in order to offset the expected shortage in its overall budget.

224. The significant 36.2 per cent underspend in Consultancy was in large part due to the fact that the OTP made efforts to employ special advisers and experts to provide legal advice on a pro-bono basis and re-allocated these funds to cover the costs of GTA contracts that were issued and necessary for increased operational activities, especially in relation to the Kenya and Côte d'Ivoire situations. In the Registry, neither STIC nor the Director's Office in the DCS utilized funds. Chambers required no additional specific expertise or experts.

225. Underspend in travel was mainly attributable to changes in the levels of activity in three major programmes. OTP reviewed and prioritized its travel needs and redeployed funds within Divisions in order to allow operations to continue in the areas where investigative and prosecutorial activities were on going. Redeployments took place to cover some common staff costs and due to security issues in the DRC and, Kenya. Some missions were cancelled at year-end, resulting in an under-expenditure of 8.4 per cent of the overall approved budget. In the Registry, as stated in paragraph 215, some of the assumptions relating to witness protection activities did not materialize resulting in reduced travel in VWU. STFV, as already stated in paragraph 217, did not utilize the funds.

226. The total underspend in Legal aid was as stated in paragraph 215. However, counsel for defence teams were significantly overspent, with an implementation rate of 168.2 per cent, while counsel for victims teams were underspent, with an implementation rate of 50.8 per cent. The shift towards utilization of the funds came as a result of additional resources having been granted to defence teams in 2012 in response to the Regulation 83 RoC application for additional resources and changes to the initial budget assumptions of defence teams for Mr Thomas Lubanga Dyilo, Mr Germain Katanga and Mr Mathieu Ngudjolo Chui, and for Mr Abdallah Banda Abakaer Nourain and Mr. Saleh Mohammed Jerbo Jamus, resulting in the defence counsel overspend.

227. General operating expenses show underspend at 88.5 per cent implementation rate. In addition to the underspend on witness related activities in VWU, ICT underspent due to the redeployment of funds to cover costs relating to staff shortages.

228. The underspend of 77.8 per cent in supplies and materials is mainly due to the redeployment of funds to cover costs relating to staff shortages and the redeployment of funds to equipment including furniture, to purchase two vehicles in GSS.

229. In equipment including furniture, the overspend of 110.0 per cent is due to the deployment of the SAP Business Plan and Consolidation project in ICT and as stated in paragraph 228 in GSS.

Table 2: Budget Performance 2012 by item of expenditure (thousand euros)

<i>Items</i>	<i>Approved Budget 2012</i>	<i>Actual Expenditure* 2012</i>	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Judges	5,111.9	4,879.4	232.5	95.5
Judges' travel		56.9	-56.9	
<i>Sub-total judges</i>	<i>5,111.9</i>	<i>4,936.3</i>	<i>175.6</i>	<i>96.6</i>
Staff costs	59,669.2	59,306.5	362.7	99.4
General temporary assistance**	11,348.0	12,292.9	-944.9	108.3
Temporary assistance for meetings	1,009.9	561.9	448.0	55.6
Overtime	403.2	345.8	57.4	85.8

<i>Items</i>	<i>Approved Budget 2012</i>	<i>Actual Expenditure* 2012</i>	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Consultants	586.7	212.5	374.2	36.2
<i>Sub-total staff costs</i>	<i>73,017.0</i>	<i>72,719.5</i>	<i>297.5</i>	<i>99.6</i>
Travel	4,563.2	3,774.3	788.9	82.7
Hospitality	32.0	27.6	4.4	86.3
Contractual services	4,386.9	4,481.8	-94.9	102.2
Training	748.2	621.5	126.7	83.1
Counsel for defence	1,950.8	3,281.0	-1,330.2	168.2
Counsel for victims	4,279.0	2,174.6	2,104.4	50.8
General operating expenses	12,559.9	11,114.6	1,445.3	88.5
Supplies and materials	1,097.2	854.2	243.0	77.8
Equipment incl. furniture	1,053.9	1,158.8	-104.9	110.0
<i>Sub-total non-staff costs</i>	<i>30,671.1</i>	<i>27,488.3</i>	<i>3,182.8</i>	<i>89.6</i>
Total ICC	108,800.0	105,144.1	3,655.9	96.6

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

** Expenditure in this budget item includes approximately €600,000 of GTA resources performing functions of established posts. This is in line with the request made in the Report of the Committee on the work of its eighteenth session (para. 27)

230. Table 3 provides a summary of budget performance by item of expenditure for the four-year International Public Sector Accounting Standards (IPSAS) project, which commenced in July 2011. The project is slightly over-implemented at 109.6 per cent due to commitments placed for SAP customization projects lasting more than a year in contractual services. The funds were redeployed mainly from GTA. Training, on the other hand, is under-implemented at 9.9 per cent due to rescheduling and postponement of certain training activities near the dates of the actual IPSAS project implementation. The project is forecasted to remain within the original overall proposed budget of €1.92 million.

Table 3: Budget Performance for the IPSAS Project 2012 by item of expenditure (thousand euros)

<i>Items</i>	<i>Approved Budget 2012</i>	<i>Actual Expenditure* 2012</i>	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Judges				
Judges' travel				
<i>Subtotal Judges</i>				
Staff costs				
General temporary assistance	351.6	205.8	145.8	58.5
Temporary assistance for meetings				
Overtime				
Consultants				
<i>Subtotal other staff</i>	<i>351.6</i>	<i>205.8</i>	<i>145.8</i>	<i>58.5</i>
Travel	15.9	11.2	4.7	
Hospitality				
Contractual services	237.7	467.8	-230.1	196.8

<i>Items</i>	<i>Approved Budget 2012</i>	<i>Actual Expenditure* 2012</i>	<i>Variance</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[1]-[2]	[4]=[2]/[1]
Training	30.0	3.0	27.0	9.9
Counsel for defence				
Counsel for victims				
General operating expenses				
Supplies and materials				
Equipment incl. furniture		8.3	-8.3	
<i>Subtotal non-staff</i>	<i>283.6</i>	<i>490.4</i>	<i>-206.8</i>	<i>172.9</i>
Total ICC	635.2	696.2	-61.0	109.6

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

231. Table 4 shows an overview split for the programme budget by basic and situation-related expenditure. The basic component shows a 97.9 per cent implementation rate, whereas the situation-related component shows 95.6 per cent implementation rate.

Table 4: Budget Implementation 2012 by Basic and Situation-related expenditure (thousand euros)

<i>Major Programme / Programme</i>	<i>Basic</i>			<i>Situation-related (SRF)</i>		
	<i>Approved Basic Budget 2012</i>	<i>Actual Basic Expenditure* 2012</i>	<i>Implementation rate in %</i>	<i>Approved SRF Budget 2012</i>	<i>Actual SRF Expenditure* 2012</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]	[4]	[5]	[6]=[5]/[4]
Major Programme I						
<i>Judiciary</i>	<i>9,041.3</i>	<i>8,745.6</i>	<i>96.7</i>	<i>1,242.7</i>	<i>1,114.8</i>	<i>89.7</i>
The Presidency	1,254.3	1,146.4	91.4		24.2	
Chambers	7,503.3	7,308.2	97.4	1,242.7	1,090.7	87.8
Liaison Offices	283.7	291.0	102.6			
Major Programme II						
<i>Office of the Prosecutor</i>	<i>5,034.7</i>	<i>5,388.9</i>	<i>107.0</i>	<i>22,689.0</i>	<i>22,057.8</i>	<i>97.2</i>
The Prosecutor	2,893.2	3,010.1	104.0	3,673.5	3,214.2	87.5
Jurisdiction, Complementarity & Cooperation Division	969.5	980.1	101.1	1,292.4	1,470.6	113.8
Investigation Division	407.5	429.5	105.4	12,344.1	11,873.2	96.2
Prosecution Division	764.5	969.2	126.8	5,379.0	5,499.7	102.2
Major Programme III						
<i>Registry</i>	<i>32,166.8</i>	<i>31,961.0</i>	<i>99.4</i>	<i>32,874.9</i>	<i>31,201.5</i>	<i>94.9</i>
Office of the Registrar	8,526.1	8,029.6	94.2	12,688.6	12,245.6	96.5
Common Administrative Services Division	15,627.8	16,163.3	103.4	5,449.1	5,188.7	95.2
Division of Court Services	6,022.5	6,005.7	99.7	13,058.3	12,229.0	93.6
Public Information & Documentation Section	1,990.4	1,762.3	88.5	1,678.9	1,538.2	91.6

