

International Criminal Court



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## Seventeenth session

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## **Report of the Committee on Budget and Finance on the work of its thirtieth session**

## Table of Contents

<b>Executive Summary .....</b>	<b>4</b>
<b>I. Introduction.....</b>	<b>5</b>
A. Opening of the session .....	5
B. Election of officers.....	5
C. Adoption of the agenda and organization of work .....	5
D. Participation of observers .....	7
<b>II. Consideration of issues on the agenda of the Committee at its thirtieth session .....</b>	<b>7</b>
A. Budgetary governance .....	7
1. Conduct of a workshop .....	7
2. Documentation received from the Court .....	7
3. Template for five-year time series.....	7
B. Working methods of the Committee on Budget and Finance .....	8
1. Rules of Procedure of the Committee .....	8
C. Other financial and budgetary matters .....	8
1. Status of contributions.....	8
2. States in arrears .....	10
3. Liquidity shortfall .....	10
4. Programme performance of the 2017 budget.....	11
i. General observations .....	11
ii. Unliquidated purchase orders .....	12
iii. Contingency Fund .....	13
iv. Working Capital Fund.....	13
5. Programme performance of the 2018 budget first quarter .....	14
D. Institutional reform and administrative matters .....	14
1. Court-wide Five-Year IT/IM Strategy planning and implementation updates .....	14
2. Clarification on the relationship between the Court-wide five-year IT/IM Strategy .....	16
and the capital replacement plan .....	16
E. Policy on capital replacements.....	16
1. Capital replacement plan and options for their funding .....	16
F. Human resource management .....	17
1. Court-wide review of the policy on reclassifications .....	17
2. Geographical distribution .....	17
3. Gender balance .....	18
4. Flexible deployment of staff .....	18
5. Standard Operating Procedure for the opening, operating and closure of field offices .....	19
6. Junior Professional Officer Programme .....	19
G. Amendments to the legal aid system.....	19
H. Administrative and operational costs of reparations.....	21
I. Trust Fund for Victims .....	21
1. Progress report by the STFV on the filling of vacant positions .....	21
2. Efforts to increase the visibility of the TFCV and its fund-raising capacity .....	22
J. Other matters.....	22
1. Amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties .....	22
2. Amendments to the Financial Regulations and Rules concerning seizure of assets.....	23
3. Other voluntary contributions to the Court.....	24

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4.	Potential and associated costs in relation to cases before the ILO-Administrative Tribunal ..	24
5.	Secretariat of the Assembly of States Parties .....	24
6.	Future sessions of the Committee .....	24
<b>Annex I:</b>	<b>Status of contributions as at 31 March 2018.....</b>	<b>25</b>
<b>Annex II:</b>	<b>Human resources tables.....</b>	<b>28</b>
<b>Annex III:</b>	<b>Legal aid for defence and victims (2013-2017) .....</b>	<b>49</b>
<b>Annex IV:</b>	<b>Field Office and Field-Based Presence: Generic Staffing Overview .....</b>	<b>50</b>
<b>Annex V:</b>	<b>Amendments to the Rules of Procedure of the Committee on Budget and Finance ....</b>	<b>51</b>
<b>Annex VI:</b>	<b>Amendments to the Financial Regulations and Rules concerning the financial..... obligations of withdrawing States Parties .....</b>	<b>58</b>
<b>Annex VII:</b>	<b>Amendments to the Financial Regulations and Rules concerning seizure of assets.....</b>	<b>60</b>
<b>Annex VIII:</b>	<b>Voluntary contributions as at 31 December 2017 .....</b>	<b>61</b>
<b>Annex IX:</b>	<b>List of documents .....</b>	<b>62</b>

## Executive Summary

1. At its thirtieth session, which was held from 16-20 April 2018 in The Hague, the Committee on Budget and Finance considered various substantive issues, *inter alia*, working methods of the Committee, a budget workshop with the Court, comprehensive IT/IM Strategy Plan, policy on replacement of capital investments and options for the funding of long-term maintenance, human resources management, the fund-raising capacity of the Trust Fund for Victims, legal aid, review of all potential and associated costs in relation to cases before the ILO-Administrative Tribunal and other matters.
2. The Committee had started in the past sessions reviewing its internal processes and procedures to ensure appropriate compliance with the evolution of international best practices standards and set up an internal working group in this regard. The Committee agreed on amendments to its Rules of Procedure, as set out in Annex V, with a view to ensuring conformity with the decisions previously taken by the Assembly.<sup>1</sup>
3. The Workshop on savings and efficiencies, documents received from the Court, and a template for time series, organized by the Court upon initiative of the Committee, represented an opportunity for the Committee to reflect on its working practices and its interaction with the Court. The Committee shares the willingness of the Court officials to ensure openness and transparency. The Committee noted with appreciation the clarifications on the definitions of savings, efficiencies, non-recurrent costs and additional cost reductions and recommended an amended annex on savings and efficiencies to be included in future proposed programme budgets.
4. The Committee noted with appreciation the progress made in relation to the maturity of the Court's Five-Year IT/IM strategy. The Committee took note that the total projected costs of the Five-year strategy (2017-2021) would amount to €8.7 million for the whole period of the strategy. The Committee noted that the Court presented only the IT/IM systems running costs related to the Information Management Services Section and requested obtaining clarity on the total Court-wide costs. The Committee underlined that in order to proceed with the Five-Year IT/IM Strategy and, in particular, to apply a framework of multi-year financing, some key aspects of the internal control were still missing.
5. As regards the policy on replacement of capital investments and options for the funding of long-term maintenance, the Committee awaits the response to the Assembly's request that the Court present via the Committee and ahead of the seventeenth session of the Assembly, a report on different options for funding long-term maintenance and replacement based on the experience of other international organizations.
6. Bearing in mind that staff is the Court's most valuable asset, the Committee focused on improvements in relation to the management of human resources and a supportive environment in order to enhance productivity and efficiency. As regards the Court-wide review of the policy on reclassifications, the Committee stressed on the principles of fairness and transparency in the decision-making process and requested a re-submission of the draft Administrative Instruction presented by the Court. Reclassifications of posts cannot be used as a promotion tool or as a consequence of increased workloads, stressing that all managers are accountable for the proper allocation of work based on the job description related to the approved grades.
7. Concerning the reform of the legal aid system, the Committee requested that the Court provide additional information, in particular in relation to the financial implications and the financial bottom-line, to enable the Committee to accurately assess the financial impact and cost-efficiency of the proposed reform. Given the need for additional information, including on the status of this document and the process forward envisaged by the Court officials, the Committee strongly doubted whether the proposal would be complete by the time of the seventeenth session of the Assembly and recommended that the Court present a complete proposal whenever it is ready.
8. The Committee wished to emphasize that the number of ILO-AT cases is subject to change depending on judgments rendered, cases settled and new cases filed. The Committee noted that in the unaudited 2017 financial statements there was a total number of 23 cases pending before the ILO-AT, whereby for 19 cases a provision of €2.4 million was recorded. The Committee observed that currently the Court has 18 cases pending before the ILO-AT with a total estimated financial impact of €2.2 million. The Committee further noted that 29 new cases are pending before the Court's internal Appeals Board with total claims amounting to €7.8 million.
9. The Committee expressed its concern about the litigations both in terms of their financial impact and their impact on staff. The Committee encouraged the Court to avail itself of mediation mechanisms and to revise its HR management approach in order to avoid future litigations to the extent possible.

<sup>1</sup> Official records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Tenth session, New York, 12 -21 December 2011 (ICC-ASP/10/20), vol. II, part B.2, para. 122, and Official Records of the Assembly ... Fourteenth session ... 2015 (ICC-ASP/14/20), vol. II, part B.3, annex IV.

## **I. Introduction**

### **A. Opening of the session**

1. The thirtieth session of the Committee on Budget and Finance (“the Committee”) comprised ten meetings, which was held at the seat of the International Criminal Court (“the Court”) in The Hague from 16-20 April 2018.
2. The thirtieth session of the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its 11<sup>th</sup> meeting on 14 December 2017 during its sixteenth session.<sup>2</sup>
3. The President of the Court, Judge Chile Eboe-Osuji, delivered the welcoming remarks at the opening of the session.

### **B. Election of officers**

4. At the thirtieth session, the Committee re-elected Mr. Hitoshi Kozaki (Japan) as Chairperson of the Committee in accordance with Rule 10 of its Rules of Procedure. The Committee also elected Mr. François Marie Didier Zoundi (Burkina Faso) as Vice-Chairperson in accordance with Rule 10 of the Committee’s Rules of Procedure and following the practice of geographical rotation.
5. The Committee appointed Ms. Helen Warren (United Kingdom) as Rapporteur in accordance with Rule 13 of the Rules of Procedure.
6. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee. The Executive Secretary and his team assisted in the substantive and administrative conference servicing with complementary support from the Secretariat of the Assembly of States Parties, as appropriate.

### **C. Adoption of the agenda and organization of work**

7. At its first meeting, the Committee adopted the following agenda:
  - 1) Opening of the session
    - (a) Welcoming remarks by the President of the Court
    - (b) Election of officers
    - (c) Adoption of the agenda and organization of work
    - (d) Participation of observers
  - 2) Working methods of the Committee on Budget and Finance
    - (a) Rules of Procedure of the Committee
  - 3) Budgetary governance
    - (a) Workshop on savings and efficiencies, the budget document and a template for time series
  - 4) Other financial and budgetary matters
    - (a) Status of contributions and States in arrears
    - (b) Programme performance of the 2017 budget, and 2018 budget first quarter
    - (c) Update on unliquidated purchase orders
  - 5) Institutional reform and administrative matters
    - (a) Comprehensive and fully developed IT/IM Strategy Plan
    - (b) Clarification on the relationship between the court-wide five-year IT/IM Strategy and the capital replacement plan

<sup>2</sup> *Official records of the Assembly ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. I.

- 6) Policy on replacement of capital investments and options for the funding of long-term maintenance
  - 7) Human resources
    - (a) Human resources management annual report
    - (b) Staff that are not nationals from States Parties to the Rome Statute
    - (c) Court-wide review on the policy on reclassifications
    - (d) Geographical distribution and gender balance
    - (e) Flexible deployment of staff
    - (f) Standard Operating Procedure for opening, operating and closure of field offices
  - 8) Legal aid
    - (a) Annual report on legal aid for the year 2017, including developments with regard to legal aid in the cases of *Gaddafi* and *Banda*
    - (b) Amendments to the legal aid system
    - (c) Legal aid during the reparation stage
  - 9) Reparations
    - (a) Administrative and operational costs resulting from the implementation of reparations
  - 10) Trust Fund for Victims
  - 11) Progress report by the STFV on the filling of vacant position and the efforts to increase the visibility of the TFV and its fund-raising capacity
  - 12) Other matters
    - (a) Proposal for the amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties
    - (b) Other voluntary contributions to the Court
    - (c) Review of all potential and associated costs in relation to cases before the ILO-Administrative Tribunal.<sup>3</sup>
8. The Executive Secretary to the Committee on Budget and Finance, in consultation with the Chairperson, prepared a work programme for the thirtieth session of the Committee.
9. The Committee extended its appreciation to the outgoing members, Mr. Hugh Adsett (Canada) and Mr. Rivomanantsoa Orlando Robimanana (Madagascar) whose terms expired.
10. The following members attended the thirtieth session of the Committee:
- 1) Carolina María Fernández Opazo (Mexico);
  - 2) Fawzi A. Gharaibeh (Jordan);
  - 3) Hitoshi Kozaki (Japan);
  - 4) Urmet Lee (Estonia);
  - 5) Mónica Sánchez Izquierdo (Ecuador);
  - 6) Gerd Saupe (Germany);
  - 7) Elena Sopková (Slovakia);
  - 8) Richard Veneau (France);
  - 9) Helen Warren (United Kingdom); and
  - 10) François Marie Didier Zoundi (Burkina Faso).

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<sup>3</sup> CBF/30/1.

## **D. Participation of observers**

11. Representatives from the Presidency, the Office of the Prosecutor (“the OTP”) and the Registry were invited to address the Committee and to participate in the session, as well as in the workshop on savings and efficiencies, the budget document and a template for time series. The Committee wished to thank the Court officials for their interaction and input in the discussion.

## **II. Consideration of issues on the agenda of the Committee at its thirtieth session**

### **A. Budgetary governance**

#### **1. Conduct of a workshop**

12. The Committee has made various observations and recommendations in recent years with a view to strengthening the budgetary process and documentation in order to ensure clarity, coherence and transparency of information.

13. The Court, on its part, has strengthened its own budget process through a closer coordination within the Coordination Council under the “One-Court principle,” and has responded to the Committee’s recommendations to improve its budget presentation.

14. During its thirtieth session, the Committee organized a workshop with the Court to exchange views, prior to the presentation of the 2019 proposed programme budget. Members of the Committee and the Court representatives appreciated a frank exchange of views, which the Committee found useful in deepening mutual understanding about the ongoing efforts.

15. In September 2017, the Committee suggested a Court-wide annual efficiency target, rather than a detailed list of efficiencies, and recommended that the Court report to the Committee and the Assembly on the achievement of this target within the 2019 proposed programme budget. Subsequently, the Assembly at its sixteenth session decided to request the Court to set court-wide annual efficiency targets and to present an annex to the 2019 programme budget on the achievements of those efficiency targets, as well as detailed information on savings, efficiencies, non-recurrent cost reductions and additional cost reductions achieved in 2018 and estimations for 2019, by making a distinction between these categories and their effect on the baseline.

16. In September 2017, the Committee recommended a further clarification on definitions of i) efficiencies; ii) savings; iii) non-recurrent cost reductions; and iv) additional cost reductions.

17. The Court, while committed to fulfil the Assembly’s request to present such information, suggested placing the focus on developing and implementing strategies that create a culture and working processes that motivate and enable all staff to continuously identify efficiencies and savings, instead of only relying on efficiencies targets. The Committee took note of the Court’s suggestions, including the definitions of savings, efficiencies, non-recurrent costs and additional cost reductions along with the suggestion made about amending the annex to the proposed programme budget on savings and efficiencies. The Committee looked forward to further strengthening of the budget presentation and process in light of the experience to be gained in the process of the preparation and consideration of the 2019 programme budget.

#### **2. Documentation received from the Court**

18. The Committee reiterated that all documents submitted by the Court to the Committee must comply with the principles set out in the report of the Committee on its twenty-fifth session,<sup>4</sup> in particular:

- (a) All documents should be accurate and available 45 days before the Committee session begins; and
- (b) Both English and French versions must respect this deadline.

#### **3. Template for five-year time series**

19. At its twenty-eighth session, the Committee recommended that the budget include five-year time series showing trends of relevant budgetary assumptions in order to improve the ability of the Court and States

<sup>4</sup> *Official records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 23-28.

Parties to analyse budget trends.<sup>5</sup> At its twenty-ninth session, the Committee observed that budget assumptions were again mostly shown as “snapshots” with only occasional references to earlier periods. As the design of a suitable template may require some input from the Committee, the Court was invited to propose a draft template with five-year time-series for consideration by the Committee.<sup>6</sup>

20. The Court presented a template with five-year time-series of key indicators for budget assumptions, which, along with the Court-wide high level priorities agreed on by the Coordination Council, form the basis for the resources proposed by the Court in its annual budgets. With its 24 indicators, the template essentially comprises all the indicators traditionally used for the annual budget presentation. It also provides a comparison of these indicators following approval of the proposed programme budget and the actuals achieved at the end of the budget cycle for the given year.

21. The Court observed that the comparison of figures /indicators within the template does not always fairly reflect the resources required to support certain activities. To illustrate this, the Court provides three case studies where actual resource needs varied, while the mere numbers of supported activities were unchanged (support for defence teams and investigations).

22. **The Committee welcomed the draft template for five-year time series, and was of the opinion that experience would show, whether further refinements may eventually be expedient. The Committee recommended that the time-series template and any other Court-wide tools<sup>7</sup> be used in future budget proposals to facilitate context setting and evaluation of future resource requirements.**

## **B. Working methods of the Committee on Budget and Finance**

### **1. Rules of Procedure of the Committee**

23. At its twenty-sixth session, the Committee had considered reviewing its internal processes and procedures to ensure compliance with the evolution of international best practices standards and set up an internal working group in this regard.<sup>8</sup>

24. On 8 March 2018, upon request of the Committee, the Executive Secretary to the Committee on Budget and Finance submitted a document entitled “Draft Amendments to the Rules of Procedure of the Committee on Budget and Finance” and an “Explanatory Note” for the Committee’s consideration.

25. **After having considered the documents submitted by its Executive Secretary, the Committee agreed on the proposed amendments to the Rules of Procedure of the Committee on Budget and Finance, as detailed in annex VI to this report, and recommended that the Assembly approve them.**

## **C. Other financial and budgetary matters**

### **1. Status of contributions**

26. The Committee reviewed the status of contributions as at 31 March 2018<sup>9</sup> (annex I):

- (a) the assessed contribution for the approved budget for 2018 of €143.85 million;<sup>10</sup> and
- (b) contributions corresponding to Major Programme VII-2 host State loan amounting to €3,585.2 thousand for the permanent premises.

27. The Committee noted that, as at 31 March 2018, regular contributions of €83.91 million (58.3 per cent) were outstanding for the 2018 approved budget (excluding host State loan) of €143.85 million. At the same date, the outstanding contributions for the replenishment of the Contingency Fund (CF) were €5,286. The Committee observed that only 38 out of the 123 States Parties had fully paid their contributions at the end of March 2018.

28. The outstanding/unpaid contributions from previous years (excluding the host State loan) stood at €31.05 million as at 31 December 2017. Subsequently, they stood at €24.12 million at 31 March 2018 (see annex I).

<sup>5</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 18.

<sup>6</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para.11.

<sup>7</sup> For example the “dashboard” used by OTP, if it is usable Court-wide.

<sup>8</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, paras. 14 and 15.

<sup>9</sup> After the conclusion of the session, the Committee received an update on the status of contributions as at 30 April 2018, whereby 15 States Parties had made payments of a total of €29.6 million; 11 out of the 15 States Parties have no outstanding balance.

<sup>10</sup> ICC-ASP/16/Res.1, section A, para 3.



29. States Parties that did not opt to make a one-time payment<sup>11</sup> were required to cover the interest payments due on the loan from the host State. The outstanding contributions for the host State loan, as at 31 March 2018, stood at €2.08 million.

30. The Committee noted with great concern that, a grand total of €10.18 million contributions were outstanding as at 31 March 2018, including the contributions for the host State loan, which represents 75 per cent of the 2018 approved budget, compared to the 54 per cent of approved budget in 2017. The Committee recalled that it was imperative for States Parties to provide their contributions on time. Failure to do so may result in cash flow shortage needed for the Court's core activities and operations.

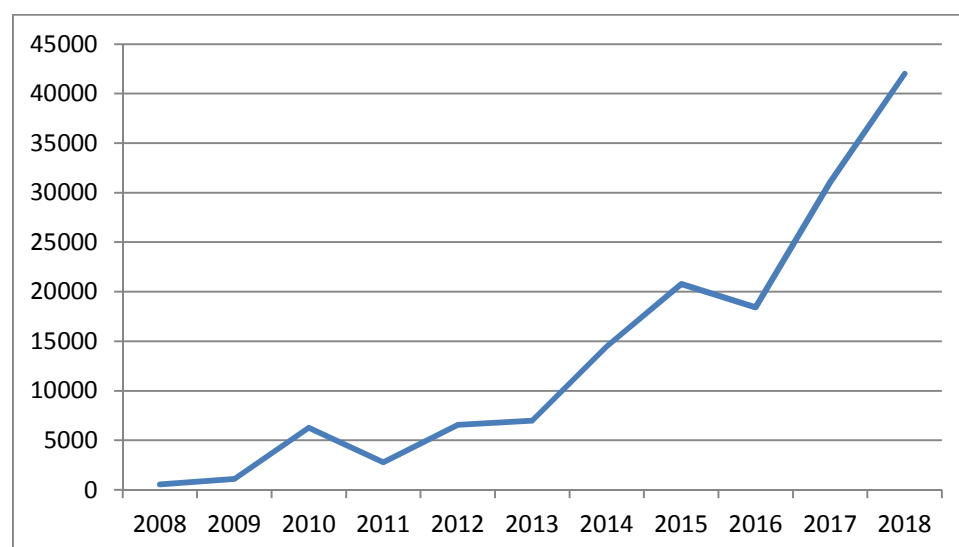
31. During the thirtieth session and upon the request of the Committee, the Court provided a trend analysis in relation to outstanding contributions for the past ten years as shown in Table 1 and 2 below:

**Table 1: Trend analysis in relation to outstanding contributions for the past ten years (in thousands of euros)**

Year	Programme budget	Outstanding contributions at the end of the period	Outstanding contributions (in per cent)
2008	90,382.1	557.5	0.62%
2009	101,229.9	1,093.0	1.08%
2010	103,623.3	6,254.9	6.04%
2011	103,607.9	2,791.6	2.69%
2012	108,800.0	6,569.3	6.04%
2013	115,120.3	6,980.2	6.06%
2014	121,656.2	14,489.3	11.91%
2015	130,665.0	20,785.7	15.91%
2016	139,590.6	18,405.0	13.18%
2017	144,587.3	31,047.9	21.47%
2018*	147,431.5	42,000.0	28.49%

\* Forecast

**Table 2: Outstanding contributions over the past ten years (in thousands of euros)**



<sup>11</sup> As at 31 December 2014, 65 States Parties had chosen to make full one-time payments to contribute to the construction of the new permanent premises and are exempted from the obligation to repay the loan and the interest.

32. The Committee observed that the Court regularly, i.e. on a quarterly basis, sends official reminders and communicates through various diplomatic channels with States Parties that have outstanding contributions. **Given the legal obligations of States Parties to pay their contributions and of the Court to pay instalments for the host State loan, the Committee urged all States Parties to make their payments on time, in accordance with Regulation 5.6 of the Financial Regulations and Rules (“FRR”) in order to ensure that the Court has sufficient funds throughout the year.**

33. **The Committee requested the Court to continue reminding States Parties that had not paid their contributions in full of their obligation. Furthermore, the Committee recommended that the Bureau, through the President of the Assembly, the Coordinator of the New York Working Group and Court officials, engage in a dialogue with States Parties that have outstanding contributions and take up this issue in their bilateral and multilateral meetings.**

## 2. States in arrears

34. According to article 112, paragraph 8 of the Rome Statute, “a State Party which is in arrears in the payment of its financial contributions toward the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.”

35. The Committee observed that, as at 31 March 2018, 13 States Parties were in arrears and would therefore not be able to vote in accordance with article 112, paragraph 8 of the Rome Statute. The Committee noted that the Secretariat sent notifications on 19 March 2018 to all States in arrears informing on the minimum payment required to avoid application of article 112, paragraph 8 of the Rome Statute, and of the procedure for requesting an exemption from the loss of voting rights. **The Committee strongly recommended that such requests for exemption be only granted following the payment of the minimum amounts identified and after presenting payment plans for the remaining balance.**

36. **The Committee requested that the Secretariat again notify States Parties in arrears later in the year, highlighting their obligation to contribute to the budget. The Committee urged all States Parties in arrears to settle their accounts with the Court as soon as possible.**

## 3. Liquidity shortfall

37. The Committee was informed about the high risk of a temporary liquidity shortfall that the Court is likely to face, as the late payment of contributions could lead to an unsustainable liquidity scenario by end of 2018.

38. The Court has projected the 2018 cash flow based on following assumptions:

- (i) States Parties will pay their contributions in 2018 following the same payment pattern of outstanding contributions as in 2017; and
- (ii) The 2018 budget will be fully spent, considering the absorption of additional expenditures related to the situation in Burundi and, pending its judicial authorisation in relation to a new additional situation.

39. If the above-mentioned assumptions materialize, the total amount of outstanding contributions at the end of 2018 is expected to reach €42 million. The Working Capital Fund (WCF) is held by the Court to cover any liquidity shortfall, however even after the full amount of the WCF has been used, the cash shortfall is expected to be approximately €16.9 million in December 2018. According to the Court’s cash flow projections, liquidity issues are likely to arise in November 2018 (€5.1 million) and continue until January/February 2019, assuming that the payment trend of previous years also continues for the 2019 contributions.

40. The Working Capital Fund currently cannot be relied upon to fully cover the significant forecasted annual shortfalls. It is replenished by annual surpluses, if any, and therefore without timely payment of contributions, arrears and outstanding contributions an alternative solution is required.

41. As in prior years, in order to mitigate the risk that the Court might be unable to discharge its obligations and deal with the expected shortfall, the Court’s suggested that it be exceptionally authorized to use the CF and to supplement it by opening a credit line with a bank.

42. The Committee was informed by the Court that the costs to open the credit line at the end of 2016 amounted to €747 and believed that, in light of the limited costs, this risk mitigating measure deserved being taken into consideration. The Committee wished to emphasize in this context that the opening of the credit

line is a tool to mitigate the operational and reputational risks for the Court and does not *per se* imply that external resources would actually be used.

43. The Committee noted that the Assembly at its sixteenth session did not authorize the Court to temporarily utilize the CF and/or establish external funding (credit line) to address its temporary liquidity shortfall in 2018, and that there is currently no mechanism in place to address this situation, which may result in a situation, where the Court may not be able to discharge its essential obligations (e.g. pay salaries to staff and invoices to suppliers).

44. The Committee emphasized that if States Parties with material amounts in arrears are able to reverse their payment patterns and make contributions in 2018, the cash shortfall at year-end would be either reduced or completely reversed.

45. **In light of the significant risk of a liquidity shortfall for the operations and reputation of the Court, the Committee recommended that:**

- (i) **the Court closely monitor its cash-flow projections and strengthen its efforts in different directions to avoid a liquidity shortfall at year-end;**
- (ii) **the Assembly, at its seventeenth session, consider establishing a mechanism, to deal with liquidity issues, such as through the exceptional and temporary use of the CF and/or the establishment of external funding upon recommendation of the Committee, as a risk mitigating measure; and**
- (iii) **for the case that a liquidity shortfall arise before the session of the Assembly in December, the Bureau, in discharge of the responsibilities of the Assembly and upon recommendation of the Committee, consider all possible options to deal with the situation.**

#### **4. Programme performance of the 2017 budget**

##### *i. General observations*

46. The Committee considered the “Report on activities and programme performance of the International Criminal Court for the year 2017.”<sup>12</sup> Based on preliminary and unaudited figures, the overall implementation rate of the regular budget was 99.6 per cent or a total of €143.98 million against an approved budget of €144.59 million.<sup>13</sup>

47. The overall actual implementation rate of the two CF notifications submitted to the Committee had been 96.3 per cent, or a total of €1.48 million, against the total notified amounts of €1.53 million. The Committee noted that the Court had partly absorbed the expenditures for unforeseen situations and developments within its regular budget.

48. The Committee noted that in 2017 the Court’s total actual expenditure including CF was €145.45 million by making use of the entirety of the approved 2017 budget (€144.59) and €867 thousand from the CF.

49. The Committee noted the overspend on staff costs by €3.78 million, which is attributed to the achievement of a lower vacancy rate and the ILO provision of €2.02 million, which increased the implementation rate in staff costs.

50. **The Committee noted the significant under-implementation in GTA in the amount of €3.49 million and, requested that the level of resources in the 2019 proposed programme budget be carefully assessed and that adequate justifications be provided.**

51. The Committee noted that 118 short-term contracts were submitted in 2017 with an average duration of four and a half months. The Committee acknowledged the advantages of this short-time modality, which ensures business continuity during absence of staff and allows for staff mobility and the flexible use of resources during workload peaks. In this context, the Committee wished to emphasize that the Court needs to carefully assess the possible use and deployment of existing staff before requesting new short-term contracts. The Committee noted that since the introduction of the STA modality, the use of GTA-funded positions had significantly decreased to approximately half of the 2015 budget and resolved to continue monitoring the transparency of the use of human resources.

<sup>12</sup> CBF/30/14.

<sup>13</sup> *Ibid.*, page 95.

52. The Committee noted that, after a reduction to €5.34 million in 2016, actual travel expenditures had again increased in 2017 to 5.86 million (after a reduction of €327,000 for the travel to the session of the Assembly in New York, including travel for Major Programme IV-the Secretariat). The Committee observed in this regard a significant overspend in the Investigation Division within the OTP by 155 per cent, or €783 thousand. **The Committee recommended that the Court seek to manage its resource prudently and efficiently within the respective approved envelope for each budget line. The Committee recommended that the Court continue exploring possibilities for efficient travel planning and other measures to contain the travel costs within the approved envelope and resolved to continue closely monitoring the situation within the 2019 proposed programme budget.**

53. The Committee compared the figures for legal aid with previous years (see Annex III) and noted that the implementation rate for 2017, following access to the CF, amounted to 136 per cent (approved budget of €4.53 million against total expenditures of €6.18 million).

54. More specifically, after resort to the CF, legal aid expenditures for the defence amounted to a total of €4.84 million (an overspend of 137.1 per cent), whereas the legal aid expenditures for victims amounted to a total of €1.34 million (an overspend of 133.8 per cent).<sup>14</sup>

55. Upon request by the Committee, the Court explained that for *Ntaganda* there had been actual expenditures of €933 thousand in 2017, while only €622 thousand had been budgeted for, mainly due to the supplementary resource requirement in connection with the alleged article 70 infraction. For *Ongwen*, additional resources in the amount of roughly €100 thousand were allocated to the team in view of the dimension of the case and the need of investigative activities. Concerning *Bemba* and four others accused (Article 70), the resource requirements were significantly higher than expected, namely by more than €600 thousand,<sup>15</sup> mainly as a result of the 12-months appeal instead of the three months budgeted for and the payment of the full defence team for the accused in connection with Article 70. The Committee further noted the payment of legal aid fees for reparations in the *Al-Mahdi* case, which had not been included in the 2017 approved budget.

56. The Committee wished to emphasize that the extension of different phases of judicial proceedings had direct significant effect on the resource requirements.

57. The Committee noted the under-spending in general operating expenses by €3.13 million resulting mainly from fewer victim and witness protection activities and from significantly fewer referrals by OTP during the year. Such savings were redeployed to finance acquisitions of IT related equipment, such as new software, renewal of licenses and subscriptions leading to an overspend of 164.7 per cent, or €0.84 million, in the budget line item “furniture and equipment”.<sup>16</sup>

58. The Committee recalled that, while the transfer of funds can be necessary to provide for appropriate managerial flexibility, it can create a risk, in particular, if the forecast data are uncertain, the nature of an expenditure approved by the Assembly is changed, or an expenditure that was not fully justified is nonetheless carried out because an underspend in another budget line item allows for the transfer of funds. **Therefore, the Committee encouraged the Court to ensure greatest possible accuracy in the budget forecasting so that funds are only transferred, when flexibility in budgeting requires it and in no case to circumvent resolutions of the Assembly or recommendations of the Committee, and to keep the Committee informed on all transfers ensuring greatest transparency.**

## *ii. Unliquidated purchase orders*

59. The Court provided in its performance report<sup>17</sup> an update on the remaining balance of unliquidated purchase orders<sup>18</sup> that stood at €7.2 million at the end of 2016, out of which a total of €5.5 million were utilized in 2017. The Committee noted that the difference (€1.7 million) was recorded as savings from the prior period and included in the calculation of the 2016 final cash deficit in accordance with Rule 4.6 of the FRR. The Committee welcomed the reduction of unliquidated purchase orders from €7.2 by end of 2016 to €4.5 million by end of 2017, and resolved to continue monitoring the situation.

<sup>14</sup> *Ibid.*, page 50, table 9.

<sup>15</sup> CBF30/37S01.

<sup>16</sup> CBF/30/14, page 42, table 3.

<sup>17</sup> *Ibid.*, annex VIII, table 2.

<sup>18</sup> Unliquidated purchase orders represent commitments made for previous financial years, which had not yet been spent.

### iii. Contingency Fund

60. In 2017, the Court was confronted with a number of unforeseen developments and submitted the following two CF notifications:

- (a) Notification of 11 September 2017 for €1,305,600 for the following cases:
  - (i) to grant full legal aid for four defence teams (Kilolo, Mangenda, Babala and Arido) and provisional full legal aid for the fifth defence team (Bemba) during the appeals phase in the cases of *Bemba et al.* (situation in the CAR);
  - (ii) to provide legal aid for both defence and victims teams during the reparation phase for *Al Mahdi* (situation in Mali);
  - (iii) to provide legal aid for the Legal Representatives representing Victims during the trial phase for *Ongwen* (situation in Uganda); and
  - (iv) to provide additional resources granted during the trial phase for *The Prosecutor v. Bosco Ntaganda* in the situation in the DRC; and in the case of *Dominic Ongwen* (situation in Uganda); and
- (b) Notification of 11 September 2017 for €226,900 following a Trial Chamber's decision to appoint experts on reparations in the case of *Bemba* in the situation in the CAR.

**Table 3: Summary of notifications to access the Contingency Fund in 2017**

<i>Date</i>	<i>Justification</i>	<i>Amount requested</i>
11/09/2017	Unforeseen costs in Legal Aid in the cases of <i>Bemba et al.</i> (Article 70) in the situation in the Central African Republic (CAR), <i>The Prosecutor v. Al Mahdi</i> in the situation in Mali and <i>The Prosecutor v. Dominic Ongwen</i> in the situation in Uganda. In addition, the Court has to meet unforeseen costs in relation to Legal Aid in the case of <i>The Prosecutor v. Bosco Ntaganda</i> in the situation in the Democratic Republic of the Congo (DRC).	€ 1,305,600.00
11/09/2017	Unforeseen costs with regards to a Trial Chamber decision appointing experts on reparations in the case of <i>The Prosecutor v. Jean-Pierre Bemba Gombo in the situation in the Central African Republic (CAR)</i> .	€ 226,900.00
<b>Total</b>		€ 1,532,500.00

61. The Committee noted that the overall use of resources for unforeseen situations amounted to €1.48 million, compared to the total notified amount of €1.53 million and that these resource requirements were partly absorbed within the regular approved budget.

62. At its sixteenth session in December 2017, the Assembly had resolved that the CF was to be maintained at the notional level of €7 million for 2018, and requested the Bureau to keep this threshold under review in light of further experience on the functioning of the CF.<sup>19</sup> On 31 December 2017, the level of the CF stood at a level of €3.76 million. The Committee was concerned that this level could be insufficient to cover further contingencies.

### iv. Working Capital Fund

63. The Committee noted that, the WCF<sup>20</sup> was fully utilized to address liquidity issues at the end of 2017.<sup>21</sup> The Assembly at its sixteenth session in December 2017, based on the recommendation of the Committee, decided that the WCF for 2018 shall be established in the amount of €1.6 million and decided that the Court was allowed to only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the WCF.<sup>22</sup>

64. The Committee again stressed the importance of full and timely payment of contributions in order to avoid that the Court incurs additional expenses resulting from delayed payments.

<sup>19</sup> ICC-ASP/16/Res.1, section D.

<sup>20</sup> The purpose of the WCF, pursuant to Rule 6.2 of the FRR, is to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions.

<sup>21</sup> CBF/30/14, annex XI.

<sup>22</sup> ICC-ASP/16/Res.1, section B.

## 5. Programme performance of the 2018 budget first quarter

65. The Committee had before it the “Report on budget performance of the International Criminal Court as at 31 March 2018.”<sup>23</sup> The Committee noted that the implementation rate, as at 31 March 2018, was at 31.1 per cent, or €45.86 million, against the 2018 approved budget of €147.43 million, and agreed to continue monitoring the situation at its thirty-first session in September 2018.

66. The Committee further noted a letter by the Registrar to its Chairperson pursuant to Regulation 6.7 of the FRR, informing about the possible resort to the CF in 2018 to meet unforeseen and unavoidable costs in relation to operations for which there are no provisions in the approved programme budget for 2018. In addition, the Committee was informed that the Court is in the process of finalizing a CF notification concerning the OTP investigation in the situation in the Republic of Burundi, following authorization by Pre-Trial Chamber III on 9 November 2017.

67. The Committee was informed about the extension of the mandate of two judges. Subsequently, the Committee noted the submission of a CF notification in the amount of €16.8 thousand with regard to the mandate extension until 8 June 2018.

68. Two other judges’ mandates have been extended until December 2018 without a CF notification and the financial consequences of potential extensions after year end 2018 had not yet been outlined.

69. The Committee recalled that the 2018 budget made a prevision for 18 judges, as set out in article 36 paragraph 1 of the Rome Statute. The Committee was informed that the Presidency had decided to delay the date of calling to service of all six newly elected judges to 11 June 2018 and achieved further savings by delaying staff recruitments of the Major Programme I (Judiciary), and thus was able to cover for the salary of all new judges and the extended ones within the resources approved by the Assembly for Major Programme I. The Committee will continue closely monitoring the cost implications, including within the framework of the 2019 proposed programme budget.

70. The Committee noted an overspend of €82,800 for contractual services in sub-programme 3110 (Immediate Office of the Registrar), out of which €9,500 resulted from the appointment of an external expert to express a legal opinion on the ILOAT judgments. Furthermore, the Committee noted that the provision for this consultant’s services was not approved within the 2018 budget and that the expert was selected on a direct basis.

## D. Institutional reform and administrative matters

### 1. Court-wide Five-Year IT/IM Strategy planning and implementation updates

71. The Court-wide Five-Year IT/IM strategy has been an agenda item of the Committee since spring 2017. Although the Court has started to implement the plan from 2017, the Committee has had several concerns<sup>24</sup> about the maturity of the strategy and so far, the funding of the strategy implementation is not secured for the entire period and scope of the activities. Based on the Court’s 2017/2018 progress report about the Five-Year IT/IM Strategy,<sup>25</sup> the reply to a query of the Committee and the presentation of the Court officials during the session, the Committee took note of the progress that the Court has made. Regarding the development of the comprehensive plan for the Five-Year IT/IM Strategy, as requested by the Committee at its twenty-ninth session,<sup>26</sup> the Court assured that a Business Case for the Judicial Workflow Platform - a key project within the Five-Year Strategy - would be presented in advance of Committee’s thirty-first session.

72. As requested by the Committee<sup>27</sup> the Court clarified that the time-frame for the five-year strategy is 2017 – 2021. The Committee took note that the total projected costs of the five-year strategy confirmed by the Court will be €6,670.9 thousand for the whole period of the strategy, of which in 2017 €664 thousand was spent and in 2018 €1,206.4 thousand is budgeted for the strategy implementation. The remaining €6,800 thousand would be subject to approval in the context of the Court’s 2019-2021 proposed programme budgets. Table 4 below gives an overview of the cost estimates of the strategy over the years divided between sections

<sup>23</sup> CBF/30/16.

<sup>24</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, paras. 27-31, para. 84, and *ibid.*, vol. II, part B.2, para. 87.

<sup>25</sup> CBF/30/11.

<sup>26</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 87.

<sup>27</sup> *Ibid.*, para. 82.

and cost types. The Committee took also note of the more detailed e.g. project level cost projections, which will be considered as a benchmark for further reporting about the strategy implementation.