Major Programme / Programme	Basic			Situation-related (SRF)		
	Approved Basic Budget 2012	Actual Basic Expenditure*	Implementation rate in %	Approved SRF Budget 2012	Actual SRF Expenditure*	Implementation rate in %
	[1]	[2]	[3]=[2]/[1]	[4]	[5]	[6]=[5]/[4]
Major Programme IV						
Secretariat of the Assembly of States Parties	2,777.3	2,635.5	94.9			
Major Programme VI						
Secretariat of the Trust Fund for Victims	563.5	555.1	98.5	887.1	757.5	85.4
Major Programme VII-1						
Project Director's Office	1,337.2	586.7	43.9			
Major Programme VII-5						
Independent Oversight Mechanism	185.5	139.8	75.4			
Total ICC	51,106.3	50,012.6	97.9	57,693.7	55,131.6	95.6

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

C. Field activity

232. Table 5 provides a summary of actual expenditure for field operations per situation. In the year 2012, the Court was investigating seven situations, namely Uganda, the Democratic Republic of the Congo (DRC), Sudan, Central African Republic (CAR), the Republic of Kenya (Kenya), Libya and Côte d'Ivoire (CIV). Operational Support is for all situations taken together, rather than for specific situations. The total actual expenditure for all the situations is €30.07 million, which is 52.1 per cent of the approved situation-related budget of €57.69 million. Out of the total actual expenditure of €30.07 million, €16.58 million was spent by the OTP and €13.15 million by the Registry, leaving a balance of €0.34 million accounted for by other programmes, the Judiciary and STFV.

Table 5: Actual expenditure for field operations per situation 2012 (thousand euros)*

Sub-programme	Uganda situation	DRC situation	Sudan situation	CAR situation	Kenya situation	Libya situation	CIV situation	Operational Support	Total
The Presidency		1							1
Chambers								4	4
Judiciary		1						4	5
Immediate Office Prosecutor						10	9	78	97
Services Section		-14	109	-4	158	194	85	1,260	1,789
<i>The Prosecutor</i>		<i>-14</i>	<i>109</i>	<i>-4</i>	<i>158</i>	<i>203</i>	<i>95</i>	<i>1,339</i>	<i>1,886</i>
Jurisdiction, Comp. & Coop Division	2	202	129	-1	217	18	148	559	1,274
<i>JCCD</i>	<i>2</i>	<i>202</i>	<i>129</i>	<i>-1</i>	<i>217</i>	<i>18</i>	<i>148</i>	<i>559</i>	<i>1,274</i>
Planning & Operation	22	424	64	341	402	234	174	4,350	6,013
Investigation Teams		961	505	15	2,063	696	322	600	5,161
<i>Investigation Division</i>	<i>22</i>	<i>1,385</i>	<i>569</i>	<i>356</i>	<i>2,465</i>	<i>930</i>	<i>496</i>	<i>4,950</i>	<i>11,174</i>

<i>Sub-programme</i>	<i>Uganda situation</i>	<i>DRC situation</i>	<i>Sudan situation</i>	<i>CAR situation</i>	<i>Kenya situation</i>	<i>Libya situation</i>	<i>CIV situation</i>	<i>Operational Support</i>	<i>Total</i>
Prosecution Division		397	630		627	488	18	87	2,247
<i>Prosecution Division</i>		397	630		627	488	18	87	2,247
Office of the Prosecutor	25	1,970	1,437	352	3,468	1,640	756	6,934	16,581
Immediate Office Registrar						16			16
Office of Internal Audit								5	5
Security & Safety Section	169	674	-3	325	284	37	147	458	2,092
Field Operations Section	465	646	52	417	211		158	837	2,786
Counsel Support Section		65		13	-1	14		185	276
Counsel for Defence								2	2
Counsel for Victims								6	6
<i>Office of the Registrar</i>	<i>635</i>	<i>1,385</i>	<i>49</i>	<i>755</i>	<i>494</i>	<i>67</i>	<i>305</i>	<i>1,492</i>	<i>5,182</i>
Human Resources Section								161	161
Budget & Finance Section								345	345
General Services Section								121	121
ICT Section	90	251		75	36		3	250	704
<i>Common Administrative Services Division</i>	<i>90</i>	<i>251</i>		<i>75</i>	<i>36</i>		<i>3</i>	<i>877</i>	<i>1,331</i>
Office of the Head						3	5	1	10
Court Mgt. Section		101						9	110
Court Int. & Trans.	328	679	104		8	70	9	137	1,336
Victims & Witness Unit	158	1,262	104	352	832		25	488	3,221
Victim Part. and Rep.	36	169		146	64		73	200	688
<i>Division of Court Services</i>	<i>522</i>	<i>2,212</i>	<i>209</i>	<i>497</i>	<i>904</i>	<i>74</i>	<i>113</i>	<i>835</i>	<i>5,366</i>
Library & Doc								7	7
Public Affairs Unit						25	1	72	97
Outreach Unit	187	395	159	175	75		64	111	1,165
<i>Public Information & Documentation Section</i>	<i>187</i>	<i>395</i>	<i>159</i>	<i>175</i>	<i>75</i>	<i>25</i>	<i>64</i>	<i>189</i>	<i>1,269</i>
Registry	1,433	4,243	417	1,502	1,509	166	484	3,394	13,148
<i>Secretariat TFV</i>	<i>148</i>	<i>96</i>		<i>10</i>				<i>79</i>	<i>333</i>
Secretariat of TFV	148	96		10				79	333
Total ICC	1,606	6,309	1,854	1,864	4,976	1,805	1,241	10,412	30,067

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

D. Recruitment

233. Table 6 provides a summary of staffing per major programme. As at 31 December 2012, a total of 686 posts or 90.1 per cent were filled, against the approved total of 761, excluding five elected officials.

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

	<i>Approved</i>	<i>Filled</i>	<i>Recruitment completed**</i>	<i>Under recruitment</i>	<i>Advertised not under recruitment</i>	<i>Vacant not advertised</i>
	[1]	[2]	[3]	[4]	[5]	[6]
Judiciary						
Major Programme I	48	44	1	1		2
Office of the Prosecutor						
Major Programme II	215	198	8	5		4
Registry						
Major Programme III ***	477	428	5	14	9	21
Secretariat of the ASP						
Major Programme IV	9	6		1		2
Secretariat of the TFV						
Major Programme VI	7	7				
Project Director's Office						
Major Programme VII-1	3	3				
Independent Oversight Mechanism						
Major Programme VII-5	2			2		
Total ICC	761	686	14	23	9	29

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

** 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, one post not vacant as such but funding a Staff Council Representative.

E. Budget performance for Contingency Fund applications

234. In 2012, the Court submitted the following eight notifications to the Committee for potential access to the Contingency Fund, pending full utilization of the Court's regular budget, in a total amount of €3,804,700:

(a) Notification of 4 January 2012 for €391,800 for legal aid for defence counsels for Mr Laurent Gbagbo in the situation in Côte d'Ivoire;

(b) Notification of 14 March 2012 for €417,800 on the extension of three judges' mandates and support staff for the case of *Mr Thomas Lubanga Dyilo* in the situation in the Democratic Republic of the Congo. Subsequently on 1 June 2012 the Court notified a correction of €45,000, resulting in a revised notified amount of €372,800;

(c) Notification of 13 April 2012 for €1,567,800 in the situation in Kenya to meet costs related to the decision on the confirmation of charges;

(d) Notification of 15 May 2012 for €361,200 to establish a small field presence in Abidjan, Côte d'Ivoire;

(e) Notification of 1 June 2012 for a further €275,400 in the situation in Kenya to meet costs related to the decision on the confirmation of charges;

(f) Notification of 15 August 2012 for €115,200 for the extension of two judges' mandates and support staff for the case of *Mr Germain Katanga and Mr Mathieu Ngudjolo Chui* in the situation in the Democratic Republic of the Congo;

(g) Notification of 28 August 2012 for €605,300 for unforeseen developments in the situations in the Democratic Republic of the Congo, Libya, Central African Republic and Côte d'Ivoire; and

(h) Notification of 17 October 2012 for €115,200 for further extension of two judges' mandates and support staff for the case of *Mr Germain Katanga and Mr Mathieu Ngudjolo Chui* in the situation in the Democratic Republic of the Congo.

F. Budget performance for the total Contingency Fund application

235. Table 7 provides a summary of overall budget performance for a total of eight Contingency Fund notifications submitted to the Committee. Overall actual implementation rate is 61.8 per cent, or €2.35 million, against the total Contingency Fund application of €3.80 million.