**Table 4: 2017-2021 Court-wide IT Strategy investments (in thousands of euros)<sup>28</sup>**

		2017	2018	2019	2020	2021	Total for duration of Strategy
Non-staff costs	IMSS	664	600	1,592	1,626	1,763	6,245
	DMS	0	224.9	150	20	370	764.9
	OTP	0	135	180	180	180	675
Total non-staff costs		664	959.9	1,922	1,826	2,313	7,684.9
Staff costs	DMS	0	100	100	100	100	400
	CMS	0	146.5	146.5	146.5	146.5	586
Total staff costs		0	246.5	246.5	246.5	246.5	986
Total Court-wide investment		664	1,206.4	2,168.5	2,072.5	2,559.5	8,670.9

73. Committee took note of the Courts projection of the total IT costs needed to keep Court's existing IT/IM systems up and running e.g. 'lights-on' costs. The projections over the period of 2017 - 2022 are presented in table 5 below. Unfortunately, the Court presented only the IT/IM systems running costs that are related to IMSS which means that although the remaining of the Court's sections spend only marginally compared to IMSS the complete picture of total Court wide "lights-on" costs is still missing. **For making prudent financial decisions about the IT costs, the Committee requested the Court to provide the Committee at its thirty-first session with total Court wide overview of the IT 'lights-on' cost figures from 2017 – 2022.**

**Table 5: Trend of IMSS 'lights-on' annual budget (in thousands of euros)<sup>29</sup>**

	2017	2018	2019	2020	2021	2022
IMSS 'lights-on'	8,851	9,337	9,583	9,605	9,615	9,839
Difference compared to previous year		+486	+246	+22	+10	+224

74. Noting that successful implementation of complex IT/IM projects may require planning arrangements that go beyond the annual budget cycle, the Committee believed that there was a need for both the Court and States Parties to better predict such budgetary requirements through multi-year plans. However, in this regard, the Committee wished to underline that to move further with the Five-Year IT/IM Strategy and, in particular, to apply a framework of multi-year financing, some key aspects of the internal control for the strategy implementation are still missing, including but not limited to: (i) responsibilities and the reporting arrangements during the strategy implementation; (ii) risk assessment for determining the points of project termination within each project of the strategy; (iii) contingency plan for managing either cost or time over-runs; and (iv) a clear financial plan of the strategy.

75. The Committee further believed that it is vital that all relevant financial information regarding the Five-Year IT/IM Strategy would be aggregated into one document to avoid confusion about the validity of information, both within the strategy management team and *vis-à-vis* external oversight bodies, like the Assembly, the Committee, the Audit Committee as well as internal and external auditors. **Reiterating its recommendation from the twenty-ninth session,<sup>30</sup> the Committee recommended that the Court provide a comprehensive plan for the Court Five-Year IT/IM Strategy prior to Committee's thirty-first session.**

76. The Committee was also presented with a list of IT projects<sup>31</sup> that were revised by the Information Management Governance Board after adoption of the 2018 programme budget by the Assembly. During the meeting, Court officials stated that the Court's IT systems are secure, all necessary precautions to stay ahead of the curve regarding updating IT security have been taken and Court's IT security can be

<sup>28</sup> CBF/30/11, page 8, table 4.

<sup>29</sup> *Ibid.*, page 7, figure 1.

<sup>30</sup> *Ibid.*, paras. 87 and 93.

<sup>31</sup> *Ibid.*, page 5, table 3.

considered to be among the best within other UN organisations. No budgetary concerns were raised regarding the Court's IT security.

## 2. Clarification on the relationship between the Court-wide five-year IT/IM Strategy and the capital replacement plan

77. The Court provided clarifications on the relationship between the Court-wide Five-Year IT/IM Strategy and the Capital Replacement Plan, as requested by the Committee at its twenty-ninth session.<sup>32</sup> The Court emphasized that there is no overlap between the IT/IM investments within the Five-Year Strategy and the capital replacement plan for the building. The building capital replacement plan includes the IMSS forecast of €150 thousand for replacement of end-of-life courtroom infrastructure, such as cameras, workstations, microphones and screens in 2021. The lifespan for the permanent premises network is estimated at 10 years, requiring capital replacement in 2025.

## E. Policy on capital replacements

### 1. Capital replacement plan and options for their funding

78. At its twenty-eighth session, the Committee requested the Court to develop clear and transparent medium-term and long-term cost projections and funding plans for capital replacements and recommended that the Court include all relevant information on the replacement of capital investments, such as investments plans, actual investments and replacement of assets in due course of time, in a separate annex to the proposed programme budget.<sup>33</sup>

79. In September 2017, the Court presented its first medium-term plan for capital replacements at the premises, developing a five-year forecast until 2022, with an estimated cost of €2.2 million.<sup>34</sup> Capital replacements are investments in building components that have a significant cost. Unlike the costs of (preventive and corrective) maintenance, capital replacements are not included in the yearly budget proposal.

80. The Committee considered the "Report of the Court on the development of medium-term and long-term cost projections for capital replacements and the inclusion of performance indicators in the new maintenance contract."<sup>35</sup> The Court has updated the forecast to include 2023 with costs rising by €0.7 million to a level of €2.9 million. The updated plan comprises the replacement of building components which, the Court argues, have reached the end of their lifespan and which are necessary to preserve the building's value and reliable operability. It includes replacements of building-related hardware and audio-visual technology for courtrooms and the conference cluster which are separate from the five-year IT/IM strategy. The five-year plan is underpinned by internal technical expertise and by up-to-date information on the actual performance.

81. Referring to the Committee's earlier requests,<sup>36</sup> the Court confirmed that it will seek a second opinion from the incoming new main contractor, who will deliver all maintenance services together with the necessary capital replacements under the supervision of the Court's in-house Facility Management Unit. Furthermore, the Court also confirmed that the selection of the new contractor is still underway and that the terms of reference and performance indicators under the new maintenance contract will be provided to the Committee upon conclusion of the contract, which is expected to be signed at the beginning of September 2018.

82. The Court explained that the original target date (March 2018) had been too short to enable international competition in the procurement process and best value for money. In the meantime, the existing contract with the main contractor for the premises *Courtys* had been extended to August 2018.

83. **The Committee recommended that - as suggested previously<sup>37</sup> and confirmed by the Assembly<sup>38</sup> - the second opinion of the incoming contractor should address, *inter alia*, the following factors: (a) urgency of replacements, by taking into account actual usage; (b) value for money, in particular, whether alternative product brands offer better value for money in terms of reliability, durability, ease of repair, etc.; (c) pricing assumptions with surveys of most recent market trends; (d) opportunities from (joint) procurement; and (e) lessons learned, for instance, from other than The**

<sup>32</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 90.

<sup>33</sup> *Ibid.*, part B.1, para. 84.

<sup>34</sup> CBF/29/2.

<sup>35</sup> CBF/30/3.

<sup>36</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, paras. 228 et seq.

<sup>37</sup> *Ibid.*, para. 235.

<sup>38</sup> ICC-ASP/16/Res.1, section G, para. 3.



**Hague-based institutions and looked forward to a progress update on the outstanding aspects at its thirty-first session.**

84. The Committee also awaits the response to the Assembly's request that the Court present via the Committee and ahead of the Assembly's seventeenth session, a report on different options for funding long-term maintenance and replacement based on the experience of other international organizations.<sup>39</sup>

## **F. Human resource management**

### **1. Court-wide review of the policy on reclassifications**

85. At its twenty-ninth session in September 2017, the Committee recommended that the Assembly not approve any reclassifications of posts, until there had been a Court-wide review of the policy on reclassifications.

86. The Committee considered the "Report of the Court on Human Resources Management"<sup>40</sup> and was presented with the draft of the Administrative Instruction (AI) on the classification and reclassification of posts. The Committee recalled that reclassifications of post cannot be used as a promotion or performance management tool or as a consequence of increased workloads, and that all Heads of Organs, Directors of Division, Chief of Sections and equivalents, are accountable for the proper allocation of work according to approved post grades, and thus should avoid pre-empting the final decision of a request for reclassification.

87. **After analysing the draft AI, the Committee recommended that the Court submit a new draft at its thirty-first session, and that in order to ensure the fairness and transparency of the process, as well as the decision making, the draft should include the following:**

- i. the undertaking of functions and responsibilities of an existing vacant post are not grounds for reclassification;**
- ii. the Classification Advisory Board should include staff representation, such as the Staff Union;**
- iii. the role of the Committee in the process is clearly stated, taking into account that it is the independent advisory body of the Assembly for these matters, while the Assembly has the final decision on approval of such matters; and**
- iv. timely and fully documented submission of reclassification requests to the Committee prior to its first meeting each year.**

88. The Committee decided to carefully review all requests for reclassification in the context of the 2019 proposed programme budget, in light of the proposed changes to the AI.

### **2. Geographical distribution**

89. At its twenty-eighth session, the Committee recommended that the Court continue its efforts towards further improving the situation with respect to geographical distribution and gender balance and to report back on the specific measures taken, including awareness-raising campaigns.<sup>41</sup>

90. The Court reported that it had 888 filled fixed-term posts and 139 in fixed-term GTA funded positions at the end of 2017. The Court further stated that there had been a 10 per cent increase in staff at the professional level from under-represented countries and countries in imbalance.

91. The Committee noted that 59 per cent of the workforce belongs to 27 States Parties countries; and 76 countries were either underrepresented (21) or not at all represented (55).

92. In the past, the Committee observed that there is a significant number of staff that are nationals of States that are not States Parties to the Rome Statute.<sup>42</sup> The Committee noted that there had been a slight increase (1.1 per cent) in the workforce of nationals of non-States Parties from 2016 to 2017. **Reiterating its previous recommendation,<sup>43</sup> the Committee recommended that the Court address the issue of the significant number of staff that are nationals of States that are not States Parties to the Rome Statute in conjunction with the existing imbalance in geographical representation.**

<sup>39</sup> *Ibid.*, para. 4.

<sup>40</sup> CBF/30/9.

<sup>41</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 102.

<sup>42</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, para. 98.

<sup>43</sup> *Ibid.*

93. **The Committee recommended that the Court continue its efforts to attract candidates especially from under-represented and non-represented countries and report back to the Committee at its thirty-second session within its annual report on human resource management.**

94. **The Court's human resources management report did not show any tangible results in redressing the issue of persisting geographical imbalances. The Committee recommended that the Court continue its efforts to alleviate this situation.**

### 3. Gender balance

95. The Court provided an update on geographical distribution and gender balance within its human resources management report.

96. The Court reported an improvement of three percentage points in the number of female staff in established posts at the professional level in 2017 from 46 per cent in 2016 to 49 per cent in 2017.

97. The Committee noted that staff was almost evenly distributed between male staff throughout the Court level (51 per cent) and female staff (49 per cent). The Committee further noted that the percentage of female staff in the Judiciary and OTP far exceeded that of males, comprising 63 per cent and 53 per cent, respectively; while the Registry lagged behind at 41 per cent. **The Committee recommended that the Court, particularly the Registry, continue its efforts to narrow the gender gap and to provide an update to the Committee at its thirty-second session in 2019 within its annual report on human resource management.**

98. The gender gap at the higher professional levels persisted in 2017. Specifically, male staff at the P-5 through P-3 levels significantly surpassed those of the female staff; whereas female staff outnumbered male staff at the lower levels (P-2 and P-1). **The Committee recommended that the Court continue its efforts to redress this situation and to provide an update to the Committee at its thirty-second session in 2019 within its annual report on human resource management.**

99. In 2017, the Committee observed a decline in female staff at the P-5 level from 35 per cent to 32 per cent, while female staff increased by two per cent at the P-4 and at the P-3 level, respectively. **The Committee recommended that the Court exert additional efforts toward attracting female staff at the P-5 level and provide an update to the Committee at its thirty-second session in 2019 within its annual report on human resource management.**

### 4. Flexible deployment of staff

100. Bearing in mind that staff costs account for more than 70 per cent of the Court's total budget, and around 90 per cent in OTP, the Committee decided to focus in future sessions on the opportunities for flexible deployment of staff capacity to areas of urgent needs.

101. The Court provided an update on the flexible deployment of staff within its human resources management report.<sup>44</sup> The Court reported that it is a strategic priority to have an agile workforce, which can be flexibly assigned to cover operational needs.

102. The Committee concurred with the Court that the aim of mobility is twofold, namely to allow the Court to redirect resources when there is an operational need, on the one hand, and to support staff in their professional development through building capacity, on the other. The Committee also acknowledged the Court's point that, when it comes to assigning staff flexibly, human resources management will benefit from the ability to redesign teams and reallocate work assignments in a manner which optimally uses resources.

103. In 2017, the Court developed a "Mobility Framework" which outlines the various mobility options whereby staff can be reassigned temporarily to work on projects, for temporary job rotation within job families and for cross-training purposes. For the time being, this mobility framework relates to temporary reassignments. One of the mobility modalities is the temporary assignment of staff following the advertisement of short-term appointments. For fixed-term positions, assignments continue to be subject to competitive recruitment. The Court's Mobility Framework is expected to be promulgated in the first half of 2018. The Court expects that the mobility framework will then be further developed over the coming years, as the effect of the different modalities and their implementation are tested and assessed in practice with a view to achieving a good balance between staff and organizational needs.

<sup>44</sup> CBF/30/9, paras. 63-68.

104. **The Committee recommended that the Court submit its mobility framework and explore using its training budget with a view to expanding its internal mobility arrangements, where appropriate, and provide an update within the annual report on human resource management at its thirty-second session.**

105. In addition, the Committee believed that there is also an opportunity to strategically align skills with medium-term and long-term requirements. While being informed that the Court is not a signatory of the “Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries”, the Committee noted that in 2017, the Court made some staff exchange arrangements with UN partner organizations under a mutual agreement.<sup>45</sup>

106. **The Committee recommended that the Court continue exploring possibilities for staff exchange arrangements within the United Nations Common System, and provide an update within the annual report on human resource management at its thirty-second session.**

107. **The Committee further recommended that the Court - before requesting new posts - continuously assess whether in-house resources can be used, and that starting with the 2019 proposed programme budget any requests for new posts should be backed up by a more explicit justification of why recourse to existing resources may not be practicable.**

#### **5. Standard Operating Procedure for the opening, operating and closure of field offices**

108. At its twenty-eighth session, the Committee took note of the Court’s field office closure strategy and recommended that the Court develop standard operating procedures for the full cycle (the opening, operating and closure) of field offices, taking into account past experience and lessons learnt, as well as their full budgetary impact.<sup>46</sup>

109. The Committee took note of the “Report of the Court on Standard Operating Procedures for the Full Cycle (Opening, Operation and Closure) of Field Offices and their Full Budgetary Impact.”<sup>47</sup> While noting that this report did not elaborate on the financial impact, the Committee welcomed the “Protocol on the Set-up, Management and Closure/Downsizing of Registry Field Offices or Field-Based Presence.”<sup>48</sup> The generic staffing overview of the “field based presence” and “field offices”, as reported in this protocol, is included in annex IV of this report.

#### **6. Junior Professional Officer Programme**

110. In relation to the Junior Professional Officer Programme (JPO), the Court informed the Committee that it had signed MOUs with the Governments of Japan, the Republic of Korea and Switzerland.

111. **The Committee took note of the progress made on the JPO programme, which is still on trial base, as well as the internship and visiting professional programmes. It requested the Court, in continuing with these programmes, to bear in mind their potential impact on geographical representation and gender balance. It also noted the Court’s efforts to generate interest among developed countries to support developing countries. Furthermore, it recommended that the Court update the Committee at its thirty-second session on the facts and figures, any lessons learned and possible ways forward within its annual report on human resource management.**

### **G. Amendments to the legal aid system**

112. The Committee noted the Court’s “Report on the progress of the development of proposals for adjustments to the legal aid remuneration system as of 2019”.<sup>49</sup> The report responds to earlier requests by the Committee and the Assembly.

113. In September 2017, the Committee recommended that the forthcoming new system be more respectful of the budgetary limits approved by the Assembly. It also recommended that the Court make every effort to present a reform that aims at limiting the administrative burden without compromising accountability and that can be achieved within existing resources taking into account the required number of legal aid teams, and the judicial proceedings phase of each case.<sup>50</sup> Mindful of the recommendation, the Assembly requested the Court “to continue its review of the legal aid system and present proposals for

<sup>45</sup> *Ibid.*, paras 124-125.

<sup>46</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 123.

<sup>47</sup> CBF/30/4.

<sup>48</sup> CBF/30/4.1.

<sup>49</sup> CBF/30/12/Rev.1.

<sup>50</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1.

adjustments of the legal aid remuneration policies for its consideration through the Committee at its upcoming session in December 2018.”<sup>51</sup>

114. The report provides: (i) an overview of the current system; (ii) a summary of the Expert’s assessment the Court had commissioned; (iii) feedback received during the extensive consultation of external stakeholders, and (iv) the Court’s proposals thereon. These proposals cover the following areas: (a) core legal team for the defence, (b) core legal team for victims, (c) investigation budget for the defence, (d) field budget for liaising with victims, (e) the allocation of additional resources over and above the core team, and as well as (f) the administration of the legal aid system.

115. The proposed modifications, the Court explains, are based on two goals:

(i) The first is to ensure that the Court upholds its obligation to ensure fair trial rights for suspects and accused, as well as effective victim participation. The Court therefore proposes a number of measures aimed at improving resource allocation for legal teams receiving legal aid, including through an increase in fees and team resources. These increases, the Court claims, would be partly offset by other modifications in the system, for example by moving from the current lump-sum payment system to an hourly payment system for phases of the proceedings in which team members are not all expected to work full-time.

(ii) The second goal is to improve the overall administration of legal aid either by reducing unnecessary bureaucracy or by implementing more rigorous financial controls to payment only for services actually delivered.

116. The Committee also noted the comments of the President of the Court regarding the status of this document and the reform, and questioned whether the proposed timeline for implementing the reform as early as December 2018 was feasible.

117. Legal aid has become a major budget item with expenditures ranging from €4.3 to €6.3 million per year, with a total amount of expenditures of more than €25 million over the last five years.<sup>52</sup> However, the report includes little information on specific financial implications. Based on the available information it is difficult to even estimate the impact of either individual adjustments or the reform package as a whole. To enable the Committee to accurately assess the financial impact and cost-efficient options, the Committee requested that any further approach on this issue from the Court at least includes the following:

- i. an update on the ongoing review of the reform in the Court;
- ii. scenarios depicting possible budget impacts of both the (a) individual adjustments to the remuneration and (b) the entire reform package;
- iii. unit cost comparisons of each of the team members (both current and proposed defence and victims teams) which would help understand the nature of the Court’s proposal;
- iv. possible and anticipated savings in the administration of the legal aid scheme through the proposed reduction of bureaucracy and extent to which an increase in the allocation of resources to teams could be offset by a decrease in administrative resources;
- v. budget impact of the new system compared to the previous reform in 2011;
- vi. assumptions underlying the Court’s expectation that the budgetary ceiling would be met in 2019, taking into account the required number of legal aid teams, and the judicial proceedings phase of each case;
- vii. prospects for staying within the budgetary ceiling over the medium-term and options for additional savings;
- viii. update on the possibilities for income tax exemption and general temporary assistance contracts for trial assistants, case managers and field assistants by weighing the advantages and disadvantages in this regard and any budgetary implications;<sup>53</sup>
- ix. potential of the “legal aid calculator”<sup>54</sup> for projecting and comparing costs; and
- x. quantify the net impact on administrative burdens and provide assurance that the appropriate levels of accountability are present within any new process.

<sup>51</sup> ICC-ASP/16/Res.6, annex I, para. 8.

<sup>52</sup> See annex III.

<sup>53</sup> CBF30/12/Rev.1, para. 29.

<sup>54</sup> *Ibid.*

118. The Committee reiterated that it had previously recommended that the Court provide detailed information at its thirty-first session in September 2018. However, the Committee strongly doubted whether the reform could realistically be considered by the Assembly at its seventeenth session, particularly given the amount of additional information required. Therefore the Committee recommended that the Court only provide this information when it is ready and complete.

## H. Administrative and operational costs of reparations

119. The Committee considered the “Joint report of the Court and the Trust Fund for Victims on foreseeable administrative and operational cost implications of reparations.”<sup>55</sup> The report addressed: i) the different stages of the reparations phase of the proceedings and the main activities/stakeholders per stage; ii) relevant developments with regard to reparations in 2017, in particular in the *Lubanga*, *Katanga*, *Bemba* and *Al Mahdi* proceedings; iii) challenges ahead with a particular focus on the implementation of reparations.

120. The Committee observed that none of the cases in the reparations phase before the Court have been fully completed. In all cases, where a reparation order has been issued (*Lubanga*, *Katanga* and *Al Mahdi*), the latter is still under appeal making it difficult to obtain insights and details on the resources required throughout the different stages of the reparations phase proceedings to date.

121. The Committee considered the situation, where convicted persons do not have the financial resources or assets at their disposition to pay for reparation awards to victims. The Committee noted that while the TFV cannot be compelled to pay the reparations awards, Chambers have been ordering the TFV, based on the relevant provisions of Rome Statute,<sup>56</sup> to prepare draft implementation plans, and encouraging the TFV to complement, to the extent possible, the payment of reparations awards from its voluntary contributions and donations.

122. Furthermore, the Committee was informed that the TFV Board of Directors decided in December 2017 to deduct the administrative cost for implementation of reparation from the reparation award, bearing in mind that victims’ rights to obtain reparations shall not be diminished by the administrative cost of implementation. Consequently, the STFV believed that administrative cost incurred by implementing partner are recoverable from the regular budget.<sup>57</sup>

123. The Committee reiterated its earlier assessment that the issues of reparations had a potentially significant impact on the reputation and operations of the Court. The Committee also reaffirmed its belief that the final pattern of reparations will depend on decisions by Chambers and stressed the need for all stakeholders to be aware of the administrative and operational costs resulting from the implementation of reparations orders. **Noting that the financing of administrative costs resulting from the implementation of reparations for the STFV and its implementing partners required additional consideration, the Committee recommended that the STFV provide detailed information on this issue at its thirty-first session.**

## I. Trust Fund for Victims

### 1. Progress report by the STFV on the filling of vacant positions

124. The Committee considered the “Report of the Trust Fund for Victims on foreseeable workload in relation to its organizational structure”<sup>58</sup> which contained the progress made in filling vacant positions, the efforts to increase the visibility of the TFV and its fundraising capacity and the impact on the implementation of Court- ordered reparations awards.

125. The Committee acknowledged the demanding workload of the STFV. It also noted, however, that, over recent years, the STFV has significantly underspent its approved budget (Major Programme VI) with budget implementation rates as low as 90 per cent or less, dropping to 78.4 per cent in 2017, due in good part to the fact that approved posts were left vacant.

126. **The Committee noted with concern that an important number of posts remained vacant, including the position of a Fundraising and Visibility Officer (P-3) and called upon the STFV to ensure proper planning in order to finish the ongoing recruitment process in order to complete their organizational structure and present to the Committee a progress report at its thirty-first session.**

<sup>55</sup> CBF/30/8.

<sup>56</sup> Article 75, para. 2 in combination with article 79.

<sup>57</sup> *Ibid.*, para. 37.

<sup>58</sup> CBF/30/13.

127. Furthermore, the Committee recalled its assessment that the issue of reparation had a potentially significant impact on the reputation and operations of the Court, and thus recommended all Organs of the Court to continue work with the STFV, such as the administrative support provided by the Registry services.

## 2. Efforts to increase the visibility of the TFV and its fund-raising capacity

128. In September 2017, the Committee noted the crucial importance of voluntary donations for the TFV's assistance mandate and requested an update.<sup>59</sup>

129. Upon request, the Executive Director of the STFV explained that the TFV is still faced with legal obstacles in accessing major philanthropic markets in the United States and elsewhere. He said the difficulty arises because, as a subsidiary organ of the Assembly, the TFV has no separate legal identity from the Court. Therefore, the TFV cannot automatically offer the prospect of tax deductibility to private donors. However, in 2014 / 2015, the STFV commissioned research by US law firms to look for ways to overcome these hurdles. These suggested two options to work around the problem, both of which the TFV considered to be viable.<sup>60</sup>

130. In the context of a downturn in voluntary contributions from 2015 onwards, the STFV has prioritized its efforts to mobilise contributions from States Parties. Given the focus on public donors the STFV has not further explored private fundraising options. More recently, the STFV has calculated it needs no less than €40 million over the next four years to fund assistance and reparation programmes.<sup>61</sup> The Committee believed that it would therefore be prudent to develop viable opportunities for complementary private donations as a second mainstay now. This would be fully in line with the current TFV Strategic Plan. Lessons might be learned from the practice of other donor-dependent organisations.

131. A more in-depth analysis of the legal, fiscal and administrative issues will be required. Effective procedures and safeguards for vetting donations should be put in place. The Court's legal expertise is likely to be critical.

132. **To move ahead more expeditiously in facilitating access to private donations, the Committee recommended that the STFV and the Court jointly establish a working group tasked to identify viable options, weigh their advantages and downsides, and work out a specific proposal for decision. The Committee requested to receive the Terms of Reference for such a group, including suggested deadlines for deliverable results, at its thirty-first session in September 2018.**

## J. Other matters

### 1. Amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties

133. At its sixteenth session, the Assembly requested the Court to propose amendments to the FRR with regard to the financial obligations of States Parties withdrawing from the Rome Statute for consideration by the Committee and adoption by the Assembly, as appropriate, at its seventeenth session.<sup>62</sup>

134. In its report entitled "Changes to the Financial Regulations and Rules relating to contributions of States Parties withdrawing from the Rome Statute,"<sup>63</sup> the Court presented a proposal for amendments of the FRR in relation to the financial obligations of withdrawing States Parties.

135. The proposed amendments provide that State Parties shall not be discharged, by reason of their withdrawal from the Rome Statute, from any financial obligations, including but not limited to, States Parties contributions to the total cost of permanent premises, which have accrued while they had been a State Party to the Rome Statute, and that States Parties that withdraw from the Rome Statute shall be required to make proportional payments of the assessed annual contributions related to the year in which the withdrawal takes effect. In addition, the proposal provides that new States Parties shall be required to make a contribution to the total cost of the permanent premises at the time of their ratification, acceptance, approval of or accession to the Rome Statute.

136. The Committee agreed with the proposal as it considered it to be in line with Article 127 of the Rome Statute and aligned with the Assembly's decision at its fourteenth session to assess new States Parties against the total cost of the permanent premises. **The Committee recommended that the Assembly approve the**

<sup>59</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 126.

<sup>60</sup> Either the establishment of a „Friends of the TFV“ foundation or the engagement of a Fiscal Sponsor as a proxy recipient of tax deductible donations. For details see *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, paras. 125-130.

<sup>61</sup> CBF/30/13, para. 34.

<sup>62</sup> ICC-ASP/16/Res.1, section P.

<sup>63</sup> CBF/30/7.

revised text of the FRR concerning the financial obligations of withdrawing States Parties, as included in annex VI of this report.

137. Concerning the installments for the host State loan, the Committee recalled that according to the Rome Statute the obligation to pay the full amount of the loan does not cease upon the withdrawal of a State Party. However, the Committee noted that there is no mechanism to coercively collect the due amount. **Recognizing this risk and its potential consequences, the Committee recommended that the Court propose as soon as possible a financial solution that is legally binding and enforceable with a view to avoiding similar situations in the future and report thereon to the Committee at its thirty-first session in September 2018.**

## 2. Amendments to the Financial Regulations and Rules concerning seizure of assets

138. The Committee considered the “Report of the Court on handling seized funds received by the Court,”<sup>64</sup> which addressed the requirements for handling seized funds received by the Court in connection with judicial proceedings.

139. In its report, the Court stressed that these funds should be administered in accordance with the FRR. However, the current FRR do not specifically address this issue. Therefore, the Court proposed amendments to the FRR<sup>65</sup> which will provide a clear legal basis for the Registrar to establish a special account<sup>66</sup> to safeguard these funds and to segregate them from the Court’s General Fund (without classifying them as miscellaneous income).

140. **Being in agreement that a separate account would be a suitable option to administer funds in the Court’s temporary custody, pending a final determination of their use, the Committee recommended that the proposed amendment to the FRR, as contained in annex VII, be approved by the Assembly.**

141. Furthermore the Court explained that funds may be used for (i) the payment of a fine - under Article 5<sup>67</sup> or Article 70<sup>68</sup> proceedings; (ii) the execution of a forfeiture order;<sup>69</sup> (iii) the execution of a reparation order;<sup>70</sup> or (iv) the recovery by the Court (or reimbursement by the accused) of legal assistance paid by the Court.<sup>71</sup>

142. When it comes to legal aid advances from the budget financed by States Parties, such amounts when recovered should in general be returned to States Parties. However, the decision rests with the Assembly. Under the amended FRR, the Assembly would need to decide on a case-by-case basis, as it did in the *Bemba* case.<sup>72</sup> In this context, the Committee would like to recall its recommendation made at its twenty-third session:

“In order to avoid an *ad hoc* or case-by-case basis approach in the future cases, the Committee recommended that the Court establish a procedure to deal with the issues of reimbursing any debt arising from the advance of legal aid and the financing of legal aid when the Court receives assets from defendants during its judicial procedure, taking into account the existing regulations and rules of the Court, any legal and judicial considerations that might be relevant, and lessons learned from the *Bemba* case.”<sup>73</sup>

143. **Reiterating the above-mentioned recommendation, the Committee recommended that the Court submit a policy proposal, at its thirty-second session in spring 2019, dealing with the issues of reimbursing any debt arising from the advance of legal aid and the financing of legal aid when the Court receives assets from defendants during its judicial procedure.**

<sup>64</sup> CBF/30/2.

<sup>65</sup> See annex VII.

<sup>66</sup> In line with rule 6.5 of the current FRR, special funds (and trust funds) may be established only, if funded wholly by voluntary contributions.

<sup>67</sup> Article 5 Rome Statute - Crimes within the jurisdiction of the Court.

<sup>68</sup> Article 70 Rome Statute - Offences against the administration of justice.

<sup>69</sup> Article 77(2)(b) of the Rome Statute and Rule 147 of the Rules of Procedure and Evidence.

<sup>70</sup> Articles 75 and 79(2) of the Rome Statute.

<sup>71</sup> Where (i) a Chamber decides that funds have been advanced by the Court and the accused has a debt towards the Court and should repay it, or (ii) a Chamber or the Presidency issues an order of contribution to recover the cost of providing counsel when, following the Registry’s financial investigation into a matter of legal assistance, the accused is found not indigent (rule 21(5) of the Rules of Procedure and Evidence and regulation 85(4) of the Regulations of the Court.

<sup>72</sup> At its thirteenth session in 2014, the Assembly decided that (i) the funds from Bemba for the reimbursement of defence costs amounting to €2,068,000 be treated as miscellaneous income to be returned to States Parties and (ii) approved that the assessments of States Parties be adjusted for 2015 based on the funds arising from this miscellaneous income, instead of following the procedure established by the FRR.

<sup>73</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.2, para. 144.

### 3. Other voluntary contributions to the Court

144. The Committee noted that voluntary contributions are recorded within the scope of the Trust Funds and Special Accounts, as outlined by the Court in replies to queries of the Committee. The various types of voluntary contributions, including those made to the TFV or the premises, vary over the years. For example, in 2015, the total amount of such contributions was nearly €1 million, while in 2016, it dropped to €4.1 million; and in 2017 increased to nearly €5 million.<sup>74</sup>

145. **The Committee recommended that all details regarding voluntary contributions be contained in the annual performance report in order to ensure full transparency of resources.**

146. Furthermore, the Committee was of the view that should there be a voluntary contribution that offsets activities within the regular budget, the Court should show a clear account.

### 4. Potential and associated costs in relation to cases before the ILO-Administrative Tribunal

147. The Committee took note of the six judgments delivered on 24 January 2018 by the International Labour Organization Administrative Tribunal (ILOAT) for administrative dispute resolution between the Court and its staff. The judgements declared the ReVision Principles as “unlawful”. The financial impact of the judgments was recorded in the 2017 financial statements, which are currently under auditing.

148. The Committee also noted that, at the time of its session, 18 pending cases are being examined by ILOAT (seven of which are related to ReVision). The cost estimates by the Registry in this regard amounted to €2.2 million during the session (roughly €2 million as financial compensation to the litigators and €204 thousand as ILOAT fees). The Committee noted that a provision of €2.4 million has been recorded in the 2017 Financial Statements in relation to the above-mentioned six judgements delivered on 24 January 2018 and the pending cases before the ILOAT.

149. In addition, following the delivery of the six judgments in January 2018, 29 new cases related to ReVision were filed before the Court’s internal Appeals Board. The Committee took note that, according to the total financial compensation sought by the appellants in 24 cases out of 29 amounts to €7,784,763.

150. The Committee noted with concern that a total of 16 judgments, of which seven were related to ReVision, were rendered in the last 24 months, resulting in a financial impact for the Court of €2.63 million (€2.51 as compensation to the litigators and €120 thousand as ILOAT fees). This amount could increase by costs related to further settlements currently considered by the ILOAT.

151. **The Committee expressed its concern about the continued and rising number of litigation cases both in terms of financial and staff impact. The Committee recommended that the Court seek external conciliation mechanisms to resolve, as appropriate, disputes in a non-contentious manner.**

152. Furthermore, the Committee recommended that the Court revise its approach in the field of human resource management in order to avoid, to the extent possible, litigations in the future, and to minimize their impact on staff as well as the cost implications.

153. **The Committee also urged the Court's legal services to accurately assess the litigation risks related to administrative processes (such as ReVision) and to update the Committee on the steps taken to avoid any litigations in the future at its thirty-second session within the annual report on human resource management.**

### 5. Secretariat of the Assembly of States Parties

154. It came to the attention of the Committee that the “ReVision Report: Secretariat of the Assembly of States Parties,<sup>75</sup>” was distributed for information to the Assembly in December 2017. It is not clear on whose mandate the report was prepared. The Secretariat of the Assembly of States Parties provides support to the Assembly and the Committee, and therefore any mandate for revision should come from the Assembly. As the report concerns the administrative and budgetary functions of the Committee, an independent subsidiary body of the Assembly, members would expect to be consulted on any revision, however they were not.

### 6. Future sessions of the Committee

155. The thirty-first session of the Committee will take place from 3-14 September 2018 in The Hague, in accordance with the decision taken by the Assembly at its sixteenth session in December 2017.

<sup>74</sup> For detailed information see Annex VIII.

<sup>75</sup> ICC-ASP/16/INF.3.



## Annex I: Status of contributions as at 31 March 2018

State Party	Prior Years			Year 2018									
	Outstanding	Outstanding	Total	Assessed	Assessed	Total	Outstanding	Outstanding	Total	Outstanding	Grand Total	State Party	Date of
	Regular	Host State	Outstanding	Regular	Host State	Assessed	Regular	Host State	Outstanding	Contributions	Outstanding	Account	Latest
	Contributions	Loan	Contributions	Contributions	Contribution	Contributions	Contributions	Contribution	Contributions	Contingency Fund	Contributions	Status	Payment
Afghanistan	-	-	-	14,385	706	15,091	14,385	706	15,091	-	15,091	Overdue	01/06/2017
Albania	-	-	-	19,563	-	19,563	19,563	-	19,563	-	19,563	Overdue	09/02/2017
Andorra	-	-	-	14,672	-	14,672	14,672	-	14,672	-	14,672	Overdue	07/03/2017
Antigua and Barbuda	11,688	-	11,688	4,891	186	5,077	4,891	186	5,077	-	16,765	Ineligible to vote	01/10/2016
Argentina	600,000	-	600,000	2,185,464	-	2,185,464	2,185,464	-	2,185,464	-	2,785,464	In arrears	23/02/2018
Australia	-	-	-	5,725,819	-	5,725,819	-	-	-	-	-	Fully settled	24/01/2018
Austria	-	-	-	1,763,992	113,387	1,877,379	-	-	-	-	-	Fully settled	30/01/2018
Bangladesh	-	-	-	14,385	893	15,278	14,385	893	15,278	-	15,278	Overdue	09/02/2017
Barbados	-	-	-	17,118	-	17,118	17,118	-	17,118	-	17,118	Overdue	11/01/2018
Belgium	-	-	-	2,168,346	141,803	2,310,149	-	-	-	-	-	Fully settled	23/03/2018
Belize	115	-	115	2,445	143	2,588	2,445	143	2,588	-	2,703	In arrears	26/06/2017
Benin	-	-	-	7,336	430	7,766	7,336	430	7,766	-	7,766	Overdue	05/10/2017
Bolivia (Plurinational State of)	-	-	-	29,345	-	29,345	29,345	-	29,345	-	29,345	Overdue	10/07/2017
Bosnia and Herzegovina	-	-	-	31,790	-	31,790	31,790	-	31,790	-	31,790	Overdue	23/02/2017
Botswana	-	-	-	34,235	2,269	36,504	-	-	-	-	-	Fully settled	05/02/2018
Brazil	16,193,717	346,652	16,540,369	9,366,580	416,882	9,783,462	9,366,580	416,882	9,783,462	-	26,323,831	In arrears	29/12/2016
Bulgaria	-	-	-	110,186	6,679	116,865	-	-	-	-	-	Fully settled	22/01/2018
Burkina Faso	8,939	-	8,939	9,782	165	9,947	9,782	165	9,947	-	18,886	In arrears	09/08/2017
Cabo Verde	1,277	-	1,277	2,445	143	2,588	2,445	143	2,588	-	3,865	In arrears	02/08/2017
Cambodia	-	-	-	9,782	441	10,223	9,782	441	10,223	-	10,223	Overdue	24/05/2017
Canada	-	-	-	7,156,663	-	7,156,663	-	-	-	-	-	Fully settled	14/02/2018
Central African Republic	5,524	200	5,724	2,445	143	2,588	2,445	143	2,588	-	8,312	Ineligible to vote	09/12/2014
Chad	24,343	215	24,558	12,227	154	12,381	12,227	154	12,381	-	36,939	Ineligible to vote	13/01/2015
Chile	-	-	-	977,582	-	977,582	977,582	-	977,582	-	977,582	Overdue	09/06/2017
Colombia	701,415	-	701,415	788,855	-	788,855	788,855	-	788,855	-	1,490,270	In arrears	26/03/2018
Comoros	19,139	228	19,367	2,445	143	2,588	2,445	143	2,588	46	22,001	Ineligible to vote	no payments
Congo	61,264	1,126	62,390	14,672	706	15,378	14,672	706	15,378	73	77,841	Ineligible to vote	01/06/2011
Cook Islands	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	31/01/2018
Costa Rica	-	-	-	115,221	-	115,221	-	-	-	-	-	Fully settled	27/02/2018
Côte d'Ivoire	-	-	-	22,008	1,563	23,571	22,008	1,563	23,571	-	23,571	Overdue	10/04/2017
Croatia	-	-	-	242,526	17,901	260,427	-	-	-	-	-	Fully settled	10/01/2018
Cyprus	-	-	-	105,295	-	105,295	-	-	-	-	-	Fully settled	15/02/2018
Czechia	-	-	-	842,798	-	842,798	-	-	-	-	-	Fully settled	20/02/2018
Democratic Republic of the Congo	-	-	-	14,385	32	14,417	14,385	32	14,417	-	14,417	Overdue	08/11/2017
Denmark	-	-	-	1,430,843	-	1,430,843	-	-	-	-	-	Fully settled	10/01/2018
Djibouti	4,010	119	4,129	2,445	143	2,588	2,445	143	2,588	-	6,717	In arrears	29/11/2017
Dominica	10,419	228	10,647	2,445	143	2,588	2,445	143	2,588	8	13,243	Ineligible to vote	31/12/2015
Dominican Republic	251,561	8,929	260,490	112,632	6,392	119,024	112,632	6,392	119,024	-	379,514	Ineligible to vote	14/11/2017
Ecuador	-	-	-	164,129	-	164,129	164,129	-	164,129	-	164,129	Overdue	07/06/2017
El Salvador	-	-	-	34,235	-	34,235	34,235	-	34,235	-	34,235	In arrears	11/12/2017
Estonia	-	-	-	93,069	-	93,069	-	-	-	-	-	Fully settled	29/01/2018
Fiji	-	-	-	7,336	430	7,766	7,336	428	7,764	-	7,764	Overdue	23/01/2017