Table 7: Budget Performance of the total of eight Contingency Fund applications 2012 by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Total Contingency Fund Application</i>	<i>Total Actual Expenditure*</i>	<i>Total Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs	491.7	398.6	81.1
Staff Costs	84.1	93.3	111.0
General temporary assistance	949.2	636.8	67.1
Temporary assistance for meetings	5.6		
Consultants	2.5		
<i>Sub Total Other Staff Costs</i>	<i>957.3</i>	<i>636.8</i>	<i>66.5</i>
Travel	147.7	52.2	35.3
External translation	150.0	72.3	48.2
Counsel for defence	821.9	554.8	67.5
Counsel for victims	575.1	212.5	36.9
External printing	5.5		
Public Information & Production Costs	10.0		
Other Contractual Services	93.5	64.3	68.7
<i>Sub Total Contractual Services</i>	<i>1,656.0</i>	<i>903.8</i>	<i>54.6</i>
Rental of Premises	52.5	156.2	297.6
Maintenance of Premises	5.0		
Utilities	36.3		
Communications	16.2	0.1	0.5
Maintenance of Equipment & Furniture	24.5	8.1	33.2
Other Miscellaneous Operating Costs	155.2	39.3	25.3
<i>Sub Total General Operating Expenses</i>	<i>289.7</i>	<i>203.7</i>	<i>70.3</i>
Supplies and Materials	8.5	1.5	17.6
Equipment including Furniture	169.8	62.8	37.0
Total	3,804.7	2,352.7	61.8

* Actual Expenditure 2012 is based on preliminary, unaudited figures which are subject to change.

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

1. Contingency Fund application for legal aid for defence counsels for Mr Laurent Gbagbo in the situation in Côte d'Ivoire

237. Table 8 shows actual expenditure on the Contingency Fund application for legal aid for defence counsels for Mr Laurent Gbagbo in the situation in Côte d'Ivoire. The notified application amount of €0.39 million was almost fully exhausted with a 99.3 per cent implementation rate on legal aid costs.

Table 8: Budget Performance of the Contingency Fund application for legal aid for defence counsels for Mr Laurent Gbagbo in the situation in Côte d'Ivoire by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs			
Staff Costs			
General temporary assistance			
Temporary assistance for meetings			
<i>Sub Total Other Staff Costs</i>			
Travel			
Counsel for defence	391.8	389.2	99.3
Counsel for victims			
<i>Sub Total Contractual Services</i>	391.8	389.2	99.3
Other Miscellaneous Operating Costs			
<i>Sub Total General Operating Expenses</i>			
Supplies and Materials			
Equipment including Furniture			
Total	391.8	389.2	99.3

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

2. Contingency Fund application for the extension of the mandates of three judges and support staff for the case of Mr Thomas Lubanga Dyilo in the situation in the Democratic Republic of the Congo (DRC)

238. Table 9 shows actual expenditure for the Contingency Fund application for the extension of the mandates of three judges and a limited number of support staff for the case of *Mr Thomas Lubanga Dyilo* in the situation in the Democratic Republic of the Congo.

239. At year-end, it was implemented at 78.0 per cent, or €0.29 million against the notified application amount of €0.37 million. The underspend is in large part due to the specific remuneration arrangement made for the Presiding Judge to work part-time from mid-March.

Table 9: Budget Performance of the Contingency Fund application for the extension of the mandates of three judges and support staff for the case of Mr Thomas Lubanga Dyilo in the situation in the Democratic Republic of the Congo by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs	320.7	257.4	80.3
Staff Costs			
General temporary assistance	52.1	33.4	64.2

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Temporary assistance for meetings			
<i>Sub Total Other Staff Costs</i>	<i>52.1</i>	<i>33.4</i>	<i>64.2</i>
Travel			
Other Contractual Services			
<i>Sub Total Contractual Services</i>			
Other Miscellaneous Operating Costs			
<i>Sub Total General Operating Expenses</i>			
Supplies and Materials			
Equipment including Furniture			
Total	372.8	290.8	78.0

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

3. Contingency Fund application for the situation in Kenya to meet costs related to the decision on the confirmation of charges

240. Table 10 shows actual expenditure for the Contingency Fund application for the Kenya situation to meet costs related to the decision on confirmation of charges issued on 23 January 2012. As forecast earlier in the Performance Report to the Committee as at 30 June 2012, this fund was under implemented at 42.3 per cent, or €0.66 million against the notified application amount of €1.57 million.

241. Under-implementation in GTA is in large part due to the delayed recruitment of one P-2 in VWU and the subsequent change in the recruitment plan, the decision being made to use a roster instead of hiring for the short period remaining of 2012. Legal aid was under implemented due to (i) legal aid costs for counsel for the defence being reduced as a result of the application of the new legal aid scheme; and (ii) a change in assumptions, the costs for counsel for victims having been substantially reduced. The balance will be absorbed in the programme budget. As a result of the change in assumptions in legal aid, the expected number of counsel was not on board. Consequently, the application amount requested to support them in general operating expenses and equipment categories was not utilized.

Table 10: Budget Performance of the Contingency Fund application for the situation in Kenya to meet costs related to the decision on the confirmation of charges by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs			
Staff Costs			
General temporary assistance	341.9	230.1	67.3
Temporary assistance for meetings			
<i>Sub Total Other Staff Costs</i>	<i>341.9</i>	<i>230.1</i>	<i>67.3</i>
Travel	68.0	23.8	35.0
Counsel for defence	389.3	149.6	38.4
Counsel for victims	545.1	191.5	35.1
Other Contractual Services		15.8	
<i>Sub Total Contractual Services</i>	<i>934.4</i>	<i>356.8</i>	<i>38.2</i>
Utilities	31.3		

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Maintenance of Equipment & Furniture	4.2		
Other Miscellaneous Operating Costs	92.8	0.4	0.4
<i>Sub Total General Operating Expenses</i>	<i>128.3</i>	<i>0.4</i>	<i>0.3</i>
Supplies and Materials	3.5		
Equipment including Furniture	91.8	52.6	57.4
Total	1,567.8	663.7	42.3

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

4. Contingency Fund application to establish a small field presence in Abidjan, Côte d'Ivoire

242. Table 11 shows actual expenditure for the Contingency Fund application requested to establish a small Registry field presence in Abidjan, Côte d'Ivoire.

243. The implementation rate is 82.6 per cent, or €0.30 million against the notified application amount of €0.36 million. The Field Operation Section contracted to rent the office by paying the deposit and rental costs for 12 months from November 2012 to October 2013 instead of the requested period of six months during 2012, resulting in over-implementing in general operating expenses. However, the delayed start to renting the office in November has led to an underspend in GTA since the Security and Safety Section did not need to hire the requested GTA, and in equipment, since ICT did not start building the communications network in the rented office in 2012.

Table 11: Budget Performance of the Contingency Fund application to establish a small field presence in Abidjan, Côte d'Ivoire by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs			
Staff Costs	84.1	93.3	111.0
General temporary assistance	84.9	45.6	53.7
Temporary assistance for meetings			
<i>Sub Total Other Staff Costs</i>	<i>84.9</i>	<i>45.6</i>	<i>53.7</i>
Travel	15.8	10.4	65.6
External printing	5.5		
Public Information & Production Costs	10.0		
Other Contractual Services		5.0	
<i>Sub Total Contractual Services</i>	<i>15.5</i>	<i>5.0</i>	<i>32.3</i>
Rental of Premises	25.0	93.2	372.9
Maintenance of Premises	5.0		
Utilities	5.0		
Communications	9.6	0.1	0.9
Maintenance of Equipment & Furniture	20.3	8.1	40.1
Other Miscellaneous Operating Costs	13.0	31.0	238.2
<i>Sub Total General Operating Expenses</i>	<i>77.9</i>	<i>132.4</i>	<i>170.0</i>
Supplies and Materials	5.0	1.5	30.0

Equipment including Furniture	78.0	10.1	13.0
Total	361.2	298.2	82.6

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

5. Contingency Fund application for the situation in Kenya to meet costs related to the decision on the confirmation of charges

244. Table 12 shows actual expenditure for the Contingency Fund application requested by the Judiciary for the Kenya situation to meet costs related to the decision on confirmation of charges issued on 23 January 2012. The implementation rate was 51.2 per cent, or €0.14 million against the notified application amount of €0.28 million in order to allow time for GTA recruitment processes.