Finland	-	-	-	1,117,257	-	1,117,257	-	-	-	-	-	Fully settled	15/01/2018
France	-	-	-	11,904,900	794,694	12,699,594	11,904,900	794,694	12,699,594	-	12,699,594	Overdue	31/01/2017
Gabon	41,064	1,491	42,555	41,715	1,793	43,508	41,715	1,793	43,508	-	86,063	In arrears	03/10/2016
Gambia	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	19/12/2017
Georgia	-	-	-	19,563	-	19,563	-	-	-	-	-	Fully settled	26/01/2018
Germany	-	-	-	15,653,545	-	15,653,545	-	-	-	-	-	Fully settled	30/01/2018
Ghana	4,525	-	4,525	39,270	1,986	41,256	39,270	1,986	41,256	-	45,781	In arrears	25/09/2017
Greece	-	-	-	1,153,938	-	1,153,938	1,153,938	-	1,153,938	-	1,153,938	Overdue	04/10/2017
Grenada	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	01/12/2017
Guatemala	-	-	-	68,615	3,836	72,451	68,615	29	68,644	-	68,644	Overdue	23/11/2016
Guinea	19,278	228	19,506	4,891	143	5,034	4,891	143	5,034	84	24,624	Ineligible to vote	20/04/2015
Guyana	144	-	144	4,891	143	5,034	4,891	143	5,034	-	5,178	In arrears	09/03/2017
Honduras	-	-	-	19,563	1,136	20,699	19,563	37	19,600	-	19,600	Overdue	27/03/2018
Hungary	-	-	-	394,428	5,589	400,017	-	-	-	-	-	Fully settled	26/01/2018
Iceland	-	-	-	56,388	-	56,388	-	-	-	-	-	Fully settled	23/01/2018
Ireland	-	-	-	820,789	-	820,789	-	-	-	-	-	Fully settled	02/02/2018
Italy	-	-	-	9,182,888	-	9,182,888	9,182,888	-	9,182,888	-	9,182,888	Overdue	15/03/2017
Japan	-	-	-	23,716,731	1,538,944	25,255,675	20,396,097	-	20,396,097	-	20,396,097	Overdue	02/02/2018
Jordan	-	-	-	49,052	-	49,052	49,052	-	49,052	-	49,052	Overdue	23/02/2017
Kenya	-	-	-	44,161	1,850	46,011	44,161	1,850	46,011	-	46,011	Overdue	14/02/2017
Latvia	-	-	-	122,557	-	122,557	-	-	-	-	-	Fully settled	03/01/2018
Lesotho	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	20/10/2017
Liberia	2,552	119	2,671	2,445	143	2,588	2,445	143	2,588	-	5,259	In arrears	30/05/2016
Liechtenstein	-	-	-	17,118	-	17,118	17,118	-	17,118	-	17,118	Overdue	23/01/2017
Lithuania	-	-	-	176,357	-	176,357	-	-	-	-	-	Fully settled	28/12/2017
Luxembourg	-	-	-	156,792	-	156,792	-	-	-	-	-	Fully settled	17/01/2018
Madagascar	200	-	200	7,336	430	7,766	7,336	430	7,766	-	7,966	In arrears	15/11/2017
Malawi	-	-	-	4,891	287	5,178	4,891	287	5,178	-	5,178	Overdue	30/11/2017
Maldives	9,596	200	9,796	4,891	143	5,034	4,891	143	5,034	-	14,830	Ineligible to vote	11/01/2016
Mali	-	-	-	7,336	574	7,910	7,336	574	7,910	-	7,910	Overdue	15/09/2017
Malta	-	-	-	39,270	-	39,270	-	-	-	-	-	Fully settled	05/03/2018
Marshall Islands	5,763	200	5,963	2,445	143	2,588	2,445	143	2,588	-	8,551	Ineligible to vote	04/03/2015
Mauritius	-	-	-	29,345	-	29,345	-	-	-	-	-	Fully settled	19/01/2018
Mexico	-	-	-	3,515,902	-	3,515,902	3,515,902	-	3,515,902	-	3,515,902	Overdue	19/01/2018
Mongolia	-	-	-	12,227	-	12,227	12,227	-	12,227	-	12,227	Overdue	29/06/2017
Montenegro	-	-	-	9,782	-	9,782	-	-	-	-	-	Fully settled	22/01/2018
Namibia	-	-	-	24,454	-	24,454	-	-	-	-	-	Fully settled	28/03/2018
Nauru	-	-	-	2,445	143	2,588	2,445	92	2,537	-	2,537	Overdue	14/06/2017
Netherlands	-	-	-	3,630,979	-	3,630,979	-	-	-	-	-	Fully settled	21/02/2018
New Zealand	-	-	-	656,660	35,952	692,612	-	-	-	-	-	Fully settled	25/01/2018
Niger	31,327	457	31,784	4,891	287	5,178	4,891	287	5,178	92	37,054	Ineligible to vote	23/11/2009
Nigeria	34,169	-	34,169	512,095	12,785	524,880	512,095	12,785	524,880	-	559,049	In arrears	21/03/2018
Norway	-	-	-	2,080,167	120,916	2,201,083	-	-	-	-	-	Fully settled	07/02/2018
Panama	5,473	-	5,473	83,287	749	84,036	83,287	749	84,036	-	89,509	In arrears	25/10/2017
Paraguay	29,756	-	29,756	34,235	1,423	35,658	34,235	1,423	35,658	-	65,414	In arrears	12/07/2017
Peru	-	-	-	333,149	16,621	349,770	330,452	-	330,452	-	330,452	Overdue	28/11/2017
Philippines	-	-	-	404,209	-	404,209	404,209	-	404,209	-	404,209	Overdue	30/03/2017
Poland	-	-	-	2,060,460	-	2,060,460	-	-	-	-	-	Fully settled	28/12/2017
Portugal	-	-	-	960,465	-	960,465	960,465	-	960,465	-	960,465	Overdue	20/04/2017
Republic of Korea	-	-	-	4,995,653	230,628	5,226,281	4,995,653	230,628	5,226,281	-	5,226,281	Overdue	24/07/2017

Republic of Moldova	-	-	-	9,782	-	9,782	9,782	-	9,782	-	9,782	Overdue	24/05/2017
Romania	-	-	-	450,815	-	450,815	50,815	-	50,815	-	50,815	Overdue	26/03/2018
Saint Kitts and Nevis	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	29/01/2018
Saint Lucia	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	26/05/2017
Saint Vincent and the Grenadines	252	-	252	2,445	143	2,588	2,445	143	2,588	-	2,840	In arrears	10/11/2017
Samoa	-	-	-	2,445	-	2,445	-	-	-	-	-	Fully settled	20/02/2018
San Marino	-	-	-	7,336	-	7,336	7,336	-	7,336	-	7,336	Overdue	07/03/2017
Senegal	326	-	326	12,227	850	13,077	12,227	850	13,077	-	13,403	In arrears	12/05/2017
Serbia	-	-	-	78,396	-	78,396	78,396	-	78,396	-	78,396	Overdue	17/02/2017
Seychelles	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	09/02/2018
Sierra Leone	-	-	-	2,445	143	2,588	916	-	916	-	916	Overdue	11/11/2015
Slovakia	-	-	-	391,982	-	391,982	-	-	-	-	-	Fully settled	19/02/2018
Slovenia	-	-	-	205,845	-	205,845	-	-	-	-	-	Fully settled	17/01/2018
South Africa	-	-	-	891,850	-	891,850	-	-	-	-	-	Fully settled	28/02/2018
Spain	-	-	-	5,985,606	-	5,985,606	5,985,606	-	5,985,606	-	5,985,606	Overdue	18/04/2017
State of Palestine	-	-	-	17,118	706	17,824	17,118	149	17,267	-	17,267	Overdue	06/02/2018
Suriname	-	-	-	14,672	441	15,113	14,672	441	15,113	-	15,113	Overdue	24/04/2017
Sweden	-	-	-	2,342,256	-	2,342,256	-	-	-	-	-	Fully settled	22/03/2018
Switzerland	-	-	-	2,793,072	-	2,793,072	-	-	-	-	-	Fully settled	20/02/2018
Tajikistan	-	-	-	9,782	430	10,212	9,782	430	10,212	-	10,212	Overdue	22/12/2017
The former Yugoslav Republic of Macedonia	-	-	-	17,118	1,136	18,254	17,118	1,136	18,254	-	18,254	Overdue	27/12/2017
Timor-Leste	33	-	33	7,336	-	7,336	7,336	-	7,336	-	7,369	In arrears	14/03/2018
Trinidad and Tobago	-	-	-	83,287	-	83,287	83,287	-	83,287	-	83,287	Overdue	16/02/2017
Tunisia	-	-	-	68,615	5,112	73,727	68,615	5,112	73,727	-	73,727	Overdue	22/11/2017
Uganda	-	-	-	14,385	850	15,235	14,385	850	15,235	-	15,235	Overdue	18/09/2017
United Kingdom	-	-	-	10,934,653	-	10,934,653	8,200,990	-	8,200,990	-	8,200,990	Overdue	29/01/2018
United Republic of Tanzania	1,012	-	1,012	14,385	893	15,278	14,385	893	15,278	-	16,290	In arrears	05/07/2017
Uruguay	2,449	-	2,449	193,618	-	193,618	193,618	-	193,618	-	196,067	In arrears	28/09/2017
Vanuatu	28	-	28	2,445	143	2,588	2,445	143	2,588	-	2,616	In arrears	10/01/2018
Venezuela (Bolivarian Republic of)	6,065,958	141,944	6,207,902	1,399,053	89,087	1,488,140	1,399,053	89,087	1,488,140	4,983	7,701,025	Ineligible to vote	04/09/2012
Zambia	27,819	1,185	29,004	14,385	850	15,235	14,385	850	15,235	-	44,239	Ineligible to vote	29/06/2015
<i>Rounding differences</i>													
				1,021	-16	1,005							
	24,175,135	503,521	24,678,656	143,846,735	3,584,984	147,431,719	83,914,620	1,578,851	85,493,471	5,286	110,177,413		

## Annex II: Human resources tables

### Geographical Representation of ICC Professional Staff

Status as at 31 March 2018

Total number of professionals: 455\*

\* Excluding Elected Officials and 43 language staff

Total number of nationalities: 93

#### Distribution per region:

Region	Nationality	Total
African	Algeria	1
	Benin	1
	Botswana	1
	Burkina Faso	1
	Cameroon	7
	Congo	1
	Congo, Democratic Republic of the	4
	Cote d'Ivoire	2
	Egypt	5
	Ethiopia	2
	Gambia	3
	Ghana	3
	Guinea	1
	Kenya	4
	Lesotho	1
	Malawi	1
	Mali	3
	Mauritania	1
	Mauritius	1
	Niger	2
	Nigeria	4
	Rwanda	2
	Senegal	4
	Sierra Leone	3
	South Africa	8
	Togo	1
	Uganda	5
	United Republic of Tanzania	2
	Zambia	1
	Zimbabwe	1
<b>African Total</b>		<b>76</b>

Region	Nationality	Total
Asian	Afghanistan	1
	China	3
	Cyprus	1
	India	2
	Indonesia	1
	Iran (Islamic Republic of)	3
	Japan	6
	Jordan	1
	Lebanon	1
	Mongolia	1
	Pakistan	1
	Palestine	2
	Philippines	3
	Republic of Korea	1
	Singapore	1
	Sri Lanka	1
	Uzbekistan	1
	Viet Nam	1
<b>Asian Total</b>		<b>31</b>

Region	Nationality	Total
Eastern European	Albania	2
	Belarus	2
	Bosnia and Herzegovina	4
	Croatia	5
	Estonia	1
	Georgia	5
	Poland	5
	Republic of Moldova	3
	Romania	7
	Russian Federation	2
	Serbia	3
	Slovenia	3
	Ukraine	2
<b>Eastern European Total</b>		<b>44</b>

Region	Nationality	Total
GRULAC	Argentina	5
	Brazil	2
	Chile	1
	Colombia	6
	Costa Rica	1
	Ecuador	2
	Guatemala	1
	Jamaica	2
	Mexico	5
	Peru	3
	Trinidad and Tobago	2
	Venezuela	2
<b>GRULAC Total</b>		<b>32</b>

Region	Nationality	Total
WEOG	Australia	16
	Belgium	17
	Canada	19
	Denmark	2
	Finland	6
	France	60
	Germany	14
	Greece	3
	Ireland	12
	Israel	2
	Italy	19
	Malta	1
	Netherlands	21
	New Zealand	4
	Portugal	6
	Spain	16
	Sweden	3
	Switzerland	2
	United Kingdom	33
	United States of America	16
<b>WEOG Total</b>		<b>272</b>

**Geographical Representation**  
**ICC Professional Staff**  
Status as at 31 March 2018

**Number of Staff per post, per region\***

\* Excluding Elected Officials and 43 language staff

Grade	Region	Nationality	Total
D-1	African	Lesotho	1
	African Total		1
	Asian	Japan	1
	Asian Total		1
	GRULAC	Argentina	1
		Ecuador	1
	GRULAC Total		2
	WEOG	Belgium	2
		France	1
		Italy	1
		Netherlands	1
	WEOG Total		5
<b>D-1 Total</b>			<b>9</b>

Grade	Region	Nationality	Total
P-5	African	Congo, Democratic Republic of the	1
		Ghana	1
		Kenya	1
		Mali	2
		Senegal	1
		South Africa	2
	African Total		8
	Asian	Jordan	1
	Asian Total		1
	Eastern European	Estonia	1
		Georgia	1
		Serbia	2
	Eastern European Total		4
	GRULAC	Jamaica	1
	GRULAC Total		1
	WEOG	Australia	3
		Canada	3
		Denmark	1
		Finland	1
		France	6
		Germany	1
		Ireland	1
		Italy	2
		Netherlands	1
		Portugal	1
		Spain	4
		United Kingdom	4
		United States of America	1
	WEOG Total		29
<b>P-5 Total</b>			<b>43</b>

Grade	Region	Nationality	Total
P-4	African	Burkina Faso	1
		Cote d'Ivoire	1
		Nigeria	2
		Senegal	1
		Sierra Leone	1
		South Africa	3
		Uganda	1
		United Republic of Tanzania	1
	African Total		11

P-4 Total	Asian	Iran (Islamic Republic of)	3
		Japan	2
		Lebanon	1
		Philippines	1
	Asian Total		7
	Eastern European	Croatia	1
		Georgia	1
		Romania	2
		Serbia	1
		Ukraine	1
	Eastern European Total		6
	GRULAC	Colombia	1
		Ecuador	1
		Mexico	1
		Trinidad and Tobago	2
	GRULAC Total		5
	WEOG	Belgium	2
		Canada	1
		Denmark	1
		Finland	3
		France	7
		Germany	4
		Ireland	1
		Italy	3
		Netherlands	1
		New Zealand	1
		Portugal	1
Spain		2	
Sweden		1	
United Kingdom		8	
United States of America		3	
WEOG Total		39	
P-4 Total		68	

Grade	Region	Nationality	Total
P-3	African	Algeria	1
		Benin	1
		Botswana	1
		Cameroon	1
		Congo	1
		Congo, Democratic Republic of the	1
		Cote d'Ivoire	1
		Egypt	2
		Gambia	2
		Ghana	1
		Kenya	2
		Mali	1
		Mauritania	1
		Mauritius	1
		Niger	1
		Nigeria	1
		Rwanda	1
		Senegal	1
		Sierra Leone	1
		South Africa	2
		Togo	1
		Uganda	1
		United Republic of Tanzania	1
		Zimbabwe	1
	African Total		28
	Asian	China	1
		India	1
		Japan	1

		Mongolia	1
		Palestine	1
		Philippines	2
		Republic of Korea	1
		Sri Lanka	1
	Asian Total		9
	Eastern European	Albania	1
		Bosnia and Herzegovina	1
		Croatia	2
		Georgia	1
		Poland	1
		Republic of Moldova	1
		Romania	1
		Slovenia	1
	Eastern European Total		9
	GRULAC	Argentina	2
		Brazil	2
		Chile	1
		Colombia	4
		Costa Rica	1
		Guatemala	1
		Jamaica	1
		Mexico	1
		Peru	1
		Venezuela	1
	GRULAC Total		15
	WEOG	Australia	7
		Belgium	6
		Canada	5
		Finland	1
		France	15
		Germany	4
		Greece	2
		Ireland	4
		Italy	3
		Netherlands	8
		New Zealand	3
		Portugal	3
		Spain	4
		Sweden	1
		Switzerland	1
		United Kingdom	13
		United States of America	6
	WEOG Total		86
	<b>P-3 Total</b>		<b>147</b>

Grade	Region	Nationality	Total
P-2	African	Cameroon	5
		Congo, Democratic Republic of the	2
		Egypt	3
		Ethiopia	1
		Ghana	1
		Kenya	1
		Malawi	1
		Niger	1
		Nigeria	1
		Rwanda	1
		Senegal	1
		Sierra Leone	1
		South Africa	1
		Uganda	1
		Zambia	1
	African Total		22
	Asian	Afghanistan	1
		China	1
		Cyprus	1



	Indonesia	1
	Japan	2
	Pakistan	1
	Uzbekistan	1
Asian Total		8
Eastern European	Belarus	2
	Bosnia and Herzegovina	2
	Croatia	1
	Georgia	2
	Poland	3
	Romania	3
	Russian Federation	2
	Slovenia	2
Eastern European Total		17
GRULAC	Argentina	2
	Colombia	1
	Mexico	3
	Peru	2
	Venezuela	1
GRULAC Total		9
WEOG	Australia	5
	Belgium	6
	Canada	8
	Finland	1
	France	27
	Germany	5
	Ireland	4
	Israel	2
	Italy	8
	Netherlands	9
	Portugal	1
	Spain	5
	Sweden	1
	Switzerland	1
	United Kingdom	7
	United States of America	6
WEOG Total		96
<b>P-2 Total</b>		<b>152</b>

Grade	Region	Nationality	Total
P-1	African	Cameroon	1
		Ethiopia	1
		Gambia	1
		Guinea	1
		Uganda	2
	African Total		6
	Asian	China	1
		India	1
		Palestine	1
		Singapore	1
		Viet Nam	1
	Asian Total		5
	Eastern European	Albania	1
		Bosnia and Herzegovina	1
		Croatia	1
		Poland	1
		Republic of Moldova	2
		Romania	1
		Ukraine	1
	Eastern European Total		8
	WEOG	Australia	1
		Belgium	1
		Canada	2
		France	4
		Greece	1
		Ireland	2

	Italy	2
	Malta	1
	Netherlands	1
	Spain	1
	United Kingdom	1
	WEOG Total	17
<b>P-1 Total</b>		<b>36</b>

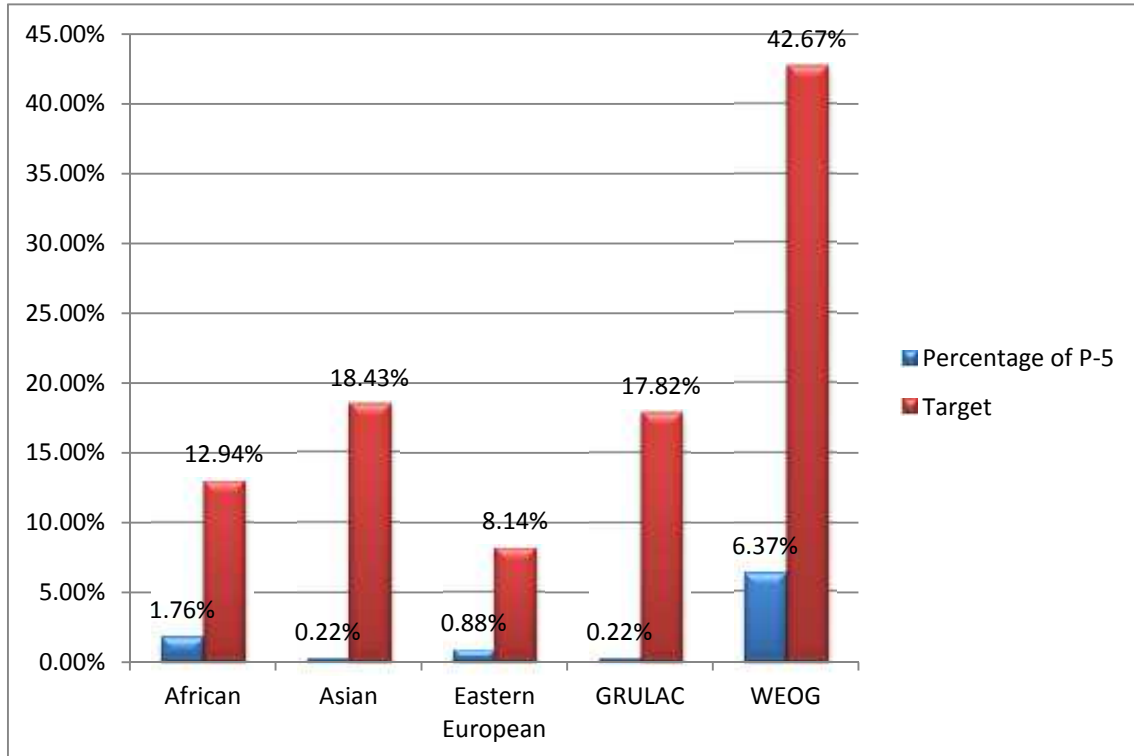
	<i>Grand Total</i>
<b>Grand Total</b>	<b>455</b>

### Percentage of staff per post, per region

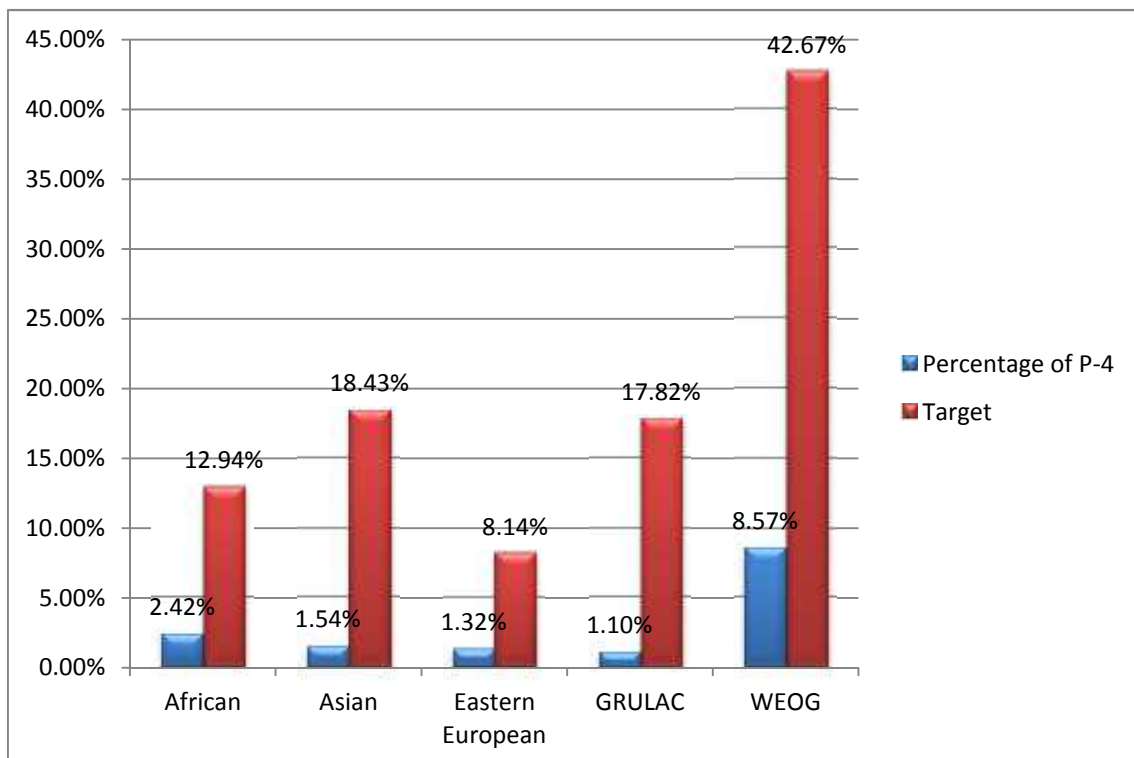
#### Percentage – D1 posts

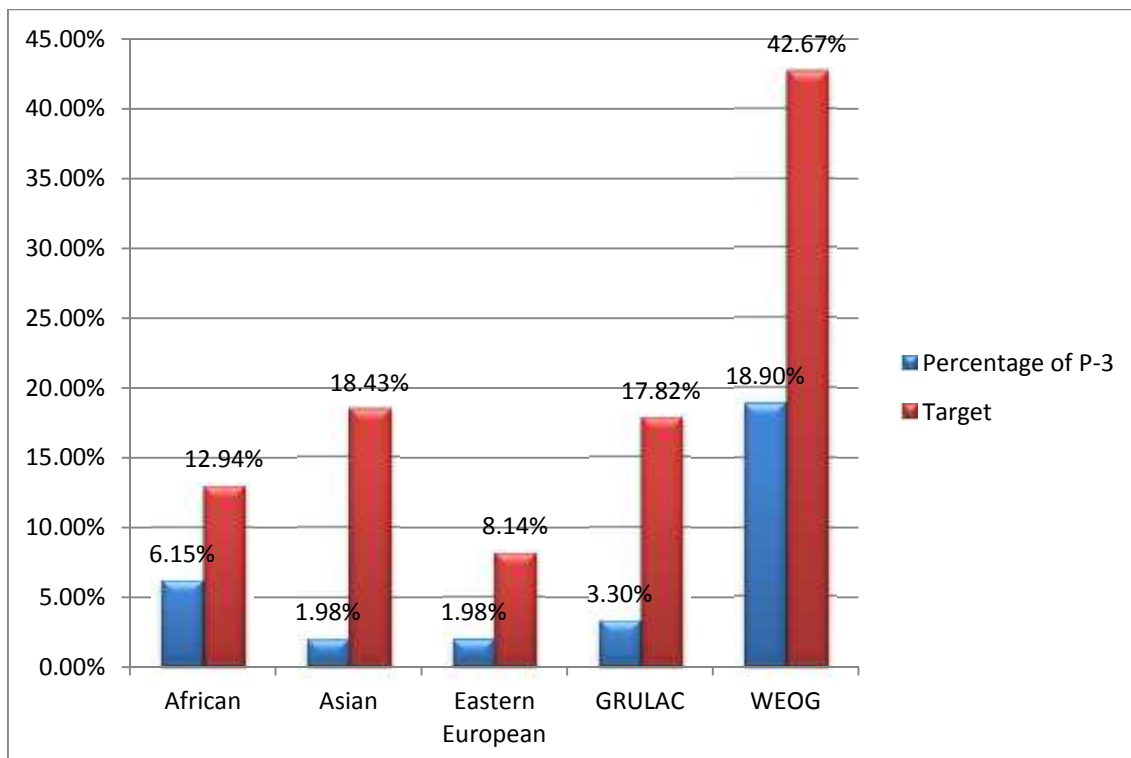
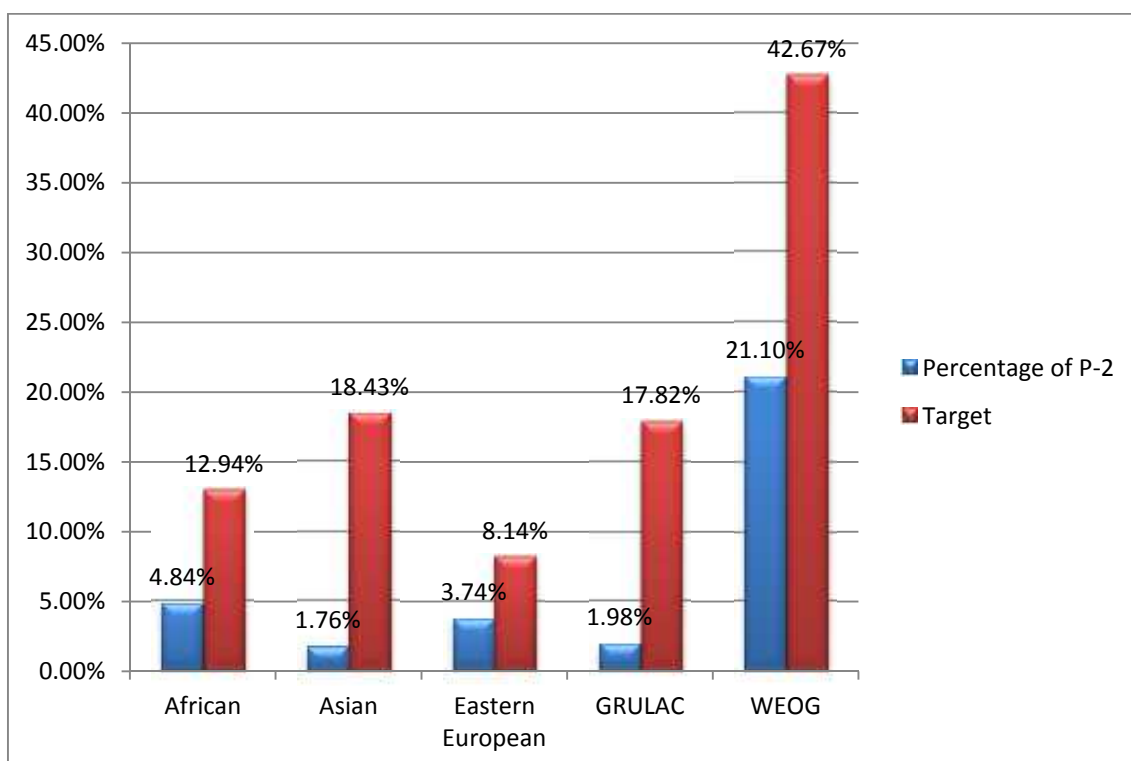
Due to the limited number of only 9 positions concerned, statistic and graphic representations could be misleading, please refer to the exact numbers in table above.

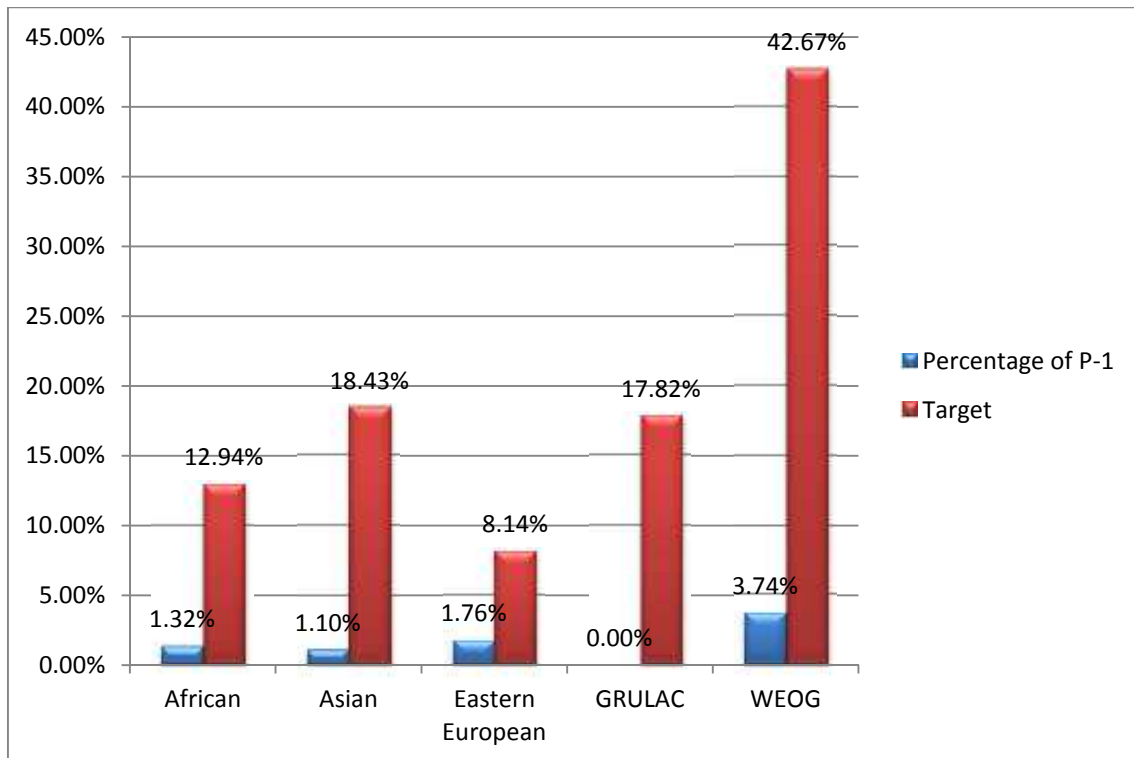
#### Percentage - P5 posts



#### Percentage - P4 posts



Percentage - P3 postsPercentage - P2 posts

Percentage - P1 posts

## Desirable Range by Country as at 31 March 2018

Region	Country	Assessment 2018	Desirable Range		Target	Actual rep.	Category	Under/ Over
			Lower	Upper				
African	Algeria	0.00000%	0	0	0	1	Non Ratified	+1
African	Benin	0.00510%	1	2	2	1	In balance	
African	Botswana	0.02380%	1	2	2	1	In balance	
African	Burkina Faso	0.00680%	2	2	2	1	Under Represented	-1
African	Cameroon	0.00000%	0	0	0	7	Non Ratified	+7
African	Cape Verde	0.00170%	1	2	2	0	Non Represented	-1
African	Central African Republic	0.00170%	1	2	2	0	Non Represented	-1
African	Chad	0.00850%	1	2	2	0	Non Represented	-1
African	Comoros	0.00170%	1	2	2	0	Non Represented	-1
African	Congo	0.01020%	1	2	2	1	In balance	
African	Côte d'Ivoire	0.01530%	2	2	2	2	In balance	
African	Democratic Republic of the Congo	0.01000%	2	3	2	4	Over Represented	+1
African	Djibouti	0.00170%	1	2	2	0	Non Represented	-1
African	Egypt	0.00000%	0	0	0	5	Non Ratified	+5
African	Ethiopia	0.00000%	0	0	0	2	Non Ratified	+2
African	Gabon	0.02900%	1	2	2	0	Non Represented	-1
African	Gambia	0.00170%	1	2	2	3	Over Represented	+1
African	Ghana	0.02730%	2	2	2	3	Over Represented	+1
African	Guinea	0.00340%	1	2	2	1	In balance	
African	Kenya	0.03070%	2	2	2	4	Over Represented	+2
African	Lesotho	0.00170%	1	2	2	1	In balance	
African	Liberia	0.00170%	1	2	2	0	Non Represented	-1
African	Madagascar	0.00510%	2	2	2	0	Non Represented	-2
African	Malawi	0.00340%	2	2	2	1	Under Represented	-1
African	Mali	0.00510%	2	2	2	3	Over Represented	+1
African	Mauritania	0.00000%	0	0	0	1	Non Ratified	+1
African	Mauritius	0.02040%	1	2	2	1	In balance	
African	Namibia	0.01700%	1	2	2	0	Non Represented	-1
African	Niger	0.00340%	2	2	2	2	In balance	

<b>African</b>	<b>Nigeria</b>	0.35600%	4	5	4	4	In balance	
<b>African</b>	<b>Rwanda</b>	0.00000%	0	0	0	2	Non Ratified	+2
<b>African</b>	<b>Senegal</b>	0.00850%	2	2	2	4	Over Represented	+2
<b>African</b>	<b>Seychelles</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>African</b>	<b>Sierra Leone</b>	0.00170%	1	2	2	3	Over Represented	+1
<b>African</b>	<b>South Africa</b>	0.62000%	3	4	4	8	Over Represented	+4
<b>African</b>	<b>Togo</b>	0.00000%	0	0	0	1	Non Ratified	+1
<b>African</b>	<b>Tunisia</b>	0.04770%	2	2	2	0	Non Represented	-2
<b>African</b>	<b>Uganda</b>	0.01000%	2	2	2	5	Over Represented	+3
<b>African</b>	<b>United Republic of Tanzania</b>	0.01000%	2	2	2	2	In balance	
<b>African</b>	<b>Zambia</b>	0.01000%	2	2	2	1	Under Represented	-1
<b>African</b>	<b>Zimbabwe</b>	0.00000%	0	0	0	1	Non Ratified	+1
<b>Asian</b>	<b>Afghanistan</b>	0.01000%	2	2	2	1	Under Represented	-1
<b>Asian</b>	<b>Bangladesh</b>	0.01000%	3	4	3	0	Non Represented	-3
<b>Asian</b>	<b>Cambodia</b>	0.00680%	2	2	2	0	Non Represented	-2
<b>Asian</b>	<b>China</b>	0.00000%	0	0	0	3	Non Ratified	+3
<b>Asian</b>	<b>Cook Islands</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>Asian</b>	<b>Cyprus</b>	0.07320%	2	2	2	1	Under Represented	-1
<b>Asian</b>	<b>Fiji</b>	0.00510%	1	2	2	0	Non Represented	-1
<b>Asian</b>	<b>India</b>	0.00000%	0	0	0	2	Non Ratified	+2
<b>Asian</b>	<b>Indonesia</b>	0.00000%	0	0	0	1	Non Ratified	+1
<b>Asian</b>	<b>Iran (Islamic Republic of)</b>	0.00000%	0	0	0	3	Non Ratified	+3
<b>Asian</b>	<b>Japan</b>	16.48750%	40	54	47	6	Under Represented	-34
<b>Asian</b>	<b>Jordan</b>	0.03410%	1	2	2	1	In balance	
<b>Asian</b>	<b>Lebanon</b>	0.00000%	0	0	0	1	Non Ratified	+1
<b>Asian</b>	<b>Maldives</b>	0.00340%	1	2	2	0	Non Represented	-1
<b>Asian</b>	<b>Marshall Islands</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>Asian</b>	<b>Mongolia</b>	0.00850%	1	2	2	1	In balance	
<b>Asian</b>	<b>Nauru</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>Asian</b>	<b>Pakistan</b>	0.00000%	0	0	0	1	Non Ratified	+1
<b>Asian</b>	<b>Palestine</b>	0.01190%	1	2	2	2	In balance	

Asian	Philippines	0.28100%	3	4	3	3	In balance	
Asian	Republic of Korea	3.47290%	10	13	11	1	Under Represented	-9
Asian	Samoa	0.00170%	1	2	2	0	Non Represented	-1
Asian	Singapore	0.00000%	0	0	0	1	Non Ratified	+1
Asian	Sri Lanka	0.00000%	0	0	0	1	Non Ratified	+1
Asian	Tajikistan	0.00680%	1	2	2	0	Non Represented	-1
Asian	Timor-Leste	0.00510%	1	2	2	0	Non Represented	-1
Asian	Uzbekistan	0.00000%	0	0	0	1	Non Ratified	+1
Asian	Vanuatu	0.00170%	1	2	2	0	Non Represented	-1
Asian	Viet Nam	0.00000%	0	0	0	1	Non Ratified	+1
Eastern European	Albania	0.01360%	1	2	2	2	In balance	
Eastern European	Belarus	0.00000%	0	0	0	2	Non Ratified	+2
Eastern European	Bosnia & Herzegovina	0.02210%	1	2	2	4	Over Represented	+2
Eastern European	Bulgaria	0.07660%	2	2	2	0	Non Represented	-2
Eastern European	Croatia	0.16860%	2	2	2	5	Over Represented	+3
Eastern European	Czech Republic	0.58590%	3	4	3	0	Non Represented	-3
Eastern European	Estonia	0.06470%	2	2	2	1	Under Represented	-1
Eastern European	Georgia	0.01360%	1	2	2	5	Over Represented	+3
Eastern European	Hungary	0.27420%	2	3	2	0	Non Represented	-2
Eastern European	Latvia	0.08520%	2	2	2	0	Non Represented	-2
Eastern European	Lithuania	0.12260%	2	2	2	0	Non Represented	-2
Eastern European	Montenegro	0.00680%	1	2	2	0	Non Represented	-1
Eastern European	Poland	1.43240%	5	7	6	5	In balance	
Eastern European	Republic of Moldova	0.00680%	1	2	2	3	Over Represented	+1
Eastern European	Romania	0.31340%	2	3	3	7	Over Represented	+4
Eastern European	Russian Federation	0.00000%	0	0	0	2	Non Ratified	+2
Eastern European	Serbia	0.05450%	2	2	2	3	Over Represented	+1
Eastern European	Slovakia	0.27250%	2	3	2	0	Non Represented	-2
Eastern European	Slovenia	0.14310%	2	2	2	3	Over Represented	+1
Eastern European	The Former Yugoslav	0.01190%	1	2	2	0	Non Represented	-1