Table 12: Budget Performance of the Contingency Fund application for the situation in Kenya to meet costs related to the decision on confirmation of charges by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs			
Staff Costs			
General temporary assistance	275.4	141.0	51.2
Temporary assistance for meetings			
<i>Sub Total Other Staff Costs</i>	<i>275.4</i>	<i>141.0</i>	<i>51.2</i>
Travel			
Other Contractual Services			
<i>Sub Total Contractual Services</i>			
Other Miscellaneous Operating Costs			
<i>Sub Total General Operating Expenses</i>			
Supplies and Materials			
Equipment including Furniture			
Total	275.4	141.0	51.2

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

6. Contingency Fund application for the extension of the mandates of two judges and support staff for the case of Mr Germain Katanga and Mr Mathieu Ngudjolo Chui in the situation in the Democratic Republic of the Congo

245. Table 13 shows actual expenditure for the extension of the mandates of two judges for two months and a limited number of support staff to support the case of *Mr Germain Katanga and Mr Mathieu Ngudjolo Chui* in the situation in the Democratic Republic of the Congo. Actual expenditure is €0.08 million, against the notified application amount of €0.12 million, which corresponds to a 68.2 per cent implementation rate. Judges' pensions for the two-month extension were not expensed against this fund, leading to under implementation in Judges' costs. GTA was under implemented as a result of the recruitment process.

Table 13: Budget Performance of the Contingency Fund application for the extension of the mandates of two judges and support staff for the case of Mr Germain Katanga and Mr Mathieu Ngudjolo Chui in the situation in the Democratic Republic of the Congo by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs	85.5	61.4	71.8
Staff Costs			
General temporary assistance	29.7	17.2	57.9
Temporary assistance for meetings			
<i>Sub Total Other Staff Costs</i>	<i>29.7</i>	<i>17.2</i>	<i>57.9</i>
Travel			
Other Contractual Services			
<i>Sub Total Contractual Services</i>			
Other Miscellaneous Operating Costs			
<i>Sub Total General Operating Expenses</i>			
Supplies and Materials			
Equipment including Furniture			
Total	115.2	78.6	68.2

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

7. Contingency Fund application for unforeseen developments in the situations in the Democratic Republic of the Congo, Libya, Central African Republic and Côte d'Ivoire

246. This Contingency Fund application includes four different situations in the Democratic Republic of the Congo, Libya, Central African Republic and Côte d'Ivoire. Table 14 shows actual expenditure for unforeseen developments in these situations. An amount of €0.38 million was incurred in total against the notified application amount of €0.61 million, which corresponds to a 63.5 per cent implementation rate.

247. The DRC situation involves two issues; return operations for four detained witnesses transferred to The Hague from the DRC on 27 March 2011 waiting for political asylum to be granted in the Netherlands, and translations of the judgment in the case of *Mr Thomas Lubanga Dyilo* delivered on 14 March 2012. The detained witnesses were not returned to the DRC, and that resulted in underspend in other contractual services. As for the external translations costs, due to the delay in submitting the funding request, STIC was unable to fully utilize the requested funds; external translators were able to finish only half of the judgment during 2012. STIC may need to request funds for contingency next year to complete the translation.

248. The Libya situation involved activities for the release of four staff members detained in Libya when visiting Mr Gaddafi and subsequent efforts to identify lesson learned from this crisis and review and assess any future operations. Major underspend is found in travel; sections absorbed the costs already incurred within the programme budget before the notification of this Contingency Fund.

249. The CAR situation involves interpretation staff for Sango to continue the trial of Mr Jean-Pierre Bemba Gombo. The amount requested in respect of GTA was fully utilized.

250. The Côte d'Ivoire situation involves the necessary additional resources for legal aid for defence teams envisaged by the decision of the Registrar and for victims' teams for the expenses of an additional counsel to assist the lead Counsel envisaged by the decision of the Pre-Trial Chamber. Legal fees for counsel for defence shows an underspend.

Table 14: Budget Performance of the Contingency Fund application for unforeseen developments in the situations in the Democratic Republic of the Congo, Libya, Central African Republic and Côte d'Ivoire by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs			
Staff Costs			
General temporary assistance	135.5	142.6	105.2
Temporary assistance for meetings	5.6		
Consultants	2.5		
<i>Sub Total Other Staff Costs</i>	<i>143.6</i>	<i>142.6</i>	<i>99.3</i>
Travel	63.9	18.0	28.1
External translation	150.0	72.3	48.2
Counsel for defence	40.8	16.0	39.3
Counsel for victims	30.0	21.0	70.0
Other Contractual Services	93.5	43.5	46.5
<i>Sub Total Contractual Services</i>	<i>314.3</i>	<i>152.8</i>	<i>48.6</i>
Rental of Premises	27.5	63.0	229.2
Communications	6.6		
Other Miscellaneous Operating Costs	49.4	7.9	16.0
<i>Sub Total General Operating Expenses</i>	<i>83.5</i>	<i>70.9</i>	<i>85.0</i>
Supplies and Materials			
Equipment including Furniture			
Total	605.3	384.3	63.5

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change

8. Contingency Fund application for the further extension of the mandates of two judges and support staff for the case of Mr Germain Katanga and Mr Mathieu Ngudjolo Chui in the situation in the Democratic Republic of the Congo

251. Table 15 shows actual expenditure for further two-month extension of the mandates of two judges as well as a limited number of support staff to support the case of *Mr Germain Katanga and Mr Mathieu Ngudjolo Chui* in the situation in the Democratic Republic of the Congo. The implementation rate was 92.8 per cent, or €0.11 million against the notified application amount of €0.12 million. A total of eight months of Judges' pensions was expensed against this fund.

Table 15: Budget Performance of the Contingency Fund application the for further extension of the mandates of two judges and GTA for the case of Mr Germain Katanga and Mr Mathieu Ngudjolo Chui in the situation in the Democratic Republic of the Congo by item of expenditure (thousand euros)

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Judges' Costs	85.5	79.9	93.5
Staff Costs			
General temporary assistance	29.7	27.1	91.1
Temporary assistance for meetings			
<i>Sub Total Other Staff Costs</i>	<i>29.7</i>	<i>27.1</i>	<i>91.1</i>

<i>Expenditure Item</i>	<i>Contingency Fund Application</i>	<i>Actual Expenditure*</i>	<i>Implementation rate in %</i>
	[1]	[2]	[3]=[2]/[1]
Travel			
Other Contractual Services			
<i>Sub Total Contractual Services</i>			
Other Miscellaneous Operating Costs			
<i>Sub Total General Operating Expenses</i>			
Supplies and Materials			
Equipment including Furniture			
Total	115.2	107.0	92.8

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change

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

252. Table 16 shows the Court's consolidated budget performance, taking together the programme budget and the total Contingency Fund application as referred to in paragraph 210. The Court's actual expenditure including Contingency Fund expenditure is €107.50 million against the consolidated budget of €112.60 million including Contingency Fund application of €3.81 million. This represents a 95.5 per cent implementation rate. This would be 98.8 per cent if set against the approved budget of €108.80 million.

Table 16: ICC Consolidated budget Performance 2012 by item of expenditure (thousand euros)

<i>Items</i>	<i>Approved Budget 2012</i>	<i>Total Contingency Fund (CF) Application 2012</i>	<i>Total Budget and CF Application 2012</i>	<i>Actual Expenditure* 2012</i>	<i>Actual Expenditure* for CF 2021</i>	<i>Total Actual Expenditure incl. CF 2012</i>	<i>Total Actual Implementation incl. CF rate 2012 against Budget and CF Application in %</i>	
							<i>Implementation rate 2012</i>	<i>Consolidated</i>
	[1]	[2]	[3]=[1]+[2]	[4]	[5]	[6]=[4]+[5]	[7]=[6]/[1]	[8]=[6]/[3]
Judges	5,111.9	491.7	5,603.6	4,879.4	398.6	5,278.0	103.2	94.2
Judges' travel				56.9		56.9		
<i>Sub-total judges</i>	<i>5,111.9</i>	<i>491.7</i>	<i>5,603.6</i>	<i>4,936.3</i>	<i>398.6</i>	<i>5,334.9</i>	<i>104.4</i>	<i>95.2</i>
Staff costs	59,669.2	84.1	59,753.3	59,306.5	93.3	59,399.8	99.5	99.4
General temporary assistance	11,348.0	949.2	12,297.2	12,292.9	636.8	12,929.7	113.9	105.1
Temporary assistance for meetings	1,009.9	5.6	1,015.5	561.9		561.9	55.6	55.3
Overtime	403.2		403.2	345.8		345.8	85.8	85.8
Consultants	586.7	2.5	589.2	212.5		212.5	36.2	36.1
<i>Sub-total staff costs</i>	<i>73,017.0</i>	<i>1,041.4</i>	<i>74,058.4</i>	<i>72,719.5</i>	<i>730.2</i>	<i>73,449.6</i>	<i>100.6</i>	<i>99.2</i>
Travel	4,563.2	147.7	4,710.9	3,774.3	52.2	3,826.5	83.9	81.2
Hospitality	32.0		32.0	27.6		27.6	86.3	86.3
Contractual services	4,386.9	724.1	5,111.0	4,481.8	136.6	4,618.4	105.3	90.4
Training	748.2		748.2	621.5		621.5	83.1	83.1
Counsel for defence	1,950.8	821.9	2,772.7	3,281.0	554.8	3,835.7	196.6	138.3
Counsel for victims	4,279.0	110.0	4,389.0	2,174.6	212.5	2,387.1	55.8	54.4