	Rep. of Macedonia							
<b>Eastern European</b>	<b>Ukraine</b>	0.00000%	0	0	0	2	Non Ratified	+2
<b>GRULAC</b>	<b>Antigua and Barbuda</b>	0.00340%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Argentina</b>	1.51930%	5	7	6	5	In balance	
<b>GRULAC</b>	<b>Barbados</b>	0.01190%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Belize</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Bolivia</b>	0.02040%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Brazil</b>	6.51150%	18	24	21	2	Under Represented	-16
<b>GRULAC</b>	<b>Chile</b>	0.67960%	3	4	4	1	Under Represented	-2
<b>GRULAC</b>	<b>Colombia</b>	0.54840%	3	4	4	6	Over Represented	+2
<b>GRULAC</b>	<b>Costa Rica</b>	0.08010%	2	2	2	1	Under Represented	-1
<b>GRULAC</b>	<b>Dominica</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Dominican Republic</b>	0.07830%	2	2	2	0	Non Represented	-2
<b>GRULAC</b>	<b>Ecuador</b>	0.11410%	2	2	2	2	In balance	
<b>GRULAC</b>	<b>El Salvador</b>	0.02380%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Grenada</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Guatemala</b>	0.04770%	2	2	2	1	Under Represented	-1
<b>GRULAC</b>	<b>Guyana</b>	0.00340%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Honduras</b>	0.01360%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Jamaica</b>	0.00000%	0	0	0	2	Non Ratified	+2
<b>GRULAC</b>	<b>Mexico</b>	2.44420%	8	11	9	5	Under Represented	-3
<b>GRULAC</b>	<b>Panama</b>	0.05790%	2	2	2	0	Non Represented	-2
<b>GRULAC</b>	<b>Paraguay</b>	0.02380%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Peru</b>	0.23160%	2	3	3	3	In balance	
<b>GRULAC</b>	<b>Saint Kitts and Nevis</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Saint Lucia</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Saint Vincent and the Grenadines</b>	0.00170%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Suriname</b>	0.01020%	1	2	2	0	Non Represented	-1
<b>GRULAC</b>	<b>Trinidad and Tobago</b>	0.05790%	1	2	2	2	In balance	
<b>GRULAC</b>	<b>Uruguay</b>	0.13460%	2	2	2	0	Non Represented	-2
<b>GRULAC</b>	<b>Venezuela</b>	0.97260%	4	5	5	2	Under	-2

							Represented	
<b>WEOG</b>	<b>Andorra</b>	0.01020%	1	2	2	0	Non Represented	-1
<b>WEOG</b>	<b>Australia</b>	3.98050%	11	14	13	16	Over Represented	+2
<b>WEOG</b>	<b>Austria</b>	1.22630%	4	6	5	0	Non Represented	-4
<b>WEOG</b>	<b>Belgium</b>	1.50740%	5	7	6	17	Over Represented	+10
<b>WEOG</b>	<b>Canada</b>	4.97520%	13	18	15	19	Over Represented	+1
<b>WEOG</b>	<b>Denmark</b>	0.99470%	4	5	4	2	Under Represented	-2
<b>WEOG</b>	<b>Finland</b>	0.77670%	3	4	4	6	Over Represented	+2
<b>WEOG</b>	<b>France</b>	8.27610%	21	28	25	60	Over Represented	+32
<b>WEOG</b>	<b>Germany</b>	10.88210%	27	37	32	14	Under Represented	-13
<b>WEOG</b>	<b>Greece</b>	0.80220%	3	4	4	3	In balance	
<b>WEOG</b>	<b>Iceland</b>	0.03920%	1	2	2	0	Non Represented	-1
<b>WEOG</b>	<b>Ireland</b>	0.57060%	3	4	3	12	Over Represented	+8
<b>WEOG</b>	<b>Israel</b>	0.00000%	0	0	0	2	Non Ratified	+2
<b>WEOG</b>	<b>Italy</b>	6.38380%	16	22	19	19	In balance	
<b>WEOG</b>	<b>Liechtenstein</b>	0.01190%	1	2	2	0	Non Represented	-1
<b>WEOG</b>	<b>Luxembourg</b>	0.10900%	2	2	2	0	Non Represented	-2
<b>WEOG</b>	<b>Malta</b>	0.02730%	1	2	2	1	In balance	
<b>WEOG</b>	<b>Netherlands</b>	2.52420%	7	10	9	21	Over Represented	+11
<b>WEOG</b>	<b>New Zealand</b>	0.45650%	2	3	3	4	Over Represented	+1
<b>WEOG</b>	<b>Norway</b>	1.44610%	5	6	6	0	Non Represented	-5
<b>WEOG</b>	<b>Portugal</b>	0.66770%	3	4	3	6	Over Represented	+2
<b>WEOG</b>	<b>San Marino</b>	0.00510%	1	2	2	0	Non Represented	-1
<b>WEOG</b>	<b>Spain</b>	4.16110%	11	15	13	16	Over Represented	+1
<b>WEOG</b>	<b>Sweden</b>	1.62830%	5	7	6	3	Under Represented	-2
<b>WEOG</b>	<b>Switzerland</b>	1.94170%	6	8	7	2	Under Represented	-4
<b>WEOG</b>	<b>United Kingdom</b>	7.60160%	19	26	23	33	Over Represented	+7
<b>WEOG</b>	<b>United States of America</b>	0.00000%	0	0	0	16	Non Ratified	+16

100.00%

455

**International Criminal Court**  
Staff count  
Actual

As at 31 March 2018, the actual situation regarding the Court's staff count is as follows:

<b>Staff count</b>	
Established posts	888 <sup>76</sup>
Approved GTA	137
Short Term Appointments	73
Junior Professional Programme (JPOs)	5
Interns	100
Visiting professionals	18
Individual Contractors and Consultants	75
Elected officials / Judges	21
<b>Total</b>	<b>1317</b>

<sup>76</sup> Figures include as Filled the post of Staff Council Representative in the Registry.

**International Criminal Court**  
Staff count  
Projected

Based on the approved budget of 2018 and taking into account averages for interns, visiting professionals, individual contractors and consultants as per 2017, the Court's headcount at the end of 2018 could be expected to be as follows:

<b>Staff count</b>	
Established posts <sup>77</sup>	969
Approved GTA <sup>78</sup>	165
Short-Term Appointments	72
Interns	111
Visiting professionals	17
Individual Contractors and Consultants	78
Elected officials / Judges	21
<b>Total</b>	<b>1433</b>

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<sup>77</sup> Vacancy rate not taken into account in the projection.

<sup>78</sup> *Ibid.*

**Vacant Posts - ICC Established Posts**  
Status as at 31/03/2018

Major Programme	Programme	Sub-Programme	Post Level	Post Title	Total	Comments
MP I	Judiciary	Presidency	P-3	Special Assistant to the President	1	Posts vacated due to internal move. Pending streamlining of operations.
MP II	Office of the Prosecutor	Legal Advisory Section	P-2	Associate Legal Adviser	1	Pending streamlining of operations.
		Services Section	P-4	Knowledge-Base Manager	1	Posts vacated due to resignation. Post expected to be filled in Q4.
		Jurisdiction, Complementarity and Cooperation Division	GS-OL	Legal Assistant	1	Pending streamlining of operations.
		Investigation Division	GS-OL	Field Operations Assistant (DRC and UGA)	2	Pending streamlining of operations.
		Prosecution Division	P-1	Assistant Trial Lawyer	1	Post vacated due to resignation. Post to be filled in Q3.
MP III	Registry	Division of Management Services				
		Human Resources Section	P-4	Head, HR Organisational Development Unit	1	Post vacated due to resignation. Post expected to be filled in Q4.
		General Services Section	GS-OL	Supply Coordinator	1	Post expected to be filled in Q4.
			GS-OL	Correspondence and Freight Clerk	1	Post expected to be filled in Q4.
	Division of External Operations	Victims and Witnesses Section	P-3	Planning Officer	1	Post expected to be filled in Q3.
			GS-OL	Senior Case Management Assistant	1	Post expected to be filled in Q3.
			GS-PL	Analyst Assistant	1	Post vacated due to resignation. Post expected to be filled in Q3.
			GS-OL	Field Case Management Assistant (DRC)	3	Operations under review.
			GS-OL	Analyst Assistant	1	Post expected to be filled in Q2
		External Operations and Support Section				

Major Programme	Programme	Sub-Programme	Post Level	Post Title	Total	Comments
		Public Information and Outreach Section	GS-OL	Online Communications Assistant	1	Post expected to be filled in Q4.
		Field Office - Uganda	GS-OL	Senior Driver	1	Post expected to be filled in Q4.
			GS-OL	Driver	1	Post expected to be filled in Q4.
			P-3	Field Officer (Outreach/VPR)	1	Post expected to be filled in Q3.
		Field Office - DRC	GS-OL	Field Assistant	1	Post expected to be filled in Q4.
		Field Office - Georgia	P-3	Field Security Officer	1	Post expected to be filled in Q4.
			GS-OL	Field Assistant	1	Post expected to be filled in Q3.
MP VI	Secretariat of the Trust Fund for Victims	Secretariat of the Trust Fund for Victims	P-4	Programme Manager (CIV)	1	Post expected to be filled in Q3.
<b>Grand Total:</b>					<b>25</b>	

- 56 posts are: under recruitment/recruitment completed (52) or advertised (4) as of 31 March 2018.

**Staffing: Approved versus filled posts (excluding Elected Officials)**

Status as at 31 March 2018

Major Programme	Approved	Filled	Recruitment completed <sup>1</sup>	Under recruitment	Advertised not under recruitment	Vacant not advertised	% of established posts vacant	Vacancy Rate (%) of established posts [(AVG(3)-2)/2]x100
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[(2-3)/2]x100	
Judiciary								
Major Programme I	53	51	0	1	0	1	3.77%	3.77%
Office of the Prosecutor								
Major Programme II	317	299	0	11	1	6	5.68%	5.68%
Registry <sup>2</sup>								
Major Programme III	572	516	9	27	3	17	9.79%	9.62%
Secretariat of the ASP								
Major Programme IV	10	10	0	0	0	0	0.00%	0.00%
Secretariat of the TFC								
Major Programme VI	9	5	1	2	0	1	44.44%	55.56%
Independent Oversight Mechanism								
Major Programme VII.5	4	3	0	1	0	0	25.00%	25.00%
Office of Internal Audit								
Major Programme VII.6	4	4	0	0	0	0	0.00%	0.00%
<b>Total ICC</b>	<b>969</b>	<b>888</b>	<b>10</b>	<b>42</b>	<b>4</b>	<b>25</b>	<b>8.36%</b>	<b>8.26%</b>

<b>Target recruitment</b>	<b>81</b>
<b>Under recruitment / Recruitment completed</b>	<b>52</b>
<b>Percentage of target</b>	<b>64.2%</b>

<sup>1</sup> Recruitment completed: Indicates that the selected candidate has accepted the offer. Recruitment process has been finalised and the post is blocked until the arrival of the incumbent.

<sup>2</sup> In MP-III, figures include as Filled the post of Staff Council representative.

**Geographical Representation of ICC GTA Professional Staff**  
Status as at 31 March 2018

Total number of professionals: 92

Total number of nationalities: 40

**Distribution per region:**

Region	Nationality	Total
African	Cameroon	1
	Congo, Democratic Republic of the	3
	Rwanda	2
	Senegal	1
	South Africa	2
	Sudan	1
	Uganda	6
<b>African Total</b>		<b>16</b>

Region	Nationality	Total
Asian	India	1
	Indonesia	1
	Japan	2
	Lebanon	1
	Singapore	1
	Uzbekistan	1
<b>Asian Total</b>		<b>7</b>

Region	Nationality	Total
Eastern European	Bosnia and Herzegovina	1
	Georgia	2
	Hungary	1
	Poland	1
	Romania	2
	Serbia	2
<b>Eastern European Total</b>		<b>9</b>

Region	Nationality	Total
GRULAC	Argentina	1
	Colombia	2
	Peru	1
	Venezuela	2
<b>GRULAC Total</b>		<b>6</b>

Region	Nationality	Total
WEOG	Australia	1
	Austria	2
	Belgium	3
	Canada	11
	France	5
	Germany	3
	Greece	1
	Iceland	1
	Ireland	3
	Italy	1
	Netherlands	5
	New Zealand	2
	Portugal	1
	Spain	1
	Switzerland	2
	United Kingdom	7
	United States of America	5
<b>WEOG Total</b>		<b>54</b>



### Annex III: Legal aid for defence and victims (2013-2017)<sup>79</sup>

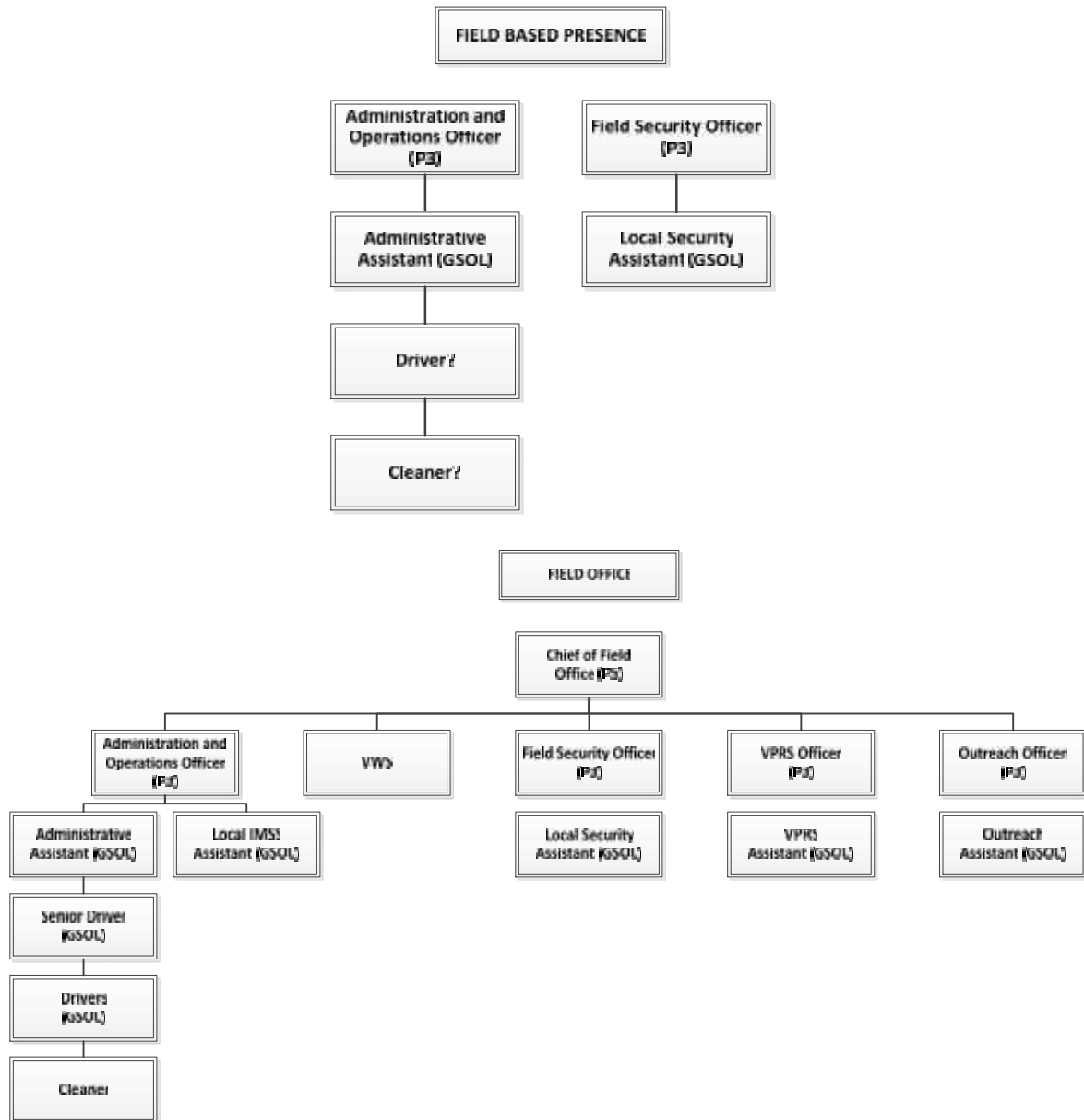
	Approved Budget: 2013 incl. CF	Expenditures 2013 incl. CF	IR 2013 incl. CF	Approved Budget 2014 incl. CF	Expenditures 2014 incl. CF	IR 2014 incl. CF	Approved Budget: 2015 incl. CF	Expenditures 2015 incl. CF	IR 2015 incl. CF	Approved Budget 2016 incl. CF	Expenditures 2016 incl. CF	IR 2016 incl. CF	Approved Budget 2017 incl. CF	Expenditures 2017 incl. CF	IR 2017 incl. CF
Legal aid for defence	2,333,400.00	3,021,328.00	128.1%	2,616,400.00	2,305,610.00	107.2%	2,155,600.00	2,786,757.00	129.3%	4,339,900.00	4,770,823.00	109.9%	3,328,200.00	3,628,533.00	109.0%
Ad-hoc counsel	250,000.00	118,000.00	47.2%	250,000.00	154,132.00	61.7%	200,000.00	244,642.00	122.3%	161,500.00	179,179.00	93.7%	200,000.00	234,673.00	142.3%
Sub-total legal aid for defence	3,333,925.00	3,659,096.00	109.8%	3,541,900.00	3,378,156.00	101.0%	3,905,700.00	4,878,669.00	124.9%	4,127,400.00	4,950,002.00	109.5%	4,428,400.00	4,838,432.00	109.6%
Sub-total legal aid for victims	3,312,000.00	1,733,805.00	49.9%	3,027,400.00	1,741,744.00	57.7%	1,802,100.00	1,239,155.00	66.2%	1,069,100.00	1,544,591.00	68.1%	1,428,000.00	1,541,410.00	93.9%
Total legal aid incl. CF	7,651,925.00	5,389,961.00	76.4%	6,569,300.00	5,323,900.00	81.0%	5,768,800.00	6,112,325.00	106.0%	5,484,600.00	6,294,593.00	97.1%	5,852,400.00	6,179,892.00	105.1%

IR = Implementation rate

<sup>79</sup> The expenditure figure for 2017 is subject to certification by the External Auditors.

## Annex IV: Field Office and Field-Based Presence: Generic Staffing Overview<sup>80</sup>

A “Field Office” team is understood to be a fully-fledged Field Office (“FO”) with support staff; whereas a (Registry) “Field-Based Presence”<sup>81</sup> is more limited in its support, with reduced staff when the security situation or investigative needs are estimated not to require a complete Field Office.<sup>82</sup>



<sup>80</sup> CBF/30/4.

<sup>81</sup> OTP may opt at the initiation of an investigation for their own field based presence to facilitate the commencement of their investigative activities.

<sup>82</sup> Reference is hereby made to section 1.5 of the Annex entitled “Understanding the OTP Basic Size Model and the Relationship with the Registry in the Set-up, Functioning and Closure of Field Offices”. Consideration may be given to outsourcing of cleaning services depending on the operational environment and contractual conditions of the existing lease or services in place.

## **Annex V: Amendments to the Rules of Procedure of the Committee on Budget and Finance**

### **I. Sessions**

Rule 1 Frequency of sessions .....

Rule 2 Place of sessions .....

Rule 3 Convening of sessions.....

Rule 4 Notification of members .....

### **II. Agenda**

Rule 5 Drawing up of the provisional agenda .....

Rule 6 Communication of the provisional agenda .....

Rule 7 Adoption of the agenda .....

### **III. Functions of the Committee .....**

Rule 8 Functions.....

Rule 9 Incompatible activities and confidentiality .....