Items	Approved Budget 2012	Total Contingency Fund (CF) Application 2012	Total Consolidated Budget and CF Application 2012	Actual Expenditure* 2012	Actual Expenditure* for CF 2021	Total Actual Expenditure incl. CF 2012	Total Actual Implementation incl. CF rate 2012 against Total Consolidated Budget and CF Application in %	
							[7]=[6]/[1] Budget in %	[8]=[6]/[3] Application in %
	[1]	[2]	[3]=[1]+[2]	[4]	[5]	[6]=[4]+[5]	[7]=[6]/[1]	[8]=[6]/[3]
General operating expenses	12,559.9	289.7	12,849.6	11,114.6	203.7	11,318.3	90.1	88.1
Supplies and materials	1,097.2	8.5	1,105.7	854.2	1.5	855.7	78.0	77.4
Equipment incl. Furniture	1,053.9	169.8	1,223.7	1,158.8	62.8	1,221.5	115.9	99.8
Sub-total non-staff costs	30,671.1	2,271.7	32,942.8	27,488.3	1,223.9	28,712.3	93.6	87.2
Total ICC	108,800.0	3,804.8	112,604.8	105,144.1	2,352.7	107,496.8	98.8	95.5

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change.

253. Table 17 shows a summary of the status of trust funds at year-end 2012. It is followed by a brief description of each trust fund.

Table 17: Status of trust funds 2012 *

2012	Trust Funds	Allotment	Actual Expenditure*	Variance
T001	Internship & Visiting Professional Programme	136,640.0	123,960.0	12,680.0
T002	Law & Cooperation	471,993.0	428,301.0	43,692.0
T202	Legal Tools Project	102,067.0	87,727.0	14,340.0
T301	AU/ICC Seminar	32,949.0	12,858.0	20,091.0
T309	Family visits	60,000.0	50,229.0	9,771.0
T401	Least developed countries	251,677.0	109,932.0	141,745.0
	Total	1,055,326.0	813,007.0	242,319.0

* Actual Expenditure 2012 is based on preliminary, unaudited figures, which are subject to change

254. T001 The trust fund finances the training of young students and professionals in the framework of the internship and visiting professionals programme.

255. T002 The trust fund supports activities for building legal expertise and fostering cooperation.

256. T202 The Legal Tools Project represents a comprehensive online resource for practice and research in international criminal law.

257. T301 The trust fund financed a seminar on lessons learned based on the case of Mr Thomas Lubanga Dyilo and attempted to strengthen the relationship between the African Union and the Court.

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

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

Annex I

Major programme I: Judiciary

Programme 1100: Presidency

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Carry out its judicial functions under the Statute including the support of the Judiciary as efficiently and expeditiously as possible while maintaining high legal standards	- Prepare for a smooth transition of judges in early 2012.	100%	The Presidency took all relevant decisions on assignments to Divisions and (re)constitution of Chambers. This also required the provision of logistical and legal support to three plenary sessions (out of a total of five) and one meeting of judges (out of a total of 10)
	- Progress in the field of international cooperation and enforcement of sentences.	Negotiate two agreements	10 agreements were negotiated and five were concluded
	- Efficient management of applications submitted to the Presidency.	All decisions issued within agreed timeline	The Presidency issued 39 judicial decisions, some of which were confidential by nature
Objective 2 - Maintain or increase support for the Court (focus on Africa & Asia/Pacific) particularly through additional agreements and ratifications	- Host official visits.	80	56 VIP visits ¹ plus ca. 60 other visits.
	- Conduct foreign visits.	15	Members of the Presidency conducted 9 foreign visits. ²
	- Deliver speeches at major conferences.	10	15 by members of the Presidency plus many more by other judges
	- Participate in diplomatic and NGO briefings.	2+2	1+1 held during 2012, both with the participation of the Presidency
	- Grant interviews and participate in press conferences.	15 + 30	The President gave 16 interviews and participated in two press conferences
Objective 3 - Optimize internal and external governance structure and strengthen Presidency's strategic leadership within that framework	- Strengthen Presidency's strategic leadership and oversight of the Registry.	100%	The Court's Management Control System has been further operationalized and meetings between the President and the Registrar streamlined
	- Optimize internal governance structure.		CoCo as well as management advisory bodies such as Tricomm have further improved inter-organ communication and decision-making
	- Provide the President with comprehensive and effective assistance and advice.		100%, through periodic as well as <i>ad hoc</i> meetings and constant consultation through the Chef de Cabinet and Special Assistant
	- Improve consistent external governance structure.		Continued engagement and efficient communication with external stakeholders such as the HWG, SGG, CBF and the External Auditor
	- Oversee finalization of the Management Control System.		Periodic briefings by Registry officials on progress and operationalization; follow-up on Presidency recommendations

¹ Heads of State, ministers, supreme court judges, speakers of parliament, first official visits by new ambassadors etc.

² Some of the foreign visits took place in the context of conferences, with the travel expenses of the Presidency member in question covered by the organizers.

Programme 1200: Chambers

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 Pre-Trial Division	- Enhance the sharing of information between the Pre-Trial Chambers in order to develop more efficient practices.	100%	Pre-Trial Chambers hold regular meetings for the sharing of information in order to ensure consistency of approach.
	- Ensure that the transmission of cases to the Trial Division is properly organized and develop cooperation in this regard with the Trial Division according to the feedback received.		Transmission of cases in the Kenya situation was organized in cooperation and consultation with the Trial Division.
	- Prepare cases for trial in the most efficient way and, to this end, define precisely the scope of the cases to be sent to trial and streamline proceedings at the trial stage by solving a number of issues already at the pre-trial stage.		Scope of cases was substantially reduced in the Kenya situation in accordance with the evidence presented by the OTP. Issues in relation to jurisdiction and admissibility were solved at the pre-trial stage. Informal discussions among trial and pre-trial judges took place in order to explore options to improve clarity of confirmation of charges decisions.
	- Ensure that cases not supported by sufficient evidence are not sent to trial, in order to achieve judicial economy.		To date, 29% of the cases for which OTP requested confirmation of charges from 2006 to 2012 were dismissed in totality at the confirmation of charges stage for lack of sufficient evidence. This percentage is higher in 2012 where 33% of cases (two of six presented) were rejected for lack of sufficient evidence.
Objective 2 Trial Division	- The Division will seek to ensure that procedures are in place that will enable the best use of resources across the Trial Chambers, so that work is allocated on a flexible and responsive basis. The Division will establish an environment in which the necessary continuity of engagement with a case on the part of members of staff and the need to establish appropriately flexible work patterns are equally implemented.	1. The President of the Division and the Legal Adviser (in consultation with the Presiding Judges of the individual Chambers) will seek to ensure that the resources available to the Division are utilized on the most efficient basis.	Regular consultations have taken place to meet the objective
	- In consultation with the Registry, the Division will seek to ensure that the Trial Chambers have full access to the procedures, practices and decisions that are adopted in each of the individual cases.	2. The President of the Division and the Legal Adviser (in consultation with the Presiding Judges of the individual Chambers) and in liaison with the Registry, will seek to ensure that the Trial Chambers have full access to the procedures, practices and decisions that are adopted in each of the individual cases.	Measures are continuously taken to increase the sharing of relevant practices within the Division

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
	- The Division will ensure that the excellent lines of communication with the relevant sections of the Registry are maintained.	3. The President of the Division and the Legal Adviser (in consultation with the Presiding Judges of the individual Chambers) will ensure that the excellent lines of communication with the relevant sections of the Registry are maintained.	The requisite lines of communication have been maintained with the Registry through regular contacts
	- Starting in 2011 and continuing into 2012, The Division will conduct a “lessons-learned” exercise based on the trials (particularly those that have concluded) with a view to establishing whether the practices and procedures of the Trial Division ought to be amended in order to promote more efficient proceedings.	4. The President of the Division and the Legal Adviser (in consultation with the Presiding Judges of the individual Chambers), starting in 2011 and continuing into 2012, will conduct a “lessons-learned” exercise based on the trials (particularly those that have concluded) with a view to establishing whether the practices and procedures of the Trial Division ought to be amended in order to promote more efficient proceedings. With the assistance of the legal staff of individual Chambers, the Division will review the course of each completed trial for this purpose.	Discussions on lessons learned have started between the three Divisions and will continue into 2013.
Objective 3 Appeals Division	- Agreement reached within the Appeals Division, based on previous experience and taking into account inter alia the experience of the ad hoc tribunals, on the most appropriate working methods for the disposal of the first final appeals; these working methods should be flexible and may need to be adapted if there is more than one final appeal and/or parallel interlocutory appeals.	Flexible working methods for final appeals adopted in the first quarter of 2012; implementation monitored throughout the year.	100%
	- Working methods for interlocutory appeals monitored and, if necessary, revised, in particular in light of experience with hearing interlocutory appeals at the same time as final appeals.	Working methods for interlocutory appeals monitored throughout the year.	100%