### **IV. Members of the Committee .....**

Rule 10 Election and term of the Chairperson and the Vice-Chairperson.....

Rule 11 Acting Chairperson .....

Rule 12 General powers of the Chairperson.....

Rule 13 Powers of the Acting Chairperson .....

Rule 14 Rapporteur .....

Rule 15 Replacement of the Chairperson or the Vice-Chairperson.....

### **V. Executive Secretariat.....**

Rule 16 Duties of the Executive Secretariat .....

Rule 17 Duties of the Executive Secretary .....

### **VI. Conduct of business .....**

Rule 18 Conduct of business .....

### **VII. Decision-making .....**

Rule 19 Voting rights .....

Rule 20 Decision-making .....

Rule 21 Meaning of the phrase “members present and voting” .....

Rule 22 Conduct of voting .....

Rule 23 Elections.....

Rule 24 Conduct of elections .....

**VIII. Languages.....**

Rule 25 Languages of the Committee .....

Rule 26 Interpretation.....

Rule 27 Other languages .....

Rule 28 Languages and translations .....

**IX. Meetings**

Rule 29 Meetings.....

**X. Review of the Rules.....**

Rule 30 Review of the Rules .....

**I. Sessions****Rule 1****Frequency of sessions**

The Committee on Budget and Finance (hereafter referred to as “the Committee”) shall meet when required and at least twice a year.<sup>83</sup>

**Rule 2****Place of sessions**

In general, the Committee shall meet at the seat of the Court. Sessions of the Committee may be held at another place, if the Committee and/or the Assembly of States Parties (hereafter referred to as “the Assembly”) so decides.

**Rule 3****Convening of sessions**

1. Sessions of the Committee shall be convened at the request of:

- (a) The Assembly;
- (b) The majority of the members of the Committee; or
- (c) The Chairperson of the Committee.

2. Before the Chairperson decides to organize a session of the Committee, he/she shall consult the members of the Committee, including on the date and duration of the session.

3. Any session of the Committee called pursuant to a request of the Assembly shall be convened as soon as possible but no later than sixty days from the date of the request, unless the Assembly decides otherwise.

**Rule 4****Notification of members**

On behalf of the Chairperson, the Executive Secretary to the Committee on Budget and Finance (hereafter referred to as “the Executive Secretary”) shall notify the members of the Committee as early as possible of the date and duration of each session.

**II. Agenda****Rule 5****Drawing up of the provisional agenda**

The provisional agenda for each session of the Committee shall be drawn up by the Executive Secretary in consultation with the Chairperson of the Committee, whenever possible, and shall include:

- (a) All items proposed by the Assembly;
- (b) All items proposed by the Committee members;
- (c) All items proposed by the Chairperson; and
- (d) All items proposed by the Court.

**Rule 6****Communication of the provisional agenda**

The provisional agenda for each session of the Committee shall be communicated to the members of the Committee and the Court as early as possible in advance of the session, but at least twenty-one days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Committee, the Court and to the States Parties of the Assembly sufficiently in advance of the session.

<sup>83</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-7 February 2003* (ICC-ASP/1/3/Add.1), ICC-ASP/1/Res.4, annex, para. 4.

**Rule 7****Adoption of the agenda**

1. At the beginning of each session, the Committee shall adopt its agenda for the session, on the basis of the provisional agenda.
2. The Committee may, if necessary, amend the agenda, provided that no item referred to it by the Assembly be deleted or modified.

**III. Functions of the Committee****Rule 8****Functions**

The Committee is an independent subsidiary body of the Assembly.<sup>84</sup> The elected Committee shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature, as may be entrusted to it by the Assembly. In particular, the Committee shall review the proposed programme budget of the Court and shall make the relevant recommendations to the Assembly. The Committee shall also consider reports of the Audit Committee<sup>85</sup> and the External Auditors concerning the financial operations of the Court and shall transmit them to the Assembly together with any comments which it may deem appropriate.

**Rule 9****Incompatible activities and confidentiality**

1. Members of the Committee shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations. They shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Committee.
2. Members of the Committee shall not be eligible to assume any other functions at the International Criminal Court during their term.
3. Members of the Committee shall inform the Chairperson about any potential conflict of interest they might have or that may arise. Members finding themselves in such a situation shall not participate in the consideration of matters to which the conflict relates, and shall not vote on such matters. If the Chairperson has any conflict of interest, the Committee members should be informed and the Vice-Chairperson will chair the consideration of the matter.

**IV. Members of the Committee****Rule 10****Election and term of the Chairperson and the Vice-Chairperson**

1. Each year at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.
2. The Chairperson and Vice-Chairperson shall be elected for a term ending on the day before the first session in the following calendar year and shall be eligible for re-election twice.

**Rule 11****Acting Chairperson**

1. In the absence of the Chairperson, the Vice-Chairperson shall take his/her place and exercise his/her functions.
2. If the Chairperson ceases to hold office pursuant to rule 15, the Vice-Chairperson shall take his/her place and exercise his/her functions until the election of a new Chairperson.

**Rule 12****General powers of the Chairperson**

1. The Chairperson, in the exercise of his/her functions, remains under the authority of the Committee.
2. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson may declare the opening and closing of each meeting of the Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Committee and over the maintenance of order at its meetings. The

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<sup>84</sup> ICC-ASP/1/Res.4.

<sup>85</sup> At its fourteenth session, the Assembly approved the re-establishment of the Audit Committee. *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 140-145 and annex IV.

Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

3. The Chairperson shall represent the Committee at relevant meetings to support the work of the Committee or may delegate another member to do so. The Chairperson shall report to all members on any such meetings.

### **Rule 13**

#### **Powers of the Acting Chairperson**

The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

### **Rule 14**

#### **Rapporteur**

The Committee may appoint one of its members as Rapporteur at each session.

### **Rule 15**

#### **Replacement of the Chairperson or the Vice-Chairperson**

If the Chairperson or the Vice-Chairperson ceases to be able to carry out his/her functions or ceases to be a member of the Committee, he/she shall cease to hold such office and a new Chairperson or Vice-Chairperson shall be elected for the unexpired term.

## **V. Executive Secretariat**

### **Rule 16**

#### **Duties of the Executive Secretariat**

1. The Committee is assisted by an Executive Secretary.<sup>86</sup>
2. The Executive Secretariat shall receive, translate, reproduce and distribute recommendations, reports and other documents of, and provided to, the Committee, interpret statements made at meetings, prepare and circulate, when it is so decided, records of the session, have custody and proper preservation of the archive of the Committee and, generally, perform all other work that the Committee may require. The Executive Secretariat will fulfil such duties by coordinating between the Committee members and the respective units of the Court.

### **Rule 17**

#### **Duties of the Executive Secretary**

1. The Executive Secretary shall act in his/her capacity in all meetings of the Committee. He/she may designate a member of the Executive Secretariat to act as his/her representative. He/she shall perform such other functions assigned to him/her by the Committee.
2. The Executive Secretary shall provide and direct the staff required by the Committee, taking into account, to the greatest extent possible, the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.
3. The Executive Secretary shall keep the members of the Committee informed of any questions that may be brought before it for consideration.
4. The Executive Secretary shall provide to the Committee, at its request, information and reports on questions specified by the Committee.

## **VI. Conduct of business**

### **Rule 18**

#### **Conduct of business**

As far as conduct of business is concerned and without prejudice to these rules, the proceedings of the Committee shall be governed by general practice as reflected in the Rules of Procedure of the Assembly.

## **VII. Decision-making**

### **Rule 19**

#### **Voting rights**

Each member of the Committee, including the Chairperson, shall have one vote.

<sup>86</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 122.

**Rule 20****Decision-making**

1. As a general rule, decision-making in the Committee should be by consensus. If all efforts to reach a decision by consensus have been exhausted, decisions shall be taken by a majority of members present and voting.
2. If, a vote is equally divided, the proposal or motion shall be regarded as rejected.

**Rule 21****Meaning of the phrase “members present and voting”**

For the purposes of these rules, the phrase “members present and voting” means members present and casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

**Rule 22****Conduct of voting**

Without prejudice to these rules, the Committee shall apply *mutatis mutandis* the rules relating to the conduct of voting in the Rules of Procedure of the Assembly.

**Rule 23****Elections**

1. All elections shall be held by secret ballot.
2. The Executive Secretary shall contact each Committee member, no later than six weeks before the start of the first session of the year, inviting them to nominate themselves or other Committee members for the position of the Chairperson and/or Vice-Chairperson of the Committee within a period of two weeks. The Executive Secretary shall then inform the nominated candidates for confirmation and shall make the list of candidates available to members of the Committee, at least one week before the session.
3. The Executive Secretary shall carry out a secret ballot at the beginning of the following session. Elections will continue by secret ballot until agreement is reached.

**Rule 24****Conduct of elections**

Without prejudice to these rules, the Committee shall apply *mutatis mutandis* the rules relating to elections in the Rules of Procedure of the Assembly.

**VIII. Languages****Rule 25****Languages of the Committee**

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Committee. The Committee can decide which language(s) to use among these six languages as working languages.

**Rule 26****Interpretation**

Statements made in any of the six languages of the Committee may be interpreted into the other five languages.

**Rule 27****Other languages**

Any member may make a statement in a language other than the languages of the Committee. In this case, he/she shall himself/herself provide for interpretation into one of the languages of the Committee. Interpretation into the other languages of the Committee may be based on the interpretation given in the first such language.

**Rule 28****Languages and translations**

All recommendations and other documents of the Committee shall be published in the languages of the Committee which are also the official languages of at least one State Party to the Rome Statute, unless otherwise decided by the Chairperson of the Committee.<sup>87</sup>

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<sup>87</sup> ICC-ASP/7/Res.7.



**IX. Meetings****Rule 29****Meetings**

1. The meetings of the Committee shall be held in closed session, unless the Committee decides otherwise.
2. The Committee may decide to issue a communiqué through the Executive Secretary.

**X. Review of the Rules****Rule 30****Review of the Rules**

The Rules of Procedure will be considered by the Committee and amended, as appropriate.

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## **Annex VI: Amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties**

### **Regulation 5**

#### **Provision of funds**

5.1 The funds of the Court shall include:

- (a) Assessed contributions made by States Parties in accordance with article 115, subparagraph (a), of the Rome Statute;
- (b) Funds provided by the United Nations in accordance with article 115, subparagraph (b), of the Rome Statute;
- (c) Voluntary contributions by Governments, international organizations, individuals, corporations and other entities, in accordance with article 116 of the Rome Statute;
- (d) Such other funds to which the Court may become entitled or may receive.

5.2 The appropriations, subject to the adjustments effected in accordance with the provisions of regulation 5.4, shall be financed by contributions from States Parties in accordance with an agreed scale of assessment, as provided for in article 117 of the Rome Statute. This scale shall be based on the scale adopted by the United Nations for its regular budget, and adjusted in accordance with the principles on which that scale is based, in order to take into account the differences in membership between the United Nations and the Court. The scale shall be adopted by the Assembly of States Parties. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

5.3 The appropriations provided for in regulation 4.2 shall be financed from the assessed contributions from States Parties in accordance with regulation 5.2 up to a limit to be decided upon by the Assembly of States Parties in each budget resolution. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

5.4 The contributions of States Parties shall be assessed for a financial period on the basis of the appropriations approved by the Assembly of States Parties for that financial period. Adjustments to the assessments of States Parties shall be made in respect of:

- (a) Any balance of the appropriations surrendered under regulation 4.7;
- (b) Contributions resulting from the assessment of new States Parties under the provisions of regulation 5.10;
- (c) **Reassessed contributions of withdrawing States Parties under the provisions of regulation 5.12;**
- (d) Miscellaneous income.

5.5<sup>88</sup> After the Assembly of States Parties has reviewed and adopted the budget and determined the amount of the Working Capital Fund or the Contingency Fund if the Assembly of States Parties has determined in accordance with regulation 6.6 that the Fund shall be financed from assessed contributions, the Registrar shall:

- (a) Transmit the relevant documents to the States Parties;
- (b) Inform the States Parties of their commitments in respect of annual assessed contributions and advances to the Working Capital Fund or the Contingency Fund;
- (c) Request them to remit their contributions and advances.

### **Rule 105.1**

#### **Time frame for application of regulation**

**5.5 The Registrar shall comply with regulation 5.5 within thirty days of the decision by the Assembly of States Parties approving the budget and the level of the Working Capital Fund.**

<sup>88</sup> As amended by ICC-ASP/4/Res. 10.

5.6 Assessed contributions and advances shall be considered as due and payable in full within thirty days of the receipt of the communication of the Registrar referred to in regulation 5.5 or as of the first day of the calendar year to which they relate, whichever is the later. As of 1 January of the following calendar year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears.

5.7<sup>89</sup> Contributions and advances to the Working Capital Fund and, as appropriate, to the Contingency Fund, shall be assessed and paid in the currency of the statutory headquarters of the Court. The contributions and advances to the Working Capital Fund and, as appropriate, to the Contingency Fund, may also be paid in any other currency that is freely convertible into the currency of the statutory headquarters of the Court. Any currency exchange cost will be borne by the State Party which decided to pay in a currency other than the currency of the statutory headquarters of the Court.

## **Rule 105.2**

### **Applicable rate of exchange for contributions**

**The equivalent in euros of contributions paid in other currencies is calculated at the most favourable rate of exchange available to the Court on the date of payment.**

5.8<sup>90</sup> Payments made by a State Party shall be credited first to the Working Capital Fund, then to the contributions due to the General Fund, and then to the Contingency Fund, in the order in which the State Party was assessed.

5.9 The Registrar shall submit to each meeting of the Assembly of States Parties a report on the collection of contributions and advances to the Working Capital Fund.

5.10 New States Parties shall be required to make contributions for the year in which they become States Parties and to provide their proportion of the total advances to the Working Capital Fund at rates to be determined by the Assembly of States Parties.

New States Parties shall be required to make a contribution to the total cost of the permanent premises at the time of their ratification, acceptance, approval of or accession to the Rome Statute.

5.11 A State Party shall not be discharged, by reason of its withdrawal from the Rome Statute, from any financial obligations, including, but not limited to, that State Party's contribution to the total costs of the permanent premises and any other multi-year financial obligations which have accrued while it was a Party to the Rome Statute.

5.12 States Parties that withdraw from the Rome Statute shall be required to make proportional payments of the assessed annual contributions related to the year in which the withdrawal takes effect. The State Party's final financial status will be determined on the basis of its share in:

- (a) a cash surplus in the budget, if any;
- (b) the Working Capital Fund; and
- (c) the Contingency Fund

<sup>89</sup> As amended by resolution ICC-ASP/4/Res.10.

<sup>90</sup> As amended by resolution ICC-ASP/3/Res.4, annex.

## **Annex VII: Amendments to the Financial Regulations and Rules concerning seizure of assets**

### **Regulation 6 Funds**

6.5 Trust funds and special accounts funded wholly by voluntary contributions, **or by funds received by the Court in connection with judicial proceedings, including upon seizure further to cooperation requests from the Court**, may be established and closed by the Registrar and shall be reported to the Presidency and, through the Committee on Budget and Finance, to the Assembly of States Parties.

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

The purposes and limits of each trust fund, reserve and special account shall be clearly defined by the appropriate authority. Unless otherwise decided by the Assembly of States Parties, such funds and accounts shall be administered in accordance with these Regulations.

### **Regulation 7 Other income**

7.1 All other income except:

- (a) Assessed contributions made by States Parties to the budget;
- (b) Funds provided by the United Nations in accordance with article 115, subparagraph (b), of the Rome Statute;
- (c) Voluntary contributions in accordance with article 116 of the Rome Statute and regulation 7.3, made by States Parties, other States, international organizations, individuals, corporations and other entities;
- (d) **Funds received by the Court in connection with judicial proceedings, including upon seizure further to cooperation requests from the Court;**
- (e) Direct refunds of expenditures made during the financial period, shall be classed as miscellaneous income, for the purpose of regulation 4.6 and 6.1, for credit to the General Fund.

## Annex VIII: Voluntary contributions as at 31 December 2017

### Voluntary contributions breakdown by donor and trust fund as at 31 December 2017 (in euros)

<i>Trust Fund</i>	<i>Donors</i>	<i>Contributions received in 2017</i>	<i>Revenue recorded in 2017*</i>
Building Legal Expertise and Fostering Cooperation, 2016-2017	European Commission	-	479,605
	Netherlands	-	12,740
	Organisation internationale de la Francophonie	16,000	13,740
	<b><i>Sub-total</i></b>	<b>16,000</b>	<b>506,085</b>
Building Legal Expertise and Fostering Cooperation, 2017-2018	European Commission	850,000	477,710
	Netherlands	12,740	12,740
	Organisation internationale de la Francophonie	51,484	60,000
	<b><i>Sub-total</i></b>	<b>914,224</b>	<b>550,450</b>
Lessons Learned Project, 2017-2018	Open Society Foundation	95,856	16,775
<b><i>Sub-total</i></b>		<b>95,856</b>	<b>16,775</b>
Development of Interns and Visiting Professionals, 2016-2018	Republic of Korea	38,594	38,594
<b><i>Sub-total</i></b>		<b>38,594</b>	<b>38,594</b>
Access to Justice / Justice and Law Enforcement Capacity Building, 2017-2018	Denmark	123,019	58,735
<b><i>Sub-total</i></b>		<b>123,019</b>	<b>58,735</b>
Special Fund for Relocations	Australia	199,770	199,770
	Belgium	-	96,000
	Luxembourg	50,000	35,000
<b><i>Sub-total</i></b>		<b>249,770</b>	<b>330,770</b>
Family Visit for Indigent Detainees	Netherlands	-	20,000
	Individual / Marie O'Leary	300	300
<b><i>Sub-total</i></b>		<b>300</b>	<b>20,300</b>
Junior Professional Officer programme	Japan	260,748	105,065
	Republic of Korea	105,943	-
	Switzerland	117,759	-
<b><i>Sub-total</i></b>		<b>484,450</b>	<b>105,065</b>
Least Developed Countries	Finland	25,000	25,000
	Ireland	10,000	10,000
<b><i>Sub-total</i></b>		<b>35,000</b>	<b>35,000</b>
<b><i>Total voluntary contributions</i></b>		<b>1,957,213</b>	<b>1,661,774</b>

\* Revenue is recorded on accrual basis in accordance with IPSAS standards.

## Annex IX: List of documents

<i>CBF document symbol</i>	<i>Title</i>	<i>CBF document symbol has been converted to</i>
CBF/30/1	Provisional agenda for the thirtieth session	
CBF/30/1/Add.1	Annotated agenda for the thirtieth session	
CBF/30/2	Report of the Court on handling seized funds received by the Court	
CBF/30/3	Report of the Court on the development of medium-term and long-term cost projections for capital replacements and the inclusion of performance indicators in the new maintenance contract	
CBF/30/4	Report of the Court on Standard Operating Procedures for the Full Cycle (Opening, Operation and Closure) of Field Offices and their Full Budgetary Impact	
CBF/30/6	Report on the performance of the Court's legal aid system in 2017	
CBF/30/7	Changes to the Financial Regulations and Rules relating to contributions of States Parties withdrawing from the Rome Statute	
CBF/30/8	Joint Report of the Court and the Trust Fund for Victims on foreseeable administrative and operational cost implications of reparations	
CBF/30/9	Report of the Court on Human Resources Management	
CBF/30/10	Report of the Court on a Five-Year Time-Series of Key Budget Indicators	
CBF/30/11	Report on the Court's Five-Year IT/IM Strategy - 2017/2018 Progress: Year 1 and Year 2 (ongoing)	
CBF/30/12/Rev.1	Report on the progress of the development of proposals for adjustments to the legal aid remuneration system as of 2019	
CBF/30/13	Report of the Trust Fund for Victims on foreseeable workload in relation to its organizational structure	
CBF/30/14	Report on activities and programme performance of the International Criminal Court for the year 2017	
CBF/30/15	Report of the Trust Fund for Victims on Voluntary Contributions	
CBF/30/16	Report on budget performance of the International Criminal Court as at 31 March 2018	
AC/7/5	Interim Report of the Audit Committee on the work of its seventh session	