Programme 1300: Liaison Offices

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objectives 1 and 2 - Well-recognized and adequately supported institution	- Pursue all requests of the Court for cooperation with relevant interlocutors at United Nations Headquarters until completion of requests.	100% implementation rate	95%
	- Organize briefings for States in New York.	3 briefings	75%. Organized 2 briefings.
	- Provide support to visiting Court officials.	6-10 visits	100%
	- Monitor and participate in relevant United Nations meetings, follow up on items bilaterally and provide weekly reports to the Court.	1-2 reports every fortnight	80%
	- Provide input for United Nations reports and resolutions on Court-related subjects.	Provide input for 5-8 resolutions	100%
	- Participate and intervene in seminars and discussions on Court-related subjects.	5 seminars / workshops	100%
	- Provide logistical support to the Assembly, its Bureau and the New York Working Group.	15-20 meetings	100%

Annex II

Major programme II: Office of the Prosecutor

Programme 2100 – The Prosecutor

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Delivery of the annual training plan supporting the full implementation of the Operations Manual	- Proportion of annual training plan implemented	≥ 95%	82%
	- Percentage of the target groups reached by training	100% compulsory training elements; 60% optional training elements	100%
Objective 2 - All OTP-specific language, administrative, budgetary and technical development and improvement objectives for 2012 implemented	- Actual proportion of improvements/developments implemented	> 90%	92%

Programme 2200: Jurisdiction, Complementarity and Cooperation Division

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Provide the Executive Committee with periodic analytical reports on communications received, and issues of jurisdiction, admissibility and/or interests of justice in situations under preliminary examination or investigation.	- Proportion of reports delivered on time and substantiated by the Executive Committee.	100%	All reports delivered on time and substantiated.
- Efficient and timely compliance with internal processes for requests for assistance.	- Proportion of requests processed in accordance with material, formal and timely requirements: rate of compliance.	> 95%	95%
- Further develop range of providers of information and other types of support including in particular cooperation for investigative/trial purposes and conclusion of agreements/arrangements where required.	- Proportion of expected cooperation and support and cooperation arrangements concluded as required.	100%	100%
Objective 2 - Adequate progress made in the implementation of cooperation and arrest strategies developed for each situation.	- Actual implementation vs planned implementation.	100%	80%
Objective 3 - Implementation of annual objectives contained within cooperation and external relations strategies directly involving OTP.	- Actual implementation rate of annual objectives.	100%	All objectives were implemented as planned

Programme 2300: Investigation Division

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Collection and analysis objectives set out in the joint team investigation plan reached for the five investigations and preliminary examinations.	- Planned collection vs actual collection.	0% deviation assuming no unforeseen events	In 2012, the Investigation Division advanced seven active investigations and maintained nine residual investigations and met all deadlines and collection objectives achievable with the resources available. The Investigation Divisions continued to support three active trials.
	- Half-yearly survey of satisfaction with analytical products (joint team, trial team and Executive Committee).	> 90% satisfaction	The Investigations Division supported all investigations and trials with analytic products that were considered satisfactory and within target.
	- Review and transcription of collected material in support of the case hypothesis and the disclosure performed as planned.	- Planned versus actual production of metadata, transcript and review.	> 90%
	- % of error.	Less than 10%	Achieved.
Objective 2 - No security incident with witness or staff resultant from inadequate exposure or lack of OTP action.	- Number of security incidents caused by inadequate exposure or lack of OTP action.	Zero	In 2012, there were zero security incidents caused by inadequate exposure or lack of OTP action.

Programme 2400: Prosecution Division

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - High-quality and compact applications delivered within the stipulated timeframes.	- Rate of acceptance of submissions and granting of requests by the Chambers.	$\geq 80\%$	Average acceptance rate in the various cases, including appeal, well over 80%.
- Efficient presentation of evidence before the Pre-Trial and Trial Chambers.	- Time in which Prosecution case is presented (actual court days) for each case.	≤ 6 months	The Prosecution has largely met this objective in its cases.
	- Number of witnesses per case maintained at lowest levels to minimize exposure.	Minimum possible - at least comparable to current trial average (30-35)	Prosecution maintains low number of witnesses in its trial cases; for pre-trial stages the Prosecution in general does not rely on live witnesses.

Annex III

Major programme III: Registry

Programme 3100: Office of the Registrar

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - To protect the Court's legal interests.	- Number of framework agreements concluded in support of the Court's operations (e.g. headquarters agreements with States; relationship agreements with the United Nations; and relocation agreements).	7	2
	- Number of findings of non-cooperation made by Chambers.	0%	Achieved. There was no decision on non-cooperation.
Objective 2 - To provide efficient and effective support to staff and legal teams. - To maintain a secure and safe environment at the Court.	- Number of incidents involving serious injuries due to negligence of management.	0%	0%
	- Screening of all persons and items entering the Court's premises.	100%	100% Total number of persons screened 301,003; decrease of 10.7%
	- Vetting of all staff, interns, visiting professionals and consultants.	100%	100% Vetting implemented for interns and visiting professionals since August 2012 (total of 76 were screened).
- To provide field security in accordance with United Nations/ international standards.	- Compliance with Minimum Operating Security Standards (MOSS).	90%	95%
Objective 3 - To minimize management and financial risks.	- Implementation of internal and external audit recommendations by management.	60%	External audit: 57% Internal audit: 36% ¹

Programme 3200: Common Administrative Services Division

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Become a non-bureaucratic administration focused on results rather than processes.	- To have performed business process re-engineering for five administrative processes in the Court.	5	5
	- Adjustment to the proposed amount and distribution of resources within CASD.	Maximum of 5% reduction or redistribution.	7%
Objective 2 - Submit sound, accurate and transparent budget proposals.			

¹ As at 30 June 2012.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 3 - Attract, care for and offer career development to a diverse staff.	- Number of HR policies and development of HR Management Manual.	50% completion of manual	A comprehensive reference guide listing all policies has been published on the Intranet. Development of HR policy framework continues.

Programme 3300: Division of Court Services

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Support to Court sessions in accordance with the Regulations of the Court and the Regulations of the Registry. Support of 200 court days for 2012.	- Number of trial days successfully completed.	100%	62%
- Provision of efficient and effective services to requesting parties and to Chambers.	- Number of requests responded to within a week.	90%	90%
Objective 2 - A well-ordered detention community where the detained persons collectively feel safe from harm and are indeed safe.	- Number of incidents involving serious injuries due to negligence of management.	0%	0%
- Efficient and effective support, protection and operational/logistical services to victims, witnesses and others at risk, regardless of location, subject to assessment.	- Number of successfully protected witnesses and victims.	100%	100%
Objective 3 - Terminological accuracy and consistency in translated texts and interpreted events in all used languages.	- Number of searches performed in language tools per month by active users.	200 (minimum)	40,000 (400 searches per user per month with an average of 100 users in 2012)
- Comprehensive and resource-effective use of all translation services.	- Number of duplicated requests in the workflow.	0%	99% (the remaining 1% representing the number of duplicate requests compared to the total number of translation requests received).
- Adequate number of staff and freelance interpreters and field interpreters available for assignments.	- Number of fulfilled interpretation and field interpretation requests.	90%	100% of requests submitted for interpretation and field interpretation fulfilled
- High standards regarding conditions of detention and management of the detention centre.	- Number of positive reviews.	100%	100%
Objective 4 - Successful arrest and transfer operations.	- Number of actions undertaken by States as a result of a Court request.	80%	N/A

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
- Effective systems for processing applications from victims.	- Number of applications received from victims registered and acknowledged within seven days of receipt.	95%	99% of applications registered within seven days of receipt 22.5% of applications received acknowledged within seven days of receipt to the Legal representative
	- Number of applications from victims entered into the database within 30 days of receipt.	95%	90%

Programme 3400: Public Information and Documentation Section

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Increased level of awareness and understanding of Court activities among affected communities. This year special efforts to engage women will continue.	- Number of activities engaging women.	20% more in the DRC and CAR and Sudan, compared to 2011.	Achieved as planned UG: 4 DRC: 9 SUD: 17 CAR: 18 KENYA: 7
	- Number of women directly engaged at interactive sessions.	For the Kenya situation, baseline data will be collated	UG: 1986 DRC: 2936 SUD: 105 CAR: 2548 KENYA: 2071 CIV: 51
	- Estimated population reached via radio.	Same as in 2011	Partially achieved UG: 8 million ² DRC: 25 million SUD: 10 million CAR: 800,000 KENYA: 25 million
	- Estimated population reached via television.	Same as in 2011	Achieved DRC: 25 million SUD: 10 million KENYA: 25 million
	- Number of radio listening clubs (RLC) established by the Outreach Unit, where appropriate.	3 more in the DRC and in CAR	DRC: 12 ³ CAR: None ⁴

² In Uganda, due to low level of judicial activity, the number of Court programmes decreased from eight to four in 2012. Hence, estimated audience reached fell from 19 million to 8 million.

³ In DRC there are 43 RLC established in partnership with local actors.

⁴ In CAR the Section decided not to create new listening clubs but to focus on monitoring the functioning of a total of 20 that had been established in previous years.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 2 - Increased access to the Court's judicial proceedings for local and global audiences.	In countries concerned:		
	- Level of satisfaction by journalists covering the Court with the assistance of the PIDS Outreach Unit in the field.	80% of respondents to surveys satisfied	UG: 65% DRC: 84% SUD: 82% CAR: 92% KENYA: 89%
	- Number of publications distributed.	Overall 30,000	Partially accomplished 14,975
	- Number of visitors to the Court's website video-streaming service.	10,000 more than in 2011	Not accomplished ⁵ . 85,344 visitors
Objective 3 - Constantly increase global awareness of the Court through media and campaigns.	- Increased number of visitors attending briefings at the seat of the Court.	30% fewer than in 2011	Accomplished Total of visitors: 7,358 ⁶
	- Increased number of interviews given to the media by Court officials based in The Hague.	10% more than in 2011	Partially achieved. 1,524 interviews were given compared to 1,455 in 2011
	- Increased number of lawyers especially from Africa and the Arab world submitting applications to the list of counsel and list of assistants to counsel following the ICC-IBA campaign Calling African Lawyers.	5% more than in 2011	Achieved 32 new applications were received (28 from the African group, and four from the Asian-Pacific group)
	- Increased number of universities participating in the Court's Moot Court competition	10% more than in 2011	Achieved 80 universities participated compared to 41 in the previous year. This represents an increase of 95%

⁵ In 2011, registrations totalled 155,605, the reason being that in September of that year there was an exceptional number of viewers – 103,386 in one month alone – due to interest in the Kenya pre-trial hearings

⁶ This figure represents 29.92 % fewer than the 10,499 visitors received in 2011.

Annex IV

Major programme IV: Secretariat of the Assembly of States Parties

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Conference held as planned.	<ul style="list-style-type: none"> - Meetings run smoothly, end on time and adopt reports. - All agenda items are considered. - Participants are supported substantively and logistically at meetings, including with registration, provision of documentation and language services. - Session participants are satisfied with the arrangements and information provided. 	n/a	High-quality conference and meeting services were provided to the Assembly and its subsidiary bodies. All pre-session, in-session and post-session documents were edited, translated and made available to States in a timely manner, despite the Assembly ending one day earlier than foreseen. Positive feedback from participants was received.
Objective 2 - Quality edited and translated documents released for processing, production and distribution in a timely manner.	<ul style="list-style-type: none"> - States are provided and satisfied with quality conference services and with the editing, translation and timely issuance of documents, in the six official languages, which fully support them in their functions. - States are assisted as required, in particular with the provision of information and documentation regarding the Assembly and Court. 	n/a	For the eighteenth and nineteenth sessions of the Committee on Budget and Finance, the Secretariat processed the pre-session, in-session and post-session documents ¹ set out in the table below (4,732 pages). For the eleventh session of the Assembly, the Secretariat processed the pre-session, in-session and post-session documents ² set out in the table below (7,114 pages).
Objective 3 - Quality legal advice provided to the Assembly and its subsidiary bodies.	<ul style="list-style-type: none"> - States are provided with substantive legal services, especially in the form of documentation, which facilitate and support their work. - Members of the Assembly and relevant bodies are satisfied with the sessions. 	n/a	All available information and documentation requested regarding the work of the Assembly and the Court was provided upon request. States and Committee members were thus facilitated in fulfilling their role. Positive feedback from participants was received.

¹ In three official languages.

² In six official languages.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 4 - Effective dissemination of documentation and information to States Parties via, <i>inter alia</i> , the Internet.	- Website and Assembly, Committee on Budget and Finance and Oversight Committee Extranets are used frequently. - Information and documentation can be accessed without delays.	n/a	All official documents and useful information were uploaded to the website. In addition, extranet is available for use at all times for Assembly and Committee members. The Secretariat distributed to the delegations at the eleventh session of the Assembly USB flash drives that contained the majority of available pre-session documents, reducing the 4,587 pages of printed documents normally distributed. This resulted in savings of €76,223.70. The Secretariat will continue to adopt all measures and ways to achieve efficiency in documentation. As regards its recent mandate regarding complementarity, the Secretariat, <i>inter alia</i> , participated in relevant meetings; secured the engagement of stakeholders with each other; continued to develop an Extranet and posted relevant information Visits to the Secretariat's website: Total visits: 121,296. Average per day: 356 International visits: 84.12% Visits from Netherlands: 15.88 % Positive feedback from participants was received.

Number of documents and pages, produced in 2012

	<i>English</i>		<i>French</i>		<i>Spanish</i>		<i>Arabic</i>		<i>Chinese</i>		<i>Russian</i>		<i>Total</i>	
	<i>Documents</i>	<i>Pages</i>												
CBF ³ 18 th session	147	1,097	126	918	1	108	0	0	0	0	0	0	274	2,123
CBF 19 th session	186	1,373	143	1,236	0	0	0	0	0	0	0	0	329	2,609
<i>CBF total</i>	<i>333</i>	<i>2,470</i>	<i>269</i>	<i>2,154</i>	<i>1</i>	<i>108</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>603</i>	<i>4,732</i>
ASP ⁴ eleventh session:														
Pre-session documentation	55	1,309	54	1,112	51	1,083	51	1,083	0	0	0	0	211	4,587
In-session documentation	46	185	30	135	27	130	28	146	0	0	0	0	131	596
Post-session documentation	3	473	3	473	3	473	2	430	1	41	1	41	13	1,931
<i>ASP eleventh session: total</i>	<i>104</i>	<i>1,967</i>	<i>87</i>	<i>1,720</i>	<i>81</i>	<i>1,686</i>	<i>81</i>	<i>1,659</i>	<i>1</i>	<i>41</i>	<i>1</i>	<i>41</i>	<i>355</i>	<i>7,114</i>
2012 total	437	4,437	356	3,874	82	1,794	81	1,659	1	41	1	41	958	11,846

³ Committee on Budget and Finance.

⁴ Assembly of States Parties.

Annex V

Major programme VI: Secretariat of the Trust Fund for Victims

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - Individual and collective reparations paid when ordered by Chambers.	- Mechanism in place for timely delivery, control and reporting on reparation payments.	95% implementation rate	No implementation of reparations mandate, pending conclusion of reparations proceedings in the <i>Lubanga</i> case
Objective 2 - Improved resource base by way of increased voluntary contributions, more diversity in contributors and improved predictability of income.	- Fundraising strategy.	Substantial improvement in income (specific targets to be developed in fund-raising strategy).	Revenue from voluntary contributions is above € 2m target, however down compared to 2011 (due to gap year in Swedish contributions). Nevertheless, the TFV's donor base has been stabilised and predictability of funding has improved.
Objective 3 - Increased awareness of the role and activities of the Trust Fund for Victims.	- Increased use of communication materials by media, partner organizations, intermediaries and other stakeholders.	Improved visibility in public domain and in affected communities.	References to TFV in the media and public domain have been positive and constructive, resulting in a better understanding and support of the TFV mandates and activities
Objective 4 - Efficient administrative structure and operations in place in conformity with applicable regulations and rules.	- Satisfactory report from the External Auditor and Internal Auditor.	No remarks from the External Auditor or the Internal Auditor concerning the Secretariat's control and management practices.	Unqualified audit opinion for 2011. TFV is following up on recommendations on IPSAS implementation, development of a separate risk register
Objective 5 - Enhanced effectiveness of functions, including grants management, Chamber notifications, and tendering.	- Significant improvement in process and systems management for administering projects in coordination with Registry sections such as (Legal Advisory Services Section (LASS), Procurement, and Budget and Finance.	Increased transparency and effectiveness of donor resources and grants management in accordance with the Court's Financial Regulations and Rules	SAP Grants Management module has improved transparency of TFV resource management. TFV accounting policy regarding grants administration needs to be resolved. Transaction costs related to procurement and financial control need improvement.

Annex VI

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

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - To provide the Court with the necessary permanent premises to meet the organization's strategic goals and objectives.	- Project performs in line with the agreed budget.	100%	The project managed to entirely absorb the "3gv" costs into the construction budget of €190 million; moreover additional savings of € 6.3 million have been made at the award stage of the contract.
	- Tender for general contractor finalized and contract awarded.	100%	The tender procedure was completed and resulted in the award, on a best value basis, of the contract to Courtys (a consortium comprising Visser & Smit/Boele van Eesteren) in October 2012.
	- Construction of the permanent premises started.	100%	The first part of the technical design was finalized and the construction phase commenced in October 2012 with the second part of the technical design initiated. Site set up and ground works (archaeological survey) started as of January 2013, following receipt of the Final Permit.

Annex VII

Major programme VII-5: Independent Oversight Mechanism

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2012</i>	<i>Achievements</i>
Objective 1 - To provide effective and efficient oversight of Court personnel whilst seeking to minimize security risks.	- Completion of investigation reports.	As the IOM is in start-up phase, it is not currently possible to estimate the level of activities	At its eleventh session, the Assembly of States Parties did not operationalize either the investigative or inspection/evaluation mandate of the IOM (see ICC-ASP/10/20, paras.64-68). Accordingly, the IOM was not in a position to set or achieve targets relating to the objectives, which are based upon the premise that the IOM is operationalized pursuant to an ASP-approved mandate.
Objective 2 - Ensure procedural fairness and transparency to guarantee rights in the execution of investigative function.	- Compliance with the IOM Manual of Procedures to ensure fairness throughout the investigative process.	As the IOM is in start-up phase, it is not currently possible to estimate the level of activities	

Annex VIII

Realization of assumptions 2005-2012

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

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

¹ Subject to External Auditors' recommendations.

<i>Financial year</i>	<i>Approved budget (in million euros)</i>	<i>Budget performance (in %)</i>	<i>Assumptions</i>	<i>Realization of assumptions</i>
2012	108.8	96.9	- Analyze up to eight potential situations	<ul style="list-style-type: none"> - Nine situations were under preliminary examination (phase 2 or later), including Afghanistan, Colombia, Georgia, Guinea, Honduras, Mali, Nigeria, Republic of Korea, and Palestine, of which two were completed (Mali and Palestine). - In order to increase impact, the OTP has produced more in-depth public reporting of its monitoring activities, including through the issuance of an annual Report on Preliminary Examinations as well as situation-specific reports (Colombia, Mali). - The office has conducted eight active investigations during 2012. DRC IV, V & VI, Ken I & II, Libya & II and Cote d'Ivoire
			- Maintain nine residual investigations (including providing support to three trials, subject to external cooperation received).	<ul style="list-style-type: none"> - Residual investigations/witness management in cases where suspects are at large or where there are witness management issues. <ul style="list-style-type: none"> • Uganda. • Darfur I, II, III & IV • DRC III - Residual investigations in support of cases at trial: <ul style="list-style-type: none"> • DRC and II • CAR.

Annex IX

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

Number of indigent defendants and victim applications

	<i>Actuals 2012</i>	<i>2012 budget assumptions</i>	<i>Actuals 2011</i>	<i>2011 budget assumptions</i>	<i>Actuals 2010</i>	<i>2010 budget assumptions</i>	<i>Actuals 2009</i>	<i>2009 budget assumptions</i>	<i>Actuals 2008</i>	<i>2008 budget assumptions</i>
Number of indigent defendants	0 ¹	7	6	3	6	3	4	3	3	1
Victim applications	1,755	no assumption	1,164	no assumption	2,257	no assumption	74	no assumption	66	no assumption

Victim participation applications

	<i>2012</i>	<i>2011</i>	<i>2010</i>	<i>2009</i>	<i>2008</i>
Uganda	24	27	311	272	216
DRC	0	1,160	47	331	270
Darfur - Sudan	2	5	63	118	0
CAR	170	3,065	1,761	34	133
Kenya	882	2,513	57	2	0
Libya	6	1	-	-	-
Côte d'Ivoire	203	-	-	-	-
Total	1,287	6,771	2,239	757	619

Victim reparation applications

	<i>2012</i>	<i>2011</i>	<i>2010</i>	<i>2009</i>	<i>2008</i>
Uganda	24	25	381	24	0
DRC	0	1,160	36	107	4
Darfur - Sudan	2	54	76	7	0
CAR	206	2,936	321	23	1
Kenya	698	2,857	421	116	0
Libya	6	0	-	-	-
Côte d'Ivoire	210	-	-	-	-
Total	1,146	7,032	1,235	277	5

¹ In 2012 no defendants were found to be indigent. However, the Court serviced a total of nine indigent defendants during that year as they had been found to be indigent in previous years.

Stay per witness at HQ

	<i>Max. duration stay per witness at HQ 2012</i>	<i>Budget assumption</i>	<i>Max. duration stay per witness at HQ 2011</i>	<i>Budget assumption</i>	<i>Max. duration stay per witness at HQ 2010</i>	<i>Budget assumption</i>	<i>Max. duration stay per witness at HQ 2009</i>	<i>Budget assumption</i>	<i>Max. duration stay per witness at HQ 2008</i>	<i>Budget assumption</i>
DRC I	N/A	N/A	13	15	22	10	39	10	0	7
DRC II	N/A	N/A	25	15	41	10	21	10	0	7
CAR	37	15	33	15	19	10	0	10	0	7

Annex X

Office of the Prosecutor: Information with regard to the number of missions, documents and pages filed in the case of the Office of the Prosecutor in 2012

A. Number of missions:

875 missions for all OTP staff and non-staff missions (paid on 2012 basic and situation-related funds):

- (a) Situation-related missions: 760 (for staff and non-staff)
- (b) Basic (non-situation-related) missions: 115 (for staff and non-staff)
- (c) IOP: 49 for staff, 3 for non-staff (TOTAL 52)
- (d) Services section: 57 for staff, 25 for non-staff (TOTAL 82)
- (e) ID: 483 for staff, 14 for non-staff (TOTAL 497)
- (f) PD: 103 for staff, 1 for non-staff (TOTAL 104)
- (g) ICCD: 139 for staff, 1 for non-staff (TOTAL 140)
- (h) JCCD preliminary examination-related missions: 10

B. Number of documents filed / pages filed

1. Situation in DRC:

	<i>Submissions</i>	<i>Pages</i>
DRC Situation Records Only	16	30,765
<i>Prosecutor vs. Thomas Lubanga Dyilo</i>	16	206
<i>Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui</i>	14	1,403
<i>Prosecutor vs. Callixte Mbarushimana</i>	7	104
<i>Prosecutor vs. Mathieu Ngudjolo Chui</i>	2	11

2. CAR Situation

	<i>Submissions</i>	<i>Pages</i>
CAR Situation Records Only		
<i>Prosecutor vs. Jean-Pierre Bemba Gombo</i>	69	1,283

3. Kenya Situation

	<i>Submissions</i>	<i>Pages</i>
Kenya Situation Records Only	6	86
<i>Prosecutor vs. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang</i>	61	4,528
<i>Prosecutor vs. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali</i>	87	7,177

4. Libya Situation

	<i>Submissions</i>	<i>Pages</i>
Libyan Arab Jamahiriya Situation Records Only	1	8
<i>The Prosecutor v. Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Sennusi</i>	23	569

5. Darfur Situation

	<i>Submissions</i>	<i>Pages</i>
DAR Situation Records Only	2	593
<i>Prosecutor vs. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus</i>	88	965

6. Côte d'Ivoire Situation

	<i>Submissions</i>	<i>Pages</i>
Republic of Côte d'Ivoire Situation Records Only	1	266
<i>The Prosecutor v. Laurent Gbagbo</i>	119	7,005
<i>The Prosecutor v. Simone Gbagbo</i>	2	37

7. Total of main submissions filed by OTP in all situations and cases in 2012:

514 corresponding to 55,006 pages including the additional annexes.

8. Disclosures

During 2012 the OTP conducted 158 disclosures of evidence in all cases. In total 7,287 evidence items and 57,450 pages were disclosed.